ATTACHMENT TO SUPPLEMENTAL FORM ZS

ATTACHMENT 11: APPLICANT'S DISCUSSION OF FINDINGS

June 23, 2014

SPECIAL PERMIT PURSUANT TO ZR §74-743

12-10 Definitions

Large-scale general development

A "large-scale general development" contains one or more #buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection and is not either a #large-scale residential development# or a #large-scale community facility development#; and:

(a) ***has or will have an area of at least 1.5 acres;***

The proposed Large-Scale General Development (the "LSGD") is comprised of two zoning lots that are contiguous but for their separation by 26th Avenue. The LSGD area measures nearly 8.7 acres or 377,726 sq. ft. in lot area.

(b) ***has been or is to be used, #developed# or #enlarged# as a unit:***

(1) ***under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#; or***

The proposed LSGD will facilitate the development of five parcels, which together comprise two zoning lots, the "Waterfront Zoning Lot" and the "Upland Zoning Lot." The Upland Zoning Lot is comprised of the tax lots to the south of 26th Avenue (Tax Block 908, Lot 12 and Tax Block 909, Lot 35), and the Waterfront Zoning Lot is comprised of the parcels north of 26th Avenue (Tax Block 906, Lots 1 and 5 and Tax Block 907, Lots 1 and 8). The Upland Zoning Lot will be developed with two buildings – a 6-story mixed-use residential and commercial building and an 8-story mixed-use building with community facility and residential components.

The six tax lots comprising the Waterfront Zoning Lot and the Upland Zoning Lot (collectively, the "Development Site") are owned by different corporate entities. The LSGD will, however, be developed as unit under alternate ownership arraignment, as prescribed by Section 12-10 of the Zoning Resolution.

(2) ***under single fee, alternate or separate ownership, either:***

(i) **pursuant to an urban renewal plan for a designated urban renewal area containing such #zoning lots#; or**

(ii) **through assemblage by any other governmental agency, or its agent, having the power of condemnation; and**

Not applicable.

(c) ***shall be located in whole or in part in any #Commercial# or #Manufacturing District#, subject to the restrictions of Section 74-743 (Special provisions for bulk modifications), paragraph (a)(1).***

The boundaries of the proposed LSGD are located within existing M1-1 and R6 districts. The proposed zoning map amendment seeks to rezone the M1-1 portion of the Development Site to R7-3 with a C2-4 overlay. The existing R6 would be rezoned to R7A with a C2-4 overlay, and R6B.

Such #zoning lots# may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 4, provided that such #buildings# form an integral part of the #large-scale general development#, and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #buildings#. In C5 and C6 Districts, however, a #large-scale general development# having a minimum #lot area# of five acres may include a #zoning lot# that contains an existing #building# that is not integrally related to the other parts of the #large-scale general development#, provided that such #building# covers less than 15 percent of the #lot area# of the #large-scale general development# and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #building#.

Not applicable.

ATTACHMENT TO SUPPLEMENTAL FORM ZS

ATTACHMENT 11: APPLICANT'S STATEMENT OF FINDINGS

SPECIAL PERMIT PURSUANT TO ZR §74-743

74-743 Special provisions for bulk modification

(a) ***For a #large-scale general development#, the City Planning Commission may permit:***

(1) ***distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #large-scale general development# without regard for #zoning lot lines# or district boundaries, subject to the following limitations:***

(i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;

The project includes the proposed distribution of residential floor area from the Upland Zoning Lot to the Waterfront Zoning Lot.

With respect to the distribution of floor area, under the proposed zoning, a maximum of 1,465,600 sq. ft. of floor area is permitted on the Waterfront Zoning Lot; and a maximum of 296,750 sq. ft. of floor area is permitted on the Upland Zoning Lot. Under the proposed special permit pursuant to Section 74-743(a)(1), 100,753 sq. ft. of floor area will be distributed from the Upland Zoning Lot to the Waterfront Zoning Lot. As such, 1,566,353 sq. ft. of floor area will remain on the Waterfront Zoning Lot; and 195,997 sq. ft. of floor area will remain on the Upland Zoning Lot.

As a result of the proposed Zoning Map amendment, all portions of the Development Site will be located either within R7-3/C2-4, R7A/C2-4, R6B or R6 zoning districts. These zoning districts all permit the residential use. As such, there will be no residential bulk distributed across the boundary of two zoning districts for a use that is not permitted in both districts.

(ii) when a #large-scale general development# is located partially in a #Residence District# or in a Cl, C2, C3 or C4-l District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of commercial #floor area# to a #Residence District# or to a Cl, C2, C3 or C4-l District from other districts shall be permitted;

The LSGD will be located wholly in residential districts and portions of the Development Site will include a C2-4 commercial overlay. No other commercial or manufacturing districts are proposed for the LSGD.

(1) ***location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;***

The special permit will authorize a modest reduction in the distance between Building 2 and Building 3, which are both located on the Waterfront Zoning Lot. Zoning Resolution Section 23-711 provides for a minimum 60-foot distance between buildings when building heights measure above a base plane of 50 feet. The base heights of Building 2 measures 60 feet and Building 3 measures 62 feet. The proposed waiver seeks to authorize a ten-foot encroachment in aggregate (five feet for each respective building) within the 60-foot wide required distance between buildings.

In addition, the special permit will authorize a waiver of the inner court requirements for Buildings 1, 2 and 3. Zoning Resolution Section 23-851 provides for a minimum dimension of 30 feet within inner courts. A portion of Building 1's inner court is proposed to measure a minimum depth of 7'-00"; portion of Building 2's inner court is proposed to measure a minimum depth of 7'-6"; and portion of Building 3's inner court is proposed to measure a minimum depth of 18'-4".

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(6) modification of the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) for #developments# or #enlargements#, where:

(i) the required minimum distance as set forth in Section 23-86 is provided between the #legally required window# in the #development# or #enlargement# and a wall or #lot line# on an #abutting# property; and

The LSGD special permit will allow for a waiver of the minimum distance between legally required windows and walls or lot lines. Zoning Resolution Section 23-861 requires a minimum of 30 feet between windows and a lot line. A five-foot sliver of the southwestern portion of Building 5, located on the Upland Zoning Lot, is within 30 feet of western property line.

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(b) ***In order to grant a special permit pursuant to this Section for any #large-scale general development#, the Commission shall find that:***

(1) ***the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding development, adjacent open areas and shore lines than would be possible without such distribution and will thus benefit both the occupants of the #large-scale general development#, the neighborhood and the City as a whole;***

The requested LSGD special permit will allow the distribution of floor area without regard for zoning lot lines; waive a requirement relative to distance between buildings; waive

the buildings' inner court requirements; and modify a distance between legally required windows and walls or lot lines. These allowances will facilitate the creation of a site plan and project design that is innovative and responds to the particular constraints and opportunities of the Development Site's unique waterfront location. It also enhances the proposed publicly accessible open space, including the proposed expansive waterfront public access area. As detailed below, these proposed modifications will benefit both the future occupants of the LSGD, the neighborhood, and the City as a whole by fostering the proposed development of an important segment of Astoria's East River waterfront.

One of the goals of the LSGD is to configure the proposed buildings at an appropriate density and scale to maximize the public's access to the waterfront while minimizing potential conflicts with existing zoning uses. The Proposed Development's open space plan maximizes the unique waterfront location and vibrant street life characteristic of the existing Astoria neighborhood. The landscape design features approximately 84,000 sq. ft. of publicly accessible open space, which includes a sprawling waterfront esplanade, a two-block long pedestrian walkway, and a unique, varied streetscape design.

Significantly, in addition to the visual access and the opportunity for public access to the waterfront required by the City's waterfront zoning, the Proposed Development will afford the public remarkable physical entrée to the waterfront over 4th Street, which is the location of the Development Site's visual corridor. In addition, the applicant will be constructing, although not required by zoning, an upland connection and public access area, currently referred to as the Mews, over what is a mapped but unbuilt portion of 8th Street that bisects the center of the site from 27th Avenue to the waterfront. Moreover, the waterfront esplanade is accessible from 9th Street at the Development Site's southern edge.

The proposed special permit authorizes the improvement of the project area with extraordinarily enhanced visual and physical access for the public with an open space plan that includes 55,621 sq. ft. of waterfront public access area, which includes the shore public walkway, upland connection, and supplemental public access area, although zoning requires a minimum of 51,228 sq. ft. The applicant will also construct an additional 28,225 sq. ft. of publicly accessible open space within the LSGD, which was not previously accessible, and represents nearly 60 percent more than required by the waterfront bulk regulations.

The waivers are also necessitated by the desire to restore and redesign the project area's pedestrian and vehicular street grid. The Development Site's proposed street grid, which both alters and activates the existing infrastructure, will ensure the direct connection of the existing Astoria neighborhood to the waterfront by maximizing access by Astoria residents from the upland neighborhood to the proposed waterfront park. The proposed plan also will activate frontages along 4th Street between Buildings 1 and 2 on the Waterfront Zoning Lot, which presently is not mapped; it creates Crescent Drive, a new vehicular roadway along the waterfront; and establishes the Mews, a gracious pedestrian walkway that will run northerly from 27th Avenue between Buildings 2 and 3 on the Waterfront Zoning Lot and Buildings 4 and 5 on the Upland Zoning Lot to the water's edge.

