

**NOTICE OF COMPLETION AND NOTICE OF AVAILABILITY
OF A FINAL ENVIRONMENTAL IMPACT STATEMENT**

Innovation QNS Rezoning and LSGD

Project Identification

CEQR No. 21DCP180Q
ULURP Nos. C220364ZMQ; C220365ZSQ;
C220366ZSQ; N220367ZRQ; C220368ZSQ;
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Lead Agency

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SEQRA Classification: Type I

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Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS) has been prepared for the action described below. Copies of the DEIS are available for public inspection at the office of the undersigned as well as online via the Innovation QNS project page on ZAP: <https://zap.planning.nyc.gov/projects/2021Q0106>. To view the Innovation QNS FEIS and Appendix, navigate to the project page in ZAP and select Public Documents, then "FEIS_21DCP180Q". The proposal involves actions by the City Planning Commission (CPC) and the New York City Council pursuant to Uniform Land Use Review Procedure (ULURP). A public hearing on the DEIS was held on August 10, 2022, in conjunction with the City Planning Commission's citywide public hearing pursuant to ULURP. Written comments on the FEIS were requested, received, and considered by the Lead Agency until Monday, August 22, 2022 at 5:00 p.m.

The Applicant (a joint venture between Kaufman Astoria Studios, BedRock Real Estate Partners, and Silverstein Properties) is seeking a series of land use actions, including zoning map amendments, zoning text amendments, and special permits (the Proposed Actions), to facilitate the Applicant's intended development and programming. The area subject to the Proposed Actions is the five city blocks bounded by 35th Avenue to the north, 43rd Street/Northern Boulevard to the east, 36th Avenue to the south and 37th Street to the west (the "Project Area") in the Astoria neighborhood of Queens in Community District 1. The Project Area (Blocks 641, 668, 669, 670, and 671) contains 43 lots, of which 21 are controlled by the Applicant while the remaining lots are controlled by others. With the Proposed Actions, the Applicant-controlled lots would be controlled by a Large Scale General Development (LSGD) Special Permit and would contain the Proposed Development (referred to as the "Development Site"). The 22 lots outside of the Development Site that are not controlled by the Applicant would be rezoned with approval of the Proposed Actions (referred to as the "Additional Affected Area").

The Proposed Actions include:

ZONING MAP AMENDMENTS

The Proposed Actions would change the zoning of the Project Area from M1-1 and C4-2A districts to a Special Mixed Use District (MX-24) consisting of M1-4/R7-3, M1-4/R7X, M1-4/R9 and M1-5/R9-1 districts. The proposed MX district with paired manufacturing and residential districts would allow for the mix of residential, community facility, and commercial uses intended for the Proposed Development, and would provide for the densities and varied building profiles responding to the surrounding neighborhood context.

ZONING TEXT AMENDMENTS

The Proposed Actions include zoning text amendments to:

- Amend Section ZR 123-00 to create a new MX-24 District.
- Amend Appendix F to establish a MIH Option 1 area over the Project Area to require a share of new housing to be permanently affordable.
- Amend Section ZR 74-745 (b) to make the reduction in loading berths permitted under the Special Permit ZR 74-745 (b) applicable to Special MX-24 District in Queens Community District 1.

SPECIAL PERMITS

The Proposed Actions include a Special Permit pursuant to ZR 74-743, Special Provision for Bulk Modifications:

