



## CITY PLANNING COMMISSION

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November 4, 2020 / Calendar No. 13

C 200031 ZSQ

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**IN THE MATTER OF** an application submitted by Home Depot U.S.A., Inc pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-932 of the Zoning Resolution to allow, within a designated area in a Manufacturing District in Subarea 2, as shown on the maps in Appendix J (Designated Areas Within Manufacturing Districts), the development of a self-service storage facility (Use Group 16D) not permitted pursuant to the provisions of Section 42-121 (Use Group 16D self-service storage facilities), within a proposed 6-story building, on property located at 59-02 Borden Avenue (Block 2657, Lot 40), in an M1-1 District.

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This application (C 200031 ZSQ) for a special permit was filed by Home Depot U.S.A., Inc on October 3, 2019, to facilitate the development of a six-story self-service storage facility within a larger as-of-right retail development on property located at 59-02 Borden Avenue (Block 2657, Lots 40, 50, 70 and 90) in the Maspeth neighborhood of Queens Community District 2.

### **BACKGROUND**

The applicant, Home Depot U.S.A., is seeking a City Planning Commission (CPC) special permit to facilitate the development of a self-service storage facility on the development site (Block 2657, Lot 50) adjoining a larger as-of-right retail development currently under construction. The project area consists of Block 2657, Lots 40, 50, 70 and 90, which are treated as one zoning lot for purposes of applying zoning regulations. The project area is a 315,079 square-foot irregular corner lot that has approximately 400 feet of frontage along Borden Avenue, approximately 298 feet of frontage along Maurice Avenue, and approximately 397 feet of frontage along 55<sup>th</sup> Drive. Although the proposed project area has a total area of 315,079 square feet, only the development site that would be occupied by the proposed self-service storage facility is subject to approval of the special permit. The development site is approximately 30,000 square feet in area and is located immediately north of and adjoining the as-of-right retail development.

At the time of certification, the tax lot was Block 2657, Lot 40. Subsequent to certification, the

property was subdivided into Block 2657, Lots 40, 50, 70 and 90, and Lot 50 was assigned the address 59-20 Borden Avenue. On September 18, 2020, the applicant submitted a revised application to update the Block and Lot numbers to match the tax lots.

The project area was zoned M1-1 upon the establishment of the Zoning Resolution (ZR) in 1961. M1-1 districts are manufacturing zoning districts that allow commercial and light industrial uses with a maximum permitted floor area ratio (FAR) of 1.0. Requirements for parking and loading berths vary with type of use. For manufacturing or semi-industrial uses, one parking space is required per 1,000 square feet of floor area, or one per three employees, whichever requires a larger number of spaces. On December 19, 2017 the New York City Council adopted the Self Storage Text Amendment (N 170425A ZRY), which established a requirement for a special permit to develop new self-service storage facilities in designated M1 zoning districts. The project area is located within the Queens designated area of "Maspeth, Map 2, Subarea 2," as mapped in Appendix J of the ZR, in which self-service storage facilities are not an as-of-right use but are subject to a CPC special permit pursuant to Section 74-932 (Self-service storage facility in designated areas within Manufacturing Districts). Unlike designated areas in Subarea 1 where self-service storage facilities are permitted as-of-right, development of such facilities in locations within Subarea 2 requires a special permit pursuant to ZR Section 74-932. The project area is also located within the Maspeth Industrial Business Zone (IBZ).

The project area is currently vacant. It was previously occupied by an approximately 202,050-square foot Coca-Cola warehouse and bottling facility built in 1959. The applicant acquired the site on September 8, 2017 and, upon the subsequent departure of Coca-Cola, demolished the facility in 2019 and filed permits at the Department of Buildings (DOB) for a three-building, as-of-right retail development, anchored by a 134,230-square foot Home Depot hardware store, located immediately south of and adjoining the site of the proposed self-storage facility. Construction of the Home Depot was underway at the time that this application was certified on December 2, 2019, while permits were still pending for two smaller detached retail buildings, of 8,224 square feet and 12,400 square feet, respectively.

