



IN THE MATTER OF an application submitted by LSS Leasing, Limited Liability Company, pursuant to Section 201 of the New York City Charter, for an amendment 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 in the Borough of Queens, Community District 4.

This application for an amendment to Zoning Resolution Section 74-512 was filed on May 3, 2019 by the LSS Leasing Limited Liability Company, in conjunction with the related application for a zoning special permit. The proposed actions would facilitate the continued use of an existing two-story public parking garage in the Elmhurst neighborhood of Queens, Community District 4.

RELATED ACTION

In addition to the proposed zoning text amendment (N 190440 ZRQ) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 190439 ZSQ 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.

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning map amendment action (C 190439 ZSQ).

ENVIRONMENTAL REVIEW

This application (N 190440 ZRQ), in conjunction with the related application for a special permit (C 190439 ZSQ), 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 application was determined to be a Type II action, which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (N 190440 ZRQ) was duly referred to Queens Community Board 4 and the Queens Borough President on May 3, 2019, in accordance with the procedures for non-ULURP matters, along with the related application for a special permit (C 190439 ZSQ), which was certified as complete by the Department of City Planning in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Queens Community Board 4 held a public hearing on this application (N 190440 ZRQ) on June 11, 2019, and on that day, by a vote of 24 in favor and one opposed, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Queens Borough President held a public hearing on this application (N 190440 ZRQ) on July 11, 2019, and on July 29, 2019, issued a recommendation approving the application.

City Planning Commission Public Hearing

On July 31, 2019 (Calendar No. 15), the City Planning Commission scheduled August 14, 2019 for a public hearing on this application (N 190440 ZRQ), in conjunction with the related application for a special permit (C 190439 ZSQ). The hearing was duly held on August 14, 2019 (Calendar No. 55). There were 3 speakers, as described in the report for the related action (C 190439 ZSQ), and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed amendment to Zoning Resolution Section 74-512 (N 190440 ZRQ) is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appear in the report for the related special permit (C 190439 ZSQ).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment.

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 the related report (C 190439 ZSQ), the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended as follows:

Matter underlined 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.

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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).

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 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.

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The above resolution (N 190440 ZRQ), duly adopted by the City Planning Commission on September 11, 2019 (Calendar No. 15), 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.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

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ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD *Commissioners*