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September 11, 2019 / Calendar No. 10

C 190458 ZSQ  
Corrected

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**IN THE MATTER OF** an application submitted by South Conduit Property Owner, LLC 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 portions of the cellar, ground floor and second floor, and on the third, fourth and fifth floors of a proposed 5-story building, on property located at 130-02 to 130-24 South Conduit Avenue (Block 11884, Lot 150), in an M1-2 District, Borough of Queens, Community District 10.

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This application (C 190458 ZSQ) for a special permit was filed by South Conduit Property Owner, LLC on May 15, 2019, to facilitate the development of a self-storage facility within a larger as-of-right air cargo and logistics center to be developed on property located along South Conduit Avenue between 130<sup>th</sup> and 131<sup>st</sup> streets in South Ozone Park, Queens Community District 10.

## **BACKGROUND**

The applicant, South Conduit Property Owner, LLC, is seeking a City Planning Commission Special Permit to facilitate the development of a self-storage facility within a proposed as-of-right air cargo and logistics center on Block 11884, Lot 150. The development site is a 118,878 square-foot irregular corner lot that has approximately 467 feet of frontage along South Conduit Avenue, approximately 216 feet of frontage along 130th Street, approximately 301 feet of frontage along 131st Street, and shares a boundary of approximately 460 feet with an adjacent parcel to the south (Lot 1).

The project area was zoned M1-2 upon the establishment of the Zoning Resolution

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(ZR) in 1961. M1-2 zoning districts allow commercial and light industrial uses with a maximum permitted floor area ratio (FAR) of 2.0. Requirements for parking and loading berths vary with type of use. 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-storage facilities in designated M1 zoning districts. The development site is within the JFK designated area of Subarea 2, as noted in Appendix J of the Zoning Resolution (Section 42-121). Unlike designated areas in Subarea 1, where self-storage facilities are permitted as-of-right, development of such facilities in locations within Subarea 2 requires a special permit pursuant to Section 74-932. The development site is also located within the JFK Industrial Business Zone (IBZ).

The development site is currently used as a privately-operated public parking lot primarily servicing users of JFK International Airport. The current operation and configuration of the parking lot provide 650 public parking spaces. The development site has been used as a parking facility since at least 1996. The applicant acquired the site on February 8, 2018, and has continued operation of the public parking facility.

In May 2018, approximately three months after acquiring the development site, the applicant completed a tax lot merger at the New York City Department of Finance to merge former Lots 150, 160, 170, and 180 on Queens Block 11884 into a single tax lot (Lot 150).

In its immediate vicinity, the development site adjoins a New York City Department of Sanitation (DSNY) facility to the south on Lot 1. The New York City Department of Environmental Protection Jamaica Bay Wastewater Treatment Plant (WWTP) is located across the Nassau Expressway, approximately 600 feet southeast of the development site. Public School 124 is opposite 130th Street from the development site, and this facility provides classes for 1,160 students in kindergarten through eighth grade. JFK International Airport is located approximately 1,000 feet to the southeast,

with the nearest runway situated approximately 6,000 feet from the development site.

The surrounding area generally contains a mix of transportation and utility, commercial, community facility, residential, parking, and open space uses. Commercial uses to the east of the development site include offices and support facilities for a catering company and three multi-story transient hotels. Two automotive service stations are located north of the Belt Parkway along North Conduit Avenue at 130th Street. Also, Police Officer Edward Byrne Park is located to the north across the Belt Parkway. Single- and two-family detached residences are the predominant land use both to north and to the west. Public facilities found at various locations surrounding the site in addition to PS 124, include the Skyway Men's Shelter, and several places of worship. There are no self-storage facilities within a quarter mile of the development site; however, there are three facilities approximately two miles away, two in Ozone Park and one in Jamaica.

South Conduit Avenue is a service road that runs parallel to the Belt Parkway, a major east-west limited access highway that connects Brooklyn and Queens to Long Island. South Conduit Avenue is a designated truck route, whereas the Belt Parkway does not allow commercial truck traffic. The Nassau Expressway is located approximately 550 feet south of the development site and the Van Wyck Expressway is located approximately one-third of a mile to the east. The development site is serviced by the Q10 bus route, and the QM18, and Q37 bus routes operate nearby to the north.

