

Design Review 12/5/22, 4044 N Adams St.

Good Evening,

My name is Christopher Herbert I am a property owners at 404 E 40th st. My property is adjacent to the 4044 N Adams st property and shares a property line. I am speaking on behalf of myself and some of the community members and we object to the approval of this application.

The zoning for 4044 N Adams street is R-3, medium density residential. The project plans for a 6 story, 61,474 sq/ft building with 16 residential units; 11- one bedroom apartments, 5- two bedroom apartments making up 30,189 sq/ft of dwelling units. The remaining 31,285 sq /ft consists of vehicle parking, spread over 4 floors, includes 2 vehicle elevators(or lifts), and has a total of 75 parking spaces. The required parking spaces to satisfy requirements for the proposed residents at 4044 N Adams is 29. Leaving it in excess of parking by 46 spaces.

Id like you to refer to Garden City Municipal code 8-2B-2 :Allowed uses. Where in table 8-2B-1 you find listed all permitted, conditional, and prohibited uses. It is clearly read in code for R-3 zoning that a parking facility is a prohibited use. In addition under 8-2B-2/ section B/ number 4 code states: The proposed use is consistent with the purpose of the district in which the use is proposed to be located. In the same section letter D code states: For uses that may fall into more than one (1) category, the planning official shall determine the most appropriate category based on the more restrictive standards. *Finally, article 8-4D-8 parking use standards, letter A. Number of spaces: No use shall provide less than the minimum or more than the maximum number of off street parking spaces required.* In the pre-application meeting Chad Weltzin, on behalf of the developer, tried to pretend this wasn't a parking facility, while also arguing the point that this facility is needed to fulfill a cross parking agreement for the Commercially Zoned Boardwalk development. The cross parking agreement Chad was referring to was made for a different property, located at 520 E 40th St. This cross parking agreement was used to get reconsideration of a denied application for the 18 story condominium portion of the boardwalk project. To remind you all, the decision to approve the boardwalk was appealed by the public after approval from design review and the city council, where the application was then denied on the grounds of inadequate parking among other things. The developer went on to seek reconsideration of the decision and during that meeting on 12/13/2021 was quoted saying "we intend to execute a cross parking agreement for 44 spaces to be located at 520 E 40th St." This testimony was used to gain approval for this part of the project. At the time of this approval the property at 4044 N. Adams St. was not owned by the developer, nor was it mentioned.

Questions for the developer.

My questions for the development team are simple and I would like straight forward answers in reply.

1. You have 75 parking spaces, 29 of which are for the residence at 4044 Adams St. Is it your intention to use 14 of the remaining spots to satisfy a cross parking agreement that was made on a different property?
2. What is the intended use of the remaining parking spaces, that were left unlabeled, that are part this project at 4044 N Adams St?
3. Please explain to me how this does not constitute a parking facility, when it is the majority of the square footage- 4 floors of parking spaces totaling 75, 2 car elevators, a vast surplus of parking to be used to fulfill a deficit on adjacent commercial developments, as well as to satisfy a cross parking agreement for the boardwalk development?

In addition I would also ask for some clarity from the design review committee by asking them a few questions. In the pre-application meeting it was acknowledged by the design review that this was indeed a parking facility. During the same meeting Derek Hurd made comments that I would like some clarification on, so as to be very clear of what you consider allowable in the zoning laws and code. He made a statement to the Developer that as long as more than 50% of the structure was going towards dwelling units that he would be okay with approving this. So my questions are this:

Questions for the design review committee.

1. Is it the design review, and the city's position that all prohibited uses in our zoning code are acceptable so long as they make up less than 50% of the building?
2. Is there some other measurement or criteria being used by which a prohibited use may be allowed by code?
3. If you approve this application are you willing to go on the record saying you are objectively judging this application and you do not consider this building to be a parking facility for use by the greater commercial boardwalk development?

In closing I would like to say that allowing this application to pass would represent a gross and intentional misinterpretation of city code and zoning laws. The parcel at 4044 Adams street is an R-3 zoned property, and at no point until now has it been part of any plans for parking the inadequately parked commercial development called the boardwalk. The community fought against the boardwalk development on these grounds, and you approved it anyway. To now allow the developer to build a parking facility on a residentially zoned property where it is prohibited, instead of insisting they take care of parking needs within the development space of the boardwalk, would be an insult, injustice, and disservice to all citizen of garden city.

I believe the developer's building and architectural teams fully understand these zoning laws, and the developer is being intentionally deceitful in bringing such plans before you to be passed. I remind you that you are here to represent all of the taxpaying citizen of this city. If the developer cannot fulfill the requirements from previous applications to satisfy their parking needs for the boardwalk development, maybe the city should rethink its approval of that plan, instead of moving forward a plan that clearly goes against code.

Thank you.