

RECORD OF DECISION

HALLETTS POINT REZONING QUEENS, NEW YORK

This document is a Record of Decision (ROD) for the Halletts Point Rezoning Project prepared pursuant to the National Environmental Policy Act of 1969 and its implementing regulations (40 CFR Parts 1500-1508) (collectively, NEPA), Executive Order 11988 (Floodplain Management), Executive Order 12898 (Environmental Justice), the National Historic Preservation Act of 1966 and its implementing regulations (36 CFR Part 800) (collectively, NHPA), the New York State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law) and the regulations adopted pursuant thereto (6 NYCRR Part 617) (collectively, SEQRA), and New York City Environmental Quality Review (Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended) (CEQR). Because the Project involves the disposition of New York City Housing Authority (NYCHA) property, the New York City Department of Housing Preservation & Development (HPD), acting as Responsible Entity (RE) pursuant to 24 CFR Part 58, has issued this ROD. The New York City Department of City Planning (DCP), acting on behalf of the City Planning Commission (CPC), served as the Lead Agency for CEQR. The project was assigned CEQR number 09DCP084Q and was classified as a Type I action under SEQRA. HPD and HUD served as involved agencies under CEQR.

This ROD draws upon facts and conclusions in the Final Environmental Impact Statement (FEIS) approved by the lead agency, in consultation with HPD, as well as comments thereon and related documents and submissions. This ROD attests to the fact that DCP and HPD have complied with all applicable procedural requirements, including those found in 40 CFR Parts 1500-1508, 24 CFR Part 58 and 6 NYCRR Part 617, in reviewing the proposal.

This ROD also attests to the fact that HPD has given due consideration to the Draft Scope, Final Scope, DEIS and FEIS prepared in conjunction with the Halletts Point Rezoning Project (the Project) and the public comments submitted on the same. This ROD is the final step in the NEPA process for the Project.

A. DESCRIPTION OF THE SELECTED PROJECT

PROJECT BACKGROUND

The project has been developed in close consultation with NYCHA, the Astoria Houses tenants, elected officials, the Department of City Planning (DCP), the Department of Parks and Recreation (DPR), and other community stakeholders over the last several years. These consultations, many of which were done before the project's application under New York City's Uniform Land Use Review Procedure (ULURP) was finalized, informed several aspects of the

project including the overall site plan and program, as discussed below. Initially, the Project Sponsor only contemplated development on the Waterfront and Eastern Parcels (discussed below). However, in response to community and agency requests for greater affordable housing, a more integrated plan for the isolated Halletts Point peninsula, and increased connectivity to the East River waterfront, as well as NYCHA's efforts to reposition and capitalize on its existing real estate assets to provide revenue to support its affordable housing mission, the project evolved to include development on parcels within the NYCHA Astoria Houses campus. As a result of the changes to the project during these consultations, the project analyzed in the FEIS provides for greater integration with the existing Halletts Point community, increased connectivity to the waterfront and cohesive transitions between the project site and waterfront open spaces, and also provides specific project elements (e.g., the proposed senior housing and supermarket) that were requested by the community. Furthermore, the proposed disposition of NYCHA property would provide revenue to support NYCHA's mission.

DESCRIPTION OF SELECTED PROJECT

The Project Sponsor, currently identified as Halletts A Development Company, LLC, intends to construct a mixed-use development on several parcels on Halletts Point along the East River in Astoria, Queens. After development and consideration of a variety of program layout options and other alternatives, including a No Build Alternative, DCP and HPD have concurred with the selection of the "proposed project" as defined in the FEIS (hereafter referred to as the Selected Project).

PROJECT SITE

The project site comprises all or portions of eight existing tax lots on the Halletts Point peninsula along the East River in Astoria, Queens. The project site contains eight building sites on which new development would occur with the Selected Project. Seven of the building sites (Buildings 1-7) would be developed as part of the Project Sponsor and NYCHA's current proposal and one (Building 8) would be developed as part of a future request for proposals (RFP) by NYCHA and future Section 18 disposition application to HUD.

- **Building 1** would be located on the block bounded by 27th Avenue to the south, 1st Street to the west, 26th Avenue to the north, and 2nd Street to the east (the "Eastern Parcel" or "Eastern Zoning Lot").
- **Buildings 2 through 5**, including the mapped streetbeds of 26th and 27th Avenues between 1st Street and the East River, would be bounded by Halletts Point Playground to the south, the East River to the west, Whitey Ford Field to the north, and 1st Street to the east (the "Waterfront [WF] Parcel").
- **Buildings 6 through 8** would be located within the existing NYCHA Astoria Houses Campus bounded by 27th Avenue, 1st Street, and 8th Street.

PROJECT PROGRAM

The Selected Project would result in the development of a total of approximately 2.73 million gross square feet (gsf) on the building sites, consisting of a total of approximately 2.2 million gsf of residential space (2,644 housing units including 2,161 market-rate and 483 affordable housing units); approximately 69,000 gsf of retail space (including an approximately 30,100-gsf retail



space designed for supermarket use in Building 1); and approximately 1,347 garage parking spaces and 53 on-site surface parking spaces. The Selected Project would also include approximately 105,735 sf (2.43 acres) of publicly accessible open space, including a waterfront esplanade along the East River and upland connections to 1st Street. The Selected Project would be built continuously over time and it is expected that the full build out would be complete by 2022. Table 1 provides a summary of the Selected Project.

