CITY PLANNING COMMISSION

September 29, 2014/Calendar No. 16 N 140329(A) ZRQ

IN THE MATTER OF an application submitted by 2030 Astoria Developers, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article II Chapter 3 and Appendix F, relating to Inclusionary Housing, in the Borough of Queens, Community District 1.

An application (N 140329 ZRQ) for an amendment to the Zoning Resolution was filed by 2030 Astoria Developers, LLC on March 20, 2014 to facilitate the development of a mixed-use, large-scale general development located on the Halletts Point peninsula in Queens, Community District 1. On July 8, 2014, pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure rules, 2030 Astoria Developers, LLC filed an application (N 140329 (A) ZRQ) to modify the text amendment intended to expand and strengthen the provisions for affordable housing in response to the issuance of the Mayor's Housing Plan and Community Board 1's request for an increase in the amount of affordable housing included within the project. On September 26, 2014, the applicant withdrew the original application N 140329 ZRQ. The subject of this report is application N 140329 (A) ZRQ.

RELATED ACTIONS

In addition to the application for an amendment to the Zoning Resolution (N 140329 (A) ZRQ), which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 140322 ZMQ	Amendment to the Zoning Map, Section No. 9a, changing from an M1-1 District to an R7-3 District with a C2-4 overlay; changing from an R6 District to an R7A District with a C2-4 overlay; and changing from an R6 District to an R6B District.

C 140323(A) ZSQ Special permit, pursuant to Section 74-743, to permit transfer of floor area between zoning lots, modify distance between buildings, modify yard, inner court and distance between windows or lot line requirements.

C 140324(A) ZSQ Special permit, pursuant to Section 62-836, to permit bulk modifications within waterfront blocks.

N 140325 ZAQ Authorization by the City Planning Commission, pursuant to Section 62-822(a), to permit area and dimension modifications for a waterfront public access area and visual corridors within a large-scale general development.

N 140326 ZAQ Authorization by the City Planning Commission, pursuant to Section 62-822(b), to permit design modifications for a waterfront public access area within a large-scale general development.

N 140327 ZAQ Authorization by the City Planning Commission, pursuant to Section 62-822(c), to permit construction of a waterfront public access area in conjunction with the phased development of the buildings of the proposed large-scale general development.

N 140328 ZCQ Chairman Certification pursuant to Section 62-811(b) that a site plan has been submitted showing compliance with the provisions of Section 62-50 and Section 62-60, as modified by the authorizations (N 140325 ZAQ, N 140326 ZAQ and N 140327 ZAQ), within a large-scale general development.

C 130384 MMQ Amendment to the City Map to (a) establish 4th Street between 26th Avenue to the edge of the proposed waterfront esplanade and; (b) eliminate 8th Street from 27th Avenue to the U.S. Pierhead and Bulkhead Line.

BACKGROUND

A full background discussion and description of this application appears in the report for a related application for a special permit (C 140323 (A) ZSQ).

ENVIRONMENTAL REVIEW

This application (N 140329 (A) ZRQ), in conjunction with the applications for the related actions (C 140322 ZMQ, C 140323 (A) ZSQ, C 140324 (A) ZSQ, N 140325 ZAQ, N 140326 ZAQ, N 140327 ZAQ, N 140328 ZCQ, C 130384 MMQ, C 140323 ZSQ, N 140329 ZRQ, C 140324 ZSQ), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 13DCP127Q. The lead is the City Planning Commission.

A full summary of the environmental review appears in the report on the related application for a special permit (C 140323 (A) ZSQ).

PUBLIC REVIEW

The original application (N 140329 ZRQ), in conjunction with the applications for the related non-ULURP actions (N 140325 ZAQ, N 140326 ZAQ, N 140327 ZAQ, and N 140328 ZCQ), was referred on April 21, 2014 to Community Board 1 and the Borough President, in conjunction with the related ULURP actions (C 140322 ZMQ, C 140323 ZSQ, C 140324 ZSQ, and C 130384 MMQ) which were certified as complete by the Department of City Planning on April 21, 2014 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

On July 8, 2014, the modified application (N 140329 (A) ZRQ) was referred to Community Board 1 and the Borough President, in conjunction with the modified applications for the related actions (C 140323 (A) ZSQ and C 140324 (A) ZSQ), pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure.

Community Board Public Hearing

Community Board 1 held a public hearing on June 10, 2014 on the original application (N 140329 ZRQ) and on June 17, 2014, by a vote of 44 to 0 with no abstentions, adopted a resolution recommending disapproval with conditions of the application.

A summary of the vote and recommendations of Community Board 1 appears in the report on the related application for a special permit (C 140323 (A) ZSQ).

Borough President Recommendation

This application (N 140329 (A) ZRQ), in conjunction with the related actions (C 140322 ZMQ, C 140323 (A) ZSQ, C 140327 (A) ZSQ, N 140325 ZAQ, N 140326 ZAQ, N 140327 ZAQ, N 140328 ZCQ, C 130384 MMQ), was considered by the Borough President, who issued a recommendation on July 30, 2014 disapproving the application.

A summary of the Borough President's recommendations appears in the report on the related application for a special permit (C 140323 (A) ZSQ).

City Planning Commission Public Hearing

On July 23, 2014 (Calendar Nos. 9 and 10), the City Planning Commission scheduled August 6, 2014, for a public hearing on the original application (N 140329 ZRQ) and the modified application (N 140329 (A) ZRQ) in conjunction with the related actions. The hearing for N 140329 (A) ZRQ was duly held on August 6, 2013 (Calendar No. 15), in conjunction with the applications for the related actions.

