CITY PLANNING COMMISSION

September 25, 2019 / Calendar No. 27 C 190375 ZSQ

IN THE MATTER OF an application submitted by Peninsula Rockaway Limited Partnership pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c)(1) of the Zoning Resolution to modify the surface area requirements of Section 32-64 (Surface Area and Illumination Provisions), in connection with a proposed mixed used development, within a large-scale general development, on property bounded by Beach Channel Drive, the westerly street line of former Beach 51st Street, a line 420 feet southerly of Beach Channel Drive, Beach 50th Street, Rockaway Beach Boulevard, a line 100 feet easterly of Beach 52nd Street, a line 85 feet northerly of Shore Front Parkway, Beach 52nd Street, Rockaway Beach Boulevard and Beach 53rd Street (Block 15842, Lot 1 & p/o Lot 100, Block 15843, Lot 1, and Block 15857 Lot 1 & p/o Lot 7), in a C4-4 and C4-3A Districts, Borough of Queens, Community District 14.

This application (C 190375 ZSQ) for a special permit was filed by Peninsula Rockaway Limited Partnership on April 16, 2019. The proposed special permit, in conjunction with related applications, would facilitate a new mixed-use development with affordable housing, commercial, and community facility uses within a large-scale general development (LSGD), on property generally bounded by Beach 50th Street, Beach Channel Drive, Beach 53rd Street, and Rockaway Beach Boulevard (Block 15843, Lot 1, Block 15842, Lot 1 and p/o Lot 100, and Block 15857, Lot 1 and p/o Lot 7) in the Edgemere neighborhood of Queens, Community District 14.

RELATED ACTIONS

In addition to the special permit (C 190375 ZSQ) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 190251 MMQ City Map Amendment to re-establish a portion of former Beach 52nd Street to connect from Rockaway Beach Boulevard to Shore Front Parkway.

C 190325 ZMQ Zoning map amendment to eliminate from an R5 district a C1-2 district, change an R5 district to a C4-4 district, and change a C8-1 district to a C4-3A district.

N 190364 ZRQ Zoning text amendment to Appendix F to establish a Mandatory Inclusionary Housing (MIH) Area, as well as allow Physical Cultural Establishment (PCE) as-of-right within the LSGD.

C 190366 ZSQ Special permit to provide relief from regulations governing yard requirements, street wall location, maximum base height, maximum building height and number of stories.

BACKGROUND

A full background discussion and description of this application appears in the report for the related special permit action (C 190366 ZSQ).

ENVIRONMENTAL REVIEW

This application (C 190375 ZSQ), in conjunction with the related actions (C 190251 MMQ, C 190325 ZMQ, N 190364 ZRQ, and C 190366 ZSQ), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 18DCP124Q. The lead agency is the City Planning Commission.

A summary of the environmental review appears in the report for the related special permit (C 190366 ZSQ).

UNIFORM LAND USE REVIEW

This application (C 190375 ZSQ), in conjunction with the related actions (C 190251 MMQ, C 190325 ZMQ, and C 190366 ZSQ), was certified as complete by the Department of City

Planning on May 6, 2019 and duly referred to Queens Community Board 14 and the Queens Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 190364 ZRQ), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Queens Community Board 14 held a public hearing on this application (C 190375 ZSQ) on June 25, 2019 and on that date, by a vote of 28 in favor, five opposed and one abstention, recommended disapproval of the application with conditions. A summary of the Community Board 14 conditions appears in the report for the related special permit (C 190366 ZSQ).

Borough President Recommendation

The Queens Borough President held a public hearing on the application (C 190375 ZSQ) on July 11, 2019, and on August 8, 2019 issued a recommendation to approve the application with conditions. A summary of the Queens Borough President conditions appears in the report for the related special permit (C 190366 ZSQ).

