Innovation QNS Substantial Compliance 2025
Project ID No. 2025Q0450

Project Description

1. Introduction

This is an application by Kaufman BedRock Astoria I LLC (the "Applicant") seeking confirmation by the NYC Department of City Planning that the minor updates (the "Design Change") to the previously approved plans to reflect the reconfiguration of large retail establishments on portions of the ground floors and cellar levels of the proposed development on Zoning Lot B located on Queens Block 668, Lot 5 (the "Development Site") are in substantial compliance with a special permit pursuant to the then-applicable Section 74-922 of the Zoning Resolution of the City of New York ("ZR" or "Zoning Resolution") under Application No. C 220371 ZSQ (the "74-922 Special Permit").

2. Approvals to be Modified

a. 2022 Approvals

The Development Site obtained approvals, which were part of a series of zoning actions granted by the City Planning Commission (the "CPC") on September 21, 2022. The zoning actions affecting the Development Site are as follows:

- Zoning map amendment from an M1-1 zoning district to M1-4/R7X, M1-4/R7-3, M1-4/R9, and M1-5/R9-1 zoning districts; and a C4-2A zoning district to an M1-4/R9 zoning district (Development Site was rezoned from an M1-1 zoning district to M1-4/R7-3 and M1-4/R9, and a C4-2A zoning district to an M1-4/R9 zoning district) (Application No. C 220364 ZMQ, Cal. No. 5; City Council ("Council" or "CC") Res. No. 406).

- Zoning text amendment to modify Article VII, Chapter 4 large-scale general development loading regulations, Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing new Special Mixed Use District and Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area (Application No. N 220367 ZRQ, Cal. No. 6; CC Res. No. 407).

- Zoning special permit pursuant to ZR Section 74-922 to allow certain large retail establishments with no limitation on floor area per establishment on Block B (Application No. C 220371 ZSQ, Cal. No. 8; CC Res. No. 412) (referred to as the "74-922 Special Permit").

- Zoning special permits related to large-scale general development (LSGD):

    - Pursuant to ZR Section 74-745(a) to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development without regard for zoning lot lines (Application No. C 220365 ZSQ, Cal. No. 12; CC Res. No. 408);

    - Pursuant to ZR Section 74-743 to allow the distribution of total allowable floor area without regard for zoning lot lines or district boundaries and to modify yard, height and setback, and minimum distance between buildings regulations (Application No. C 220366 ZSQ, Cal. No. 13; CC Res. No. 409); and

    - Pursuant to ZR Section 74-745(b) to allow a reduction of loading berth requirements (Application No. C 220369 ZSQ, Cal. No. 15; CC Res. No. 411).

The following actions, which did not affect the Development Site, were part of a series of land use actions:

- Zoning special permit pursuant to ZR Section 74-922 to allow certain large retail establishments with no limitation on floor area per establishment on Block D (Application No. C 220373 ZSQ, Cal. No. 10; CC Res. No. 413).

- Zoning special permit pursuant to ZR Section 74-922 to allow certain large retail establishments with no limitation on floor area per establishment on Block E (Application No. C 220374 ZSQ, Cal. No. 11; CC Res. No. 414).

- Zoning special permits pursuant to ZR Section 74-922 to allow certain large retail establishments with no limitation on floor area per establishment with respect to Block A (C 220370 ZSQ) and Block C (C 220372 ZSQ) were withdrawn on September 15, 2022.

- Zoning special permit pursuant to ZR Section ZR Section 74-744(c) to modify signage regulations in connection with establishment of a large-scale general development (Application No. C 220368 ZSQ, Cal. No. 14; CC Res. No. 410).

In connection with the LSGD special permits approval, a restrictive declaration was approved under Application No. N 220375 LDQ.

The CPC modified the original application to modify the proposed number and distribution of parking spaces; bulk distribution across the LSGD; and design controls to require differentiation in materiality or façade type and incorporate recesses to reduce the effect of long street walls. The CC modified the applications by changing the proposed zoning districts from M1-4/R9 to M1-4/R6A and M1-4/R7A, from M1-4/R7-3 to M1-4/R6A, from M1-4/R7X to M1-4/R6A, and from M1-5/R9-1 to M1-4/R9 and M1-4/R6A. The CC modifications overall resulted in converting all of the proposed office space and a portion of the Innovation Hub to residential floor area and increasing the total number of dwelling units from 2,843 to 3,190 on the applicant-controlled properties, while decreasing the projected unit count from over 800 units to 347 units on the non-applicant-controlled properties.

In 2023, updated plans, last revised March 23, 2023, reflecting minor corrections to the zoning district boundaries primarily on Block C, Block D, and Block E, were submitted to the Department of City Planning.

b. Findings and Determinations Made Pursuant to 74-922 Special Permit

Pursuant to ZR Section 74-922:

(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) that such #bulk# modifications will not unduly obstruct the access of light and air to surrounding streets and properties; and

(i) that in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further finds:

1) that an adequate alternate loading facility in the same ownership (single fee ownership or control or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the retail store is provided, subject to a deed restriction filed in an office of record binding the owner and his heirs and assigns to maintain the alternate facility throughout the life of the retail store;

2) that the alternate loading facility is located within the same district or an adjoining C6-M, C8 or #Manufacturing District# and the maximum distance between the two sites is 1000 feet;

3) that the location of the loading berths on the same #zoning lot# as the retail store would have a significant impact on the existing #residential uses# in the #building#;

4) that the location of the loading berths on the same #zoning lot# as the retail store would create serious vehicular and pedestrian traffic conflict on the #street# upon which the store fronts; and

5) that the alternate location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# surrounding the alternate site.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

3. Proposed Change

The proposed Design Change would update the configuration of large retail establishments at the ground level of the proposed development on the Development Site.

Under the 74-922 Special Permit, large retail establishments containing up to approximately 34,474 square feet of the then-applicable Use Groups 6 and 10 floor area were permitted at the ground level of the proposed development on the Development Site. The Applicant is anticipating to develop the Development Site with two as-of-right, mixed commercial and residential developments, in compliance with the applicable zoning controls. The first building, located on the northern portion of the Development Site, is currently under design development, and is anticipated to provide, in the aggregate, up to 19,000 square feet of large retail establishment within portions of the building's ground floor. The second building located on the southern portion of the Development Site is not designed but expected to provide, in the aggregate, up to 15,474 square feet of large retail establishment on portions of the building's ground floor.

4. Affected Drawings

The proposed Design Change would supersede the approved drawings listed in the CPC report under Application No. C 220371 ZSQ with the following drawing list prepared by Beyer Blinder Belle Architects & Planners LLP:

Dwg No.	Title	Last Revised Date
U.202	Ground Floor Plan	7/1/2025

5. Conclusion

As discussed herein, the Applicant requests a determination that the proposed Design Change is in substantial compliance with the 74-922 Special Permit.