There were a number of appearances, as described in the report on the related application for the special permit (C 140323 (A) ZSQ), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (N 140329 (A) ZRQ), in conjunction with the related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council

on October 13, 1999 and by the New York State Department of State on May 22, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 12-104.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the proposed zoning text amendment (N 140329 (A) ZRQ), as further modified herein, in conjunction with the related applications (C 140322 ZMQ, N 140325 ZAQ, N 140326 ZAQ, N 140327 ZAQ, N 140328 ZCQ, C 130384 MMQ) and modified applications (C 140323 (A) ZSQ and C 140324 (A) ZSQ), is appropriate.

A full description of the Commission modifications, and consideration and analysis of the issues and the reasons for approving this application appear in the related report for a special permit (C 140323 (A) ZSQ).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 19, 2014, with respect to this application (CEQR No. 13DCP127Q), and the Technical Memorandum, dated September 26, 2014, (the "Technical Memorandum"), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that, consistent with social, economic, and other essential considerations:

1. From among the reasonable alternatives thereto, the Proposed Action, as modified with the modifications adopted herein and as analyzed in Chapter 25, "Potential Modifications to the Proposed Project," of the FEIS and in the Technical Memorandum (the "Modified Proposed Action") is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts of the Modified Proposed Action will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A hereto, subject to administrative and technical changes acceptable to Counsel to the Department, is executed by 2030 Astoria Developers, LLC or its successors, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.

This report of the City Planning Commission, together with the FEIS and the Technical Memorandum, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines that this proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in <u>underline</u> is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter with # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

23-90
INCLUSIONARY HOUSING

* * *

23-953
Special floor area compensation provisions in specified areas
(a) Optional provisions for #large-scale general developments# in C4-6 or C5 Districts

* * *

(b) Special provisions for #large-scale general developments# in Community District 1 in the Borough of Queens
Special provisions shall apply to #zoning lots# within a #large-scale general development# that contains R6B, R7A and R7-3 Districts within an #Inclusionary Housing designated area#, as follows:

(1) For #zoning lots#, or portions thereof, that are located within R6B, R7A or R7-3 Districts, the base #floor area ratio# set forth in Section 23-952 shall not apply. No #residential development# or #enlargement# shall be permitted unless #affordable floor area# is provided pursuant to the provisions of this paragraph. The amount of #low-income floor area# provided shall equal no less than 10 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#. The sum of the amount of #low-income floor area#, plus two-thirds of the amount of #moderate-income floor area#, plus half of the amount of #middle-income floor area# shall equal no less than 20 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#; and

(2) The amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (b)(1) of this Section, and the amount of #moderate-income floor area# or #middle-income floor area# that may be considered #low-income floor area# for the purposes of satisfying the #affordable floor area# required in paragraph (b)(1) of this Section, shall be determined in accordance with procedures prescribed by the City Planning Commission pursuant to the provisions of Section 74-743(Special provisions for bulk modification).

* * *

~~(b)~~(c) Special provisions for #compensated zoning lots#

* * *

74-74

Large-Scale General Development

* * *

74-743
Special provisions for bulk modification

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

* * *

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

* * *

~~In addition, w~~Within the former Washington Square Southeast Urban Renewal Area, within Manhattan Community District 2, where the Commission has approved a #large-scale general development#, and a #lot line# of such #large-scale general development# coincides with the boundary of a mapped #public park#, such #lot line# shall be considered to be a #street line# of a #wide street# for the purposes of applying all #use# and #bulk# regulations of this Resolution.

Within Community District 1 in the Borough of Queens, the Commission may prescribe additional conditions to ensure that the purpose of the Inclusionary Housing program as set forth in Section 23-92 (General Provisions) is achieved in a #large-scale general development#. The Commission may establish procedures resulting in limiting the amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (b)(1) of Section 23-953, and in conjunction therewith, the Commission may also institute procedures that result in establishing an amount of #moderate-income floor area# or #middle-income floor area# that may be considered #low-income floor area# for the purposes of satisfying the #affordable floor area# required in paragraph (b)(1) of Section 23-953. Any such procedures established by the Commission shall be set forth in the restrictive declaration required in connection with the grant of a special permit for such #large-scale general development#.

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.

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.

* * *

APPENDIX F

Inclusionary Housing Designated Areas

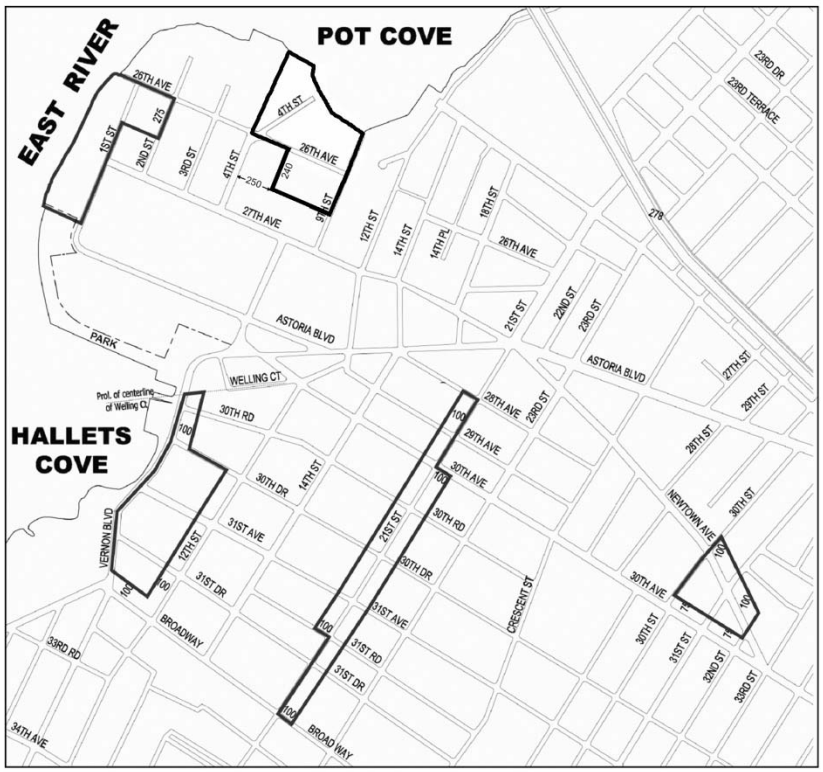
* * *

Queens

Queens Community District 1

In the R7A and R7-3 and R6B Districts within the areas shown on the following Map 1:

