THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1576

Resolution approving the decision of the City Planning Commission on ULURP No. C 200303 ZSQ, for the grant of a special permit (L.U. No. 714).

By Council Members Salamanca and Moya

WHEREAS, RXR 42-11 9th Holdings, LLC, 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 74-96 (Industrial Business Incentive Areas) of the Zoning Resolution to allow an increase in the maximum permitted floor area ratio in accordance with Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to modify the quantity and size of the loading requirements of Section 44-50 to facilitate the construction of an approximately 320,000-square-foot mixed-use development with office, retail, and industrial uses at 42-11 Ninth Street in Long Island City, Queens, Community District 2 (ULURP No. C 200303 ZSQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on January 15, 2021, its decision dated January 6, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 200304 ZRQ (L.U. No. 715), a zoning text amendment to ZR Section 74-96 (Modification of Use, Bulk, Parking and Loading Regulations in Industrial Business Incentive Areas);

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 74-966 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 January 26, 2021;

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 September 14th, 2020 (CEQR No. 20DCP078Q) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-562) (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-562) 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 200303 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 the subject of this application (C 200303 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 Perkins Eastman, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-20	Zoning Analysis	08/07/2020
Z-30	Zoning Site Plan	09/11/2020
Z-40	Ground Floor Plan	08/07/2020
Z-41	Cellar Floor Plan	08/07/2020
Z-42	Second Floor Plan	08/07/2020
Z-43	Third Floor Plan	09/11/2020
Z-44	4th + 5th Floor Plan	08/07/2020
Z-45	6th Floor Plan	08/07/2020
Z-46	7th - 9th Floor Plan	08/07/2020
Z-47	10th Floor Plan	08/07/2020
Z-48	11th - 18th Typical Floor Plan	08/07/2020
Z-49	19th - 21st Floor Plan	08/07/2020
Z-60	Zoning Sections	08/07/2020
Z-61	Zoning Sections	08/07/2020
Z-62	Zoning Sections	08/07/2020
Z-83	Detail Elevation	03/10/2020

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 this application.

3. Such development shall conform to all applicable laws and regulations relating to its construction 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. Development pursuant to this resolution shall be allowed only after the Notice of Restrictions 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 of the City of New York, County of Queens.

6. 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 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 of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.

7. 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 March 18, 2021, on file in this office.

City Clerk, Clerk of The Council