Innovation QNS Rezoning and Large-Scale General Development
ZR 74-745(a) – Special Permit to Modify Location of Accessory Parking
Attachment #11 – Discussion of Findings
March 25, 2022

74-745
Modifications of parking and loading regulations

For a large-scale general development the City Planning Commission may permit:

(a) Modification of location requirements

When a large-scale general development includes two or more zoning lots, the Commission may permit required or permitted accessory off-street parking spaces, bicycle parking spaces or loading berths to be located anywhere within a large-scale general development without regard for zoning lot lines, provided that the Commission shall find:

The Proposed Development will consist of development on portions of five city blocks, each with varying accessory off-street parking requirements. The Applicant proposes that each of these blocks will contain a below-grade accessory parking; however, the number of spaces in each facility will differ from the required number of spaces per zoning lot. Specifically, accessory parking for the Proposed Development is required as follows: Zoning Lot A- 199, Zoning Lot B – 229, Zoning Lot C – 138, Zoning Lot D – 232, and Zoning Lot E – 151 for a total of 949 spaces.[1] Accessory parking will be provided in below-grade parking facilities on the five zoning lots with the following number of spaces: Zoning Lot A – 489; Zoning Lot B – 237; Zoning Lot C – 288; Zoning Lot D – 241; and Zoning Lot E – 135 for a total of 1,390 spaces.

As discussed more below, only the parking facility on Zoning Lot E contains fewer spaces than the amount required—a deficit of 16 spaces. All other zoning lots in the Proposed Development comply with the accessory parking requirements. Accordingly, the Applicant proposes to distribute 16 required spaces from Zoning Lot E to the parking garage on Zoning Lot A, which contains a total of 489 spaces.

In addition, the accessory parking on Zoning Lot A would comply with Section 25-13 of the Zoning Resolution such that the permitted spaces may be increased by up to 50% (i.e. to 300 permitted spaces). ZR 25-13 requires that (i) access for such facility is located so as to draw a minimum of vehicular traffic to and through streets having predominantly residential frontages, (ii) the facility have separate entrances and exits at least 25 feet apart; (iii) if accessory to a commercial or community facility uses, is located on a street not less than 60-feet wide; and (iv) if accessory to commercial use, at least 10 reservoir spaces are provided. Here, as described in greater detail below, access points to the parking are located to draw minimal vehicular traffic on residential streets because most vehicles will be using the main traffic arteries in the area (i.e. 35th Avenue, 36th Avenue and Northern Boulevard) to get to the parking facility and spend no more

[1] See LR 3 – Project Description for corresponding block and lot numbers by zoning lot.

than half a block on a local, "narrow" street when entering and/or exiting the off-street parking. Further, two points of entry/exit to the garage are located on 37th and 38th Streets, which are more than 25 feet apart; 37th and 38th Streets are each 60 feet wide; and the proposed garage will contain 24 reservoir spaces—all in accordance with the ZR 25-13 requirements.

As such, the proposed distribution will contribute to a better overall site plan without being a detriment to or overburden any one area of the Development Site.

(1) such off-street parking spaces, bicycle parking spaces and loading berths will be conveniently located in relation to the use to which such spaces or berths are accessory;

Each block within the Development Site will contain accessory parking, providing drivers an opportunity to access parking on their own block or, at minimum, on a neighboring block. Except for Zoning Lot A—which has two parking entrances (one in the midblock on 37th Street and one in the midblock on 38th Street)—each block contains one parking entrance to each garage in the midblock of an adjacent street. This allows drivers points of access on the various streets within the development to access the parking facilities so that in the unlikely chance a garage is full, they would go no further than one additional block to find a parking space without aimlessly circling the Development Site searching for a parking space. Additionally, as noted above, while the overall accessory parking requirement for the Proposed Development will be 949 spaces, the project will provide 1,390 spaces—a surplus of 441 spaces over the requirement. Based on preliminary analysis by Philip Habib and Associates, but for the peak evening weekend demand period under the assumption that the movie theater is operating at 100% capacity, the provided parking in the Proposed Development would be sufficient to handle the demand. Additionally, no block will contain a garage with less than 135 spaces, so the likelihood of a driver finding a space either in the same block as their destination, or within one adjacent block, is high.

With respect to Zoning Lot E, the movement of only 16 required spaces to Zoning Lot A will not leave drivers devoid of parking options on or near Zoning Lot E. Specifically, there still remains a 135-space accessory garage on Zoning Lot E, and a larger 241-space garage one block away on Zoning Lot D. While the 1,390 accessory spaces in the Proposed Development will be accessible to all users of the development, over 375 spaces will be conveniently constructed in the immediate vicinity of Zoning Lot E for drivers seeking to utilize the uses on that block.

Accordingly, because parking facilities will be distributed across the five blocks—and not clustered far from any single use—the parking spaces will be conveniently located in relation to the uses in the Proposed Development.

