**THE COUNCIL OF THE CITY OF NEW YORK**

**RESOLUTION NO. 406**

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 220364 ZMQ, a Zoning Map amendment (L.U. No. 126).**

**By Council Members Salamanca and Riley**

WHEREAS, Kaufman Astoria Bedrock I LLC and Silverstein Astoria Member LLC, filed an application pursuant to Sections 197‑c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, by changing from a C4-2A District to an M1-4/R9 District, changing from an M1-1 District to an M1-4/R7-3 District, changing from an M1-1 District to an M1-4/R7X District, changing from an M1-1 District to an M1-4/R9 District, changing from an M1-1 District to an M1-5/R9-1 District, and establishing a Special Mixed Use District (MX-24), which 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 35th Avenue to the north, 43rd Street to the east, 36th Avenue to the south, and 37th Street to the east in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 220364 ZMQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on October 3, 2022 its decision dated September 21, 2022 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 220365 ZSQ (L.U. No. 128), a special permit to allow for the distribution of parking spaces across the development site; C 220366 ZSQ (L.U. No. 129), a 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; N 220367 ZRQ (L.U. No. 127), a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) area, to create a new Special Mixed Use District designation (MX-24), and reduce the required number of loading berths within the development site; C 220368 ZSQ (L.U. No. 130), a special permit to modify sign regulations; C 220369 ZSQ (L.U. No. 131), a special permit to allow for a reduction in the required amount of loading berths; C 220371 ZSQ (L.U. No. 132), a special permit to allow for certain retail uses greater than 10,000 square feet on Block B; C 220373 ZSQ (L.U. No. 133), a special permit to allow for certain retail uses greater than 10,000 square feet on Block D; C 220374 ZSQ (L.U. No. 134), a special permit to allow for certain retail uses greater than 10,000 square feet on Block E;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197‑d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 19, 2022;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued May 12th, 2021 (CEQR No. 21DCP180Q) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 9, 2022, in which potential significant adverse impacts related to hazardous materials, stationary air quality, and noise would be avoided through the placement of (E) designations (E-675) on project site. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to community facilities (libraries, childcare), active open space, shadows, transportation (traffic, transit, and pedestrians), and construction activities related to noise and traffic; in addition FEIS analyzed a modified application (called the Proposed Modified Application Alternative), as a new alternative in the FEIS included in Chapter 19 of the FEIS, “Alternatives” and concludes that the Proposed Modified Application Alternative would result in the same or similar impacts as the original application but includes a larger open space area which provides additional mitigation for the identified open space impact; and the identified significant adverse impacts and proposed mitigation measures under the proposed actions and the Proposed Modified Application Alternative are summarized in Chapter 19, “Alternatives” and Chapter 20, “Mitigation” of the FEIS, and are included in the Restrictive Declaration. A Technical Memorandum was issued on September 16, 2022 and concludes that the application as modified would not result in any significant adverse impacts that were not already identified in the FEIS issued on September 9, 2022. The Council has also considered the Technical Memorandum dated November 21, 2022. The FEIS and subsequent Technical Memoranda are collectively referred to as the “Environmental Analysis”.

RESOLVED:

Having considered the Environmental Analysis with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. 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
3. 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 Memoranda dated September 16, 2022 and November 21, 2022, is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
4. 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 November 21, 2022, those project components related to environment and mitigation measures that were identified as practicable.

The Decision, together with the Environmental Analysis, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, 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 the report, C 220364 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter double struck out is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

**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 an amendment of the Zoning Map, Section No. 9b:

1. changing from a C4-2A District to an M1-4/R7A District property bounded by a line 175 feet northeasterly of 36th Avenue, Steinway Street, a line 295 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 41st Street, 36th Avenue, and a line midway between 38th Street and Steinway Street;

1.2. changing from a C4-2A District to an M1-4/R9 District property bounded by 35th Avenue, a line midway between Steinway Street and 41st Street, 36th Avenue, a line 295 feet southwesterly of 35th Avenue, Steinway Street, a line 175 feet northeasterly of 36th Avenue, and a line midway between of Steinway Street and 38th Street;

3. changing from an M1-1 District to an M1-4/R6A District property bounded by:

a. 35th Avenue, 43rd Street, a line 100 feet southwesterly of 35th Avenue, and a line 90 feet southeasterly of 42nd Street;

b. a line 288 northeasterly of 36th Avenue and its southeasterly prolongation, 42nd Street, Northern Boulevard, 36th Avenue, and a line midway between 41st Street and 42nd Street;

c. a line 150 feet northeasterly of 36th Avenue, 41st Street, 36th Avenue, and a line midway between Steinway Street and 41st Street;

d. a line 175 feet northeasterly of 36th Avenue, a line midway between 38th Street and Steinway Street, 36th Avenue, and 38th Street;

2.4. changing from an M1-1 District to an M1-4/R7-3 District property bounded by:

* 1. a line 100 feet southwesterly of 35th Avenue, a line midway between Steinway Street and 38th Street, a line 175 feet northeasterly of 36th Avenue, 38th Street, a line 150 feet northeasterly of 36th Avenue, and 37th Street; and
  2. a line 100 feet southwesterly of 35th Avenue, 42nd Street, a line 150 feet northerly of Northern Boulevard, a line 288 feet northeasterly of 36th Avenue and its southeasterly prolongation, a line midway between 41st Street and 42nd Street, a line 150 feet northeasterly of 36th Avenue, and a line midway between Steinway Street and 41st Street;

3.5. changing from an M1-1 District to an M1-4/R7X District property bounded by 35th Avenue, a line 90 feet southeasterly of 42nd Street, 43rd Street, a line 100 feet southwesterly of 35th Avenue, and 41st Street;

4.6. changing from an M1-1 District to an M1-4/R9 District property bounded by:

* 1. 35th Avenue, a line midway between Steinway Street and 38th Street, a line 100 feet southwesterly of 35th Avenue, and 37th Street;
  2. a line 150 feet northeasterly of 36th Avenue, a line midway between Steinway Street and 38th Street, 36th Avenue, and 37th Street; and
  3. 35th Avenue, 41st Street, a line 100 feet southwesterly of 35th Avenue, and a line midway between Steinway and 41st Street; and
  4. a line 150 feet northeasterly of 36th Avenue, 41st Street, 36th Avenue, and a line midway between Steinway Street and 41st Street;

5.7. changing from an M1-1 District to an M1-5/R9-1 District property bounded by:

a. a line 100 feet southwesterly of 35th Avenue, 43rd Street, Northern Boulevard, and 42nd Street; and

b. a line 150 feet northeasterly of 36th Avenue; a line midway between 41st Street and 42nd Street; 36th Avenue, and 41st Street, a line 150 feet northeasterly of 36th Avenue, a line 150 feet northerly of Northern Boulevard, and 42nd Street; and

6.8. establishing a Special Mixed Use District (MX-24) bounded by 35th Avenue, 43rd Street, Northern Boulevard, 36th Avenue, and 37th Street;

as shown on a diagram (for illustrative purposes only) dated April 25, 2022, and subject to the conditions of CEQR Declaration E-675.

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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022, on file in this office.

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City Clerk, Clerk of The Council