



## Legislation Text

**File #:** Res 1610-2012, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1610

Resolution approving the decision of the City Planning Commission on Application No. N 120384 (A) ZRK, 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 (L.U. No. 726).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on October 22, 2012 its decision dated October 17, 2012 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Department of City Planning, for an amendment of the text 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 to reduce the parking requirements for new residential development to better reflect actual parking demand in Downtown Brooklyn and provide additional opportunities for public parking (Application No. N 120384 (A) ZRK), Community District 2, Borough of Brooklyn (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 26, 2012;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues for which a Negative Declaration was issued on June 4, 2012 for the original application (N 120384 ZRK), and a Revised Negative Declaration was issued October 16, 2012 for the subject application (N 120384 (A) ZRK), which reflects the modifications to the original application made by the City Planning Commission (CEQR No. 12DCP175K);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised 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 this report, N

120384 (A) ZRK, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, 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;

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

## Article X Special Purpose Districts

### Chapter 1 Special Downtown Brooklyn District

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#### 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#.

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#### 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.

**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.

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**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.

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**101-70**

**ATLANTIC AVENUE SUBDISTRICT**

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**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.

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 December 10, 2012, on file in this office.

.....  
City Clerk, Clerk of The Council