- Pursuant to ZR 74-743 (a)(1) to allow the distribution of floor area without regard zoning lot and district boundary lines.
- Pursuant to ZR 74-743 (a)(2) to modify rear yard regulations as per ZR 23-40 (Yard Regulations), ZR 43-40 (Yard Regulations), ZR 123-65 (Special Yard Regulations).
- Pursuant to ZR 74-743 (a)(2) to modify minimum distance between buildings as per ZR 23-711 (Standard Minimum Distance Between Buildings).
- Pursuant to ZR 74-743 (a)(2) to modify height and setback regulations as per ZR 23-662 (Height and Setback Requirements for Quality Housing Buildings) and ZR 123-66 (Height and Setback Regulations).
- A Special Permit pursuant to ZR 74-744 (c) to modify sign regulations on Zoning Lot D to modify ZR 123-40 (Sign Regulations) and ZR 32-60 (Sign Regulations).
- A Special Permit pursuant to ZR 74-745 (a) to locate required and permitted accessory parking spaces to be located throughout the five accessory group parking facilities in the LSGD without regard to zoning lot lines.
- A Special Permit pursuant to ZR 74-745 (b) to reduce loading berths as per ZR 44-50 (General Purposes) and ZR 123-70 (Parking and Loading).
- Special Permits on Zoning Lots A through E pursuant to ZR 74-922, Certain Large Retail Establishments, to permit certain retail uses greater than 10,000 sf of floor area as per ZR 42-10 (Uses Permitted As-Of-Right), and ZR 123-20 (Special Use Regulations).

RESTRICTIVE DECLARATION

- The Applicant will enter into a Restrictive Declaration to reflect the approvals described above. The Restrictive Declaration would require that the Proposed Project is developed in substantial accordance with the approved special permits and will establish any environmental mitigation conditions as necessary, as identified through the environmental review for the project.

In order to assess the possible impacts of the components of the Proposed Actions, a reasonable worst-case development scenario (RWCDs) was established for both the current (No-Action) and proposed zoning (With-Action) conditions by the build year of 2032. The incremental difference between the No-Action and With-Action conditions will serve as the basis for the impact analyses of the Environmental Impact

Statement (EIS). In total, the Projected Development Sites (inclusive of the Proposed Development in the Development Site and the sites in the Additional Affected Area) would contain approximately 3.7 million gsf of space, an increase of approximately 3.3 million gsf above the No Action scenario. The With Action condition would include a total of approximately 3.1 million gsf of residential space (approximately 3,652 DUs, of which 914 would be permanently affordable pursuant to MIH), approximately 542,985 gsf of commercial space (retail, eating and drinking establishments, grocery store, PCEs, and the relocated cinema and potential automotive showroom), approximately 107,720 gsf of community facility space (e.g., day care, community center, and arts and cultural center), and approximately 1,633 parking spaces.

The FEIS assesses whether development resulting from the Proposed Actions could result in significant adverse environmental impacts. The FEIS identifies potential significant adverse impacts related to community facilities (libraries and public childcare facilities), open space (active open space), shadows, transportation, and construction (traffic, transportation, and noise).

Community Facilities Impacts

Publicly Financed Early Childhood Programs

The Proposed Actions would result in a significant adverse impact on publicly funded early childhood programs. In both the No Action and With Action scenarios, publicly financed early childhood programs in the study area are predicted to operate over capacity. In the With Action scenario, the predicted increase of 80.5 percentage points in the utilization rate would exceed 5 percentage points. Therefore, the Proposed Actions could result in a significant adverse impact to publicly financed early childhood programs

The Restrictive Declaration for the Proposed Development will require the Applicant to work with DOE to consider the need for and the implementation of one or more measures to provide additional capacity, if required, to mitigate the significant adverse impact to publicly funded child care facilities within the 1.5-mile study area or within Queens Community District 1. Possible mitigation measures for this significant adverse impact may include provision of suitable space within the Proposed Development for early childhood programs, provision of a suitable location off-site within the study area and within a reasonable distance (at a rate affordable to New York City Department of Education [DOE] providers), or funding/making program or physical improvements to support adding capacity to existing facilities if determined feasible through consultation with DOE's Division of Early Childhood Education. The Applicant would coordinate with DOE to determine the required mitigation at the time that 53 affordable units are developed in the Project Area (which may include development in the Additional Affected Area on sites that are not controlled by the Applicant). As the Proposed Development may include senior housing units, the determination of mitigation will only consider the need generated by affordable units that would be expected to generate children eligible for publicly financed early childhood programs. Absent the implementation of such mitigation measures, if needed, the Proposed Actions would have an unmitigated significant adverse impact on publicly funded early childhood programs.

