



CITY PLANNING COMMISSION

September 24, 2008/Calendar No. 8

C 080362 ZMQ

IN THE MATTER OF an application submitted by the New York City Economic Development Corporation and the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d:

1. changing from an M1-4 District to an R7-3 District property bounded by 54th Avenue, a line 530 feet easterly of 2nd Street, the U.S. Pierhead and Bulkhead Line, and 2nd Street and its southerly centerline prolongation;
2. changing from an M3-1 District to an R10 District property bounded by the southerly street line of 50th Avenue and its westerly prolongation, 2nd Street and its southerly centerline prolongation, the U.S. Pierhead and Bulkhead Line, and the U.S. Pierhead Line;
3. establishing within a proposed R7-3 District a C2-5 District bounded by 54th Avenue, a line 75 feet easterly of 2nd Street and its southerly centerline prolongation, a line 695 feet southerly of 54th Avenue, and 2nd Street and its southerly centerline prolongation;
4. establishing within a proposed R10 District a C2-5 District bounded by:
 - a. the southerly street line of 50th Avenue and its westerly prolongation, a line 5 feet easterly of Center Boulevard, 51st Avenue, and Center Boulevard;
 - b. the southerly street line of 50th Avenue, 2nd Street, 51st Avenue, and a line 75 feet westerly of 2nd Street;
 - c. a line 105 feet northerly of Borden Avenue, 2nd Street, a line 144 feet southerly of Borden Avenue, a line 75 feet westerly of 2nd Street, a line 75 feet southerly of Borden Avenue, Center Boulevard, Borden Avenue, a line 105 feet westerly of 2nd Street, a line 75 feet northerly of Borden Avenue, and a line 75 feet westerly of 2nd Street;
 - d. a line 118 feet northerly of 54th Avenue, 2nd Street, 55th Avenue, and a line 75 feet westerly of 2nd Street;
 - e. 54th Avenue, a line 75 feet easterly of Center Boulevard, 55th Avenue, and Center Boulevard;
 - f. the southerly boundary line of a park and its easterly prolongation, 2nd Street, 56th Avenue, and a line 75 feet westerly of 2nd Street; and
 - g. the southerly boundary line of a park and its westerly prolongation, a line 75 feet southeasterly of Center Boulevard, 57th Avenue, and Center Boulevard; and
5. establishing a Special Hunter's Point South District ("SHP") bounded by the southerly street

line of 50th Avenue and its westerly prolongation, 2nd Street, 54th Avenue; a line 530 feet easterly of 2nd Street, the U.S. Pierhead and Bulkhead Line, and the U.S. Pierhead Line;

Borough of Queens, Community District 2, as shown on a diagram (for illustrative purposes only), dated April 21, 2008, and subject to the conditions of CEQR Declaration E-213.

The application for an amendment of the Zoning Map, Section No. 8d was filed by the New York City Economic Development Corporation and New York City Department of Housing Preservation and Development on April 2, 2008 to rezone two sites along the East River and Newtown Creek from M3-1 and M1-4 to R7-3/C2-5 and R10/C2-5 and establish the Special Southern Hunters Point District on both sites. The proposed zoning map amendments in conjunction with the related actions would facilitate new development in Hunter's Point, in Community District 2, Queens.

RELATED ACTIONS

In addition to the application for the amendment of the zoning map that is the subject of this report (C 080362 ZMQ), implementation of the proposed developments also requires action by the City Planning Commission on the following applications that are being considered concurrently with this application:

C 080276 MMQ: Amendment to the City Map involving the elimination of mapped but unbuilt streets and parkland and the establishment of new streets, a public place, and parkland

N 080363 ZRQ: Amendment of the Zoning Resolution to establish the Special Southern Hunters Point District, and Newtown Creek Waterfront Access Plan; apply Inclusionary Housing provisions; and modify certain other applicable provisions of the Zoning Resolution, including Article I, Chapter 3.

C 080364 PQQ: Acquisition of the Hunter's Point South site as well as portions of land under water owned by the State of New York.

C 080365 HAQ: Designation of an Urban Development Action Area and Project, and

disposition of city-owned property.

