



## CITY PLANNING COMMISSION

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August 21, 2013 / Calendar No. 32

N 090485 ZRQ

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**IN THE MATTER OF** an application submitted by Halletts A Development Company, LLC and New York City Housing Authority 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, Article VI, Chapter 2 (SPECIAL REGULATIONS APPLYING IN WATERFRONT AREAS), Article VI, Chapter III (SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES) and Article VII, Chapter 4 relating to large scale general development in the Borough of Queens, Community District 1.

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This application for an amendment to the Zoning Resolution was filed by Halletts A Development Company LLC and New York City Housing Authority on June 10, 2009 and revised April 3, 2013. The proposed text amendment would allow the Inclusionary Housing Program to be used in proposed R7-3 districts, to allow the FRESH food program to be used in Halletts Point and to create special regulations applicable to the waterfront area in order to facilitate a Large Scale General Development consisting of 2.7 million-square-feet located at Halletts Point, Queens, Community District 1.

### **RELATED ACTIONS**

In addition to the amendment to the Zoning Resolution that is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- C 130068 MMQ**      Amendment to the City map involving the de-mapping of portions of 26<sup>th</sup> Avenue, 27<sup>th</sup> Avenue, Astoria Boulevard, and a Park, the delineation of a street easement, and the establishment of a Park.
- C 090484 ZMQ**      Amendment to the Zoning Map, Section No. 9a, changing from an R6 District to an M1-1 District, changing from an M1-1 and R6 Districts to an R7-3 District, establishing C1-4 Districts within existing and proposed R6 and R7-3 Districts, and establishing an R6 District in a [proposed] former portion of a Park.

- C 090486 ZSQ** Special permits pursuant to Sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(11) to distribute floor area and lot coverage, modify the rear yard requirements of Sections 23-532 and 35-53, to modify the height and setback requirements of Section 62-341, and to allow the distribution of floor area from a zoning lot containing existing public housing buildings within a large-scale general development.
- N 090487 ZAQ** Authorization by the Planning Commission pursuant to Section 62-822(a) to modify the location, area, and dimension requirements of Section 62-50 for waterfront public access area and visual corridors within a large-scale general development.
- N 090488 ZCQ** Chair certification pursuant to Section 62-811(b) that a site plan has been submitted showing compliance with the provisions of Section 62-50 and 62-60, as modified by the authorizations (N 090487 ZAQ, N 130245 ZAQ, and N 130246 ZAQ), within a large-scale general development.
- C 130244 ZSQ** Special permit pursuant to Section 62-836 to modify bulk requirements of Section 62-341 and the distance between buildings requirement of Section 23-711, within a large-scale general development.
- N 130245 ZAQ** Authorization by the Planning Commission pursuant to Section 62-822(b) to modify the design requirements of Section 62-60 for waterfront public access area and visual corridors within a large-scale general development.
- N 130246 ZAQ** Authorization by the Planning Commission pursuant to Section 62-822(c) to allow for the phased development of waterfront public access area within a large-scale general development.

## **BACKGROUND**

A full background discussion and description of this application appears in the report on the related application for a special permit (C 130244 ZSQ).

## **ENVIRONMENTAL REVIEW**

This application (N 090485 ZRQ), in conjunction with the related applications, 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The CEQR number is 09DCP084Q. The lead agency 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 130244 ZSQ).

## **PUBLIC REVIEW**

This application (N 090485 ZRQ), in conjunction with the applications for the related non-ULURP actions (N 090487 ZAQ, N 130245 ZAQ, and N 130246 ZAQ), were referred for informational purposes to Community Board 1 and the Queens Borough President on April 22, 2013 in conjunction with the applications for the related ULURP actions (C 130068 MMQ, C 090484 ZMQ, C 090486 ZSQ, and C 130244 ZSQ) which were certified as complete by the Department of City Planning on April 22, 2013 in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application (N 090485 ZRQ) and on applications for the related actions on May 21, 2013 and on that date, by a vote of 29 in favor, with 0 opposed and 0 abstentions, unanimously adopted a resolution recommending approval of the application with conditions.

A summary of the recommendations of Community Board 1 appears in the report on the related application for a special permit (C 130244 ZSQ).

### **Borough President Recommendation**

This application (N 090485 ZRQ), in conjunction with the related actions, was considered by the Borough President, who recommended approval of the application on July 8, 2013. A summary of the recommendations of the Borough President appears in the report on the related application for a special permit (C 130244 ZSQ).

### **City Planning Commission Public Hearing**

On June 19, 2013 (Calendar No. 14), the City Planning Commission scheduled July 10, 2013 for a public hearing on this application (N 090485 ZRQ). The hearing was duly held on July 10, 2013 (Calendar No. 34) and was continued on July 24, 2013 (Calendar No. 20), in conjunction with the public hearing on the applications for related actions (C 130068 MMQ, C 090484 ZMQ, C 090486 ZSQ, and C 130244 ZSQ).

There were 17 speakers in favor of the application and related actions and no speakers in opposition, as described in the report on the related application for a special permit (C 130244 ZSQ), and the hearings were closed on July 24, 2013.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (N 090485 ZRQ), in conjunction with the applications for the related actions, was reviewed by the City Coastal Commission 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 Act of 1981 (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 12-087.

The City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the actions will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies.

## **CONSIDERATION**

The Commission believes this zoning text amendment (N 090485 ZRQ), as hereby modified in conjunction with the related actions (C 130068 MMQ, C 090484 ZMQ, C 090486 ZSQ, N 090487 ZAQ, C 130244 ZSQ, N 130245 ZAQ, and N 130246 ZAQ), is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application as modified appears in the related report for a special permit (C 130244 ZSQ).

