



Legislation Text

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**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1167**

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 190366 ZSQ, for the grant of a special permit (L.U. No. 552).

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 74-743(a)(2) of the Zoning Resolution to modify: the rear yard requirements of Section 23-533 (Required rear yard equivalents for Quality Housing buildings) and Section 35-53 (Modification of Rear Yard Requirements); the side yard requirements of Section 35-54 (Special Provisions Applying Adjacent to R1 Through R5 Districts); and the height and setback requirements of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors) and Section 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), 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 190336 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 190375 ZSQ (L.U. No. 553), a special permit to modify surface area requirements for signage; 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 74-743 (a)(2) 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.

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 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 190366 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 double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 190366 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:

| <u>Dwg. No.</u> | <u>Title</u> | <u>Last Date Revised</u> |
|------------------------|---|---------------------------------|
| Z-001.00 | Zoning Analysis | 09/23 <u>11/12/2019</u> |
| Z-100.00 | Zoning Lot Site Plan | 05/06 <u>11/12/2019</u> |
| Z-110.00 | Waiver Plan | 05/06 <u>11/12/2019</u> |
| Z-111.00 | Waiver Section | 05/06 <u>11/12/2019</u> |
| Z-112.00 | Waiver Section | 05/06 <u>11/12/2019</u> |
| Z-113.00 | Waiver Section | 05/06 <u>11/12/2019</u> |
| L-100 | Pedestrian Plaza Plan | 05/06/2019 |
| L-200 | Pedestrian Plaza Planting Plan | 05/06/2019 |
| L-201 | Pedestrian Plaza Planting Details | 05/06/2019 |
| L-300 | Pedestrian Plaza Seating Plan | 05/06/2019 |
| L-301 | Pedestrian Plaza Seating Details 1 | 05/06/2019 |
| L-302 | Pedestrian Plaza Seating Details 2 | 05/06/2019 |
| L-303 | Pedestrian Plaza Seating Parts Plan | 05/06/2019 |
| L-400 | Pedestrian Plaza Grading and Paving Plan | 05/06/2019 |
| L-401 | Pedestrian Plaza Grading and Paving Details | 05/06/2019 |
| L-500 | Pedestrian Plaza Photometric Plan | 05/06/2019 |
| L-501 | Pedestrian Plaza Lighting Cut Sheet | 05/06/2019 |
| L-600 | Pedestrian Plaza Signs and Site Furnishing Details | 05/06/2019 |
| L-601 | Pedestrian Plaza Play Area Part Plan | 05/06/2019 |
| L-602 | Pedestrian Plaza Sections | 05/06/2019 |

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. 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, have been executed and recorded in the Office of the City Register, New York County. Such restrictive declaration shall be deemed incorporated herein as a condition to this resolution.
5. In the event that the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowner's association or cooperative ownership, a copy of this report and resolution and any subsequent modification shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowner's or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents

relating to the property.

6. 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.
7. 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.
8. 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