Libraries

The Proposed Actions would result in a significant adverse impact on library services in the study area. The With Action scenario population would represent an increase of 4.48 percent over the No Action scenario population at the Broadway Branch of the Queens Public Library and an increase of 5.94 percent at the Long Island City Branch of the Queens Public Library. The increase at the Long Island City Branch is greater than the 5 percent increase that CEQR defines as the threshold for a potential significant adverse impact.

The Restrictive Declaration for the Proposed Development will require the Applicant to coordinate with QPL and to commit to one of, or some combination of, the following mitigation measures, which will be implemented before the Temporary Certificate of Occupancy is issued for the final building in the Proposed Development. Potential mitigation measures include funding or provision of improvements and maintenance to the QPL Broadway branch facility that would support the branch's programming and services year-round, such as improvements to the branch's garden to provide space for public gatherings

and community enjoyment; provision of space within the Proposed Development for the library, the size and location of which would be determined in coordination with QPL; and/or support for QPL for the continued operation of a space for the Library within the Proposed Development. If measures to fully mitigate the significant adverse impact are not implemented, the Proposed Actions would result in unmitigated significant adverse impacts on libraries.

Open Space Impacts

The Proposed Actions would result in a significant adverse impact associated with the active open space ratio. A detailed open space analysis for the residential study area determined that the Proposed Actions would result in a significant adverse impact related to active open space. This impact is due to the added residential demand placed on active open space resources in an area that currently has limited availability. According to Table 7-5 of the *CEQR Technical Manual*, a decrease in an active open space ratio of 1 percent or more compared to the No Action condition is considered to be a significant adverse impact for a project in a study area where the active open space ratio is between 0.010 and 0.400 acres per 1,000 residents.

As mitigation for the significant adverse impact, the Proposed Development would include an approximately 10,000 sf area at the southern end of Block A (along 36th Avenue) that would be additional publicly accessible open space. This publicly accessible open space would include active uses to provide partial mitigation for the significant adverse impact to active open space by providing an additional resource for active recreation for residents of the study area, where there is limited active open space. The specific active amenities to be provided would be determined in consultation with NYC Parks.

In addition, the Applicant has developed a modified site plan and building massing for the Proposed Development that provides for additional space at the southern end of Block A to allow for a larger Public Access Area (PAA) with active uses. Under the alternative, the PAA would include approximately 22,000 sf (0.50 acres) of active uses as mitigation for the Proposed Actions' significant adverse active open space impact. This alternative (the Proposed Modified Application Alternative) is assessed in Chapter 21, "Alternatives," of the FEIS

In addition, the Proposed Actions would result in a direct significant adverse shadow impact to Playground Thirty Five XXXV. Mitigation measures for the significant adverse shadow impact are discussed below under "Shadows."

Shadows Impacts

The Proposed Actions would result in a significant adverse shadow impact to one sunlight-sensitive resource: Playground Thirty Five XXXV, which is adjacent to the Development Site. In particular, development resulting from the Proposed Actions would cast new shadows on Playground Thirty Five XXXV throughout the day in all seasons, covering large areas of the playground at times, eliminating much or all of the remaining sunlight in the park at times—particularly in the fall, winter, and early spring—and causing significant adverse impacts to the user experience in all seasons. Trees and plantings in the park would continue to receive adequate direct sunlight through the May to August heart of the growing seasons, but those in the southern part of the park would receive up to an hour less than generally required in the March and September "shoulders" of the growing season, potentially impacting the health of those trees or plantings.

Potential mitigation measures were explored by the Applicant in consultation with DCP and NYC Parks, and have been refined between the DEIS and FEIS. The active publicly accessible open space at the southern end of Block A would provide partial mitigation for the significant adverse shadows impact to Playground Thirty Five XXXV by providing an additional active resource, which may include children's active play space, in an area that would receive less shadow. This additional publicly accessible resource would serve residents of the study area seeking sunny active space. The specific active amenities to be provided would be determined in consultation with NYC Parks.

