



Legislation Details (With Text)

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Title: Resolution approving with modifications the decision of the City Planning Commission on Application No. N 140329 (A) ZRQ, 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 in Community District 1, Borough of Queens (L.U. No. 129).

Sponsors:

Indexes:

Attachments: 1. City Planning Commission Approval Letter, 2. Hearing Transcript - Stated Meeting 11-25-14, 3. Committee Report, 4. Minutes of the Stated Meeting - November 25, 2014

Date	Ver.	Action By	Action	Result
11/12/2014	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
11/25/2014	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 496

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 140329 (A) ZRQ, 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 in Community District 1, Borough of Queens (L.U. No. 129).

By Council Members Greenfield and Weprin

WHEREAS, the City Planning Commission filed with the Council on September 29, 2014 its decision dated September 29, 2014 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by 2030 Astoria Developers, LLC, for an amendment of the text of the Zoning Resolution of the City of New York, to modify Article II, Chapter 3 and Appendix F, relating to Inclusionary Housing, to facilitate the development of a mixed-use, large-scale general development located on the Halletts Point peninsula in Queens Community District 1 (Application No. N 140329 (A) ZRQ), Community District 1, Borough of Queens (the "Application");

WHEREAS, the application is related to Applications C 140323 (A) ZSQ (L.U. No. 126), a special permit, pursuant to Section 74-743, to permit transfer of floor area between zoning lots, modify distance between buildings, modify yard, inner court and distance between windows or lot line requirement; C 140324 (A) ZSQ (L.U. 127), a special permit, pursuant to Section 62-836, to permit bulk modifications within waterfront blocks; C 140322 ZMQ (L.U. No. 128), an amendment to the Zoning Map, Section No. 9a, changing from an M1-1 District to an R7-3 District with a C2-4 overlay; changing from an R6 District to an R7A District with a C2-4 overlay; and changing from an R6 District to an R6B District; N 140325 ZAQ (L.U. No. 130), an

authorization by the City Planning Commission, pursuant to Section 62-822(a), to permit area and dimension modifications for a waterfront public access area and visual corridors within a large-scale general development; and C 130384 MMQ (L.U. No. 131), an amendment to the City Map to (a) establish 4th Street between 26th Avenue to the edge of the proposed waterfront esplanade and; (b) eliminate 8th Street from 27th Avenue to the U.S. Pierhead and Bulkhead Line;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 20, 2014;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (“FEIS”) (CEQR No. 13DCP127Q), for which a Notice of Completion was issued on September 19, 2014, as adjusted by the subsequent CEQR Technical Memoranda dated September 26, 2014 and November 14, 2014 (collectively, the “Technical Memoranda”);

RESOLVED:

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

- (1) The FEIS and the Technical Memoranda meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, action to be approved, with the modifications set forth herein and in the Technical Memoranda (the “Modified Proposed Action”), is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts of the Modified Proposed Action will be minimized or avoided to the maximum extent practicable by requiring as conditions to the approval, pursuant to the Restrictive Declaration marked as Exhibit A to the CPC Decision C 140323(A) ZSQ, **as modified by the New York City Council as of November 12, 2014**, those mitigation measures that were identified as practical; and
- (4) The Decision along with the FEIS and the Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 140329 (A) ZRQ, incorporated by reference herein, the Council approves the Decision with the following modifications.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

Matter in **bold underline double strikeout** is old, deleted by the Council;

Matter in **bold double-underline** is new, added by the Council;

* * * indicates where unchanged text appears in the Zoning Resolution

23-90

INCLUSIONARY HOUSING

* * *

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~~ and the]. **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** provided shall equal no less than **20 15** 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~~. **For the purposes of this paragraph (1), inclusive, low income floor area may be considered moderate income floor area;** 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).

* * *

~~(b)~~(c) Special provisions for #compensated zoning lots#

* * *

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

* * *

**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#.

For a phased construction program of a multi-#building# complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #large-scale general development#, a phasing plan showing the distribution of #bulk# and #open space# and, in the case of a site plan providing for common #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

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.

* * *

APPENDIX F
Inclusionary Housing Designated Areas

* * *

Queens

Queens Community District 1

In the R7A and R7-3 and R6B Districts within the areas shown on the following Map 1:

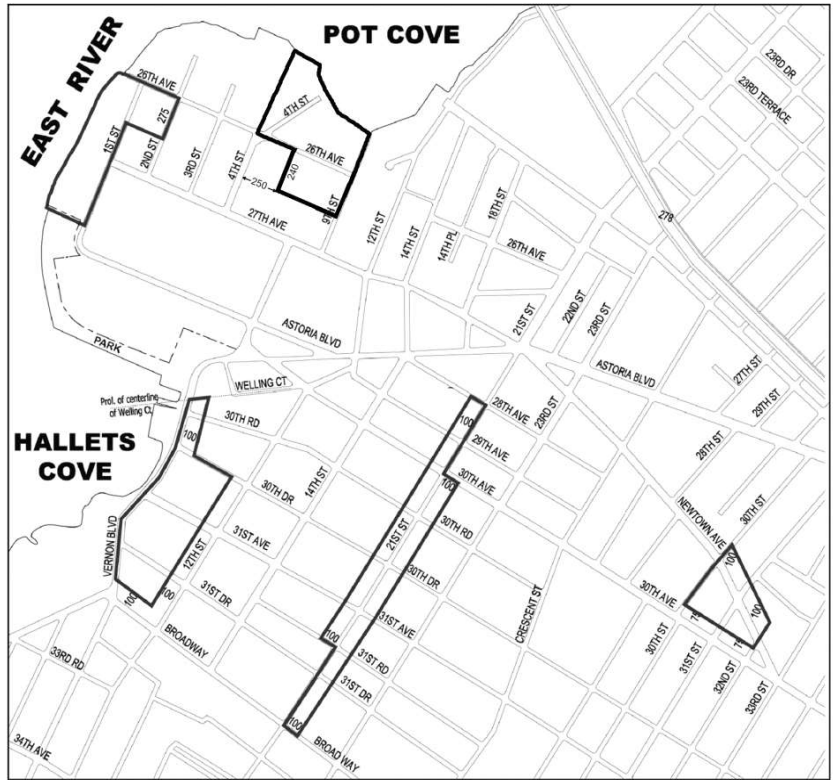
Map 1 - (*replaces previous map*)

(MAP TO BE INSERTED)

Queens
Queens Community District 1

In the R7A and R7-3 and R6B Districts within the areas shown on the following
Map 1:

Map 1



Community District 1, Queens

Portion of Community District 1, Queens

* * *

Adopted.

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

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on November 25, 2014, on file in this office.

.....
City Clerk, Clerk of The Council