ATTACHMENT 11a: APPLICANT'S DISCUSSION OF CONDITIONS

PENINSULA REDEVELOPMENT
51-15 BEACH CHANNEL DRIVE, ROCKAWAY, NEW YORK

April 16, 2019

12-10 Definitions

Large-scale general development

A "large-scale general development" contains one of more #buildings# on a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection and is not either a #large scale residential development# or a #large scale community facility development#; and:

(a) ***has or will have an area of at least 1.5 acres***

The proposed Large-Scale General Development (the "LSGD") is comprised of two zoning lots—Zoning Lot 1 (Block 15842, Lot 1; Block 15843, Lot 1) and Zoning Lot 2 (Block 15857, Lot 1) —that are contiguous but for their separation by Rockaway Beach Boulevard. The LSGD area measures nearly 9.34 acres or 406,703 square feet in lot area[1].

(b) has been or is to be used, #developed# or #enlarged# as a unit:

(1) under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition of Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #large-scale general development#; or

The proposed LSGD, comprised of Zoning Lots 1 and 2 (collectively, the "Development Site"), would facilitate the development of six mixed-use building blocks containing 11 buildings in Queens Community District 14 within the Edgemere neighborhood in the borough of Queens (the "Proposed Development" or "Peninsula Redevelopment"). Zoning Lot 1, located north of Rockaway Beach Boulevard, is comprised of two tax lots (Block 15842, Lot 1 and Block 15843, Lot 1). Zoning Lot 2, located south of Rockaway Beach Boulevard, is comprised of a single tax lot (Block 15857, Lot 1). Both zoning lots are owned and controlled by Peninsula Rockaway Limited Partnership, the developer of the Peninsula Redevelopment.

(2) under single fee, alternate or separate ownership, either:

(i) pursuant to an urban renewal plan for a designated urban renewal area containing such zoning lots; or

(ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation; and

Not applicable.

(c) ***shall be located in whole or in part in any #Commercial# or #Manufacturing District# subject to the restrictions of Section 74-743 (Special provisions for bulk modifications) paragraph (a)(1).***

The proposed zoning map amendment would change the existing R5 and R5/C1-2 portion of the Development Site on Zoning Lot 1 of the proposed LSGD to a C4-4 zoning district, and the existing C8-1 portion of the Development Site on Zoning Lot 2 of the proposed LSGD to a C4-3A zoning district. Therefore, the boundaries of the proposed LSGD would be located within Commercial Districts subject to the restrictions of ZR Section 74-743.

[1] The total property/tax lot area of the proposed LSGD is 9.41 acres or 409,928 square feet. In total, Zoning Lot 1 has a lot area of 392,296 square feet and Zoning Lot 2 has a lot area of 14,407.22 square feet, which excludes approximately 3,224.78 square feet of property that is located within the bed of Beach 52nd Street, a mapped street. Such portion of the property located within the bed of Beach 52nd Street will be improved and used for street widening of Beach 52nd Street. While the boundary of the zoning lot excludes such portion, it is included for the purposes of computing the maximum permitted floor area which is based on the tax lot area.

Such zoning lots may include any land occupied by buildings existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII, Chapter 4, provided that such buildings form an integral part of the large-scale general development, and provided that there is no bulk distribution from a zoning lot containing such existing buildings. In C5 and C6 Districts, however, a large-scale general development having a minimum lot area of five acres may include a zoning lot that contains an existing building that is not integrally related to the other parts of the large-scale general development, provided that such building covers less than 15 percent of the lot area of the large-scale general development and provided that there is no bulk distribution from a zoning lot containing such existing building.

Not applicable.

74-74

Large-Scale General Development

* * * *

74-743

Special provisions for bulk modification

(a) For a #large-scale general development#, the City Planning Commission may permit:

* * * *

(2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings# or height and setback regulations;

The proposed LSGD special permit requests waiver of the applicable yard requirements of Sections 35-54 (Special Provisions Applying Adjacent to R1 Through R5 Districts) and 23-533 (Required rear yard equivalents for Quality Housing buildings); and the height and setback regulations of Sections 35-654 (Modified height and setback regulations for certain inclusionary Housing buildings or affordable independent residence for seniors) and 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors).