Map 1 – (*replaces previous map*)



Community District 1, Queens

Portion of Community District 1, Queens

* * *

The above resolution (N 140329 (A) ZRQ), duly adopted by the City Planning Commission on September 29, 2014 (Calendar No. 16), is filed with the Office of the Speaker, City Council and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, Esq., Vice Chairman
RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON, BOMEE JUNG, ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners

MICHELLE R. DE LA UZ, LARISA ORTIZ, Commissioners Abstained

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Transportation
Robert Piazza
Youth
Jose Batista
Zoning & Variance
John Carusone

June 24, 2014

CB1Q Recommendation

2030 Astoria Developers, LLC, applicant for Astoria Cove. Generally bounded by Pot Cove, 9th Street, 27th Avenue and 4th Street, Astoria, CD1, Queens

C140322 ZMQ Zoning Map Amendment
C140323 ZSQ Large-Scale General Development Special Permits
C140324 ZSQ Waterfront Special Permit to facilitate building design
C130284 MMQ City Map Amendments
N140325 ZAQ Authorization for Modifications to Waterfront Public Access and Visual Corridors
N140326 ZAQ Authorization to Modify Design Requirements for Waterfront Public Access Areas
N140327 ZAQ Authorization to Permit Phased Development of Waterfront Public Access Areas
N140328 ZCQ Chairperson Certification of Modifications to Waterfront Public Access Areas and Visual Corridors
N140329 ZRQ Zoning Text Amendment for Inclusionary Housing Designated Areas

The Land Use and Zoning Committee of Community Board 1Q (CB1Q) reviewed the referenced ULURP applications that were certified April 21, 2014. If approved, the applications would facilitate construction of the Astoria Cove Project in western Astoria.

(cont.)

BOARD MEMBERS (cont.)
Rose Anne Alafogiannis
George Alexiou
Gus Antonopoulos
Juanita Brathwaite
Gerald Caliendo
Joanna D'Elia
Dolores DeCrescenzo
Mary Demakos
Antonella DiSaverio
Mackenzi Farquer
Dean O. Feratovic
Anthony Gigantiello
Evie Hantzopoulos
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Jerry Kril
Nancy Konipol
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Kevin Mullarkey
Stella Nicolaou
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Yawne Robinson
Thomas Ryan
Taryn Sacramone
Rudolfo Sarchese
Nancy Silverman
Danielle Tharrington
Marie Torniali
Judy Trilivas

On June 10, 2014 CB1Q held a public hearing on the referenced Applications. Thirty-one of the 50 Community Board Members were present, constituting a quorum. Fifty-four persons signed up to speak, thirty-nine actually testified on concerns such as jobs, residential displacement, affordability of new apartments and transportation issues that would result from the construction of the Project.

At its regularly scheduled monthly meeting on June 17, 2014, the Board, on recommendation of the Zoning Committee, by a vote of 44 in favor, 0 opposed and 0 abstentions, denied approval of the ULURP applications unless the conditions and concerns discussed below are met.

PROJECT DESCRIPTION

The irregularly shaped 391,830 SF site is generally bounded by Pot Cove to the north, 9th Street to the east, 27th Avenue to the south and 4th Street to the west. The Project would consist of five (5) mixed-use buildings, ranging in height from 6 to 32 stories constructed as a Large-Scale General Development plan. Three (3) towers (Buildings 1, 2 and 3) would be located on the waterfront blocks along Pot Cove between 4th and 9th streets (Tax Block 906 Lots 1 and 5 and Tax Block 907 Tax Lots 1 and 8); two (2) buildings (Buildings 4 and 5) would be located on upland blocks, contiguous to unimproved 8th Street (Tax Block 908 Lot 12 and Tax Block 909 Lot 35).

The applicant proposes to construct a 1,729,748 SF mixed-use development with approximately 1,689 dwelling units (1,615,082 residential SF) of which 295 units would be affordable; 54,099 SF local retail space including a supermarket; 900 attended indoor accessory parking spaces located in four of the five proposed buildings on site and to convey a site within the Large Scale General Development area to the School Construction Authority (SCA) for a 60,567 SF K-5 elementary school with 456 seats. Also proposed is a 23,920 SF publicly accessible waterfront park and esplanade that would be a bi-level crescent that follows the natural curve of Pot Cove. It would contain overlooks, extensive plantings, passive and active recreational space and a playground. A pedestrian easement (the Mews) would be mapped to connect upland blocks to the waterfront esplanade. The Project would be built in four (4) phases with completion expected in 2023.

Phase 1: Buildings 4 and 5 on the upland blocks proposed to be zoned from R6 to R7A/C2-4 and R6B, located south of 26th Avenue abutting formerly mapped 8th Street. Combined, the two buildings would contain 132,410 residential SF with 72 dwelling units and 3,020 SF ground floor commercial space. Both buildings vary in height between six and eight stories with a maximum building height of 80 ft. Seventy-two (72) accessory, attended indoor parking spaces would be provided in Building 4. No parking would be provided in Building 5.

