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281 & 311 Marcus Garvey Boulevard
Statement of Findings in Support of
Special Permit Pursuant to Section 74-532
March, 2022

74-532

Reduction or waiver of parking requirements for accessory group parking facilities

The City Planning Commission may, in conjunction with an application for a #large-scale residential development# or #large-scale general development# in the #transit zone# seeking a #bulk# modification, reduce or waive the number of required #accessory residential# off-street parking spaces, including any spaces previously required for an existing #building# on the #zoning lot#, provided that the Commission finds that:

(a) ***where the applicant is seeking a reduction of parking spaces required by Section 25-23 (Requirements Where Group Parking Facilities Are Provided), such reduction will facilitate the creation or preservation of #income-restricted housing units#, in such #large-scale residential development# or #large-scale general development#. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;***

The Proposed Development is located within the Transit Zone set forth in Appendix I of the Zoning Resolution, and requires the LSGD Special Permit under ZR 74-743(a)(1) and (2) to allow the distribution of zoning floor area without regard to district boundaries, and to allow increases in building heights above the maximum of 95 feet permitted in an R7A district. The Proposed Development would include up to approximately 155 new units of income restricted housing and would comply with MIH Option 1 requiring a minimum of twenty-five percent of all new floor area provided as permanently affordable for families earning an income not exceeding a weighted average of 60 percent AMI. The dwelling units will be facilitated by government-assisted financing and will be the subject of a regulatory agreement with the City.

Pursuant to ZR Section 25-251, accessory off-street parking spaces are not required for income-restricted housing units within the Transit Zone, and accordingly no parking is being proposed in connection with the Proposed Development. Up 234 spaces remain required in connection with the occupancy of Buildings 2, 3, 4, 5 and 6. Today, however, only 118 spaces are provided, with 58 spaces on Site 1 and 60 spaces on Site 2.

Retaining 118 spaces within the Project Area as opposed to providing the fully required amount of parking allows for the possibility of Development Sites 1 and 2 becoming available for Building A and B, respectively. Instead of being reserved for legalizing insufficient amounts of parking provided at the Project Area, under the Parking Special Permit, the Development Sites would be free for the construction of the Proposed Development. Accordingly, the reduction of parking requested under this Application legalizes the current parking condition of the Project Area to facilitate the creation of up to approximately 155 new units of income restricted housing. Under the MIH program the Proposed Development would be required to provide a minimum of twenty-five percent of all new residential floor area as permanently affordable to families whose incomes do not exceed a weighted average of 60% AMI. All the units in the Proposed Development will be provided as affordable income-restricted housing units and will be in compliance with these limitations.

(b) the anticipated rates of automobile ownership for residents of such #large-scale residential development# or #large-scale general development# are minimal and that such reduction or waiver is warranted;

The Zoning Resolution inherently anticipates that the rate of automobile ownership for occupants of income restricted housing units within the Transit Zone is minimal and therefore do not require any parking for this use. Accordingly, since the Proposed Development is comprised entirely of income restricted housing units in the Transit Zone it is presumed that the anticipated rates of automobile ownership in connection with the Proposed Development included within the large scale development will be accordingly minimal.

The Application, also requests that only 118 spaces remain required in connection with existing Buildings 2, 3, 4, 5, and 6, in order to facilitate the construction of the two new affordable housing buildings included in the Proposed Development. The Project Area is served by the A/C line, the J/M/Z line, and the G line, with stations to the lines each under one mile away. The B15 and B52 bus lines runs through and around the blocks included in the Project Area. Furthermore, taxis, black car services and alternative ride sharing services like Lyft and Uber offer additional options that are easily accessible at all times of day to occupants and users of the Proposed Development and the existing residents.

The reduction of to 118 spaces throughout the Project Area is warranted. As it stands, the residents of the existing buildings do not utilize the full amount of spaces that are provided and it would not be necessary to add more to meet their needs. And in turn, up to 155 new units of income-restricted housing, that can could only be achieved where the parking is reduced to what exists on the Project Area today, is a more valuable asset to the City than the Applicant seeking to comply with current accessory off-street parking requirements.

(c) such reduction of parking spaces will not have undue adverse impacts on the residents, businesses or #community facilities# in the surrounding area, including the availability of parking spaces for such #uses#; and

The Application requests a reduction of parking provided in connection with existing income-restricted housing units in the Project Area. These residences are presumed by the City to be occupied by families with low anticipated rates of automobile ownership when located in the Transit Zone. Therefore the reduction of parking provided in connection with the occupancy of the existing income-restricted housing units located on the Applicant Property from up to 234 spaces to 118 spaces existing today should not result in an undue adverse impact on the residents, and businesses, or community facilities in the surrounding area. Accordingly, for the reasons stated above, the reduction of required accessory off-street parking spaces to only 118 will not have undue adverse effects on the residents, businesses, or community facilities in the surrounding area, including the availability of parking spaces for such uses.

(d) such reduction of parking spaces will result in a better site plan.

The Proposed Development involves a highly developed and designed site plan that seamlessly weaves together and integrates a mix of five existing income-restricted affordable housing buildings, parking areas, and open spaces with two new buildings, which could otherwise not be achieved if up to 234 accessory off-street spaces were required to be provided.

Currently, two significant portions of the Project Area along Marcus Garvey Boulevard are largely under-utilized areas that have been used as one-story non-residential buildings. These sites can only be developed with new affordable housing buildings if the legally required amount of parking required for the Project Areas is waived under the Parking Special Permit from up to 234 spaces required in connection with the existing buildings to the 118 spaces currently provided. Otherwise, any new development, enlargement, or substantial alteration of the Project Area will result in objections surrounding the missing amount of parking.

However, since the development of the existing buildings in the Project Area, historical policies encouraging high amounts of accessory off-street parking and the rates of actual ownership of automobiles have changed dramatically. Instead, the Zoning Resolution now allows for reducing off-street accessory parking requirements under the Parking Special Permit. By thereby removing the parking non-compliance from the Project Area through the Parking Special Permit, the opportunity to construct Buildings A and B becomes available to the Applicant. Doing so will result in a total of 155 units of income-restricted housing, which is a benefit to the City and the Surrounding Area and results in a better site plan than if the area were required to be used for missing parking.

In determining the amount of parking spaces to reduce or waive, the Commission may take into

account current automobile ownership patterns for an existing #building# containing #residences# on the #zoning lot#, as applicable.

n/a

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the surrounding area.