



**COUNCIL OF THE CITY OF NEW YORK**

**CALENDAR**

**OF**

**THE LAND USE COMMITTEE**

**FOR THE WEEK OF NOVEMBER 26 - NOVEMBER 30, 2012**

**LEROY G. COMRIE**, *Chair*, Land Use Committee

**MARK WEPRIN**, *Chair*, Subcommittee on Zoning and Franchises

**BRAD LANDER**, *Chair*, Subcommittee on Landmarks, Public Siting  
and Maritime Uses

**STEPHEN LEVIN**, *Chair*, Subcommittee on Planning, Dispositions  
and Concessions

<http://legistar.council.nyc.gov/Calendar.aspx>

## **SUBCOMMITTEE ON ZONING AND FRANCHISES**

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the **Council Hearing Room, 16<sup>th</sup> Floor, 250 Broadway**, New York City, New York 10007, commencing at **9:30 a.m. on Monday, November 26, 2012:**

### **L.U. No. 708**

#### **JUICERIE**

**MANHATTAN CB - 2**

**20135026 TCM**

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Juicerie LLC, d/b/a Juicerie, for a revocable consent to establish, maintain and use an unenclosed sidewalk café located at 19 Kenmare Street.

### **L.U. No. 725**

#### **MERCEDES HOUSE**

**MANHATTAN CB - 4**

**N 120305 ZRM**

Application submitted by Clinton Park Holdings 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 IX, Chapter 6 (Special Clinton District).

Matter in underline is new, to be added;

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

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

\* \* \* indicate where unchanged text appears in the Zoning Resolution

\* \* \*

**Article IX, Chapter 6 - Special Clinton District.**

\* \* \*

**EXCLUDED AREAS**

Except as provided in this Section, the regulations set forth in this Chapter shall not apply to the following areas:

- (a) parcels within the blocks bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, provided that in this area the provisions of Sections 96-40 (MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS), 96-51 (Mandatory Tree Planting Provisions) and 96-82 (C6-3X Districts) shall apply.

In addition, for parcels in C6-3X Districts, bounded by West 53rd Street, Tenth Avenue, West 54th Street and Eleventh Avenue, the following shall be permitted #uses# below the level of any floor occupied by #dwelling units#:

- (1) automobile showrooms with automobile sales and preparation of automobiles for delivery;
- (2) automobile repairs; and
- (3) New York City Police Department stables for horses, with #accessory# automobile parking.

~~Should the floor to ceiling height of such Police Department stable, as measured from the #base plane#, exceed 23 feet, then any floor space occupied by #accessory# parking located on the floor immediately above the floor occupied by such Police Department stable and immediately below the level of any floor occupied by #dwelling units# shall be exempted from the definition of #floor area#.~~

For a #building#, that at the time of approval by the Department of Buildings, included space designed for stable use for New York City Police Department horses, and the ceiling height of such stable space, as measured from the #base plane#, exceeds 23 feet, then any floor space occupied by #accessory# parking located on the floor immediately above such stable space and immediately below the level of any floor occupied by #dwelling units# shall be exempted from the definition of #floor area#.

\* \* \*

**L.U. No. 726**

**DOWNTOWN BROOKLYN PARKING TEXT**

**BROOKLYN CB - 2**

**N 120384 (A) ZRK**

Application submitted by the Department of City Planning 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 X, Chapter I (Special Downtown Brooklyn District) to modify the parking regulations of the Special Downtown Brooklyn District.

**Article X**

**Special Purpose Districts**

**Chapter 1**

**Special Downtown Brooklyn District**

\* \* \*

**101-01**

**Definitions**

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS), Section 101-302 (Definitions Specific to the Atlantic Avenue Subdistrict) or in this Section.

Automated parking facility

An “automated parking facility” shall refer to an #accessory# off-street parking facility or #public parking garage# where vehicular storage and retrieval within such facility is accomplished entirely through a mechanical conveyance system, and shall not refer to a parking facility with parking lift systems that require an attendant to operate the vehicle that is to be parked.

Development or to develop

For purposes of this Chapter, "development" includes a #development#, an #enlargement# or an #extension#.

To "develop" is to create a #development#.

\* \* \*

## 101-50

### OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The provisions of Article II, Chapter 5 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), and Article III, Chapter 6 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), shall apply, except as modified in this Section 101-50, inclusive.