No affordable units are proposed for either building in Phase 1. The portion of the Mews between Buildings 4 and 5 would be constructed concurrently in Phase 1. A site (Block 908, Lot 12) along 26th Avenue at the corner of 9th Street, adjacent to Building 5 would be turned over to the City of New York but constructed by the SCA at the completion of Phase 4.

Phase 2: Building 3 is located in the proposed R7-3/C2-4 district on the waterfront block bounded by the Mews, the waterfront esplanade, 9th Street and 26th Avenue. It would contain 328,655 residential SF and provide 275 market rate dwelling units, 69 affordable units, 10,970 SF of ground floor commercial space and 230 accessory, attended indoor parking spaces. The building would have three sections with different heights: 26 stories (262') at the intersection of the esplanade with the Mews, eight stories (102') at the corner of 9th Street and the esplanade and six stories (82') along 26th Avenue between the Mews and 9th Street.

The section of the Waterfront Access Area and esplanade adjacent to Building 3 as well as 26th Avenue between 9th Street, the Mews and 9th Street near the waterfront would be constructed as part of Phase 2.

Phase 3: Building 2 is located in the proposed R7-3/C2-4 district on the waterfront block bounded by the Mews, the waterfront esplanade, 4th Street and 26th Avenue. It would contain 542,973 residential SF and provide 454 market rate dwelling units, 114 affordable units and 15,493 SF of ground floor commercial space that includes a supermarket. There would be 242 accessory, attended indoor parking spaces. The building would have three sections with different heights: 32 stories (320') at the intersection of the waterfront esplanade with the Mews, ten stories (100') along 4th Street between the esplanade and 26th Avenue with 12 stories (120') and eight stories (80') along 26th Avenue between 4th Street and the Mews.

The section of the Waterfront Access Area and esplanade adjacent to Building 2 as well as 4th Street between 26th Avenue and the esplanade would be constructed as part of Phase 3.

Phase 4: Building 1 is located in the proposed R7-3 district on the waterfront block west of 4th Street. The building would contain 611,045 residential SF and provide 527 market rate dwelling units, 112 affordable units, 24,616 SF of ground floor commercial space and 356 accessory, attended indoor parking spaces. Building heights vary: ten stories (102') and 29 stories (292') along the waterfront, ten stories (102') along the west side of the site from the waterfront to 26th Avenue and 22 stories (232') and eight stories (82') along 4th Street between the water and 26th Avenue.

The remaining sections of the Waterfront Access Area and esplanade adjacent to Building 1, as well a playground, would be constructed as part of Phase 4. The SCA would construct the proposed 60,567 SF, K-5, 456-seat elementary school at the corner of 9th Street and 26th Avenue, after completion of Phase 4.

DESCRIPTION OF THE PROPOSED ULURP ACTIONS

In order to facilitate the development of the Astoria Cove Project, the following ULURP actions must be approved:

1. **C 140322 ZMQ Zoning Map Amendment to Zoning Map 9a**

a. rezone from M1-1 to R7-3/C2-4 a portion of the development site bounded by the waterfront, 9th Street, 26th Avenue and 4th Street;

b. rezone from R6 to R7A /C2-4 a portion of the development site located south of 26th Avenue between 4th and 9th streets;
c. rezone from R6 to R6B a portion of the development site south and west of the proposed R7A district between 4th and 9th streets;
d. establish a C4-2 commercial overlay district over the entire R7-3 and R7A districts.

2. C 140323 ZSQ Large-Scale General Development Special Permits

The Large Scale General Development Special Permits facilitates construction of the proposed site plan as designed by allowing flexibility in placement of floor area and uses between the two zoning lots.

a. ZR Section 74-743(a)(1) to allow for the distribution of floor area from the waterfront zoning lot to the upland zoning lot within the Large-Scale General Development;
b. ZR Section 74-743(a)(2) to authorize reduction in the distance between Buildings 2 and 3, a waiver of court requirements for Buildings 1, 2 and 3;
c. ZR Section 74-743(a)(6) to waive minimum distance between Building 5's windows and western lot line;
d. ZR Section 11-42 (c) to extend the vesting term to 10 years for the special permits;

3. C 140324 ZSQ Waterfront Special Permit

The Applicant requests a Special Permit to accommodate the design of the proposed Project within the existing geography and topography of the site.

a. ZR Section 62-836 requesting modifications to yard, height and setback, tower footprint size and maximum width of walls facing the shoreline that will increase the size and height of the buildings beyond what zoning permits as of right;

4. C130284 MMQ City Map Amendments

The Applicant proposes City Map Amendments to maximize access to the proposed waterfront esplanade.

a. to establish a new segment of 4th Street from 26th Avenue to the waterfront;
b. to demap a portion of 8th Street from 27th Avenue to the waterfront;
c. to establish a public access easement within the public access area between 4th and 9th Sts.

5. N 140325 ZAQ Authorization

The Applicant requests an Authorization to widen the width to depth ratio requirement to accommodate active uses along the esplanade and to allow a narrower ratio to reflect the shoreline's natural topography.

a. ZR Section 62-822(a) to modify the area and minimum dimensions of waterfront public access areas and visual corridor requirements specified in Section 62-50;

6. N140326 ZAQ Authorization

The Applicant requests additional waivers to accommodate design and topographical issues.

a. ZR Section 62-822(b) to modify design requirements for the Waterfront Public Access Areas specified in Section 62-60;

7. N 140327 ZAQ Authorization

a. ZR Section 62-822(c) to permit phased development of the Waterfront Public Access Areas;

8. N 140328 ZCQ Chairperson Certification

No permits may be issued until a site plan is certified as complying with Sections of the Zoning Resolution that pertain to visual corridors and waterfront public access area requirements and a restrictive declaration is executed and filed.

a. ZR Section 62-811 certification of waterfront public access areas and visual corridors as modified by above referenced Authorizations;

9. N 140329 ZRQ Zoning Text Amendment

The applicant requests that a portion of the Development Site between 26th Avenue and the waterfront be an Inclusionary Housing Designated Area;

a. ZR Section 23-952 and Appendix F to make the Inclusionary Housing Program applicable to a portion of the project area zoned R7-3;

CB1Q Comments and Conditions

Affordable Units

The Astoria Cove Project is proposed to be located in an area where affordable housing is critical to a good quality of life for many of the area's residents. Public hearing testimony reflected residents' displacement concerns because of accelerated redevelopment and gentrification in Old Astoria.