Table 1
Summary of Selected Project

Use	Bldg 1	Bldg 2	Bldg 3	Bldg 4	Bldg 5A	Bldg 5B	Bldg 6A	Bldg 6B	Bldg 7A	Bldg 7B	Bldg 8 ²	Total
Residential gsf	385,717	286,820	360,738	205,299	195,174	253,129	87,586	49,711	69,438	61,547	240,000	2,195,159
Total Units	472	351	441	251	239	310	111	63	88	78	240	2,644
Market-Rate Units	377	351	441	251	191	310	0	0	0	0	240	2,161
Affordable Units	95	0	0	0	48	0	111	63	88	78	0	483
Retail gsf	30,100	4,115	7,033	5,156	2,069	2,660	1,945	3,735	4,755	4,095	3,000	68,663
Parking gsf	76,308	60,383	63,818	44,745	50,852	60,661	0 ²	0 ²	0 ²	0 ²	51,015	407,782
Garage Parking Spaces ¹	228	215	222	137	162	212	0	0	0	0	171	1,347
Surface Parking Spaces ¹	0	0	0	0	0	0	27		26		0	53 ³
Mechanical gsf	11,738	8,198	13,177	9,138	7,266	6,303	NA	NA	NA	NA	5,000	60,820
Total gsf	503,863	359,516	444,766	264,338	255,361	322,753	89,531	53,446	74,193	65,642	299,015	2,732,424
Open Space	105,735 sf (2.43 acres)											
Notes: gsf = gross square feet. All proposed gsf are approximate.												
¹ All parking would be accessory.												
² In addition to the Project Sponsor's proposal, NYCHA is seeking approvals in connection with the disposition and future development of Building 8.												
³ The Selected Project would also maintain 178 surface parking spaces within the NYCHA Parcel adjacent to Buildings 6 and 7 and in an expanded surface lot south of Astoria Boulevard to replace the surface parking displaced by the development of Buildings 6, 7, and 8.												

In addition, it is expected that a number of street improvements and improvements to stormwater and sanitary sewer infrastructure would be provided to support the new development, and a new connecting street segment between existing mapped portions of Astoria Boulevard would be constructed through the NYCHA Astoria Houses campus. The Selected Project would implement a variety of stormwater management measures as part of its overall design and as part of the site connection process with DEP and the project's Stormwater Pollution Prevention Plan (SWPPP). These measures would be similar to Low Impact Development (LID) techniques, which is an approach to development that works with nature to manage stormwater as close to its source as possible. Similar to LID practices, the Selected Project's stormwater measures would improve water quality and reduce peak storm flows from the project site.

To facilitate the development of the Selected Project, NYCHA is serving as the Applicant for the current Section 18 disposition application. In addition to the sites for Buildings 6 and 7, NYCHA's current Section 18 disposition application includes a parcel within Astoria Houses which has been set aside for the construction of a school by the New York City School Construction Authority (SCA) should SCA exercise their option to purchase. NYCHA will reserve the requested school site for conveyance at a nominal price until the end of 2022.

PROJECT PURPOSE AND NEED

The purpose of the Selected Project is to implement a plan for a large-scale housing development with affordable units, along with ground-floor retail space and a publicly accessible waterfront esplanade and open space. The Selected Project is intended to transform a largely underused waterfront area into a new, enlivened mixed-use development. The proposed new housing would



support the city's plans to provide additional capacity for residential development, especially affordable housing. The proposed neighborhood retail is intended to provide amenities that are currently lacking in the area and which would serve the existing residential population in addition to the project-generated population. The proposed action includes a request to include the project area in the Food Retail Expansion to Support Health (FRESH) Program, which, if pursued, will facilitate the siting of grocery stores selling a full range of food products with an emphasis on fresh fruits and vegetables, meats, and other perishable goods in this underserved area. The Selected Project would also establish a publicly accessible waterfront esplanade with upland connections and a connection to Halletts Point Playground south of the site and Whitey Ford Field north of the site. The proposed open space is intended to provide benefits for the Astoria Houses Campus, adjacent community, the Borough of Queens, and the city as a whole.

In addition to the Project Sponsor's proposal for the development of Buildings 1 through 7, NYCHA is contemplating a master plan for the Astoria Houses that may include future development on other parcels within the campus. NYCHA is seeking to identify sources of revenue in order to continue its mission of maintaining and providing affordable housing, and one source of revenue is to reposition and capitalize on its existing real estate assets. The approval from HUD sought by NYCHA for the disposition of the land for Buildings 6 and 7 to the Project Sponsor, the disposition intended to reserve a school site for possible future sale to the SCA, and the anticipated future disposition of the land for Building 8 would provide revenue to support NYCHA's mission. The development of Building 8 would also contribute to the introduction of an economically diversified population within the Astoria Houses Campus. As discussed above, the Selected Project would facilitate the disposition of the site for Building 8 by NYCHA pursuant to a future RFP and future application to HUD. The future RFP and application to HUD related to Building 8 will rely on the findings of the FEIS and this ROD.

The new connecting street segment between existing mapped portions of Astoria Boulevard on the NYCHA Parcel is intended to improve circulation in the area and provide a better connection with the surrounding community. The development of Building 8, including the proposed ground-floor retail, is intended to enliven the new Astoria Boulevard. The proposed bus layover would facilitate the provision of better bus service to the area.

FEIS COMMENTS AND RESPONSES

The New York City Department of City Planning received written comments on the FEIS from the EPA Region 2 in an undated letter received on October 18, 2013. As stated in the EPA letter, their comments are intended to provide useful information to inform local, state, and federal decision-making. As such, these comments have been considered by HPD in preparing this ROD. The EPA's comment letter on the FEIS is attached in **Appendix A**.

The EPA's comments on the FEIS were a reiteration of comments previously issued on the DEIS relating to three issues: children's public health, the project's tree planting waiver, and environmental justice. These comments were initially presented by EPA in a July 23, 2013 comment letter on the DEIS and were subsequently addressed in FEIS Chapter 29, "Response to



Comments on the Draft Scope of Work and DEIS”. It is the lead agency and HPD’s position that the responses provided in the FEIS adequately address the comments raised by the EPA.

FEDERAL APPROVALS

The Selected Project would require approval from a federal agency and a federally designated RE, including:

- Approval from HUD under Section 18 of the U.S. Housing Act for disposition of NYCHA public housing property, specifically the sites of proposed Buildings 6 and 7, a site to be reserved for development of a future school, and provision of a street easement at the Astoria Houses Campus.
- The possibility of construction funding from HUD (allocated by HPD) in connection with the Selected Project, which may include funding from HUD’s HOME Investment Partnerships Program (HOME), Project-Based Section 8 Housing Assistance Payments Program, Veterans Assistance Supportive Housing Program (VASH), and Section 202 Program. In addition, the New York City Housing Development Corporation (HDC) may seek mortgage insurance through HUD’s Risk Sharing Program.

B. ALTERNATIVES ANALYZED IN THE FEIS

In addition to the Selected Project, the alternatives analysis presented in the FEIS considered three alternatives: a No Build Alternative, a No Unmitigated Significant Adverse Impacts Alternative, and a Reduced Density Alternative. Each of these alternatives was described, analyzed and assessed in the DEIS and FEIS in terms of each alternative’s ability to achieve the stated purpose and need.