City Planning Commission Public Hearing

On July 31, 2019 (Calendar No. 19), the Commission scheduled August 14, 2019 for a public hearing on this application (C 190375 ZSQ). The hearing was duly held on August 14, 2019 (Calendar No. 48). There were several appearances, as described in the report for the related special permit (C 190366 ZSQ).

Waterfront Revitalization Program Consistency Review

This application (C 190375 ZSQ) and the related applications for a zoning map amendment (C 190325 ZMQ), City Map amendment (190251 MMQ), zoning text amendment (N 190364 ZRQ), and special permit (C 190366 ZSQ), were reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP) as amended, approved by the New York City Council on

October 30, 2013 and by the New York Statement Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 18-070.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application for a special permit (C 190375 ZSQ), in conjunction with the related applications for a City Map amendment (C 190251 MMQ), zoning map amendment (C 190325 ZMQ), zoning text amendment (N 190364 ZRQ), and special permit (C 190366 ZSQ), is appropriate. A full consideration and analysis of the issues and the reasons for approving this application appear in the report for the related special permit (C 190366 ZSQ).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-744(c) of the Zoning Resolution:

(1) In all #Commercial# or #Manufacturing Districts#, the City Planning Commission may, for #developments# or #enlargements# subject to the provisions of paragraphs (a)(1), (a)(2) or (a)(3) of Section 74-743 (Special provisions for bulk modification), permit the modification of the applicable provisions of 32-64 (Surface Area and Illumination Provisions), 32-65 (Permitted Projection or Height of Signs), 32-66 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways), 42-53 (Surface Area and Illumination Provisions), 42-54 (Permitted Projection or Height of Signs), 42-55 (Additional Regulations for Signs Near Certain Parks and Designated Arterial Highways) and the limitations on the location of #signs# in Sections 32-51 and 42-44 (Limitations on Business

Entrances, Show Windows or Signs), provided the Commission finds that such modification will result in a better site plan.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 13, 2019, with respect to this application (CEQR No. 18DCP124Q), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, pursuant to the restrictive declaration attached as Exhibit A to City Planning Commission report for C 190366 ZSQ, those project components related to environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Peninsula Rockaway Limited Partnership pursuant to Sections 197-c and 201 of the New York City

Charter, for the grant of special permits pursuant to Section 74-744(c)(1) of the Zoning Resolution to modify the surface area requirements of Section 32-64 (Surface Area and Illumination Provisions), in connection with a proposed mixed used development, within a large-scale general development, on property bounded by Beach Channel Drive, the westerly street line of former Beach 51st Street, a line 420 feet southerly of Beach Channel Drive, Beach 50th Street, Rockaway Beach Boulevard, a line 100 feet easterly of Beach 52nd Street, a line 85 feet northerly of Shore Front Parkway, Beach 52nd Street, Rockaway Beach Boulevard and Beach 53rd Street (Block 15842, Lot 1 & p/o Lot 100, Block 15843, Lot 1, and Block 15857 Lot 1 & p/o Lot 7), in a C4-4 and C4-3A Districts, Borough of Queens, Community District 14, is approved, pursuant to Section 74-744(c)(1) of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 190375 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specification and zoning computation indicated on the following approved plans, prepared by Aufgang Architects and terrain-nyc landscape architecture pc, filed with this application and incorporated in this resolution:

Dwg. No.	**Title**	**Last Date Revised**
Z-001.00	Zoning Analysis	09/23/2019
Z-100.00	Zoning Lot Site Plan	05/06/2019
Z-120.00	Signage Details	05/06/2019

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulation relating to its construction, operation, and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee, or occupant.

5. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 190375 ZSQ), duly adopted by the City Planning Commission on September 25, 2019 (Calendar No. 27) is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*
KENNETH J. KNUCKLES, Esq., *Vice-Chairman*
DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III, MICHELLE de la UZ, JOSEPH I. DOUEK, HOPE KNIGHT,
ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ,

RAJ RAMPERSHAD *Commissioners*