133 Beach 116th Street Rezoning

November 2020

1. Introduction

BEACH 116 ASSOCIATES LLC (the "Applicant") seeks a zoning map amendment (hereafter, the "Proposed Action") from R7A/C1-3 to R7A/C2-4 to facilitate a mixed-use development in the Rockaway Park area of Queens Community District 14.

The Proposed Action would affect Block 16226, Lots 15, 17, 19, 20, 21, 22, 23 and portions of ("p/o") Lots 12 and 25 ("Project Area"). The proposed new district would be mapped at a depth of 100 feet along Beach 116th Street extending 150 feet south of Rockaway Beach Boulevard and 200 feet north of Ocean Promenade, which would be amended from R7A/C1-3 to R7A/C2-4.

The Proposed Action would facilitate two new buildings (Building A and B), that would rise to 8- and 4-stories respectively, on Block 16226 Lots 23 and 25 (the "Development Site") and would include 127,799 square feet (3.99 FAR), with 110,707 square feet of residential space and 17,092 square feet of ground-floor commercial space, including 20,947 square feet of cellar level parking for residential accessory uses (the "Proposed Development"). In total, the Proposed Development would provide 108 accessory off-street parking spaces.

2. Background

The Proposed Project Area was zoned R5/C1-2 in the 1961 Zoning Resolution ("ZR") and remained until 1989. In 1989, the Project Area was rezoned to R7A/C1-3 as part of the Rockaway Park Rezoning (C890853ZMQ). The rezoning sought to reflect the community's development patterns, consistent with the existing development along the boardwalk. It sought to balance preservation with increased opportunities for new housing development. Despite being in close proximity to transit and heavily commercial in nature, a C1-3 overlay was mapped which limits commercial uses to Use Group 6 with a higher parking requirements.

Under the Board of Standards and Appeals (the "BSA"), within the Project Area, on August 10, 1999, under BSA Cal. No. 350-98-BZ, the BSA granted a variance pursuant to ZR 72-21 to permit the legalization of a catering establishment with dancing (Use Group 9) and an eating and drinking establishment (Use Group 12) on Block 16226 Lots 25, 32, 34, 58, and 61.

Across the Street from the Project Area, on Block 16188 Lot 30, on February 24, 2004, under BSA Cal. No. 286-03-BZ, the BSA granted a variance pursuant to ZR 72-21 to permit the proposed renovation of an existing building with a retail store and offices, both with accessory storage, which is contrary to ZR 22-00.

In 2008, to the north and to the west of the Project Area, the districts were rezoned as part of the 2008 Rockaway Neighborhoods Rezoning (C080371ZMQ). The rezoning sought to protect and reinforce established building scale in areas primarily containing one- and two-family homes; ensure provision of front and side yards, street trees, and sidewalk planning strips; address community concerns for additional accessory parking requirements in auto dependent locations; and to facilitate a mix of residential and commercial activities in select locations to strengthen existing contexts along wide streets and in areas close to transit.

No other relevant land use actions have occurred in the surrounding area in the last 20 years.

3. Description of the Surrounding Area

The Proposed Project Area is located in the Rockaway Park area of Queens Community District 14. Notable roadways in the surrounding area include Beach 116th Street (classified as a 'wide' street per the ZR with 100 feet in width) and Ocean Promenade (classified as a "wide' street per the ZR with 80 feet in width). Beach 116th Street travels north-south, while Ocean Promenade to the south travels east-west. To the north is Rockaway Beach Boulevard, which is classified as a 'narrow' street per the ZR with 70 feet and travels east-west.

The uses within the surrounding area are mixed in nature and comprise of single-family homes, multi-family apartment buildings, mixed-use buildings (residential-commercial), commercial/retail uses, and public facilities, many of which are nursing homes, along Ocean Promenade. Beach 116th Street as well as Rockway Beach Boulevard contain a high concentration of ground floor commercial retail and other commercial services. In the area, there are also several multi-family elevator buildings ranging in height. Based on the above, immediate area is considered a neighborhood commercial corridor (Beach 116th and Ocean

Promenade) and provide services for adjacent residential neighborhoods and the greater Rockaway Peninsula.