NO BUILD ALTERNATIVE

The No Build Alternative assumes no discretionary actions would be approved and that the Selected Project would not be implemented. The project site would remain in its current underutilized state under the existing M1-1 manufacturing zoning along the waterfront, including a building materials storage yard, a building used for construction materials storage, two vacant buildings, a vacant parcel, and a partially vacant industrial building. This alternative would avoid the Selected Project’s significant adverse impacts relating to public elementary schools, public funded child care facilities, open space, transportation, and construction impacts related to transportation and noise. The anticipated development projects in the study area would substantially increase the background demand for schools and child care facilities, and would result in declines in the level of service (LOS) at up to 18 study area intersections. However, in this alternative, there would be no market-rate or affordable housing developed on the project site and no new publicly accessible open space or a public waterfront esplanade with upland connections and connections to Halletts Point Playground and Whitey Ford Field. Furthermore, no neighborhood retail amenities would be introduced and the No Action Alternative would not provide revenue to support NYCHA’s mission. In short, the No Build Alternative would fail to meet all of the Selected Project’s principal goals.

NO UNMITIGATED SIGNIFICANT ADVERSE IMPACTS

The No Unmitigated Significant Adverse Impacts Alternative considers several modifications of the Selected Project to eliminate its significant adverse impacts on public elementary schools,



child care centers, open space, traffic, and construction impacts related to traffic and noise. To eliminate all unmitigated significant adverse impacts, the Selected Project would have to be modified to a point that its principal goals and objectives would not be realized. In particular, with the modifications considered for this alternative, the number of units in Selected Project would be reduced to the point that no development would occur on the sites of Buildings 6, 7, and 8. As such, there would be no disposition of NYCHA property and no new revenue to support NYCHA's mission and, unlike the Selected Project, this alternative would be integrated with the existing NYCHA Astoria Houses campus. Furthermore, this alternative would provide less publicly accessible open space than the Selected Project and would not create new access to the waterfront to the same extent as the Selected Project.

REDUCED DENSITY ALTERNATIVE

The Reduced Density Alternative considers a project program that does not include development of Building 8. In general, this alternative would result in effects substantially similar to the Selected Project but would result in 240 fewer residential units (market-rate) and would therefore be less supportive of the PlaNYC goal of creating enough housing for almost a million more people. In addition, this alternative would be less supportive of NYCHA's goal of repositioning its assets to generate revenue for operation of its affordable housing mandate, particularly at the Astoria Houses Campus, and would be less supportive of the public policy goals of Plan NYCHA. This alternative would still result in similar impacts as those identified for the Selected Project. With respect to transportation, the Reduced Density Alternative is expected to result in the same or a slightly fewer number of significant adverse traffic impacts than the Selected Project, depending on the peak analysis hour. These impacts could be mitigated using the same mitigation measures identified for the Selected Project and the Reduced Density Alternative would result in the same unmitigated traffic impacts as the Selected Project. With respect to the other impact categories, the Reduced Density Alternative would result in similar impacts as the Selected Project and would not eliminate any of the Selected Project's significant adverse impacts, nor would it make unmitigated impacts of the Selected Project mitigatable. The Reduced Density Alternative could result in an unmitigated schools impact since without the disposition of Building 8, the SCA would be required to pay fair market value for the site for the school. Absent sufficient funding to acquire the site, no school would be built; therefore, it is expected that this alternative would result in an unmitigated impact on elementary schools. This alternative would also be less supportive of the goals and objectives of the project, particularly the goal to provide revenue to support NYCHA's affordable housing mission through the proposed disposition of the land for Building 8 pursuant to a future RFP and the introduction of an economically diversified population within the Astoria Houses Campus. Overall, although the Reduced Density Alternative would meet a number of the goals and objectives of the Selected Project, it would do so to a lesser degree than the Selected Project because it would introduce fewer residential units and provide less revenue to support NYCHA's affordable housing mission. The Reduced Density Alternative would result in significant adverse impacts in the areas of elementary schools, public child care, open space, traffic, transit, and construction as the Selected Project, and would not make the unmitigated impacts of the Selected Project mitigatable.



C. IDENTIFICATION OF ENVIRONMENTALLY PREFERABLE ALTERNATIVE

In accordance with 40 CFR 1505.2 (b), the environmentally preferred alternative must be identified in the ROD. HPD considers the environmentally preferred alternative for the Halletts Point project to be the No Build Alternative described above. This alternative would result no significant adverse impacts. However, it would fail to meet all of the principal goals as stated above under “Purpose and Need” which include providing much needed affordable housing and retail opportunities for the neighborhood, expansion of publicly accessible open space resources, and providing revenue to support NYCHA’s mission.

D. DECISION RATIONALE

The basis for HPD’s decision includes its consideration of the project purpose and need, as described in Section A, “Description of the Selected Project,” the environmental impacts of the Selected Project and its ability to satisfy that purpose and need as described in Section A and E, “Significant Adverse Impacts and Mitigation Measures,” the ability of alternatives to meet the project purpose and need and the environmental impacts of such alternatives as described in Section B, “Alternatives Analyzed in the FEIS,” and the public comments received on the DEIS and FEIS, as well as during the planning processes described above.

The Selected Project will facilitate a mixed-use development with housing (including affordable units), ground-floor retail space, and a publicly accessible waterfront esplanade and open space. The Selected Project would transform a largely underused waterfront area into a new, enlivened mixed-use development that is integrated with the surrounding community, provides increased access to the East River waterfront, and supports NYCHA’s efforts to reposition and capitalize on its existing real estate assets to provide revenue to support its affordable housing mission. The Selected Project has been designed and is expected to achieve each of these goals while minimizing the potential for adverse environmental impacts. Nevertheless, as discussed in the analyses below, construction of the Selected Project would involve significant traffic, transit, and noise impacts during its construction period. When completed, the Selected Project would result in significant adverse impacts to elementary schools, public child care facilities, open space, traffic, and transit services. While the Project Sponsor has committed to a broad program of measures to mitigate (or avoid entirely) these impacts, some adverse impacts are inevitable if the significant benefits of the Selected Project are to be realized.

