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August 18, 2021 / Calendar No. 36

C 180395 ZMQ

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**IN THE MATTER OF** an application submitted by RBB II LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 30a and 30b:

1. eliminating from an existing R5D District a C2-3 District bounded by Rockaway Freeway, Beach 106th Street, Rockaway Beach Boulevard, and Beach 108th Street; and
2. changing from an R5D District to a M1-3 District property bounded by Rockaway Freeway, the centerline of a Railroad Right-Of-Way, Beach 106th Street, Rockaway Beach Boulevard, and Beach 108th Street;

Borough of Queens, Community District 14, as shown in a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-215.

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This application for a zoning map amendment was filed by RBB II LLC on May 2, 2018. The proposed rezoning would facilitate the development of a new six-story self-service storage facility and public parking garage on property located at 106-02 and 106-10 Rockaway Beach Boulevard in the Seaside neighborhood of Queens, Community District 14.

## **BACKGROUND**

The applicant, RBB II LLC, seeks a zoning map amendment to change the zoning district from an R5D zoning district with a C2-3 commercial overlay to an M1-3 zoning district in order to facilitate development of a six-story self-service storage facility and public parking garage. The project area contains the development site (Block 16178, Lot 65), as well as three full lots and one partial lot (Block 16178, Lots 1, 50, 60 and part of Lot 70) that are not under the applicant's control and are not expected to result in development from the proposed action. The project area comprises approximately 123,118 square feet and is bounded by Rockaway Freeway to the north, Beach 108<sup>th</sup> Street to the west,

Rockaway Beach Boulevard to the south, and Beach 106<sup>th</sup> Street to the east. Lot 1 is improved with a single-story, 10,264-square-foot pharmacy built to a floor area ratio (FAR) of 0.19. Lots 50 and 60 are under the New York City Department of Transportation (DOT) jurisdiction and contain the footprint of the elevated A and S Trains. Lot 70 is also under DOT jurisdiction and consists of a portion of the Rockaway Freeway. Lot 65 is currently vacant and contains a total lot area of 25,668 square feet.

The surrounding area is characterized by a mix of manufacturing, commercial, community facility, and residential uses. The New York City Department of Environmental Protection's (DEP) Rockaway Wastewater Treatment Plant is located one block north of the project area. One block east of the project area, with frontage on Rockaway Beach Boulevard, is a four-story medical arts facility and approximately 70-space accessory parking lot constructed in 2018. One block south of the project area are three, 13-story residential buildings known as Surfside Park Apartments built in 1963 and comprised of 770 total dwelling units. One block west of the project area, along Beach 108<sup>th</sup> Street and Rockaway Beach Boulevard, are one-, two-, and multifamily residences ranging from one to two stories in height. One block southwest of the project area is a four-story transient hotel constructed in 2018. One- and two-story commercial and residential buildings are located south of the hotel along Rockaway Beach Boulevard, and additional one- and two-story residences are located farther south along Beach 108<sup>th</sup> Street. There are also numerous schools in the surrounding area, including Scholar's Academy, located four blocks northeast of the project area; Waterside Children's Studio School, located three blocks southwest; Public School 256, located four blocks southwest; and Martin De Porres High School, located five blocks southwest. Additionally, outdoor recreational facilities are located nearby and include Bayside Playground, located adjacent to Scholar's Academy, as well as Sandpiper Playground and the Rockaway Beach Boardwalk, located two blocks south.

The project area is served by public transit and is located one block from the elevated New York City Transit A and S Train Beach 105<sup>th</sup> Street station, but is not within the

Transit Zone. The project area is also located one block from two bus routes. The Q22 bus line has a stop located at Beach 105<sup>th</sup> Street and Rockaway Beach Boulevard and provides service between Roxbury on the western side of the peninsula and Far Rockaway. The Q53 SBS bus line has a stop located at Beach 108<sup>th</sup> Street and Rockaway Beach Boulevard and provides rapid transit service between Beach 116<sup>th</sup> Street in Rockaway Park and Roosevelt Avenue and 61<sup>st</sup> Street in Woodside, Queens, at the nexus of the 7 Train and the Long Island Rail Road. The New York City Ferry Rockaway terminal is also located two blocks northwest of the project area at Beach 108<sup>th</sup> Street and Beach Channel Drive, providing a connection to Manhattan and Brooklyn from the peninsula.

