231-06 Northern Boulevard Commercial Overlay
April 22, 2021

1. INTRODUCTION

Twin Deer Group LLC (the "Applicant"), the owner of 231-06 and 231-10 Northern Boulevard (Block 8164, Lots 15, 22, 30, 43, 122, 130, and 230) (the "Development Site"), proposes a zoning map amendment to establish a C2-2 commercial overlay within an existing R1-2 zoning district, including Block 8164, Lots 15, 22, 30, 43, 122, 130, and 230, Block 8165, Lots 23 and 25, and Block 8166, Lots 20 and 25 (the "Rezoning Area") in Queens Community District 11.

The proposed action would permit local retail and service uses within the Rezoning Area and would bring the restaurant use on the Development Site into conformance with the use provisions of the New York City Zoning Resolution ("ZR"). The proposed action would facilitate the enlargement of the Mizumi restaurant, which has been operating since 2010 on the Development Site. The proposed enlargement would add 15,834 square feet of commercial floor area to the existing building.

2. BACKGROUND

The Rezoning Area has been zoned R1-2 since the enactment of the ZR in 1961 and there are no recent land use actions affecting the Rezoning Area. Despite the Rezoning Area's R1-2 zoning, this portion of Northern Boulevard is entirely occupied by commercial uses permitted by Board of Standards and Appeals ("BSA") variances. BSA variances were granted for both the existing eating and drinking establishment use of the Development Site, as well as the previous automotive service station use on the undeveloped portion of the Development Site.[1] The Alley Pond Golf Center located to the north of the Development Site was approved pursuant to a BSA variance.[2] The car wash located to the east of the Development Site on Lot 23 on Block 8165 was approved pursuant to a BSA variance.[3] A former storage yard on Lot 25 on Block 8165 was approved pursuant to a BSA variance.[4] The auto repair stations on Lots 20 and 25 on Block 8166 were also both approved pursuant to BSA variances.[5]

To east of the Rezoning Area, the Douglaston Parkway Rezoning rezoned a portion of Douglaston Parkway at its intersection with Northern Boulevard from an R1-2 zoning district to R6A and R6A/C1-2 zoning districts to facilitate the construction of a new five-story residential building and a new eight-story mixed-use building.[6]

3. DESCRIPTION OF THE SURROUNDING AREA

[1] BSA Cal. No. 308-75-BZ; BSA Cal. No. 9-10-BZ, August 3, 2010; BSA Cal. No. 616-71-BZ
[2] BSA Cal. No. 530-64-BZ
[3] BSA Cal. No. 170-92 BZ
[4] BSA Cal. No. 700-68-BZ
[5] BSA Cal. No. 551-37 BZ; BSA Cal. No. 334-78-BZ
[6] C 060432 ZMQ, effective March 13, 2019

The Rezoning Area is located in the Douglaston neighborhood within Queens Community District 11. The surrounding area primarily consists of Alley Pond Park, which is approximately 635 acres, and properties located in the R1-2 district. Despite the existing R1-2 zoning, only one- and two-story commercial uses line the southern portion of Northern Boulevard. These commercial uses include a car wash (Use Group 16) located at 232-10 Northern Boulevard (Block 8165, Lot 23); several auto repair shops (Use Group 16) located at 233-02 Northern Boulevard (Block 8166, Lots 20 and 25); and a car dealership (Use Group 16) located at 240-02 Northern Boulevard (Block 8167, Lot 1). A former storage use at 232-20 Northern Boulevard (Block 8165, Lot 25) was converted to a house of worship (Use Group 4); however, this property is now vacant.

The Alley Pond Golf Center, mapped within Alley Pond Park, is located on the north side of Northern Boulevard, and includes a golf driving range, Kiddie Park, a miniature golf center, as well as an eating and drinking establishment. The built environment to the south of Northern Boulevard and to the east of the Rezoning Area includes single family detached homes. To the east of the Rezoning Area is a three-story commercial office building that is located at 241-02 Northern Boulevard (Block 8178, Lot 1) and was built pursuant to a BSA variance in 1989.[7] A legally non-conforming and legally non-compliant six-story multi-family residential building is located at 241-20 Northern Boulevard (Block 8178, Lot 8).[8] To the northeast of the Rezoning Area at the northwest corner of Northern Boulevard and Douglaston Parkway is the recently approved Douglaston Parkway Rezoning. A C1-2 commercial overlay is mapped at the northeast corner of Northern Boulevard and Douglaston Parkway, which includes several local retail uses.