## 101-51

### Minimum Parking Requirements ~~in R7-1 Districts~~

~~In R7-1 Districts, the provisions of Article II, Chapter 5 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), shall apply, except that~~

The provisions of this Section shall apply to all districts within the #Special Downtown Brooklyn District#, except R6B Districts:

(a) The #accessory# parking requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require #accessory# off-street parking spaces for at least ~~50~~20 percent of the total number of new #dwelling units#.

(b) There shall be no minimum parking requirement for #affordable housing units# as defined in Section 23-90 (INCLUSIONARY HOUSING), inclusive, or for #dwelling units# eligible for reduced parking pursuant to Section 25-25 (Modification of Requirements for Public, Publicly-Assisted and Government-Assisted Housing or for Non-profit Residences for the Elderly).

## 101-52

### Curb Cut Restrictions

Along the #streets# specified on Map 5 (Curb Cut Restrictions) in Appendix E of this Chapter, no curb cuts for parking facilities or loading berths shall be permitted.

However, the City Planning Commission may, by authorization, permit a curb cut, on a #street# specified on Map 5, for parking facilities and loading berths on a #zoning lot#

that does not have access or egress on another #street#, provided that such curb cut will not unduly inhibit surface traffic or result in conflict between pedestrian and vehicular circulation, and will result in a good overall site plan.

## **101-53**

### **Reservoir Spaces**

The provisions of this Section shall apply to parking facilities created after (date of adoption) or for parking facilities enlarged by 50 or more spaces after (date of adoption). For the purpose of determining required reservoir spaces, fractions equal to or greater than one-half resulting from the calculations in this Section shall be considered one reservoir space.

#### (a) Attended parking facilities

Attended #accessory# off-street parking facilities, #public parking garages# or #public parking lots# with more than 25 off-street parking spaces shall provide the following amount of off-street reservoir space at the vehicular entrance:

- (1) for parking facilities with more than 25 parking spaces and up to 50 parking spaces; five percent of the total number of parking spaces;
- (2) for parking facilities with more than 50 parking spaces and up to 100 parking spaces: ten percent of the total number of parking spaces;
- (3) for parking facilities with more than 100 parking spaces and up to 200 parking spaces: ten parking spaces ; and
- (4) for parking facilities with more than 200 off-street parking spaces: five percent of the total number of parking spaces. However such number of reservoir spaces need not exceed 50.

#### (b) #Automated parking facilities#

For #automated parking facilities#, off-street reservoir space at the vehicle entrance shall be provided as set forth in paragraph (a) of this Section.

Each individual parking location where a driver is permitted to leave a vehicle for transfer to a mechanized automobile storage and retrieval unit shall constitute one reservoir space. Additional reservoir spaces may be located where drivers queue to access such locations for vehicle transfer.

In addition, the number of reservoir spaces required pursuant to paragraph (a) of this Section may be reduced where the Commissioner of Buildings determines that the operational characteristics of such #automated parking facility# warrant such a reduction.

(c) Self-parking facilities

For self-parking #accessory# off-street parking facilities, #public parking garages# and #public parking lots#, where entering vehicles are required to stop before a mechanically operated barrier before entering the parking facility, such barrier shall be placed a minimum of 20 feet beyond the #street line#.

**101-54**  
**Garages**

**101-541**  
**Public parking garages**

#Public parking garages# with 225 or fewer spaces shall be permitted as of right, provided that such garages are, except for entrances and exits, entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts. In addition to a maximum number of 225 public parking spaces, such garages may include required #accessory# parking spaces, which may be provided at any level. Any #accessory# parking spaces that are not required shall be included with all other public parking spaces in such #public parking garage# for the purpose of applying any regulations in this Resolution relating to the number or location of parking spaces in such #public parking garage#.

**101-542**

**Off-site accessory parking spaces in public garages**

Section 36-57 (Accessory Off-Street Parking Spaces in Public Garages) shall be modified to allow #accessory# off-street parking spaces in any #public parking garage developed# after (date of adoption) provided such off-site spaces comply with the provisions of Section 101-56 (Location of Off-Site Parking Spaces).

