

291-06-BZ
CEQR #07-BSA-035Q

APPLICANT – Paul Bonfilio, AIA., for 6860 Austin Realty Corp., owner.

SUBJECT – Application November 2, 2006 – Special Permit (§73-44) to allow the reduction in the number of required parking spaces for an enlargement to an existing community facility building (Ambulatory Diagnostic/Treatment Facility). The Premises is located in a C8-2 zoning district. The proposal is contrary to Section 36-21.

PREMISES AFFECTED – 68-60 Austin Street, Austin Street, between Yellowstone Boulevard and 69th Road, Block 3234, Lot 29, Borough of Queens.

COMMUNITY BOARD #6Q

APPEARANCES –

For Applicant: Tarek M. Zeid.

ACTION OF THE BOARD – Application granted on condition.

THE VOTE TO GRANT –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown and Commissioner Hinkson.....4

Negative:.....0

THE RESOLUTION:

WHEREAS, the decision of the Queens Borough Commissioner, dated March 28, 2006, acting on Department of Buildings Application No. 402307302, reads in pertinent part:

“Provide required amount of parking spaces for new enlargements as per Section 36-21 ZR”; and

WHEREAS, this is an application under ZR §§ 73-44 and 73-03, to permit, within a C8-2 zoning district, a reduction in the required number of accessory parking spaces for an existing mixed-use ambulatory diagnostic and treatment/office/retail building from 90 to 58, contrary to ZR § 36-21; and

WHEREAS, a public hearing was held on this application on July 17, 2007, after due notice by publication in *The City Record*, with a continued hearing on August 21, 2007, and then to decision on September 11, 2007; and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by Chair Srinivasan; and

WHEREAS, Community Board 6, Queens, recommends approval of this application; and

WHEREAS, the subject site is located on the south side of Austin Street, between Yellowstone Boulevard and 69th Road, and has a lot area of 18,000 sq. ft.; and

WHEREAS, the site is currently occupied by a 36,645.2 sq. ft. five-story mixed-use building, with 90 required accessory parking spaces; and

WHEREAS, specifically, the uses at the site are as follows: (1) parking for 85 attended spaces in the cellar level; (2) retail use (Use Group 6), offices (Use Group 6) and ambulatory diagnostic and treatment use (Use Group 4) on the first floor; and (3) offices (Use Group 6) on the second through fifth floors; and

WHEREAS, the Certificate of Occupancy reflects that five parking spaces are required to be located in an outdoor area on the first floor, which is currently being used for outdoor restaurant seating; and

WHEREAS, the applicant represents that there are plans to enlarge the existing building; and

WHEREAS, however, the Board analyzed the request for the parking waiver based on the current approved uses at the site and notes that any enlargement of the building must be approved by DOB for compliance with all zoning district regulations; and

WHEREAS, pursuant to ZR § 73-44, the Board may, in the subject C8-2 zoning district, grant a special permit that would allow a reduction in the number of accessory off-street parking spaces required under the applicable ZR provision, for ambulatory diagnostic and treatment facilities and the noted Use Group 6 uses in the parking category B1; in the subject zoning district, the Board may reduce the required parking from one space per 400 sq. ft. of floor area to one space per 800 sq. ft. of floor area; and

WHEREAS, the total number of required parking spaces for all uses at the site is 90; and

WHEREAS, the existing ambulatory diagnostic/treatment facility (Use Group 4) on the first floor occupies 3,960 sq. ft.; at a rate of one required parking space per 400 sq. ft. of floor area, 10 parking spaces are required for this use; and

WHEREAS, the remaining office uses on the first through fifth floors are classified as Use Group 6, in parking category B1 and occupy 21,486.20 sq. ft.; at a rate of one required parking space per 400 sq. ft. of floor area, 54 parking spaces are required for these uses; and

WHEREAS, accordingly, the total number of parking spaces which are eligible under the special permit is 64; as noted, the special permit allows for a 50 percent reduction for qualifying spaces and this would reduce the required parking for these uses to 32 spaces; and

WHEREAS, the applicant represents that an additional 26 parking spaces are required for other uses at the site, which are not eligible for the special permit; these 26 spaces will remain; and

WHEREAS, the applicant proposes to provide a total of 58 parking spaces; and

WHEREAS, the Board notes that the applicant proposes to maintain 90 parking spaces, but only 58 are required to support the existing uses at the building; and

WHEREAS, ZR § 73-44 requires that the Board must determine that the ambulatory diagnostic and treatment facility and Use Group 6 use in the B1 parking category are contemplated in good faith; and

WHEREAS, the applicant has submitted sufficient evidence of good faith in maintaining the noted uses at the site; and

WHEREAS, however, while ZR § 73-44 allows the Board to reduce the required accessory parking, the Board requested an analysis about the impact that such a reduction might have on the community in terms of available on-street parking; and

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WHEREAS, in response to the Board's concerns regarding parking, the applicant prepared a parking analysis based upon a transportation survey for the existing uses at the site and studied a 400-ft. radius; and

WHEREAS, the analysis revealed that the parking structure is underutilized and that at the busiest time of the day, there is a demand for only 19 parking spaces; during a peak hour, five cars entered the site; and

WHEREAS, the applicant completed a survey of the surrounding area and found that there are a number of other parking structures with available space; and

WHEREAS, as to public transportation, the applicant represents that the site is well-served by (1) a New York City Transit bus on Austin Street with a bus stop directly in front of the building's entrance, and (2) the 71st Avenue/Continental subway stop is three blocks from the site and provides access to the E/F/G/R trains; and

WHEREAS, based upon this study, the Board agrees that the accessory parking space needs can be accommodated even with the parking reduction; and

WHEREAS, based upon the above, the Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed special permit use is outweighed by the advantages to be derived by the community; and

WHEREAS, therefore, the Board has determined that the evidence in the record supports the requisite findings pursuant to ZR §§ 73-44 and 73-03; and

WHEREAS, the project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.4; and

WHEREAS, the Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement (EAS) CEQR No. 07BSA035Q, dated August 17, 2007; and

WHEREAS, the EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic Resources; Urban Design and Visual Resources; Neighborhood Character; Natural Resources; Waterfront Revitalization Program; Infrastructure; Hazardous Materials; Solid Waste and Sanitation Services; Energy; Traffic and Parking; Transit and Pedestrians; Air Quality; Noise; and Public Health; and

WHEREAS, no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable; and

WHEREAS, the Board has determined that the proposed action will not have a significant adverse impact

**A true copy of resolution adopted by the Board of Standards and Appeals, September 11, 2007.
Corrected and Printed in Bulletin No. 38, Vol. 92.**

Copies Sent
To Applicant
Fire Com'r.
Borough Com'r.

on the environment.

Therefore it is Resolved, that the Board of Standards and Appeals issues a Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §§ 73-44 and 73-03, to permit, within a C8-2 zoning district, a reduction in the required number of accessory parking spaces for an existing mixed-use ambulatory diagnostic and treatment/office/retail building from 90 to 58, contrary to ZR § 36-21; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked "Received November 2, 2006" -(11) sheets and "Received August 18, 2007" -(1) sheet and *on further condition*:

THAT there shall be no change in ownership of the site or the building without prior application and approval from the Board;

THAT a minimum of 58 attended parking spaces shall be provided in the accessory parking lot for the existing uses;

THAT the above conditions shall appear on the Certificate of Occupancy;

THAT any building enlargement shall be as approved by DOB and must comply with all relevant zoning district regulations;

THAT the layout and design of the accessory parking lot shall be as reviewed and approved by the Department of Buildings;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all of applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 11, 2007.