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 9, 2013, with respect to this application (CEQR No. 09DCP084Q), and the CEQR Technical Memorandum, dated August 19, 2013 (Technical Memorandum), 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 Proposed Action to be approved, with the modifications set forth and analyzed in the Technical Memorandum, 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 maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A and attached to the related reports for special permits and authorization (C 130244 ZSQ, C 090486 ZSQ and N 090487 ZAQ), those project components related to the environment and mitigation measures that were identified

as practicable.

This report of the City Planning Commission, together with the FEIS, 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**, the City Coastal Commission, having reviewed the waterfront aspects of this action finds that the action will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines that this 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 subsequently amended, is further amended as follows:

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution  
\* indicates asterisk to be deleted; <sup>1</sup>superscript number to be added

**23-90**

**INCLUSIONARY HOUSING**

\* \* \*

**23-931**

**Lower income housing plans approved prior to July 29, 2009**

Any #lower income housing plan#, as defined by Section 23-93 prior to July 29, 2009, that has been approved by #HPD# prior to such date, and results, within one year after such approval, in the execution

of a restrictive declaration pursuant to Section 23-95, paragraph (e), as such Section existed prior to July 29, 2009, shall be governed solely by the regulations in effect prior to July 29, 2009, unless a #regulatory agreement# with respect thereto specifically provides to the contrary. However, ~~paragraphs (b) and (c) of~~ Sections ~~23-954~~ 23-955 (Additional requirements for compensated developments) shall apply to any permits or certificates of occupancy for #compensated developments# issued on or after July 29, 2009.

\* \* \*

**23-952**

**Floor area compensation in Inclusionary Housing designated areas**

The provisions of this Section shall apply in #Inclusionary Housing designated areas# set forth in APPENDIX F of this Resolution.

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this Section, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

Maximum #Residential Floor Area Ratio#

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6* <sup>(del*)1</sup>	2.20	2.42
R6** <sup>2</sup> R6A R7-2* <sup>1</sup>	2.70	3.60
R7A R7-2** <sup>2</sup>	3.45	4.60
<u>R7-3</u>	<u>3.75</u>	<u>5.0</u>
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20

R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R10	9.00	12.00
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\*<sup>1</sup> for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

\*\*<sup>2</sup> for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

\* \* \*

**23-954**

**Additional requirements Height and setback for compensated developments in Inclusionary Housing designated areas**

~~(a) — Height and setback in #Inclusionary Housing designated areas#~~

~~(1) In #Inclusionary Housing designated areas#, except within the districts as listed in paragraphs (a)(1)(i), (ii) and (iii) of this Section, the #compensated development# must shall comply with the height and setback regulations of Sections 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable, except that:~~

~~(i) — #Special Mixed Use Districts#; ( Note: moved to (a), (b) and (c) )~~

~~(ii) — R10 Districts without a letter suffix; and~~

~~(iii) — #large scale general developments# in C4-7 Districts within the boundaries of Manhattan Community District 7, subject to the provisions of a restrictive declaration.~~

(2 a) in #Inclusionary Housing designated areas# within #Special Mixed Use Districts#, the #compensated development# must shall comply with the provisions of paragraphs (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the #Residence District# designation is an R6 District without a letter suffix, the #compensated development# must shall comply with the height and setback regulations of Section 23-633, regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program-;

- (b) in R10 Districts without a letter suffix, the #compensated development# shall comply with the underlying height and setback regulations for such district; and
- (c) on #waterfront blocks# and in R7-3 Districts, the #compensated development# shall comply with the special regulations applying in the #waterfront area# set forth in Section 62-30 (SPECIAL BULK REGULATIONS), inclusive.

### **23-955**

#### **Additional requirements for compensated developments**

~~(b)~~(a) #Compensated development# building permits

- (1) #HPD# may issue a #permit notice# to the Department of Buildings at any time on or after the #regulatory agreement date#. The Department of Buildings may thereafter issue building permits to a #compensated development# that utilizes #floor area compensation# based on the #affordable housing# described in such #permit notice#.
- (2) If #HPD# does not receive confirmation that the #regulatory agreement# has been recorded within 45 days after the later of the #regulatory agreement date# or the date upon which #HPD# authorizes the recording of the #regulatory agreement#, #HPD# shall suspend or revoke such #permit notice#, notify the Department of Buildings of such suspension or revocation and not reinstate such #permit notice# or issue any new #permit notice# until #HPD# receives confirmation that the #regulatory agreement# has been recorded. Upon receipt of notice from #HPD# that a #permit notice# has been suspended or revoked, the Department of Buildings shall suspend or revoke each building permit issued pursuant to such #permit notice# which is then in effect for any #compensated development#.

(e b) #Compensated development# certificates of occupancy

- (1) The Department of Buildings shall not issue a temporary or permanent certificate of occupancy for any portion of the #compensated development# that utilizes #floor area compensation# until #HPD# has issued a #completion notice# with respect to the #affordable housing# that generates such #floor area compensation#. However, where any #story# of a #compensated development# contains one or more #affordable housing units#, the Department of Buildings may issue any temporary or permanent certificate of occupancy for such #story# if such temporary or permanent certificate of occupancy either includes each #affordable housing unit# located in such #story# or only includes #dwelling units# or #rooming units# that are #affordable housing units#. Nothing in the preceding sentence shall be deemed to prohibit the granting of a temporary or permanent certificate of occupancy for a #super's unit#.

