Legislation Details (With Text)

File #:	Res 1168-2019	**Version:**	*	**Name:**	LU 553 - Zoning, Peninsula Hospital Redevelopment Plan, Queens (C 190375 ZSQ)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Land Use
On agenda:	11/14/2019				
Enactment date:				**Enactment #:**	
Title:	Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 190375 ZSQ, for the grant of a special permit (L.U. No. 553).				
Sponsors:	Rafael Salamanca, Jr., Francisco P. Moya				
Indexes:					
Attachments:	1. Resolution, 2. September 25, 2019 - Stated Meeting Agenda with Links to Files, 3. Land Use Calendar - September 30, 2019 and October 4, 2019, 4. Hearing Transcript - Stated Meeting 9-25-19, 5. Hearing Testimony - Zoning 10-3-19, 6. Hearing Transcript - Zoning 10-3-19, 7. Land Use Calendar - Week of November 4, 2019 - November 8, 2019, 8. Land Use Calendar - November 12, 2019, 9. REVISED - Land Use Calendar - November 12, 2019, 10. Hearing Transcript - Zoning 11-4-19, 11. Hearing Transcript - Land Use 11-12-19, 12. November 14, 2019 - Stated Meeting Agenda with Links to Files, 13. Hearing Transcript - Stated Meeting 11-14-19, 14. Minutes of the Stated Meeting - November 14, 2019, 15. City Planning Commission Approval Letter, 16. Committee Report				

Date	Ver.	Action By	Action	Result
11/12/2019	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
11/14/2019	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1168

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 190375 ZSQ, for the grant of a special permit (L.U. No. 553).

By Council Members Salamanca and Moya

WHEREAS, Peninsula Rockaway Limited Partnership, filed an application pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-744(c)(1) of the Zoning Resolution to modify the surface area requirements of Section 32-64 (Surface Area and Illumination Provisions), in connection with a proposed mixed used development, within a large-scale general development, on property bounded by Beach Channel Drive, the westerly street line of former Beach 51st Street, a line 420 feet southerly of Beach Channel Drive, Beach 50th Street, Rockaway Beach Boulevard, a line 100 feet easterly of Beach 52nd Street, a line 85 feet northerly of Shore Front Parkway, Beach 52nd Street, Rockaway Beach Boulevard and Beach 53rd Street (Block 15842, Lot 1 & p/o Lot 100, Block 15843, Lot 1, and Block 15857 Lot 1 & p/o Lot 7), in a C4-4 and C4-3A Districts, which in conjunction with the related actions would facilitate a new mixed-use development with affordable housing, commercial, and community facility uses within a large-scale general development (LSGD), on property generally bounded by Beach 50th Street, Beach Channel Drive, Beach 53rd Street, and Rockaway Beach Boulevard (Block 15843, Lot 1, Block 15842, Lot 1 and p/o Lot 100, and Block 15857, Lot 1 and p/o Lot 7) in the Edgemere neighborhood of Queens, Community District 14

(ULURP No. C 190375 ZSQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 26, 2019, its decision dated September 25, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 190325 ZMQ (L.U. No. 550), a zoning map amendment to eliminate from an R5 district a C1-2 district, change an R5 district to a C4-4 district, and change a C8-1 district to a C4-3A district; N 190364 ZRQ (L.U. No. 551), a zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) Area, as well as allow Physical Cultural Establishment (PCE) as-of-right within the LSGD; C 190366 ZSQ (L.U. No. 552), a special permit to provide relief from regulations governing yard requirements, street wall location, maximum base height, maximum building height and number of stories; and C 190251 MMQ (L.U. No. 554), a city map amendment to re-establish a portion of former Beach 52nd Street to connect from Rockaway Beach Boulevard to Shore Front Parkway;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-744 (c) 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 3, 2019;

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, including the positive declaration, issued on March 16, 2018 (CEQR No. 18DCP124Q) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 13, 2019 which identified significant adverse impacts with respect to community facilities (public schools and childcare), active open space, transportation (traffic, transit bus and pedestrians), mobile air quality, and construction activities related to noise and traffic and potential significant adverse impacts related to hazardous materials, stationary air quality and noise would be avoided through the placement of (E) designations (E-532) on the project site . In addition, the FEIS analyzed the revised application called the Flexibility Alternative as an alternative to the original application, and concluded that the modified application would result in the same or similar impacts as the original application and the identified significant adverse impacts and proposed mitigation measures are included in the Restrictive Declaration attached as Exhibit A to the decision for C 190366 ZSQ.

RESOLVED:

Having considered the FEIS 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) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the

powered by Legistar™

maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration attached as Exhibit A to City Planning Commission report for C 190366 ZSQ, those project components related to environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS 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 201 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 190375 ZSQ, 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 <u>double-underlined</u> is new, added by the City Council

1. The property that is the subject of this application (C 190375 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specification and zoning computation indicated on the following approved plans, prepared by Aufgang Architects and terrain-nyc landscape architecture pc, filed with this application and incorporated in this resolution:

Dwg. No.	**Title**	**Last Date Revised**
Z-001.00	Zoning Analysis	09/23 <u>11/12</u>/2019
Z-100.00	Zoning Lot Site Plan	05/06 <u>11/12</u>/2019
Z-120.00	Signage Details	05/06 <u>11/12</u>/2019

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 regulation 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 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 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.

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 November 14, 2019, on file in this office.

City Clerk, Clerk of The Council