The project area was originally zoned R5 at the time of the adoption of the Zoning Resolution in 1961. A C2-2 commercial overlay was mapped along Rockaway Beach Boulevard, including the project area, in 1962. The project area was then rezoned to an R5D zoning district with a C2-3 commercial overlay as part of the 2008 Rockaway Neighborhoods Rezoning (C 080371 ZMQ), which encompassed nearly 280 blocks across the Rockaway peninsula and sought to reflect established development patterns in lower-density residential areas and to provide for moderate growth opportunities at select locations along major commercial corridors and near transit. R5D zoning districts typically serve as a transition between lower-density and moderate-density residential districts and permit a maximum FAR of 2.0 and a maximum height of 45 feet with a qualifying ground floor. C2-3 commercial overlays are mapped along streets that serve local retail needs within residence districts. C2-3 commercial overlays permit a maximum FAR of 1.0 within R1 through R5 zoning districts. The project area is also located within the 1% annual chance floodplain and has a base flood elevation of 10 feet.

Block 16180, Lot 1, located one block southwest of the project area, was rezoned from an R5 zoning district with a C1-2 commercial overlay to an R5B zoning district with a C2-5 commercial overlay as part of the Rockaway Neighborhoods Rezoning ( C 080371 ZMQ). The lot was then rezoned in 2016 to an R6A zoning district with a C2-5 commercial overlay as part of the Rockaway Beach Boulevard Rezoning (C 160219

ZMQ) to facilitate the construction of a four-story transient hotel at the corner of Beach 108<sup>th</sup> Street and Rockaway Beach Boulevard.

The applicants propose to develop a six-story, 135,719-square-foot self-service storage facility resulting in approximately 1,200 to 1,500 storage units that would serve residents and small business owners on the Rockaway peninsula and surrounding neighborhoods. The proposed development would also include a parking garage with 90 spaces, seven of which would be enclosed spaces for self-service storage use on the ground floor. Eighty-three attended parking spaces would be provided for the surrounding community and beachgoers in the cellar. Parking would be accessed via a new 18-foot curb cut along Rockaway Beach Boulevard, approximately 150 feet from Beach 106<sup>th</sup> Street, and three loading docks would be provided for self-service storage customers on the eastern side of the development, accessed via a new 55-foot curb cut at Rockaway Beach Boulevard and Beach 106<sup>th</sup> Street. The cellar would be dry flood-proofed, and the lobby would be elevated above the base flood elevation in accordance with Appendix G of the Building Code. The proposed development would have an FAR of 5.0 and rise to a total height of 72 feet.

In December 2017, the New York City Council adopted the Self-Storage Text Amendment (N 170425 (A) ZRY), which established a required City Planning Commission special permit to develop new self-service storage facilities in designated M1 zoning districts. The text amendment was intended to impose appropriate restrictions on new self-service storage facilities within New York City's most active industrial areas in order to promote the future availability of siting opportunities for industrial and job-intensive uses. However, the proposed rezoning area is not within a designated geographic area within which the special permit requirement applies and so does not require a special permit for development of a self-service storage facility.

To facilitate the proposal, the applicant seeks a zoning map amendment from an R5D zoning district with a C2-3 commercial overlay to an M1-3 zoning district. M1-3 zoning districts permit light industrial and commercial uses such as woodworking shops, repair

shops, wholesale service, and self-service storage facilities and permit a maximum FAR of 5.0. Buildings within M1-3 zoning districts require an initial setback of 20 feet along a narrow street and 15 feet along a wide street and must comply with the sky exposure plane, which permits a maximum front wall height of 85 feet or six stories, whichever is less. For self-service storage uses, one parking space is required per three employees. The proposed action would result in an increase in permitted commercial FAR from 1.0 to 5.0.

### **ENVIRONMENTAL REVIEW**

This application (C 180395 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 20DCP111Q. 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 April 5, 2021, which includes an (E) designation (E-215) related to hazardous materials, air quality, and noise to avoid the potential for significant adverse impacts. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

### **WATERFRONT REVITALIZATION PROGRAM**

This application (C 180395 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 16-004.

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

## **UNIFORM LAND USE REVIEW**

This application (C 180395 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 180395 ZMQ) on June 8, 2021 and on that date, by a vote of 20 in favor, five opposed and three abstaining, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The Queens Borough President held a public hearing on the application (C 180395 ZMQ) on July 1, 2021, and, on July 13, 2021, issued a recommendation to approve the application.