(2) such location of off-street parking spaces, bicycle parking spaces and loading berths will result in a better site plan; and

The overall location of the off-street parking spaces will result in a better site plan because they allow for other areas of the Development Site to activate the public open space and enhance the pedestrian experience, rather than utilize such space for less engaging uses such as parking. The proposed ground level open spaces, such as the centrally-located civic park on Zoning Lot C, the market plaza on Zoning Lot D, the open gathering space on Block E, and the courtyard, garden

space, children's playscape area and pedestrian passageway on Zoning Lots A and B, will be essential elements to the objectives of the overall Proposed Development because they create connectivity between the blocks and serve as engaging space for tenants and visitors. Accessory parking facilities, on the other hand, while necessary to meet the parking demand, would otherwise detract from the walkability of the Development Site if such spaces were required to be distributed proportionately to the uses on each block and be located too close to the public spaces. To prevent such conflict, entrances to the garages on each of the blocks will be generally located well over 100' from access points to the public open areas. They will also be positioned at far distances south from 35th Avenue to avoid any interference with pedestrian usage of the widened sidewalk on the south site of the avenue. The siting of the garages to the south (and rear) of the Development Site will make for a better site plan because doing so, in turn, allows the Proposed Development's most prominent and important public open spaces to be located along the wide street, and have greater uninterrupted connectivity through the site.

Additionally, the evenly distributing of the garages on each block will result in a better site plan because it will not burden any one single block by overwhelming it with the parking and traffic demand of other portions of the Development Site. To do so would essentially relegate that block to an unusable, unwelcoming part of the site, making it difficult to integrate other uses. The Proposed Development, on the other hand, will spread the parking facilities across the five blocks, and will locate access to each of them in the least disruptive location—in the midblock and away from the active open uses. Locating the garages in such a manner will allow for the integration of other portions of each block into the development as a whole, and will allow the public, retail, commercial and community facility components to better relate to one another without significant obstruction from vehicles utilizing accessory off-street parking.

With respect to the parking facility on Zoning Lot A, while the largest in the Proposed Development, it will only account for approximately 35% of the available accessory parking options, with the parking facilities on the other four lot containing the majority of accessory parking spaces. The distribution of 16 required spaces from Zoning Lot E to Zoning Lot A, which accounts for only one percent of the overall accessory parking, will only be a de minimis increase in spaces on the lot, but nonetheless will facilitate a better distribution of bulk and provision of a public space on Zoning Lot E.

Accordingly, the location of the parking facilities away from the most prominent uses and areas in the development, the even distribution of garages across all five blocks, and the small number of spaces distributed from Zoning Lot E to Zoning Lot A will result in a better site plan.

(3) such location of off-street parking spaces, bicycle parking spaces and loading berths will not unduly increase the number of spaces in any single block, draw excessive traffic through local streets, or otherwise adversely affect traffic conditions in the surrounding area.

The proposed location of the off-street parking spaces will not unduly increase spaces on a single block, draw excessive traffic to local streets, or otherwise adversely affect traffic. The five parking facilities will be spread through each of the five blocks in the Development Site, the overall distribution of spaces will not be significantly skewed towards only one block (with the

distribution from Zoning Lot E to Zoning Lot A a being minimal), and there will be many access points to the facilities from a variety of streets within the Development Site.

First, because each block has its own parking facility, any one garage will not be overburdened with a majority of the parking demand. In fact, only the garage on Zoning Lot E, would contain less than the number of spaces required on its own zoning lot—and the deficit is only 16 spaces which is distributed to the facilities on Zoning Lot A. Rather, four of the five parking facilities will contain a greater number of parking spaces than the amount required. Each garage will serve the users/residents of its respective block and in the event a garage is full, would likely be able to accommodate the needs of a neighboring block. Thus, local traffic will not be adversely impacted because those living or visiting a given block will most likely park on the same block or one block away due to the availability of accessory parking on each block, and not have to travel great distances through the area to locate parking.

Second, while certain parking facilities will have a greater number of spaces than others, no one garage will contain the majority of provided spaces, and therefore there will be no undue increase of parking spaces on any single block. Zoning Lot A, which will be the largest zoning lot in the five-block development and will receive the 16 accessory spaces from Zoning Lot E, will contain the largest parking facility with 489 spaces. However, as noted above, this will account for only approximately 35% of the total provided accessory parking, while the majority (901 spaces or 64%) of parking spaces will be distributed in the other blocks—each with capacities ranging from approximately 10%-20% of the total provided parking. In addition, to accommodate the larger garage, Zoning Lot A will provide two curb cuts—one in the midblock of 37th Street and one in the midblock of 38th Street—thereby alleviating any potential, though unlikely, adverse congestion or traffic concerns that would result from having a larger garage on one portion of the site. Thus, there will not be any pressure point on a single block since the parking facilities are spread across the blocks.

Finally, traffic within the Development Site and surrounding area would not be adversely affected because of the many access points to the parking facilities, all of which will be located in the mid-blocks and not on the primary traffic arteries in the area. As referenced above, the garage on Zoning Lot A will have two access points—one on the east side of 37th Street and one on the west side of 38th Street. With respect to the other garages, the Zoning Lot B garage will be accessed on the east side of 38th Street; the Zoning Lot C garage will be accessed on the west side of 41st Street; the Zoning Lot D garage will be accessed on the east side of 41st Street; and the Zoning Lot E garage will be accessed on the east side of 43rd Street. All such streets are local streets and garage entrances along them would not interfere with the main traffic corridors in the area, including 35th Avenue, 36th Avenue, Steinway Street and Northern Boulevard. Furthermore, as mentioned above each block has a parking facility, so traffic utilizing the garages would be dispersed throughout the Development Site and not clustered in any one location. Accordingly, the location of curb cuts and distribution of spaces and multiple garage locations would serve to reduce any adverse traffic impacts or congestion in the area.

> **Whenever required off-street parking spaces, bicycle parking spaces and loading berths are permitted to be located without regard for zoning lot lines in accordance with the provisions of this Section, the number of spaces required for each building shall be kept available for such building throughout its life.**

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