BACKGROUND

The New York City Economic Development Corporation and the New York City Department of Housing Preservation and Development request zoning map amendments from M3-1 to R10/C2-5 on the Hunter's Point South site, located between 50th Avenue, Second Street, Newtown Creek, and the East River and from M1-4 to R7-3/C2-5 on Site B, located between 54th Avenue, the western edge of the prolongation of Fifth Street, Newtown Creek, and Second Street in conjunction with the development of Hunter's Point South, a largely affordable residential development to be constructed on publicly-owned land, and the residential redevelopment of Site B, a privately-owned approximately 7.5 acre parcel located across Second Street from the Hunter's Point South site, in Hunter's Point, Queens. A proposed Special Southern Hunters Point District would also be established on both sites.

A full background discussion and project description appears in the report on the related application for zoning text amendments (N 080363 ZRQ).

ENVIRONMENTAL REVIEW

This application (C 080362 ZMQ), in conjunction with the related actions (C 080276 MMQ, N 080363 ZRQ, C 080364 PQQ, and C 080365 HAQ) 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 08DME006Q. The lead is the Office of the Deputy Mayor for Economic Development.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for zoning text amendments (N 080363 ZRQ). A discussion of (E) designations, included as part of the zoning map amendment, follows below.

(E) Designations

As part of the zoning map amendment, (E) designations would be mapped on Site B (block 11, Lot 1) for hazardous materials, air quality, and noise. (E) Designations are applied to specific properties that could require remediation or other measures, should an owner want to demolish, excavate, or otherwise construct on his/her property.

Hazardous Materials

The (E) Designation for hazardous materials to be placed on Site B would require that pre-development activities include implementation of a Phase II sampling protocol and remediation to the satisfaction of the New York City Department of Environmental Protection (NYCDEP) before the issuance of a building permit. The text of the (E) Designation for hazardous materials is as follows:

Task 1. The fee owner(s) of the lot(s) restricted by this (E) Designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to NYCDEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from NYCDEP. The number and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by NYCDEP upon request.

Task 2. A written report with findings and a summary of the data must be presented to NYCDEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by NYCDEP if the results indicate that remediation is necessary.

If NYCDEP determines that no remediation is necessary, written notice shall be given by NYCDEP.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to NYCDEP for review and approval. The fee owner(s)

of the lot(s) restricted by this (E) Designation must perform such remediation as determined necessary by NYCDEP. After completing the remediation, the fee owner(s) of the lot restricted by this (E) Designation should provide proof that the work has been satisfactorily completed.

An NYCDEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to NYCDEP for review and approval prior to implementation.

Air Quality

To preclude the potential for significant adverse air quality impacts on other proposed developments from the HVAC emissions, an (E) designation would be incorporated into the proposed rezoning for the Site B portion of the proposed rezoning area. The text of the (E) designation is as follows:

Block 11, Lot 1

Any new residential and/or commercial development must use natural gas exclusively as the type of fuel for HVAC systems, and, on all buildings 100 feet in height or greater and 125 feet in height or less, ensure that the heating, ventilating and air conditioning stack(s) is located at least 170 feet from the lot line facing 54th Avenue and no greater than 360 feet from the lot line facing 2nd Street; and, on all buildings 85 feet in height or greater and less than 100 feet in height, ensure that the heating, ventilating and air conditioning stack(s) is located at least 160 feet and no greater than 520 feet from the lot line facing 54th Avenue and no greater than 130 feet from the lot line facing 2nd Street, to avoid any potential significant air quality impacts.

Noise

The (E) Designation for noise to be placed on Site B would ensure that CEQR requirements for building attenuation are met. The text of the (E) Designation for noise is as follows:

In order to ensure an acceptable interior noise environment, any future residential uses on Lot 1 of Block 11 must be designed to provide a closed window condition with a minimum of 30 dBA window/wall attenuation on all facades in order to maintain an interior noise level of 45 dBA $L_{10(1)}$. In order to maintain a closed-window attenuation, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but are not limited to, central air conditioning or air conditioning sleeves containing air

conditioners or fans approved by the United States' Department of Housing and Urban Development (HUD).

UNIFORM LAND USE REVIEW

This application (C 080362 ZMQ), in conjunction with the applications for the related actions (C 080276 MMQ, C 080364 PQQ, and C 080365 HAQ), was certified as complete by the Department of City Planning on April 21, 2008, and was duly referred to Community Board 2 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related non-ULURP application (N 080363 ZRQ), which was sent to the Community Board and Borough President for information and review.

