Innovation QNS Rezoning and Large-Scale General Development
ZR 74-922 – Certain large retail establishments
Attachment #11 – Discussion of Findings
March 25, 2022

74-922
Certain Large Retail Establishments

In M1 Districts, the City Planning Commission may permit department stores, carpet, rug, linoleum or other floor covering stores, clothing or clothing accessory stores, dry goods or fabric stores, food stores, furniture stores, television, radio, phonograph or household appliance stores, or variety stores, with no limitation on #floor area# per establishment.

In M1-5 or M1-6 Districts, the Commission may modify the applicable regulations governing height and setback or #yards# for a change of #use#, #extension# or minor #enlargement# involving a large retail establishment.

In M1-5M Districts, the Commission may also modify the applicable regulations governing loading berths so as to allow the location of such berths off-site in conjunction with a change of #use#, #extension# or #enlargement# of a large retail establishment with a #floor area# of at least 25,000 square feet within a #building# designed for #residential use#.

The Applicant for the Innovation QNS Rezoning and LSGD seeks a special permit under Section 74-922 to permit certain large retail establishments to locate on Zoning Lot C within the boundaries of the LSGD.[1] The Innovation QNS project is anticipated to be developed over a period of 10 years. To allow for flexibility of locating uses within the Proposed Development in the future as needs change, the Applicant is also seeking a special permit for certain retail uses for each of the four other zoning lots that make up the Proposed Development.

On Zoning Lot C there is one space within the zoning lot that would require the subject special permit for a retail and/or food store use greater than 10,000 sf. The space will be located at the center of the block fronting on 41st Street, but like the other zoning lots within the Proposed Development, such space is not intended for traditional big-box retail. Rather, the proposed space, which will be 14,056 sf is slightly larger than 10,000 sf, but the special permit will allow for greater flexibility in the future to reconfigure this space and/or locate certain retail uses that may exceed the 10,000 sf threshold and would be classified as Use Group 10. In addition, the Applicant seeks approval for a Use Group 6 food stores in excess of 10,000 sf on Zoning Lot C to permit the flexibility to locate the food store in this part of the Proposed Development.

As a condition of granting a special permit for such large retail establishments, the Commission shall find:

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

(a) that the principal vehicular access for such #use# is not located on a local #narrow street#;

The principal vehicular access for the retail uses on Zoning Lot C will not be located on a local narrow street. The Proposed Development is well served by a series of streets that will provide appropriate and adequate access thereto. The Development Site is bounded by 37th Street on the west, 43rd Street and Northern Boulevard on the east, 35th Avenue on the north and 36th Avenue on the south. 37th Street, 41st Street and 43rd Street are both one-way northbound streets that typically operate with one moving lane and parking along both curbs. 38th Street, 41st Street and 42nd Street are one-way southbound streets that operate with one moving lane and parking along both curbs. Northern Boulevard (NY 25A**)** is a principal arterial that operates with three moving lanes in each direction in the vicinity of the Project Area. At its western end, it connects to the Ed Koch Queensboro Bridge to midtown Manhattan, and to the east, it connects to the Brooklyn-Queens Expressway (I-278). Northern Boulevard is a DOT-designated through truck route. 35th Avenue is a major collector that operates as a one-way westbound street between Northern Boulevard and 43rd Street and as a two-way street with parking along both curbs to the west of 43rd Street. 36th Avenue is a minor arterial that also operates as a one-way westbound street between Northern Boulevard and 41st Street, and as a two-way street with parking along both curbs to the west of 41st Street.

Other corridors of note include Steinway Street, Broadway, 34th Avenue, 36th Street, Queens Boulevard and Greenpoint Avenue. Steinway Street and Broadway are both principal arterials that typically operate with one moving lane in each direction and parking along both curbs. Both are DOT-designated local truck routes. 34th Avenue is a two-way street with one moving lane (striped as a shared bicycle lane) in each direction and parking along both curbs. 36th Street is a one-way southbound street with one moving lane and parking along both curbs. There is also a dedicated bicycle lane north of 34th Avenue. Queens Boulevard (NY 25) is a principal arterial roadway that extends from the Ed Koch Queensboro Bridge to Jamaica, Queens. In the vicinity it typically operates with four to five moving lanes in each direction separated by a wide median that is used for parking. Queens Boulevard is a DOT-designated through truck route. Greenpoint Avenue is a principal arterial that typically operates with one to two moving lanes including a shared bicycle lane in each direction, plus parking along both curbs. It is a DOT-designated through truck route that provides access to the Queens Midtown/Long Island Expressway.

Regional arteries providing access to the Project Area include the Brooklyn-Queens Expressway (I-278) and the Queens Midtown Expressway/Long Island Expressway (I-495). The Brooklyn-Queens Expressway or BQE is located approximately one mile to the east of the Project Area, traverses northern Brooklyn and Queens and connects to the RFK Triborough Bridge to Manhattan and the Bronx. Northern Boulevard is the primary access corridor between the Project Area and the BQE. The Queens Midtown Expressway, located approximately 1.5 miles to the south of the Project Area, extends from the Queens-Midtown Tunnel to midtown Manhattan eastward to Queens Boulevard where it becomes the Long Island Expressway or LIE and continues for approximately 70 miles to Riverhead on Long Island. The combination of 39th Avenue and Greenpoint Avenue provides the primary access route between the Project Area and the Queens Midtown Expressway and LIE. Accordingly, there are numerous wide streets, principal arterials,

major collector and minor arterials in the surrounding area that will handle the additional traffic going to and leaving from the proposed Development Site's which provide the principal vehicular access points for the retail uses in each Zoning Lot on Blocks A-E. Vehicles will arrive via Northern Boulevard, Steinway Street, 35th or 36th Avenues. Access to the individual accessory group parking facilities will be located on the neighborhood corridor streets of 37th, 38th, 41st and 43rd Streets which connect to and from Northern Boulevard, 35th Avenue, 36th Avenue and Steinway Streets.