E. SIGNIFICANT ADVERSE IMPACTS AND MITIGATION MEASURES

The *CEQR Technical Manual* served as the general guide on the methodologies and impact criteria for evaluating the Selected Project’s potential effects on the various environmental areas of analysis. As discussed in the EIS, the Selected Project would avoid significant adverse impacts in the areas of land use, zoning, and public policy; socioeconomic conditions; shadows; historic resources; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; air quality; greenhouse gas emissions; noise; neighborhood character; and public health.



Significant adverse impacts were identified in the areas of community facilities (elementary schools and publicly funded child care), open space, transportation (traffic and transit), and construction (traffic, transit, and noise). These impacts and the proposed mitigation measures are described below.

COMMUNITY FACILITIES

The FEIS presents analyses of indirect effects to elementary, intermediate, and high schools; libraries; and child care centers. The Selected Project would not result in any significant adverse impacts to intermediate schools, high schools, or libraries. The FEIS analysis finds that the Selected Project would result in significant adverse impacts to public elementary schools and public child care facilities. These impacts and associated mitigation measures are discussed below.

ELEMENTARY SCHOOLS

Study area elementary schools would operate with a deficit of seats in the future without the Selected Project, and would continue to do so in the future with the Selected Project. Within Sub-district 3, elementary schools would operate with a shortage of seats in 2022, and the Selected Project would result in an increase of more than 5 percentage points in the collective utilization rate over the No Build condition. Therefore, the Selected Project would result in a significant adverse impact on elementary schools in the study area.

Mitigation

In order to address the Selected Project's potential significant adverse impact on public elementary schools, a Memorandum of Understanding (MOU) will be entered into between Project Sponsor, NYCHA, and the SCA with regard to the potential development of a new school building that could accommodate students in kindergarten through grade 8 on a site located within the NYCHA Astoria Houses Campus. The MOU will set forth the cost, timing, and duration of the disposition of the school site from NYCHA to SCA, among other activities. The proposed school would fully mitigate the potential significant adverse impact to public elementary schools, and is anticipated to also provide public intermediate school seats, even though the Selected Project would not result in a significant adverse impact to public intermediate schools. It is expected that this school building would be approximately 130,000 sf and would accommodate 1,057 elementary and intermediate school students.

Development of the public school would be subject to the confirmation that the need for a new school exists and the allocation of sufficient capital funding for design and construction of the new school facility in the New York City Department of Education's (DOE) Five-Year Capital Plan. The disposition of the property within the NYCHA Astoria Houses Campus to the SCA to facilitate the construction of the future school would be subject to approval by HUD under Section 18 of the National Housing Act. Similar to the disposition of property for Buildings 6 through 8, HPD would act as Responsible Entity for NYCHA's environmental review of the school sites disposition pursuant to 24 CFR Part 58. While funding for design and construction of the public school would be included in the Capital Plan, the SCA has stated that in order to proceed, the site acquisition cost would be required to be for a nominal amount.



No further mitigation measures are proposed in the event that NYCHA is unable to dispose of the proposed school site to SCA for a nominal fee or the SCA were to otherwise decline to develop the proposed public school due to the absence of City capital funding or for other reasons. In the event that the SCA is unable to obtain sufficient capital funding to develop a school of the size proposed above, the SCA could develop a smaller school potentially containing only elementary school seats that would also fully mitigate the significant adverse impact on public elementary schools. In addition, other options to address school seat demand in the future if the SCA were to decline to develop any public school could include standard measures utilized by DOE/SCA to address school capacity such as redistricting, the provision of off-site capacity, or other administrative measures. Such measures could wholly or partially mitigate the significant adverse impact on public elementary schools. Absent the construction of a new school building or the implementation of other measures by SCA, the Selected Project would result in an unmitigated significant adverse impact on public elementary schools.

PUBLIC CHILD CARE CENTERS

The Selected Project would result in a potential significant adverse impact to publicly funded child care facilities. Child care facilities in the study area would operate with a shortfall of seats both in the future without and the future with the Selected Project.

Mitigation

The Selected Project would result in a potential significant adverse impact to publicly funded child care facilities based on *CEQR Technical Manual* methodology. As the Selected Project is developed, the Project Sponsor will coordinate with ACS to consider the need for and the implementation of measures to provide additional capacity, if needed, in child care facilities within the 1½-mile study area or within Community Board 1. Possible mitigation measures for this significant adverse impact will be developed in consultation with ACS and may include provision of suitable space on-site for a child care center, provision of a suitable location off-site and within a reasonable distance (at a rate affordable to ACS providers), or funding or making program or physical improvements to support additional capacity. As a city agency, ACS does not directly provide new child care facilities, instead it contracts with providers in areas of need. ACS is also working to create public/private partnerships to facilitate the development of new child care facilities where there is an area of need. As part of that initiative, ACS may be able to contribute capital funding, if it is available, towards such projects to facilitate the provision of new facilities. The Restrictive Declaration for the Selected Project will require the Project Sponsor to work with ACS to consider the need for and the implementation of one or more measures as listed above to provide additional capacity, if required, to mitigate the significant adverse impact to publicly funded child care facilities within the 1½-mile study area or within Community Board 1. Absent the implementation of such needed mitigation measures, the Selected Project could have an unmitigated significant adverse impact on publicly funded child care facilities.

OPEN SPACE

The detailed analysis of open space presented in the FEIS determined that the Selected Project would result in a potential significant adverse impact to open space in the residential study area



as a result of the decrease in the total and active open space ratios. The Selected Project would decrease the total, active, and passive open space ratios in the study area by more than 5 percent.

Because the passive open space ratio would remain above the city's passive open space guideline in the future with the Selected Project (the Build condition), the Selected Project would not result in a significant adverse impact on passive open space.

Mitigation

In order to address the significant adverse impact on open space, the Project Sponsor would be required to complete capital improvements to Halletts Point Playground, including resurfacing the existing blacktop, restriping play areas, painting and repairing benches, and replacing basketball backboards and baseball backstops. These improvements would increase the utility of Halletts Point Playground and its capacity to meet the open space needs, in particular the active open space needs, of the study area, and would therefore constitute partial mitigation of the potential significant adverse impact on open space.

TRANSPORTATION

Quantified analyses of traffic, transit, and pedestrian conditions as well as an evaluation of vehicular and pedestrian safety and an assessment of parking conditions are presented in the FEIS.

