SUBSTANTIAL COMPLIANCE REVIEW

3-15 26th Avenue, Queens
Block 911, Lot 1
3rd Street North of 26th Avenue

I. Introduction

This is an application by Astoria Owners LLC (the "Applicant"), under Project ID 2025Q0131, for confirmation by the Department of City Planning that the Minor Changes (defined and described more fully herein) being made to the proposed approximately 981,362 square foot development and 46,082 square foot Waterfront Public Access Area (the "WPAA") (collectively, the "Proposed Development"), located at 3-15 26th (Block 911, Lot 1,) in the Astoria neighborhood of Queens Community District 1 (the "Project Site"), are in substantial compliance with the waterfront Special Permit and Authorizations approved under Application Nos. C 220198 ZSQ, N 220353 ZAQ, N 220200 ZAQ, and N 220202 ZAQ (the "Approvals").

II. Approvals to be Modified

The Project Site is comprised of Block 911, Lot 1 and the portion of 3rd Street (a demapped street) that extends approximately 520.57 feet north from its intersection with 26th Avenue. The Project Site is mapped within an R7-3/C2-4 zoning district and a Mandatory Inclusionary Housing Area (Option 1 and the Deep Affordability Option).

In 2022, the City Planning Commission and the City Council approved several land use actions which were meant to facilitate the construction of the Proposed Development:

City Planning Commission and City Council Approvals:

On July 25, 2022, the City Planning Commission approved the following actions:

- **N 220200 ZAQ** – Authorization, pursuant to ZR 62-822(b), to modify requirements within the WPAA.
- **N 220202 ZAQ** – Authorization, pursuant to ZR 62-822(c)(1), to allow the WPAA to be developed in phases proportionate to the lot area being developed in such phase.
- **N 220199 ZCQ** – Certification, pursuant to ZR 62-811, that the WPAA complies with ZR 62-50 and ZR 62-60 *et seq*.

On September 14, 2022, the New York City Council approved the following action:

- **N 220353 ZAQ** – Authorization, pursuant to ZR 62-822(a), to modify requirements for location, area and minimum dimensions of the WPAA and visual corridor.

On September 29, 2022, the New York City Council approved the following actions:

- **C 220196 ZMQ** – Zoning map amendment to rezone the Project Site and adjacent Block 911, Lot 49 from an M1-1 zoning district to an R7-3/C2-4 zoning district.
- **N 220197 ZRQ** – Zoning text amendment to modify Appendix F of the Zoning Resolution to include the Project Site and adjacent Block 911, Lot 49 in a Mandatory Inclusionary Housing Area (Option 1 and the Deep Affordability Option).
- **C 220198 ZSQ** – Waterfront special permit, pursuant to ZR 62-837(a), to waive height, setback, tower size, and maximum width of walls facing the shoreline regulations.
- **C 220206 MMQ** – Amendment to the City Map to de-map the portion of 3rd Street located north of its intersection with 26th Avenue.

There are no substantive changes proposed to the above-described approvals, and the respective findings under which they were issued.

Restrictive Declarations and Other Legal Instruments

On December 16, 2022, the Applicant recorded a Restrictive Declaration against the Project Site in the Office of the City Register of the City of New York under CRFN 2022000452251 (the "RD"). The RD governs, among other things, the design development of the WPAA, the construction of the WPAA, the public access easement for the Publicly Accessible Areas ("PAA"), and the administration of the WPAA. The RD includes, and incorporates by reference, a WPAA Maintenance Agreement, by and between the Applicant and the City of New York, acting by and through the New York City Department of Parks and Recreation, dated as of September 29, 2022 (the "WPAA Maintenance Agreement").

III. Proposed Changes

The Applicant seeks to update the approved drawings and RD in order to reflect certain minor changes to the Proposed Development (the "Minor Changes"):

1. The 3rd Street curb cut will be increased from 27 feet wide to 30 feet wide (including splays) as per FDNY requirements.
2. The 26th Avenue curb cut, which was approved at 30 feet wide, will be split into two curb cuts:
    i. A 22-foot-wide curb cut (including splays) that will provide access to the proposed accessory parking garage; and
    ii. A 21.25-foot-wide curb cut that will provide access to a garage room adjacent to the garage entry.
3. The finished floor elevation on 26th Avenue will be lowered from +12.0 to +10.42 resulting in a flush connection, a reduction of stair risers, and the elimination of the ADA ramp (given the flush connection).
4. The 3rd Street vehicle drop-off area will be shifted 10 feet to the north to align with the building entrance. The Upland Connection design will be retained.