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

On June 23, 2021 (Calendar No. 12), the Commission scheduled July 14, 2021 for a public hearing on this application (C 180395 ZMQ). The hearing was duly held on July 14, 2021 (Calendar No. 35). Three speakers testified in favor of the application and none in opposition.

Speakers testifying in favor of the application included three members of the applicant team. The applicant's representative presented an overview of the application and the land use rationale for the proposed zoning district and described the proposed development. He addressed the improvements to the development that the applicant has made in response to requests from the community board, including increasing the number of proposed parking spaces for the self-storage use and providing a public parking garage for beach goers and local residents.

The applicant spoke about the market demand for the self-service storage facility within the area, especially as many homes in the Rockaways do not have cellar space. He summarized the changes that he had agreed to based on community board and local civic association feedback, including window tinting to reduce light pollution into the nearby Surfside Park Apartments as well as incorporating local artistry into the façade of the building.

The project architect described the proposed building bulk, ground floor plan, ingress and egress. He also noted that the building would be made flood resilient in compliance with Appendix G of the Building Code.

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

### **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 180395 ZMQ) is appropriate.

The development site is a vacant lot that has remained unimproved after the adoption of the Rockaway Neighborhoods Rezoning in 2008. The proposed M1-3 zoning district will facilitate the development of an underutilized site into a self-service storage facility in a neighborhood within the 1% annual chance floodplain. The Commission notes that the facility will support nearby residents by providing flood-proofed storage space as well as parking for beachgoers.

The Commission believes that the proposed M1-3 zoning district will complement the existing M1-1 zoning district mapped to the north of the project area, which contains the DEP Wastewater Treatment Plant. The project area contains portions of the footprints of the elevated A and S Trains as well as portion of the Rockaway Freeway. Due to the project area's location and proximity to the treatment plant, the M1-3 zoning district, together with the proposed self-service storage facility, will serve as a buffer between the M1-1 zoning district and the residential communities to the south.

The Commission appreciates the applicant's acknowledgement of the strong demand for off-street parking from local residents and visitors and notes that the applicant has proposed 83 public, attended parking spaces in the cellar in addition to the six required by the self-service storage use. Although the rezoning area is one block away from the Beach 105<sup>th</sup> Street subway station, it is not within the Transit Zone, and dry-flood proofed parking in the cellar is an appropriate use.

## **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. 20DCP111Q), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, that the City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that it will not substantially hinder the achievement of any WRP policy and hereby determines that this 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 the 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 hereby amended by changing the Zoning Map, Section Nos. 30a and 30b by eliminating from an existing R5D District a C2-3 District bounded by Rockaway Freeway, Beach 106th Street, Rockaway Beach Boulevard, and Beach 108th Street; and changing from an R5D District to a M1-3 District property bounded by Rockaway Freeway, the centerline of a Railroad Right-Of-Way, Beach 106th Street, Rockaway Beach Boulevard, and Beach 108th Street;



Borough of Queens, Community District 14, as shown in a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-215.

The above resolution (C 180395 ZMQ), duly adopted by the City Planning Commission on August 18, 2021 (Calendar No. 36) is filed with the Office of the Speaker, City Council, and the Borough President in accordance with requirements of Section 197-d of the New York City Charter.