Side Yard Requirement of ZR Section 35-24

The special permit will waive an 8-foot side yard that is required along the entire length of Zoning Lot 1's side lot line intersecting Beach Channel Drive. ZR Section 35-24 requires a minimum 8-foot side yard that is open to the sky along the entire length of the side lot line that is adjacent to zoning lots in R1 through R5 districts. Zoning Lot 1 has two common side lot lines that are adjacent to a zoning lot (Block 15842, Lot 100) mapped within an R5 district. The required side yard is provided along the first portion of the common side lot line extending approximately 125 feet and 2 inches from Beach Channel Drive. Beyond such depth, Block B has a two-story base portion that encroaches into the required 8-foot side yard area. Therefore, the Applicants requests the proposed waiver to allow the two-story base of Block B to be built out to the zoning lot line.

Rear Yard Equivalent of ZR Section 35-53 and 23-533

The special permit will waive the rear yard equivalent required by ZR Section 23-533. ZR Sections 35-53 and 23-533 require that a rear yard equivalent consisting of an open area with a minimum depth of 60 feet midway be provided between two street lines upon which a through lot fronts. Zoning Lot 1 is comprised of three corner lots, two interiors lots and a through lot, which fronts on Beach Channel Drive and Rockaway Beach Boulevard. The through lot portion has a depth of 794 feet and 3 inches. While an open area of more than 60 feet is provided through the proposed open street and open space network, specifically Peninsula Way, a new 60-foot-wide, east-west directional two-way private street, such area does not coincide with the rear yard equivalent area between Beach Channel Drive and Rockaway Beach Boulevard upon which

the through lot fronts. Portions of Blocks A and B buildings are located within such required rear yard equivalent area. Therefore, the Applicant requests the proposed waiver to allow portions of buildings of Blocks A and B to be located within the required rear yard equivalent area.

Height and Setback Requirements of ZR Sections 35-654 and 23-664

The special permit will also waive the maximum base height and setback requirements pursuant to ZR Sections 35-654 and 23-664(c). In a C4-4 district, ZR Sections 35-654 and 23-664(c) permit a maximum base height of 75 feet and a front setback of at least 15 feet along a narrow street. Along Beach 53rd Street, a narrow street, streets walls of Blocks A and C rise up to a height ranging from 80 feet to 110 feet without providing a 15-foot front setback. Along Beach 50th street, a narrow street, the street wall of Block E rises up to a base height ranging from 80 feet to 140 feet without providing a 15-foot front setback. Along Beach Channel Drive, a wide street, the street wall of Block B rises up to a height of 100 feet without providing a 10-foot front setback. Along Rockaway Beach Boulevard, a wide street, street walls of Blocks C, D, and E rises to a height ranging from 80 feet to 120 feet without providing a 15-foot front setback. In a C4-3A district, ZR Sections 35-654 and 23-664 permit a minimum base height of 40 feet, a maximum base height of 65 feet and a front setback of at least 15 feet along narrow streets and 10 feet along wide streets. Block E rises to a height of 70 feet without providing the required front setback. Therefore, the Applicant requests the proposed waivers of maximum base height and setback requirements.

The special permit will also waive the maximum building height and the maximum number of stories pursuant to ZR Sections 35-654 and 23-664(c). In the C4-4 district, ZR Sections 35-654 and 23-664(c) permit a maximum building height of 135 feet and up to a maximum number of 13 stories. Block A proposes maximum building heights ranging from 140 feet (13 stories), 180 feet (17 stories) and up to 200 feet (19 stories); Block B proposes maximum building heights ranging from 160 feet (15 stories), 180 feet (17 stories), and up to 190 feet (18 stories); Block C proposes maximum building heights ranging from 150 feet (14 stories), 170 feet (16 stories), and up to 200 feet (19 stories); Block D proposes a maximum building height of up to 150 feet (14 stories); and Block E proposes maximum building heights ranging from 150 feet (14 stories), 170 feet (16 stories), up to 200 feet (19 stories), all of which exceeds the permitted maximum building heights and maximum number of stories. In a C4-3A district, ZR Sections 35-654 and 23-664 permit a maximum building height of 85 feet and up to a maximum number of 8 stories. Building F1 proposes a maximum building height of 90 feet (8 stories) exceeding the permitted maximum building height. Therefore, the Applicant requests waivers of the maximum building heights and the maximum number of stories.

* * * *