The R1-2 zoning district permits detached, single-family residential homes having a maximum permitted floor area ratio ("FAR") of 0.5. Detached single-family residences in R1-2 zoning districts must have a minimum lot area of 5,700 square feet and a minimum lot width of 60 feet. A 20-foot front yard and 30-foot rear yard are required. The maximum height of buildings in R1-2 districts is governed by a sky exposure plane. One parking space is required for each residence.

Northern Boulevard bisects the surrounding area. It is major commercial corridor in Queens that is 100 feet wide. Much of Northern Boulevard, including the Rezoning Area, is characterized by retail, service, and automobile related semi-industrial uses. It is also a designated arterial highway pursuant to ZR Appendix H.

Moreover, the surrounding area is also located within a Flood Zone and a Coastal Zone, thus it is subject to Waterfront Revitalization Program consistency review.[9] In addition, Alley Pond Park is a wetlands area.

4. DESCRIPTION OF THE PROPOSED REZONING AREA

The Rezoning Area consists of Block 8164, Lots 15, 22, 30, 43, 122, 130, and 230, Block 8165, Lots 23 and 25, and Block 8166, Lots 20 and 25. In addition to the Development Site, the Rezoning

[7] BSA Cal. No. 723-84-BZ
[8] Built subject to vested rights conferred by the BSA in 1963 per BSA Cal. No. 2439-63-BZY
[9] Additionally, several blocks (Blocks 7575, 8083, 8086, 8087, 8088, 80892, 8163, 8164, 8165, and 8166) in the surrounding area are Waterfront Blocks.

Area includes additional properties that front on Northern Boulevard, the majority of which are improved with commercial uses. The commercial uses include a one-story, car wash building (Block 8165, Lot 23) and several automotive repair shops (Block 8166, Lots 20 and 25). There was also a community facility use, a former house of worship, located on what was previously a storage yard (Block 8165, Lot 25). As discussed above, all of the existing commercial uses located within the Rezoning Area were approved pursuant to BSA variances.

According to the 2015 Preliminary Flood Insurance Rate Maps, the Rezoning Area is within Flood Zone A (within the 1 percent annual chance floodplain), which requires that new construction comply with the flood resistant construction standards of Building Code Appendix G.

5. DESCRIPTION OF PROPOSED DEVELOPMENT SITE

The proposed Development Site consists of Block 8164, Lots 15, 22, 30, 43, 122, 130, and 230, which will be merged into a single zoning lot. It an interior lot that has approximately 281 feet of frontage on Northern Boulevard, a maximum depth of 294 feet, and a total area of 68,807 square feet.

A portion of the Development Site (Lots 30, 130, 230, 43, and 15) is presently improved with a one-story and cellar building that is occupied by an eating and drinking establishment (Use Group 6). This portion of the Development Site has historically been used for non-conforming eating and drinking establishment uses pursuant to BSA variances.[10] The one-story and cellar Mizumi restaurant building has 7,076 square feet of floor area and measures 19'-6" in height. The existing curb cut providing access to Mizumi is located at an existing traffic signal, which regulates traffic entering and leaving the Development Site.

The undeveloped portion of the Development Site (Lots 22 and 122) is unimproved and vacant. The automotive service station building that previously operated at this location pursuant to a BSA variance was demolished in 2015.[11]

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Applicant proposes to merge the Development Site into a single zoning lot to facilitate the enlargement of the existing eating and drinking establishment. While the Applicant has successfully operated the existing eating and drinking establishment since 2010, the Applicant seeks to provide additional space and amenities for its customers in the surrounding neighborhood and thus is proposing to expand the eating and drinking establishment. The proposed enlargement

[10] On January 20, 1976, the BSA granted a variance permitting the enlargement of an existing eating and drinking establishment under BSA Cal. No. 308-75-BZ. The variance was granted for a term of 20-years and expired on January 20, 1996. It is believed that the site continued to operate as an eating and drinking establishment until approximately 2007. In 2010, the Applicant acquired this portion of the Development Site and proposed to restore the previous eating and drinking establishment use to the site and requested a variance from the BSA to do so. A variance was required since the non-conforming use had been discontinued for more than two years. On August 3, 2010, the BSA granted a variance to permit the re-establishment of the eating and drinking establishment pursuant to BSA Cal. No. 9-10-BZ.