With respect to Zoning Lot C, vehicles approaching the retail uses will approach via 36th Avenue and turn on 41st Street, a neighborhood corridor, to the entrance to the accessory group parking facility. Vehicles leaving will exit through the same location and turn northbound to 35th Avenue and disperse through the nearby arterials.

Accordingly, principal access to the retail uses will occur through an array of streets, avenues and main traffic thoroughfares the serve the surrounding area and Queens as a whole.

(b) that such #use# is so located to draw a minimum of vehicular traffic to and through local #streets#;

As noted above, Zoning Lot C within the Proposed Development is well situated within a traffic network that provides access points to and from arterials, connectors and corridors which will be the primary access streets for the five (5) Development Sites that comprise the Proposed Development. Situated between 36th Avenue and 35th Avenue and fronting the west side of 41st Street, the retail spaces will be well situated to draw a minimum of vehicular traffic to and through local streets.

(c) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exits, are provided to prevent congestion;

Zoning Lot C will contain a 288-space accessory parking garage that will provide adequate reservoir space at its vehicular entrance and exit along 41st Street that will prevent congestion on the surrounding streets. In addition, each of the other four zoning lots in the Proposed Development will contain a large parking garage that would aid in preventing traffic congestion.

(d) that vehicular entrances and exits are provided for such #uses# and are located not less than 100 feet apart;

There will be only one entrance and exit ramp to the below-grade parking facility, which will be located in the midblock along 41st Street.

(e) that in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;

The surrounding area is well served by mass transit. One block north of the Proposed Development is the Steinway Street subway station and south on 36th Street and Northern Boulevard is the 36th Street Station, both for the R/M lines. West of the Proposed Development along 31st Street is the

N/W line with two stops, 36th Avenue and Broadway nearby. Regarding bus lines, the Q66 bus runs and stops along 35th Avenue and Northern Boulevard, and the Q101 runs and stops along Steinway Street. The Development Sites are considered in a "transit zone" in accordance with the Zoning Resolution.

(f) that such #use# is so located as not to impair the essential character or the future use of or development of the surrounding area;

As noted in other areas of these findings and on the ground floor plans for Zoning Lot C and the Proposed Development, there will be one space within the zoning lot that would require the subject special permit for a retail and/or food store use greater than 10,000 sf. The space will be located at the center of the block fronting on 41st Street, but like the other zoning lots within the Proposed Development, such space is not intended for traditional big-box retail. Rather, the proposed space, which will be 14,056 sf is slightly larger than 10,000 sf, but the special permit will allow for greater flexibility in the future to reconfigure this space and/or locate certain retail uses that may exceed the 10,000 sf threshold and would be classified as Use Group 10. In addition, the Applicant seeks approval for a Use Group 6 food stores in excess of 10,000 sf on Zoning Lot C to permit the flexibility to locate the food store in this part of the Proposed Development.

The proposed retail uses subject to the special permit will be more akin to local retail uses that minimally exceed the size limitations of the Use Group 6 regulations and become Use Group 10. The proposed retail space would further support the Steinway Street commercial corridor, local shopping and other entertainment options for the surrounding area and will enhance the essential character and not hinder the future development of the surrounding mixed use, residential, business and manufacturing areas.

(g) that such #use# will not produce any adverse effects which interfere with the appropriate #use# of land in the district or in any adjacent district;

The retail uses proposed for Zoning Lot C will be essentially local retail uses that may exceed the 10,000 sf threshold for certain Use Group 6 uses. The space is not intended for traditional big-box retail. Rather, the proposed space, which will be 14,056 sf is slightly larger than 10,000 sf, but the special permit will allow for greater flexibility in the future to reconfigure this space and/or locate certain retail uses that may exceed the 10,000 sf threshold and would be classified as UG 10. Accordingly, it would not produce any adverse effects with the appropriate use of land in the MX district or in the adjacent districts.

(h) that such #bulk# modifications will not unduly obstruct the access of light and air to surrounding streets and properties; and

Not Applicable.

(i) that in the case of modification of loading berth regulations to allow off-site loading berths, the Commission further finds:

Not Applicable.

(1) that an adequate alternate loading facility in the same ownership (single fee ownership or control or alternative ownership arrangements of the #zoning lot# definition in Section 12-10) as the retail store is provided, subject to a deed restriction filed in an office of record binding the owner and his heirs and assigns to maintain the alternate facility throughout the life of the retail store;

(2) that the alternate loading facility is located within the same district or an adjoining C6-M, C8 or#Manufacturing District# and the maximum distance between the two sites is 1000 feet;

(3) that the location of the loading berths on the same #zoning lot# as the retail store would have a significant impact on the existing #residential uses# in the #building#;

(4) that the location of the loading berths on the same #zoning lot# as the retail store would create serious vehicular and pedestrian traffic conflict on the #street# upon which the store fronts; and

(5) that the alternate location of such loading berths will not unduly affect the movement of pedestrians or vehicles on the #streets# surrounding the alternate site.

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