



CITY PLANNING COMMISSION

July 28, 2021 / Calendar No. 27

C 210148 ZMQ

IN THE MATTER OF an application submitted by Beach 116th Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 30b:

1. eliminating from within an existing R7A District a C1-3 District bounded by Beach 116th Street, a line 200 feet northwesterly of Ocean Promenade, a line midway between Beach 116th Street and Beach 117th Street, and a line 150 feet southeasterly of Rockaway Beach Boulevard; and
2. establishing within an existing R7A District a C2-4 District bounded by Beach 116th Street, a line 200 feet northwesterly of Ocean Promenade, a line midway between Beach 116th Street and Beach 117th Street, and a line 150 feet southeasterly of Rockaway Beach Boulevard;

Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated April 5, 2021.

This application (C 210148 ZMQ) for a zoning map amendment was filed by Beach 116th Associates LLC on November 4, 2020. This zoning map amendment, in addition to a special permit from the Board of Standards and Appeals (BSA), would facilitate the development of a 4,000 -square-foot gym located on the ground floor of a new eight-story mixed-used building located at 133 Beach 116th Street in Rockaway Park, Queens, Community District 14.

BACKGROUND

The applicant, Beach 116th Associates LLC, seeks a zoning map amendment to facilitate the development of a gym, known formally as a physical cultural establishment (PCE), which also requires a BSA special use permit, on the ground floor of a new eight-story mixed-use building with approximately 78 residential units and 14,032 square feet of commercial space. The project area is comprised of all or portions of nine tax lots (Block 16226, Lots 15, 17, 19, 20, 21, 22, 23 and part of Lots 12 and 25) with frontage on Beach 116th Street between Rockaway Beach Boulevard and Ocean Promenade. The project area includes the development site (Lots 23 and 25), as well as several lots not owned by the applicant (Lots 15, 17, 19, 20, 21, 22, and part of Lot 12) that are not expected to result in development as a result of

the proposed rezoning.

The development site totals approximately 32,000 square feet in area. It has approximately 240 feet of frontage on Beach 116th Street and 80 feet of frontage on Beach 117th Street. Lot 23 is an approximately 3,400-square-foot interior lot with 34 feet of frontage along Beach 116th Street and is improved with a one-story commercial building containing a restaurant and real estate office. Lot 25 is an approximately 28,600-square-foot L-shaped lot with 206 feet of frontage along Beach 116th Street and 80 feet of frontage along Beach 117th Street, and is improved with two buildings. An as-of-right, eight-story mixed residential and commercial building constructed in 2020 fronts Beach 116th Street. It contains 78 dwelling units and 14,032 square feet of commercial retail space on the ground floor, and has a base height of 65 feet prior to a setback and an overall maximum height of 85 feet. The second building is an as-of-right four-story residential building, currently under construction, fronting on Beach 117th Street and containing eight dwelling units.

The project area also includes all or portions of seven additional lots (Lots 15, 17, 19, 20, 21, 22, and part of Lot 12). Lot 12 is an approximately 6,000-square-foot interior lot with 60 feet of frontage on Beach 116th Street and is improved with a 10,400-square-foot two-story commercial and office building. Approximately 211 square feet of Lot 12 would be included in the rezoning boundary. Lot 15 is an approximately 4,000-square-foot interior lot with 40 feet of frontage along Beach 116th Street and is improved with a 4,920-square-foot two-story mixed residential and commercial building. Lot 17 is an approximately 4,000-square-foot interior lot with 40 feet of frontage along Beach 116th Street and is improved with a 4,800-square-foot two-story mixed residential and commercial building. Lot 19 is an approximately 2,000-square-foot interior lot with 20 feet of frontage along Beach 116th Street and is improved with an approximately 3,500-square-foot three-story mixed residential and commercial building. Lot 20 is an approximately 2,000-square-foot interior lot with 20 feet of frontage along Beach 116th Street and is improved with a 3,592 square foot three-story mixed residential and commercial building. Lot 21 is an approximately 2,000-square foot-interior lot with 20 feet of frontage along Beach 116th Street and is improved with a 3,900-square-foot three-story mixed residential and commercial building. Lot 22 is an approximately 2,000-square-foot interior lot with 20 feet of frontage along Beach

116th Street and is improved with a 3,900-square-foot two-story mixed residential and commercial building.

The neighborhood surrounding the project area is developed with single-family homes, multifamily apartment buildings, mixed use buildings, commercial buildings, and public facilities. Multi-family apartment and mixed-use buildings in the surrounding area range from two to eight stories. The neighborhood was developed with a commercial corridor along Beach 116th Street, a wide street with a width of 100 feet. Commercial uses along Beach 116th Street include local retail, eating and drinking establishments, and offices. Multiple nursing homes are located in the surrounding area, ranging in height from three to seven stories, and the Rockaway Beach and Boardwalk is located immediately south of the project area.

