



CITY PLANNING COMMISSION

May 7, 2008 / Calendar No.19

C 060218 ZSQ

IN THE MATTER OF an application submitted by Dollar Thrifty Automotive Group pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 392 spaces including 40 accessory spaces and to allow some of such spaces to be located on the roof, on portions of the ground floor, cellar and roof of an existing 1-story garage building on property located at 22-61 94th Street (Block 1071, Lot 50), Borough of Queens, Community District 3.

This application for a special permit pursuant to Zoning Resolution Section 74-512 was filed by Dollar Thrifty Automotive Group on November 10, 2005, to allow conversion of an existing 149-space accessory parking garage into an attended, 392-space public parking garage, including forty parking spaces for the applicant's car rental business, located in an existing three-story building at 22-61 94th Street, Borough of Queens, Community District 3.

BACKGROUND

The subject parking facility was constructed in 2001 as a car rental garage to serve airline passengers using nearby LaGuardia Airport. It is located on the northly blockfront of 23rd Avenue, a wide east-west thoroughfare, on a lot that also has frontages along 94th and 95th streets. There is one vehicular entry / exit for the garage. It is located on 94th Street, which is wide north-south thoroughfare that connects directly to the LaGaurdia Airport campus two blocks to the north. Vehicular access routes to the garage are provided by 23rd Avenue, Ditmars Boulevard, which runs east-west at the northern end of the block containing the facility, and Grand Central Parkway.

The parking facility is a three-level garage structure, and the building's Certificate of Occupancy allows a car rental establishment with accessory parking for a total of 149 cars on the building's roof, cellar and ground floor. On all street elevations, the structure is mostly enclosed by masonry and has a parapet wall surrounding the roof. Stair bulkheads are located at each of the corners on 23rd Avenue. The applicant seeks to reduce the number of rental vehicles at this facility and provide attended public parking spaces for private vehicles requiring airport parking.

The block containing the parking facility is currently zoned R4/C2-3. The remainder of the block is developed with a three-story hotel and an accessory parking lot. Lots facing the site on 23rd Avenue, 94th and 95th streets are developed with one- or two-family residences, and blocks west, south and east of the site are predominately developed with a mix of attached, semi-detached and detached one- and two-family homes. Diagonally across from the site on 23rd Avenue and 94th Street is a one-story restaurant. To the north and east of the site, Ditmars Boulevard has been developed with automobile rental businesses, airport related offices, a hotel and a public park. Development further east and west on the boulevard is comprised of airport-related facilities, including the Vaughn College of Aeronautics and several hotels.

Because of changes in the car rental business, all of the spaces in the garage were not occupied by rental vehicles and the applicant began to make these spaces available for public parking. The Department of Buildings has issued violations for failure to comply with the building's Certificate of Occupancy. The applicant is now seeking a special permit to address the violations and to operate the facility as an attended public parking garage with 392-spaces while continuing to operate the car rental business. The vehicle entry / exit for both the public parking and car rentals is located on 94th Street and is comprised of two existing portals that will remain unchanged. An existing curb-cut, 22 feet wide, will provide entry for retuning rental cars, public parking and the shuttle-bus connection to the airport required by the car rental operation. Another curb-cut, 33 feet in width, will provide a vehicular exit for all of the vehicles. The public parking garage will have 20 reservoir spaces near the entry.

The applicant requests approval of a special permit, pursuant to Section 74-512 of the Zoning Resolution, to allow the 392-space attended parking garage and to permit roof-top parking. In order to grant the permit, the City Planning Commission must make certain findings regarding the traffic generated by the garage and its impacts upon the surrounding streets.

ENVIRONMENTAL REVIEW

This application ((C 060218 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 and Procedures of 1991 and Executive Order No.91 of 1977. The designated CEQR number is 06DCP044Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on December 17, 2007.

