



Legislation Details (With Text)

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On agenda: 10/17/2019

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Title: Resolution approving the decision of the City Planning Commission on ULURP No. C 190439 ZSQ, for the grant of a special permit (L.U. No. 534).

Sponsors: Rafael Salamanca, Jr., Francisco P. Moya

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Attachments: 1. Res. No. 1109, 2. Land Use Calendar - Week of September 16, 2019 - September 20, 2019, 3. September 12, 2019 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 9-12-19, 5. Land Use Calendar - September 30, 2019 and October 4, 2019, 6. Hearing Testimony - Zoning 9-18-19, 7. Hearing Testimony - Zoning 9-18-19, 8. Hearing Testimony - Zoning 9-18-19, 9. Hearing Transcript - Zoning 9-18-19, 10. October 17, 2019 - Stated Meeting Agenda with Links to Files, 11. Hearing Transcript - Stated Meeting 10-17-19, 12. Minutes of the Stated Meeting - October 17, 2019, 13. Committee Report

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------------|-----------------------|--------|
| 10/10/2019 | * | Committee on Land Use | Approved by Committee | |
| 10/17/2019 | * | City Council | Approved, by Council | Pass |

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1109**

Resolution approving the decision of the City Planning Commission on ULURP No. C 190439 ZSQ, for the grant of a special permit (L.U. No. 534).

By Council Members Salamanca and Moya

WHEREAS, LSS Leasing Limited Liability Company, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking facility with a maximum capacity of 706 parking spaces, including 356 self-park spaces and 350 attended parking spaces, on the ground floor, second floor and roof of an existing two-story garage building; to allow up to 350 spaces to be located on the roof of such public parking facility; and to allow floor space on one or more stories and up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS), on property located on Block 1918, Lots 1, 18, 25 and 114, which in conjunction with the related action would facilitate the continued use of an existing two-story public parking garage in the Elmhurst neighborhood of Queens, Community District 4 (ULURP No. C 190439 ZSQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 13, 2019, its decision dated September 11, 2019 (the “Decision”), on the Application;

WHEREAS, the Application is related to application N 190440 ZRQ (L.U. No. 535), a zoning text

amendment to ZR Section 74-512 (Modification of provisions to permit the continued use of the existing parking garage in a C4-4 zoning district in Queens Community District 4);

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 74-512 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 18, 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 determination by the City Planning Commission, that the Application is a Type II and requires no further review action (the "Type II Determination").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment pursuant to the Type II Determination.

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 the report, C 190439 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is subject of this application (C 190439 ZSQ), in conjunction with the related application for a zoning text amendment (N 190440 ZRQ), shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Philip Habib & Associates, filed with this application and incorporated in this resolution:

Drawing No. Title Last Date Revised 1 of 5 Ground Level & Zoning Lot Site Plan 5/3/2019 2 of 5 2nd Level 5/3/2019 3 of 5 Roof 5/3/2019 4 of 5 Sections 5/3/2019

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 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 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.

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 October 17, 2019, on file in this office.

City Clerk, Clerk of The Council