The neighborhood is well served by public transit. The terminus of the A train is located one block north of the project area at the Rockaway Park-Beach 116th Street station. Bus service for the Q22 and the QM16 is also available at the corner of Rockaway Beach Boulevard and Beach 116th Street, one block north of the project area, providing service throughout the Rockaway Peninsula and to Midtown Manhattan.

The project area was mapped with an R5/C1-2 zoning district in 1961. In 1989 it was rezoned as part of the Rockaway Park rezoning (C 890853 ZMQ) to an R7A district with a C1-3 commercial overlay to ensure that future development was reflective of the existing built context along the Boardwalk. R7A districts are medium-density residential zoning districts that allow a maximum floor area ratio (FAR) of 4.0. The maximum building height in R7A districts is 80 feet, or 85 feet with a qualifying ground floor. C1-3 commercial overlay districts allow commercial uses with a maximum FAR of 2.0. These include local retail and services uses that typically require one parking space for every 400 square feet of commercial floor area.

The development site would comprise a single zoning lot, and the restaurant and real estate office located on Lot 23 would remain unchanged by the proposed rezoning, as would the four-story residential building under construction on Lot 25.

The rezoning would allow the applicant to seek a BSA special permit for Physical Culture or Health Establishments to develop an approximately 4,000 square-foot gym on the ground floor of the eight-story mixed use building on Lot 25. In total, the mixed-use building would consist of 93,983 square feet of as-of-right residential floor area in 78 dwelling units and 14,032 square feet of commercial floor area on the ground floor, 4,000 of which would be dedicated to the gym. The remaining approximately 10,000 square feet would consist of local neighborhood retail uses permitted by zoning, such as a barber shop, café, or other similar uses.

A total of 108 accessory parking spaces would be provided throughout the development site and accessed from an existing 12-foot curb cut at the corner of Ocean Promenade and Beach 117th Street with a ramp to the cellar located below the eight-story mixed use building.

The project area is located within the Coastal Zone Boundary and the 1-percent and 0.2- percent annual chance flood zone on the Federal Emergency Management Administration Preliminary Flood Insurance Rate Maps. The majority of the project area and development site fronting Beach 116th Street is located within the 0.2-percent annual chance flood zone. A portion of the project area, including the rear portions of the lots fronting Beach 116th Street and the portion of the development site fronting Beach 117th Street, is within the 1-percent annual chance flood zone and has a Base Flood Elevation of 10 feet. The proposed buildings would be constructed to meet all flood-resilient construction standards pursuant to Appendix G of the New York City Building Code.

To facilitate the proposal, the applicant seeks a zoning map amendment to change the zoning district from R7A/C1-3 to R7A/C2-4. C2-4 commercial overlays allow for a broader range of local commercial uses including local services such as home repair, movie theaters, bowling alleys, businesses services, and waterfront recreation with a maximum commercial FAR of 2.0. The parking regulations within the C2-4 commercial overlay require one parking space for every 1,000 square feet of general retail floor area and can be waived where 40 or fewer spaces are required. In addition to the expanded permitted uses, the C2-4 commercial overlay would allow the applicant to seek a BSA special permit to facilitate the proposed PCE use.

ENVIRONMENTAL REVIEW

This application (C 210148 ZMQ) 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 21DCP015Q. The lead is the City Planning Commission.

WATERFRONT REVITALIZATION PROGRAM

This application (C 210148 ZMQ) was reviewed by the Department of City Planning 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 State 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 19-171.

The action was determined to be consistent with the policies of the WRP.

UNIFORM LAND USE REVIEW

This application (C 210148 ZMQ) was certified as complete by the Department of City Planning on April 5, 2021, 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).

Community Board Public Hearing

Community Board 14 held a public hearing on this application (C 210148 ZMQ) on May 4, 2021 and on that date, by a vote of 38 in favor, one opposed and none abstaining, recommended approval of the application.

Borough President Recommendation

The Queens Borough President held a public hearing on the application (C 210148 ZMQ) on May 20, 2021 and, on June 10, 2021, issued a recommendation to approve the application.

City Planning Commission Public Hearing

On June 9, 2021 (Calendar No. 4), the Commission scheduled June 23, 2021 for a public hearing on this application (C 210148 ZMQ). The hearing was duly held on June 23, 2021 (Calendar No. 21). There were two speakers in favor of the application and none in opposition.

The applicant's representative provided a summary of the requested action and proposed development. The owner of the proposed gym spoke in support of the development, providing an overview of the goals for the establishment to give back to the community through fitness. He stated that the proposed gym is a national chain but locally owned. He also stated his belief that the development is appropriate for the intended business.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that this application (C 210148 ZMQ) for a zoning map amendment is appropriate.