- (2) #HPD# shall not issue a #completion notice# with respect to any portion of any #generating site# unless:
- (i) the Department of Buildings has issued temporary or permanent certificates of occupancy for all #affordable housing# described in such #completion notice# and such certificates of occupancy have not expired, been suspended or been revoked; or
  - (ii) where a #generating site# contains #affordable housing# that had a valid certificate of occupancy on the #regulatory agreement date# and no new temporary or permanent certificate of occupancy is thereafter required for the creation of such #affordable housing#, #HPD# has determined that all renovation and repair work required by the applicable #regulatory agreement# has been completed and all obligations with respect to the creation of such #affordable housing# have been fulfilled in accordance with the applicable #regulatory agreement#.

\* \* \*

## Article VI

### Chapter 2

#### SPECIAL REGULATIONS APPLYING IN THE WATERFRONT AREA

\* \* \*

#### 62-132

#### Applicability of Article VII, Chapters 4, 8 & 9

\* \* \*

The #large-scale development# provisions of Section 74-74 and Article VII, Chapters 8 and 9, shall be applicable, except that:

- (a) In the event a #large-scale development# consists of a portion within a #waterfront block# and a portion within a non-#waterfront block#, all #zoning lots# within the #development# shall be subject to the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS).

- (b) In the event a #large-scale development# is located partially within and partially beyond the #waterfront area#, the landward boundary of the #waterfront area# shall be relocated so as to encompass all #zoning lots# within the #development# and such #development# shall be deemed to be located entirely within the #waterfront area#.
- (c) Any height and setback modifications within a #waterfront block# shall be subject to an additional finding that such modifications would result in a site plan with visual and, where required, physical public access to the waterfront in a way that is superior to that which would be possible by strict adherence to the regulations of Section 62-341 (Developments on land and platforms).

For the purposes of modifying the height and setback regulations of Section 62-341, the term "periphery" shall include all portions of a #large-scale development# within 100 feet of a peripheral #street# or #lot line#. The term "wholly within" shall therefore mean any area of a #large-scale development# which is not within the area designated as periphery. #Large-scale residential developments# within R3, R4 or R5 Districts shall continue to be subject to the periphery provisions of Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setbacks).

- (d) No distribution of #bulk# shall result in an increase in #floor area ratio# on a #zoning lot# within a #waterfront block# beyond 20 percent of the amount otherwise allowed by Section 62-32. In the event such #zoning lot# to which #bulk# is distributed is a #waterfront zoning lot#, such #bulk# may only be distributed to the #upland lot# and the computation of maximum #floor area ratio# for such #upland lot# shall include any #bulk# distribution from the #seaward lot#. Such limitation on #bulk# distribution shall not apply to #zoning lots# within non-#waterfront blocks#.
- (e) Modification of public access and #visual corridor# requirements shall be subject to the authorization provisions of Section 62-822. In lieu of making the findings in paragraphs (a) or (b) of this Section, the Commission may find that the proposed site plan would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60.
- (f) In Community District 1, in the Borough of Queens, where the Commission has approved a #large-scale general development#, and a #lot line# within 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 the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines).

\* \* \*

**62-32  
Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks**

\* \* \*

**62-322**

**Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts**

For #residential buildings# or #residential# portions of #buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the regulations of Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) through Section 23-15 (Maximum Floor Area Ratio in R10 Districts), inclusive, shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot coverage# on a #zoning lot# shall be as specified in the following table, except as provided for in Sections 23-952 (Floor area compensation in Inclusionary Housing designated areas), 62-323 (Non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts) and 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn):

MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE  
FOR RESIDENTIAL BUILDINGS  
OR RESIDENTIAL PORTIONS OF BUILDINGS

District	Maximum #Floor Area Ratio# <sup>§1</sup>	Maximum #Lot Coverage# (in percent)
R1 R2	.50	35
R6B	2.00	60
R6	2.43	65
R6A R7B	3.00	65
R7-1 R7-2	3.44	65
R7A R8B	4.00	70
R7D	4.20	70
R7-3 R7X	5.00	70
R8 R8A R8X	6.02	70
R9 R9A	7.52	70
R9-1 R9X	9.00	70

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<sup>1</sup> In #Inclusionary Housing designated areas#, the #floor area ratio# has been modified, pursuant to Section 23-952 (Floor area compensation in Inclusionary Housing designated areas), or Section 62-35 (Special Bulk Regulations in Certain Areas within Community District 1, Brooklyn), inclusive

<sup>\*2</sup> In R10 Districts, the #floor area ratio# may be increased to a maximum of 12.0, pursuant to Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas)

\* \* \*

## **62-352**

### **Inclusionary Housing**

The provisions of Section 23-90 (INCLUSIONARY HOUSING), inclusive, shall apply in #Inclusionary Housing designated areas# on #waterfront blocks# in Community District 1, Borough of Brooklyn, as modified in this Section.

\* \* \*

#### (c) Permits and certificates of occupancy

The requirements of paragraphs ~~(b) and (c)~~ (a) and (b) of Section 23-954~~5~~ (Additional requirements for compensated developments) shall be modified as follows:

No building permit for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, 62-352, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354 (Special height and setback regulations) shall be issued until #HPD# has issued a #permit notice# with respect to the #affordable housing# that generates such #floor area compensation#.

No temporary or permanent certificate of occupancy shall be issued for any portion of the #compensated development# that utilizes #floor area compensation# pursuant to paragraph (b) of this Section, 62-352, or is located on any #story# that utilizes the increased height for #developments# that provide Inclusionary Housing as set forth in paragraph (b)(2) of Section 62-354, until #HPD# has issued a #completion notice# with respect to the #affordable housing#.