TRAFFIC

Of the 27 study area intersections analyzed, the Selected Project would result in significant traffic impacts at 20 intersections in the weekday AM peak hour, 11 in the midday peak hour, and 19 in the PM peak hour.

Mitigation

Potential significant adverse traffic impacts at a number of locations in the traffic study area could be fully or partially mitigated with the implementation of traffic improvement measures. The overall finding of the traffic mitigation analysis is that 18 out of 27 intersections under the 2022 Build condition would either not be significantly impacted or could be fully mitigated with readily implementable traffic improvement measures. Another 5 of the 27 study locations would have potential significant adverse impacts that could be partially mitigated. Potential traffic mitigation measures include installation of traffic signals at currently unsignalized intersections (five locations: 27th Avenue and 2nd Street, 27th Avenue and 4th Street, 27th Avenue and 12th Street, 27th Avenue and 14th Street, and Astoria Boulevard and 18th Street), signal timing changes, parking regulation changes to gain a travel lane at key intersections, and lane restriping. These measures represent some of the standard traffic capacity improvements that are typically implemented by NYCDOT.

Overall, 9 of the 27 study locations would have significant adverse traffic impacts that could not be fully mitigated in at least one peak hour.



The Project Sponsor will conduct a traffic monitoring plan in order to verify the need for new traffic signals at the five intersections identified above, and to evaluate the need for traffic mitigation measures also identified in the FEIS for the intersections of Astoria Boulevard and 21st Street and 27th Avenue and 8th Street. For the five traffic signal locations identified in the FEIS, new traffic counts and signal warrant analyses will be conducted and provided to NYCDOT. For the two other intersections cited, new traffic counts and level of service analyses will be conducted and provided to NYCDOT for its determination of whether intersection improvements proposed in this FEIS should be implemented. Both sets of analyses will be conducted either upon full build-out or one partial build-out condition, to be determined by NYCDOT.

Effects of Traffic Mitigation on Pedestrian Operations

Intersection operations would alter pedestrian conditions with the implementation of the recommended traffic mitigation measures. These measures would include installation of traffic signals and changes to existing signal timings and lane utilizations. A review of the effects of these changes on pedestrian circulation and service levels at intersection corners and crosswalks showed that the addition of a traffic signal at 27th Avenue and 2nd Street would result in a significant adverse pedestrian impact at the north crosswalk during the PM peak period. Restriping the width of this crosswalk from its existing width of 13 feet to 16.5 feet would be required to fully mitigate the projected significant adverse crosswalk impact. Implementation of this additional pedestrian mitigation measure would be subject to review and approval by NYCDOT.

TRANSIT

The Selected Project would result in significant adverse impacts for bus line-haul levels on the eastbound and westbound Q18, the eastbound and westbound Q102, and the southbound Q103 during the AM peak period, and the eastbound and westbound Q18, the eastbound and westbound Q102, and the northbound and southbound Q103 during the PM peak period. Potential measures to mitigate the projected significant adverse bus line-haul impacts are described below.

Mitigation

The Selected Project would result in potential significant adverse bus line haul impacts on the Q18, Q102, and Q103 bus routes during the AM and PM peak periods. Potential mitigation includes service adjustments on these lines, subject to changes in bus ridership and New York City Transit (NYCT) and MTA Bus Company fiscal and operational constraints.

CONSTRUCTION

There would be temporary inconvenience and disruption arising from the construction of the Selected Project. Given that the eight building sites and other proposed area improvements (public spaces, waterfront esplanade, and infrastructure improvements) are distributed over approximately 12 acres, one or more building sites and other portions of the project site would be under construction over the course of the approximately nine year construction duration anticipated for the “build out” for the Selected Project. As construction activity associated with



the Selected Project would occur on multiple building sites and other locations within the same geographic area, such that there is the potential for several construction timelines to overlap, an assessment of potential construction impacts was prepared in accordance with the guidelines of the *CEQR Technical Manual*. Construction of the Selected Project would result in temporary significant adverse construction impacts related to transportation and noise. Potential mitigation for these significant adverse impacts is discussed below.

CONSTRUCTION-PERIOD TRANSPORTATION

Construction in the future with the Selected Project (the Build condition) is expected to result in significant adverse traffic impacts during peak construction, but generally at lesser magnitudes than impacts identified under the Build condition. For purposes of the construction traffic analysis, the first quarter of 2021 (peak construction traffic is expected to occur during this quarter) was assessed. For transit, although construction worker trips would not result in any significant adverse impacts during construction, bus line-haul impacts identified for the 2022 Build condition may also occur during peak construction in 2021 during the commuter peak hours. Similar mitigation measures as those identified for the 2022 Build condition (i.e., bus frequency increase) are expected to also address the potential impacts during construction. The Selected Project is not expected to result in any significant adverse parking or pedestrian impacts during construction.

Mitigation

Potential significant adverse traffic impacts would occur at five locations during construction, but generally at lesser magnitudes than impacts identified under the Build condition. Where impacts during construction may occur, measures similar to the ones recommended to mitigate impacts of the Selected Project could be implemented early to alleviate congested traffic conditions. As with the operation of the Selected Project, some construction traffic impacts would be partially mitigated or unmitigatable.

Bus line-haul impacts identified for the 2022 Build condition may also occur during peak construction in 2021 during the commuter peak hours. Similar mitigation measures as those described for the 2022 Build condition (i.e., bus frequency increase) are expected to also address the potential impacts during construction.

CONSTRUCTION-PERIOD NOISE

As discussed in the FEIS, development pursuant to the Selected Project would have the potential to result in significant adverse impacts with respect to construction noise. This conclusion is based on a conservative analysis of the construction procedures, including peak quarterly (i.e., three-month) levels assumed to represent each year of construction, a maximum amount of construction equipment assumed to be operational on each development site and at locations closest to nearby receptors, peak hour construction equipment and truck delivery operations occurring simultaneously, and a compressed construction schedule with a maximum amount of development sites under construction simultaneously.