The surrounding area is predominantly characterized by one- and two-story industrial and commercial buildings, with low-density residential uses located to the east. Industrial uses include several transportation, distribution, supply, automotive-related and construction-related businesses. Several restaurants, retail and wholesale businesses, and one transient hotel are within 600 feet of the proposed development. The project area is located adjacent to and directly south of Borden Avenue, a designated truck route, which runs parallel to an elevated portion of the Queens Midtown Expressway, a major east-west limited access highway. All of the streets that surround Block 2657 are designated truck routes, including the Expressway, Maurice Avenue, 55<sup>th</sup> Drive and 58<sup>th</sup> Street. The project area is served by the Q39 and Q67 bus routes, both of which have multiple stops along 58<sup>th</sup> Street and Maurice Avenue.

The proposed action is sought to facilitate the development of a six-story self-service storage facility located at the northern portion of the project area fronting Borden Avenue. The proposed facility would contain approximately 136,853 zoning square feet (0.43 FAR). The self-service storage units are proposed to be used by small businesses and residents from the surrounding area, including contractors who would use the self-service storage facility to store tools and construction materials.

The building would be set back at varying lengths, between approximately 20 to 22 feet from Borden Avenue, and would rise to a maximum building height of 64 feet. Three required accessory parking spaces and four required loading berths would be provided and accessed by two new 30-foot-wide curb cuts on Borden Avenue. These parking spaces would be intended for use by employees and customers of the self-service storage facility. A continuous private pedestrian sidewalk is proposed to connect the proposed self-service storage facility and the adjoining Home Depot. This is intended to allow customers of the Home Depot to deliver materials in a safe, efficient manner to their respective compartments at the self-service storage facility. An additional 25-foot-wide new curb cut at Borden Avenue is also proposed for vehicular access and egress to the as-of-right retail development south and adjoining the self-service storage facility. Two additional 30-foot-wide curb cuts would provide access to all of the as-of-right retail buildings at Maurice Avenue and 55<sup>th</sup> Drive.

A total of 517 required parking spaces, located at-grade and on the roof of the Home Depot, are accessory to the Home Depot and the two retail buildings. The smaller buildings would have access to the at-grade accessory parking spaces. None of the retail uses or parking proposed are subject to approvals from the City Planning Commission.

## **ENVIRONMENTAL REVIEW**

This application (C 200031 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 19DCP219Q. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on December 2, 2019. A revised Negative Declaration was issued on November 2, 2020, that supersedes the Negative Declaration issued on December 2, 2019. This Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials (E-553). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

## **UNIFORM LAND USE REVIEW**

In response to the COVID-19 pandemic, the Mayor issued Emergency Executive Order No. 100 on March 16, 2020 that suspended certain time requirements relating to the Uniform Land Use Review Procedure (ULURP) and other land use processes as of March 12, 2020. The suspension included portions of sections 195, 197-c and 197-d of the New York City Charter, as well as sections of the Administrative Code and the Rules of the City of New York, pertaining to time limitations. The CPC ceased meeting immediately after issuance of the Executive Order until August 3, 2020, when the regular schedule of meetings was resumed. The ULURP time requirements suspended by Emergency Executive Order No. 100 began running on September 14, 2020.

This application (C 200031 ZSQ) was certified as complete by the Department of City Planning on December 2, 2019 and duly referred to Queens Community Board 2 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 2 held a public hearing on this application (C 200031 ZSQ) on February 6, 2020, and on that date, by a vote of 25 in favor, none opposed and none abstaining, recommended disapproval of the application with the condition that the applicant develop the two smaller detached retail buildings for industrial uses.

### **Borough President Recommendation**

The Queens Borough President held a public hearing on the application (C 200031 ZSQ) on March 12, 2020, and on that date, issued a recommendation to approve the application with the following conditions:

“The two buildings other than the Home Depot in this development should be heavily marketed to industrial users who are looking for new space;

There is a commitment to employ union labor - and the prevailing rate of wages and supplements to all workers for the construction of the self-service storage facility.”

### **City Planning Commission Public Hearing**

On August 17, 2020 (Calendar No. 6), the Commission scheduled August 19, 2020 for a public hearing on this application (C 200031 ZSQ). The hearing was duly held on August 19, 2020 (Calendar No. 37). Nine speakers testified in favor of the application and seven in opposition. Seven people also electronically submitted testimony in favor of the application. Seven people electronically submitted testimony in opposition to the application.