\* \* \*

**62-40  
SPECIAL PARKING AND LOADING REGULATIONS**

\* \* \*

**62-45  
Supplementary Regulations for All Parking Facilities**

\* \* \*

**62-454  
Off-street parking in large-scale general developments in Community District 1 in Queens**

For #large-scale general developments# approved by the City Planning Commission within the Halletts Point Peninsula in Community District 1, in the Borough of Queens, #floor area# shall not include floor space used for off-street parking spaces provided in any #story# located not more than 33 feet above the #base plane#, provided that where such facilities front upon #streets# and #waterfront public access areas#, such spaces are within facilities that are located behind #commercial#, #community facility# or #residential# floor space so that no portion of such parking facility, other than entrances and exits, is visible from such #street# or #waterfront public access areas#. Such floor space shall have a minimum depth of 18 feet.

\* \* \*

**ARTICLE VI  
Chapter 3  
SPECIAL REGULATIONS APPLYING TO FRESH FOOD STORES**

\* \* \*

**63-02  
Applicability**

The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

- (a) The provisions of this Chapter shall apply to all #Commercial# and #Manufacturing Districts# in the following #FRESH food store# designated areas, except as provided in paragraph (b) of this Section:
- (1) in the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6 and 7, except portions of Community District 7, as shown on Map 1 in Appendix A of this Chapter;
  - (2) in the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17, except portions of Community District 8, as shown on Map 2 in Appendix A;
  - (3) in the Borough of Manhattan, Community Districts 9, 10, 11 and 12, except portions of Community District 9 and 12, as shown on Maps 3 and 4 in Appendix A; and
  - (4) in the Borough of Queens, the #Special Downtown Jamaica District#~~;~~ and portions of Community District 12 outside of the #Special Downtown Jamaica District#, except those portions shown on Maps 5 and 6 in Appendix A; and those portions in Community District 1 shown on Map 1 in Appendix B.
- (b) The provisions of this Chapter shall not apply to the following Special Purpose Districts:
- #Special Madison Avenue Preservation District#;
  - #Special Manhattanville Mixed Use District#;
  - #Special Park Improvement District#; and
  - #Special Hunts Point District#.

\* \* \*

## 63-25

### Required Accessory Off-street Parking Spaces in Certain Districts

- (a) In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3 and C4-3 Districts, the #accessory# off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store#.
- (b) In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, and in the Borough of Queens, where applicable in Community District 12 outside of the #Special Downtown Jamaica District#, a #FRESH food store# shall provide #accessory# off-street parking spaces as required

for #uses# in parking requirement category B in the applicable #Commercial# and #Manufacturing Districts#.

- (c) In C8-1, C8-2, M1-1, M1-2 and M1-3 Districts, a #FRESH food store# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space utilized for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Sections 36-20 or 44-20 shall apply to the #floor area# or #cellar# space, in excess of 15,000 square feet, utilized for retailing in such #FRESH food store#.
- (d) The provisions of this Section shall not apply to:
  - (1) in the Borough of the Bronx, portions of Community District 7 and in the Borough of Manhattan, portions of Community District 12, as shown on Map 1 in Appendix ~~BC~~ of this Chapter;
  - (2) in the Borough of Brooklyn, portions of Community District 5, as shown on Map 2 in Appendix ~~BC~~;
  - (3) in the Borough of Brooklyn, portions of Community Districts 16 and 17, as shown on Map 3 in Appendix ~~BC~~ and
  - (4) in the Borough of Queens, the #Special Downtown Jamaica District#.

\* \* \*

### **Appendix A**

#### **FRESH Food Store Designated Areas: Excluded Portions**

The #FRESH food store# designated areas are listed by community district and borough in Section 63-02 (Applicability) ~~of this Chapter~~. Excluded portions of community districts are shown on the following maps:

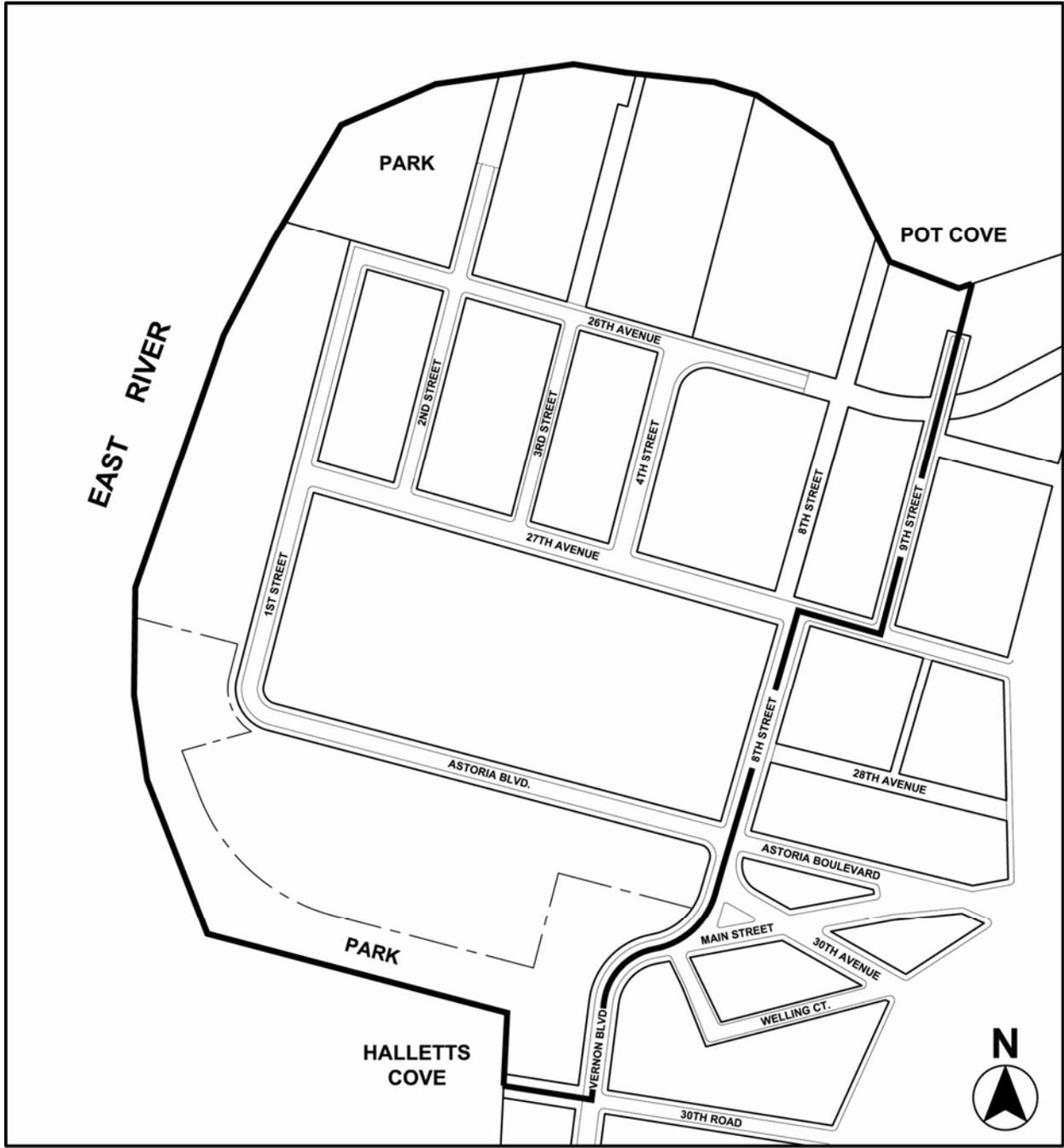
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### **Appendix B**