## **101-543**

### **Pedestrian safety**

The provisions of this Section shall apply to parking facilities created after (date of adoption) or for parking facilities enlarged by 50 or more spaces after (date of adoption). For all #accessory# parking garages and #public parking garages#, the following safety features shall be provided at all vehicular exit points:

- (a) a ‘stop’ sign which shall be clearly visible to drivers. Such signage shall comply with the standards set forth in the Manual of Uniform Traffic Control Devices (MUTCD) issued by the Federal Highway Administration (FHWA) for a conventional single lane road; and
- (b) a speed bump, which shall be located within the exit lane of the parking facility. Such speed bump shall:
  - (1) span the entire width of such exit lane;
  - (2) have a minimum of two inches in height, as measured from the adjoining grade of the exit lane and shall have a maximum depth of 12 inches; and
  - (3) be located a minimum of four feet beyond the #street line#, as measured perpendicular to the #street line#.

## **101-544**

### **Stackers in garages**

Within an enclosed attended parking facility with parking lift systems, for individual lifted trays upon which a vehicle is stored, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except for portions exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

## **101-545**

### **Automated parking facilities**

For an #automated parking facility#, the minimum size of spaces regulated in Sections 25-62 (Size and Location of Spaces) and 36-351 (Size of spaces) shall not apply.



For the purpose of calculating parking spaces in #automated parking facilities#, each tray upon which a vehicle is stored shall constitute one off-street parking space. However, auxiliary parking trays may be exempted from constituting a parking space

where the Commissioner of Buildings determines that such auxiliary parking trays are needed to routinely store and retrieve vehicles for the efficient operation of such #automated parking facility#.

Within an #automated parking facility#, each tray upon which a vehicle is stored shall be considered 153 square feet of #floor area#, except for portions exempt from the definition of #floor area# pursuant to Section 12-10 (DEFINITIONS).

### **101-546**

#### **Special permit for public parking garages**

Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall not apply to #public parking garages#. In lieu thereof, the following provisions shall apply.

The City Planning Commission may permit:

(a) a #public parking garage# that does not comply with the provisions of Section 101-541 (Public parking garages) provided that such garage complies with all other applicable regulations set forth in Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS); and

(b) floor space on one or more #stories#, up to a height of 23 feet above #curb level#, to be exempted from the definition of #floor area# as set forth in Section 12-10 (DEFINITIONS).

In order to grant a special permit for such #use# or #floor area# exemption, the Commission shall find:

(1) that such #use# will be compatible with the surrounding area, and will not adversely affect the growth and development of #uses# comprising vital and essential functions in the general area within which such #use# is to be located;

(2) the proposed materials and articulation of the #street wall# of the parking facility are compatible with #buildings# in the surrounding area;

(3) the ground floor level of such parking facilities that front upon #streets# with a width of 60 feet or more, or that front upon public access areas, is occupied by #commercial#, #community facility# or #residential uses# that generate activity on all such adjoining #streets# or public areas, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from such adjoining #streets# or public access areas with a strip at least five feet deep, densely planted with shrubs or trees that are at least four feet high at the time of planting and that are of a type which may be expected to form a year-round dense screen at least six feet high within three years. Where such screening is not desirable, a total of at least 50 percent of the exterior building wall with adjacent parking spaces shall consist of opaque materials that include graphic or sculptural art, or living plant material;

(4) any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential floor area#, so as to minimize the visibility of the parking facility from adjoining #streets# with a width of 60 feet or more, or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

(5) that such #use# will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow and that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(6) that such #use# and its vehicular entrances and exits are so located as to draw a minimum of vehicular traffic to and through residential #streets# in nearby areas; and

(7) that, if any floor space is exempted from the definition of #floor area#, such additional floor space is necessary to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area including limitations on #signs#, or requirements for shielding of floodlights, or locations of entrances and exits.

**101-55**

**Restrictions on Use of Accessory Off-Street Parking Spaces**

The provisions of Section 36-46 (Restrictions on Use of Accessory Off-Street Parking Spaces) shall apply, provided that all #Commercial Districts# within the #Special Downtown Brooklyn District# shall be considered a C6 District for the purposes of such Section, inclusive. However, the provisions of this Section shall not apply within the Atlantic Avenue Subdistrict.