Displacement of existing tenants in the area's privately held buildings is a very real issue because of the quick succession of new and proposed development projects in Pot Cove. During the next ten years the community will deal with physical and socio-economic impacts from the Hallett's Point project approved last October (2,644 units), the Astoria Cove Project currently under review (1,689 units) and a third large-scale development adjacent to Astoria Cove, number of units unknown at present, that is anticipated for review by the Community Board next year. Allowing 1,689 new dwelling units in the neighborhood with only 295 or 17% of the units designated affordable under the Inclusionary Housing Program is distressingly inadequate to mitigate the socio-economic impacts of the project. More important is the absence of a real public benefit to the community, besides a landscaped Mews, in the early phasing of the Project. No affordable units are planned in Phase 1. Provision must be made within this and future projects for an economically diverse population that reflects Astoria's population.

The Applicant informed the Zoning Committee and stated at the public hearing that discussions are underway with the Department of City Planning to increase the number of affordable units in Astoria Cove, but did not provide a new number of units. Additionally, because the Project design is in its massing stage, apartment distribution was not defined and it has not yet been determined whether the Project will be rental or condominium or a combination.

1) **The total percentage of affordable units in this development should be increased from 20% to 35% of the bonus floor area.**
2) **The affordable units should accommodate low, moderate and middle-income individuals and families.**
3) **The affordable units must be permanently affordable throughout the life of the Project.**
4) **Affordable units must be located in all five buildings in the Project.**
5) **The Zoning Text Amendment (N 140329 ZRQ) that designates Inclusionary Housing Program areas must be amended to include the entire Astoria Cove Site to allow affordable units in all five proposed buildings.**
6) **Affordable units should be provided in each construction phase, including Phase 1 where the number of affordable units should equal 15% of the residential floor area of those buildings.**
7) **Residents of the affordable units must have access to the same building amenities as residents of market rate units.**
8) **The owner/management of Astoria Cove should work with local community groups and Community Board 1 to provide CB1,Q residents selection priority in 50% of the designated affordable units;**
9) **All affordable units generated by this project should be located within the Astoria Cove project buildings and not constructed outside the defined General Large Scale Development area identified in these ULURP applications;**
10) **If buildings are designated for condominium status, affordable units should be reserved for sale to middle-income residents.**

Project Design and Sustainability

Comments on the design of the Project are limited since the proposed buildings are now only a series of conceptual massings.

Project Design

1) **Quality Housing Program design requirements should apply to all buildings in the Project regardless of applicable zoning district;**
2) **Both market-rate and affordable 2-bedroom apartments should be included in all buildings to accommodate family households;**
3) **The applicant should meet at regular intervals with the CB1 Zoning Committee to present the project's building designs as they progress. The applicant should also present the final designs to the Community Board for information purposes before filing with DOB for building permits;**
4) **CB1 should review and comment on any changes to the General Large Scale Development Plan, including minor modifications;**
5) **No on-street parking should be permitted on the narrow vehicular roadway adjacent to the waterfront esplanade between 4th and 9th Streets in order to keep all waterfront views towards the Hellsgate and Triborough Bridges unobstructed for pedestrians.**

Sustainability

1) **Mindful of the impact a project of this magnitude can have on the environment, the Astoria Cove development team should strive to exceed LEED gold standards by incorporating**

innovative sustainable techniques into the design of all buildings.

2) **Design elements that increase energy efficiency and reduce the project's carbon footprint should be incorporated into the design of the buildings and open spaces throughout the development.**
3) **Measures should be taken to protect building mechanicals and fuel storage from storm surges and flood risks.**

Parking/Traffic/Transportation

The geography of the peninsula is very often referred to as isolated and contained. It has an extremely limited street infrastructure and mass transit which is limited to bus service or the elevated subway located beyond walking distance. As a result, CB1Q is concerned that the Project will adversely affect traffic circulation on the peninsula and in Old Astoria and that proposed parking is insufficient to meet the anticipated demand of the residential and commercial uses as well as visitors to the area's waterfront activities.

The Applicant's proposal for shuttle buses to the elevated subway is limited to new residents and will exacerbate traffic congestion on the area's strained street system. All proposed accessory parking would be attended or valet parking and is not allocated for commercial or residential uses; on-street parking is negligible due to the existing limited street system. CB1Q is concerned that the attended parking approach is not a workable solution to what will be a significant adverse impact to the community both in practicality and cost to new residents and those who visit the area for its proposed amenities.

With more than 4,000 new apartments approved or in the pipeline for the Hallets Cove peninsula during the next decade with approximately 8,900 new residents, other alternative modes of transportation such as ferry service must be put into operation in the early stages of the area's redevelopment.

