

# Queens Borough President Recommendation

**APPLICATION: ULURP #210071 ZRQ**

**COMMUNITY BOARD: Q14**

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the NYC Department of Housing Preservation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to Section 123-90 of the NYC Zoning Resolution to add MX-21 to the list of Special Mixed Use Districts mapped throughout the City. (Related ULURPs #210069 HNQ, #210070 ZMQ)

## PUBLIC HEARING

A Public Hearing was held by the Borough President via Zoom webinar and livestreamed on [www.queensbp.org](http://www.queensbp.org) on Thursday, December 17, 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 four (4) speakers in favor and two (2) 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:

- This application was for a zoning text amendment to create Mixed Use District MX-21 M1-4/R. The new district would be mapped on the northwest corner of the intersection of Beach 35<sup>th</sup> Street and Ocean Front Road. The MX-21 District would be mapped along a 370 foot portion of Beach 35<sup>th</sup> Street to a depth of 120 feet west of Beach 35<sup>th</sup> Street;
- There were two applications (ULURP #210069 HNQ and ULURP #210070 ZMQ) filed concurrently with this application. ULURP #210069 HNQ proposes an amendment to the Urban Development Action Area (UDAA) and the Urban Development Action Area Plan (UDAAP) and ULURP #210070 ZMQ is a zoning map amendment changing a portion of an existing C4-4 District to the Mixed Use District MX-21: M1-4/R6. These actions are to add the Nature Preserve to the UDAA and UDAAP. The zoning map amendment is to allow the proposed microbrewery that would not be allowed as-of-right in the existing C4-4 District;
- The entire site is 116.5 acres including the 35 acre Nature Preserve and 81.5 acre development area. The Nature Preserve includes environmentally sensitive areas including habitats of endangered species, most notably piping plovers, dune preserve areas and would also function as a natural storm surge barrier. The Nature Preserve would be operated and maintained by the NYC Department of Parks & Recreation;
- Arverne East is the part of the larger Arverne Urban Renewal Area created and adopted in 1968. Most of the land had been acquired by the City in the 1970s. The Arverne Development Plan has been amended and revised over the years in 1990 and 2003. The last revision in 2003 largely reflects the development plan under consideration now. The Urban Development Action Area Plan was amended in 2003 and 2008, however, the Nature Preserve was not included in those amendments;
- HPD and the selected development team are proposing to develop Arverne East with a mixed-use development that would include a total of 1650 housing units of which 1320 units would be affordable to formerly homeless, low, moderate and middle income households, and 330 market rate units. Arverne East would also have 300,000 SF of non-residential space including a 10-15,000 SF microbrewery, a 60,000 SF boutique hotel and 300,000 SF of community facility space;
- The proposed microbrewery is to be developed to anchor a new retail corridor on Beach 35<sup>th</sup> Street. It would be operated by Rockaway Brewery Company that started out in the Rockaways until the need for larger facilities led them to Long Island City. The Rockaway Brewery Company has continued operating a taproom at Beach 72<sup>nd</sup> Street on the peninsula in addition to the Long Island City taproom. The proposed microbrewery on Beach 35<sup>th</sup> Street would return the brewing operation to the Rockaways and a new taproom that would be staffed with local community residents. The operators of Rockaway Brewery Company has committed to continue hosting community oriented arts and cultural gatherings/activities that were programmed at their Beach 72<sup>nd</sup> Street location. The Rockaway Brewery Company has also committed to continued participation in non-brewery related community building support programs;
- Community Board 14 (CB 14) conditionally disapproved this application by a vote of twenty-six (26) against with one (1) in favor and none (0) abstaining at a virtual public meeting held on November 22, 2020. CB 14 stated that while there were elements of the Arverne East proposal that were favorable, there was an overwhelming list of needs that must be addressed first. The following is a summary of those conditions:
  1. widening Edgemere Avenue from Beach 62<sup>nd</sup> Street to Seagirt Boulevard to two (2) traveling lanes with turning lanes at access points to the Rockaway Freeway with traffic lights. A minimum of \$2 million for design in this fiscal year and \$45 million for construction should be funded in the next fiscal year capital budget;

