THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 321

Resolution approving with modifications the decision of the City Planning Commission for the grant of an authorization, pursuant to Section 62-822(a) of the Zoning Resolution to modify the requirements of Section 62-50 (General Requirements for Visual Corridors and Waterfront Public Access Areas) for location, area and minimum dimensions of waterfront public access areas and visual corridor, in connection with a proposed mixed use development, within a general large-scale development, on property generally bounded by the northwesterly streetline of the former 3rd Street, the U.S. Pierhead and Bulkhead Line, a line 330 feet southeasterly of the westerly streetline of the former 3rd Street, a line 228.5 feet northeasterly of 26th Avenue, a line 179 feet southeasterly of the westerly streetline of the former 3rd Street, and 26th Avenue (Block 911, Lots 1, 100, and the demapped portion of 3rd Street, in an R7-3/C2-4 District, Borough of Queens (Non-ULURP No. N 220353 ZAQ; L.U. No. 96).

By Council Members Salamanca and Riley

WHEREAS, the City Planning Commission filed with the Council on July 26, 2022 its decision dated July 25, 2022 (the "Decision"), on the application submitted by Astoria Owners, LLC, in the City of New York for the grant of an authorization pursuant to Section 62-822(a) of the Zoning Resolution to modify the requirements of Section 62-50 (General Requirements for Visual Corridors and Waterfront Public Access Areas) for location, area and minimum dimensions of waterfront public access areas and visual corridor, in connection with a proposed mixed use development, within a general large-scale development, on property generally bounded by the northwesterly streetline of the former 3rd Street, the U.S. Pierhead and Bulkhead Line, a line 330 feet southeasterly of the westerly streetline of the former 3rd Street, a line 228.5 feet northeasterly of 26th Avenue, a line 179 feet southeasterly of the westerly streetline of the former 3rd Street, and 26th Avenue (Block 911, Lots 1, 100), and the demapped portion of 3rd Street, in an R7-3/C2-4 District, which in conjunction with the related actions would facilitate the proposed Halletts North mixed-use development and waterfront public access area (WPAA) at 3-15 26th Avenue (Block 911, Lots 1 and 49) in an R7-3/C2-4 zoning district, Borough of Queens, Community District 1 (Non-ULURP No. N 220353 ZAQ) (the "Application");

WHEREAS, the Application is related to applications C 220196 ZMQ (Pre. L.U. No. 90), a zoning map amendment to rezone an M1-1 zoning district to a R7-3/C2-4 zoning district; N 220197 ZRQ (Pre. L.U. No. 91), a zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) area; C 220198 ZSQ (L.U. No. 94), a waterfront special permit to modify bulk requirements; and C 220206 MMQ (L.U. No. 95), a city map change to demap a segment of Third Street north of 26th Avenue;

WHEREAS, the Authorization is subject to review and action by the Council pursuant to Section 62-822 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 7, 2022;

WHEREAS, the City Planning Commission has made the findings required pursuant to

Section 62-822(a)(1) of the Zoning Resolution of the City of New York;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Authorization and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued February 19th, 2021 (CEQR No. 21DCP138Q) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on July 14, 2022, in which potential significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-671) on Projected Development Sites 1 and 2 (Block 911, Lots 1 and 49, respectively). The FEIS determined that the proposed actions could have significant adverse impacts with respect to community facilities (elementary schools and early childhood programs), open space, transportation (transit, traffic, pedestrians, and noise), noise, and construction (transportation and noise); and the identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 18, "Mitigation" of the FEIS, and are included in the Restrictive Declaration. The technical Memorandum dated July 22, 2022 concludes that the application as modified would not result in any significant adverse impacts that were not already identified in the FEIS issued on July 14, 2022 (the "Technical Memorandum").

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and

3. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, with the modifications set forth and analyzed in the Technical Memorandum dated July 22, 2022, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

4. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration attached as Exhibit A to City Planning Commission report for C 220198 ZSQ, those project components related to environment and mitigation measures

that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 62-822(a) of the Zoning Resolution of the City of New York and on the basis of the Authorization and Application, the Council approves the Decision with the following modifications and subject to the following terms and conditions:

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

1. The properties that are the subject of this application (N 220353 ZAQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans prepared by Studio V Architects and Ken Smith Workshop, filed with this application and incorporated in this resolution:

Dwg No.	Title	Last Date Revised
	Survey	06/25/2018
L-100.00	Waterfront Access Area Plan/Zoning Lot Plan	~~07/25/2022~~ [09/13/2022]
L-110.00	WPAA Zoning Compliance Chart 1/2	~~07/25/2022~~ [09/13/2022]
L-111.00	WPAA Zoning Compliance Chart 2/2	~~07/25/2022~~ [09/13/2022]
L-200.00	Dimension Plan	~~07/25/2022~~ [09/13/2022]
L-210.00	Materials Plan	~~07/25/2022~~ [09/13/2022]
L-220.00	Grading Plan	~~07/25/2022~~ [09/13/2022]
L-230.00	Planting Plan	~~07/25/2022~~ [09/13/2022]
L-231.00	Plant Images	03/24/2022
L-240.00	Seating and Furnishings Plan	~~07/25/2022~~ [09/13/2022]
L-250.00	Exercise Equipment Plan	~~07/25/2022~~ [09/13/2022]
L-300.00	Sections 1	~~07/25/2022~~ [09/13/2022]
L-301.00	Sections 2	~~07/25/2022~~ [09/13/2022]
L-302.00	Sections 3	~~07/25/2022~~ [09/13/2022]
L-400.00	Landscape Details	07/25/2022
L-401.00	Furnishing Details	07/25/2022

L-402.00	Furnishing Details	07/25/2022
LT-100	Lighting Plan	~~07/25/2022~~ [09/13/2022]
LT-101	Lighting Photometric Plan	~~07/25/2022~~ [09/13/2022]
LT-102	Lighting Cutsheets	07/25/2022

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance

4. Development pursuant to this resolution shall be allowed only after (a) the restrictive declaration attached as Exhibit A to the report on the related special permit action (C 220198 ZSQ), with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register, Queens County; and (b) the WPAA Maintenance Agreement associated with such declaration and attached as Exhibit F thereto shall have been executed. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on _____, 2022, on file in this office.

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City Clerk, Clerk of The Council