#### **FRESH Food Store Designated Areas: Included Portions**

The #FRESH food store# designated areas are listed by community district and borough in Section 63-02 (Applicability). When a #FRESH food store# designated area occupies only a portion of a community district, the included portions of such community districts are shown on the following maps:

Map 1. Included portions of Community District 1, Queens



(12/9/09)

**Appendix BC Required Off-Street Accessory Parking Exceptions**

\* \* \*

**74-74**  
**Large Scale General Development**

\* \* \*

**74-742**  
**Ownership**

Except as otherwise provided in this Section, any #large-scale general development# for which application is made for a special permit in accordance with the provisions of Section 74-74 (Large-Scale General Development) shall be on a tract of land which at the time of application is all under the control of the applicant(s) as the owner(s) or holder(s) of a written option to purchase. No special permit shall be granted unless the applicant(s) acquired actual ownership (single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#) of, or executed a binding sales contract for, all of the property comprising such tract.

\* \* \*

A special permit may be applied for and granted under the provisions of Section 74-74, even though such #large-scale general development# does not meet the ownership requirements set forth elsewhere in this Section, when the site of such #large-scale general development# is:

- (a) to be #developed# or #enlarged# through assemblage by any other governmental agency, or its agent, having the power of condemnation; or
- (b) owned by the Federal government and is within Brooklyn Community District 2; or
- (c) partially under City ownership, within the former Washington Square Southeast Urban Renewal Area, within Community District 2 in the Borough of Manhattan, provided that the exception to the ownership requirements set forth herein shall apply only to tracts of land in City ownership;  
or
- d) partially under State or City ownership, or may include a tract of land under private ownership that is located within the bed of 26<sup>th</sup> Avenue between 1<sup>st</sup> Street and the bulkhead line within the Halletts Point Peninsula, in the area bounded by 8<sup>th</sup> Street and Vernon Boulevard on the east, the East River on the west and south, and the north side of 26<sup>th</sup> Avenue on the north, in Community District 1 in the Borough of Queens, provided that the exception to the ownership requirements set forth herein shall apply only to:

- (i) tracts of land in State or City ownership; or
- (ii) a tract of land in private ownership located within the bed of 26<sup>th</sup> Avenue, between 1<sup>st</sup> Street and the #bulkhead# line.

74-743

**Special provisions for bulk modification**

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

\* \* \*

- (9) within the boundaries of Community District 3 in the Borough of the Bronx, portions of any #building#, at any level, that contain permitted or required #accessory# off-street parking spaces, to be excluded from the calculation of #lot coverage#; ~~or~~
- (10) for a #large-scale general development# located partially or wholly within the former Seward Park Extension Urban Renewal Area, waiver of the planting requirements of Section 23-892 (In R6 through R10 Districts), provided the area between the #street line# and the #street walls# of the #building# and their prolongations is to be improved as a publicly accessible widened sidewalk-; or
- (11) within the boundaries of Community District 1 in the Borough of Queens, in the area generally north of 30<sup>th</sup> Road and west of 8<sup>th</sup> Street, within the Halletts Point Peninsula, the #floor area# distribution from a #zoning lot# containing existing public housing #buildings#, provided that upon approval of a #large scale general development# there exists unused #floor area# on a separate parcel of land with existing light industrial #buildings# in an amount equivalent to, or in excess of, the #floor area# approved for distribution and further provided:
  - (i) such parcel shall be made part of such #zoning lot# upon approval of such #large scale general development#, pursuant to the definition of #zoning lot# in Section 12-10, paragraph (d); and
  - (ii) the existing light industrial #buildings# on the separate parcel of land are demolished.