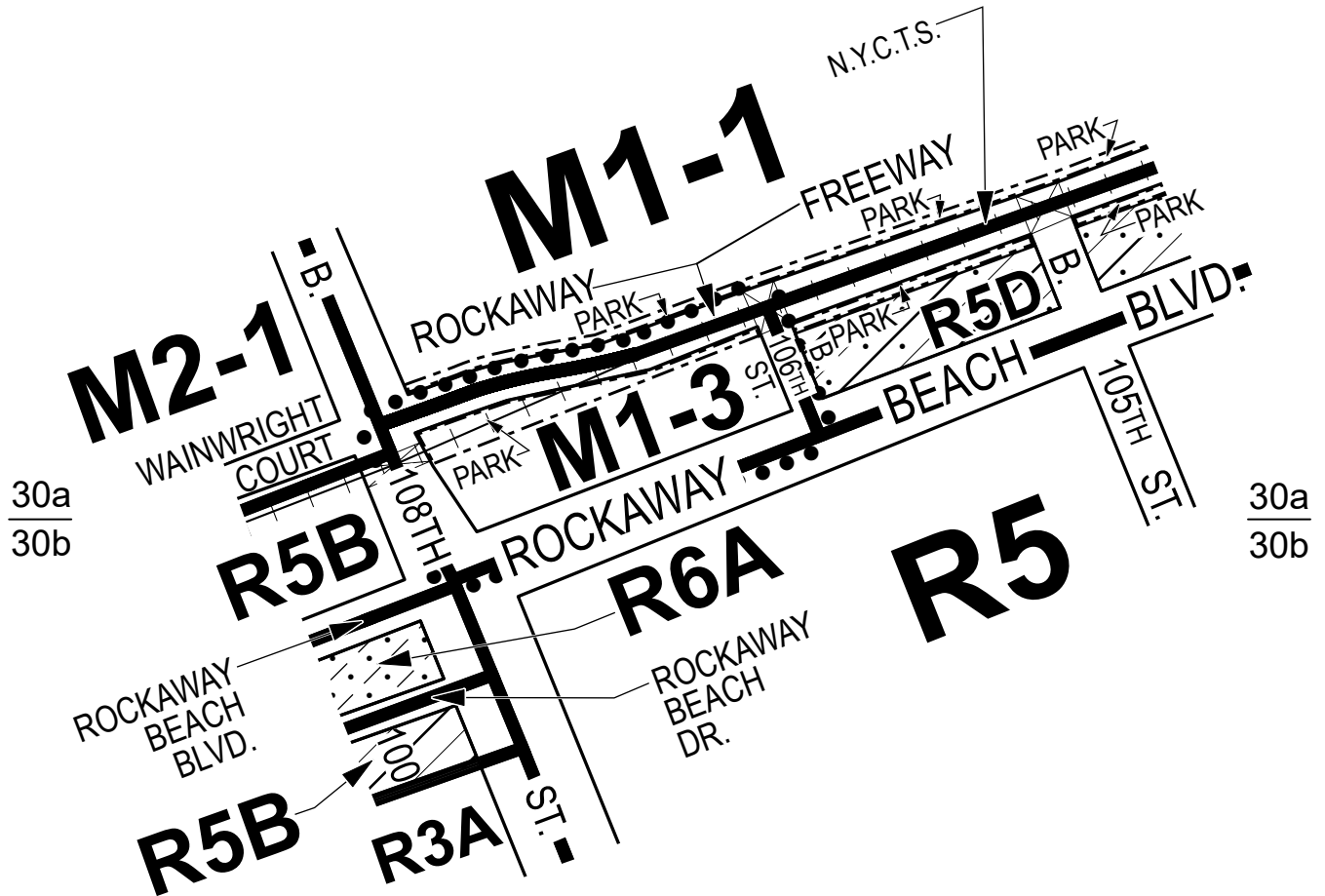
**MARISA LAGO, *Chair***

**KENNETH J. KNUCKLES, Esq., *Vice-Chairman***

**DAVID J. BURNEY, FAIA; ALLEN P. CAPPELLI, Esq.,**

**ALFRED C. CERULLO, III, JOSEPH I. DOUEK,**

**HOPE KNIGHT, ORLANDO MARIN, RAJ RAMPERSHAD *Commissioners***

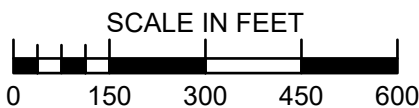


CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**30a & 30b**  
 BOROUGH OF  
**QUEENS**



New York, Certification Date:  
 April 5, 2021

*S. Lenard*  
 S. Lenard, Director  
 Technical Review Division



**NOTE:**

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by eliminating an existing C2-3 District from an existing R5D District and by changing an R5D District to an M1-3 District.
- Indicates a C1-3 District
- Indicates a C2-3 District
- Indicates a C2-5 District



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 106-02 Rockaway Beach Boulevard Rezoning	
<b>Applicant:</b> RBB II LLC .	<b>Applicant's Primary Contact:</b> Dino Tomassetti
<b>Application #</b> 180395ZMQ	<b>Borough:</b>
<b>CEQR Number:</b> 20DCP111Q	<b>Validated Community Districts:</b> Q14

**Docket Description:**

IN THE MATTER OF an application submitted by RBB II LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 30a and 30b:

1. eliminating from an existing R5D District a C2-3 District bounded by Rockaway Freeway, Beach 106th Street, Rockaway Beach Boulevard, and Beach 108th Street; and
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Borough of Queens, Community District 14, as shown in a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-299.

