106-02 ROCKAWAY BEACH BOULEVARD REZONING
106-02 & 106-10 ROCKAWAY BEACH BOULEVARD, QUEENS
APRIL 1, 2021

1. INTRODUCTION

The applicant, RBB II LLC, seeks a zoning map amendment to rezone 106-02 and 106-10 Rockaway Beach Boulevard, Block 16178, Lots 1, 50, 60, 65 and p/o 70, (the "Proposed Project Area"), in the Rockaway Beach neighborhood of Queens within Community District 14, from an R5D/C2-3 zoning district to an M1-3 zoning district. The proposed zoning map amendment will facilitate the development of a Use Group ("UG") 16 six-story plus cellar self-storage facility with a total floor area of approximately 135,719 square feet (5.0 FAR), with a UG 8 public parking garage (attended parking) in the cellar (the "Proposed Development") to be constructed at 106-02 Rockaway Beach Boulevard, Block 16178, Lot 65 (the "Proposed Development Site").

2. BACKGROUND

In 1961, the Proposed Project Area was zoned R5. In 1962, a C2-2 commercial overlay was mapped along Rockaway Beach Boulevard, including over the Proposed Project Area.

The Rockaway Neighborhoods Rezoning (C 080371 ZMQ), approved by the City Planning Commission ("CPC") on July 23, 2008, and adopted by the City Council on August 14, 2008, rezoned 280 blocks of the Rockaway Peninsula to reinforce and protect the special character of the Rockaway neighborhoods and to provide opportunities for new development on underutilized sites. The Proposed Project Area, along with all or portions of 18 blocks, was rezoned to the current R5D zoning district to provide for moderate growth along major corridors and at locations close to transit. A C2-3 commercial overlay was mapped in certain areas, including over the Proposed Project Area, to provide additional locations for retail and service uses and to allow a mix of residential and commercial activities.

The Rockaway Beach Boulevard Rezoning (C 160219 ZMQ), approved by the CPC on August 24, 2016, and adopted by the City Council on October 13, 2016, rezoned all of Block 16180, located southwest of the Proposed Project Area at the southwest corner of Beach 108th Street and Rockaway Beach Boulevard, from an R5B/C2-5 zoning district to an R6A/C2-5 zoning district to facilitate the construction of a four-story transient hotel on Block 16180, Lots 1, 2, and 3.

3. DESCRIPTION OF THE SURROUNDING AREA

The Proposed Project Area is located in the Rockaway Beach neighborhood of Queens within Community District 14. It is also located within the City's Coastal Zone Boundary, the Jamaica Bay Watershed, and the potential flood zone as shown on the 2015 preliminary FIRM map (category AE) with a Base Flood Elevation (BFE) of 10 feet.

Zoning
The area within a 600-foot radius of the Proposed Project Area (the "Surrounding Area") is zoned R3A, R4, R5, R5B, R5B/C1-3, R5D/C2-3, R6A/C2-5, M1-1 and M2-1.

R3A districts are contextual residential districts which allow single- and two-family detached residences with a maximum FAR of 0.5 (FAR may be increased up to 20% for attic allowance). R3A districts require a minimum front yard of 10 feet (which must be at least as deep as an adjacent front yard but not exceed 20 feet), a minimum rear yard of 30 feet, and permit a maximum height of 35 feet. Detached houses must have two side yards totaling eight feet, but there is no minimum width requirement for either one. R3A zoning districts also permit zero lot line buildings, which are set along a side lot line and have one side yard of at least eight feet. One off-street parking space is required for each dwelling unit.

R4 districts are residential districts which allow all types of housing, with a maximum FAR of 0.75 (FAR may be increased up to 20% for attic allowance). R4 districts require a minimum

front yard of 10 feet, a minimum rear yard of 30 feet, and permit a maximum height of 35 feet. Detached houses must have two side yards that total at least 13 feet and each one must be at least five feet wide. Semi-detached buildings need one side yard with a minimum width of eight feet. One off-street parking space is required for each dwelling unit.

R5 districts are residential districts which typically produce three- and four-story attached houses and small apartment buildings. Within an R5 district, the maximum permitted FAR is 1.25, the maximum permitted street wall height is 30 feet and the maximum permitted building height is 40 feet. Above a height of 30 feet, a setback of 15 feet is required from the street wall. R5 districts require a minimum front yard of 10 feet and a minimum rear yard of 30 feet. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses require one eight-foot-wide side yard. Apartment buildings require two side yards, each at least eight feet wide. Off-street parking is required for 85% of the dwelling units.