The proposed action is sought to facilitate the development of a five-story air cargo logistics and self-storage facility, comprised of approximately 123,779 zoning square feet of air cargo warehouse space and approximately 109,842 zoning square feet of self-storage space. The self-storage units are proposed to be used by residents and businesses from the surrounding area. The proposed facility would have a total FAR of 1.96. Self-service storage units would be located in the cellar, third, fourth, and fifth floors and accessed by an entrance on 130<sup>th</sup> Street. The self-service storage units would

be accessed by elevators that would service the covered, at-grade accessory parking area near the 130th Street frontage.

The cellar would provide approximately 72,406 square feet of self-storage and 94 parking spaces for the air cargo warehousing use. On the first floor, there would be approximately 2,453 zoning square feet of self-service storage uses comprised of retail space ancillary to self-storage and the elevator stop. Elevators for the self-storage use would pass through the second floor to additional self-storage space on the third through fifth floors which would provide 35,713 square feet of self-storage space per floor. Warehousing space for air cargo would occupy the ground and second floors.

The existing six vehicular curb cuts throughout the development site would be removed and seven new curb cuts would be constructed: one located on South Conduit Avenue, three along 130<sup>th</sup> Street, and three along 131<sup>st</sup> Street. The proposed development would have 100 accessory parking spaces and 31 loading berths. Six parking spaces and three loading berths would be specified for self-storage use and provided on the ground floor. The remaining parking spaces for air cargo warehousing use would be located in the cellar and 28 loading berths for the air cargo warehousing use would be located on the first and second floor.

Trucks related to the air cargo facility would access the development site from 131<sup>st</sup> Street and either enter the ground floor truck court or access the ramp to the second floor. The applicant team is exploring opportunities with the New York City Department of Transportation (DOT) to re-design 131<sup>st</sup> Street as a two-way street to reduce trucks passing P.S. 124 and allow for direct access to and from South Conduit Avenue.

## **ENVIRONMENTAL REVIEW**

This application (C 190458 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 19DCP186Q. 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 May 20, 2019. This Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials (E-540). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

### **UNIFORM LAND USE REVIEW**

This application (C 190458 ZSQ) was certified as complete by the Department of City Planning on May 20, 2019 and duly referred to Queens Community Board 10 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 10 held a public hearing on this application (C 190458 ZSQ) on June 6, 2019 and on that date, by a vote of 37 in favor, with none opposed and no abstentions, recommended approval of the application.

### **Borough President Recommendation**

The Queens Borough President held a public hearing on the application (C 190458 ZSQ) on July 11, 2019, and on July 17, 2019 issued a recommendation to approve the application.

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

On July 31, 2019 (Calendar No. 12), the Commission scheduled August 14, 2019 for a public hearing on this application (C 190458 ZSQ). The hearing was duly held on August

14, 2019 (Calendar No. 50). Four speakers testified in favor of the application and none opposed.

An applicant team comprised of three speakers testified in support of the application. The applicant's land use attorney described the requested action and the goals and objectives of the project. The applicant described the number of jobs associated with the project and the economic trends of the area pointing to the New York City Economic Development Corporation (EDC) and the Port Authority of New York and New Jersey commissioned JFK Air Cargo Study. That study recommends the creation of new air cargo facilities on airport and its environs. The applicant's architect detailed the various materials anticipated for construction of the facility.

A Queens resident testified in favor of the application but noted potential traffic impacts associated with the project.

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

### **Waterfront Revitalization Program Consistency Review**

This application (C 190458 ZSQ) was reviewed by the City Coastal Commission 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 18-070.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

### **CONSIDERATION**

The Commission believes that this application for a special permit (C 190458 ZSQ), is appropriate.

The proposed special permit will facilitate the development of a five-story mixed-use building for a self-storage facility within a larger as-of-right air cargo and logistics center located along South Conduit Avenue between 130<sup>th</sup> and 131<sup>st</sup> streets. The development will provide approximately 109,842 square feet of self-storage space and approximately 123,779 square feet of air cargo warehouse space.

