Applicant's Discussion of Conditions

Large-Scale General Development

3-15 26th Avenue, Queens
Block 911, Lot 1
Block 911, Lot 1
Block 912, p/o Lot 27 (tentative Block 911, Lot 1)
3rd Street north of 26th Avenue
Area between Block 911, Lot 1 and tentative Block 911, Lot 1, and the pierhead and bulkhead line

* * *

ZR §12-10 Definition of a Large-Scale General Development

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 Development Site will have a lot area of 164,392 square feet (3.77 acres).

(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 Development Site is under single fee ownership by Astoria Owners, LLC.

(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

Not applicable.

(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 paragraph (a) (1) of Section 74-743 (Special provisions for bulk modifications).

The Development Site will be located in an R7-3 district with a C2-4 overlay. While the Development Site will be subject to the restrictions in ZR 74-743(a)(1), the Applicant will not be seeking large-scale general development special permits. The Proposed Development will be classified as a Large-Scale General Development so that, pursuant to ZR 62-454, floor space used for the proposed 525 off-street parking spaces, which will be provided not more 33 feet above the base plane, will not be counted as floor area.

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.

Applicant's Discussion of Conditions and Findings

Waterfront Special Permits – ZR §62-837

3-15 26th Avenue, Queens
Block 911, Lot 1

* * *

ZR 62-837 Bulk and parking modifications on waterfront blocks

(a) 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

The Applicant is seeking a special permit to waive maximum base height, maximum building height, maximum residential tower size, and maximum width of walls facing the shoreline, to allow for a better site plan within a waterfront block. The requested waivers are as follows:

- Segment 1:
  - Segment 1 will require waivers of maximum base height regulations (ZR 62-341(c)(1)) on 3rd Street. At a height of 65 feet, Segment 1 will set back five feet from 3rd Street up to a height of 200 feet. Segment 1 will then set back 10 feet from 3rd Street for the remainder of the building height.
  - Segment 1 will require a waiver of maximum building height regulations (ZR 62-341(c)(2)), as the maximum building height will be 238 feet.
  - Segment 1 will require a waiver of maximum tower size regulations (ZR 62-341(c)(4)), as floors six through twenty-three, above the maximum base height, will have a gross area in excess of 8,100 square feet.
- Segment 2:
  - Segment 2 will require waivers of maximum base height regulations (ZR 62-341(c)(1)) on 3rd Street. At a height of 65 feet, Segment 2 will set back nine feet from 3rd Street up to a height of 318 feet. Segment 2 will then set back at least 19 feet from 3rd Street for the remainder of the building height (and therefore will not require a waiver).
  - Segment 2 will require a waiver of maximum building height regulations (ZR 62-341(c)(2)), as the maximum building height will be 318 feet.
  - Segment 2 will require a waiver of maximum tower size regulations (ZR 62-341(c)(4)), as floors six through thirty-one, above the maximum base height, will have a gross area in excess of 8,100 square feet.

- Segment 3:
    - Segment 3 will require waivers of maximum base height regulations (ZR 62-341(c)(1)) in connection with the shore public walkway. At a height of 65 feet, Segment 3 will not set back the required 30-feet from the shore public walkway up to a height of approximately 350 feet and 6 inches.
    - Segment 3 will require a waiver of maximum building height regulations (ZR 62-341(c)(2)), as the maximum building height will be 350 feet.
    - Segment 3 will require a waiver of maximum tower size regulations (ZR 62-341(c)(4)), as floors seven through thirty-four, above the maximum base height, will have a gross area in excess of 8,100 square feet.
    - Segment 3 will require a waiver of regulations (ZR 62-341(c)(5)) which limit the maximum width of walls facing the shoreline to 100 feet. The proposed width of walls facing the shoreline will be 275 feet total, but the wall will consist of more than three wall-segments of varying depths and widths, from all three building segments. The variation in wall-depth will allow for additional light and air for the public. In addition, none of the wall-segments will individually exceed a width of 100 feet.