R5B districts are contextual residential districts which typically produce three-story rowhouses. Within an R5B district, the maximum permitted FAR is 1.35, the maximum permitted street wall height is 30 feet and the maximum permitted building height is 33 feet. R5B districts require a minimum front yard of five feet (which must be at least as deep as one adjacent front yard and no deeper than the other, but need not exceed 20 feet) and a minimum rear yard of 30 feet. Attached rowhouses do not require side yards, but there must be at least eight feet between the end buildings in a row and buildings on an adjacent zoning lot. Off-street parking is required for 66% of the dwelling units or can be waived if only one space is required.

R5D districts are contextual residential districts characterized by moderate-density, multi-family housing and serve as a transition between lower-density districts and moderate-density districts. Within an R5D district, the maximum permitted FAR is 2.0 and the maximum permitted building height is 40 feet. R5D districts require a minimum front yard of five feet (which must be at least as deep as one adjacent front yard and no deeper than the other, but need not exceed 20 feet) and a minimum rear yard of 30 feet. Side yards are not required for lots less than 30 feet wide. For lots at least 30 feet wide, zero lot line buildings require one side yard at least eight feet wide, and a minimum of eight feet is required between buildings on adjacent zoning lots. Off-street parking, which is not permitted in front of the building, is required for 66% of the dwelling units.

R6A districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. These regulations produce high lot coverage, six- or seven-story apartment buildings set at or near the street line. The maximum FAR in an R6A district is 3.0, or 3.6 with inclusionary housing. Above a maximum base height of 60 feet, a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street, before rising to a maximum height of 70 feet. Within Queens Community District 14, R6 districts are subject to the accessory off-street parking regulations of an R5 district, which requires off-street parking for 85% of the dwelling units.

C1-3, C2-3, and C2-5 districts are commercial overlay districts mapped within residence districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When commercial overlays are mapped in R1 through R5 districts, the maximum commercial FAR is 1.0; when mapped in R6 through R10 districts, the maximum commercial FAR is 2.0. C1-3 and C2-3 overlay districts are mapped to a depth of 150 feet and typically require one accessory parking space per 350 square feet. C2-5 overlay districts are mapped to a depth of 100 feet and typically do not require any accessory parking.

M1-1 districts are manufacturing districts which permit light industrial uses, including woodworking shops, repair shops, and wholesale service and storage facilities. All permitted industrial uses must meet M1 performance standards. Within an M1-1 district, the maximum FAR is 1.0 for industrial and commercial uses and 2.4 for certain community facility uses. M1-1 districts typically require one accessory parking space per 300 square feet.

M2-1 districts are manufacturing districts which occupy the middle ground between light and heavy industrial uses. Industrial uses are permitted within M2 districts; however, hotels and certain commercial uses, as well as community facility uses are prohibited. Within an M2-1 zoning district, the maximum permitted FAR is 2.0. M2z-1 districts typically require one accessory parking space per 300 square feet.

Land Uses and Prevailing Built Form

The land uses with the Surrounding Area consist of a variety of uses, including industrial/manufacturing, commercial, residential and community facility uses.

Located to the north of the Proposed Project Area, across Rockaway Freeway within the M1-1 zoning district, is the New York City Department of Environmental Protection's Rockaway Waste Water Pollution Control Plant. To the north of that is Beach Channel Drive and further to the north is additional DEP-operated land and Jamaica Bay. Located south of the Proposed Project Area, across Rockaway Beach Boulevard within the R5 zoning district, is Dayton Beach Park, a rental and co-op housing complex fronting Shore Front Parkway which contains 1,421 units within six 13-story buildings between Beach 108th Street and Beach 102nd Street. To the south of that is Shore Front Parkway and further to the south is the Rockaway Beach Boardwalk and Rockaway Beach. The area to the east of the Proposed Development Site, located within the R5D/C2-3 zoning district, formerly consisted of vacant land and a one-story vacant commercial building and parking lot which, according to Department of Buildings records, was demolished and the site is being redeveloped with a four-story community facility building (new building application filed 9/8/15). The area to the west of the Proposed Project Area, within the R5B zoning district, consists of one-, two- and multi-family residential buildings ranging from one to three stories in height. The area to the southwest, consists of a mix of uses, including (1) the block recently rezoned to an R6A/C2-5 zoning district pursuant to the Rockaway Beach Boulevard Rezoning to facilitate the construction of a four-story transient hotel, (2) a residential node consisting primarily of one-story residential buildings located within the R3A zoning district, and (3) three- and four-story community facility buildings (Waterside Children's Studio School, St, John's Home for Boys, PS 256, and the Martin De Porres High School) and located within the R4 zoning district.

