THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 338

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220198 ZSQ, for the grant of a special permit (L.U. No. 94).

By Council Members Salamanca and Riley

WHEREAS, Astoria Owners, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 62-837(a) of the Zoning Resolution to modify the height and setback, the maximum residential tower size and the maximum width of walls facing the shoreline requirements of Section 62-34 (Height and Setback Regulations on Waterfront Blocks), in connection with a proposed mixed use development, within a general large-scale development, on property generally bounded by the westerly streetline of the former 3rd Street, the U.S. Pierhead and Bulkhead Line, a line 330 feet southeasterly of the westerly streetline of the former 3rd Street, a line 228.5 feet northeasterly of 26th Avenue, a line 179 feet southeasterly of the westerly streetline of the former 3rd Street, and 26th Avenue (Block 911, Lots 1, and the demapped portion of 3rd Street, in an R7-3/C2-4 District, which in conjunction with the related actions would facilitate the proposed Halletts North mixed-use development and waterfront public access area (WPAA) at 3-15 26th Avenue (Block 911, Lots 1 and 49) in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 220198 ZSQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on July 26, 2022, its decision dated July 25, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 220196 ZMQ (Pre. L.U. No. 90), a zoning map amendment to rezone an M1-1 zoning district to a R7-3/C2-4 zoning district; N 220197 ZRQ (Pre. L.U. No. 91), a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area; C 220206 MMQ (L.U. No. 95), a city map change to demap a segment of Third Street north of 26th Avenue; and N 220353 ZAQ (L.U. No. 96), a waterfront authorization to modify requirements pertaining to the location and minimum dimension of elements within the WPAA;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 62-837(a) of the Zoning Resolution of the City of New York;

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

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

WHEREAS, the Council has considered the relevant environmental issues, including the

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

RESOLVED:

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

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

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

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

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

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220198 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

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

1. The property that is the subject of this application (C 220198 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Studio V Architecture and Ken Smith Workshop, filed with this application and incorporated in this Resolution:

Dwg No.	Title	Last Date Revised
Z-010.00	Zoning Analysis Table	~~07/25/2022~~ [09/13/2022]
Z-011.00	Base Plane and Floor Area	~~07/25/2022~~ [09/13/2022]
Z-100.00	Zoning Lot Site Plan	~~07/25/2022~~ [09/13/2022]
Z-200.00	Waiver Plan	~~07/25/2022~~ [09/13/2022]
Z-202.00	Waiver Sections	07/25/2022
Z-203.00	Waiver Sections	07/25/2022
Z-204.00	Waiver Sections	07/25/2022
Z-205.00	Waiver Sections	07/25/2022
Z-206.00	Waiver Sections	07/25/2022
Z-207.00	Height and Setback Waivers	07/25/2022
Z-208.00	Height and Setback Waivers	07/25/2022
L-100.00	Waterfront Access Area Plan/Zoning Lot Plan	~~07/25/2022~~ [09/13/2022]
L-110.00	WPAA Zoning Compliance Chart 1/2	~~07/25/2022~~ [09/13/2022]
L-111.00	WPAA Zoning Compliance Chart 2/2	~~07/25/2022~~ [09/13/2022]
L-200.00	Dimension Plan	~~07/25/2022~~ [09/13/2022]
L-210.00	Materials Plan	~~07/25/2022~~ [09/13/2022]
L-220.00	Grading Plan	~~07/25/2022~~ [09/13/2022]
L-230.00	Planting Plan	~~07/25/2022~~ [09/13/2022]
L-231.00	Plant Images	03/24/2022
L-240.00	Seating and Furnishings Plan	~~07/25/2022~~ [09/13/2022]
L-250.00	Exercise Equipment Plan	~~07/25/2022~~ [09/13/2022]
L-300.00	Sections 1	~~07/25/2022~~ [09/13/2022]
L-301.00	Sections 2	~~07/25/2022~~ [09/13/2022]
L-302.00	Sections 3	~~07/25/2022~~ [09/13/2022]
L-400.00	Landscape Details	07/25/2022
L-401.00	Furnishing Details	07/25/2022
L-402.00	Furnishing Details	07/25/2022

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

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

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

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

5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

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

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

Adopted.

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

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

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City Clerk, Clerk of The Council