



## **CITY PLANNING COMMISSION**

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September 21, 2022 / Calendar No. 8

C 220371 ZSQ

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**IN THE MATTER OF** an application submitted by Kaufman Astoria Bedrock I LLC and Silverstein Astoria Member LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development, on property bounded by 35<sup>th</sup> Avenue, Steinway Street, a line 180 feet northeasterly of 36<sup>th</sup> Avenue, and 38<sup>th</sup> Street (Block 668, Lot 5), in M1-4/R7-3 and M1-4/R9 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1.

\*197-d(b)(2) eligible.

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This application (C 220371 ZSQ) for a special permit was filed by Kaufman Bedrock Astoria I LLC and Silverstein Astoria Member LLC on March 28, 2022. The proposed special permit, in conjunction with the related actions, would facilitate a new five-block, 13-building mixed-use development with approximately 2,843 units, approximately 711 of which would be permanently affordable, as well as retail and office uses, in an area generally bounded by 35<sup>th</sup> Avenue to the north, 43<sup>rd</sup> Street to the east, 36<sup>th</sup> Avenue to the south, and 37<sup>th</sup> Street to the east in the Astoria neighborhood of Queens, Community District 1.

On September 15, 2022, based on feedback received during public review, the special permits pertaining to Blocks A (C 220370 ZSQ) and C (C 220372 ZSQ) were withdrawn.

### **RELATED ACTIONS**

In addition to the special permit (C 220371 ZSQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently with this application:

**C 220364 ZMQ**

Zoning map amendment from M1-1 and C4-2A zoning districts to M1-4/R7X, M1-4/R7-3, M1-4/R9, and M1-5/R9-1 zoning districts

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<b>C 220365 ZSQ</b>	Special permit to allow for the distribution of parking spaces across the development site
<b>C 220366 ZSQ</b>	Special permit to modify bulk regulations related to the distribution of floor area, rear yard regulations, minimum distance between buildings, and height and setback regulations
<b>N 220367 ZRQ</b>	Zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area, to create a new Special Mixed Use District (MX-24), and reduce the required number of loading berths within the development site
<b>C 220368 ZSQ</b>	Special permit to modify sign regulations
<b>C 220369 ZSQ</b>	Special permit to allow for a reduction in the required amount of loading berths
<b>C 220370 ZSQ</b>	Special permit to allow for certain retail uses greater than 10,000 square feet on Block A (withdrawn)
<b>C 220372 ZSQ</b>	Special permit to allow for certain retail uses greater than 10,000 square feet on Block C
<b>C 220373 ZSQ</b>	Special permit to allow for certain retail uses greater than 10,000 square feet on Block D (withdrawn)
<b>C 220374 ZSQ</b>	Special permit to allow for certain retail uses greater than 10,000 square feet on Block E

## **BACKGROUND**

A full background discussion and description of this application appears in the report for the related zoning map amendment (C 220364 ZMQ).

## **ENVIRONMENTAL REVIEW**

This application (C 220371 ZSQ), in conjunction with the related zoning map amendment (C 220364 ZMQ), zoning text amendment (N 220367 ZRQ), and zoning special permits (C 220365 ZSQ, C 220366, C 220368 ZSQ, C 220369 ZSQ, C 220370 ZSQ, C 220372 ZSQ, C 220373 ZSQ, and C 220374 ZSQ), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 21DCP180Q.

A summary of the environmental review appears in the report for the related zoning map amendment (C 220364 ZMQ).

#### **UNIFORM LAND USE REVIEW**

This application (C 220371 ZSQ) in conjunction with the related applications for a zoning map amendment (C 220364 ZMQ),, and zoning special permits (C 220365 ZSQ, C 220366 ZSQ, N 220367 ZRQ, C 220368 ZSQ, C 220369 ZSQ, C 220370 ZSQ, C 220372 ZSQ, C 220373 ZSQ, and C 220374 ZSQ) were certified as complete by the Department of City Planning on April 25, 2022, and were duly referred to Queens Community Board 1 and the Queens Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 220367 ZRQ), which were referred for information and review in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

On June 21, 2022, Queens Community Board 1 held a public hearing on this application (C 220371 ZSQ) and the related actions (C 220364 ZMQ, C 220365 ZSQ, C 220366 ZSQ, N 220367 ZRQ, C 220368 ZSQ, C 220369 ZSQ, C 220370 ZSQ, C 220372 ZSQ, C 220373 ZSQ, and C 220374 ZSQ) and by a vote of 24 in favor, eight against, and four abstaining, adopted a resolution recommending disapproval of the application. A summary of the community board's recommendation appears in the report for the related zoning map amendment (C 220364 ZMQ).

