

TECHNICAL MEMORANDUM 002¹
PROTENTIAL CPC MODIFICATIONS TO ASTORIA COVE DEVELOPMENT
CEQR No. 13DCP127Q

September 26, 2014

I. INTRODUCTION

This Technical Memorandum describes potential modifications to the Astoria Cove Development (CEQR No. 13DCP127Q) under consideration by the NYC City Planning Commission (CPC) and assesses the potential environmental effects of the modifications. The Astoria Cove proposal involves an application by 2030 Astoria Developers, LLC (the “Applicant”) for a zoning map amendment, City Map amendments, a zoning text amendment, Large-Scale General Development (LSGD) special permits, a waterfront special permit, authorizations to modify waterfront public access area requirements, and a waterfront certification by the NYC City Planning Commission (CPC) Chairperson (collectively, “the Proposed Action”). The Proposed Action would facilitate a mixed-use development containing residential uses (including affordable housing); retail uses (including a supermarket); an elementary school; accessory parking spaces; and publicly accessible open space to be constructed on an approximately 8.7-acre site located along both sides of 26th Avenue between 4th and 9th Streets (Block 907, Lots 1 and 8, Block 906, Lots 1 and 5, Block 908, Lot 12, and Block 909, Lot 35) in the Astoria neighborhood of Queens, Community District 1.

The Draft Environmental Impact Statement (DEIS) for the Proposed Action was accepted as complete by the New York City Department of City Planning (DCP) and, acting on behalf of the City Planning Commission (CPC), issued a Notice of Completion for the DEIS on April 18, 2014 (CEQR No. 13DCP127Q). Following the issuance of the Notice of Completion for the DEIS, the Applicant proposed modifications to the LSGD special permits (ULURP No. C140323(A)ZSQ), waterfront special permit (ULURP No. C140324(A)ZSQ), and zoning text amendment (N140329(A)ZRQ). The modifications (the “Modified Action”) would make the Inclusionary Housing Program (IHP) applicable to the proposed R7A and R6B zoning districts in addition to the R7-3 zoning district, which would increase the allowable residential floor area by approximately 34,103 gross square feet (gsf). In addition, under the modified proposal the market-rate and affordable dwelling units would be redistributed, to provide affordable housing in all of the proposed buildings.

The Notice of Completion for the Final Environmental Impact Statement (FEIS) was issued on September 19, 2014. The FEIS included Chapter 25, “Potential Modifications to the Proposed Project,” which was new to the EIS, and which was prepared to address the Applicant’s proposed modifications. The Applicant withdrew the original LSGD special permits (ULURP No. C140323ZSQ), waterfront special permit (ULURP No. C140324ZSQ), and zoning text amendment (N140329ZRQ) on Friday, September 26, 2014. As a consequence, the CPC will be considering only the Modified Action.

Following the publication of the FEIS, further modifications have been identified as under consideration by the CPC (the “Potential CPC Modifications”). These modifications, detailed in Section II below, would further modify the zoning text amendment (N140329(A)ZRQ) that the Applicant submitted following the issuance of the Notice of Completion for the DEIS.

The purpose of this technical memorandum is to describe the Potential CPC Modifications and assess whether it would alter the conclusions presented in the FEIS. As set forth below, this technical memorandum

¹ Technical Memorandum 001 was issued on July 21, 2014, in relation to an assessment of the Applicant’s proposed modifications and whether those modifications would alter the conclusions presented in the DEIS. The analyses presented in Technical Memorandum 001 were incorporated into the FEIS.

concludes that the Modified Action with the Potential CPC Modifications would not result in any new or different significant adverse impacts not already identified in the FEIS.