Parking

1) **The number of on-site parking spaces should be increased to at least 1.5 spaces per dwelling unit, similar to adjacent Shore Towers, to adequately serve all uses in the Project;**
2) **Accessory parking spaces should be dedicated specifically for the residential, commercial and retail, components of the Project;**
3) **One-third of the accessory parking spaces should be allocated as self-park spaces for visitors/shoppers to the project area;**
4) **Accessory parking should be provided for the community facility and school components of the Project when designed and constructed;**
5) **With the designation by NYCEDC of Pot Cove as a future Ferry Terminal, Special Permit, applications should be filed for additional parking that will be required for this use.**

Traffic

1) **The developer and DOT should evaluate traffic circulation and parking impacts during construction and after completion of each construction phase and mitigate any impacts;**

2) **Building materials and supplies should be barged into the site in order to minimize impacts from construction traffic on the local streets.**

Transportation

1) **The applicant should work with Lincoln Equities, developers of the nearby Halletts Point project, and NYCEDC to establish ferry service between Pot Cove and Manhattan so that it would be operational by the time the developments are occupied.**
2) **An evacuation route must be established for the Halletts Cove peninsula with designated routes and signage that identifies staging and destination areas.**

Open Space/Recreational Needs

In the Halletts Cove community approximately 25% of the population is comprised of children and teenagers who need active recreational facilities. While the open space needs of the area's residents are served by Astoria Park and facilities under the Triborough Bridge, these facilities are already highly utilized, in need of maintenance and improvements and have limited hours of operation. In addition to the open, mostly passive recreational areas currently proposed by the Applicant at the end of the construction phases, the need for new recreational facilities for the current and future residents in the Halletts Cove area is an absolute necessity and should be realized in the early phases of the Project.

Waterfront Public Access Area

1) **Portions of the waterfront esplanade (i.e. the proposed 9th Street turn-around with access to the waterfront) should be constructed in Phase 1 to benefit the existing community.**

Play Area

1. **The Applicant and Department of Parks and Recreation should consult with CB1 before determining any receiving sites for improvements or monetary contributions as part of the Project's mitigation of open space impacts;**
2. **The play area proposed in the Waterfront Public Access Area should be relocated to a more central and accessible site and should be of sufficient size to meet the recreational needs of a wide range of age groups with age-appropriate equipment;**
3. **All open spaces shall have adequate lighting, security gates and be accessible to the public for a sufficient number of hours every day;**
4. **Responsibility for construction and maintenance costs for all open spaces must be identified and memorialized.**

Community Facilities

With three fully utilized Head Start programs in the Halletts Cove area, the program will require additional space for new residents from the Astoria Cove development. Additional enclosed recreational facilities are needed to accommodate current and future residents.

Youth Center

1) **The applicant should set aside a portion of the Project's designated commercial space to be occupied by early childhood programs.**

2) **CB1Q supports construction of a new recreational facility such as a YMCA or Boys and Girls Club for the area's older youth and adults and open to the public.**

Medical

1) **There is a critical deficiency of medical facilities in the project area. CB1Q encourages the Applicant to actively seek a hospital user such as Mt. Sinai or NY Hospital Queens to establish a satellite medical facility within the project's commercial square footage.**

School

School utilization rates in the immediate vicinity of the Project will exceed capacity with construction of Astoria Cove. Just beyond the impact area of this Project, schools are already operating above 100% utilization. In a Memorandum of Understanding dated April 17, 2014 between the developer and the SCA, successful conveyance of the site depends on i) the SCA exercising its option to construct the school; ii) the inclusion of development funds in SCA's Five Year Capital Plan and/or iii) SCA's timely response to the option to purchase the site for $1.00. CB1 believes that no option to relieve developers of mitigating school impacts should be a part of approving this or future developments. To serve the existing and future community in Halletts Cove and to relieve overcrowding in the western part of School District 30, the school must be constructed.

1) **CB1Q adamantly insists that the construction of the school is mandatory as part of this Project;**
2) **The proposed school facility should be constructed early in the construction phasing to avoid overutilization of the area's local schools;**
3) **Prior to construction of the school, the proposed school site should be temporarily used for community recreational purposes;**
4) **The new school facility should include designated for recreational purposes that would be open to all community residents;**
5) **The school facility should be designed to incorporate programmatic space for early childhood programs like Head Start;**
6) **The Restrictive Declaration for this Project should not permit the designated school site to revert to the Applicant for residential or commercial development in the future.**

Commercial/Retail

With 84,470 SF of commercial and retail space proposed, concerns are raised about the potential traffic and noise impacts generated by sanitation trucks and vehicles servicing the commercial uses for deliveries.

1) **A FRESH Food Supermarket with designated accessory parking shall be part of the commercial component of the Project;**
2) **Internal loading and service areas should be incorporated into the Project design to avoid on-street traffic disruptions and congestion.;**
3) **Internal loading and service areas should be sufficient to meet the needs of <u>all</u> commercial uses.**

Jobs

Jobs for local residents and youth are of paramount importance in the community. The census tracts in the Old Astoria area currently have an estimated 10% unemployment rate among the area's civilian labor force. The proposed Astoria Cove development will generate job opportunities during all phases of construction and after project completion when the commercial and residential components are operational.

1) **Priority should be given to local area residents and youth for a portion of construction jobs, as well as positions in local businesses, maintenance and security jobs in the new residential buildings once they are on line.**
2) **The developer should work with construction and building service trades to set aside apprenticeship positions for local residents that will ultimately lead to permanent employment.**

Infrastructure Capacity/Energy Consumption

Much attention has recently been focused on the potential danger of the City's aged infrastructure and the accidents that can result with the underground gas and electric lines and storm and sanitary pipes. Con Edison recently began a program to assess the safety of its lines, especially in high-density residential areas. With power fluctuations are already a common occurrence in the adjacent Old Astoria area, the increased population resulting from both the Astoria Cove and Halletts Point projects will stress the area's aged infrastructure and could create unsafe conditions.