The applicant’s land use attorney described the requested action and the goals and objectives of the project. She explained that the proposed self-service storage facility would be the only facility within a one-mile radius of the project area and confirmed that a third party would own and operate the facility. A second representative of the applicant reiterated that the self-service storage would have separate ownership from the as-of-right Home Depot store. He noted that Home Depot anticipates that several small contractors will use both facilities. He referenced

another similar development in College Point, Queens that illustrates a positive relationship between a hardware store and self-service storage facility in an industrial neighborhood. Finally, the representative explained that Home Depot anticipates that small businesses, especially those in the home improvement industry, will use the self-service storage facility to keep supplies that are used on a frequent basis.

A representative of the Queens Chamber of Commerce spoke in support of the application. He reiterated the benefits of locating a self-service storage facility in close proximity to a hardware store, including the anticipated support for small local businesses.

Three speakers, including two contractors and one restaurant owner, spoke in support of the application. They attested to the anticipated benefits to their businesses, including the ability to store long-term inventory of supplies and the convenient retrieval of those supplies.

A representative of Urban Upbound, a local non-profit that specializes in workforce development, spoke in support of the application. He described the development as beneficial to the local Maspeth community and for small businesses that are unable to afford brick and mortar storefronts or industrial facilities. He explained that Urban Upbound previously provided employee recruiting services to the applicant for a different Home Depot location in Queens and has had preliminary discussions with the applicant to provide those services for the Home Depot under construction in Maspeth.

A local resident and apprentice in a local construction union spoke in support of the application, expressing her preference for union affiliated construction jobs for the proposed facility.

A representative of the State Senator who represents the 15<sup>th</sup> District spoke in support of the application. He expressed the State Senator's confidence in the self-service storage facility serving as an amenity to local residents and supporting small business owners.

Four representatives of the Business Outreach Center Network, an industrial business services provider to the Maspeth IBZ, spoke in opposition. They expressed concerns that a self-service

storage facility was not consistent with the Maspeth IBZ, that the development site was better suited for a manufacturing use and that the application did not meet the criteria for approval. They expressed support for the facility on the condition that the applicant would limit customers only to small businesses.

A resident of the Rockaways spoke in opposition to the application.

A representative of the Association for Neighborhood and Housing Development, a non-profit economic development organization, spoke in opposition to the project. He expressed concern that the self-service storage facility would undermine industrial uses within the IBZ and also stated that the application does not meet the considerations of the special permit.

An owner of a local food supply chain distributor spoke in opposition to the application. He reiterated similar concerns of other speakers in opposition and expressed preference for his company to purchase the subject property in order to facilitate expansion of his company.

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

## **CONSIDERATION**

The Commission believes that this application for a special permit (C 200031 ZSQ), is appropriate.

The proposed special permit will facilitate the development of a six-story self-service storage facility within a larger as-of-right retail development located along 59-20 Borden Avenue. The development will include approximately 136,853 square feet of self-service storage space that adjoins a larger retail development located in the southern portion of the project area.

The Commission notes that the retail development, anchored by a large hardware and building supply store, is as-of-right and the special permit pursuant to ZR Section 74-932 to allow the self-service storage portion of the proposed development is the sole land use action requested by the applicant. Furthermore, the Commission recognizes the synergistic relationship between the

hardware store and self-service storage facilities, and the resulting support of small businesses, including those in the construction industry.

The Commission may consider any of the considerations outlined in ZR Section 74-932 when determining if the site is appropriate for self-service storage use. The considerations listed are not hierarchical and can be contemplated holistically or individually by the Commission when determining the appropriateness of the use. The Commission acknowledges that in balancing among these and any other land use considerations, not all of the considerations are required to be satisfied.

The Commission notes that the construction sector has one of the largest industrial employment shares in New York City's IBZs. Furthermore, the Commission acknowledges that the Administration's *New York Works* plan established a goal of supporting 240,000 construction jobs that will provide middle-class incomes for thousands of New Yorkers. Additionally, supporting the construction industry is consistent with the administration's *10-Point Industrial Action Plan*, which identifies the need to support infrastructure and services that are critical to the City's larger economy, such as construction. The Commission notes that, in addition to non-commercial use of self-service storage facility, small businesses (including construction) are among the likely users of the proposed self-service storage facility. Small businesses frequently require small storage areas that are not otherwise available on the private market or do not have adequate storage capacity in their other facilities. This constraint is primarily due to high real estate prices in industrial and commercial zoning districts. The Commission acknowledges that self-service storage facilities have a high utilization rate among small business owners, including contractors who use these facilities to store building materials and tools. This benefit to local businesses supports the existing industrial base of the surrounding area. This support is consistent with the City's economic development objectives for those areas subject to the special permit.