Mass Transit

An elevated subway line is located directly adjacent to the Proposed Project Area to the north, above Rockaway Freeway, which serves the A and S trains at the Beach 105th Street Station. The Surrounding Area is also accessible by bus service along Rockaway Beach Boulevard. The Q22, Q52 and Q53 SBS lines stop at the Rockaway Beach Boulevard/Beach 108th Street stop, one block south of the Proposed Project Area, and the Q22, Q52 and QM16 lines stop at the Rockaway Beach Boulevard/Beach 105th Street stop located one block east of the Proposed Project Area. The NYC ferry is also accessed at the Beach 108th Street and Beach Channel Drive landing.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA

The Proposed Project Area includes 106-02 and 106-10 Rockaway Beach Boulevard, Block 16178, Lots 1, 50, 60, 65 and p/o 70, in the Rockaway Beach neighborhood of Queens Community District 14. The Proposed Project Area is zoned R5D/C2-3, a medium-density mixed-use district with a maximum residential FAR of 2.0 (maximum permitted commercial FAR of 1.0), and is generally bounded by Rockaway Freeway to the north, Rockaway Beach Boulevard to the south, Beach 106th Street to the east, and Beach 108th Street to the west. The FEMA Flood Insurance Rate Maps indicate that Proposed Project Area has a flood elevation of +10 feet (NAVD88) and falls with an AE zone.

106-02 Rockaway Beach Boulevard (Lot 65) is applicant controlled since 2015, has a total lot area of approximately 27,145 square feet and is currently vacant. A review of historical Sanborn maps indicate that the property was occupied by multiple dwellings erected between 1901 and 1912 and were demolished between 1950 and 1981. The site has since remained vacant.

106-10 Rockaway Beach Boulevard (Lot 1) has a total lot area of approximately 53,315 square feet and is improved with a one-story commercial building (pharmacy), constructed in or around 2007, with a total floor area of approximately 10,264 square feet (0.19 FAR).

Lots 50 and 60 are designated as parkland on zoning maps 30a and 30b, are owned by NYS DOT and contain the footprints of the elevated A and S train tracks. Lot 70 is partially designated as parkland on zoning maps 30a and 30b, is owned by NYC DOT and consists of a portion of Rockaway Freeway, a main east/west road on the peninsula.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Proposed Development Site is 106-02 Rockaway Beach Boulevard, Block 16178, Lot 65. The Proposed Development Site is owned by the applicant and is an irregularly shaped lot located at the corner of the intersection formed by Rockaway Beach Boulevard and Beach 106th Street. The Proposed Development Site has a lot width of approximately 187 feet, a depth of approximately 146 feet and a total lot area of approximately 27,145 square feet. A sliver of Lot 65 runs adjacent to Lot 1 to the north. The Proposed Development Site is currently unimproved, vacant land. An approximately 20’ curb cut is located along Rockaway Beach Boulevard, approximately 20 feet west of the corner of Rockaway Beach Boulevard and Beach 106th Street, and provides vehicular access to the Proposed Development Site.

6. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed rezoning will facilitate the development of a UG 16 six-story plus cellar self-storage facility with approximately 135,719 square feet of floor area (5.0 FAR) at the Proposed Development Site, with a UG 8 public parking garage with 83 attended parking spaces located in the cellar. The UG 8 public parking garage will be dry floodproofed in accordance with Appendix G of the Building Code. The public parking garage will be accessed by a new 18’-0” curb cut on Rockaway Beach Boulevard, approximately 160 feet west of the corner of Rockaway Beach Boulevard and Beach 106th Street. As there is limited beach parking within the area, the public parking garage will be available for community/beach users. At this time, no operator of the garage has been selected. Seven enclosed ground floor parking spaces (three are required) will also be accessed by the new 18’-0” curb cut on Rockaway Beach Boulevard. Three loading docks will be located along the eastern side of the building, along the Beach 106th Street frontage. A new 55’-0” curb cut along Beach 106th Street, approximately 70 feet north of the corner of Rockaway Beach Boulevard and Beach 106th Street, will provide access to the loading docks. The ground floor parking spaces and the loading dock area will provide access for users of the storage facility to bring in their goods for storage. The Proposed Development will be built to the proposed street widening lines along Rockaway Beach Boulevard and Beach 106th Street, will provide a 20-foot rear yard and will rise to a total height of 72 feet with no setback.

