



CITY PLANNING COMMISSION

April 22, 2009 / Calendar No. 22

N 090170 ZRM

IN THE MATTER OF an 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, 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, Community District 7, Borough of Manhattan.

This application for an amendment of the Zoning Resolution concerning the regulations regarding curb cuts on wide streets for off-street loading berths in the Special Lincoln Square District was filed by Fordham University on November 5, 2008 to facilitate access to off-street loading berths serving community facility uses in a proposed development on the block bounded by Columbus Avenue, Amsterdam Avenue, West 60th Street, and West 62nd Street in Manhattan Community District 7. Together with the related actions, the application would facilitate expansion of the Lincoln Center Campus of Fordham University.

RELATED ACTIONS

In addition to the application for a zoning text amendment which is the subject of this report (N 090170 ZRM), implementation of the proposed project also requires action by the City Planning Commission on the following applications which are considered concurrently with this application:

- C 050260 ZSM** 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** Special permit pursuant to Sections 82-50 and 13-561 to allow an accessory parking garage with a maximum of 68 spaces
- C 050271 ZSM** 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)

N 090171 ZAM Authorization pursuant to Section 13-553 to allow a curb cut on a wide street (West 62nd Street) to provide access to two accessory parking garages

N 090172 ZAM Authorization pursuant to Sections 82-50(b) (as amended) and 13-553 to allow a curb cut on a wide street (West 62nd Street) to provide access to off-street loading berths

BACKGROUND

A full background discussion and project description appears in the report on the related special permit application (C 050260 ZSM).

ENVIRONMENTAL REVIEW

This application (N 090170 ZRM), in conjunction with the applications for the related actions (C 050260 ZSM, C 050269 ZSM, C 050271 ZSM, C 090173 ZSM, N 090171 ZAM, and N 090172 ZAM) 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 05DCP020M. The lead agency is the City Planning Commission.

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on June 20, 2007 and was distributed, published and filed. A summary of the environmental review appears in the report on the related special permit application (C 050260 ZSM).

PUBLIC REVIEW

This application (N 090170 ZRM) was duly referred to Community Board 7 and the Borough President on November 17, 2008, in conjunction with the applications for the related ULURP applications (C 050260 ZSM, C 050269 ZSM, C 050271 ZSM, and C 090173 ZSM), which were certified as complete by the Department of City Planning on November 17, 2008, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 7 held a public hearing on this application (N 090170 ZRM) and the related applications (C 050260 ZSM, C 050269 ZSM, C 050271 ZSM, C 090173 ZSM, N 090171 ZAM, and N 090172 ZAM) on January 21, 2009 and on that date, by a vote of 26 to six with one member voting “present,” adopted a resolution recommending approval of the application subject to the condition that “the Zoning Resolution is further amended to require Community Board review of the proposed authorization.”

A summary of the Community Board 7 recommendations appears in the report on the related special permit application (C 050260 ZSM).

Borough President Recommendation

This application (N 090170 ZRM), in conjunction with the related applications (C 050260 ZSM, C 050269 ZSM, C 050271 ZSM, C 090173 ZSM, N 090171 ZAM, and N 090172 ZAM), was considered by the Borough President, who issued a recommendation on February 25, 2009 recommending conditional approval of the applications.

A summary of the recommendations of the Borough President appears in the report on the related special permit application (C 050260 ZSM).

City Planning Commission Public Hearing

On February 18, 2009 (Calendar No. 11), the City Planning Commission scheduled March 4, 2009 for a public hearing on this application (N 090170 ZRM). The hearing was duly held on March 4, 2009 (Calendar No. 28), in conjunction with the hearings on the related applications (C 050260 ZSM, C 050269 ZSM, C 050271 ZSM, and C 090173 ZSM). There were a number of speakers, as described in the report on the related special permit application (C 050260 ZSM), and the hearing was closed.

CONSIDERATION

The Commission believes that that the zoning text amendment (N 090170 ZRM) is appropriate. A full consideration and analysis of the issues, and reasons for approving this application, appears in the report on the related special permit application (C 050260 ZSM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on April 10, 2009, with respect to this application (N 090170 ZRM), the City Planning Commission finds that the requirements of Part 617, New York State Environmental Quality Review have been met and that, consistent with social, economic, and other essential considerations:

1. 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; 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 mitigation measures that were identified as practicable

The report of the City Planning Commission, together with this 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, 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 December 15, 1961, and as amended subsequently, is further amended as follows:

Matter underlined 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.

The above resolution (N 090170 ZRM), duly adopted by the City Planning Commission on April 22, 2009 (Calendar No. 22), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, SHIRLEY A. McRAE, JOHN MEROLO,
KAREN A. PHILLIPS, Commissioners

NATHAN LEVENTHAL, Commissioner, Recused