



CITY PLANNING COMMISSION

July 12, 2006/Calendar No. 16

C 060325 ZSQ

IN THE MATTER OF an application submitted by Terra Cotta LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Sections 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 1,400 spaces in a portion of the ground floor, mezzanine, cellar, and sub-cellar, in connection with a proposed mixed use development on property generally bounded by the Queensboro Bridge, Vernon Boulevard, 43rd Avenue, and the East River (Block 477, Lots 13, 15, 20, and 24), in an M1-5/R10 District, within the Special Mixed Use District (MX-9), Borough of Queens, Community District 2.

The application for the special permit was filed by Terra Cotta LLC on February 9, 2006 to allow for the construction of a 1,400-space attended accessory parking garage to be located on portions of the ground floor, mezzanine, cellar, and sub-cellar in connection with Silvercup West, an approximately 2.07 million square foot development project proposed for a six-acre site on the East River waterfront in Hunter's Point, Queens.

RELATED ACTIONS

In addition to the application for the special permit which is the subject of this report (C 060325 ZSQ), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 050375 MMQ: Application for an amendment to the City Map involving a change of legal grades in 43rd Avenue between Vernon Boulevard and the East River.

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).

N 060324 ZRQ: Zoning text amendments relating to Article XII, Chapter 3 (Special Mixed Use District) to establish the Special Mixed Use District MX-9 and establish

special permit provisions for signs in the MX-9 District.

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 a proposed approximately 9,745.8 square foot accessory, illuminated sign to be affixed to the building 90 feet above the curb level.

N 060328 ZAQ: Authorization pursuant to Section 62-722 (Modification of waterfront public access and visual corridor requirements) to allow for modifications to the design requirements for visual corridors and the shore public walkway.

N 060330 ZCQ: Certification pursuant to Section 62-711(c) showing compliance with waterfront public access requirements.

BACKGROUND

Terra Cotta LLC, an affiliate of Silvercup Studios, requests a special permit pursuant to Section 13-561 to allow for the construction of a 1,400-space attended accessory parking garage in portions of the ground floor, mezzanine, cellar, and sub-cellar of Silvercup West, a 2.07 million square foot project to be developed on a six-acre site located between 43rd Avenue, the East River, the Queensboro Bridge, and Vernon Boulevard in Hunter's Point, Queens.

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 060325 ZSQ), in conjunction with the related actions (C 050375 MMQ, C 060323 ZMQ, N 060324 ZRQ, C 060326 ZSQ, C 060327 ZSQ, N 060328 ZAQ, and 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 number 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 special permit application (C 060326 ZSQ).

UNIFORM LAND USE REVIEW

This application (C 060325 ZSQ), in conjunction with the applications for the related actions (C 050375 MMQ, C 060323 ZMQ, C 060326 ZSQ, and 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 and N 060328 ZAQ), which were sent to the Community Board and Borough President for information and review.

Community Board Public Hearing

Community Board 2 held a public hearing on this application (C 060325 ZSQ) on April 6, 2006.

A full discussion of the Community Board 2 resolution appears in the report on the related special permit application (C 060326 ZSQ).

Borough President Recommendation

This application (C 060325 ZSQ) was considered by the Borough President. A full discussion of the Borough President resolution appears in the report on the related special permit application

(C 060326 ZSQ).

City Planning Commission Public Hearing

On May 10, 2006 (Calendar No. 6), the City Planning Commission scheduled May 24, 2006, for a public hearing on this application (C 060325 ZSQ). The hearing was duly held on May 24, 2006 (Calendar No. 16).

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

Waterfront Revitalization Program Consistency Review

This application (C 060325 ZSQ), in conjunction with those for the related actions (C 060323 ZMQ, N 060324 ZRQ, C 060326 ZSQ, C 060327 ZSQ, N 060328 ZAQ, and C 050375 MMQ), 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.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the grant of the special permit is appropriate.

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

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 13-561 (Accessory off-street parking spaces) of the Zoning Resolution:

- (a) such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the use to which they are accessory;
- (b) within the vicinity of the site, there are insufficient parking spaces available;
- (c) the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement;
- (d) the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets; and
- (e) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of ten vehicles or less, the Commission may waive this finding.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion ratified herein was issued on June 30, 2006, with respect to this application, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations 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 FEIS 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, constitute 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 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of Terra Cotta LLC for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an attended accessory off-street parking garage with a maximum capacity of 1,400 spaces on portions of the ground floor, mezzanine, cellar, and sub-cellar in connection with a proposed mixed use development on property generally bounded by 43rd Avenue, the East River, Queensboro Bridge and Vernon Boulevard (Block 477, Lots 13, 15, 20 and 24), in an M1-5/R10 District, within a Special Mixed Use District (MX-9), Borough of Queens, Community District 2, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 060325 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plan, prepared by NBBJ, filed with this

application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z 2.0	Site Plan/Roof Plan	February 17, 2006
Z 2.1	Zoning Analysis	July 6, 2006
Z 6.0	Requested City Planning Modifications	February 17, 2006
Z 6.1	Height and Setback Section AA	February 17, 2006
Z 6.2	Height and Setback Section BB	February 17, 2006
Z 6.3	Height and Setback Section CC	July 6, 2006
Z 6.4	Height and Setback Section DD	February 17, 2006
Z 6.5	Height and Setback Section EE	February 17, 2006
Z. 8.0	Building Signage	July 6, 2006
P 1.0	Parking Plan Ground Floor and Parking Mezzanine	February 10, 2006
P 1.1	Parking Plan Cellar and Sub-cellar	February 10, 2006
L 2.01	Site Plan	February 10, 2006
L 2.02	Other Open Space Categories and Dimensions	July 6, 2006
L 2.03	Waterfront Zoning Requirements	July 6, 2006
L 2.04	Zoning Requirement Chart	July 6, 2006
L. 2.05	Zoning Requirements	July 6, 2006
L 7.06	Details: Benches	July 6, 2006
L 7.07	Details: Chaise and Site Furnishings	July 6, 2006
L 7.12	Details: Moveable Tables and Chairs and Chess Tables and Chairs	July 6, 2006
L 7.13	Details: Raised Planters w/Seatwalls	July 6, 2006
L10.01	43rd Avenue: Public Access Area Plan	July 6, 2006
E 1.0	Illuminance Study	July 6, 2006
E 2.0	Lighting Fixtures	July 6, 2006

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 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 and the attached restrictive declaration 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.

The above resolution (C 060325 ZSQ), duly adopted by the City Planning Commission on July

12, 2006 (Calendar No. 16), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, ESQ., Vice Chairman

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

ALFRED C. CERULLO, III, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI,

JOHN MEROLO, DOLLY WILLIAMS Commissioners