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

<b>RECOMMENDATION: Favorable</b>			
<b># In Favor:</b> 20	<b># Against:</b> 5	<b># Abstaining:</b> 3	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 6/8/2021 12:00 AM		<b>Vote Location:</b> ZOO	

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

<b>Date of Public Hearing:</b> 6/8/2021 7:10 PM	
<b>Was a quorum present?</b> 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>
<b>Public Hearing Location:</b>	via ZOOM

**CONSIDERATION:** Note : Glazing issue-developer/applicant agreed to replace clear glass with tinted glass on the south side of the building facing Rockaway Beach blvd  
Developer/applicant agreed to meet with local tenant association to discuss planting, greenery around building site, also agreed to store dumpsters inside building

Recommendation submitted by	QN CB14	Date: 6/9/2021 9:31 AM
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# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> 106-02 Rockaway Beach Boulevard Rezoning	
<b>Applicant:</b> RBB II LLC .	<b>Applicant's Administrator:</b> Dino Tomassetti
<b>Application #</b> C180395ZMQ	<b>Borough:</b> Queens
<b>CEQR Number:</b> 20DCP111Q	<b>Validated Community Districts:</b> Q14

**Docket Description:**

IN THE MATTER OF an application submitted by RBB II LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 30a and 30b:

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Borough of Queens, Community District 14, as shown in a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-299.

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

**RECOMMENDATION:** Favorable

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

**CONSIDERATION:**

Recommendation submitted by	QN BP	Date: 7/22/2021 2:39 PM
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# Queens Borough President Recommendation

**APPLICATION: ULURP #180395 ZMQ**

**COMMUNITY BOARD: Q14**

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by RBB II LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 30a and 30b:

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Borough of Queens, Community District 14, as shown in a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-299.

## PUBLIC HEARING

A hybrid Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard and livestreamed on the Queens Borough President's webpage on Thursday, July 1, 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

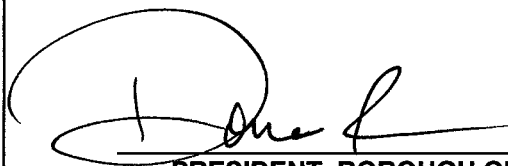
Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The applicant is proposing to rezone a property from an R5D/C2-3 District to an M1-3 District to facilitate development of a self-storage facility and public parking garage;
- The rezoning would allow construction of a (Use Group 6) six-story plus cellar, approximately 135,719 SF (5 FAR) self-storage facility and an attended 83 parking space (Use Group 8) public parking garage in the cellar. The self-storage facility would include 7 enclosed ground floor parking spaces (3 required) accessible from Rockaway Beach Boulevard, 3 ground floor loading docks on the Beach 106th Street side of the building with access from Beach 106th Street for use by self-storage users to load or unload.
- The areas surrounding the applicant's site are developed with a mix of industrial uses and residential buildings. The site is located directly across the street to the south of the NYC DEP Wastewater Treatment Plant located in an M1-1 District on Rockaway Freeway. Across Rockaway Beach Boulevard to the south of the site there are 13-story apartment buildings on Shorefront Parkway. Other residential development in the area includes low-rise, low-density buildings to the south and west;
- The applicant had meetings with the Community Board 14 Land Use Committee that included area residents. During these meetings agreements were made addressing some of the concerns and issues raised by area residents. Among the agreements were the addition of the 83-car public parking garage needed to accommodate heavy summer parking demand, tinted windows to alleviate bright light that may emanate from the building in the evenings, and for installation of plantings ;
- Community Board 14 (CB 14) approved this application by a vote of twenty (20) in favor with five (5) against and three (3) abstaining at a public hearing held on June 8, 2021. Though CB 14 did not attach conditions to the approval but, they made the following requests to the developer: the window facing Rockaway Beach Boulevard should be glazed with tinted glass instead of the clear glass as presented; and, the local tenant association should be engaged in meetings to discuss appropriate installation of plantings and greenery; additionally, waste dumpsters should be stored inside the building.

## RECOMMENDATION

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

- The applicant should continue working with area residents and community based organizations on outreach and notification of opportunities for MWBE and local resident to participate in the construction and maintenance/operations of the new building when completed.

  
\_\_\_\_\_  
PRESIDENT, BOROUGH OF QUEENS

7/21/2021  
\_\_\_\_\_  
DATE