2. a site for a new elementary school must be identified and funded by the end of FY 2021. A trade school should be located onto one of the two previously identified school sites;
  3. a district wide traffic EIS should be conducted to consider the negative impacts of nearly 8,000 new residents and an estimated 4,000 additional cars on the CB 14 roadways. The peak period from July to August must be included in the data collection;
  4. in each phase of residential development there should be a 50% set aside of all units for CB 14 residents
  5. 30% of all commercial/retail spaces should be allocated for Arverne East area residents and businesses
  6. all north/south access roads between Edgemere Avenue to the Boardwalk should have safe street lighting. Solar powered lighting should be used for the walkways within the Nature Preserve to address security concerns
  7. 400% increase of parking provided for the Nature Preserve and 2-hour meters should be installed;
  8. increased City funding for additional seasonal Parks Department personnel to patrol and maintain the Nature Preserve;
  9. a minimum of 50% of all construction jobs for CB 14 residents. 25% of those jobs should be for residents of the 11691 and 11692 Zip Code areas;
  10. a minimum of 50% of non-construction jobs for CB 14 residents as each phase of the project is completed with 25% of jobs for residents of the 11691 and 11692 zip codes;
  11. CB 14 has a preference for home ownership instead of rentals, home ownership for all levels of should be increased to 80% of all phases of the project;
  12. the City and development team should increase parking in the commercial areas to at least 200 customer/visitor parking spaces
  13. a Community Advisory Board (CAB) should be created consisting of Community Board members, and a representative from each of the surrounding neighborhoods/civic groups. The CAB should meet in the first quarter of 2021 to formulate and agree on a Community Benefits Agreement (CBA) which will address but not limited to job training, employment opportunities and college scholarships. The CBA should be signed before groundbreaking for the Nature Preserve;
  14. The City and development team should design, fund and construct active recreation within or directly adjacent to the Nature Preserve that would include a children's park with water features, picnic tables/benches, barbeque area, and or active sports such as tennis, basketball, skate park and a dog run;
  15. The Nature Preserve should be increased from 500 SF to 2,500 SF;
  16. A bridge, ramp or a pathway through the plover area between Beach 43<sup>rd</sup> to 48<sup>th</sup> Streets to giving the community access to the ocean/water from April to October should be constructed by the City and the developer;
  17. There should be a legal restriction placed in the terms of disposition and on the deed prohibiting use of the proposed hotel by lease or sale to New York City or any not for/non-profit organization for any use at any time;
  18. L & M should agree in writing to maintain all of the properties owned or managed within the Edgemere/Arverne communities including Beach Green dunes I and II and properties within the Arverne East site.
- In a meeting subsequent to the December 17, 2020 Land Use Public Hearing, there was a discussion of the questions raised by the Borough President during the public hearing. HPD and the development team responded to the questions in letters on December 23, 2020. In summary the letters address the following concerns raised by the Borough President. HPD identified the affordability levels of the first approximately 500 units of housing in the first two residential buildings 221 units up to 50% AMI, 102 units between 50% to 80% AMI and 197 units between 80% to 100% AMI. Over approximately 10 acres of open space in the project have not yet been programmed. The developers are committed to working with the community on programming active and passive uses for that space. DPR is continuing to work on programming undeveloped land near the Boardwalk between Beach 26<sup>th</sup> to Beach 28<sup>th</sup> Streets. DPR is committed to increasing the numbers of lifeguards and staffing for the Arverne/Edgemere portions of the beach for 2021 season. DPR will continue to monitor the piping plover nesting areas and impacts on beach access and will continue contact with the U.S. Fish and Wildlife Service to provide much access as possible. HPD has committed to continuing to seek out funding to widen Edgemere Avenue between Beach 38<sup>th</sup> to Beach 62<sup>nd</sup> Streets that will be designed with \$2 million that has been allocated. The School Construction Authority is committed to provide schools on a site within the Arverne/Edgemere community or a Department of Education site on Beach 39<sup>th</sup> Street based on capacity need projections. HPD is working on identifying opportunities to locate health care facilities in the area including City financed facilities for the project area. The development team's letter committed to 20% to 30% community hiring goals during construction and working with SEIU 32BJ to provide 50% of building service jobs to local residents. Within the proposed 22,000 SF of community facility space the developers identified a location on Edgemere Avenue between Beach 34<sup>th</sup> and Beach 35<sup>th</sup> Streets for a standalone community center. They would engage the community in visioning sessions to determine the programming for the building. With regard to the proposed hotel that has not been designed or have an operator the development team has committed to use of the site only for a hotel. Finally, the development team committed to continued quarterly engagement with the community to discuss the project with the first meeting scheduled for February 24, 2021. Outreach for the meetings will include input from Community Board 14 and community based organizations.