1) **The applicant should initiate contact with Con Edison (gas and electricity) and NYCDEP (storm and sanitary sewers, outfalls) to assess the condition and capability of the area's infrastructure to handle the increased traffic and energy consumption needs.**
2) **The project should incorporate systems that are energy efficient into the design of the heating, ventilating and cooling systems in the project design.**

Queens Borough President Recommendation

APPLICATION: ULURP #140329 (A) ZRQ **COMMUNITY BOARD: Q01**

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by 2030 Astoria Developers, LLC, pursuant to Section 201 of the NYC Charter and Section 23-952 of the Zoning Resolution, to make the Inclusionary Housing Program applicable in connection to a proposed mixed use development on property generally bounded by a line 280 feet southeasterly of 3rd Street, the U.S. Pierhead and Bulkhead Line, 9th Street, and 27th Avenue (Block 906, Lots 1 and 5; Block 907 p/o Lots 1 and 8; Block 908, Lot 12; Block 909, Lot 35: portions of land underwater adjacent to Block 907 and 906) in R7-3/C2-4*, R7A/C2-4*, R6B* and R6 districts, within a large scale general development, Borough of Queens, Community District 1.

*Note: This site is proposed to be rezoned by changing M1-1 and R6 Districts to R7-3/C2-4, R7A/C2-4, and R6B Districts under a concurrent related application (140322 ZMQ).

(Related applications: ULURP nos. 130284 MMQ, 140322 ZMQ, 140323 ZSQ, 140324 ZSQ, 140325 ZAQ, 140326 ZAQ, 140327 ZAQ, 140328 ZCQ)

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, July 17, 2014, at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were eleven (11) speakers in favor with eleven (11) against. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is proposing a zoning text amendment that would make a proposed waterfront mixed use General Large Scale Development eligible for the Inclusionary Housing Program. This application is concurrently under public review with eight (8) other applications that would facilitate the Astoria Cove Project;
- The applicant is proposing to build a 1.762 million square feet project that will include 1723 dwelling units of which 345 units (20% of residential units) will be mandatory affordable housing per the Inclusionary Housing Program. This project would be the first large residential development project to require mandatory affordable housing and is expected to be prototypical in developing the city's affordable housing policy. All parties involved have worked very hard in shaping this requirement;
- Also, included in the project are 54,099 sf of retail space that will feature a 25,000 sf supermarket, a site designated for a 60,657 sf, 456 seat Pre-K to 5 elementary school, a waterfront esplanade, and offstreet accessory parking for 900 vehicles distributed throughout the project;
- The proposed project is expected to generate hundreds of jobs during construction and hundreds of jobs post construction in building maintenance/operations and retail/commercial jobs when completed. The jobs and economic activity generated by this project have the capacity to benefit Queens and New York City;
- The 8.8 acre site is zoned M1-1 and is currently developed with industrial buildings and open lots used for storage and other industrial businesses. The surrounding area is developed with a mix of industrial and residential uses. The major east to west thoroughfares in this area are 27th Avenue and Astoria Boulevard. There are other mapped streets in the area that however are not improved or in use which severely limits access into the peninsula;
- Community Board 1 (CB 1) disapproved this application with conditions by a vote of forty-four (44) against with none (0) opposed or abstaining at a public hearing held on June 17, 2014. CB 1's conditions are summarized as follows:

- Affordable Units should be permanently affordable and the percentage of such units should be increased to 35% for low, moderate and middle income individuals/families and distributed through each phase and located solely within the project area defined by the General Large Scale Development. CB 1 residents should be given preference to 50% of the affordable units and have equal access to any amenities available to the market rate residents;

- Project Design should use Quality Housing Program requirements. The market rate and affordable housing should include 2-bedroom units to accommodate family households. No on-street parking should be allowed along the waterfront esplanade to maintain all shorefront views. The project should strive to exceed LEED Gold standards by incorporating innovative sustainable elements into the project. Building mechanicals and fuel storage should be protected from storm surges and flood risks;

- Parking spaces should be increased to 1.5 spaces per dwelling units, with dedicated spaces allotted by use, one-third of all of these spaces should be designated as self-park for visitors or shoppers, accessory parking should be provided for community facility space; parking should be provided if a Ferry Terminal is designated for Pot Cove;

- the NYC Department of Transportation and the developer should monitor traffic circulation and parking impacts through construction and completion of all phases of the project and mitigate any impacts that may arise; building materials should be barged in to minimize traffic impacts on local streets; the developer should work to establish ferry service for the area, an Emergency Evacuation Route should be designated and signs erected to delineate staging and destination areas;

- a portion of the proposed waterfront esplanade should be built in Phase I to provide a Waterfront Public Access Area for the existing community;

- CB 1 should be consulted by the developer and the NYC Department of Parks regarding any proposed mitigations or receiving sites for the project's open space impacts, a proposed play area should be relocated to a more central and accessible spot and equipped with age appropriate equipment to meet the recreational need s of a wide range of age groups, all open spaces are to be provided with adequate lighting, security gates and kept open to the public, responsibility for construction and maintenance for all open spaces must be identified and memorialized;

- a Youth Center should be located into a portion of the proposed commercial space for early childhood programs, a new recreational center such as a YMCA or Boys and Girls Club should be built to accommodate the area's older youth and adults;

- a satellite medical facility operated by a hospital should be located within the proposed commercial space;

- construction of the school should be mandatory in an early phase, prior to construction the school site should be used as a community recreational space for use by all ages, the school should be built to accommodate early childhood programs such as Head Start;

- a FRESH Food Supermarket with dedicated parking should be part of the proposed commercial space, internal loading and service areas should be designed into the buildings, such loading and service space should sufficient to meet all commercial needs;

- Job opportunities ranging from construction to maintenance, retail and security positions should be made available for local residents during and after construction, the developer should work with the construction and building service trades to provide apprenticeship positions leading to permanent employment;