The distribution of floor from the Upland Zoning Lot to the Waterfront Zoning Lot will consolidate 100,753 sq. ft. of floor area on the Waterfront Zoning Lot to decrease building heights on the Upland Zoning Lot where narrow site conditions make it difficult to mass the available floor area. Moreover, the distribution of floor area from the Upland Zoning Lot to the Waterfront Zoning Lot will contribute to better site planning by facilitating a sensitive massing transition between existing improvements to the south of the Development Site with the proposed project. As detailed in the proposed architectural drawings, Buildings 4 and 5, located on the Upland Zoning Lot, will measure a maximum building height of 80 feet and 90 feet, respectively. A fundamental planning and design approach was taken to ensure that the sensitively massed building bases will provide seamless transitions to the lower-scale R6 district context of the adjacent upland neighborhood and the Mews, which will run between the two buildings, and will provide a pedestrian transition respecting building streetscapes from the higher elevation at 27th Avenue tapering gradually down toward the waterfront.

In addition, light and air access along the visual corridors and upland connections are improved. Without the requested LSGD special permits the amount of publicly accessible open space proposed would not be feasible. Zoning Resolution Section 62-322 permits maximum lot coverage of 70 percent within the Waterfront Zoning Lot and 60 to 70 percent for the Upland Zoning Lot (depending on the location within the Upland Zoning Lot). As such, the maximum permitted lot coverage on the Upland Zoning Lot is 55,840 sq. ft., whereas the proposed lot coverage measures 44,623 sq. ft. The proposed lot coverage represents 53 percent of the Upland Zoning Lot, although zoning permits maximum lot coverage of 65 to 80 percent

depending upon the portion of the Upland Zoning Lot (Upland Zoning Lot comprised of R6, R6B and R7A/C2-4 zoning districts).

The Proposed Development ensures the appropriate spatial orientation among the buildings and open areas to adjacent streets. By authorizing the proposed distance between Buildings 2 and 3, and the modest 5-foot waiver between the southwestern portion of Building 5 and the western property line, the site plan is improved with buildings that provide additional at-grade space for open areas around them and for a connection between the waterfront esplanade and 27th Avenue. Following the slope from 27th Avenue to the waterfront, the "Mews" is an intimate pedestrian connection that is bisected by 26th Street. This passageway consists of units pavers with sand swept joints, a series of stairs and planters that mitigate the topography and serve as additional entry points to proposed terraced townhouses. The proposed planters incorporate seating elements and are designed as rain gardens to capture stormwater. Scattered amongst the planters the design proposes the inclusion of varied tree species, including common alder and black tupelo to simulate a grove effect along the entire pathway. Understory plant material includes amelanchiers, dogwoods, and a rain garden palette, such as sedges, wildflowers, shrubs, and irises.

The rezoning proposed for the Development Site, while required to facilitate the array of residential, commercial and community facility uses, as well as generate the floor area potential that makes the Proposed Development viable, also imposes additional constraints in terms of the project design and prevents achievement of the best possible site plan within the overall underlying density and bulk controls. The proposed distribution of floor area with the proposed special permits will facilitate a transformative development that would improve the site with a plan that is superior to that which would be permitted by right, redounding to the benefit of the occupants of the LSGD as well as the surrounding Astoria neighborhood and the City as a whole. The proposed special permits will result in a better site plan and better relationship among buildings and open areas relative to the development's surroundings and are modest relative to the benefits to adjacent opens spaces and shorelines. The proposed distribution of floor area from the Upland Zoning Lot to the Waterfront Zoning Lot, and related waivers, specifically relating to distance between buildings and lot lines, and inner court requirements, effectuate the ability for the applicant to utilize the floor area generated by the site, and create a site plan that is rational for the development, and sensitive to the existing Astoria community.

(2) ***the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in anyone #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;***

The applicant proposes to distribute approximately 100,753 sq. ft. of floor area from the Upland Zoning Lot to the Waterfront Zoning Lot. Pursuant to the proposed zoning designations and Inclusionary Housing Program, a maximum of 1,465,600 sq. ft. of floor area is permitted on the Waterfront Zoning Lot; and a maximum of 296,750 sq. ft. of floor area is permitted on the Upland Zoning Lot. As such, 1,566,353 sq. ft. of floor area will remain on the Waterfront Zoning Lot; and 195,997 sq. ft. of floor area will remain on the Upland Zoning Lot.

The distribution of bulk to the Waterfront Zoning Lot is designed in such a way as to minimize the visual and physical impact on neighboring buildings. The floor area to be distributed to the Waterfront Zoning Lot, in accordance with the LSGD special permit, will be spread throughout three different buildings. The bulk of Buildings 1, 2 and 3 will be concentrated within five tower segments that are located over three building bases and sculpted to reduce their physical appearance relative to the proposed publicly accessible open space. Each of the three buildings comprising the Waterfront Zoning Lot is to be constructed on three different parcels, each separated by a private or public street.

The proposed buildings are interestingly and sensitively massed with towers oriented to create a varied skyline, and with building bases providing transitions respecting the scale of the proposed street walls within the LSGD plan. Building 1 is located at the western portion of the Waterfront Zoning Lot; Building 2 at the center of the Waterfront Zoning Lot, between 4th and the proposed to be demapped portion of 8th Street; and Building 3 at the eastern portion of the Waterfront Zoning Lot, between 9th Street and the proposed to be demapped portion of 8th Street.

Specifically, Building 1 will measure 312 feet and 31 stories. Building 2 will measure 320 feet and 32 stories; and Building 3 will measure 262 feet and 26 stories. The top stories of the three buildings on the waterfront portion of the Development Site will be setback on all sides by 10 feet and range in height from 1 to 2 stories, introducing a new “step” at the top of each tower. Composing these setbacks in conjunction with the others already in the design creates a varied, more organic, stepping expression to the tops so as to avoid the look of a

consistently-stepped "ziggurat" condition. The stepping will define the tops of three towers, while creating a pleasing variation.

By separating the Waterfront Zoning Lot into three distinct parcels the Proposed Development affords valuable connectivity by providing access from upland locations to the waterfront. In addition, the excess floor area is being moved from the Upland Zoning Lot to the Waterfront Zoning Lot to minimize the massing of Buildings 4 and 5 as they re-connect with the existing neighborhood to reinforce the importance of integrating the Proposed Development with the Surrounding Area and to increase visual and physical obstructions that would otherwise be expected from buildings with additional bulk.

The planning and design principal that were applied to the Proposed Development ensure that the LSGD's buildings "step down" along 26th and 27th Avenues. Building 4, a mixed-use residential and commercial building, will be located west of the Mews and measure 80 feet and eight-stories. Building 5 to the east of the Mews will measure 90 feet, including a six-story residential building and a six-story public elementary school. As noted above, the sensitively massed building bases will provide seamless transitions to the lower-scale context of the adjacent upland neighborhood.

Significantly, the proposed distribution of floor area will not unduly obstruct access to light and air. Indeed, the design of the Proposed Development with the proposed special permits allows additional access of light and air to the benefit of those who will occupy the buildings in the block as well as people traversing the public streets by transferring the bulk available to the Upland Zoning Lot to the Waterfront Zoning Lot; authorizing a modest reduction in the distance between Buildings 2 and 3; permitting a slightly decreased distance between windows and walls or lot lines for a portion of Building 5; and waiver of Building 1, 2 and 3's inner courts. Moreover, the distribution and waivers of distance between buildings facilitate smaller building footprints for the buildings on the Upland Zoning Lot, which effectively allows more space to be devoted to public access areas overall. The publicly accessible area includes a pedestrian "Mews," which will measure between 25- to 50-foot wide, and measure nearly 30,000 sq. ft. for pedestrian access from 27th Avenue through the project site to the waterfront public access area. With respect to the enhancement of light and air, and public access relative to the Waterfront Zoning Lot, the generous amount of waterfront public

access area benefits the users of nearby buildings and the surrounding area and is made possible only by the proposed LSGD special permits.

(3) ***where a #zoning lot# of a #large-scale general development# does not occupy a frontage on a mapped #street#, appropriate access to a mapped #street# is provided;***

All zoning lots within the proposed LSGD occupy frontage on mapped streets, including 26th Avenue to be constructed from 4th Street to 9th Street and will measure 60 feet in width; 4th Street to be developed from 26th Avenue to the waterfront public access area and deeded upon completion, which will measure 60 feet in width; and 27th Avenue along the southerly property line and measures 80 feet in width.