Should the Selected Project be developed and constructed as conservatively presented in the FEIS, up to up to thirty-five (35) existing locations could experience significant impacts for certain limited periods during construction. Of these locations, thirty (30) already have double-glazed windows and air-conditioning and would consequently be expected to experience interior $L_{10(1)}$ values less than 45 dBA during most of the time, which would be considered acceptable according to CEQR criteria. As such, no additional mitigation would be warranted at these locations. Three (3) existing receptor sites may not have an alternate means of ventilation and therefore could experience temporary significant adverse impacts requiring mitigation. At the two open space locations with the potential to experience construction noise impacts, there would be no feasible or practicable mitigation to mitigate the construction noise impacts.

Additionally, because of very high levels of construction noise from construction on buildings attached to them, Buildings 6A/6B and 7A/7B would have the potential to experience significant adverse noise impacts during construction if either segment of either building is occupied during the construction of the other segment of the building. These buildings would be required to provide at least 20 dBA of window/wall attenuation and an alternate means of ventilation

Mitigation

At the three residential locations with the potential to experience significant adverse construction noise impacts requiring mitigation, receptor mitigation measures would include the offer of an alternate means of ventilation to those particular residences that do not already have it. At the start of construction, the status of alternate means of ventilation at these three locations would be confirmed by surveying these sites, and those that do not have an alternate means of ventilation at this time would be offered an alternate means of ventilation so that they can maintain a closed window condition and acceptable interior noise levels throughout much of the construction period. Therefore, these significant adverse construction noise impacts would be partially mitigated, because during some limited time periods construction activities may result in interior noise levels that would be above the CEQR acceptable interior noise level criteria.

Additionally, because of very high levels of construction noise from construction on buildings attached to them, Buildings 6A/6B and 7A/7B would have the potential to experience significant adverse noise impacts during construction if either segment of either building is occupied during the construction of the other segment of the building. However, these buildings would be required to provide at least 20 dBA of window/wall attenuation and an alternate means of ventilation.

Construction activities would produce $L_{10(1)}$ noise levels at open space areas (Whitey Ford Field and Halletts Point Playground) which would exceed the levels recommended by CEQR for passive open spaces (55 dBA L_{10}). (Noise levels in these areas exceed CEQR recommended values for existing and No Action conditions.) These open spaces would experience temporary significant adverse noise impacts during construction. While this is not desirable, there is no effective practical mitigation that could be implemented to avoid these levels during construction. Noise levels in many parks and open space areas throughout the city, which are located near heavily trafficked roadways and/or near construction sites, experience comparable and sometimes higher noise levels.



POTENTIAL ENVIRONMENTAL IMPACTS OF PUBLIC SCHOOL MITIGATION

Preliminary discussions have been held among the Project Sponsor, NYCHA, DCP, and the SCA with regard to the provision of a new school building serving kindergarten through grade 8 within the NYCHA Astoria Houses Campus.

An analysis for each technical area where the school could have potential impacts was conducted. Specifically, analyses of the following technical areas were conducted: land use, community facilities, open space, shadows, urban design and visual resources, natural resources, hazardous materials, water and sewer infrastructure, solid waste and sanitation services, energy, transportation, air quality, noise, neighborhood character, construction, and public health.

The analyses concluded that the school proposed as mitigation would not result in any new or different significant adverse impacts compared to the Selected Project. With respect to traffic, the number of significant traffic impacts would remain the same and the mitigatability of the impacts would also remain the same (i.e., no new unmitigatable impacts) as with the Selected Project. However, additional mitigation would be needed at three already impacted intersections in the AM peak hour—Astoria Boulevard and 8th Street, Astoria Boulevard and 12th Street, and Hoyt Avenue South and 21st Street.

With respect to construction noise, it would not result in any additional significant adverse construction noise impacts requiring mitigation compared to the analysis in Chapter 20, “Construction.”

MONITORING AND ENFORCEMENT

In connection with the Selected Project, a Restrictive Declaration will be recorded at the time all land use-related actions required to authorize the Selected Project’s development are approved. This Restrictive Declaration provides for the monitoring and enforcement of the operating commitments and mitigation measures described in this ROD. The Restrictive Declaration will, among other things:

- Require development in substantial accordance with the approved plans, which establish an envelope within which the buildings must be constructed, including limitations on height, bulk, building envelopes, and floor area;
- Require that the Selected Project’s development program be within the scope of the development scenario analyzed in the EIS;
- Ensure the provision of public access areas and other public realm improvements in accordance with the development phasing schedule proposed by the Project Sponsor;
- Provide for the implementation of “Project Components Related to the Environment” (PCREs) (e.g., certain project components which were material to the analysis of environmental impacts in the EIS, including measures outlined in the construction air emissions reduction program, requirements related to heat and hot water system exhaust stack height, and modifications to the NYCHA Astoria Houses central boiler plant exhaust)
- Provide for mitigation measures identified in Chapter 22, “Mitigation” with respect to community facilities, open space, transportation, and construction, substantially consistent with the EIS; and



- To ensure the implementation of the PCREs and mitigation measures, an environmental monitor would be required for the Selected Project to oversee and certify implementation of the mitigation measures and PCREs set forth in the FEIS, which would ensure that project commitments are implemented as required in the Restrictive Declaration.

The mitigation measures recorded in the Restrictive Declaration are briefly summarized above in Section E, “Significant Adverse Impacts and Mitigation Measures.” A complete discussion of the required mitigation measures is provided in the Restrictive Declaration.

UNAVOIDABLE ADVERSE IMPACTS

As described above, the Selected Project would result in significant adverse impacts with respect to community facilities (public elementary schools and publicly funded child care centers), open space, transportation (traffic, transit, and pedestrians), and construction impacts related to traffic, transit, and noise. These impacts were identified based on the conservative nature of the assumptions used in the FEIS analyses, as recommended by the guidance of the *CEQR Technical Manual*.

To the extent practicable, mitigation has been proposed for these identified significant adverse impacts. However, in some instances no practicable mitigation was identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Selected Project that would meet its purpose and need, eliminate its impacts, and not cause other or similar significant adverse impacts. In other cases, mitigation has been proposed, but absent a commitment to implement the mitigation, the impacts would not be eliminated.

ELEMENTARY SCHOOLS

In order to address the Selected Project’s potential significant adverse impact on public elementary schools, a Memorandum of Understanding (MOU) will be entered into between Project Sponsor, NYCHA, and the SCA with regard to the potential development of a new school building that could accommodate students in kindergarten through grade 8 on a site located within the NYCHA Astoria Houses Campus, even though the Selected Project would not result in a significant adverse impact to public intermediate schools.