The Commission is disturbed by the applicant's utter lack of effort to address concerns raised by the Commissioners regarding the considerations listed in the text of the special permit during the Commission's public hearing. The considerations listed in the zoning text form the basis for the



decisions made by the Commission. By failing to address the Commissioners' concerns, the applicant cast serious doubt on the validity of its application.

The Commission is pleased that the anticipated owner/operator of the proposed self-service storage facility has expressed a commitment to reserve approximately 35 percent of storage space for business customers. The Commission looks favorably on the usage data provided for this owner/operator's self-service storage facility located adjacent to a large hardware store in the South Brooklyn IBZ. At this facility, approximately 57 percent of the space is rented to business tenants, including contractors, likely because of the facility's proximity to both the hardware store and construction-industry facilities. The Commission recognizes that the Maspeth IBZ has similar features and anticipates that this synergy between the hardware store and self-service storage facility will be replicated. The Commission recognizes that specifying the range and composition of the proposed facility's customer base is not within its purview. Nonetheless, the Commission urges the owner/operator to maximize use of the proposed facility by small business customers, and to also ensure a minimum utilization rate by business customers, as it has indicated it intends to do. During future review of special permits for self-service storage facilities, the Commission expects to conduct a review of such business utilization rates at comparable self-service storage facilities located in close proximity to hardware stores.

Furthermore, the Commission is pleased that the owner/operator has additionally expressed a commitment to provide 7,500 square feet of ground floor industrial space fronting Borden Avenue in its proposed self-service storage facility, configured in a way that it can be subdivided into up to three smaller industrial spaces. This industrial space represents approximately 36 percent of the ground floor. The owner/operator will also allow the industrial tenants to use the same loading area as the self-storage facility and provide an interior connection between the two uses to facilitate transport from the loading area to the industrial tenants. The Commission is further encouraged that the applicant will support the ground floor industrial tenants by providing their employees with accessory parking spaces within the as-of-right development. The Commission acknowledges that both the loading and parking requirements generated by the proposed ground floor industrial use would be waived pursuant to ZR Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number).

Throughout the course of the review of the original text amendment (N 170425A ZRY) establishing the self-service storage special permit, the Commission articulated that the special permit should not serve to encourage self-service storage facilities to locate closer to residential areas. The boundary of the Maspeth IBZ, established in 2006, is a half-block to the east of the site, and one block to the south. Portions of M1-1 and M1-1D zoning districts, mapped immediately adjacent to the IBZ, both allow self-service storage facilities as-of-right. These areas are both closer to an established residential neighborhood to the east of the project area. The Commission recognizes that preventing the siting of a self-storage facility at this location could have the undesired effect of encouraging the siting of a self-service storage facility, serving the adjacent large hardware store and the neighborhood in general, in a less appropriate location.

The Commission notes that the Administration's *New York Works* plan identified food production, warehousing and distribution as important and active industrial sectors. The area surrounding the proposed self-storage facility has experienced an increase in the number of distribution and logistics facilities, in addition to the existing smaller food and manufacturing and distribution companies in the area. Food distribution is one of the sectors utilizing these new facilities. There are of course many other significant segments of the industrial sector. This includes construction, which remains a leading sector in the Maspeth IBZ, and is expected to be served by the proposed hardware and building supply store, as well as the self-service storage facility.

In addition, there has been only nominal development in the area, mostly at a single story, in the past two decades. The Commission observes that the amount of storage space anticipated to be used by small businesses represents more space than would be contained by a one-story warehouse on the subject property. The Commission also recognizes that the configuration of the zoning lot makes the self-service storage facility an appropriate complementary use to the as-of-right hardware and building supply store. The Commission views the hardware store as a harmonious use in the IBZ that supports small businesses, especially in the construction sector.

The Commission recognizes that the anticipated support to small businesses, including the construction industry, is consistent with the economic development objectives of the City for the designated area in which the self-service storage facility seeks to be located. Additionally, the Commission notes that the area surrounding the project area is currently not well-served by existing self-service storage facilities. The surrounding area does not contain any other self-service storage facility and the nearest facility in Queens Community District 2 is located over a mile and a half away in Long Island City. The proposed action will not result in self-service storage facilities occupying a significant amount of land within the IBZ.