**101-56**

**Location of Off-Site Parking Spaces**

Sections 25-50 and 36-40 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply, except that where the #use# generating the parking requirement and the #zoning lot# providing the parking spaces are both within the #Special Downtown Brooklyn District#, Sections 25-521 and 36-421 (Maximum distance from zoning lot) shall be modified to permit #accessory# parking spaces to be located up to 2,500 feet from the #zoning lot# occupied by the #residences# to which they are accessory.

\* \* \*

**101-60**

**FULTON MALL SUBDISTRICT**

\* \* \*

**101-63**

**Modification of Accessory Off-Street Parking and Loading Requirements**

The parking regulations of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS) shall apply except as set forth in this Section, inclusive.

\* \* \*

**101-70**

**ATLANTIC AVENUE SUBDISTRICT**

**101-74**

**Modification of Accessory Off-Street Parking and Loading Requirements**

The provisions of Section 101-50 (OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS), inclusive, shall not apply within the Atlantic Avenue Subdistrict.



**SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME USES**

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the **Council Hearing Room, 16<sup>th</sup> Floor, 250 Broadway**, New York City, New York 10007, commencing at **11:00 a.m. on Monday, November 26, 2012:**

**L.U. No. 720**

**BRINCKERHOFF CEMETERY**

**QUEENS CB - 8**

**20135041 HKQ (N 130043 HKQ)**

Designation (List No. 458/LP-2087) by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter regarding the landmark designation of Brinckerhoff Cemetery located at 69-65 to 69-73 182nd Street (Tax Map Block 7135, Lots 54 and 60), as an historic landmark.

**L.U. No. 727**  
**800-SEAT PRIMARY SCHOOL**

**QUEENS CB - 4**

**20105658 SCQ**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 800-Seat Primary School facility located on the east side of 98<sup>th</sup> Street between 50<sup>th</sup> and Christie Avenues (Block 1891, Lots 1, 12, 15, 20 and 22), Borough of Queens, Community School District No. 24.

**L.U. No. 728**  
**444-SEAT PRIMARY SCHOOL**

**QUEENS CB - 5**

**20125527 SCQ**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 444-Seat Primary School facility located at 360 Seneca Avenue (Block 3425, Lot 7), Borough of Queens, Community School District No. 24.



## **SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS**

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the **Council Committee Room, 16<sup>th</sup> Floor, 250 Broadway**, New York City, New York 10007, commencing at **1:00 p.m. on Monday, November 26, 2012:**

### **L.U. No. 681 HUNTERS POINT SOUTH PHASE I**

**QUEENS CB - 2**

**20135038 HAQ**

Application submitted by New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes for property located at 1-50 50<sup>th</sup> Avenue (Block 6, Lot 80) and 1-55 Borden Avenue (Block 6, Lot 6), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

### **L.U. No. 729 HUNTERS POINT SOUTH PHASE I (PARCEL A)**

**QUEENS CB - 2**

**20135155 HAQ**

Application submitted by New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes for property located at 1-50 50<sup>th</sup> Avenue (Block 6, Lot 80), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

**L.U. No. 730**  
**HUNTERS POINT SOUTH PHASE I (PARCEL B)**

**QUEENS CB - 2**

**20135156 HAQ**

Application submitted by New York City Department of Housing Preservation and Development (“HPD”), for an exemption of real property taxes for property located at 1-55 Borden Avenue (Block 6, Lot 6), Borough of Queens, Community Board 2, Council District 26. This matter is subject to Council review and action at the request of HPD and pursuant to Section 577 of the Private Housing Finance Law for an exemption from real property taxes.

**L.U. No. 719**

Proposal subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development (“HPD”), which requests that the Council:

1. Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirements of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and

5. Approve an exemption of the project from real property pursuant to Section 696 of the General Municipal Law.

<b>L.U. No.</b>	<b>Non-ULURP No.</b>	<b>Address</b>	<b>Block/Lot</b>	<b>Program</b>	<b>CB</b>	<b>Tax Exemption</b>
<b>719</b>	20135098 HAK	1416 Eastern Parkway Extension 1413 Pitkin Avenue Brooklyn	1475/39 1475/78		16	Section 696



## **LAND USE COMMITTEE**

The Land Use Committee will hold a meeting in the **Committee Room, City Hall, New York City, New York 10007**, commencing at **10:00 A.M. on Tuesday, November 27, 2012**, and will consider all items reported out of the Subcommittees at the meetings held on Monday, November 26, 2012, and conduct such other business as may be necessary.