- the developer should contact the utility and infrastructure agencies to assure adequate service to support the projects needs, the project should use systems that are most energy efficient for the design of the buildings heating, ventilating and cooling systems;

o Petitions were received at the Borough President's public hearing for and against the project. Speakers in favor of the project testified that the project would transform an underutilized waterfront manufacturing site into a more vibrant residential and commercial neighborhood, the project will generate jobs and services. Among the concerns raised by speakers at the hearing who were against the project were increased traffic and congestion, cost and lack of enough affordable housing, lack of accessible open space, concerns about the developer's past labor practices on job sites and that the construction and permanent jobs would not be well-paying with benefits, location of site within flood zone, hazardous materials on the site are not being properly processed;

o The applicant testified that there would be revised applications submitted to increase the proposed number of affordable housing and to make the affordable housing mandatory to development with restrictions based upon the use of public subsidies to generate the affordable housing;

RECOMMENDATION

The Mayor, the Departments of City Planning and Housing Preservation and Development are effectively striving to shape and implement regulations that will result in the generation and preservation of enough affordable housing meet to meet the citywide goal of 200,000 affordable units. This is a very complex issue with many facets that must be identified, weighed and carefully reviewed. I note that the mandatory affordable housing of 20% without subsidy proposed by the City for this project is the first of projects to follow this policy. It is a critical first step towards the goal of creating and preserving 200,000 of affordable housing. The efforts of the Mayor and all agencies are greatly appreciated.

However, although the policy has great merit, because of the above consideration, I hereby recommend disapproval of this and the associated applications for the Astoria Cove Project for the following reasons:

- Community Concerns: The proposed redevelopment of the Astoria Cove site would revitalize an otherwise underutilized Queens waterfront. In addition to revitalization of the waterfront, the project proposes new housing as well as mandatory affordable housing for the first time, a school, a supermarket, services and retail opportunities, as well as jobs during construction and after in the stores and maintenance and operation of the buildings. However, in bringing hundreds of new residents into Astoria, the needs and concerns of the current existing residents, in particular the citywide shortage of much needed affordable housing, and the overall wellbeing of the borough and New York City must also be addressed. At this time there are still outstanding issues with this project which must be meaningfully addressed by whichever entity implements and constructs this proposed project in the future;

- Traffic Impacts: The Draft Environmental Impact Statement has analyzed thirty (30) intersections in and around the proposed project. Analysis shows that fifteen (15) traffic impacted intersections along 27th Avenue, Astoria Boulevard, Vernon Boulevard, Hoyt Avenue and 30th Avenue would remain either Unmitigated or Partially Mitigated after possible mitigation measures are implemented. These intersections are impacted during the AM and PM peak hours. Traffic impacts would be particularly hard felt by the existing and new community because the project site is located at the northern portion of a peninsula that is serviced by a very limited street network for the entire area;

- Insufficient Mass Transit: Mass transit service for this area is already overburdened. Area residents report that the nearest subway station is operating above capacity. Potential measures to relieve the crowding at this station include added shuttle service to other stations, adding capacity or widening of the stairs, or adding more turnstiles. It is also reported by area residents that the existing bus service does not run frequently enough to meet current transportation needs. More frequent and additional bus service is needed for this area especially as there is new large scale development. As of this date there have been no commitments or funding made available to implement any of these measures;

- Ferry Service: In addition to bus and subway service, alternatives services such as ferries must be considered to relieve the already congested roadway network. This is a waterfront site in an area with limited options in terms of providing additional roadways or other means of access. Therefore, ferries are an alternative transportation mode that would provide more service without further taxing the street network. New ferry service to Astoria could be part of a new commuter option with landings to service other New York City waterfront neighborhoods.

- More Affordable Housing: The proposed mandatory affordable housing for this project would be capped at 20% of residential development per the proposed zoning text amendment. However, even at the proposed levels of affordable housing within the AMI bands, there is still a severe shortage of housing within reach of many lower to middle income households throughout New York City. The projected rents for the proposed affordable housing would still be higher than what current local Astoria residents, who will bear the brunt of the impacts of the proposed project, could afford to pay. The lack of affordable housing has a wide ranging impact as evidenced by the number of families and individuals forced into homelessness and the longer term effect of pricing long-time residents out of gentrifying neighborhoods. The project proposes 1723 total units. There should be a larger percentage of affordable units provided to help meet the need for such housing in this area. CB 1 recommended that there should be 35% affordable housing units;

- School Construction in the earliest phase: The proposed school should be constructed in the earliest phase to meet the existing need for more seats in School District 30 Sub-district 3. The proposed school is scheduled to be built in the last phase of this project. The most recent analysis shows that some schools in the district are operating above capacity while the others are operating at high occupancy rates. The school should be built sooner to proactively assure that there are enough seats to meet current and future needs;

- Area Supermarket: The applicant has proposed a supermarket within the project. There must be assurances that the proposed supermarket will be first and foremost a food market that will provide the area with the highest quality fresh food, produce and prepared foods. There is a great need for such a supermarket because there are very few in the area. In addition to providing quality food to the neighborhood, the supermarket operator should also be willing to hire from the immediate area, pay a living wage with benefits and provide career path training for its workers;

- Skilled Labor: The proposed 1.762 million square feet project will only succeed if it is built by the most skilled and professional workers to assure the quality, durability and safety of the construction. The developer of this site must work with the construction and service workers to provide prevailing wages for development and living wages for the permanent workers. There must be a requirement that all required safety equipment, standards and practices are utilized on the worksite, and that benefits for the workers are provided. There should also be provisions for onsite training and apprenticeships for local area residents that will provide practical work experience and lead to careers which provide a middle class income.



July 30, 2014

PRESIDENT, BOROUGH OF QUEENS

DATE