UNIFORM LAND USE REVIEW

This application (C 060218 ZSQ) was certified as complete by the Department of City Planning on December 17, 2007 and was duly referred to Community Board 3 and the Borough President 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 3 held a public hearing on this application on February 21, 2008 and on that date, with a vote of 28 to 0 with no abstentions, adopted a resolution recommending approval of the application subject to the following conditions:

The parking structure will not undergo any major changes or alterations. The only minor change or alteration will be the installation of a roof-level fence that will help to screen off any visibility of parked cars and headlights into neighborhood homes on 23Rd Avenue during the evening hours.

The Land Use Committee recommends approval of the application with the provision that Dollar Thrifty Automotive Group install an aesthetically pleasing barrier screening fence that is acceptable to the community and will hire employees from the community.

Borough President Recommendation

This application (C 060218 ZSQ) was considered by the Borough President, who issued a recommendation approving the application on April 3, 2008 with the following conditions:

Screening should be provided to shield the residences on 23rd Avenue from the cars and headlights.

Qualified neighborhood residents should be given opportunities for employment when available.

City Planning Commission Public Hearing

On March 26, 2008 (Calendar No. 5), the City Planning Commission scheduled April 9, 2008 for a public hearing on this application (C 060218 ZSQ). The hearing was duly held on April 9, 2008 (Calendar No. 15)

There were no speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

The Commission notes that the vehicular entry/exit for the public parking garage is located on 94th Street, a major thoroughfare, and that the entry is located less than one block from Ditmars Boulevard and the westbound exit from the Grand Central Parkway (an arterial highway). The Commission believes this entry location will draw a minimum of vehicles to and through local streets since 94th Street also provides a direct connection to LaGuardia Airport, the primary demand generator for this garage. The Commission also notes that 20 reservoir spaces, equivalent to five percent of the public parking spaces, will be provided at the entry of the garage, and that the plans submitted by the applicant provide for the separation between the car rental facility and the attended public parking.

The Commission notes that a traffic study conducted for the environmental review of the project analyzed the vehicle volume to street capacity ratios for the streets providing access to the parking garage – 94th Street, Ditmars Boulevard and 23rd Avenue – and determined that these ratios will be unchanged in the future with the project. The Commission believes these access

streets will be able to handle the traffic generated by the parking garage.

The Commission further notes that in response to the conditions of the community board and the borough president, the applicant has submitted revised plans that show a two and one-half-foot high screening fence comprised of vertical metal slats to be installed above the existing three-foot high roof parapet. The less than one inch distance between the slats, is designed to block the visibility of cars and headlight glare from the surrounding residences and will further minimize light-spill from the existing roof-level lighting.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-512 (Public Parking Garages or Public Parking Lots outside High Density Central Areas) of the Zoning Resolution:

- (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 ten 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 impair the essential character or future use or development of adjacent areas; and
- (f) Not applicable.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, an application submitted by Dollar Thrifty Automotive Group pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow an attended public parking garage with a maximum capacity of 392 spaces including 40 accessory spaces and to allow some of such spaces to be located on the roof, on portions of the ground floor, cellar and roof of an existing 1-story garage building on property located at 22-61 94th Street (Block 1071, Lot 50), Borough of Queens, Community District 3, is approved subject to the following conditions:

1. The property that is the subject of this application (C 060218 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by the Bilow Group, Architects and Planners, LLP, filed with this application and incorporated in this resolution:

<u>Drawing #</u>	<u>Title</u>	<u>Last Date of Revision</u>
SP-100	Site Plan	February 27, 2007
SP-101	Site Plan	February 27, 2007
A-101	Cellar Level Plan	February 27, 2007
A-102	Basement Level Plan	February 27, 2007
A-103	Roof Level Plan	February 27, 2007
A-104	Sections	February 27, 2007
A-300	Elevations	February 27, 2007
A-301	Section Detail	February 20, 2008
A-303	Screen Detail	April 4, 2008

2. Such development shall conform to all applicable provisions of the Zoning resolution, except for the modifications specifically granted in this resolution and shown on the

plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms, or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the City's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 060218 ZSQ), duly adopted by the City Planning Commission on May

9, 2008 (Calendar No.19), 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, R.A.

ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,

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JOHN MEROLO, KAREN A. PHILLIPS, Commissioners