Such waivers will not adversely affect access to light and air on surrounding waterfront public access areas, streets, and properties. Given the Development Site's proximity to the East River, there would be little to no difference between the shadows cast by the Proposed Development, with and without the above referenced waivers. While, with the waivers, the Proposed Development will have taller tower buildings that cast bigger shadows, the difference would be seen mostly in the East River, and not on the proposed waterfront esplanade, 3rd Street, 26th Avenue, or Whitey Ford Field. In addition, many of the shadows cast by the Proposed Development will overlap with shadows cast by the approved developments at Halletts Point and Astoria Cove.

(1) 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 proposed height, setback, tower size, and maximum width of shoreline wall waivers 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.

Without the proposed waivers, most of the floor area on the Development Site would be distributed evenly across the proposed building segments. This would result in shorter but much bulkier building segments that would appear as a "wall-of-buildings" from the waterfront, 3rd Street, and 26th Avenue. The buildings would be imposing and cumbersome to pedestrians and residents of the surrounding neighborhood.

The proposed waivers, however, will allow for most of the Development Site's floor area to be concentrated in three tower building segments, while the remaining building portions would be reduced in size. This will allow for the interspersing or shorter and taller building portions which will break up the

bulk of the development, remove the "wall-of-buildings" condition, and allow for a more pleasant pedestrian experience. For example, in Segment 3, the building portions that will face the waterfront esplanade will consist of a 34-story tower that will be flanked by much smaller 10-story and 14-story building portions. This will reduce the bulk on, and enhance the pedestrian experience, on the waterfront esplanade. A similar design approach will be taken on 3rd Street where Segment 1 (23-stories) and Segment 2 (31-stories) will be separated by a 13-story building portion, which will break up the bulk of the towers, allow more light and air to bypass the buildings, and enhance the pedestrian experience on 3rd Street.

The proposed waivers will also allow for height and density to be concentrated away from the existing neighborhood. Segment 3 will be the tallest (350 feet) and most dense (425,790 square feet of floor area) of the three building segments. The building massing will step down as it approaches 26th Avenue (Building 2 will be 318 feet tall and have 310,787 square feet of floor area and Segment 1 will be 238 feet tall and have 249,560 square feet of floor area). This "stepping down" will relate to the surrounding context and concentrate density towards the water.

The proposed waivers will also create continuity in the surrounding neighborhood as well as the waterfront. With the proposed waivers, the resulting height of the Proposed Development will be substantially similar to that of the approved developments at Halletts Point and Astoria Cove. The proposed buildings at Halletts Point will range in height from 11 to 31-stories, and the adjacent proposed buildings at Astoria Cove will range in height from 12 to 32-stories. The Proposed Development, by comparison, will range in height from four to thirty-five-stories. The Proposed Waivers will therefore create continuity in the Halletts Point Peninsula, as three of the proposed developments on the peninsula will be similar in size.

(2) 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

Applicant's Discussion of Conditions and Findings

Waterfront Authorizations – ZR §62-822

3-15 26th Avenue, Queens
Block 911, Lot 1

* * *

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

* * *

***(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.

While the Proposed Development proposes modifications to the 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:

- ZR 62-512: Requires that the lowest level of a visual corridor be determined by establishing a plane connecting two points along the street line from which the visual corridor emanates at the curb, with the two points where the street lines intersect the shoreline. The lowest level of the visual corridor will be 17-feet above in order to comply with flood zone regulations.

- ZR 62-513: Allows shade trees as permitted obstructions in visual corridors when planted beyond 15 feet of the center line of the visual corridor. The shade trees on the east side of 3rd Street are 13 feet, 6 inches from the centerline of the visual corridor and shade trees on the west side of 3rd Street are 14 feet, 6 inches from the centerline of the visual corridor. This is because 3rd Street is not centered within the visual corridor and the width of the roadbed is only 22 feet wide.