## RECOMMENDATION

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

- Community participatory visioning sessions for the Nature Preserve should be convened as early as possible in January 2021 to begin providing more detailed information about the proposed operation and maintenance programs, and to receive input from the most affected neighboring communities about their recreational, access and security needs. The input and feedback received during these sessions should be featured in the final designs and build out of the Nature Preserve;

- A detailed plan for improved access to the beach from Beach 32<sup>nd</sup> to Beach 59<sup>th</sup> Streets must be provided. An increase of DPR staffing and lifeguards for the underserved east end of Rockaway Beach must be provided for the 2021 swimming season and beyond. To help increase the numbers of lifeguards available for assignment to the beach there should be DPR coordinated recruitment and local lifeguard training programs available to Rockaway residents;
- New park space within the Arverne/Edgemere community must be identified, designed, built and opened to provide formal spaces to provide much needed new passive and active recreational opportunities for the community;
- New concession opportunities on the boardwalk must be created with a focus on local providers of food and beverages, clothing, accessories or other goods that reflect the culture of Rockaway. These businesses are necessary to attract and cater to the growing number of visitors to the beach and area in general. Such concession opportunities would also help the economy of the Rockaway while creating much needed jobs. The Department of Cultural Affairs should be consulted about how they could assist with programming nearby;
- Commitments to local hiring for all construction and non-construction workers on this project must include a 30% goal for MWBE businesses and firms local area residents, and union labor. All workers should earn prevailing wages with benefits. The Rockaway Brewery Company is intended as the anchor of the new retail corridor must also meet these goals. Locally based community organizations must be consulted and involved with job notifications, hiring fairs and outreach. All hiring entities must provide regular quarterly reporting on hiring documenting attainment of community hiring goals;
- There must be deed restrictions and language in the disposition documents exactly specifying the exact allowable use of hotel site;
- Edgemere Avenue should be widened to accommodate existing traffic and any vehicular traffic that will be added by the large scale projects that are planned for the area. Maintaining safe free flow of traffic in this area is critical because the geography of the peninsula and the elevated track of the A Train severely impedes circulation in the area. The widened roadway should also provide protected bike lanes for cyclists. There is an estimate that \$45 million dollars will be required for the widening. Funds must be committed in the capital budget for this project;
- In 2016, the Department of Transportation engaged the community in the '*Access to Opportunity*' working sessions to identify sustainable and environmentally sound goals and strategies that make travel more efficient and improve the quality of life in the Rockaways. Funding should be committed to implement the goals and strategies of that initiative;
- A school was included in the original Arverne Plan and the dire need for quality educational facilities has not changed. Along with new schools, the Department of Education should commit \$20 million funding for investment in upgrading the technology and equipment in the existing and any new schools;
- The closure of hospitals and health care facilities in the Rockaways has created a situation that often requires residents to leave the peninsula for primary and critical health care and services. With the new large scale developments occurring in the area there will be thousands of new residents and children. A new city Health and Hospitals Corporation facility should be sited in the area to reverse the disinvestment of health facilities in the area;
- In addition to the need for new health care and trauma facilities there is a great need for children's and senior care services and generally community programs for residents in the area. Community centers are needed immediately to service the existing and future residents of Arverne and Edgemere. There should be a minimum of 50,000 SF space allocated for a community center use in the project. Such space could be used for counseling and job preparedness training, a business incubator, performance space or arts and cultural programs;
- HPD has stated that there will be home ownership available for the market rate units. The importance of home ownership to provide households with a chance to invest in their futures while building capital is documented. There should also be home ownership opportunities for the affordable units which would be invaluable in allowing the owners to invest in their futures and build capital;
- All construction must be done using the most energy efficient, state-of-the-art sustainable materials and construction techniques to assure that the Arverne East development is environmentally responsible to help combat climate change. Some of these might include solar voltaic panels, geothermal heating and cooling, and charging stations for vehicles
- A community land trust should be created in this area that would provide opportunities for the local community to be more involved with identifying what is needed in their neighborhood. Local input would allow the public and private sectors a better understanding
- A Request For Expressions of Interest should be released inviting ideas for how to best utilize the former Edgemere Landfill located nearby. Possible uses of the site could be green infrastructure such as a solar farm or other innovative uses might be identified through this process;
- In the last decade or more there has been a steady growth of residential and business investment in the Rockaways. With more new large scale developments in the pipeline and a growing cultural and recreational community it is time for an assessment of this growth to identify what is needed to sustain and enhance this growth;

- There are also much needed transportation service improvements that must be made to provide Rockaway residents with reduced and better travel times. Express service on the A Train is needed to reduce commute times especially for those riding to the last stop on the line. Q52 bus service should be extended to Beach 32<sup>nd</sup> Street. The Rockaway Ferry service should be extended to Beach 54<sup>th</sup> Street. All of these together would give Rockaway commuters greater travel options and reduced travel time;
- A Community Advisory Board (CAB) with representatives from Community Board 14, local community and civic organizations, relevant government agencies and elected officials to meet with the development team on a quarterly basis for the duration of the project. These CAB meetings would provide an opportunity for all stakeholders to share information, get construction updates and general announcements or to address any issues that may arise.



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**PRESIDENT, BOROUGH OF QUEENS**

December 23, 2020

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**DATE**