Transportation Impacts

The Proposed Actions would result in significant adverse impacts to: a) vehicular traffic at 21 intersections, b) subway line haul conditions on southbound N/W trains in the AM peak hour, and d) pedestrian conditions at three sidewalks and two crosswalks. Mitigation measures that could address the significant adverse transportation impacts are discussed below.

Traffic

The Proposed Actions would result in significant adverse traffic impacts at 23 intersections (all signalized) during one or more analyzed peak hours. Significant adverse impacts were identified to 31 lane groups at 19 intersections during the weekday AM peak hour, 21 lane groups at 13 intersections in the midday peak hour, 29 lane groups at 18 intersections in the PM peak hour, and 25 lane groups at 16 intersections during the Saturday peak hour..

Implementation of traffic engineering improvements such as signal timing changes and modifications to lane striping and curbside parking regulations would mitigate a number of the projected traffic impacts. These proposed traffic engineering improvements are subject to review and approval by the DOT. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative mitigation measure will be identified, if possible. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

Assuming all the proposed mitigation measures are implemented, significant adverse impacts would be fully mitigated at 13 lane groups in each of the weekday AM, midday, and PM peak hours, and 11 lane groups in the Saturday peak hour. Intersections where all impacts would be fully mitigated would total 9, 11, 10, and 9 during these same periods, respectively. In total, impacts to one or more lane groups would remain unmitigated in one or more peak hours at 12 intersections.

Transit

Subway Line Haul

In the 2032 future with the Proposed Actions, southbound N/W trains are expected to be operating over capacity in the AM peak hour, and the Proposed Actions would increase this demand by an average of approximately 5.25 passengers per car. This significant adverse impact could be fully mitigated by the addition of one southbound N/W trains during the AM peak hour. As standard practice, NYCT routinely conducts periodic ridership counts and adjusts subway frequency to meet its service criteria, within fiscal and operating constraints, which would mitigate this impact. Due to operating constraints where the N/W trains share tracks with the R train, adding one train to AM peak N/W southbound service would mean subtracting one train from AM peak R southbound service, which would result in longer wait times and higher average ridership loads on the remaining R trains. In the absence of this recommended mitigation, the significant adverse line haul impact to southbound N/W trains in the AM peak hour would remain unmitigated.

Pedestrians

Incremental demand from the Proposed Actions would significantly adversely impact three sidewalks and two crosswalks in one or more analyzed peak hours. There would be no significant impacts to any corner area in any period. Pedestrian flow along the three impacted sidewalks is constrained by the presence of outdoor dining areas. These sidewalks are outside the boundaries of the LSGD and are not under the control of the applicant. Therefore, the significant adverse sidewalk impacts would remain unmitigated. However, the applicant is fully committed to exploring relocation or reconfiguration of these restaurants in the future. Recommended mitigation measures for the two crosswalk impacts would consist of the widening of crosswalks. Implementation of the widening of crosswalks, which would fully mitigate the impacts to both crosswalks, would be subject to review and approval by DOT. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative mitigation measure will be identified, if

possible. In the absence of the application of mitigation measures, the significant adverse pedestrian crosswalk impacts would remain unmitigated.

Construction

Transportation (Traffic)

Construction traffic conditions were evaluated during the Year 2 construction (fourth quarter) construction AM and PM peak hours at 24 intersections (19 signalized and five unsignalized) in the traffic study area where construction vehicle trips would exceed the 50-trips/hour *CEQR Technical Manual* analysis threshold in one or both construction peak hours. As summarized in **Tables 7 and 8** the construction traffic impact analysis indicates the potential for significant adverse impacts at 11 lane groups at 8 intersections in the weekday AM construction peak hour, and 19 lane groups at 11 intersections in the weekday PM construction peak hour.