- ZR 62-561: Requires that the minimum width of two pedestrian walkways be 13 feet for each walkway. The two proposed pedestrian walkways which will be 13 feet, 6 inches on the west side of 3rd Street and 14 feet, 6 inches on the east side of 3rd Street, but the south side sidewalk narrows to 9-feet at the vehicular drop off area in front of Segment 1. This section also requires that the transition area between the upland connection and the shore public walkway be equal to the combined width of the Type 2 upland connection and the roadbed, and that such transition area extend 40 feet from the termination of the roadbed in the direction of the shore public walkway. The width of the upland connection and roadbed is 50 feet, but the transition area will be 49 feet wide. In addition, the transition area will extend from the termination of the upland connection to the shore public walkway for a width of between 24 feet, 2 inches to 45 feet, 11 inches. The transition area is less than 40 feet wide because the turnaround is located adjacent to Segment 3's lobby entrance/drive-in. Providing the lobby further away from 3rd Street should reduce traffic congestion on 26th Avenue.

- ZR 62-571(a): When a supplemental public access area is located at the intersection of a shore public walkway and an upland connection or street, the minimum area shall be 750 square feet with a minimum width to depth ratio of 1:1 and a maximum width to depth ratio of 3:1. When a supplemental public access area is not connected to an upland connection, the minimum area shall be 1,875 square feet with a minimum width to depth ratio of 3:1. The supplemental public access area is split into three areas. The first is connected to an upland connection, has an area of 10,800.64 square feet, and a width to depth ratio of 1.88:1.0, and therefore complies. The second area is not connected to an upland connection, has a complying area of 2,796 square feet, but a non-complying width to depth ratio of 1.29:1.0. The third area is not connected to an upland connection, will have a non-complying area of 1,395.70 square feet, and an average width to depth ratio of 3.71:1.0.

- ZR 62-571(b): The supplemental public access area may be provided to widen the shore public walkway, with a minimum of 10 feet, along the full length of the shore public walkway between the upland connection and the street, public park, or other public spaces. The proposed supplemental public access area is provided to widen the full width of the shore public walkway between the upland connection and the shore public walkway to the east (a public space), but the minimum width provided will be two feet, six inches because of the waterfront esplanade's irregular shape and close proximity to Segment 3.

- ZR 62-61(a): All waterfront public access areas must be unobstructed from their lowest level to the sky except as set forth in ZR 62-611. At the terminus of the proposed turnaround in 3rd Street, a small 164.30 square foot portion of the upland connection will be obstructed by an overhanging piece of Segment 2.

- ZR 62-61(e): Vehicular access is prohibited within the waterfront public access area except for emergency and maintenance vehicular access. Parking areas, drop offs, driveways, loading berths, and trash storage facilities are not permitted within, or allowed to be access or served through a waterfront public access area, except for vehicular access required for development on a pier or floating structure. Such vehicular access shall have bollards installed and a minimum 12-inch paved border along the driveway boundaries and shall have a color distinct form the paving of the adjoining paved surface. Vehicular access and residential drop-off are proposed in the upland connection. This is due to the irregular shape of the Development Site, which has most of its frontage in the visual corridor on 3rd Street, rather than 26th Avenue. In addition, the upland connection will have boulders in place of bollards. No paving border is proposed. This will make the turnaround feel more pedestrian than vehicular. The use of boulders, rather than bollards, will also strengthen the design cohesiveness throughout the waterfront public access area.

- 62-62(c)(1): Where a supplemental public access area is required and greater than 1,875 square feet, at least 25% of the required planting area of the shore public walkway and supplemental public access area shall be provided as lawn. The required supplemental public access area and shore public walkway will be greater than 1,875 square feet, but 20.62% of the required planting area of the shore public walkway and supplemental public access area will be provided as lawn.

- ZR 62-62(c)(2): a screening buffer with a minimum width of 10 feet shall be provided within the shore public walkway/supplemental public access area, running along the entire upland boundary of such area where it abuts non-publicly accessible areas of the zoning lot. Two screening buffers with a width ranging from eight feet, eight inches to eighteen feet, eight inches will be provided. A portion of the screening buffers will be less than ten feet wide because it is part of the oyster rain garden planting beds, which have a unique shape and design.