The Commission notes that the air cargo and logistics facility is as-of-right and the special permit pursuant to Section 74-932 to allow the self-service storage portion of the proposed development is the sole land use action requested by this application.

JFK International Airport serves a large, global air cargo market; however, in the past it experienced a consistent decline in air cargo volume. Once the country's largest destination for air freight, its market share has declined to a rank of 7<sup>th</sup> nationally. Today, it has the most international flights and the most diverse destination and arrivals of any airport in the United States. Recently, the volume of air cargo measured in tonnage has started to increase. Over 15,000 persons work in air cargo jobs associated with JFK flights.

Concerned about the potential decline of air freight business at JFK, the Port Authority of New York and New Jersey commissioned a JFK Air Cargo Study. That study recommends the creation of new air cargo facilities on the airport and its environs. The proposed as-of-right air cargo facility with more than 123,000 square feet of new warehouse space is consistent with the recommendations of the study.

This project, with a combination of air cargo and self-storage spaces, will meet economic development objectives of the City and the JFK IBZ by providing modern distribution spaces for the region's busiest cargo airport and long-haul truck destinations. Self-storage

units will be used by residents, as well as small businesses. Many of the small businesses are expected to be airport related.

Creating new warehouse space for air cargo and logistics operations in the JFK area has proven to be difficult due to the high cost of creating modern space capable of accommodating large trucks. This hybrid project will leverage financially viable self-storage space with industrial warehouse space for air cargo users.

Industrial uses are not viable past the second floor due to the limits of providing large truck circulation, and the proposed self-storage in the cellar and third through fifth floors will complement and not compete with the desired industrial development on the site.

The Commission notes the development site is in proximity to several arterial highways, truck routes, and services roads that are appropriate for the proposed mixed-use development. South Conduit Avenue is immediately north of the site, and it is a designated truck route. The Nassau Expressway and the Van Wyck Expressway are also easily accessible from the development site.

There is not a concentration of self-storage facilities in the surrounding area. Three self-storage facilities are located approximately two miles away, two in Ozone Park and one in Jamaica, and none are located within the surrounding area of the development site.

The Commission believes that the subject zoning lot is appropriate for a self-service storage facility use, based on the land use characteristics of the proposed zoning lot and the surrounding area.

## **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 having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on May 20, 2019 with respect to this application (CEQR No. 19DCP186Q), 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 the consideration and findings described in this report, the application (C 190458 ZSQ) submitted by South Conduit Property Owner, LLC 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 portions of the cellar, ground floor and second floor, and on the third, fourth and fifth floors of a proposed 5-story building, on property located at 130-02 to 130-24 South Conduit Avenue (Block 11884, Lot 150), in an M1-2 District, Borough of Queens, Community District 10, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 190458 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 GF55 Partners, LLP<sup>1</sup>, filed with this application and incorporated in this resolution:

<b><u>Dwg. No.</u></b>	<b><u>Title</u></b>	<b><u>Last Date Revised</u></b> <sup>2</sup>
U-001	Site Plan	05/22/2019
U-002	FAR Calculations	05/22/2019
U-100	Cellar Plan	05/22/2019
U-101	1 <sup>st</sup> Floor Plan	05/22/2019
U-101M	1 <sup>st</sup> Floor Mezzanine Plan	05/22/2019
U-102	2 <sup>nd</sup> Floor Plan	05/22/2019
U-102M	2 <sup>nd</sup> Floor Mezzanine Plan	05/22/2019
U-103	3 <sup>rd</sup> Floor Plan	05/22/2019
U-104	4 <sup>th</sup> Floor Plan	05/22/2019
U-105	5 <sup>th</sup> Floor Plan	05/22/2019
U-200	Sections	05/22/2019

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

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<sup>1</sup> CPC Report has been corrected to state that GF55 Partners, LLP prepared the approved plans.

<sup>2</sup> CPC Report has been corrected to show that the last date received for the filed drawings was 5/22/2019 not 5/13/2019.

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 190458 ZSQ), duly adopted by the City Planning Commission on September 11, 2019 (Calendar No. 10) 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,**

**MICHELLE de la UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,**

**CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,**

**ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD** *Commissioners*