

**326-13-BZ**

**CEQR #14-BSA-088Q**

APPLICANT – Rothkrug Rothkrug & Spector, LLP, for 5225, LLC, owner.

SUBJECT – Application December 23, 2013 – Special Permit (§73-44) to reduce the required number of accessory parking space from 192 to 138 spaces for an office building (UG 6). M1-1 (CP) zoning district.

PREMISES AFFECTED – 16-16 Whitestone Expressway, West Side of Whitestone Expressway (service road), 920.47 ft. north of 20th Avenue. Block 4148, Lot 50, 65. Borough of Queens.

**COMMUNITY BOARD #7Q**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5

Negative:.....0

**THE RESOLUTION** –

WHEREAS, the decision of the Department of Buildings (“DOB”), dated November 21, 2013, acting on DOB Application No. 420628057, reads:

Proposed reduction in required parking is contrary to ZR Section 44-21 and requires a special permit; and

WHEREAS, this is an application under ZR §§ 73-44 and 73-03, to permit, on a site located within an M1-1 zoning district, within the Special College Point District, a reduction in the required number of accessory parking spaces in connection with the enlargement of an existing office building (Use Group 6) from 192 spaces to 137 spaces, contrary to ZR § 44-21; and

WHEREAS, a public hearing was held on this application on May 20, 2014 after due notice by publication in The City Record, and then to decision on June 17, 2014; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Commissioner Hinkson, and Commissioner; and

WHEREAS, Community Board 7, Queens, recommends approval of this application, on condition that: (1) signage will be provided near each parking entrance indicating specific tenant and visitor use; (2) that the signage will be sufficient in size and placement to help cars enter the appropriate areas without confusion; and (3) that the unattended entrance to the facility will be recessed from the property line, in order to provide onsite space for queuing vehicles; and

WHEREAS, the subject site is located on the west side of the Whitestone Expressway between 14th Avenue and 20th Avenue, within an M1-1 zoning district, within the Special College Point District; and

WHEREAS, the site has approximately 300 feet

of frontage along the Whitestone Expressway and 57,949 sq. ft. of lot area; and

WHEREAS, the site is occupied by a four-story office building (Use Group 6) with 28,009 sq. ft. (0.53 FAR) and 99 accessory parking spaces; and

WHEREAS, pursuant to ZR § 32-15, the subject Use Group 6 office is in parking requirement category B1, which requires that one accessory parking space be provided for every 300 sq. ft. of floor area; thus, the existing Use Group 6 office floor area at the site generates 99 required accessory parking spaces; and

WHEREAS, the applicant now proposes to enlarge the building, which will result in an increase in floor area from 28,009 sq. ft. (0.53 FAR) to 57,581 sq. ft. (1.0 FAR) and an increase in the number of required accessory parking spaces from 99 parking spaces to 192 parking spaces; and

WHEREAS, pursuant to ZR § 73-44, the Board may, in the subject M1-1 zoning district, grant a special permit that would allow a reduction in the number of accessory off-street parking spaces required under the applicable Zoning Resolution provision, for Use Group 6 office use in the parking category B1; in the subject zoning district, the Board may reduce the required parking from one space per 300 sq. ft. of floor area to one space per 600 sq. ft. of floor area; and

WHEREAS, pursuant to ZR § 44-21 the total number of parking spaces that will be required in connection with the proposal is 192 spaces; thus, if the special permit is granted, only 96 parking spaces will be required; nevertheless, the applicant proposes 138 parking spaces; and

WHEREAS, pursuant to ZR § 73-44, the Board must determine that the Use Group 6 use in the B1 parking category is contemplated in good faith; and

WHEREAS, as a demonstration of such good faith, the applicant represents that the majority of the building will be occupied as offices for its owner – Local 30 Operating Engineers Union; and

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

WHEREAS, in addition, the special permit under ZR § 73-44 requires and the applicant represents that any certificate of occupancy for the building will state that no subsequent certificate of occupancy may be issued if the use is changed to a use listed in parking category B unless additional accessory off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-street radius; and

WHEREAS, at hearing, the Board (1) observed that the nearest subway line was too far from the site to be reasonably included as a means of accessing the site despite statements to the contrary in the parking study, and (2) in response to the community board’s comments, requested clarification regarding the

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directional signage within the parking facility; and

WHEREAS, in response, the applicant explained that the analysis assumed that subway users would utilize the local bus service in conjunction with the No. 7 train in order reach the site; the applicant also submitted a statement describing the proposed directional signage; and

WHEREAS, based upon the above, the Board agrees that the accessory parking space needs of the site can be accommodated even with the parking reduction; and WHEREAS, accordingly, 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 617.2; 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 CEQR No. 14-BSA-088Q, dated December 23, 2013; 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 on the environment.

*Therefore it is Resolved*, that the Board of Standards and Appeals issues a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for

**A true copy of resolution adopted by the Board of Standards and Appeals, June 17, 2014.**

**Printed in Bulletin No. 25, Vol. 99.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

City Environmental Quality Review and makes each and every one of the required findings under ZR §§ 73-44 and 73-03 to permit, on a site located within an M1-1 zoning district, within the Special College Point District, a reduction in the required number of accessory parking spaces in connection with the enlargement of an existing office building (Use Group 6) from 192 spaces to 137 spaces, contrary to ZR § 44-21; on condition that all work shall substantially conform to drawings as they apply to the objections above noted filed with this application marked "Received December 23, 2013"-(6) sheets, and on further condition:

THAT there will be no change in the use of the site without prior review and approval by the Board;

THAT no certificate of occupancy may be issued if the use is changed to a use listed in parking category B unless additional accessory off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-street radius;

THAT signage will be provided near each parking entrance indicating specific tenant and visitor use;

THAT the signage will be sufficient in size and placement to help cars enter the appropriate areas without confusion;

THAT the unattended entrance to the facility will be recessed from the property line, in order to provide onsite space for queuing vehicles;

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

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

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

THAT DOB 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, June 17, 2014.