(4) ***considering the size of the proposed #large-scale general development#, the #streets# providing access to such #large-scale general development# will be adequate to handle traffic resulting therefrom;***

The roadway network around the project site is generally a grid of local streets through the neighborhood of Astoria, which also contains access points to major regional roadways, including Grand Central Parkway and the Robert F. Kennedy Bridge. Key north-south roadways within the study area include Vernon Boulevard, 21st Street, and 31st Street. The principal east-west roadways in the study area include the Grand Central Parkway, Hoyt Avenue, Astoria Boulevard, and 27th Avenue.

27th Avenue is the primary east-west access to the Halletts Point peninsula and to the project site. It extends from the East River in the west to 21st Street in the east where it merges with Astoria Boulevard. It operates as a two-way commercial and residential street with one travel lane and parking in each direction except for the block between 18th Street and Astoria Boulevard where it operates one-way westbound. To continue east, vehicles may transition to Astoria Boulevard via 18th Street.

Astoria Boulevard is a key east-west thoroughfare through southern Astoria. West of 31st Street, it is an east-west street with typically one travel lane and one parking lane in each direction and serves as a residential and commercial street. Astoria Boulevard, although mapped to extend just west of 8th Street, will run through the Astoria Houses campus by way of a public access easement on the NYCHA property between existing mapped portions of Astoria Boulevard (delineation of street easement under ULURP No. 130068 MMQ). East of 31st

Street, Astoria Boulevard is one way eastbound and merges with Hoyt Avenue South, becoming the eastbound service road to the Grand Central Parkway.

As part of the development, comprehensive access and network improvements are proposed. These improvements include extending the currently unimproved and inaccessible portion of the mapped 26th Avenue to 9th Street. Proposed future 26th Avenue will be a one-way eastbound street between 4th Street and 9th Street. Currently, 26th Avenue has a mapped width of 60 feet including a 30-foot travel way and two 15-foot sidewalks. To facilitate the ability for the streets to adequately handle traffic, the proposal involves the reconfiguring of the intersection of 26th Avenue and 4th Street to be a signal controlled intersection.

Significantly, a concurrent City Map change application proposes the formal mapping 4th Street between 26th Avenue to the waterfront esplanade. Proposed 4th Street will provide access to the residential and commercial development on the Waterfront Zoning Lot as well as the proposed waterfront public access area by way of a one-way northbound street with a mapped width of 60 feet. In addition, to promote safe travel conditions and continuous traffic flow, the proposed project will provide one-way traffic along the new 4th Street, through the waterfront esplanade area, along 9th Street and 26th Avenue to create a "traffic loop" around the Development Site.

An innovative waterfront vehicular street, Crescent Drive, will be established within a portion of the waterfront esplanade area. This proposed public access area between the proposed 4th Street extension and 9th Street will function as a public vehicular right-of-way. The proposed public access area will be a one-way eastbound street with a width of 20 feet.

The area delineated as the "Mews" will provide an intimate and natural transition from the upland neighborhood to Development Site, as well as ease pedestrian traffic in and around the Development Site. Demapping this mapped but unbuilt portion of 8th Street between 27th Avenue and the waterfront will provide direct pedestrian public access to the waterfront.

The approximately 900 parking spaces provided within the project site will be augmented by the creation of approximately 60 on-street public parking spaces along the built-out and reconstructed street segments discussed above.

A full analysis of the potential traffic and parking impacts of the proposed project is provided by the Environmental Impact Statement prepared for the proposed actions, which studies the surrounding traffic conditions, both with and without the proposed project. In

addition, mitigation will be proposed for analyzed intersections that are found to have significant adverse traffic impacts.

(5) ***when the Commission has determined that the #large-scale general development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;***

Based on the screening criteria established in the *CEQR Technical Manual*, detailed assessments of schools, libraries, and childcare facilities are undertaken as part of the proposed project's Environmental Impact Statement. The analysis shows that the Proposed Development could have resulted in significant adverse impacts with regard to public elementary schools within the Sub-district 3 of CSD 30. If the demand for school seats from the future background development occurring independent of the Astoria Cove project, combined with the Proposed Development, is as high as the methodology projected in the Environmental Impact Statement projects, an impact on elementary schools would occur when 809 dwelling units are completed. Pursuant to the Proposed Development's construction phasing plan, this would occur at Phase 4 of the LSGD Phasing Plan, which is after the completion of Buildings 2, 3, 4 and 5.

The base design of the Proposed Development includes making space available to the New York City School Construction Authority ("SCA") for the construction of a public elementary school for grades kindergarten through 5. The public elementary school would include approximately 456-seats. Subject to the requirements of the SCA, the school may include an outdoor and/or rooftop children's play area. The school would be located on Tax Block 908, which is located on the Upland Zoning Lot, as a stand-alone building adjacent to what is identified in the project plans as Building 5 on the upland portion of the general large scale development.

(6) ***where the Commission permits the maximum' #floor area ratio# in accordance with the provisions of paragraph (a)(4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged buildings#. Such #open space# shall be accessible to and usable by all residents of such new or #enlarged buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #large-scale general development# shall include superior landscaping for #open space# of the new or #enlarged buildings#;***

Not Applicable.

(7) ***where the Commission permits the exclusion of #lot area# or #floor area# in accordance with the provisions of paragraph (a)(5) of this Section or modification of the base and maximum #floor area ratios# or requirements regarding distribution of #affordable housing units# in accordance with paragraph (a)(8) of this Section, such modification will facilitate a desirable mix of #Uses# in the #large-scale general development# and a plan consistent with the objectives of the Inclusionary Housing Program and those of Section 74-74 (Large-Scale General Development) with respect to better site planning; and***

Not Applicable.

(8) ***where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore will benefit the residents of the #large-scale general development#; and***

Not Applicable.

(9) ***a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission; and***

A declaration has been prepared and will be filed with the Commission.

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The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale general development# and to minimize adverse effects on the character of the surrounding area.

For a phased construction program of a multi-#building# complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #large-scale general development#, a phasing plan showing the distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

As is typical for a project of the scale and scope of the Proposed Development, it will be constructed in a series of phases based upon the phasing plan set forth below. In addition, substantial construction of this multi-building complex, in accordance with the plans for which such special permits are requested, is not likely to be completed within four years from their effective date. Accordingly, one of the actions requested at this time is an extension, pursuant to Zoning Resolution 11-42(c), to the special permit term set forth in Zoning Resolution Section 1l-42(a), for a period not to exceed 10 years.

In addition, the construction of the waterfront public access area will be phased in accordance with Zoning Resolution Section 62-822(c). The overall phasing plan for the

waterfront public access area will be integrated with the multi-building phasing plan to include nearly 83,800 sq. ft. of publicly accessible area, as detailed in the below table and the application drawings.

Table of Phasing Plan
Large-Scale General Development and Waterfront Phasing Plan

	LARGE SCALE PHASE 1	LARGE SCALE PHASE 2 (Waterfront Phase 1)	LARGE SCALE PHASE 3 (Waterfront Phase2)	LARGE SCALE PHASE 4 (Waterfront Phase 3)
BUILDING BY NUMBER	4 & 5 (excl. school)	3	2	1 & School
FLOOR AREA TO BE DEVELOPED FOR EACH RESPECTIVE PHASE	135,430 sq. ft.	339,624 sq. ft.	558,466 sq. ft.	668,262 sq. ft (Building 1) & 60,567 sq. ft. (School) Total = 728,830 sq. ft.
TOTAL AREA (Cumulative)	135,430sq. ft.	475,054 sq. ft.	1,033,520 sq. ft.	1,762,350 sq. ft.
TOTAL DEVELOPED LOT AREA (Controlled Zoning Lot)	70,013 sq. ft.	85,731 sq. ft.	98,804 sq. ft.	123,178 sq. ft.
% OF ZONING LOT	82.75% (upland)	29.25% (waterfront)	33.71% (waterfront)	37.04% (waterfront) 17.25% (upland)
TOTAL WPAA (Cumulative)	0	23,920 sq. ft.	32,975 sq. ft. (23,920 + 9,055)	55,621 sq. ft. (23,920 + 9,055 + 22,646)
TOTAL PAA (Cumulative)	16,751 sq. ft.	24,699 sq. ft. (16,751 + 7,948)	28,225 sq. ft. (16,751 + 7,948 + 3,526)	28,225 sq. ft.

Large Scale Phase 1

Large Scale Phase 1 consists of the development of Buildings 4 and 5, which will include approximately 138 dwelling units, 72 parking spaces and approximately 3,020 sq. ft. of commerical floor area.

PHASE 1 TOTALS Bldg. 4 & 5 (Excl. School)	Floor Area	Dwelling Unit			Lot Coverage	Open Space	Parking
		MRU	AHU	TOTAL			
This Phase	135,430 sf				50%	22,584 sf	72 spaces
- Residential	132,410 sf	110 Units	28 Units	138 Units			
- Commercial	3,020 sf						
- Community Facility	0 sf						
Cumulative	135,430 sf	110 Units	28 Units	138 Units	50%	22,584 sf	72 spaces

Large Scale Phase 2

Large Scale Phase 2 consists of the development of Building 3, which will include approximately 344 dwelling units, 230 parking spaces and approximately 10,970 sq. ft. of commerical floor area. The northeast corner of Building 3, along a portion of the building's north and east façades, incorporates a protective canopy or alternate mitigation, to reduce or minimize the potential pedestrian wind conditions.

