



CITY PLANNING COMMISSION

December 7, 2005/Calendar No. 13

C 060062 ZMR

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 27b:

1. changing from a C4-2 District to an R3-2 District property bounded by Jacques Avenue, Edison Street, a line midway between Jacques Avenue and New Dorp Lane, a line 100 feet northwesterly of Hylan Boulevard, a line midway between New Dorp Lane and Coddington Avenue, 10th Street, a line 200 feet southwesterly of New Dorp Lane, New Dorp Plaza South, Jacques Avenue, a line 140 feet southeasterly of New Dorp Plaza South, a line midway between Jacques Avenue and New Dorp lane, and a line 100 feet northwesterly of Edison Street;
2. changing from a C4-2 District to an R3X District property bounded by Jacques Avenue, a line 100 feet northwesterly of Edison Street, a line midway between Jacques Avenue and New Dorp Lane, and a line 140 feet southwesterly of New Dorp Plaza South; and
3. establishing within a proposed R3-2 District a C2-2 District bounded by Jacques Avenue, Edison Street, a line midway between Jacques Avenue and New Dorp Lane, a line 100 feet northwesterly of Hylan Boulevard, a line midway between New Dorp Lane and Coddington Avenue, 10th Street, a line 200 feet southwesterly of New Dorp Lane, New Dorp Plaza South, Jacques Avenue, a line 140 feet southeasterly of New Dorp Plaza South, a line midway between Jacques Avenue and New Dorp lane, and a line 100 feet northwesterly of Edison Street;

Borough of Staten Island, Community District 2, as shown on a diagram (for illustrative purposes only) dated August 22, 2005.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on August 19, 2005, to rezone from C4-2 to R3-2 with a C2-2 overlay and R3X on New Dorp Lane generally between Hylan Boulevard and South Railroad Avenue in the New Dorp section of Staten Island, Community District 2.

RELATED ACTION

In addition to the amendment of the Zoning Map which is the subject of this report, the following action is being considered concurrently by the City Planning Commission with this application:

N 060066 ZRR Lower Density Commercial Text Amendment

BACKGROUND

Overdevelopment and inappropriate development have increasingly become one of the more significant planning issues facing Staten Island. On July 25, 2003, the Mayor announced the formation of the Staten Island Growth Management Task Force. The Task Force consists of elected officials, City agency commissioners, and representatives of Staten Island civic and community organizations, as well as professional organizations. The Task Force recommended a number of changes that would result in less dense development that would be more compatible with the existing neighborhoods. Many of the recommendations of the Task Force were implemented in 2004 with the adoption of a zoning text amendment (N040414 ZRY) which established the Lower Density Growth Management Area (LDGMA).

The LDGMA zoning text adopted in 2004 did not apply to commercially-zoned areas. In response to concerns about inappropriate residential development in commercial areas, the Department of City Planning initiated a study of commercially zoned areas. The findings of the study revealed that commercially zoned areas are being developed with only residential uses that are out of character with surrounding residential development and which also preclude

commercial development.

Based on these findings, the Task Force identified three main goals.

- Discourage Inappropriate Residential Development
- Encourage Appropriate Commercial Development
- Encourage Staten Island's Legacy of Town Centers

The Task Force recommended amending the Zoning Resolution as it relates to development permitted in commercial districts in Staten Island and in conjunction with these proposed amendments, also recommended three Zoning Map changes which are being proposed by the Department. The proposed zoning changes, in conjunction with the proposed text changes would better reflect the existing context of these areas and would preclude out of scale development. A detailed description of the text changes is found in the report of the related action (N 060066 ZRR).

The eight-block proposed rezoning area in New Dorp Lane is located between South Railroad Avenue (the SIRTOA New Dorp Station) and Hylan Boulevard and is zoned C4-2. The C4-2 district is located primarily on the frontage of New Dorp Lane, but the entire block bounded by South Railroad Avenue, Jacques Avenue, Edison Street and New Dorp Lane is zoned C4-2. The existing built context of this portion of New Dorp Lane is predominantly one-story commercial buildings built to the street line and with few curb cuts. A portion of the C4-2 district that fronts on Jacques Avenue is developed with one and two family detached residences, similar to those across Jacques Avenue which are located in an R3X district.

The existing C4-2 zoning permits a wide range of commercial uses with a maximum commercial FAR of 3.4. The C4-2 district has a residential equivalent of an R6 district and has a maximum residential FAR of 2.43. The current C4-2 district has no height limits.