More specifically, existing land uses in the surrounding area include one- and two-family residential, multi-family residential walk-up and elevator buildings, public facilities (including several nursing homes, such as Park Nursing Home a block to the east on Beach 115th Street, Park Inn Home for Adults also to the east on Beach 115th Street, Ocean Grande a block to the west on Beach 117th Street, and Ocean Promenade Nursing Center two blocks to the east on Beach 113th Street; a church a block to the east on Beach 115th Street; and a branch of the Queens Public Library, Queens Library at Seaside a block to the west on Beach 117th Street), commercial and office buildings (several restaurants, Tiberio Di Mare to the north on Beach 116th Street, Carvel to the north on Beach 116th Street, Brisas Del Mar II to the north on Rockaway Beach Boulevard, Beach 116st Deli and Grocery to the north on Rockaway Beach Boulevard, and Rockaway Crown a block to the east on Beach 115th Street; local retail stores such as Surf Shop Rockaway and Paul Bicycle to the north on Beach 116th Street, Sweet 116 and Kings Pharmacy to the north at the corner of Beach 116th Street and Rockaway Beach Boulevard, and Harbor Wine and Spirits to the north on Beach 116th Street; and grocery stores such as Polo Euro Market and Pickles and Pies Food Market and Deli to the north on the northern corner of Beach 116th Street and Rockaway Beach Boulevard), open space, and industrial and manufacturing (a plumbing and hardware wholesaler, New SR Plumbing and Home Center to the north on Beach 116th Street). In terms of the built form of the surrounding area, it is generally low-rise residential and commercial, with mid-rise public facilities and multi-family elevator buildings, including to the south of the rezoning area an 8-story, 93-unit condominium building at the end of the subject block at 136 Beach 117th Street, a 6-story 72 unit condominium building south of the rezoning area at 160 Beach 117th Street, a 6-story 61 unit condominium building south of the rezoning area at 180 Beach 117th Street and a 6-story 79 unit condominium building southwest of the rezoning area at 117-12 Ocean Promenade.

The area immediately to the south of the Proposed Project Area is a single lot, Block 16226 Lot 7501 along Ocean Promenade, which contains an 8-story residential building in an R7A/C1-2 district. Ocean Promenade is a concrete walkway that runs along the beach on the southern side of the Rockaway Peninsula and includes benches and beach access. Directly to the north on Block 16226 Lots 6 and 12 are commercial and office buildings in an R5B/C1-3 district.

The Project Area and surrounding immediate area are zoned R7A/C1-3, mapped as a result of the Rockaway Neighborhoods Rezoning (discussed above) and an R5B district is directly to the north on Rockaway Beach Boulevard. An R7A district with no commercial overlay is present is on Beach 117th to the west and Ocean Promenade to the south, and the R7A/C1-3 district continues on the other side of Beach 116th to the east. The existing

C1-3 commercial overlay is mapped at a depth of 100 feet from Beach 116th Street. Just north of the R7A/C1-3 district is the M1-1 district along Beach Channel Drive. To the southeast, along Beach 115th Street is the R4 district. To the northeast, along Beach 115th Street is the R5A district. To the west, along Beach 117th Street is the R4A district.

An R4 district is located to the west. The R4 district is a general residence district that primarily permits contextual two-to three-story residential buildings at a maximum FAR of 0.75, with an attic allowance of 20%. For detached houses, front yards of 10 feet and rear yards 30 feet are required, with side yards of at least 8 feet. For semi-detached houses, buildings need one side yard with a minimum width of eight feet. The maximum building height is 35 feet and one parking space is required per dwelling unit.

R4A district is a contextual district that permits one- and two-family detached houses with a maximum allowable FAR of 0.9. A perimeter wall may rise to 21 feet, and the maximum building height in the R4A district is 35 feet. One parking space is required per residential unit. The minimum lot size and lot width requirements are 2,850 square feet and 30 feet respectively.

R5A is a contextual district that permits one- and two-family detached houses with a maximum FAR of 1.1. The maximum building height is 35 feet, with a maximum perimeter wall height of 25 feet. R5A districts require a minimum lot width of 30 feet and a minimum lot area of 2,850 feet. One off-street parking space is required for every dwelling unit. The proposed R5A district would protect the traditionally larger one- and two-family detached houses found in these areas.