The Commission notes that the first self-service storage special permit granted by the Commission (C 190458 ZSQ) facilitated a development that supported the needs of the logistics and distribution industry due to its proximity to JFK Airport. The subject application proposes to also serve the needs of the construction industry, which has a significant presence in the surrounding area.

The Commission notes that although the proposed self-service storage facility could be utilized by business owners, including those in the construction sector, self-service storage facilities themselves generate few jobs. The Commission notes that the project area is in proximity to several arterial highways, truck routes, and service roads that are appropriate for access to the proposed development away from residential streets. The Queens Midtown Expressway, Maurice Avenue and 58<sup>th</sup> Street are all designated truck routes.

The Commission notes that Maspeth has experienced a proliferation of distribution and logistics facilities that rely on access to the city's freight transportation system. The proximity of the project area to designated truck routes makes the site well suited to serve the transportation needs of these distribution and logistical uses. The Commission also recognizes that this proximity was an important factor in the applicant's desire to develop the large hardware store. The Commission notes that the zoning lot was configured to fit the large hardware store and observes that, were the subject application to not include the hardware store, the Commission's evaluation would be less favorable.

Given the breadth of the considerations, they ultimately serve to aid the Commission in making the finding required under the special permit that the site is appropriate for the proposed self-service storage use.

**FINDINGS**

The City Planning Commission hereby finds that the zoning lot is appropriate for such self-service storage facility use, based on the land use characteristics of the proposed zoning lot and the surrounding area pursuant to Section 74-932 of the Zoning Resolution.

**RESOLUTION**

**RESOLVED**, that 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**, 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 the consideration and findings described in this report, the application (C 200031 ZSQ) submitted by Home Depot U.S.A., Inc pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-932 of the Zoning Resolution to allow, within a designated area in a Manufacturing District in Subarea 2, as shown on the maps in Appendix J (Designated Areas Within Manufacturing Districts), the development of a self-service storage facility (Use Group 16D) not permitted pursuant to the provisions of Section 42-121 (Use Group 16D self-service storage facilities), on property located at 59-20 Borden Avenue (Block 2657, Lot 50), in an M1-1 District, Borough of Queens, Community District 2, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 200031 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by GreenbergFarrow, filed with this application and incorporated in this resolution:

**Dwg. No.**

**Title**

**Last Date Revised**

|          |  |            |
|----------|--|------------|
| Z-001.00 | Zoning Analysis                          | 09/10/2020 |
| Z-002.00 | Zoning Lot Site Plan                     | 09/10/2020 |
| Z-003.00 | Enlarged Site Plan and Ground Floor Plan | 09/10/2020 |
| Z-004.00 | Upper Floor Plans                        | 09/10/2020 |
| Z-005.00 | Elevations                               | 09/10/2020 |
| Z-006.00 | Sections                                 | 09/10/2020 |

2. Such development shall conform to all applicable provisions of the Zoning Resolution. 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 regulations 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 other 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 of the 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 200031 ZSQ), duly adopted by the City Planning Commission on November 4, 2020 (Calendar No. 13) 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, ORLANDO MARIN, RAJ RAMPERSHAD**

*Commissioners*





Sharon Lee

Queens Borough President

## Community Board No. 2

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*Denise Keehan-Smith*  
Chairwoman

*Debra Markell Kleinert*  
District Manager

February 7, 2020

Ms. Marisa Lago  
Director  
Department of City Planning  
City Planning Commission  
Calendar Information Office  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

RE: DCP - ULURP Project Application 59-02 Borden Avenue Self-Storage  
Application Number: C200031 ZSQ  
CEQR 19DCP 219Q

Dear Ms. Lago:

On February 6, 2020, Community Board 2 held a public hearing concerning the DCP ULURP Project Application for 59-02 Borden Avenue Self Storage, application number C 200031 ZSQ CEQR 19DCP219Q.

At that meeting, with a quorum present, a motion was made and seconded to oppose the application for the self-storage facility in the Industrial Business Zone (IBZ).

This is the first time that the Community Board has received an application for a self-storage facility in the IBZ since the law was adopted. The site is owned by Home Depot, which in addition to applying to modify the zoning for the self-storage facility, is constructing a new Home Depot and two commercial buildings on the overall site. The developer indicated that the proposed commercial site is not being developed for industrial/manufacturing uses.