[11] Prior to demolition, a one-story automotive service station operated at this location for over 50 years. The most recent BSA approval was granted in 1971 under BSA Cal. No. 616-71-BZ, which permitted the construction of a one-story enlargement to the previously existing service station building.

will have 15,834 square feet of commercial floor area on two stories. When completed, the proposed enlarged building will have 22,910 square feet of floor area and a height of 30 feet. Commercial uses at the Development Site must be elevated to a Design Flood Elevation ("DFE") of 14 feet pursuant to the construction standards of Building Code Appendix G due to the Development Site's location within Flood Zone A. As a result, the first floor of the building is elevated approximately 3 feet, 8 inches above the mean curb level adjacent to the Development Site.

The proposed development will include two curb cuts to access the accessory parking, which will include approximately 163 delineated parking spaces. With the use of attended parking, the parking lot can accommodate additional vehicles for peak restaurant hours and events. This parking lot will be landscaped and designed with ample space for the maneuverability of vehicles. The proposed western curb cut will serve vehicles entering the Development Site from Northern Boulevard's eastbound travel lanes as well as cars travelling eastbound when leaving the site. The eastern curb cut will be located at an existing traffic signal on Northern Boulevard, which will regulate traffic flow entering and leaving the site in all directions. One loading berth will be provided behind the proposed enlargement.

7. ACTION NECESSARY TO FACILITATE THE PROJECT

The action necessary to facilitate the proposed development is a zoning map amendment to establish a C2-2 commercial overlay within an existing R1-2 zoning district within the Rezoning Area. The proposed C2-2 overlay reflects the existing commercial character of the affected portion of Northern Boulevard and would permit local retail and service uses within the Rezoning Area. It would further bring the restaurant use on the Development Site into conformance with the use provisions of the ZR and permit its enlargement.

C2 commercial overlays are typically mapped within residential districts with high off-street parking requirements. These overlays are mapped along streets that serve local retail needs, and are found widely throughout the City's lower- and medium-density areas and occasionally in higher-density districts. When mapped within an R1-2 zoning district, C2-2 commercial overlays permit local retail and service establishments (Use Group 6), as well as Use Groups 7, 8, 9, and 14. Within R1-2/C2-2 districts a maximum commercial FAR of 1.0 is permitted. Off-street parking requirements vary by use, but are generally calculated based on the amount of floor area with the C2-2 district requiring one parking space per 300 square feet of floor area for general retail or service uses.

The proposed C2-2 commercial overlay is appropriate within the Rezoning Area because it is located along Northern Boulevard, which is a major commercial corridor throughout Queens that is 100 feet wide. It would permit commercial uses consistent with the range of existing commercial and semi-industrial uses along this portion of Northern Boulevard that include Mizumi restaurant, a car wash, several auto repair shops, a car dealership, and the Alley Pond Golf Center. It is also consistent with existing C2-2 commercial overlays located to the east and west of the Rezoning Area along Northern Boulevard. To the west of the Cross Island Parkway and to the east of Douglaston Parkway, the existing C2-2 commercial overlays abut established low-density residential neighborhoods. The proposed C2-2 overlay would allow commercial uses at a

maximum commercial FAR of 1.0 consistent with the surrounding built context of the area.

C2 commercial overlays are located in a wide range of locations where retail continuity may be less important. Mapping a C2-2 commercial overlay on this portion of Northern Boulevard is appropriate since there currently is a lack retail continuity in the surrounding area and there is a wide range of uses already present. Moreover, the mapping of a C2-2 commercial overlay will similarly benefit other existing commercial properties within the proposed district boundaries by permitting a wider range of uses.

The existing non-conforming auto-related uses will be permitted to continue under the proposed C2-2 commercial overlay; however, the proposed rezoning will not bring each of these properties into conformance. Even so, it will allow these property owners additional flexibility in redeveloping their properties with local retail and service uses in the future, should the auto-related uses cease to operate. Moreover, conforming residential development within the Rezoning Area is not likely or financially feasible due to its location along Northern Boulevard. This is clear from the lack of conforming residential development since the establishment of the R1-2 zoning district in 1961.

8. CONCLUSION

The proposed zoning map amendment is consistent with existing land uses and built context within the Rezoning Area and the surrounding area. The proposed rezoning reflects sound planning principles by mapping a C2-2 commercial overlay within the existing R1-2 zoning district in order to better reflect the existing land uses along this portion on Northern Boulevard. The proposed rezoning would facilitate the enlargement of longstanding local restaurant that has been located on the Development Site since 2011, and which serves the surrounding community.