An R5B contextual district is to the north. The R5B contextual district permits residential and community facility uses (Use Groups 1-4). The district primarily produces 3-story row houses and detached and semi-detached buildings. The R5B district allows a maximum FAR of 1.35 for residential use; the maximum allowable lot coverage is 55 %. The front yard must be at least five feet deep and it must be at least as deep as one adjacent front yard and no deeper than the other, but it need not exceed a depth of 20 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 adjacent zoning lots. The maximum height is 33 feet and one parking space is required for 66% of dwelling units.

R7A is a contextual residential district that permits Use Groups 1-4 (residential and community facility uses). The contextual Quality Housing regulations are mandatory in R7A districts and typically produce high lot coverage residential buildings that range from 7 to 8-stories. The R7A districts permit a maximum residential FAR of 4.0. Above a base height of 40 to 65 feet, or 75 feet is providing a qualifying ground floor, the building must

set back to a depth of 10 feet on a wide street and 15 feet on a narrow street before rising to a maximum of 80 feet, or 85 feet if providing a qualifying ground floor. In order to preserve the streetscape, the street wall of a new building can be no closer to the street line, than any adjacent street wall, but need not be farther than 10 feet. Buildings must have interior amenities for the residents pursuant to the Quality Housing Program. Off-street parking is not allowed in front of a building. Generally, 50% of dwelling units require parking and affordable units are waived; however in Community District 14 in the Borough of Queens, R6 and R7 Districts shall be subject to the accessory off-street parking regulations of an R5 District of 85%.

C1 commercial overlays permit 1.0 FAR (in districts below R6) and 2.0 FAR (in districts above R6) of commercial retail (Use Groups 5-6). C1-3 are commercial overlay districts, which primarily facilitate ground floor commercial uses in residential zoning district. The C1-3 district allows more limited neighborhood commercial retail uses (Use Group 6). Most retail uses require one accessory parking space per 400 square feet of commercial floor space, although the requirements may range between one space per 200 square feet and one space per 1,000 square feet, depending on the use.

An M1-1 district is located to the north. The M1-1 district allows for a variety of light manufacturing uses such as repair shops, wholesale service and storage facilities, as well as heavier industrial uses subject to stringent performance standards. The bulk parameters of the district allow for buildings up to 1.0 FAR, built to the front and side lot lines, with a 20-foot rear yard. Building heights are regulated by a 1:1 sky exposure plane beginning at 30 feet (or two stories) above the street line. Off-street parking and loading facilities are required in M1-1 districts according to the type and size of the use on the property but are typically required at 1 per 300 square feet.

The Proposed Project Area is well served by transit. An elevated subway line is located one block to the north of the Proposed Action Area by New York City Transit ("NYCT") with A and S train service at Rockaway Park - Beach 116th Street Station, which provides service between the Rockaways and Manhattan/Queens. In terms of bus service, NYCT bus lines provide service along Rockaway Beach Boulevard with Q22 and QM16 bus stops located near the corner of Beach 116th and Rockway Beach Boulevard.

The surrounding area is entirely in the Coastal Zone Boundary and is also located in FEMA 2015 A and V zones, which are further discussed below.

4. Description of the Proposed Project Area

The Project Area encompasses Block 16226, which includes all of portions of nine tax lots (Block 16226, Lots 15, 17, 19, 20, 21, 22, 23 and p/o 12 and 25). The entire Project Area is zoned R7A/C1-3 and land uses include residences and retail, as detailed blow. The lots are built between 1.00 and 2.43 FAR, with Lots 12 and 15 entirely commercial and the remaining lots mixed in use (commercial and residential). Buildings range from 2- to 3-stories, and between 30 and 45 feet in height, and all were built between 1912 and 1929. Uses on these lots include a liquor shop, a surf shop, car service, a barber shop, a bicycle shop, and several restaurants. Lots 23 and 25 are controlled by the Applicant, while the remaining lots are not under the Applicant's control. Lot 23 was acquired by the Applicant on May 23, 2017, existing and occupied. Lot 25 was acquired by the Application on December 1, 2015. It was a vacant catering hall that was demolished.

