



Legislation Text

File #: Res 1962-2013, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1962

Resolution approving the decision of the City Planning Commission on ULURP No. C 130223 ZSQ (L.U. No. 878), for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution of the City of New York to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 83 spaces, in conjunction with a commercial development on property (Zoning Lot 2) located easterly of 126th Street generally between proposed to be demapped 37th Avenue and proposed to be demapped 38th Avenue (Block 1825, Lots 1, 19, 58, p/o 21, p/o 55, p/o bed of proposed to be demapped 37th Avenue and p/o bed of proposed to be demapped 38th Avenue), in a C4-4 District, within the Special Willets Point District, Borough of Queens.

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on August 22, 2013 its decision dated August 21, 2013 (the "Decision"), on the application submitted by Queens Development Group, LLC and New York City Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 124-60 of the Zoning Resolution of the City of New York to modify applicable the use and bulk requirements to facilitate the development of a public parking lot with a maximum capacity of 83 spaces, in conjunction with a commercial development on property (Zoning Lot 2) located easterly of 126th Street generally between proposed to be demapped 37th Avenue and proposed to be demapped 38th Avenue (Block 1825, Lots 1, 19, 58, p/o 21, p/o 55, p/o bed of proposed to be demapped 37th Avenue and p/o bed of proposed to be demapped 38th Avenue), in a C4-4 District, within the Special Willets Point District, (ULURP No. C 130223 ZSQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the application is related to Applications N 130220 ZRQ (L.U. No. 876), an amendment to the text of the Zoning Resolution Section 124-60; C 130222 ZSQ (L.U. No. 877), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; C 130224 ZSQ (L.U. No. 879), special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; C 130225 ZSQ (L.U. No. 880), a special permit, pursuant to the amended Section 124-60, to permit use modifications within the Special Willets Point District; and M 080221 (A) MMQ (L.U. No. 881), a minor modification to a previously-approved amendment to the City Map;

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 124-60 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

September 3, 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 Final Supplemental Environmental Impact Statement (“FSEIS”) for which a Notice of Completion was issued on August 9, 2013 (CEQR No. 07DME014Q);

RESOLVED:

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

- (1) The FSEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- (2) The adverse environmental impacts disclosed in the FSEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with an environmental commitment letter, dated August 14, 2013, from the New York City Economic Development Corporation, acknowledged by the Queens Development Group in letter dated August 14, 2013, and acknowledged and accepted by the Office of the Deputy Mayor for Economic Development, those project components related to the environment and mitigation measures that were identified as practicable.
- (2) The Decision together with the FSEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, 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 this report, C 130223 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 130223 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by S9, an affiliate of Perkins Eastman Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z5.0	Zoning Lot 2 - Zoning Analysis & Site Plan	03/04/13

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. The development shall include those mitigative measures listed in the Final Supplemental Impact Statement (CEQR No. 07DEM014Q) issued on August 9, 2013 and identified as practicable.
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, sub-lessee 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 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 other 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.
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.

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