- ZR 62-62(d): Bicycle racks shall be adjacent to a circulation path and at least 20 feet from the shoreline. Bicycle racks may be located in public sidewalks adjacent to the zoning lot. Bicycle racks will be provided 44 feet, 6 inches from the shoreline, in the upland connection transition area at the terminus of 3rd Street. This was the most logical place to cite the bicycle racks as most bicycle traffic will come up 3rd Street to access the waterfront.

- ZR 62-64(a): Each Type 2 upland connection shall have a pedestrian path with a minimum clear width of eight feet, linking an open street public park, or public place with a shore public walkway. When a turnaround is provided, the entire required area shall be provided as a circulation path. The minimum clear path along 3rd Street is eight feet, but the circulation path in the turnaround will be seven feet due to the placement of boulders. The boulders will strengthen design cohesiveness in the waterfront public access area and be more protective as they are larger than bollards.

- ZR 62-64(b): Roadbed paving materials of a private driveway leading to a vehicular turnaround may be extended into the turnaround provided the area of the turnaround paved with such material is not wider than the roadbed leading to the turnaround. The proposed turnaround will

have the same paving material as the adjacent circulation paths of the upland connection. This was done to make the turnaround look and feel as if it is part of the waterfront area, rather than the roadbed.

- ZR 62-64(c): A continuous tree pit must be provided within a Type 2 upland connection along the curb of a private driveway. Portions of pit may be paved with permeable paving to allow for required amenities such as benches or bicycle racks. In addition, a minimum of 40 percent of the transition area must be planted. In the Proposed Development, the continuous tree pit will be interrupted with a paved area for vehicular drop-off within the upland connection. This will be the primary entrance for Segment 3. The transition area in the Proposed Development will be 31.87-percent planted because the transition area design is part of the large shore public walkway/supplemental public access area. The oyster rain gardens in this area overlap with transition area.

- ZR 62-651(b): Bollards shall not exceed 30 inches in height and shall between six inches to fifteen inches in width. While the proposed boulder bollards will vary in size, they are a minimum of 36 inches high and have an average width of approximately 36 inches. As discussed above, the boulders will strengthen design cohesiveness in the waterfront public access area and provide more protection to pedestrians.

- ZR 62-653: A minimum lighting level of 0.2 horizontal foot candles (lumens per foot) is required in non-walkable areas. A lighting level of 0.1 horizontal foot candles (lumens per foot) will be provided at the water's edge and at the edges of the building segments. These areas will be compensated by building spill-light.

- ZR 62-653: Glare shall be controlled to a semi-cutoff standard (not more than 5-percent of peak foot candle intensity radiating above 90 degrees and 20-percent of peak intensity above 80 degrees). Glare will be 16.5-perecent of peak foot candle intensity radiating above 90 degrees where a Type TA fixture is provided. All TA fixtures will be provided under tree canopies, which will reduce uplight percentage and illuminate tree canopy for a glowing atmospheric appearance.

- ZR 62-655(b)(2): Trees planted at grade must be protected by certain block pavers or hedge planting. The proposed trees planted at grade will be protected by landscape boulders and robust groundcover planting. The landscape boulders will unify the design across the site.

- ZR 62-656(b)(3): In the shore public walkway and supplemental public access area, concrete slabs may have a maximum dimension of two-feet in any one direction. The proposed concrete slabs will have a maximum dimension of 14-feet. These specialty/pigmented concrete bands of concrete will be an integral part of the design of the waterfront esplanade. They will ring the oyster rain garden planting beds thereby outlining the distinct oyster shape.

The above-described modifications to the waterfront design requirements will allow for the Applicant to provide a unique waterfront esplanade, which will be 23.5-percent larger than is required under zoning

and will enhance the surrounding area by providing waterfront access to the public. The waterfront design will also be more resilient as the proposed rain gardens will allow for superior stormwater management.