PHASE 2 TOTALS Bldg. 3	Floor Area	Dwelling Unit			Lot Coverage	Open Space	Parking
		MRU	AHU	TOTAL			
This Phase	339,624 sf						
- Residential	328,655 sf	275 Units	69 Units	344 Units	45%	31,866 sf	230 spaces
- Commercial	10,970 sf						
- Community Facility	0 sf						
Cumulative	475,054 sf	385 Units	97 Units	482 Units	47%	54,452 sf	302 spaces

Large Scale Phase 3

Large Scale Phase 3 consists of Building 2, which will include approximately 568 dwelling units, 242 parking spaces and 15,493 sq. ft. of commerical floor area.

PHASE 3 TOTALS Bldg. 2	Floor Area	Dwelling Unit			Lot Coverage	Open Space	Parking
		MRU	AHU	TOTAL			
This Phase	558,466 sf				55%	12,581 sf	242 spaces
- Residential	542,973 sf	454 Units	114 Units	568 Units			
- Commercial	15,493 sf						
- Community Facility							
Cumulative	1,033,520sf	839 Units	211 Units	1,050 Units	50%	67,033 sf	544 spaces

Large Scale Phase 4

Large Scale Phase 4 consists of Building 1, which will include approximately 673 dwelling units, 356 parking spaces and 24,616 sq. ft. of commerical floor area. In addition, the school building, to serve kindergarten through fifth grades, will measure nearly 60,567 sq. ft.

PHASE 4 TOTALS Bldg. 1 & School	Floor Area	Dwelling Unit			Lot Coverage	Open Space	Parking
		MRU	AHU	TOTAL			
This Phase	728,830 sf				55%	12,681 sf	356 spaces
- Residential	643,646 sf	539 Units	134 Units	673 Units			
- Commercial	24,616 sf						
- Community Facility	60,567 sf						
Cumulative	1,762,350 sf	1,378 Units	345 Units	1,723 Units	54%	79,613 sf	900 spaces

ATTACHMENT TO SUPPLEMENTAL FORM ZS

ATTACHMENT 11: APPLICANT'S STATEMENT OF FINDINGS

SPECIAL PERMIT PURSUANT TO ZR § 62-836

62-836 Bulk modifications on waterfront blocks

In all districts, the City Planning Commission may permit modification of any applicable #yard#, #lot coverage#, height and setback, and distance between #buildings# regulations, for a #development# on a #zoning lot# within a #waterfront block#, excluding any portion on a #pier# or #new platform#, provided the Commission finds that such modifications will not adversely affect access to light and air on surrounding #waterfront public access areas#, #streets# and properties; and

(a) ***will result in a better site plan and a better relationship between the #zoning lot# and the adjacent #streets#, surrounding neighborhood, adjacent open areas and #shoreline# than would be possible through strict adherence to the regulations; or***

The waivers relative to lot coverage, rear yard, and height and setback, as authorized by the proposed waterfront special permit, will result in a better site plan and produce a better relationship between the zoning lot and adjacent streets, the surrounding neighborhood, adjacent open areas and the East River shoreline.

The proposed bulk modifications significantly enhance the relationship between the Proposed Development and the surrounding area, in part, by facilitating taller and slender buildings that decrease the project's overall lot coverage thereby creating opportunities for additional light, air and enhanced waterfront views. Moreover, with the inclusion of the proposed waivers the project yields significantly more publicly accessible open spaces, which, in effect, provides greater physical access opportunities for the public and future residents of the project site.

The site plan was carefully designed to enhance the pedestrian and vehicular experience in and around the site, as well as the relationship between the Proposed Development and the surrounding neighborhood. The proposed waivers of initial setback distance [Zoning Resolution Sections 62-341 (a)(2) and 62-341 (d)(2)(i)]; minimum and maximum base heights [Zoning Resolution Sections 62-341 (c)(1) and 62-341(d)(2)]; maximum building heights [Zoning Resolution Sections 62-341(c)(2) and 62-341(d)(1)]; maximum residential tower size [Zoning Resolution Section 62-341(c)(4)]; maximum width of walls facing shoreline [Zoning Resolution Section 62-341(c)(5)]; and rear yard requirements [Zoning Resolution Section 23-47] facilitate in the massing of the buildings within the Development Site. By increasing maximum building heights, waiving certain rear yard requirements, and modifying setback and coverage requirements on the upper floors, the ground floors can be appropriately massed to

accommodate needed ground floor local retail space, additional publicly accessible open space, as well as a 456-seat public elementary school to serve the demands of the Astoria community.

Significantly, the proposed special permit waivers facilitate the proposed mapping actions, which result in the creation of a pleasing composition in relation to the proposed buildings comprising the project and existing surrounding development. As detailed in the application drawings, the project includes the mapping of 4th Street between 26th Avenue and the waterfront to maximize the opportunity for public access; the creation of the Mews through the center of the Development Site; and establishment of a waterfront esplanade that is larger than required by zoning and includes Crescent Drive, a vehicular street that links proposed 4th Street through the waterfront esplanade to 9th Street.

Diagonal 4th Street will extend from 26th Avenue to the proposed waterfront esplanade and will help create a sensitive street system that seamlessly connects the Development Site with the existing upland residential neighborhood. The C2-4 commercial overlay district will be mapped along 26th Avenue; 4th Street; and Crescent Drive will provide opportunities for the creation of a commercial corridor that connects to the existing neighborhood. In addition to the local retail uses planned along 26th Avenue, which is entirely mapped but presently partially un-built, local retail establishments, restaurants, and cafés anticipated along the proposed mapped expansion of 4th Street and Crescent Drive will further encourage the public enjoyment of the Proposed Development's waterfront improvements, including drawing the public to the water's edge.

In addition to the visual access that is required by zoning, to maximize the opportunity for public access to the waterfront, the Proposed Development will afford the public remarkable physical access to the waterfront public access area over former 8th Street, which is proposed to be demapped under a related concurrent application (130384 MMQ). The Mews is categorized as an upland connection between 26th Avenue and the waterfront. The southern portion of the Mews, between 26th Avenue and 27th Avenue, is categorized as a public access area, which open space is not required by zoning. This pedestrian connection between upland 27th Avenue and the waterfront will consist of unit pavers with sand swept joints, a series of stairs and planters that mitigate the steep topography. Interestingly, in addition to the diverse tree species list, the proposed planters will also incorporate seating elements designed as rain gardens to capture stormwater. The waterfront public access area is also accessible from 9th Street at the

project's southern edge. The waterfront public access area, which includes the shore public walkway, upland connection, and supplemental public access area measures nearly 55,600 sq. ft. The applicant will also be constructing an additional 28,225 sq. ft. of publicly accessible open space substantially expanding the public's visual and physical access to the waterfront, which was not previously accessible. The project will include an additional 5,000 sq. ft. of private open space accessory to the eating or drinking establishments proposed adjacent to the waterfront public access area.

Strict adherence to the bulk regulations, without the grant of the special permit, would likely result in an increase in the size of the buildings' footprints effectively result in shorter, bulkier and undesirable building massing.

Building 1 will be 312 feet in height with 31 stories. Building 1 will include approximately 356 parking spaces. Building 2 will measure 320 feet and 32 stories with approximately 242 parking spaces; and Building 3 will measure 262 feet and 26 stories with approximately 230 parking spaces. The top stories of these three waterfront buildings will be setback on all sides by 10 feet and range in height from 1- to 2-stories, introducing a new "step" at the top of each tower. These setbacks together with the design of the Proposed Development's other buildings create a varied, more organic stepping expression to the tops so as to avoid the look of a consistently stepped "ziggurat" condition. The stepping will define the tops of three towers, while creating a pleasing variation.

The design of the proposed buildings reinforces the importance of integrating the Proposed Development with the surrounding area. A fundamental design approach was taken to ensure the transition of building heights from the R7-3/C2-4 on the Waterfront Zoning Lot to the R6B and R7A/C2-4 on the Upland Zoning Lot. By massing the buildings, as proposed, and providing an extensive improved street/circulation system, the proposed building footprints are effectively less bulky and more desirable in terms of massing.

Significantly, the proposed massing of the towers improves access to light and air along the entire esplanade and the visual corridors and enhances the public's visual and physical access to the waterfront. The special permit will allow the buildings located on the Waterfront Zoning Lot to be massed more efficiently above large floor plates for essential local retail ground floor uses, including a supermarket; and for facilitating the design of shorter buildings with sensitive urban design features to maximize light and air as the project moves upland.

