Legislation Details (With Text)

File #:	Res 2086-2009	**Version:**	*	**Name:**	LU 1081 - Zoning Resolution Amendment, modify the requirements for curb cuts on wide streets for off-street loading berths in the Special Lincoln Square District, Manhattan. (N090170ZRM)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Land Use
On agenda:	6/10/2009				
Enactment date:				**Enactment #:**	

Title: Resolution approving the decision of the City Planning Commission on Application No. N 090170 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 2, concerning Section 82-50 (Off-Street Parking and Off-Street Loading Regulations), to modify the requirements for curb cuts on wide streets for off-street loading berths in the Special Lincoln Square District, Borough of Manhattan (L.U. No. 1081).

Sponsors:

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 6/30/09

Date	Ver.	Action By	Action	Result
6/10/2009	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
6/30/2009	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 2086

Resolution approving the decision of the City Planning Commission on Application No. N 090170 ZRM, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 2, concerning Section 82-50 (Off-Street Parking and Off-Street Loading Regulations), to modify the requirements for curb cuts on wide streets for off-street loading berths in the Special Lincoln Square District, Borough of Manhattan (L.U. No. 1081).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on April 27, 2009 its decision dated April 22, 2009 (the "Decision"), on the application submitted by Fordham University 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 VIII, Chapter 2, concerning Section 82-50 (Off-Street Parking and Off-Street Loading Regulations), to modify the requirements for curb cuts on wide streets for off-street loading berths in the Special Lincoln Square District (Application No. N 090170 ZRM), Community District 7, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 050260 ZSM (L.U. No. 1077), a special permit pursuant to Section 82-33 to modify regulations governing height and setback, minimum distance between buildings, courts, and minimum distance between legally required windows and walls/lot lines for a development in the Special Lincoln Square District; C 050269 ZSM (L.U. No. 1078), a **s**

pecial permit pursuant to Sections 82-50 and 13-561 to allow an accessory parking garage with a maximum of 68 spaces; and C 050271 ZSM (L. U. No. 1079), a special permit pursuant to Sections 82-50 and 13-561 to allow an accessory parking garage with a maximum of 137 spaces (pursuant to Section 11-42(c), additional time to complete the garage is also requested);

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 May 12, 2009;

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 review (CEQR No. 05DCP020M) and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on April 10, 2009;
RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) From among the reasonable alternatives thereto, the action, with the modifications set forth and analyzed in Chapter 27 of the FEIS, is one that avoids adverse environmental impacts to the maximum extent practicable;

(3 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; and

(2) The Decision and 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 6 N.Y.C.R.R. §617.11(d).

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 090170 ZRM, incorporated by reference herein, the Council approves the Decision.

RESOLVED:

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application 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 <u>underlined</u> is new, to be added;
Matter within # # is defined in Section 12-10;

Matter in ~~strikeout~~ is text to be deleted;
*** indicates where unchanged text appears in the zoning resolution

Article VIII - Special Purpose Districts

Chapter 2
Special Lincoln Square District

* * *

82-50
OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The regulations of Article I, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6, 7 and 8 in the Borough of Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section. In addition, the entrances and exits to all off-street loading berths shall not be located on a #wide street# except by authorization as set forth in this Section.

a) #Accessory# off-street parking spaces

#Accessory# off-street parking spaces are permitted only by special permit of the City Planning Commission pursuant to Section 13-561 (Accessory off-street parking spaces).

b) Curb cuts

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets# where such curb cuts are needed ~~exclusively~~ for ~~required~~ off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-553 ~~and the loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#~~.

c) Waiver of loading berth requirements

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

(1) be hazardous to traffic safety;

(2) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement; or

(3) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

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 June 30, 2009, on file in this office.

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

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