



CITY PLANNING COMMISSION

July 12, 2006/Calendar No. 20

C 050375 MMQ

IN THE MATTER OF an application, submitted by Terra Cotta LLC c/o Silvercup Studios, pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- a change of legal grades in 43rd Avenue between Vernon Boulevard and the East River;

Community District 2, Borough of Queens, in accordance with Map No. 4988 dated February 7, 2006 and signed by the Borough President.

The application (C 050375 MMQ) for an amendment to the City Map was filed by Terra Cotta LLC c/o Silvercup Studios, pursuant to Sections 197-c and 199 of the New York City Charter on March 17, 2005. It involves: a change of legal grades in 43rd Avenue between Vernon Boulevard and the East River.

RELATED ACTIONS

In addition to the amendment to the City Map which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 060323 ZMQ Application for an amendment of the Zoning Map, changing from an M1-4 District to an M1-5/R10 District and establishing a Special Mixed Use District (MX-9) on property bounded by the southwesterly boundary line of Queensbridge Park, Vernon Boulevard, 43rd Avenue, and the U.S. Pierhead and Bulkhead Line of the East River;

N 060324 ZRQ Zoning text amendments relating to Article XII, Chapter 3 (Special Mixed Use District) to establish the Special Mix Use District MX-9 and establish special permit provisions for signs in the MX-9 District;

- C 060325 ZSQ Special Permit pursuant to Section 13-561 (Accessory off-street parking spaces) for a 1,400-space attended accessory off-street parking garage;
- C 060326 ZSQ Special Permit pursuant to Section 62-736 (Bulk modifications on waterfront blocks) for modifications to the height and setback provisions of the proposed M1-5/R10 underlying districts;
- C 060327 ZSQ Special Permit pursuant to proposed Section 123-40 (Sign Regulations) to allow for an approximately 9,745.8 square foot and 90 feet in height accessory, illuminated sign;
- N 060328 ZAQ Authorization pursuant to Section 62-722 (Modification of waterfront access and visual corridor requirements) to allow for modifications to the design requirements for the waterfront area;
- N 060330 ZCQ Certification pursuant to Section 62-711(c) showing compliance with waterfront public access requirements.

BACKGROUND

The applicant proposes an amendment to the City Map involving: a change of legal grades in 43rd Avenue between Vernon Boulevard and the East River. A polling letter was sent on March 31, 2005 and no city agency had any objections to this proposal.

A full background discussion and project description appears in the report on the related application for a special permit (C 060326 ZSQ).

ENVIRONMENTAL REVIEW

This application (C 050375 MMQ), in conjunction with the applications for the related actions (C 060323 ZMQ, N 060324 ZRQ, C 060325 ZSQ, C 060326 ZSQ, C 060327 ZSQ,

N 060328 ZAQ, N 060330 ZCQ) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR No. is 05DCP080Q. The lead is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for a special permit (C 060326 ZSQ).

UNIFORM LAND USE REVIEW

This application (C 050375 MMQ), in conjunction with the applications for the related actions (C 060323 ZMQ, C 060325 ZSQ, C 060326 ZSQ, C 060327 ZSQ), was certified as complete by the Department of City Planning on February 21, 2006, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related non-ULURP applications (N 060324 ZRQ, N 060328 ZAQ and N 060330 ZCQ), which were sent to the Community Board and the Borough President for information and review.

Community Board Public Hearing

Community Board 2 held a public hearing on this application (C 050375 MMQ) on April 6, 2006, and on that date, by a vote of 37 to 1 with 2 abstentions, adopted a resolution recommending approval of the application with conditions.

A summary of the recommendation of the Community Board 2 appears in the report on the related application for a special permit (C 060326 ZSQ).

Borough President Recommendation

This application (C 050375 MMQ) was considered by the Queens Borough President who issued a recommendation approving the application with conditions on May 22, 2006.

A summary of the Borough President's recommendation appears in the report on the related application for a special permit (C 060326 ZSQ).

City Planning Commission Public Hearing

On May 10, 2006 (Calendar No. 9), the City Planning Commission scheduled May 24, 2006 for a public hearing on this application (C 050375 MMQ). The hearing was duly held on May 24, 2006 (Calendar No. 19) in conjunction with the hearing on the related actions (C 060323 ZMQ, N 060324 ZRQ, C 060325 ZSQ, C 060326 ZSQ and C 060327 ZSQ).

There were a number of appearances, as described in the report on the related application for a special permit (C 060326 ZSQ) and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with those for the related actions, was reviewed by the Department of City planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq). The designated WRP number is 05-050.

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate.

A full consideration of the issues and the reasons for approving this application appears in the report on the related application for a special permit (C 060326 ZSQ).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City map and any related acquisition or disposition to be appropriate, adopts the following resolution:

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on June 30, 2006, with respect to this application (CEQR No. 05DCP080Q), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the final environmental impact statement will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 050375 MMQ) for the amendment of the City Map involving: a change of legal grades in 43rd Avenue between Vernon Boulevard and the East River, in Community District 2, Borough of Queens, in accordance with Map No. 4988 dated February 7, 2006 and signed by the Borough President, is approved, and be it further

RESOLVED that, all such approvals are subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 4988 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition (a) above until the applicant shall have executed an agreement protecting the City's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission provided that, if such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission.

The above resolution (C 050375 MMQ), duly adopted by the City Planning Commission on July 12, 2006 (Calendar No. 20), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

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