This location for the self-storage facility does not:

- meet the economic development objectives of the IBZ to preserve industrial jobs in designated area.

To quote DCP's overview of the Text Amendment <https://www1.nyc.gov/site/planning/plans/self-storage-special-permit-ibz/self-storage-special-permit-ibz.page>, "November 2015, Mayor de Blasio announced a **10-point Industrial Action Plan**, which aims to strengthen core industrial areas, invest in



industrial and manufacturing businesses, and advance industrial-sector training and workforce development opportunities for New Yorkers.”

“The unregulated development of self-storage in IBZs detracts from the City’s vision and goals for these active industrial areas. Self-storage facilities are seen as a low job-generating use that primarily serves household rather than business needs. They are typically developed on large sites near Designated Truck Routes – sites, which are in limited supply and could potentially provide future siting opportunities for industrial, more job-intensive businesses. Given the City’s numerous measures to support industrial businesses in IBZs and the fact that industrial employment has been growing in these areas since 2010, it is crucial to secure the future availability of sites in IBZs for businesses in industries such as distribution, construction, wholesale, logistics, transportation, film production, manufacturing and utilities.”

The Community Board proposed that the Applicant develop the two proposed commercial buildings adjacent to the self-storage facility for industrial/manufacturing uses consistent with the Industrial Business Zone (IBZ) so as to, at the very least, support and sustain the stated uses of the IBZ.

The vote was 25 in favor to oppose the application with none opposed, and no abstentions with the Chairwoman of Community Board 2 present and not voting.

If you have any questions, please feel free to contact Community Board 2.

Sincerely,

  
Debra Markelli Kleinert  
District Manager

DMK/mag

CC: Honorable Alexandria Ocasio-Cortez, US Congress  
Honorable Carolyn B. Maloney, US Congress  
Honorable Grace Meng, US Congress  
Honorable Nydia M. Velazquez, US Congress  
Honorable Michael Gianaris, NY State Senate  
Honorable Brian Barnwell, NYS Assembly  
Honorable Michael DenDekker, NYS Assembly  
Honorable Catherine T. Nolan, NYS Assembly  
Honorable Robert Holden, NYC Council Member  
Honorable Jimmy Van Bramer NYC Council Member  
Honorable Daniel Dromm, NYC Council Member  
Honorable Sharon Lee, Queens Borough President  
Irving Poy, Queens Borough President’s Office  
John Young, Department of City Planning  
Alexis Wheeler, Department of City Planning  
John Perricone, Queens Borough President’s Office  
Denise Keehan-Smith, Chairwoman, CB 2  
Lisa Deller, Chair, Land Use Committee  
Eleanora Martins, Esq.  
Steven Sinacori, Ackerman LLP

DGP ULURP Project Application -- 59-02 Borden Avenue Self Storage

# Queens Borough President Recommendation

APPLICATION: ULURP #200031 ZSQ

COMMUNITY BOARD: Q02

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Akerman LLP on behalf of Home Depot U.S.A., Inc., pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to ZR Sections 42-121 and 74-932 to allow within a designated area in Subarea 2 as shown on Appendix J of the Zoning Resolution the development of a self-storage facility (Use Group 16D) in an M1-1 District, located at **59-02 Borden Avenue**, Block 2657, Lot 40, Zoning Map 13-c, Maspeth, Borough of Queens.