***(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 Proposed Development will be constructed pursuant to a three-phased construction phasing plan. Pursuant to the above finding, the amount of waterfront public access area developed in each of the three phases of development, must be proportionate to at least 20 percent of the lot area being developed in each phase. The waterfront public access areas provided at each phase of development will comply with this requirement.

Approximately 57,349 square feet of lot area will be developed in Phase One of the Proposed Development. This would mean that an 11,470 square foot waterfront public access area must be provided in Phase One. The Applicant will provide an 20,550 square foot waterfront public access area which is 36 percent of the lot area that will be developed in Phase One. During Phase One, the waterfront public access area will extend from 26th Avenue, along 3rd Street, to the water, and will include portions of the supplemental public access area and the shore public walkway.

Approximately 40,677 square feet of lot area will be developed in Phase Two of the Proposed Development. This means that an 8,135 square foot waterfront public access area must be provided in Phase Two. The Applicant is proposing to provide an 8,294 square foot waterfront public access area, which is 20 percent of the lot area that will be developed in Phase Two. During Phase Two, the waterfront public access area will include two oyster gardens, public seating, and a portion of the shore public walkway.

Approximately 66,366 square feet of lot area will be developed in Phase Three of the Proposed Development. This means that an approximately 13,273 square foot waterfront public access area will be required. The Applicant is proposing to provide an 14,156 square foot waterfront public access area, which is approximately 21 percent of the lot area that will be developed in Phase Three. During Phase Three, the waterfront public access area will connect to the Astoria Cove shore public walkway and include a turfed and terraced seating area at the easternmost portion of 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.

***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.**

A waterfront phasing plan has been included as part of Applicant's landscape drawings.

Applicant's Discussion of Conditions and Findings

Waterfront Certification– ZR §62-811

3-15 26th Avenue, Queens
Block 911, Lot 1

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ZR §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:

> ***(a) there is no #waterfront public access area# or #visual corridor# requirement for the #zoning lot# containing such #development# due to the following:***
>
> > ***(1) the #development# is exempt pursuant to Sections 62-52 (Applicability of Waterfront Public Access Area Requirements) or 62-51 (Applicability of Visual Corridor Requirements); or***

Not applicable.

> > ***(2) the #waterfront public access area# or #visual corridor# requirement has been waived pursuant to Section 62-90 (WATERFRONT ACCESS PLANS);***

Not applicable.

> ***(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);***

A site plan showing WPAA compliance with the provisions of Sections 62-50 and 62-60, except as modified by authorizations requested pursuant to Section 62-822, is being submitted with this application.

Section 62-57(c) of the Zoning Resolution requires that 20 percent of the Development Site's lot area (32,878.40 square feet) be a waterfront public access area. The Proposed Development will include 43,000 square feet of publicly-accessible open space – 10,121.60 square feet more open space than is required under zoning – which will be comprised of:

- 14,197.50 square feet of shore public walkway;
- 12,281.30 square feet of Type 2 upland connection;

- 14,992.59 square feet of supplemental public access areas; and
- 1,528.14 square feet of upland connection transition area.

The WPAA will be located along the shoreline and is designed to provide both passive and recreational opportunities. Landscaped areas with maintained plantings will be provided throughout the open space, and will incorporate design elements that complement the surrounding areas.

(c) a site plan has been submitted showing compliance with the provisions of Section 62-90;

Not applicable.

(d) for #developments# listed in Section 62-52, paragraph (b),on a #zoning lot# containing a public access area established prior to October 25, 1993, meeting the terms of Section 62-58 (Requirements for Water-Dependent Uses and Other Developments), by restrictive declaration, lease agreement, maintenance and operation agreement or other agreement with a public entity, which public access area is required to be provided for the life of the #development# subject to such agreement, a copy of such restrictive declaration or agreement and a site plan indicating the location, area and design of the required public access area and showing substantial compliance with the provisions of Section 62-58 have been submitted; or

Not applicable.

(e) for the #development# of a park, a site plan and all other applicable data have been submitted showing compliance with the provisions of Section 62-59 (Special Regulations for Zoning Lots that Include Parks).

Not applicable.