



## Legislation Details (With Text)

**File #:** Res 0478-2006      **Version:** \*      **Name:** LU 138 - Zoning Reso., SilverCup West, Queens (N060324ZRQ)  
**Type:** Resolution      **Status:** Adopted  
**In control:** Committee on Land Use

**On agenda:** 8/16/2006

**Enactment date:**      **Enactment #:**

**Title:** Resolution approving the decision of the City Planning Commission on Application No. N 060324 ZRQ, an amendment to the text of the New York City Zoning Resolution relating to Article XII, Chapter 3 (Special Mixed Use District), to establish the Special Mixed Use District MX-9 and establish special permit provisions for signs in the MX-9 District in Community District 2 (L.U. No. 138).

**Sponsors:** Melinda R. Katz, Tony Avella

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 8/16/06

Date	Ver.	Action By	Action	Result
8/15/2006	*	Committee on Land Use	Approved by Committee	
8/16/2006	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 478

Resolution approving the decision of the City Planning Commission on Application No. N 060324 ZRQ, an amendment to the text of the New York City Zoning Resolution relating to Article XII, Chapter 3 (Special Mixed Use District), to establish the Special Mixed Use District MX-9 and establish special permit provisions for signs in the MX-9 District in Community District 2 (L.U. No. 138).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on July 14, 2006 its decision dated July 12, 2006 (the "Decision"), on the application submitted by Terra Cotta LLC, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 060324 ZRQ) (the "Application");

WHEREAS, the Application is related to Applications Numbers C 050375 MMQ (L.U. No. 142), an amendment of the City Map involving a change of legal grades in 43<sup>rd</sup> Avenue between Vernon Boulevard and the East River; C 060323 ZMQ (L.U. No. 137), an amendment of the Zoning Map, changing from an M1-4 District to an M1-5/R 10 District and establishing a Special Mixed Use District (MX-9); C 060325 ZSQ (L.U. No. 139), special permit pursuant to Section 13-561 (Accessory off-street parking spaces) for a 1,400-space attended accessory parking garage; C 060326 ZSQ (L.U. No. 140), special permit pursuant to Section 62-736 (Bulk modifications on waterfront blocks) for modifications to the height and setback provisions of the proposed M1-5/R10 underlying districts; and C 060327 ZSQ (L.U. No. 141), special permit pursuant to proposed Section 123-40 (Sign Regulations) to allow for a proposed approximately 9,745.8 square foot accessory, illuminated sign to be affixed to the building 90 feet above curb level;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on August 14, 2006;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on June 30, 2006. The Notice of Completion for the FEIS identified significant adverse impacts and proposed mitigation measures that are summarized in the FEIS Executive Summary attached as Exhibit B to C 060326 ZSQ; L.U. No. 140; Resolution No. 480 (CEQR No. 05DCP080Q);

RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (2) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable;
- (2) The Decision and the FEIS 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 the Council approves the Decision; and

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

12/10/97

Article XII - Special Purpose Districts

Chapter 3  
Special Mixed Use District

\*\*\*

12/10/97

123-20  
SPECIAL USE REGULATIONS

In #Special Mixed Use Districts#, all #uses# permitted in the designated #Residence District# and all #uses# permitted in the designated M1 District, as set forth in any other provision of this Resolution other than Special Purpose Districts, shall be permitted, except as superseded, modified or supplemented by this Section and provided that #signs# shall comply with the requirements of Section 123-40 (SIGN REGULATIONS).

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12/10/97

123-40

SIGN REGULATIONS

In #Special Mixed Use Districts#, the provisions regulating #signs# in C6-1 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), shall apply for any #sign#. For the purposes of applying such regulations in #Special Mixed Use Districts#, all references to #mixed buildings# shall include #mixed use buildings#.

In MX-9 Districts, the provisions of this section shall apply except that the City Planning Commission may permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-65 (Permitted Projection or Height of Signs), provided the Commission finds that such #signs# are consistent with the character of the surrounding area. However, no modification shall be made to the applicable provisions of Section 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts) relating to #flashing signs#.

\*\*\*

6/23/05

123-90

SPECIAL MIXED USE DISTRICTS SPECIFIED

The #Special Mixed Use District# is mapped in the following areas:

#Special Mixed Use District# - 1: (12/10/97) Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

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#Special Mixed Use District# - 9: (effective date) Northern Hunter's Point Waterfront, Queens.

The #Special Mixed Use District# - 9 is established in the Northern Hunter's Point Waterfront in Queens as indicated on the #zoning maps#.

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 August 16, 2006, on file in this office.

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City Clerk, Clerk of The Council