## PUBLIC HEARING

A Public Hearing was held at Queens Borough Hall in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, March 12, 2020 at 10:30 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 five (5) speakers in favor with five (5) speakers against. 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 requesting a Special Permit to allow a self-storage facility in an Industrial Business Zone. The proposed self-storage facility would be a six-story, approximately 135,000 SF built on an approximately 97' X 307' (29,779 SF) site fronting on Borden Avenue on the northern portion of the lot;
- The proposed self-storage facility would be part of an otherwise as-of-right development featuring a Home Depot store and two other commercial retail buildings. The Home Depot is proposed as a one-story, approximately 134,000 SF building on the western portion of the lot, adjoining the self-storage facility. The two 1-story commercial retail buildings, 8,220 and 12,400 SF respectively, will be located on the eastern portion of the lot, fronting on Maurice Avenue. There will be 520 parking spaces allocated at grade next to the self-storage facility and the Home Depot, as well as on the Home Depot rooftop. All traffic for the Development Site would enter and exit from Borden Avenue. The applicant states that small contractors without warehouses or storage yards would be able to purchase supplies and materials from Home Depot and then store those supplies and materials in the adjacent self-storage facility;
- The development site (Block 2657, Lot 40) is a 316,200-SF irregularly shaped lot in an M1-1 District. The current site is developed with a 202,050-SF vacant, one- and two-story manufacturing building, situated in the center of the lot. The existing building is a former Coca-Cola warehouse and bottling facility;
- The Queens Midtown/Long Island Expressway overpass (along Borden Avenue, which acts as a service road), Mt. Zion and Calvary Cemeteries are located north and northwest of the site. There are R-4 zoned residential properties approximately 800 feet to the east. The site is in the Maspeth Industrial Business Zone (IBZ), which is characterized by other manufacturing businesses such as prepared food, soft drinks, and the production of metal and steel goods. Two bus routes (Q39 and Q67) make stops along Maurice Ave and Borden Ave respectively;
- Created in 2006, IBZs offer manufacturing businesses tax credits as part of an effort to stabilize and reserve space for industrial economic development in specific districts. In 2017, the Self-Storage Text Amendment was adopted, creating the self-storage special permit regulating the use to preserve manufacturing space in the IBZs;
- The applicant states the proposed self-storage facility is part of a larger development on the site that would meet the findings necessary to grant the special permit in alignment with the economic purposes of the IBZ for the following reasons: real estate transactions in Maspeth demonstrate a lessened demand for traditional manufacturing uses; the opening of a Home Depot on the site will create 400 to 500 jobs in accordance with the IBZ's economic development objectives; the facility footprint would be less than a traditional manufacturing building; narrower side streets around the development site make it ill-suited for large truck traffic; the site is over a mile from the nearest subway station, which makes the location less desirable for manufacturing employees; and the applicant states there is no other self-storage facility within a quarter-mile of the surrounding area;


- Community Board 2 (CB2) disapproved this application with modifications by a vote of twenty-five (25) against with none (0) in favor or abstaining at a public hearing held on February 6, 2020. CB2 states the Special Permit was created to preserve job-generating industrial businesses, and the proposed self-storage facility does not align with the economic development objectives of the Maspeth IBZ because it generates fewer industrial jobs. CB2 also recommended that the other two commercial retail buildings in the development support manufacturing uses consistent with the IBZ. Concerns raised at the CB2 public hearing included: the use of union labor to develop the site and that self-storage facilities in IBZs reduce available land for traditional manufacturing businesses;
- The Borough President's Office has received numerous correspondence regarding this application both in favor and in opposition. The Maspeth Industrial Business Association wrote that Home Depot jobs may not pay better wages compared to traditional manufacturing jobs, and that contractors often share rent on large lots to store materials or store materials at the job site making rendering self-service storage unnecessary. An owner of a local quickly growing business with 25-30 fulltime employees forwarded a copy of his February 21, 2020 letter to Councilmember Robert Holden opposing the application, saying his business may need to relocate outside the city due to rising manufacturing real estate costs. He mentions the proposed self-storage location would be an "ideal location...to employ local people" and fulfill his minimum size requirement (30,000-50,000 SF). A letter dated February 11, 2020 from NYC Councilmember Robert Holden was received. The councilmember expressed support for the application, citing the benefit to local business contractors, and the "relatively small footprint on the property" posed by the six-story self-storage facility. A letter dated March 12, 2020 from NYS Senator and Majority Deputy Whip Joseph Adabbo, Jr. was received. The senator expressed support for the application, citing the benefit of "an excellent new amenity" to the Maspeth community, and the "need in the area for self-storage, both from local residents and small business owners".

RECOMMENDATION

The proposed self-storage facility is part of larger as-of-right commercial development in a light industrial district that would provide 400 to 500 jobs. The applicant has stated that the Home Depot store would be built with union labor. Additionally, the proposed self-storage facility would provide space for small contractors who do not have warehouse space or storage yards to stock supplies and materials for their jobs.

Based on the above consideration, I hereby recommend approval of this application with the following conditions:

- The two buildings other than the Home Depot in this development should be heavily marketed to industrial users who are looking for new space;
- There is a commitment to employ union labor – and the prevailing rate of wages and supplements – to all workers for the construction of the self-storage facility.



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PRESIDENT, BOROUGH OF QUEENS

3/12/2020  
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DATE