No further mitigation measures are proposed in the event that NYCHA is unable to dispose of the proposed school site to SCA for a nominal fee or the SCA were to otherwise decline to develop the proposed public school due to the absence of city capital funding or for other reasons. In the event that the SCA is unable to obtain sufficient capital funding to develop a school of the size proposed, the SCA could develop a smaller school potentially containing only elementary school seats that would also fully mitigate the significant adverse impact on public elementary schools. In addition, other options to address school seat demand in the future if the SCA were to decline to develop any public school could include standard measures utilized by DOE/SCA to address school capacity such as redistricting, the provision of off-site capacity, or other administrative measures. Such measures could wholly or partially mitigate the significant adverse impact on public elementary schools. Absent the construction of a new school building or the implementation of other measures by SCA, the Selected Project would result in an unavoidable adverse impact on public elementary schools.



PUBLIC CHILD CARE CENTERS

At this point, it is not possible to know exactly which type of mitigation would be most appropriate or when its implementation would be necessary, because the demand for publicly funded child care depends not only on the amount of residential development in the area but on the proportion of new residents who are children of low-income families (not all children meet the social and income eligibility criteria). Also, the FEIS analysis is based on the existing inventory of public child care providers in the area and does not reflect likely shifts in demand or creation of new child care capacity. It is expected that senior housing units would be developed as part of the affordable housing component of the Selected Project, and that Buildings 6A/6B and 7A/7B may be entirely senior housing units. If affordable senior housing units are developed, more affordable housing units could be constructed before a significant adverse impact to publicly funded child care facilities would occur, or such an impact may not occur.

Absent the implementation of mitigation measures to provide additional capacity, and if conditions in the future materialize as projected in the FEIS, the Selected Project could result in an unavoidable adverse impact on publicly funded child care facilities.

OPEN SPACE

As discussed above, the Selected Project would create approximately 2.43 acres of publicly accessible open space including a waterfront esplanade and five new upland connections to 1st Street. Although the Selected Project's open space would include some active open space resources, such as a playground, and additional open space is available within the project site itself and near the study area, including several recreational amenities at the NYCHA Astoria Houses Campus which are available to the facility's residents, and Astoria Park north of the open space study area, the project-generated residential population would exacerbate an existing deficiency of open space in the residential study area and would result in a potential significant adverse impact to open space.

The open space mitigation measures described above would constitute partial mitigation of the potential significant adverse impact on open space. As the potential significant adverse impact on open space would not be fully mitigated, the Selected Project would result in an unavoidable significant adverse impact on open space.

TRANSPORTATION

Nine of the 27 study locations would have significant adverse traffic impacts that could not be fully mitigated in at least one peak hour. These partially mitigated and unmitigated impacts are considered unavoidable adverse impacts.

CONSTRUCTION

The conclusions of the FEIS construction analyses are based on a conservative analysis of the construction procedures, a maximum amount of construction equipment assumed to be operational on each development site and at locations closest to nearby receptors, peak hour construction equipment and truck delivery operations occurring simultaneously, and a



compressed construction schedule with a maximum amount of development sites under construction simultaneously. Therefore, the FEIS analyses provide a conservative representation of the potential construction impacts of the Selected Project.

CONSTRUCTION-PERIOD TRAFFIC

The intersection of 27th Avenue and 8th Street would be unmitigated during the weekday AM peak hour and the intersection of Astoria Boulevard and 21st Street would be partially mitigated during the PM peak hour. Because the impacts would be partially, not fully, mitigated, they are considered unavoidable adverse impacts.

CONSTRUCTION-PERIOD NOISE

Although the presence of double-glazed windows and alternative ventilation at the thirty-three (33) affected buildings would result in interior noise levels during much of the time that are below 45 dBA L₁₀ (the CEQR acceptable interior noise level criteria), during some limited time periods construction activities may result in interior noise levels that would be above the CEQR acceptable interior noise level criteria for these uses. Therefore, these significant adverse construction noise impacts would constitute unavoidable significant adverse impacts.

With regard to the open space areas adjacent to the project site where temporary significant adverse noise impacts are predicted to occur during construction—Whitey Ford Field and Halletts Point Playground—there are no feasible or practicable measures that could be implemented to mitigate the impacts. Consequently, these temporary significant adverse impacts during construction would constitute unavoidable significant adverse impacts.

F. MITIGATION STATEMENT

HPD finds that, on balance, the Selected Project would best realize the underlying purpose and need as set forth in Section A, “Description of the Selected Project.” In accordance with 40 CFR § 1505.2, HPD, as RE, states that all practicable means to avoid or minimize environmental harm have been adopted. As stated above, the RD to be recorded between NYCHA, the Project Sponsor, and the City would:

- Provide for the implementation of PCREs, including measures outlined in the construction air emissions reduction program, requirements related to heat and hot water system exhaust stack height, and modifications to the NYCHA Astoria Houses central boiler plant exhaust)
- Provide for mitigation measures identified above and in FEIS Chapter 22, “Mitigation” with respect to community facilities, open space, transportation, and construction, substantially consistent with the FEIS; and
- Ensure the implementation of the PCREs and mitigation measures by requiring an environmental monitor to oversee and certify implementation of the mitigation measures and PCREs set forth in the FEIS, which would ensure that project commitments are implemented as required in the RD.

This ROD will facilitate development of the Selected Project in accordance with the required commitments and stipulations as defined herein. HPD approves the Selected Project as defined in



Record of Decision

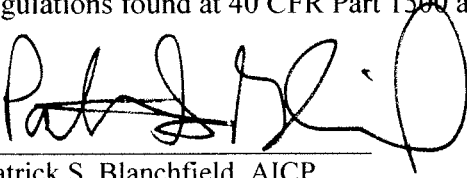
Halletts Point Rezoning

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this ROD and certifies that, consistent with social, economic and other essential consideration, from among the reasonable alternatives available, the Selected Project is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Based on the foregoing determinations and the entire environmental review record herein, HPD hereby approves the Selected Project and has issued this ROD in accordance with CEQ regulations found at 40 CFR Part 1500 and HUD regulations found at 24 CFR Part 58.