The maximum lot coverage permitted on the Waterfront Zoning Lot is 70 percent. The Proposed Development's lot coverage within the Waterfront Zoning Lot measures 47 percent. With regard to the amount of open space provided, the proposed special permit authorizes an open space plan that includes 55,621 sq. ft. of waterfront public access area and an additional 28,225 sq. ft. of public access area, which is nearly 60 percent more than mandated by the Zoning Resolution's waterfront bulk regulations.

The site plan made possible by the proposed waterfront special permit conforms to current planning principles concerning the development of taller buildings on waterfront sites and allows varied building heights with appropriate spatial orientation and building massing distribution.

(c) ***are necessary to protect unique natural features such as rock outcroppings, significant grade changes or wetlands, or to accommodate existing #buildings or other structures#.***

Not Applicable.

62-132
Applicability of Article VII, Chapters 4, 8 & 9

****

The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

****

(d) ***Any height and setback modifications within a #Waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-341 (Developments on land and platforms).***

The project proposes a LSGD special permit pursuant to Zoning Resolution Section 74-743(b) to authorize a reduction in the distance between Buildings 4 and 5, which are located on a waterfront block. Nonetheless, this proposed modification facilitates the creation of a site plan with visual and physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the zoning requirements.

As noted, in addition to the visual access that is required by the City's waterfront zoning, and to maximize the opportunity for public access to the waterfront, the Proposed Development will afford the public remarkable physical entree to the proposed waterfront public access area over 4th Street, which is the location of the Development Site's visual corridor, which is proposed to be mapped and built. The waterfront esplanade also is accessible from 9th Street at the Development Site's southern edge. The waterfront public access area, which includes the shore public walkway, upland connection, and supplemental public access area measure nearly 55,621 sq. ft. although zoning requires a minimum of 51,228 sq. ft. The applicant will also be constructing an additional 28,225 sq. ft. of publicly accessible open space substantially expanding the public's visual and physical access to the waterfront, which was not previously accessible.

As detailed in the land use application drawings, the proposal includes the siting of the buildings around a well-designed street network to serve the residents of the project and to connect the development with the surrounding existing neighborhood. The mapping of 4th Street between 26th Avenue and the waterfront and the creation of the Mews through the center of the Development Site will maximize the opportunity for public access. In addition, the establishment of a waterfront esplanade, which is larger than required by zoning, includes Crescent Drive, a vehicular street to link proposed 4th Street through the waterfront esplanade to

9th Street. Importantly, diagonal 4th Street will extend from 26th Avenue to the proposed waterfront esplanade to seamlessly connect the Development Site with the existing upland neighborhood and will frame views of the Robert F. Kennedy and Hell Gate Bridges.

A fundamental planning approach was taken to ensure that the building bases will provide seamless transitions to the lower-scale R6 zoning district context of the upland neighborhood and the Mews, which will run between the two buildings, and will provide a pedestrian transition respecting building streetscapes from the higher elevation at 27th Avenue toward the waterfront.

The proposed waterfront design fulfills the goal of re-connecting the City to the water as envisioned by the *Vision 2020: New York City Comprehensive Waterfront Plan*. In addition, however, the Proposed Development's waterfront design substantially activates the waterfront with new opportunities for the surrounding Astoria community. The waterfront esplanade is conceived as a large crescent that emphasizes views and reflects the cove's natural form. The Crescent's programmatic elements include a bi-level esplanade focusing on pedestrian movement, accessibility, views, and social interaction. Proposed Crescent Drive is intended to bring the public to the water's edge and will be lined with commercial activity evocative of the Astoria neighborhood. To maintain continuity and the flow of an active street life, the finish grade at the street and sidewalk along Crescent Drive is flush from the commercial edge, which includes areas for café, seating, and retail, to the upper level of the waterfront esplanade.

In addition, oak trees will line the upper esplanade and provide a formal structure to the landscape. Nestled between the two levels and under the trees' canopy are pockets of seating areas and intimate paths as well as generous planting and rockery areas. At the terminus of 4th Street, a "Get Down," which consists of a series of generous seating steps leads visitors to the water's edge to experience the expansive and unobstructed view of RFK Bridge, Hells Gate Bridge, and Randall's Island. The esplanade will also consist of a child's play area.

For the foregoing reasons, the proposed site plan with visual and physical public access to the waterfront is superior to that which would be possible by strict adherence to the applicable zoning regulations.

ATTACHMENT TO SUPPLEMENTAL FORM ZS

ATTACHMENT 11: APPLICANT'S STATEMENT OF FINDINGS

AUTHORIZATION PURSUANT TO ZR §62-822

62-822 Modification of waterfront public access area and visual corridor requirements

(a) ***Authorization to modify requirements for location, area and minimum dimensions of #waterfront public access 'areas# and #visual corridors#***

The City Planning Commission may modify the requirements of Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards). The Commission may also authorize a portion or all of the required #waterfront public access area# to be provided offsite on an adjoining public property.

(1) ***In order to modify the location of #waterfront public access areas# and #visual corridors#, the Commission shall find that such areas, provided either on the #zoning lot# or off-site adjacent to the #zoning lot#, shall:***

(i) ***comply with the required minimum dimensions and equal the required total area, in aggregate; and***

Notwithstanding the proposed waiver of the supplemental public access area width-to-depth ratio requirement, as per Zoning Resolution Section 62-571(a), and minimum supplemental public access area width requirement, as per Zoning Resolution Section 62-571(b), the waterfront public access area and the visual corridor requirements comply with the required minimum dimensions and equal more than the required total area, in aggregate. The total waterfront public access area requirement is 20 percent of the lot area. As such, the total waterfront public access area is required to measure 51,228 sq. ft. (Lot Area x 20 percent = 256,138 sq. ft. x 20 percent = 51,228 sq. ft.). The Proposed Development, however, includes a waterfront public access area that measures 55,621 sq. ft. Of the 55,621 sq. ft. of waterfront public access area, the shore public walkway measures 30,534 sq. ft.; and total portion of area categorized as upland connections (Upland Connection 1 and Upland Connection 2) measure 15,091 sq. ft. Therefore, the supplemental public access area measures 9,996 sq. ft., whereas only 5,603 sq. ft. is required.

(ii) ***due to their alternative location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland #streets# and other public areas; or***

With respect to Section 62-571(a), a modification is needed relative to the supplemental public access area minimum width to depth ratio requirements. Although the supplemental public access area meets the minimum 750 sq. ft. area requirement at the intersection of the

shore public walkway and the upland connection, the minimum width to depth ratio requirement imposed by strict application of the zoning is impracticable, physically and programmatically, due to site planning constraints. Proposed Supplemental Public Access Area 1 measures 8,149 sq. ft. with 300'-00" in length by 7'-11" to 57'-00" in width reflecting the long and narrow shape of the shoreline's topography. In addition, authorization is needed to modify Zoning Resolution Section 62-571(b), which requires that if a supplemental public access area is provided as an expanded shore public walkway then its minimum width must measure 10 feet along the shore public walkway.

The unique crescent shape of the Development Site's cove, as compared to a more typical linear shoreline, challenges the design of the supplemental public access area. Strict compliance with Zoning Resolution Section 62-571 is more challenging due to the applicant's desire to include diverse active and passive recreation features in the open space design. The proposed shore public walkway meets Zoning Resolution Section 62-53 40-foot wide minimum width requirements. However, the need to follow the natural geometry of the cove westerly from the shore public walkway creates unusual boundaries for the supplemental public access area.

As noted above, the Proposed Development provides substantially more waterfront public access area than required by zoning and publicly accessible space. In accordance with Zoning Resolution Section 62-57(c), the total waterfront public access area requirement is required to measure a minimum of 51,228 sq. ft. in area. The Proposed Development includes a shore public walkway consisting of 30,534 square feet; upland connections measuring 15,091 square feet; and a supplemental public access area measuring 9,996 square feet, which total 55,621 sq. ft. Moreover, the proposed open space plan includes an additional 28,225 sq. ft. of publicly accessible area within a portion of the Mews and adjacent to the waterfront esplanade, which forms portions of the Crescent Drive. Furthermore, the proposed visual corridors at 4th and 9th street are 60 feet wide, and comply with the 50-foot minimum dimension requirement and maintain the prolongation of the mapped widths of the streets, as required by Zoning Resolution Section 62-5l2.

The shallow depth of the Waterfront Zoning Lot prohibits the ability for the Development Site to provide a typical supplemental public access area. Nonetheless, waterfront public access area with its carefully designed, manicured open spaces provides a

superior design to accommodate a varied amount of planting areas, active and passive recreation areas, and will connect the neighborhood to the waterfront, as well as enhance views of the Manhattan skyline, Randall's Island, the Robert F. Kennedy Bridge and Hell Gate Bridge.

(2) ***In the event the Commission determines that there is no feasible way to provide equal alternative #waterfront public access areas# either on the #zoning lot# or offsite on an adjoining public property or to provide equal alternative #visual corridors#, the Commission may authorize a reduction in minimum dimensions or area, or may waive such requirements, provided that:***

(i) ***such #development# would be impracticable, physically or programmatically, due to site planning constraints such as the presence of existing #buildings or other structures# or elements having environmental, historic or aesthetic value to the public; and***

Not Applicable.

