Legislation Details (With Text)

File #:	Res 1110-2019	**Version:** *	**Name:**	LU 535 - Zoning, LeFrak City Parking Garage, Queens (N 190440 ZRQ)
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Land Use
On agenda:	10/17/2019			
Enactment date:			**Enactment #:**	
Title:	Resolution approving the decision of the City Planning Commission on Application No. N 190440 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 535).			
Sponsors:	Rafael Salamanca, Jr., Francisco P. Moya			
Indexes:				
Attachments:	1. Res. No. 1110, 2. Land Use Calendar - Week of September 16, 2019 - September 20, 2019, 3. September 12, 2019 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 9-12-19, 5. Land Use Calendar - September 30, 2019 and October 4, 2019, 6. Hearing Testimony - Zoning 9-18-19, 7. Hearing Testimony - Zoning 9-18-19, 8. Hearing Testimony - Zoning 9-18-19, 9. Hearing Transcript - Zoning 9-18-19, 10. October 17, 2019 - Stated Meeting Agenda with Links to Files, 11. Hearing Transcript - Stated Meeting 10-17-19, 12. Minutes of the Stated Meeting - October 17, 2019, 13. Committee Report			

Date	Ver.	Action By	Action	Result
10/10/2019	*	Committee on Land Use	Approved by Committee	
10/17/2019	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1110

Resolution approving the decision of the City Planning Commission on Application No. N 190440 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 535).

By Council Members Salamanca and Moya

WHEREAS, LSS Leasing Limited Liability Company, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the zoning resolution of the City of New York, amending Article VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying the provision of required reservoir spaces for existing public parking garages with special permits in C4-4 Districts, which in conjunction with the related action would facilitate the continued use of an existing two-story public parking garage in the Elmhurst neighborhood of Queens, Community District 4 (Application No. N 190440 ZRQ) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 13, 2019, its decision dated September 11, 2019 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 190439 ZSQ (L.U. No. 534), a special permit pursuant to Section 74-512 of the Zoning Resolution to allow for the continued use of an existing two-story public parking garage;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 18, 2019;

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, including the determination by the City Planning Commission, that the Application is a Type II and requires no further review action (the "Type II Determination").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment pursuant to the Type II Determination.

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 the report, N 190440 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter <u>underlined</u> is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
*** indicates where unchanged text appears in the Zoning Resolution.

* * *

ARTICLE VII - ADMINISTRATION

Chapter 4 - Special Permits by the City Planning Commission

* * *

74-50
OFF-STREET PARKING ESTABLISHMENTS

74-51
Public Parking Garages or Public Parking Lots Outside High Density Central Areas

* * *

74-511
In C1 Districts

* * *

74-512
In other Districts

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2, M1-3, M2-1, M2-2 or M3-1 Districts, the City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces, provided that the applicable regulations set forth in Sections 36-53 (Width of Curb Cuts and Location of Access to the Street) or 44-43 (Location of Access to the Street), Sections 36-55 or 44-44 (Surfacing) and Sections 36-56 or 44-45 (Screening) are met. The Commission may permit some of such spaces to be located on the roof of such #public parking garage#, or may permit floor space on one or more #stories# and 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). As a condition of permitting such #use#, the Commission shall make the following findings:

(a) that the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street#;

(b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas;

(c) that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;

(d) that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby;

(e) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

(f) that, where any floor space is exempted from the definition of #floor area#, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The 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, for locations of entrances and exits, or for setback of any roof parking areas from #lot lines#.

This Section shall not apply to the #Manhattan Core# where the regulations set forth in Article I, Chapter 3, shall apply, except as provided in Section 13-06 (Previously Filed or Approved Special Permits or Authorizations).

<u>For existing #public parking garages# located within a C4-4 District in Community District 4 in the Borough of Queens where such garage facility existed before [date of adoption] and was previously granted a special permit pursuant to this Section, the finding set forth in paragraph (c) of this Section shall not apply. In lieu</u>

thereof, the number of reservoir spaces required shall be consistent with a finding that the permitted parking facility will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular traffic and pedestrian flow in the surrounding area.

* * *

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 October 17, 2019, on file in this office.

City Clerk, Clerk of The Council