The Project Area is bound by a depth of 100 feet along Beach 116th Street extending 150 feet south of Rockaway Beach Boulevard and 200 feet north of Ocean Promenade, 150 feet south of Rockaway Beach Boulevard and 200 feet north of Ocean Promenade. Beach 116th Street is classified as a 'wide' street per the ZR with 100 feet in width. Beach 117th Street is classified as a 'narrow' street per the ZR with 50 feet in width. Rockaway Beach Boulevard is also classified as a 'narrow' street per the ZR with 70 feet in width. Ocean Promenade is classified as a "wide' street per the ZR with 80 feet in width, although Ocean Promenade is a concrete walkway that runs along the beach on the southern side of the Rockaway peninsula and includes benches and beach access.

Block 16226, Lot 12 (1-81 Beach 116th Street) contains 6,000 square feet of lot area. It includes 60 feet of frontage along Beach 116th Street and a depth of approximately 100 feet. The parcel is improved with a 10.400-square foot two story commercial and office building built in 1929 and contains an FAR of 1.73 Only a small portion of the lot would be in the Proposed Project Area. Approximately 211 square feet of the lot would be included in the Proposed Project Area.

Block 16226, Lot 15 (117 Beach 116th Street) contains approximately 4,000 square feet of lot area and approximately 40 feet of frontage along Beach 116th Street and a depth of 100 feet. The parcel is improved with a 4,920 square foot mixed use building with one floor of residential over one floor of commercial space (Rockaway Beach Surf Shop) built in 1929, which consists of an FAR of 1.23 The building is two stories and rises to 30 feet in height.

Block 16226, Lot 17 (1-73 Beach 116th Street) contains approximately 4,000 square feet of lot area and approximately 40 feet of frontage along Beach 116th Street and a depth of 100 feet. The parcel is improved with a 4,800 square foot two story mixed-use commercial and residential building (1.2 FAR) built in 1929. The commercial stores include space

Ciro's Italian Restaurant & Mr. Rocco's Unisex. The building is two stories and rises to 30 feet in height.

Block 16226, Lot 19 (165 Beach 116th Street) contains 2,000 square feet of lot area. It includes 20 feet of frontage along Beach 116th Street. The parcel is improved with a 3,591 square foot (1.8 FAR) mixed use commercial (The Blue Bungalow) and residential building with two residential units built in 1929. It is three stories and rises to 45 feet.

Block 16226, Lot 20 (1-63 Beach 116th Street) contains 2,000 square feet of lot area. It includes 20 feet of frontage along Beach 116th Street. The parcel is improved a 3,592 square foot (1.8 FAR) mixed use commercial (Paul's Bicycle Shop) and residential building with four residential units built in 1929. It is three stories and rises to 45 feet.

Block 16226, Lot 21 (157 Beach 116th Street) contains 2,000 square feet of lot area. It includes 20 feet of frontage along Beach 116th Street. The parcel is improved with a 3,900 square foot (1.95 FAR) mixed use commercial (Tiberio Dimare & Paper Panda) and residential building with four residential units built in 1912. It is three stories and rises to 45 feet.

Block 16226, Lot 22 (155 Beach 116th Street) contains 2,000 square feet of lot area. It includes 20 feet of frontage along Beach 116th Street. The parcel is improved with a 3,900 square foot (1.95 FAR) mixed use commercial and residential building with two residential units built in 1912. It is three stories and rises to 45 feet.

Block 16226, Lot 23 (143 Beach 116th Street) and Lot 25 (133 Beach 116th Street) consist of the Development Site and are discussed in greater detail below.

The Project Area is located within the Shaded X Zone and the AE Zone on the 2015 Preliminary Flood Insurance Rate Maps (FIRM) with a Base Flood Elevation (BFE) of 12 feet, indicating that portions of the proposed rezoning area are within the 0.2 percent and 1 percent annual chance floodplain. Because of the Proposed Project Area's location within the floodplain the building would comply with Appendix G of the NYC Building Code and building mechanicals would be located above the base flood elevation.

Also applicable is the newly proposed Zoning for Coastal Flood Resiliency (ZCFR), which provides flexibility to new and existing buildings to comply with Appendix G of the NYC Building Code. As the Proposed Development will already comply with Appendix G, the allowances proposed in ZCFR would not be applicable to the Proposed Development. However, any additional development in the Project Area that may occur in the future as a

result of the Proposed Action would be afforded the design flexibility permitted under the new initiative.