The project area is located along a commercial corridor and proximate to a subway station and two bus stops. The establishment of the C2-4 commercial overlay on the western side of Beach 116th Street will facilitate a range of commercial uses appropriate for the corridor. In addition to allowing the applicant to seek a BSA special permit to facilitate the proposed gym, the C2-4 overlay would also increase the number of permitted uses, including locally oriented services. The Commission acknowledges that the R7A zoning district will remain unchanged, and that the residential component of the proposed development is as-of-right.

The Commission acknowledges that the change in the commercial overlay will not increase development potential on the site. Both the C1-3 and C2-4 overlays allow for a commercial FAR of 2.0 within the R7A district. The Commission also acknowledges that the parking regulations will be reduced and recognizes that the applicant has committed to providing an additional 35 parking spaces within the proposed development to allow for the gym to better accommodate customers.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on April 5, 2021 with respect to this application (CEQR No. 21DCP015Q), the City Planning Commission finds that the action described herein will have no significant impact on the quality of the environment; 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 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 30b by:

1. eliminating from within an existing R7A District a C1-3 District bounded by Beach 116th Street, a line 200 feet northwesterly of Ocean Promenade, a line midway between Beach 116th Street and Beach 117th Street, and a line 150 feet southeasterly of Rockaway Beach Boulevard; and
2. establishing within an existing R7A District a C2-4 District bounded by Beach 116th Street, a line 200 feet northwesterly of Ocean Promenade, a line midway between Beach 116th Street and Beach 117th Street, and a line 150 feet southeasterly of Rockaway Beach Boulevard;

Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated April 5, 2021.

The above resolution (C 210148 ZMQ), duly adopted by the City Planning Commission on July 28, 2021 (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,
JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,
LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 133 Beach 116th Street Overlay Rezoning	
Applicant: Seth Caller	Applicant's Primary Contact: Eugene Pilman
Application # 210148ZMQ	Borough:
CEQR Number: 21DCP015Q	Validated Community Districts: Q14

Docket Description:

IN THE MATTER OF an application submitted by Beach 116th Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 30b:

1. eliminating from within an existing R7A District a C1-3 District bounded by Beach 116th Street, a line 200 feet northwesterly of Ocean Promenade, a line midway between Beach 116th Street and Beach 117th Street, and a line 150 feet southeasterly of Rockaway Beach Boulevard; and
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as shown on a diagram (for illustrative purposes only) dated April 5, 2021.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Favorable			
# In Favor: 38	# Against: 1	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 5/4/2021 12:00 AM		Vote Location: ZOOM	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/4/2021 7:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	ZOOM Meeting

CONSIDERATION:

Recommendation submitted by	QN CB14	Date: 5/10/2021 9:59 AM
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Queens Borough President Recommendation

APPLICATION: ULURP #210148 ZMQ

COMMUNITY BOARD: 14

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Beach 116th Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 30b:

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Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated April 5, 2021

PUBLIC HEARING

A remote Public Hearing was held via Zoom webinar and livestreamed on the Queens Borough President's website on Thursday, May 20, 2021 at 9:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is proposing a zoning map amendment to change the existing R7A/C1-3 District to a R7A/C2-4 District affecting Block 16226, Lots 15, 17, 19, 20, 21, 22, 23 and portions of Lots 12 and 25. The residential district would remain the same. The proposed change would be to the commercial overlay from the existing C1-3 to C2-4 that 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;
- The applicant owns Block 16226, Lots 23 and 25. Construction of two as-of-right mixed-use buildings have already been completed on those lots. There are no further construction plans for these lots. One of the potential occupants for the commercial space is a physical culture establishment (PCE) requiring a Board of Standards and Appeals (BSA) special permit (Section 73-36). The purpose of this application is to make the ground floor commercial space of the already constructed building located within the proposed R7A/C2-4 District eligible for the BSA PCE special permit which is not available in the existing C1-3 District;
- Since this application for the change of commercial overlay from C1-3 to C2-4 has been certified, a zoning text amendment that would eliminate the special permit has been referred out for public review. The applicant filed this application in an effort to expedite occupancy of the commercial space in the completed building;
- The area to be rezoned is located in Rockaway Park which is a mixed-used neighborhood bounded on the east by Beach 116th Street and on the west by Beach 117th Street. Beach 116th Street is a north-south roadway and an important commercial center in this area. There are a mix of commercial, retail, institutional and residences in buildings that are generally low-rise with some medium rise buildings in the area;
- Community Board 14 (CB 14) approved this application by a vote of thirty-eight (38) in favor, one (1) against and none (0) abstaining at the monthly meeting held on May 4, 2021.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval of this application.



June 9, 2021

PRESIDENT, BOROUGH OF QUEENS

DATE