



## Legislation Text

File #: Res 1133-2019, Version: \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1133

**Resolution approving the decision of the City Planning Commission on ULURP No. C 190386 ZSQ, for the grant of a special permit (L.U. No. 533).**

**By Council Members Salamanca and Moya**

WHEREAS, Cipico Construction Inc., 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 74-743 of the Zoning Resolution to permit the distribution of total allowable floor area without regard for zoning lot lines or district boundaries and to modify the minimum base height requirements of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) to facilitate a proposed mixed-use development, within a large-scale general development, on property bounded by 10<sup>th</sup> Street, Vernon Boulevard, Broadway, 11<sup>th</sup> Street, and 33<sup>rd</sup> Road (Block 315, Lot 1), in R6B and R7X/C1-3 Districts, Borough of Queens, Community District 1 (ULURP No. C 190386 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 applications C 100421 ZMQ (L.U. No. 531), a zoning map amendment changing from an R5 District to an R6B District and an R7X/C1-3 District; and N 190151 ZRQ (L.U. No. 532), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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 74-743 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, 2018;

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 issued April 22<sup>nd</sup>, 2019 (CEQR No. 12DCP139Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to air quality, noise, and hazardous materials (E-518) (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 (E) Designation (E-518) and 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 the report, C 190386 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The development that is the subject of this application (C 190386 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Gerald J. Caliendo, Architects, and Starr Whitehouse Landscape Architects filed with this application and incorporated in this resolution, and in accordance with the provisions and procedures set forth in the Restrictive Declaration:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-300	Zoning Analysis	4.9.19
Z-400	Site Plan	4.9.19
Z-500	First Floor Plan	4.9.19
Z-600	Waiver Plan	4.9.19
Z-601	Sections Building C	4.9.19
Z-602	Sections Building C	4.9.19
Z-603	Sections Building A & B	4.9.19
Z-604	Sections Building A & B	4.9.19
Z-605	Sections Building A & B	4.9.19
Z-606	Sections Building A & B	4.9.19
Z-700	Elevations-Building C	4.9.19
Z-701	Elevations- Building C	4.9.19
Z-702	Elevations- Building A & B	4.9.19
Z-703	Elevations-Building A & B	4.9.19
L-100	Schematic Design Materials Plan	7/26/19
L-101	Schematic Design Lighting Plan	4/30/19
L-200	Schematic Design Layout Plan	4/30/19
L-300	Schematic Design Grading Plan	4/30/19
L-400	Furnishings and Programming	7/26/19
L-500	Schematic Design Sections I	4/16/19
L-501	Schematic Design Sections II	4/16/19

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 their construction, operation and maintenance.

4. 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.
5. 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.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register, Queens County.
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 and the restrictive declarations whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any 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 or 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 or of the restrictive declarations.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents 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