5. The finished floor elevation on 3rd Street will be raised to +17 to align with FEMA requirements. As a result, stairs and a sloped ADA access way with planters will be added in front of the building (outside the Upland Connection).
6. On 3rd Street, the proposed entry stoops will be eliminated and replaced with planting.
7. To meet Con Edison vault access requirements, Con Ed vaults will be located along 3rd Street (outside the Upland Connection) in front of Building Segment 2. This will result in the elimination of four (4) non-required trees in the Upland Connection.
8. On 3rd Street, the entrance to the accessory parking garage will be widened to accommodate two-way vehicular circulation. This modification will not change the pedestrian circulation in the WPAA.
9. Building Segment 3's lobby entrance will be relocated to face the Supplemental Public Access Area ("SPAA").
10. The private courtyard garden will be eliminated.
11. A continuous colonnade will be introduced adjacent to Building Segment 3's lobby, the SPAA, and the WPAA.
12. The 10-foot-wide private outdoor area facing west onto the SPAA will be eliminated and replaced with building envelope (which will stay within the approved building envelope).
13. The six-inch mountable curb around the vehicular turnaround will be reduced to a flush curb per FDNY. Detectable warnings will be added in accordance with ADA guidelines.
14. In the Upland Connection:
    i. The spacing between Light Fixture TA (pole lights) will be increased from 48 feet staggered to ~72 feet staggered, which will result in a reduction of four light poles on 3rd Street between 26th Avenue and the turnaround.
    ii. The light source of the TA pole lights will be lowered from 18 feet to 14 feet from finished grade.
15. In the turnaround, catenary lights will be replaced by TA pole lights in accordance with FDNY requirements.
16. The lowest level elevation of the visual corridor will be reduced from 16.50 feet to 15.93 feet to accommodate a new drain.
17. The upland connection will be flush with the private roadbed and no longer drop in level. However, the waiver granted pursuant to ZR 62-64(b), as per the 2022 approvals, shall be maintained and unrelinquished.
18. The Proposed Development will be constructed in two phases instead of three phases. Drawings L-001.00 and L-002.00 will be modified to reflect the proposed construction phasing, while L-003.00 will be removed to reflect the elimination of the originally approved third phase. As was the case in the originally approved phasing plans, more WPAA space will be provided than is required in each of the two proposed phases of development:
    i. Proposed Phase 1 will include 147,396 square feet of developed lot area and 31,106 square feet of WPAA (only 29,478 square feet of WPAA is required). Building Segment 1, Building Segment 2, and the below grade parking garage under Building Segment 3 will be constructed during Proposed Phase 1. In addition, Proposed Phase 1 will include the development of 3rd Street, approximately 76 percent of the shore public walkway, the terraced and turfed seating area along the Project Area's waterfront, the waterfront

overlook, and an approximately 5,487 square foot interim planted buffer zone, which will consist of native grasses and be located between the Shore Public Walkway's pedestrian path and the unconstructed portion of Building Segment 3.

ii. Proposed Phase 2 will include 16,996 square feet of developed lot area (the remaining lot area on the Project Site) and 14,975 square feet of WPAA (only 3,400 square feet of WPAA is required). Proposed Phase 2 will include the construction of Building Segment 3 as well as the remainder of the WPAA.

The above-noted Minor Changes will affect the following approved drawings:

Dwg No.	*Title*	*Last Date Revised*
Z-011.00	Base Plane and Floor Area	09/13/2022
Z-100.00	Zoning Lot Site Plan	09/13/2022
Z-200.00	Waiver Plan	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-001.00	Phasing 1 Plan	09/13/2022
L-002.00	Phasing 2 Plan	09/13/2022
L-003.00[1]	Phasing 3 Plan	09/13/2022
L-100.00	Waterfront Access Area Plan/Zoning Lot Plan	09/13/2022
L-110.00	WPAA Zoning Compliance Chart 1/2	09/13/2022
L-111.00	WPAA Zoning Compliance Chart 2/2	09/13/2022
L-200.00	Dimension Plan	09/13/2022
L-210.00	Materials Plan	09/13/2022
L-220.00	Grading Plan	09/13/2022
L-230.00	Planting Plan	09/13/2022
L-240.00	Seating and Furnishings Plan	09/13/2022
L-250.00	Exercise Equipment Plan	09/13/2022
L-300.00	Sections 1	09/02/2022
L-301.00	Sections 2	09/02/2022
L-302.00	Sections 3	09/02/2022
LT-100	Lighting Plan	09/13/2022
LT-101	Lighting Photometric Plan	09/13/2022

IV. Conclusion

[1] This plan will be removed as there will no longer be a third phase of development.

As discussed above, Minor Changes are being proposed for the Proposed Development**.** Accordingly, the Applicant is seeking a Letter of Substantial Compliance which confirms that the Minor Changes will comply with the Approvals.