Community Board Public Hearing

Community Board 2 held three public hearings on this application (C 080362 ZMQ) on April 24, 2008, May 28, 2008, and June 23, 2008. On June 23, 2008, by a vote of 20 in favor, 0 opposed, and 0 abstentions recommended approval of the application with conditions.

A full discussion of the Community Board 2 resolution appears in the report on the related application for zoning text amendments (N 080363 ZRQ).

Borough President Recommendation

This application was considered by the Borough President. A full discussion of the Borough President resolution appears in the report on the related application for zoning text amendments (N 080363 ZRQ).

City Planning Commission Public Hearing

On July 23, 2008 (Calendar No. 6), the City Planning Commission scheduled August 13, 2008, for a public hearing on this application (C 080362 ZMQ). The hearing was duly held on August 13, 2008 (Calendar No. 6), in conjunction with the hearing for the related actions (C 080276 MMQ, N 080363 ZRQ, C 080364 PQQ, and C 080365 HAQ).

There were a number of appearances as described in the report on the related application for zoning text amendments (N 080363 ZRQ), and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (C 080362 ZMQ), in conjunction with those for the related actions (C 080276 MMQ, N 080363 ZRQ, C 080364 PQQ, and C 080365 HAQ), 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 28, 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 08-037.

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

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

A full consideration of the issues, and the reasons for approving this application, appear in the report on the related application for zoning text amendments (N 080363 ZRQ).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 12, 2008, with respect to this application, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the minimum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitute 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 is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 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 modified, is further amended by changing the Zoning Map, Section 8d:

1. changing from an M1-4 District to an R7-3 District property bounded by 54th Avenue, a line 530 feet easterly of 2nd Street, the U.S. Pierhead and Bulkhead Line, and 2nd Street and its southerly centerline prolongation;
2. changing from an M3-1 District to an R10 District property bounded by the southerly street line of 50th Avenue and its westerly prolongation, 2nd Street and its southerly centerline prolongation, the U.S. Pierhead and Bulkhead Line, and the U.S. Pierhead Line;
3. establishing within a proposed R7-3 District a C2-5 District bounded by 54th Avenue, a line 75 feet easterly of 2nd Street and its southerly centerline prolongation, a line 695 feet southerly of 54th Avenue, and 2nd Street and its southerly centerline prolongation;
4. establishing within a proposed R10 District a C2-5 District bounded by:
 - a. the southerly street line of 50th Avenue and its westerly prolongation, a line 5 feet easterly of Center Boulevard, 51st Avenue, and Center Boulevard;
 - b. the southerly street line of 50th Avenue, 2nd Street, 51st Avenue, and a line 75 feet westerly of 2nd Street;

- c. a line 105 feet northerly of Borden Avenue, 2nd Street, a line 144 feet southerly of Borden Avenue, a line 75 feet westerly of 2nd Street, a line 75 feet southerly of Borden Avenue, Center Boulevard, Borden Avenue, a line 105 feet westerly of 2nd Street, a line 75 feet northerly of Borden Avenue, and a line 75 feet westerly of 2nd Street;
 - d. a line 118 feet northerly of 54th Avenue, 2nd Street, 55th Avenue, and a line 75 feet westerly of 2nd Street;
 - e. 54th Avenue, a line 75 feet easterly of Center Boulevard, 55th Avenue, and Center Boulevard;
 - f. the southerly boundary line of a park and its easterly prolongation, 2nd Street, 56th Avenue, and a line 75 feet westerly of 2nd Street; and
 - g. the southerly boundary line of a park and its westerly prolongation, a line 75 feet southeasterly of Center Boulevard, 57th Avenue, and Center Boulevard; and
5. establishing a Special Hunter's Point South District ("SHP") bounded by the southerly street line of 50th Avenue and its westerly prolongation, 2nd Street, 54th Avenue; a line 530 feet easterly of 2nd Street, the U.S. Pierhead and Bulkhead Line, and the U.S. Pierhead Line;

Borough of Queens, Community 2, as shown on a diagram (for illustrative purposes only), dated April 21, 2008, and which includes CEQR Designation E-213.

The above resolution (C 080362 ZMQ), duly adopted by the City Planning Commission on September 24, 2008 (Calendar No.8), 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.

AMANDA M. BURDEN, FAICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA, ALFRED C. CERULLO, III,

BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,

SHIRLEY A. MCRAE, JOHN MEROLO, KAREN A. PHILLIPS, Commissioners