Date: December 2, 2013

Patrick S. Blanchfield, AICP

Director of Environmental Planning

City of New York - Department of Housing Preservation & Development



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APPENDIX A
EPA COMMENT LETTER ON THE FEIS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 18 2013

ENVIRONMENTAL REVIEW DIV.
OCT 22 PM 2:48

Mr. Robert Dobruskin
Department of City Planning
Environmental Assessment and Review Division
22 Reade Street, 4E
New York, New York, 10007

Dear Mr. Dobruskin:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Halletts Point Rezoning Final Environmental Impact Statement (FEIS), CEQ #20130142. Please find our comments below. Transmittal of these comments was delayed due to the government shutdown, October 1-16, 2013.

Background:

The FEIS was prepared by the New York City Planning Commission who is serving as the lead agency for this project. The "Applicant" is Halletts A Development Company, LLC. The Applicant is requesting discretionary approvals that will allow for mixed-use development along the East River in Halletts Point, Astoria, Queens. The New York City Housing Authority (NYCHA) is the co-applicant for a portion of the discretionary approvals being sought.

The purpose of the proposed project is to create market rate and affordable housing units, ground-level retail space and publicly accessible waterfront open space. One of the stated goals of the project is to transform a largely underutilized waterfront property into a "new, enliven mixed-use development." The project will support the city's efforts to provide additional market rate and affordable housing.

The development project includes eight building sites, all of which are new construction. Seven of the buildings would be developed as part of the Applicant's proposal. Buildings 1 – 5 are being sited along the East River waterfront and buildings 6 and 7 will be sited on the Astoria House campus, on land sold to the Applicant by NYCHA. Building 8 would not be developed by the applicant but is included in the EIS to facilitate development at a future time. It is expected that Building 8 would be developed in the future by an entity designated by NYCHA as a result of a future request for proposals.

Approximately 2.35 acres of publicly accessible waterfront open space would be created, including a waterfront esplanade which would run the length of the site's waterfront. The esplanade would connect Halletts Cove Playground on the south to Whitey Ford Field on the north, creating a continuous view corridor between the existing open spaces.

Comments:

The majority of the comments raised in our comment letter on the Draft EIS were sufficiently addressed, however there are three areas where EPA still feels greater detail should be provided, or where we disagree with the assertions made in the FEIS. These issues include Children's Health, the Tree Planting Waiver, and Environmental Justice.

Children's Health

EPA commented that the DEIS did not include a dedicated section addressing Children's Health, nor was the relevant information sufficiently included elsewhere in the document. We further stated that a dedicated Children's Health section should be included in the FEIS and the evaluation should be of greater scope and detail than that which was included in the DEIS. In response to this comment, the applicant stated, in part, that assessments in the areas of Air Quality, Noise and Public Health showed "no significant adverse impacts as a result of the proposed project. As such, the proposed project would not result in any environmental health and safety risks that may disproportionately affect children."

Due to the proximity of children to the construction site, EPA believes that a dedicated children's health discussion is warranted even if overall impacts do not rise to a level of significance. Analysis and disclosure of potential effects under NEPA is necessary because some physiological and behavioral traits of children render them more susceptible and vulnerable than adults to environmental health and safety risks. Children may have higher exposure levels to contaminants because they generally eat more food, drink more water, and have higher inhalation rates relative to their body size. Also, children's normal activities, such as putting their hands in their mouths or playing on the ground, can result in higher exposures to contaminants as compared with adults. In addition, a child's neurological, immunological, digestive, and other bodily systems are also potentially more susceptible to exposure-related health effects. It has been well established that lower levels of exposure can have negative toxicological effects in children as compared to adults, and childhood exposure to contaminants can have long-term negative health effects.

Tree Planting Waiver

In EPA's July 23, 2013 comments on the DEIS, we disagreed with the decision to request the Mayoral Override and with the assertion that the elimination of the requirement would not affect the EIS analysis. Increasing the amount of street trees within the Large Scale General Development Area (LSGDA) would help mitigate a number of the impacts associated with the project including air pollution from the construction phase of the project as well as emissions associated with the expected increase in traffic once the project is completed. Additionally, a perimeter of same age trees surrounding both the new development and the existing Astoria Houses will help visually unite the two properties.

In response to this comment, the applicant stated, in part, that the "project would not result in any significant adverse stationary sources, mobile sources, or construction air quality impacts, and therefore no mitigation for air quality is warranted." Although the impacts do not rise to the level of significance, there will still be impacts which can be offset by the planting of trees as well as other benefits, and therefore, EPA remains in support of the street tree planting requirements.

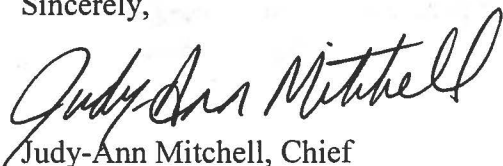
Environmental Justice

EPA highlighted a number of Environmental Justice concerns relating to the existing Halletts Point residents that could result in increased impacts such as construction-related traffic congestion. Additionally, EPA also raised the concern that current development plans will not achieve a sufficient level of urban integration between the new construction and the existing Astoria Houses campus as is claimed in the DEIS.

We acknowledge the value in existing design elements aimed at connecting the two properties, including the replacement of the railing along the Halletts Cove Esplanade, the reconnection of Astoria boulevard, and the connection of Whitey Ford Field and Halletts Point Playground. However, we believe there are lessons to be learned from previous projects throughout the city (including Trump City and Long Island City) that were similar in nature and did not result in the level of integration that was expected at the design stage. Anecdotal evidence has found that the original residents do not utilize the enhanced amenities to the levels expected due to perceived separations between the two communities. We continue to stress the value of a fully integrated community and encourage the applicant reach out to other similar development projects to determine why there are perceived barriers and what actions can be taken to overcome these barriers at Halletts Point.

Thank you for the opportunity to comment on the FEIS for the Halletts Point Rezoning. Our comments on the FEIS contained in this letter are intended to help the City Planning Commission and NYCHA provide useful information that will ultimately inform local, state and federal decision-making and review related to land use and impacts. Should you have any questions regarding the comments and concerns detailed in this letter, please feel free to contact Stephanie Lamster of my staff at 212-637-3465.

Sincerely,



Judy-Ann Mitchell, Chief
Sustainability and Multimedia Programs Branch
Clean Air and Sustainability Division