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

\* \* \*

- (8) where the Commission permits portions of #buildings# containing #accessory# parking spaces to be excluded from the calculation of #lot coverage# in accordance with the provisions of paragraph (a)(9) of this Section, the exclusion of #lot coverage# will result in a better site plan and a better relationship among #buildings# and open areas than would be possible without such exclusion and therefore will benefit the residents of the #large-scale general development#; ~~and~~
- (9) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission-; and
- (10) where the Commission permits #floor area# distribution from a #zoning lot# containing existing light industrial #buildings# to be demolished in accordance with the provisions of paragraph (a) (11) of this Section, such #floor area# distribution shall contribute to better site planning of the waterfront public access area and shall facilitate the #development# of affordable housing units within a #large scale general development#.

In addition, 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.

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.

\* \* \*

*(Note: Cross References in Special Districts)*

*(Special Harlem River Waterfront District)*

## **87-21 Special Residential Floor Area Regulations**

The base #floor area ratio# for any #zoning lot# containing #residences# shall be 3.0. Such base #floor area ratio# may be increased to a maximum of 4.0 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that the height and setback regulations of ~~paragraph (a) of Section 23-954 (Additional requirements~~ Height and setback for compensated developments in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

\* \* \*

*(Special Hudson Yards)*

**93-233**

**Floor area increase for affordable housing in Subdistrict F**

The #floor area# of any #building# containing #residences# in Subdistrict F may be increased by up to five percent, and such increase may be in excess of the maximum #floor area ratio# of 8.0 for #residential use#, and the total maximum #floor area ratio# of 10.0, provided that:

- (a) at least 20 percent of the #residential# units in such #building#, inclusive of any #floor area# increase permitted by this Section, shall be occupied by #lower income households#, as defined in Section 23-911 (General definitions);
- (b) such #building# shall comply with the provisions of:
  - (1) Section 23-954-~~5~~ (Additional requirements for compensated developments), paragraphs (~~b a~~) and (~~e b~~);
  - (2) Section 23-96 (Requirements for Generating Sites), paragraphs (b) through (i); and;
  - (3) Section 23-961 (Additional requirements for rental affordable housing), paragraphs (a) through (d); and
- (c) the sum of all #floor area# increases permitted pursuant to this Section does not exceed 0.4 times the total #lot area# of Subdistrict F.

\* \* \*

*(Special Clinton District)*

**96-81**

**R10 Districts**

R10 Districts in Excluded Areas shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. The provisions ~~of paragraph (a)~~ of Section 23-954 (~~Additional requirements~~ Height and setback for compensated developments in Inclusionary Housing designated areas) shall not apply.

\* \* \*

*(Special Tribeca District)*

**111-20**

**SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7**

\* \* \*

- (d) Area A4, A5, A6 and A7

Except as set forth herein, the #bulk# regulations of the underlying district shall apply.

\* \* \*

- (4) Applicability of Inclusionary Housing Program

R8A Districts within Area A6 shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. The base #floor area ratio# for any #zoning lot# containing #residences# shall be 5.4. Such base #floor area ratio# may be increased to a maximum of 7.2 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90, except that the height and setback regulations of ~~paragraph (a) of~~ Section 23-954 (~~Additional requirements~~ Height and setback for compensated developments in Inclusionary Housing designated areas) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

*(Special Downtown Jamaica District)*

**115-211**

**Special Inclusionary Housing regulations**

- (d) Height and setback

The height and setback regulations of ~~paragraph (a) of~~ Section 23-954 shall not apply. In lieu thereof, the special height and setback regulations of Section 115-23, inclusive, of this Chapter shall apply.

\* \* \*

*(Southern Hunters Point District)*

**125-22**

**Newtown Creek Subdistrict**

In the Newtown Creek Subdistrict, the maximum #floor area ratio# shall be 2.75, and may be increased only as set forth in this Section.

\* \* \*

(b) #Floor area# increase for Inclusionary Housing

\* \* \*

(2) In the Newtown Creek Subdistrict, for #developments# that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the #floor area ratio# for any #zoning lot# with #buildings# containing #residences# may be increased from 3.75 to a maximum #floor area ratio# of 5.0 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that:

(i) the height and setback regulations of ~~paragraph (a)~~ of Section 23-954 shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30, inclusive, of this Chapter shall apply; and

\* \* \*

*(Special Coney Island District)*

**131-321**

**Special floor area regulations for residential uses**

\* \* \*

(d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of ~~paragraph (a)~~ of Section 23-954 shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