II. DESCRIPTION OF POTENTIAL CPC MODIFICATIONS

The zoning text amendment as proposed by the Applicant under application ULURP No. N140329(A)ZRQ omits a provision that exists in other Inclusionary Housing designated areas where optional multiple income tiers are allowed, and this provision requires that at least 10 percent low-income housing is always included when moderate- or middle-income housing is also provided. The CPC is considering modifying this application to include in Zoning Resolution (ZR) Section 23-953 a requirement that there always be a minimum 10 percent share of housing affordable to low-income households if other levels of affordability are also provided. The proposed modification to ZR Section 23-953 is as follows²:

23-953

Special floor area compensation provisions in specified areas

- (a) Optional provisions for #large-scale general developments# in C4-6 or C5 Districts

* * *

- (b) Special provisions for #large-scale general developments# in Community District 1 in the Borough of Queens

Special provisions shall apply to #zoning lots# within a #large-scale general development# that contains R6B, R7A and R7-3 Districts within an #Inclusionary Housing designated area#, as follows:

- (1) For #zoning lots#, or portions thereof, that are located within R6B, R7A or R7-3 Districts, the base #floor area ratio# set forth in Section 23-952 shall not apply. No #residential development# or #enlargement# shall be permitted unless #affordable floor area# is provided pursuant to the provisions of this paragraph. The amount of #low-income floor area# provided shall equal no less than 10 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#. The sum of the amount of #low-income floor area#, plus two-thirds of the amount of #moderate-income floor area#, plus half of the amount of #middle-income floor area# shall equal no less than 20 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#; and
- (2) The amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (b)(1) of this Section, and the amount of #moderate-income floor area# or #middle-income floor area# that may be considered #low-income floor area# for the purposes of satisfying the #affordable floor area# required in paragraph (b)(1) of this Section, shall be determined in accordance with procedures prescribed by the City Planning Commission pursuant to the provisions of Section 74-743(Special provisions for bulk modification).

² Single-underlined text is new zoning text proposed by the Applicant, double-underlined text is new zoning text being considered by the CPC, and strikethrough text is existing zoning text to be deleted.

In addition to the above modification, the CPC is also considering modifying ZR Section 74-743 to clarify the procedural role of the CPC in regards to the IHP within LSGDs. The proposed modification to ZR Section 74-743 is as follows:

74-743

Special provisions for bulk modification

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

* * *

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

* * *

~~In addition, w~~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.

Within Community District 1 in the Borough of Queens, the Commission may prescribe additional conditions to ensure that the purpose of the Inclusionary Housing program as set forth in Section 23-92 (General Provisions) is achieved in a #large-scale general development#. The Commission may establish procedures resulting in limiting the amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (b)(1) of Section 23-953, and in conjunction therewith, the Commission may also institute procedures that result in establishing an amount of #moderate-income floor area# or #middle-income floor area# that may be considered #low-income floor area# for the purposes of satisfying the #affordable floor area# required in paragraph (b)(1) of Section 23-953. Any such procedures established by the Commission shall be set forth in the restrictive declaration required in connection with the grant of a special permit for such #large-scale general development#.

Inclusive of the Potential CPC Modifications, the proposed actions would consist of a zoning map amendment, City Map amendments, a zoning text amendment as modified by the Applicant and further modified by the CPC, Large-Scale General Development (LSGD) special permits as modified by the Applicant, a waterfront special permit as modified by the Applicant, authorizations to modify waterfront public access area requirements, and a waterfront certification by the CPC Chairperson (collectively referred to as the “Modified Proposed Action”).

III. POTENTIAL ENVIRONMENTAL EFFECTS OF THE MODIFIED PROPOSED ACTION

The FEIS issued on September 19, 2014, evaluated all potential environmental effects of the proposed project and identified significant adverse impacts with respect to community facilities (public elementary schools and child care centers), active open space, transportation (traffic and transit), and construction activities related to traffic. In addition, the FEIS analyzed modifications to the Proposed Action (ULURP Nos. C140323(A)ZSQ, C140324(A)ZSQ, and N140329(A)ZRQ) in Chapter 25, “Potential Modifications to the Proposed Project,” of the FEIS. The modifications would result in the same significant adverse impacts as the Proposed Action. Furthermore, the impacts would be mitigated to the same extent as under the Proposed Action.

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As noted above, further modifications to the zoning text amendment (N140329(A)ZRQ) has been identified as under consideration by the CPC. The modifications proposed by the Applicant and the CPC (i.e., Modified Proposed Action) would not alter the RWCDS as analyzed in Chapter 25, “Potential Modifications to the Proposed Project,” of the FEIS. Consequently, the Modified Proposed Action would not result in any new or different significant adverse impacts not already identified in the FEIS.