(ii) ***that the reduction or waiver of requirements is the minimum necessary.***

Not Applicable.

ATTACHMENT TO SUPPLEMENTAL FORM ZS

ATTACHMENT 11: APPLICANT'S STATEMENT OF FINDINGS

AUTHORIZATION PURSUANT TO ZR §62-822

62-822 Modification of waterfront public access area and visual corridor requirements

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(b) ***Authorization to modify requirements within #waterfront public access areas#***

The City Planning Commission may modify the requirements within the #waterfront public access area# provisions of Sections 62-513 (Permitted obstructions in visual corridors), 62-58 (Requirements for Water-Dependent Uses and Other Developments), 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), inclusive, and 62-90 (WATERFRONT ACCESS PLANS), inclusive.

In order to grant such authorization, the Commission shall find that such modifications:

(1) ***are necessary to accommodate modifications pursuant to paragraph (a) of this Section; or***

Not applicable.

(2) ***would result in a design of #Waterfront public access areas# that is functionally equivalent or superior to the design prescribed by strict adherence to the applicable provisions.***

Although the project proposes modifications to particular design requirements of the waterfront public access area, the proposal is superior to the design prescribed by strict adherence to the special regulations applicable in the waterfront area promulgated by Article VI of the Zoning Resolution. The proposed modifications relate to the following design requirements:

(i) Zoning Resolution Section 62-62(a)(2) regarding minimum width of a circulation path within the supplemental public access area;

(ii) Zoning Resolution Sections 62-62(c)(1) regarding planting area requirements within the shore public walkway and supplemental public access area;

(iii) Zoning Resolution Section 62-62(d) regarding bicycle parking spaces within the shore public walkway and supplemental public access area;

(iv) Zoning Resolution Sections 62-64(a), 62-64(b), 62-64(c), and 62-64(e) regarding circulation, paving, planting and trash receptacles requirements within the upland connection; and

(v) Zoning Resolution Sections 62-652(e)(1) and 62-652(f) regarding design feature seating and table space within the waterfront public access area.

The design requirements prescribed by these applicable waterfront regulations are not suited for the Proposed Development due to the configuration of the project site and its relationship with the cove-shaped waterfront. The Waterfront Zoning Lot's shallow dimensions between 26th Avenue and the water's edge, in addition to the creation of 4th Street and the Mews through a portion of that area that comprises the waterfront block require that certain design requirements be varied. As discussed below, strict adherence to the applicable waterfront regulations would significantly impair the design of the waterfront public access area features that have been incorporated into the Proposed Development.

Zoning Resolution Section 62-62(a)(2)

Zoning Resolution Section 62-62(a)(2) provides that at least one circulation path with a minimum clear width of 6 feet be provided throughout the supplemental public access area. The proposed waterfront public access area includes more than one continuous circulation path yet the paths are not continuous within the supplemental public access areas. Although the circulation paths do not run continuously within the supplemental public access areas, the public access area is designed to include diverse active and passive recreation features within the SPAA 1. In addition, the areas categorized as SPAA 2 and SPAA 3 are proposed to be planted for the public's enjoyment.

The waiver is necessitated by the natural geometry of the non-linear shoreline, which dictates the boundaries of the supplemental public access areas. The boundary lines of the supplemental public access area are not symmetrical and "carve out" portions of Crescent Drive, thereby eliminating the continuous circulation path within the supplemental public access area. The modification results in a design that is superior to the design prescribed by strict adherence to the applicable provisions.

Zoning Resolution Sections 62-62(c)(1) and 62-655(a)(6)

Zoning Resolution Section 62-62(c)(1) requires that 50 percent of the area of the shore public walkway and supplemental public access area be planted and 25 percent of the planting

area within the shore public walkway and supplemental public access area be provided as lawn space, in accordance with Section 62-655(a)(6). The proposed project provides 16,961 sq. ft. of planted area in the Waterfront Zoning Lot and no lawn space.

The waivers nonetheless result in an enhanced design because they facilitate the development of Crescent Drive. Planting requirements imposed by Article VI of the Zoning Resolution would prohibit the inclusion of Crescent Drive, which is predominately cobblestone paving. In addition, certain dimensions are required for the maintenance of a successful lawn. The dimensions of this particular waterfront public access area, however, are not appropriate for a conventional lawn with strict dimensions prescribed by zoning. Since lawn space cannot be properly accommodated within the waterfront public access area, the project instead focuses on diversifying the waterfront experience by introducing varied planting types, including a substantial amount of herbaceious plants to facilitate the project's natural transition from the upland site to the water's edge.

Moreover, the proposed design is superior to the design prescribed by strict adherence to the applicable waterfront provisions since the project includes an additional 9,595 sq. ft. of planted area on its upland zoning lot -- 7,156 sq. ft. of planted area within the proposed public access area and an additional 2,439 sq. ft. within the streetscape design. In total, this additional planting constitutes more than double the planting area requirement waived by the proposed authorization. The open space plan also introduces a diverse planting palate, including various rain garden planting mixes within the Mews. Furthermore, to help diversify the active recreation areas, children's playground equipment is introduced into the western portion of the waterfront public access area.

Zoning Resolution Section 62-62(d)

A minimum of 37 bicycle parking spaces is required within the waterfront public access area. Although the proposal will not include any bicycle parking spaces within the shore public walkway and supplemental public access area, as detailed below it will provide more than the required number of bicycle parking spaces at alternate better locations.

An important planning principle driving the design of the project is the connection of the existing Astoria neighborhood to the waterfront by maximizing the opportunities for public access. One way in which this goal is realized is by facilitating bicycle access. As such, 68

bicycle parking spaces will be provided although Section 62-62(d) requires only 37 spaces. The project will include 40 bicycle parking spaces adjacent to the shore public walkway in a publicly accessible area. An additional 20 parking spaces will be provided on 4th Street and eight additional along 9th Street. The narrow depth of the public access area with the inclusion of the various waterfront esplanade features prohibits the inclusion of the required bicycle parking spaces within the shore public walkway and supplemental public access area. In addition, by relocating the bicycle parking spaces, entry access points to the waterfront public access area will be more inviting; otherwise, parking space locations, as prescribed by zoning, will obstruct access to the public entry areas. Lastly, the proposed location of the bicycle parking spaces will authorize parking closer to new retail opportunity areas instead of the narrower waterfront public access area.

Zoning Resolution Sections 62-64(a), 62-64(b), 62-64(c), and 62-64(e)

An authorization is requested to modify requirements relating to circulation, paving, planting and trash receptacles within the upland connection. Zoning Resolution Section 62-64(a) requires that the upland connection provide a minimum clearance width of 12 feet linking the open street with the shore public walkway. Proposed Upland Connection 1 and Upland Connection 2 do not comply. Upland Connection 1's width ranges from 9'-3" to 13'-00", which, at certain locations is more than required by zoning. In addition, Upland Connection 2's clearance width ranges from 9'-8" to 15'-00" in width, which, at certain locations is also more than required. As discussed, the waterfront public access area is constrained by its narrow depth created, in part, by the crescent-shaped shoreline. Although the authorization is requested to address the instances of non-compliance regarding Upland Connection 2, there are points in the upland connection where the paths exceed the minimum requirements.

Zoning Resolution Section 62-64(b) provides that at least 40 percent, but not more than 65 percent of the entry area of a "Type 1" upland connection may be paved. The entry area of Upland Connection 1 is 100 percent paved and the entry area of Upland Connection 2 is 87 percent paved. In addition, Zoning Resolution Section 62-64(c) mandates that the "Type 1" upland connection have a minimum area of 40 percent planted in accordance with Zoning Resolution Section 62-655. Proposed Upland Connection 1 is not planted and Upland Connection 2 consists of 4,292 sq. ft. or 31 percent of the area is planted. The waiver requested

relative to Upland Connection 2 facilitates the creation of a distinctive feature within the proposed open space plan -- the "Mews," which segment is located within a portion of Upland Connection 2. Following the slope from 27th Avenue to the waterfront, the Mews is an intimate pedestrian connection that is bisected by 26th Street. This passageway consists of units pavers with sand swept joints, a series of stairs and planters that mitigate the topography and serve as the entries to proposed terraced townhouses. The planters incorporate seating elements and are designed as rain gardens to capture stormwater. With respect to the waiver for Upland Connection 1, the waterfront public access area does not have the ideal configuration for a conventional lawn space. Pavers are proposed to line the northern and southern sides of the upland connection signaling to pedestrians the location of the cross walk and to warn drivers turning east on Crescent Drive. The same material used for the treatment of the 4th Street sidewalks extends into Upland Connection 1 and continues the sequence toward the Get-Down steps. The unplanted upland connection also visually distinguishes the special Get-Down feature from the balance of the planted waterfront public access area.

