



## Legislation Text

**File #:** Res 1976-2013, **Version:** \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1976

Resolution approving the decision of the City Planning Commission on ULURP No. C 130191 ZSQ (L.U. No. 903), for the grant of a special permit pursuant to Section 117-56 of the Zoning Resolution of the City of New York to allow an increase in the permitted floor area ratio of Section 117-522, from 5.0 to a maximum of 8.0, and to modify the street wall requirements of Section 117-531 (Street wall location) and the setback requirements of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), in connection with a proposed mixed-use development on property located at 22-44 Jackson Avenue (Block 86, Lots 1, 6, 7, 8, 22, and Block 72, part of Lot 80) in an M1-5/R7-3 District, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict, Area C), Borough of Queens.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on August 23, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by G&M Realty, L.P., pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit Section 117-56 of the Zoning Resolution of the City of New York to allow an increase in the permitted floor area ratio of Section 117-522, from 5.0 to a maximum of 8.0, and to modify the street wall requirements of Section 117-531 (Street wall location) and the setback requirements of Section 117-532 (Setback regulations for buildings that exceed the maximum base height), in connection with a proposed mixed-use development on property located at 22-44 Jackson Avenue (Block 86/Lots 1, 6, 7, 8, 22, and Block 72, part of Lot 80) in an M1-5/R7-3 District, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict, Area C), (ULURP No. C 130191 ZSQ), Community District 2, Borough of Queens (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 117-56 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 2, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues and the revised conditional negative declaration (CEQR No. 13DCP094Q) issued August 21, 2013 (the "Revised Conditional Negative

Declaration”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Conditional Negative Declaration and subject to the following conditions:

The applicant agrees to contact the New York City Department of Transportation (NYCDOT) within six months after the completion of this project to inform them of the need to implement the traffic signal adjustments at one intersection as specified in the Conditional Negative Declaration.

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 this report, C 130191 ZSQ, incorporated by reference herein, the Council approves the Decision, subject to the following conditions:

1. The property that is the subject of this application (C 130191 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 HTO Architect, PLLC and MPFP LLC/ M. Paul Friedberg & Partners, filed with this application and incorporated in this resolution:

<b><u>Drawing Nos.</u></b>	<b><u>Title</u></b>	<b><u>Last Revised Date</u></b>
Z-2.0	Site Key Plan	02/08/2013
Z-2.1	Site Plan	02/08/2013
Z-2.2	Site Plan	02/08/2013
Z-3.0	Zoning Analysis	07/15/2013
Z-4.0	Zoning Analysis	07/15/2013
Z-5.0	Base Plane Calculations	02/08/2013
Z-6.0	Public Access Diagram	02/08/2013
Z-7.0	Proposed Waivers	02/08/2013
Z-7.1	Proposed Detailed Waivers Areas	02/08/2013
Z-9.0	Ground Floor Garage Plan	07/15/2013
Z-10.0	Cellar Floor Garage Plan	02/08/2013
Z-11.0	2 <sup>nd</sup> Floor Garage Plan	07/15/2013
Z-12.0	Proposed Sections	02/08/2013
Z-13.0	Proposed Sections	02/08/2013
Z-14.0	Proposed Sections	02/08/2013
Z-15.0	Proposed Sections	02/08/2013
Z-16.0	Proposed Waiver Sections	02/08/2013
Z-16.1	Proposed Waiver Sections	02/08/2013
Z-16.2	Proposed Waiver Sections	02/08/2013
L-100	Site Key Plan	07/17/2013
L-101	Key & Dimension Plan	07/17/2013
L-102	Key & Dimension Plan	07/17/2013
L-103	Paving Plan	07/17/2013
L-104	Paving Plan	07/17/2013
L-105	Planting Plan	07/17/2013

L-106	Planting Plan	07/17/2013
L-107	Lighting Plan	07/17/2013
L-108	Lighting Plan	07/17/2013
L-300	Bench Details	02/27/2013
L-301	Seating & Paving Details	04/08/2013
L-400	Furniture Details	02/08/2013
L-401	Material Details	04/08/2013

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. 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.

5. 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 covenants, 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 or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. 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.

7. 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.

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 October 9, 2013, on file in this office.

City Clerk, Clerk of The Council