\* \* \*

## **APPENDIX F**

### **Inclusionary Housing Designated Areas**

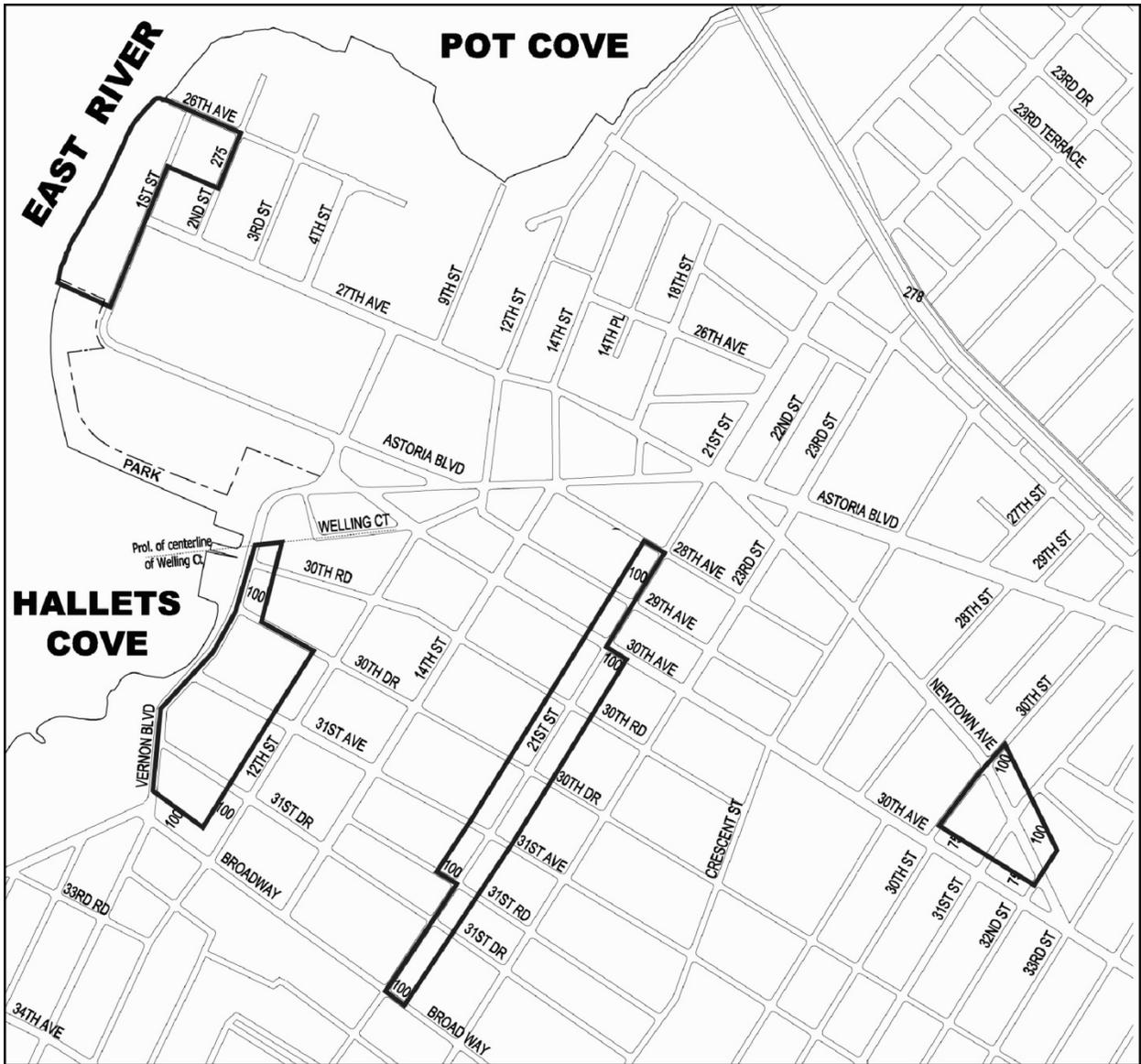
\* \* \*

#### **Queens**

##### **Queens Community District 1**

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

Map 1 – *(replaces previous map)*



Community District 1, Queens

\* \* \*

(End Text)

\* \* \*

The above resolution (N 090485 ZRQ), duly adopted by the City Planning Commission on August 21, 2013 (Calendar No. 32), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. De La UZ,**  
**MARIA M. DEL TORO, JOSEPH I. DOUEK, RICHARD W. EADDY,**  
**ANNA HAYES LEVIN, ORLANDO MARÍN, Commissioner**

**City of New York  
Community Board #1, Queens**

The Pistilli Grand Manor  
45-02 Ditmars Boulevard, LL, Suite 1025  
Astoria, N.Y. 11105  
Tel: 718-626-1021, Fax: 718-626-1072  
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Helen Marshall,  
*President, Queens*  
Barry Grodenchik,  
*Deputy Borough President*  
Vinicio Donato,  
*Chairperson*  
Lucille T. Hartmann,  
*District Manager*

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*Chairperson*  
George L. Stamatziades  
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Robert Piazza  
*Youth*  
Jose Batista  
*Zoning & Variance*  
John Carusone

May 23, 2013

**Recommendation for Halletts Point (Astoria, Queens)  
ULURP applications: #C 090484 ZMQ, #C 130068  
MMQ, #C 130244 ZSQ, #C 090486 ZSQ**

Community Board 1, Q voted and passed unanimously (29 in favor, 0 against, 0 abstentions) to approve the above referenced ULURP applications with the following stipulations:

- The developer (Halletts A Development Co., LLC) is to provide a Youth Center facility, similar to the Variety Boys & Girls Club at 21-17 30 Rd. in Astoria, with indoor multi-use facilities. This facility is to be separate and distinct from the proposed school building
- The Restrictive Declaration to be put in place should include and memorialize the following amenities and design goals, as proposed and as presented, in verbal and graphic presentations:
  - a) Street traffic calming controls i.e. narrowing of Astoria Boulevard between 1<sup>st</sup> and 8<sup>th</sup> Streets
  - b) The monitoring of construction traffic for safety and congestion
  - c) Mass transit amenities i.e. Comfort Station for the Bus Depot
  - d) Waterfront amenities i.e. the open spaces, replace railing on the NYCHA esplanade, boardwalk design and the restoration of the Hallett Point playground
  - e) Increase, upgrade and improve infrastructure including City services i.e. Police, Fire and Sanitation
- Developer to institute perpendicular parking on 27<sup>th</sup> Avenue

BOARD MEMBERS (cont.)