Lastly, Zoning Resolution Section 62-64(e) requires the placement of one trash receptacle within 15 ft. of a street and one trash receptacle at the intersection of the shore public walkway and supplemental public access area. The proposed project is superiorly designed as it includes six trash receptacles, which is more than required by zoning. However, their placement is within the upland connection and not at the intersection of Upland Connection 1 and the shore public walkway and supplemental public access area, as it would be in conflict with the proposed circulation path.

Zoning Resolution Sections 62-652(e)(1) and 62-652(f)

Zoning Resolution Section 62-652(e)(1) prohibits design feature seating to total more than 25 percent of the required linear seating or 150 linear feet within the waterfront public access area. The Proposed Development includes 301 linear feet of seating within the waterfront public access area. In addition, Zoning Resolution Section 62-652(f) requires a minimum of 2 sq. ft. of tables for every 3 linear feet of social seating but no more than 150 sq. ft. of tables. The project includes 42 sq. ft. of tables within the waterfront public access area.

The Waterfront Zoning Lot's shallow dimensions necessitate the variation of seating and table requirements within the shore public walkway and supplemental public access area.

The dimensions of proposed 4th Street and the Mews, combined with minimum seat and bench spacing requirements, together create further impediments in compliance with Zoning Resolution Sections 62-652(e)(1) and 62-652(f).

With respect to the design seating proposed for the project, the waiver affords the ability to include a significant feature within the waterfront design -- the "Get Down," which consists of a series of generous seating steps at the terminus of 4th Street. This important design feature will lead visitors to the water's edge to experience the expansive and unobstructed view of RFK Bridge, Hells Gate Bridge, and Randall's Island, in addition to providing a location for public seating. It is also important to note that although the minimum table count and seating requirements are proposed to be modified within the waterfront public access area, the Proposed Development is able to afford the public additional seating and table locations within the Mews, varied opportunities within the different levels of the esplanade -- the Upper Crescent Walk and the Lower Crescent Esplanade, as well as the recreational and dining opportunities to be created along 4th Street and Crescent Drive.

In conclusion, the combination of the Waterfront Zoning Lot's configuration and dimensions, as well as the desire to create diverse active and passive recreational opportunities along the water's edge necessitate the proposed authorization of particular waivers of the waterfront design requirements. Although the Proposed Development waterfront public access design features deviate from in some respects from the requirements prescribed by the waterfront zoning regulations as described above, the Proposed Development's waterfront public access area, with the modifications sought, is substantially enhanced and results in a superior visual design.

ATTACHMENT TO SUPPLEMENTAL FORM ZS

ATTACHMENT 11: APPLICANT'S STATEMENT OF FINDINGS

AUTHORIZATION PURSUANT TO ZR §62-822

62-822 Modification of waterfront public access area and visual corridor requirements

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(c) ***Authorization for phased #development# of #waterfront public access areas#***

The City Planning Commission may authorize a phasing plan to implement #waterfront public access area# improvements on #zoning lots# undergoing partial development or #zoning lots# subdivided or reconfigured, pursuant to Section 62-812.

In order to grant such authorization, the Commission shall find that:

(1) ***the amount of #waterfront public access area developed# in any phase is proportionate to the #lot area# being #developed# in such phase; or***

The waterfront public access area will be built in three construction phases. The application drawings detail the phased implementation of the proposed waterfront public access area as it developed simultaneously and proportionally with abutting building construction. Each of the phases along the waterfront will fully comply with the amount of public space required. Under the project's restrictive declaration, the certificates of occupancy will be issued for each building on the waterfront parcel upon completion of the associated public access area under the phasing plan.

The table below provides a breakdown of the total developed lot area, waterfront public access area, and public access area to be developed relative to each phase of construction of the Proposed Development.

	WATERFRONT PHASE 1	**WATERFRONT PHASE 2 (CUMULATIVE)**	**WATERFRONT PHASE 3 (CUMULATIVE)**
TOTAL PHASED LOT AREA	78,295 SF	153,134.3 SF	256,137.6 SF
20% WPAA REQUIRED	15,659 SF	30,426 SF	51,228 SF
TOTAL WPAA PROVIDED	23,920 SF	39,974 SF	55,621 SF
ADDITIONAL PAA TO BE PROVIDED; NOT REQUIRED BY ZONING	7,948 SF	11,474 SF	11,474 SF

Construction phasing is anticipated to proceed as follows:

(1) **Waterfront Phase 1.** This phase includes the construction of Building 3 at the easternmost part of the Waterfront Zoning Lot. Waterfront Phase 1 will include the construction of 23,920 sq. ft. (15,659 sq. ft. required) of the waterfront public access area and 7,948 sq. ft. of public access area. The waterfront public access area developed in this phase represents 43 percent of the lot area of the phased lot area. Waterfront Phase 1 corresponds with Large Scale Phase 2, as referenced in the waterfront public access area phasing drawings.

(2) **Waterfront Phase 2.** This phase includes the construction of Building 2 at the center of the Waterfront Zoning Lot between the Mews and 4th Street. Waterfront Phase 2 will include the construction of 39,974 sq. ft. (30,426 sq. ft. required) of the waterfront public access area and 11,474 sq. ft. of public access area. The waterfront public access area developed in this phase represents 16 percent of the phased lot area. Waterfront Phase 2 corresponds with Large Scale Phase 3, as referenced in the waterfront public access area phasing drawings.

(3) **Waterfront Phase 3.** This phase includes the construction of Building 1 at the westernmost portion of the Waterfront Zoning Lot, west of 4th Street. At the conclusion of Waterfront Phase 3, the project will include 55,621 sq. ft. (51,228 sq. ft. required) of waterfront public access area. The waterfront public access area developed in this phase represents nearly 41 percent of the phased lot area. By this phase of construction, the public access area will total 11,474 sq. ft. In addition, Waterfront Phase 3 will include the construction of the 6-story public elementary school building at the intersection of 26th Avenue and 9th Street. The public elementary school will measure nearly 60,567 sq. ft. and accommodate approximately 456 seats for children in grades kindergarten through 5. Waterfront Phase 3 corresponds with Large Scale Phase 4, as referenced in the waterfront public access area phasing drawings.

A phasing plan shall be submitted that sets forth the amount and location of #waterfront public access area# that will be provided at the time each phase is #developed#.

Drawing Sheet Numbers LP-100.00 and LP-110.00 through LP-112.00 have been submitted with the application and set forth the amount and location of waterfront public access area that will be provided at the time that each phase is developed at the Development Site.

(2) ***physical or programmatic constraints make it infeasible to provide the #waterfront public access area# on a proportional basis as the #zoning lot# is improved, and the maximum feasible amount of #waterfront public access area# is #developed# in each phase.***

Not Applicable.

ATTACHMENT TO SUPPLEMENTAL FORM ZS

ATTACHMENT 11: APPLICANT'S DECLARATION OF COMPLIANCE

CERTIFICATION PURSUANT TO ZR §62-811(b)

62-811 Waterfront public access and visual corridors

No excavation or building permit shall be issued for any #development# on a #waterfront block#, or any other #block# included within a Waterfront Access Plan, until the Chairperson of the City Planning Commission certifies to the Department of Buildings or Department of Business Services', as' applicable, "that:

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(b) ***a site plan has been submitted showing compliance with the provisions of Sections 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS) and 62-60 (DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS);***

The proposed project is in compliance with the provisions of Zoning Resolution Sections 62-50 (General Requirements for Visual Corridors and Waterfront Public Access Areas) and 62-60 (Design Requirements for Waterfront Public Access Areas), as modified by the concurrent authorizations requested pursuant to Zoning Resolution Sections 62-822(a) and 62-822(b). Compliance with Zoning Resolution Section 62-50 and 62-60 is described below:

Visual Corridors (Zoning Resolution Section 62-51)

The Proposed Development includes one visual corridor, the prolongation of proposed mapped street section of 4th Street. In addition, there is an adjacent mandatory visual corridor at 9th Street per the requirements of Zoning Resolution Section 62-511. These two visual corridors meet the shoreline at an angle at an angle of greater than 45 degrees and are located 565 ft. apart, which is less than the 600 ft. maximum permitted distance between visual corridors. As such, no additional visual corridors are required through the Waterfront Zoning Lot.

The proposed visual corridors measure 60 feet in width and comply with the 50-foot minimum dimension requirement for the prolongation of the mapped upland portion of the respective streets (Zoning Resolution Section 62-512). In order to maximize public's access to the waterfront, the area within 4th Street that comprises one of the project's visual corridors will be mapped and constructed to provide physical public access between 26th Avenue and the waterfront esplanade. As proposed, the visual corridor will not only provide greenery and public viewing of the East River from 26th Avenue, but it will also enhance the community's physical access to the waterfront.