5. Description of Proposed Development Site

The Development Site consists of two tax and zoning lots, 133 Beach 116th Street (Block 16226, Lot 23) and 143 Beach 116th Street (Block 16226, Lot 25). In total, the lot area of the Development Site includes 32,000 square feet (Lots 23 and 25) with 240 feet of frontage along Beach 116th Street and 80 feet of frontage along Beach 117th Street. Of those 32,000 square feet of lot area, 8,000 square feet is zoned R7A and 24,000 square feet is zoned R7A/C1-3, with the western portion of the site beyond 100 feet of Beach 116th Street without a commercial overlay.

Lot 23 is a 3,400 square foot interior lot with 34 feet of frontage along Beach 116th Street and a depth of 100 feet. The lot is improved with a one-story, 15-foot structure originally built around 1929 and includes 3,060 square feet (.9 FAR) of commercial use with the restaurant Cuisine by Claudette. The building will remain and is considered Building C as part of the Proposed Development (as detailed below).

Lot 25 is an L shaped parcel with 206 square feet of frontage along Beach 116th Street and 80 feet of frontage along Beach 117th Street. Lot 25 is a 28,600 square feet through-lot a depth of 200 feet. Approximately 100 feet of the lot would be included as part of the Project Area. Construction has been completed with two separate as-of-right buildings obtaining Temporary Certificates of Occupancy, Building A and Building B. Together Buildings A and B with FARs of 3.38 and .52 successively, will include 127,799 square feet (not including parking). The buildings will rise to a height of 8-stories (85 feet tall) and will include 19,425 square feet of cellar level parking (residential accessory parking) with 108 parking spaces (73 spaces are required for Buildings A and B) and 78 market rate dwelling units. Building B will consist of a residential building located within the R7A portion of the lot, totaling 16,724 square feet of residential use and 1,522 square feet for a first-floor parking ramp with 8 total dwelling units.

6. Description of Proposed Development

The Proposed Action would facilitate new development on the Development Site. Specifically, the new development would occur on Lot 25 across two new buildings (Buildings A and B), while existing Building C would remain on Lot 23. In total, the Proposed Development would include 127,779 square feet (3.99 FAR), including 110,707 square feet of residential space and 17,092 square feet of commercial space.

Building A would consist of an 8-story building to contain 78 dwelling units and 14,032 square feet of commercial space. The building would rise to a base height of 65 feet and setback before reaching a maximum height of 85 feet. Building A would be located in the R7A/C2-4 portion of the zoning lot. The proposed ground floor commercial uses are intended to be occupied by Use Group 6 local neighborhood retail uses, such as a barber shop, café, or other similar local uses. 4,000 square feet of the proposed commercial use on the ground floor of Building A is intended to be occupied by a Physical Culture Establishment ("PCE"), which is not currently permitted as-of-right, and the other approximately 10,000 square feet for other commercial uses. Following approval, the Applicant intends to pursue a special permit with the BSA pursuant to ZR 73-36 to facilitate the proposed PCE use.

Building B would consist of a 4-story building with 16,724 square feet of residential use and 8 dwelling units. The building would rise to a base height of 40 feet and a maximum height of 51 feet. Building B would be located entirely in the R7A portion of the zoning lot and fronts Beach 117th Street. The ground floor would also contain approximately 1,552 square feet of parking area, which would not count towards zoning floor area, as noted above.

As noted above Building C, which is located on Lot 23 and contains 3,060 square feet of commercial uses in a single-story building, is anticipated to remain with the lot area utilized as part of the Development Site.

In total, the Proposed Development would provide 108 attended off-street accessory parking spaces made accessible from the garage on Beach 117th Street frontage via a new 12-foot curb cut. Buildings A and B are on the same zoning lot with a shared cellar. Building A requires 66 spaces, Building B requires 7 parking spaces, the commercial parking requires 14 spaces, which would be waived with the rezoning. The parking spaces are exempt from the Proposed Development's zoning floor area pursuant to the definition of floor area under ZR 12-10, which exempts accessory parking spaces from floor area provided that they are located not more than 23 feet above curb level. As indicated on the plans, all parking is located at an elevation of less than 23 feet from the flood resistant construction elevation, thereby excluding the parking spaces from the building's zoning floor area.