Rose Anne Alafogiannis  
George Alexiou  
Gus Antonopoulos  
Juanita Brathwaite  
Ann Bruno  
Gerald Caliendo  
Joanna D'Elia  
Dolores DeCrescenzo  
Mary Demakos  
Antonella DiSaverio  
Dean O. Feratovic  
Salvatore Gagliardo  
Anthony Gigantiello  
Evic Hantzopoulos  
Pauline Jannelli  
John C.V. Katsanos  
Jerry Kril  
Vincent G. Marsanico  
Frances Luhmann-McDonald  
Prabir Mitra  
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Stella Nicolaou  
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Thomas Ryan  
Taryn Sacramone  
Michael Serao  
Rudolfo Sarchese  
Danielle Tharrington  
Marie Torniali  
Judy Trilivas  
Ben Wood  
John P. Ziedonis

# Queens Borough President Recommendation

APPLICATION: ULURP # N 090485 ZRQ

COMMUNITY BOARD: Q01

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Halletts A Development Company, LLC, pursuant to Sections 200 & 201 of the NYC Charter, for amendments of the following NYC Zoning Resolution Sections:

- 23-952 regarding applicability of Inclusionary Housing floor area regulations
- 62-132, 62-322, 62-454 regarding window regulations, maximum floor area ratio in Inclusionary Housing designated areas, floor area calculation of off-street parking space in large scale general developments in waterfront areas of CD 1 Queens
- 63-02, 63-25, Appendices A, B, C regarding application and mapping of FRESH Program for CD 1 Queens
- 74-742, 74-743 regarding applicability of special permits for Large Scale General Development in CD 1 Queens regarding ownership and bulk modifications
- Appendix F modification of the map showing Inclusionary Housing Designated Areas in CD 1 Queens

Related items: ULURP nos. C090484 ZRQ, C090486 ZSQ, N090487 ZAQ, N090488 ZCQ, C130068 ZSQ, C130244 ZSQ, N130245 ZAQ, N130246 ZAQ

## PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, June 6, 2013, 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 three (3) speakers in favor with none (0) 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 these zoning text amendments to facilitate redevelopment of the project site with mixed uses that would include market rate and affordable housing, new local retail opportunities, public access to the waterfront, and active and passive open spaces, a school, and improved traffic circulation through the project area.;
- The applicant is proposing a 2.7 million sf mixed use project that will feature 100,000 sf of publicly accessible open space, nine building sites with two buildings 16- to 21-stories on 4- to 8-story bases, five buildings 19- to 31-stories on 4- to 8-story bases, 1,921 market rate apartments, 483 affordable apartments (143 in 80-20 buildings on the waterfront, 340 senior units on the NYCHA campus), a 30,000 sf supermarket in the first high-rise building, 20,000 sf waterfront retail space, 14,000 sf of retail/medical or community facility space on 27<sup>th</sup> Avenue and 1,176 parking spaces.
- As part of the project the applicant has committed to replace the rusted railing on the Astoria Houses Esplanade, restore the Halletts Point Playground, connect the Esplanade to the Whitey Ford Field, create a large plaza and lawn at the termination of 27<sup>th</sup> Avenue and maintain the new waterfront esplanade.
- The project site is generally bounded by the East River to the west, Whitey Ford Field to the north, 1<sup>st</sup> Street and the Astoria Houses to the east, and Halletts Cove Park to the south. The waterfront is currently zoned M1-1 and is developed with 1- and 2- story industrial buildings and truck parking. The remainder of the project area is zoned R6 and is developed with twenty-two (22) 6- and 7- story apartment buildings.

- o Community Board 1 (CB 1) approved this application with conditions by a vote of twenty-nine (29) in favor with none (0) against or abstaining at a public hearing held on May 21, 2013. The conditions of approval were as follows: the developer should provide a youth center facility similar to the Variety Boys & Girls Club separate and apart from the school building; execution of a restrictive declaration to memorialize verbal and graphic presentations with regard to street calming controls i.e. narrowing of Astoria Boulevard between 1<sup>st</sup> & 8<sup>th</sup> Streets; monitoring of construction traffic for safety and congestion; mass transit amenities i.e. comfort station for the Bus Depot; waterfront open spaces i.e. open spaces, replace railing along NYCHA esplanade, boardwalk design and restoration of the Halletts Point playground; and increased, upgraded and improved infrastructure including City services; use of perpendicular parking on 27<sup>th</sup> Avenue.

#### RECOMMENDATION

The applicant has had numerous meetings over the past few years with community residents and leaders, the community board, local elected officials and the Office of the Queens Borough President. From the initial presentations of the project up to the most recent meetings and hearings, the project has evolved to the proposal now before us for consideration. The changes made to the project clearly indicate that the applicant has been responsive to concerns and issues that were raised.

The proposed project would help to reclaim an underutilized and run down waterfront and replace it with a vibrant full time community, with a mix of market-rate and approximately 20% affordable housing, a restored bulkhead, new publicly accessible connections to an East River esplanade, upgraded and improved open spaces, a neighborhood supermarket, a new K-8 school building, new space for local retail goods and services, and traffic circulation improvements, while providing approximately 1400 construction jobs and 300 permanent jobs.

Based on the above consideration, I hereby recommend approval of this application with the following conditions:

- The applicant must adhere to the commitment to hire local residents including Astoria Houses residents and using local businesses for jobs, goods and services during construction and wherever possible in the period after construction is complete.
- When housing construction is completed, the applicant must, as promised, work with local community service organizations to assist Astoria Houses residents in obtaining housing within the new development.;
- Continued discussions with transit officials to bring new and expanded service into the area to meet the demand that is needed for existing and future residents of the Halletts Cove area.;
- Continuation of meetings with the local community, community board, elected officials and relevant city agencies during the course of construction to address any issues including traffic congestion that may arise during construction.;
- There is a great need in this area for a community center that will provide recreational, after-school and cultural programs for residents of all ages. For such a facility to be successful there must be a qualified operator of such a center who has the ability and experience to both maintain and operate the facility as well as provide the programming. The applicant should work with the community to address the need for recreational, after-school and cultural programs in the area.

  
PRESIDENT, BOROUGH OF QUEENS

  
DATE