Waterfront Public Access Areas (Zoning Resolution Sections 62-52 and 62-61)

The Proposed Development includes a waterfront public access area on the Waterfront Zoning Lot as its lot area measures at least 10,000 sq. ft. and its shoreline measures at least 100 feet (Zoning Resolution Section 62-52). The proposed waterfront public access area, which includes the shore public walkway, upland connection, and supplemental public access area, measures nearly 55,621 sq. ft. although zoning requires a minimum of 51,228 sq. ft.

Notwithstanding the permitted obstructions of Zoning Resolution Section 62-611 the waterfront public access area will be unobstructed from its lowest level to the sky and will be fully accessible to persons with physical disabilities in accordance with the Americans with Disabilities Act and the American National Standards Institute (ANSI) design guidelines (Zoning Resolution Section 62-61). The waterfront public access area is in compliance, as modified by the related, concurrent authorizations requested pursuant to Zoning Resolution Sections 62-822(a) and 62-822(b), as addressed below.

Requirements for Shore Public Walkways (Zoning Resolution Sections 62-53 and 62-62)

The proposed shore public walkway has a seaward edge contiguous with the seaward edge of the waterfront yard with a 40-foot minimum width measured from the seaward edge as per Zoning Resolution Section 62-53(a). In addition, the proposed shore public walkway is accessible from public sidewalks within 4th and 9th Streets (Zoning Resolution Sections 62-53(c) and 62-56). The design of the shore public walkway articulates the goals of re-connecting the City to the water's edge; activating the waterfront with new opportunities for the Astoria community; and creating continuity of the Queens East River and North Shore Greenway. The shore public walkway is conceived as a large crescent that emphasizes views and reflects the natural form of Pots Cove. The program elements include an esplanade, a "Get Down," several overlooks, extensive plantings, passive and active recreational space, and a child's play area.

With respect to the shore public walkway design features, more than two circulation paths are provided (Zoning Resolution Section 62-62). One path meets the 12-foot width requirement and is located within 10 feet of the shoreline for more than 20 percent of the shoreline width. The second path is 8 feet wide (minimum six feet permitted) and is located along the upper esplanade.

Requirements for Upland Connections (Zoning Resolution Sections 62-56 and 62-64)

The Proposed Development includes two upland connections, at the intersection of proposed mapped 4th Street and the shore public walkway (Upland Connection 1) and the portion of 8th Street (proposed to be de-mapped under a concurrent application) between 26th Avenue and the waterfront (Upland Connection 2). These upland connections are located no more than 600 feet apart and will provide full access to the waterfront public access area (Zoning Resolution Section 62-56). The proposed upland connections measure 15,091 sq. ft. in area and complies with Zoning Resolution Sections 62-50 and 62-60, as modified by the authorizations requested pursuant to Zoning Resolution Sections 62-822(a) and 62-822(b).

Public Access Design Reference Standards (Zoning Resolution Section 62-65)

The project site will also comply with the design standards of Zoning Resolution Section 62-65, as modified by the Zoning Resolution Section 62-822(b) authorization, for guardrails, seating, lighting, signage, planting and trees, paving, bicycle racks and trash receptacles.

The proposed guardrails will comply with Zoning Resolution Section 62-651(a) design standards. The guardrails within the upland connection and children's play area will have a maximum height of 42 inches measured from the adjoining grade level and will measure at least 70 percent open.

With regard to seating within the Proposed Development, Zoning Resolution Section 62-651(a) provides that at least 50 percent of the required seating will have backs, and at least 50 percent of such seating will face in the general direction of the water. The project complies as 424 linear feet is provided and 273 linear feet faces the water. As required, seat backs will be at least 14 inches high. In addition, as per Zoning Resolution Section 62-651(b), seating with and without backs will have a depth of not less than 18 inches. However, seating with backs will not have a depth greater than 20 inches. In addition, the required seating will have a height of 18 inches (minimum of 16 inches required) above the level of the adjacent grade (Zoning Resolution Sections 62-651(c)). Moreover, as required by Zoning Resolution Sections 62-651(d), seating will be located a minimum of 22 inches from any circulation path or permitted obstruction along the accessible side of the seating. As referenced on the project plans, 806

linear feet of seating will be provided within the waterfront public access area. Of the 806 linear feet, nearly 258 linear feet is proposed as social seating. Zoning Resolution Section 62-651(f) requires social seating for at least 25 percent of required seating. In addition, 219 linear feet of required seating is shaded as per Zoning Resolution Section 62-651(g), which requires that at least 20 percent of the seating is shaded.

Lighting within the Proposed Development will comply with Zoning Resolution Section 62-651(a) design standards. Pursuant to Zoning Resolution Section 62-653, an average maintained level of illumination of not less than one horizontal foot candle (lumens per foot) throughout all pedestrian areas, and a minimum level of illumination of not less than 0.2 horizontal foot candles (lumens per foot) throughout all other areas, will be provided. Illumination will be maintained from one-half hour before sunset to one-half hour after sunrise. The average illumination to minimum foot-candle uniformity ratio will be no greater than 10:1 within the waterfront public access area. In addition, all lighting lamps, lenses and globes will comply with Zoning Resolution Section 62-653. In addition, all lighting within the waterfront public access area will be shielded to minimize any adverse effect on surrounding buildings containing residences.

Entry signage, signage located at zoning lot lines, and other signage for seating areas within the waterfront public access area authorized by Zoning Resolution Section 62-62(c)(2)(iii), will comply with Zoning Resolution Section 62-65 waterfront area design standards. The signage proposed within the waterfront public access area will be located in directly visible locations and without any obstruction at any time. The signage will be fully opaque, non-reflective and constructed of permanent, highly durable material with either metal or stone. In addition, the lettering on the signage will appear in a clear, solid color and appropriate font and size. The drawing sheets include detailed information about dimensions of the sign, lettering size, color and materials, in accordance with Zoning Resolution Sections 62-65 and 62-80.

Plantings and trees are provided throughout the waterfront public access area. Nestled between the two levels of the esplanade and under the tree canopies are pockets of seating areas and intimate paths as well as generous planting and rockery areas, where a total of 21,253 sq. ft. of plantings is provided. In addition, the 41 canopy trees provided with a minimum of 3" caliper and the 47 ornamental trees are provided with a minimum of 2" caliper.

Paving in the waterfront public access area complies with Zoning Resolution Section 62-656. Within the required circulation paths and outside of the required paths, all paving material is permanent, durable and accessible to persons with physical disabilities (Zoning Resolution Sections 62-656(1) and 62-656(2). Specifically, the paving material includes in-place concrete, stone unit and cobblestone pavers, concrete unit pavers, and standard New York City Department of Transportation concrete sidewalks. In addition, in accordance with Zoning Resolution Section 62-656(b), the proposed unit pavers will have a minimum thickness dimension of two inches for pedestrian use and three inches for vehicular use and will not exceed a maximum of four square feet in area. Concrete slabs, other than those proposed for the upland connections, will have a maximum of two feet in any dimension.

Zoning Resolution Section 62-62(d) requires a minimum of 37 bicycle parking spaces within the waterfront public access area. Although a concurrent authorization is sought to permit the relocation of bicycle parking spaces, 68 bicycle parking spaces will be provided. Each bicycle rack will allow for the bicycle frame and one wheel to be locked to the rack. In addition, as per Zoning Resolution Section 62-657, 30 inches of maneuverable space will be provided between parallel bicycle racks and an eight-foot wide aisle will be provided between bicycle rack areas.

Trash receptacles will comply with the design standards of the waterfront area. Trash receptacles will be placed within 50 feet of a seating area and will be able to use standard bags with a minimum capacity of 25 gallons with required top or side openings (Zoning Resolution Section 62-658). The Proposed Development includes six trash receptacles, in accordance with Zoning Resolution Section 62-64(d), as modified.

Maintenance and Operation Requirements for Waterfront Public Access Areas (Zoning Resolution Section 62-70)

Pursuant to Zoning Resolution Section 62-71, the waterfront public access area will be open to the public from 6:00 A.M. to 10:00 P.M. between April 15 and October 31 and from 7:00 A.M. to 8:00 P.M. between November 1 and April 14. Pursuant to Zoning Resolution Section 62-74, the applicant will record a restrictive declaration, including a maintenance and operation agreement with the Department of Parks and Recreation that defines the property

owners' obligations to construct and maintain the waterfront public access area in accordance with the plans certified by the Chairperson of the City Planning Commission.

The applicant has submitted architectural drawings that illustrate compliance with the provisions of Zoning Resolution Sections 62-50 and 62-60, as modified by the concurrent authorizations requested pursuant to Zoning Resolution Sections 62-822(a) and 62-822(b). As such, we respectfully request that that the Chairperson of the City Planning Commission shall certify to the Department of Buildings compliance with the requirements for waterfront public access and the visual corridor.

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A certification pursuant to paragraphs (b) or (c) of this Section shall be granted on condition that an acceptable restrictive declaration is executed and filed pursuant to Section 62-74 (Requirements' for Recordation).

A restrictive declaration will be executed and filed in accordance with Zoning Resolution Section 62-74.