



Legislation Text

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**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1158**

Resolution approving the decision of the City Planning Commission on ULURP No. C 160141 ZSQ (L.U. No. 381), for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed-use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 and 65), in a C4-5X District, in Community District 7, Borough of Queens.

By Council Members Greenfield and Dickens

WHEREAS, the City Planning Commission filed with the Council on May 13, 2016 its decision dated May 11, 2016 (the "Decision"), on the application submitted by New York City Department of Housing Preservation and Development, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to 74-681 of the Zoning Resolution to allow that portion of the right-of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area, in connection with a proposed mixed-use development on property located at 133-45 41st Avenue (Block 5037, Lots 64 and 65), in a C4-5X District, (ULURP No. C 160141 ZSQ), Community District 7, Borough of Queens (the "Application");

WHEREAS, the application is related to Applications C 160138 ZMQ (L.U. No. 378), an amendment of the Zoning Map, Section 10b, changing from a C4-2 District to a C4-5X District; N 160139 ZRQ (L.U. No. 379), a zoning text amendment to modify ZR Section 23-90 to designate the proposed rezoning area as a Mandatory Inclusionary Housing Area; C 160140 ZSQ (L.U. No. 380), a special permit, pursuant to ZR Section 74-52, to allow an attended public parking garage; and C 160143 HAQ (L.U. No. 382), designation of property as an Urban Development Action Area and Urban Development Action Area Project; and pursuant to Section 197-c, disposition of such property to a developer selected by the Department of Housing Preservation and Development;

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 74-681 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 June 2, 2016;

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 negative declaration (CEQR No. 16HPD014Q) issued December 17, 2015 (the “Negative Declaration”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the 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 160141 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 160141 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 Bernheimer Architecture, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-001.00	Zoning Analysis, Unit & Building Area Charts	December 9, 2015
A-010	Site Plan	December 9, 2015
A-301	Building Sections	December 9, 2015
A-302	Building Sections	December 9, 2015
A-303	Building Sections	December 9, 2015

- 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 plan 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 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 June 21, 2016, on file in this office.

City Clerk, Clerk of The Council