



CITY PLANNING COMMISSION

July 12, 2006/Calendar No. 15

N 060324 ZRQ

IN THE MATTER OF an application submitted by Terra Cotta LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, 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 in Community District 2, Borough of Queens.

The application for an amendment to the New York City Zoning Resolution was filed by Terra Cotta LLC on February 9, 2006 to establish a Special Mixed Use District (MX-9) on approximately six acres of East River waterfront property and establish special permit provisions for signs in the proposed MX-9 District in conjunction 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 amendment of the New York City Zoning Resolution that is the subject of this report (N 060324 ZRQ), implementation of the proposed development also requires action by the City Planning Commission on the following applications that 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).

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 a proposed approximately 9,475.8 square foot accessory, illuminated sign to be affixed to the building 90 feet above 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 an amendment of the New York City Zoning Resolution relating to Article XII, Chapter 3 (Special Mixed Use District), to establish a Special Mixed Use District MX-9 and establish special permit provisions for signs in the MX-9 District in conjunction with the construction of Silvercup West, an approximately 2.07 million square foot project to be constructed 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 the project description appear in the report on the related special permit application (C 060326 ZSQ).

ENVIRONMENTAL REVIEW

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

PUBLIC REVIEW

On February 21, 2006, this text change application (N 060324 ZRQ), along with the related non-ULURP application (N 060328 ZAQ), was duly referred to Community Board 2 and the Borough President, in accordance with the procedure for referring non-ULURP matters.

Community Board Public Hearing

Community Board 2 held a public hearing on this application (N 060324 ZRQ) 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 ZMQ).

Borough President Recommendation

This application (N 060324 ZRQ) 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. 5), the City Planning Commission scheduled May 24, 2006, for a public hearing on this application (N 060324 ZRQ). The hearing was duly held on May 24, 2006 (Calendar No. 15).

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 (N 060324 ZRQ), in conjunction with those for the related actions (C 060323 ZMQ, C 060325 ZSQ, 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 this text amendment to the Zoning Resolution 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).

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 Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

12/10/97

Article XII - Special Purpose Districts

Chapter 3

Special Mixed Use District

12/10/97

123-20
SPECIAL USE REGULATIONS

In #Special Mixed Use Districts#, all #uses# permitted in the designated #Residence District# and all #uses# permitted in the designated M1 District, as set forth in any other provision of this Resolution other than Special Purpose Districts, shall be permitted, except as superseded, modified or supplemented by this Section and provided that #signs# shall comply with the requirements of Section 123-40 (SIGN REGULATIONS).

12/10/97

123-40
SIGN REGULATIONS

In #Special Mixed Use Districts#, the provisions regulating #signs# in C6-1 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), shall apply for any #sign#. For the purposes of applying such regulations in #Special Mixed Use Districts#, all references to #mixed buildings# shall include #mixed use buildings#.

In MX-9 Districts, the provisions of this section shall apply except that the City Planning Commission may permit the modification of the applicable provisions of Sections 32-64 (Surface Area and Illumination Provisions) and 32-65 (Permitted Projection or Height of Signs), provided the Commission finds that such #signs# are consistent with the character of the surrounding area. However, no modification shall be made to the applicable provisions of Section 32-644 (Illuminated or flashing signs in C4, C5-4, C6 or C7 Districts) relating to #flashing signs#.

6/23/05

123-90
SPECIAL MIXED USE DISTRICTS SPECIFIED

The #Special Mixed Use District# is mapped in the following areas:

#Special Mixed Use District# - 1: (12/10/97) Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

#Special Mixed Use District# - 9: (effective date) Northern Hunter's Point Waterfront, Queens

The #Special Mixed Use District# - 9 is established in the Northern Hunter's Point Waterfront in Queens as indicated on the #zoning maps#.

The above resolution (N 060324 ZRQ), duly adopted by the City Planning Commission on July 12, 2006 (Calendar No. 15), 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