### **Borough President Recommendation**

On June 30, 2022, the Queens Borough President held a public hearing on this application (C 220371 ZSQ) and the related actions (C 220364 ZMQ, C 220365 ZSQ, C 220366 ZSQ, N 220367 ZRQ, C 220368 ZSQ, C 220369 ZSQ, C 220370 ZSQ, C 220372 ZSQ, C 220373 ZSQ, and C 220374 ZSQ), and on August 4, 2022, issued a recommendation to disapprove the application with conditions. A summary of the borough president's recommendation appears in the report for the related zoning map amendment (C 220364 ZMQ).

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

On July 27, 2022 (Calendar No. 6), the City Planning Commission scheduled August 10, 2022 for a public hearing on this application (C 220371 ZSQ) and the application for the related actions (C 220364 ZMQ, C 220365 ZSQ, C 220366 ZSQ, N 220367 ZRQ, C 220368 ZSQ, C 220369 ZSQ, C 220370 ZSQ, C 220372 ZSQ, C 220373 ZSQ, and C 220374 ZSQ). The hearing was duly held on August 10, 2022 (Calendar 26). There were 25 speakers in favor of the application and 17 in opposition, as described in the report for the related action (C 220364 ZMQ), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a special permit (C 220371 ZSQ), in conjunction with the application for the related actions (C 220364 ZMQ, C 220365 ZSQ, C 220366 ZSQ, N 220367 ZRQ, C 220368 ZSQ, C 220369 ZSQ, C 220373 ZSQ, and C 220374 ZSQ), is appropriate. A full consideration and analysis of issues and the reasons for approving this application appear in the report for the related zoning map amendment (C 220364 ZMQ).

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-922 of the Zoning Resolution:

- (a) that the principal vehicular access for such use is not located on a local narrow street;
- (b) that such use is so located to draw a minimum of vehicular traffic to and through local streets;
- (c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;
- (d) that vehicular entrances and exits are provided for such uses and are located not less than 100 feet apart;
- (e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (f) that such use is so located as not to impair the essential character or the future use of or development of the surrounding area;
- (g) that such use will not produce any adverse effects which interfere with the appropriate use of land in the district or in any adjacent district;
- (h) Not applicable;
- (i) Not applicable;

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 8, 2022, with respect to this application (CEQR No. 21DCP180Q), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulation, have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the action, with the modifications set forth and analyzed in the Technical Memorandum dated September 16, 2022, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
3. 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 dated September 21, 2022, those project components related to environment and mitigation measures that were identified as practicable.

The 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**, 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 and findings described in this report, the application submitted by Kaufman Bedrock Astoria I LLC and Silverstein Astoria Member LLC pursuant to Section 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow certain large retail establishments (Use Group 6 and/or Use Group 10A

uses) with no limitation on floor area per establishment, in connection with a proposed mixed-use development, on property bounded by 35th Avenue, Steinway Street, a line 180 feet northeasterly of 36th Avenue, and 38th Street (Block 668, Lot 5), in M1-4/R7-3 and M1-4/R9 Districts, within a Special Mixed Use District (MX-24), Borough of Queens, Community District 1, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 220371 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by ODA New York filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U.002	Zoning Analysis	09/19/2022
U.200	Zoning Lot Site Plan	09/19/2022
U.202	Ground Floor Plan	09/19/2022
U.205	Waiver Section	09/19/2022
U.206	Waiver Section	09/19/2022
U.207	Waiver Section	09/19/2022

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated September 21, 2022, executed by Kaufman Bedrock Astoria I LLC, Silverstein Astoria LLC, Queensboro Farm Products, Inc., Wilbee Corporation, Mayer Malbin Realty I, L.L.C., Cartergavin37 LLC, Jolivia Realty LLC, Sultan

Bacchus and Bibi R. Bacchus, Bigfoot Realty, LLC, 35-18 Steinway Street, LLC, 42-11 Northern LLC, and Alfess Realty, L.L.C., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of Queens.

5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.
8. Neither the City of New York nor its employees or agents shall have any liability for

money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 220371 ZSQ), duly adopted by the City Planning Commission on September 21, 2022 (Calendar No. 8), 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.

**DANIEL R. GARODNICK, Esq.,** *Chair*  
**KENNETH J. KNUCKLES, Esq.,** *Vice-Chairman*  
**DAVID J. BURNEY, FAIA; LEILA BOZORG,**  
**ALFRED C. CERULLO, III; RICHARD W. EADDY,**  
**DAVID GOLD, Esq., RASMIA KIRMANI-FRYE,**  
**ORLANDO MARIN,** *Commissioners*

**LEAH GOODRIDGE, JUAN CAMILO-OSORIO,**  
**RAJ RAMPERSHAD,** *Commissioners, VOTING NO*