The Proposed Development is consistent with the built character of the Surrounding Area. As shown on the Area Map, the neighborhood surrounding the Proposed Development Site consists of a wide range of uses. The proposed self-storage facility is a use which will serve as a transition between the residential buildings to the south and the Water Pollution Control Plant to the north. In addition, the self-storage facility is a use needed and sought by the Rockaway community. Existing residential buildings with levels located below the flood elevation flood easily and homeowners are therefore incurring high flood insurance premiums. Flood regulations now require the elevation of new or substantially improved residential buildings within particular flood zones (including the Rockaways). Although storage is permitted under the flood elevation for residential uses, self-storage facilities provide an additional option for homeowners who cannot elevate or flood proof their residences. Upon information and belief, there is only one other self-storage facility on the Rockaways, located approximately one mile east of the Proposed Development Site at 2-26 Beach 88th Street in Rockaway Beach. This facility is a one- and two-story facility, with the majority of the storage units located in uncovered metal, container-like structures located at grade within the potential flood zone as shown on the 2015 preliminary FIRM map (category AE). The proposed self-storage facility will provide storage units located entirely indoors and will meet the needs of Rockaway residents to store their possessions in a safe, floodproof facility which will be constructed with waterproofed concrete

up to the flood plain (six feet above grade). The UG 8 public parking garage will also provide the community with an attended parking lot for community/beach parking which will be dry floodproofed in accordance with Appendix G of the Building Code.

7. ACTION NECESSARY TO FACILITATE THE PROPOSAL

The action necessary to facilitate the proposal is a zoning map amendment to rezone the Proposed Project Area from an R5D/C2-3 zoning district to an M1-3 zoning district to facilitate the construction of a UG 16 self-storage facility and UG 8 public parking garage at the Proposed Development Site, as UG 16 uses are not permitted within the existing R5D/C2-3 zoning district pursuant to ZR Section 32-10.

a. Rationale for the M1-3 zoning district at the Proposed Project Area

This application seeks to rezone the Proposed Project Area from an R5D/C2-3 zoning district to an M1-3 zoning district. M1-3 districts are industrial/manufacturing zoning districts which permit light industrial uses including woodworking shops, repair shops, and wholesale service and storage facilities. Offices, hotels and most retail uses are also permitted. M1-3 districts permit a maximum FAR of 5.0 and require a 20-foot rear yard and compliance with the sky exposure plane above 85 feet.

The proposed rezoning to an M1-3 zoning district will enable the applicant to develop the Proposed Development Site, which is an underutilized, vacant site, with a self-storage facility consistent with the built character of the Surrounding Area and provide a needed service to the Rockaway community. Whereas area residents could once store possessions in basements, Superstorm Sandy has demonstrated that such storage is neither safe nor practical. A modern facility developed above the flood elevation will be a benefit to the surrounding community, yet this portion of the Rockaways has limited above grade storage space options available.

The proposed M1-3 zoning district is appropriate in terms of use and permitted bulk as the Proposed Development will (1) serve as a transition between the residential buildings to the south and the Water Pollution Control Plant to the north, (2) is consistent with the bulk of the 13-story buildings to the south, and (3) will provide the Rockaway neighborhood, a community located within a flood zone, with a desirable and much-needed storage facility. While the City has proposed limitations on the location of self-storage facilities in Industrial Business Zones (IBZs) to better preserve space for industrial and related uses, the site proposed here is not within an IBZ and is vacant, contributing little or nothing to the community or the City's economy. At other non-IBZ locations, self-storage facilities operate in support of nearby residences that need extra storage space. It is the nature of the self-storage business that such facilities are dispersed near residential communities to provide convenient access, yet this community lacks a flood-proof self-storage facility.

Further, absent the proposed action, the Proposed Development Site will likely remain vacant contributing to a desolate streetscape. Just a year prior to the 2008 Rockaway Neighborhoods Rezoning (C 080371 ZMQ), a new four-story residential development was built on a block to the east of the Proposed Development Site. This project was damaged in Superstorm Sandy and has subsequently been repaired and reoccupied. However, whether it was in response to the risks that became apparent as a result of the storm, the site's location adjacent to the Water Pollution Control Plant or just unforeseen market conditions, the Proposed Development Site has not been redeveloped in the decade-long period since the Rockaway Neighborhoods Rezoning in spite of the site's soft and vacant condition. Similarly, Lot 1 has not been redeveloped since the Rockaway Neighborhoods Rezoning. Instead it is occupied by a one-story commercial building (pharmacy) and does not take advantage of the available floor area or available residential use. The conditions on both of these properties suggest that on this block, the 2008 zoning changes have been too modest to induce investments. While the use of Lot 1 for a pharmacy serves an important community need, the lack of a meaningful use on Lot 65 is a detriment to the community.

The pattern of development, even after the Rockaway Neighborhoods Rezoning, shows that residential use at the Proposed Project Area is both undesirable and infeasible, especially given

the site's location adjacent to the Water Pollution Control Plant and the flood risk. The proposed action will therefore allow for an appropriate development which will serve the needs of the community at the Proposed Development Site.

8. CONCLUSION

As discussed above, RBB II LLC proposes a zoning map amendment to rezone the Proposed Project Area from an R5D/C2-3 zoning district to an M1-3 zoning district. The proposed zoning map amendment will facilitate the construction of a new six-story plus cellar UG 16 self-storage facility at the Proposed Development Site, with a UG 8 public parking garage in the cellar.