The Proposed Development has a BFE of 11' and will be fully dry flood proofed per ZR 64-131 (flood gate at the parking entrance). The proposed non-residential portions of the building will be designed to withstand hydrostatic pressure and prevent water from entering the spaces. Flood shields will be used throughout the development.

7. Actions Necessary to Facilitate the Project

The Proposed Action consists of a proposed zoning map amendment to amend the underlying zoning of the proposed Project Area from R7A/C1-3 to R7A/C2-4. The proposed R7A/C2-4 district would alter the permitted uses pursuant to the current R7A/C1-3 zoning within the Project Area from Use Groups 1-4 & 6 (residential, community facility, and retail) to Use Groups 1-9 (residential, community facility, retail and service uses) and 14 (waterfront recreation). There would be no changes to the permitted building envelope, however, a broader range of commercial uses would be permitted up to a maximum FAR of 2.0. In addition, the accessory off-street parking requirement would be reduced in the proposed C2-4 district.

The Proposed Action would facilitate a new mixed-use development in the Project Area to contain residential use and commercial retail space and would enable the Applicant to pursue a special permit with the BSA pursuant to ZR Section 73-36 to provide a PCE use. Currently, the C1-3 district generally requires one parking space per 400 square feet of general retail floor area, which constrains new commercial development in an area with transit access and does not allow a discretionary special permit to allow a PCE use. C2-4 districts permit the same floor area (2.0 FAR) as C1-3 districts, however the uses and parking requirements differ. C2-4 districts permit Use Groups 5-9 & 14 and one parking space is required for every 1,000 square feet of general retail floor area and is waived where 40 or fewer spaces are required.

The additional uses permitted by the C2-4 district would promote the vibrancy of this commercial corridor with increased pedestrian activity, as additional commercial uses such as theaters, art studios, and repair shops would be permitted, which are currently lacking given the restrictive nature of the C1-3 district. In addition, the C2-4 district enable the possibly to apply for a discretionary special permit with the BSA to permit a PCE in this area, a demonstrated need given the lack of such facilities present. Therefore, given the similar bulk requirements and enhanced use opportunities, the proposed mixed-use district would be consistent with pre-existing mixed-use character of Beach 116th Street.

The proposed C2-4 district is also appropriate at this location given its location along a wide roadway (Beach 116th street) and it is intended for dense areas in proximity to transit, with a reduced parking requirement. The Rezoning Area is vibrant in nature and the surrounding area contains transit access, consistent with the intent of the C2-4 district. As mentioned above, the Project Area is situated by an elevated subway line, which is located one block to the north, with A and S Train service. The A Train provides service between the Rockaway's and Manhattan/Queens. NYCT bus lines run along Rockaway Beach

Boulevard with Q22 and QM16 bus stops located near the corner of Beach 116th Street and Rockway Beach Boulevard.

As such, the Proposed Action would be consistent with the Rockaway Neighborhoods Rezoning by facilitating mixed-use development in a key location, while strengthening the existing context of the Beach 116th corridor, which is located in close proximity to transit.

8. Conclusion

The Proposed Action would result in an amended commercial overlay from C1-3 to C2-4 along a commercial corridor in (Beach 116th Street) in the Rockaway Park area. The proposed C2-4 district would serve to increase the permitted range of commercial uses in this area, as well as reduce the off-street accessory parking requirement. This would serve to permit additional commercial services for a vibrant pre-existing commercial corridor and facilitate new commercial development without a higher parking requirement, in an area well served by public transit and located between two heavily trafficked avenues and within close proximity to transit.

With the parking requirement reduced in the Project Area, a new mixed-use development would be facilitated on the Development Site, to contain a total of 17,092 square feet of commercial retail. In addition, with the newly permitted range of uses, the Applicant would seek a zoning special permit from the BSA to facilitate a PCE in the Proposed Development, where such facilities currently do not exist. As such, the Proposed Actions are appropriate for this area and would serve to improve the vibrancy of the Beach 116th corridor, while facilitating a productive development with new ground floor commercial space, in addition to as-of-right residential uses and would be consistent with the Rockaway Neighborhoods Rezoning.