Implementation of recommended traffic engineering improvements including modifications to signal timing and phasing, modifications to lane restriping and changes to curbside parking regulations, would fully mitigate the significant adverse impacts to two lane groups in the construction AM peak hour and seven lane groups in the construction PM peak hour. Intersections where all impacts would be fully mitigated would total two and four, during these same periods, respectively. Impacts to seven lane groups in the construction AM peak hour and 12 lane groups in the construction PM peak hour would remain at a total of eight intersections.

Implementation of the recommended traffic engineering improvements is subject to final review and approval by DOT. If, prior to implementation, DOT determines that a recommended mitigation measure is infeasible, an alternative mitigation measure will be identified, if possible. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

Noise

The Proposed Actions would have the potential to result in temporary significant adverse construction noise impacts at various receptors within the Study Area. Partial mitigation is proposed for some of the significant adverse impacts of the Proposed Actions. Construction under the Proposed Actions would follow the requirements of the *New York City Noise Control Code* (also known as Chapter 24 of the *Administrative Code of the City of New York*, or Local Law 113) for construction noise control measures. Specific noise control measures (including measures beyond what are required by the New York City Noise Code) would be incorporated in noise mitigation plan(s) required under the *New York City Noise Control Code*.

At existing building façades that are predicted to experience significant adverse impacts, the Applicant would offer to make available at no cost the installation of storm windows for façades that do not already have insulated glass windows and/or one window air conditioner per living room, bedroom, classroom, office space, or other noise sensitive spaces on impacted façades that do not already have alternative means of ventilation. Any mitigation measures identified would be implemented prior to the start of construction. Building façades with insulated glass windows or storm windows and alternative ventilation would provide sound attenuation such that even during warm weather conditions, interior noise levels would be approximately 25 dBA less than exterior noise levels. However, the most noise-intensive construction activity nearest the receptors experiencing significant adverse impacts would result in interior noise levels up to 64 dBA L₁₀, which is 19 dBA greater than the level considered acceptable according to *CEQR Technical Manual* noise exposure guidelines. Consequently, significant adverse noise impacts predicted to occur at the above-mentioned receptors would be only partially mitigated and thus unavoidable as discussed in Chapter 22, “Unavoidable Adverse Impacts.. In the event no practicable or feasible mitigation measures are determined, the significant adverse construction noise impacts would be unavoidable.

The FEIS considers three alternatives – a No-Action Alternative, a No Unmitigated Significant Adverse Impact Alternative, and a Proposed Modified Application Alternative. The No-Action Alternative examines future conditions within the Project Area, but assumes the absence of the Proposed Actions (i.e., none of

the discretionary approvals proposed as part of the Proposed Actions would be adopted). The No Unmitigated Significant Adverse Impacts Alternative examines a scenario in which the density and other components of the Proposed Actions are changed specifically to avoid the unmitigated significant adverse impacts associated with the Proposed Actions. The Proposed Modified Application Alternative examines a scenario in which the Proposed Development has been modified to reduce its massing and scale along the northern side of the Development Site. Under this alternative, there would be reductions to building heights on the northern side of Blocks C, D, and E, and additional floors on other buildings in the Proposed Development to redistribute floor area. The modified site plan would remove two proposed Public Access Areas (PAAs), but would include an approximately 22,000 sf active space PAA on Block A as mitigation for the active open space impact. This modified proposal would also reconfigure the Proposed Development's below-grade spaces to reduce the number of parking spaces to 949 (the minimum under the required zoning). The Proposed Modified Application Alternative would result in the same or similar significant adverse impacts as the Proposed Actions, requiring the same or similar mitigation measures, while still meeting the objectives of the Proposed Actions

Copies of the FEIS may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 120 Broadway, 31st Floor, New York, New York 10271, Stephanie Shellooe, AICP, Director (212) 720-3328; or from the Mayor's Office of Environmental Coordination, 253 Broadway, 14th Floor, New York, NY 10007, Hilary Semel, Director; and on the New York City Department of City Planning's website located at <https://zap.planning.nyc.gov/projects/2021Q0106>.