This application (C 060062 ZMR) proposes rezoning most of the C4-2 district to R3-2 with a C2-2 commercial overlay. This rezoning, in conjunction with the related text changes (N 060066 ZRR) would limit commercial development to an FAR of 1.0. No residential units would be permitted on the ground floor and the maximum residential FAR would be 0.6. Purely commercial buildings would be limited two stories and a mixed commercial/residential building would have a maximum height of 35 feet. The portion of the C4-2 district on Jacques Avenue that is developed residentially would be rezoned to R3X which only permits single or two family detached residences with a maximum FAR of .6.

ENVIRONMENTAL REVIEW

This application (C 060062 ZMR) 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 06DCP015R. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 22, 2005.

UNIFORM LAND USE REVIEW

This application (C 060062 ZMR) was certified as complete by the Department of City Planning on August 22, 2005, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules along with the related non-ULURP text change application (N 060066 ZRR), which was sent to the Community Board, the Borough Board and Borough President for information and review.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on September 13, 2005, and on September 20, 2005, by a vote of 31 to 0 with one abstention, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on October 5, 2005.

City Planning Commission Public Hearing

On October 19, 2005 (Calendar No. 19), the City Planning Commission scheduled November 2, 2005, for a public hearing on this application (C 060062 ZMR). The hearing was duly held on November 2, 2005 (Calendar No. 19). There were no speakers in favor of the application and two speakers in opposition.

The two speakers in opposition were an owner of property on New Dorp Lane and a representative of other property owners. This property owner who also has a business located on New Dorp Lane stated that he is currently developing plans for a 4-story mixed-use building that could not be built under the proposed zoning and requested that the area not be rezoned.

The representative of the property owners stated they are opposed to the proposed rezoning. And requested that DCP meet with property owners to explain the proposed text amendments and rezoning.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application 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 13, 1999 and by the New York State Department of State on May 28, 2002, 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 05-053.

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

CONSIDERATION

The Commission believes that this proposed amendment of the zoning map is appropriate.

The Commission notes that the rezoning, along with the related zoning text amendment (N 060066 ZRY) were recommended by the Mayor's Staten Island Growth Task Force to address concerns relating to commercial zoning in Staten Island. Among the concerns of the task force were that the lower density growth management regulations were not applicable in commercial districts and that recent residential only developments in commercial zoning districts removed land from development with needed commercial use. The preceding issues are being addressed as part of the related zoning text amendment and a full description of that proposal is found in the Commission's report on the text amendments (N 060066 ZRR). An additional concern of the task force was that certain existing commercial districts in Staten Island permitted development that could be out of character with the surrounding communities. The task force identified three specific areas that should be rezoned including New Dorp Lane.

The subject portion of New Dorp Lane is currently zoned C4-2. The Commission notes that while the existing zoning allows a commercial FAR of 3.4 which could result in five and six-story buildings, the existing development is predominantly one-story. The Commission further notes that the residential equivalent of the C4-2 district is R6 with a maximum residential FAR of 2.44. While the proposed related text changes which would require the use of the Quality Housing regulations in mixed commercial/residential buildings in C4-2 Districts, the maximum FAR for such buildings would still be 3.4 and maximum height would be 55 feet. Currently on New Dorp Lane, less than 10 percent of the existing buildings contain residential uses, which are

located on the second floor. The existing C4-2 abuts an R3X district where development is predominantly one-and two-family detached homes. Development at C4-2 densities could negatively impact the homes in the abutting R3X district.

The proposed rezoning to R3-2 with a C2-2 commercial overlay for most of the C4-2 area, in conjunction with the related zoning text amendments would permit development that is consistent with the existing character of New Dorp Lane. The proposed R3-2/C2-2 would limit commercial development to an FAR of 1.0. No residential units would be permitted on the ground floor and the maximum residential FAR would be 0.6. Purely commercial buildings would be limited to two stories and a mixed commercial/residential building would have a maximum height of 35 feet. In addition, the portion of the C4-2 district on Jacques Avenue that is developed residentially would be rezoned to R3X which only permits single or two family detached residences with a maximum FAR of .6 which is consistent with the existing development in that area.

The Commission recognizes the concerns of those property owners who have objected to this rezoning. The Commission notes that the department is studying the commercial “town centers” of Staten Island (including New Dorp Lane) to identify zoning solutions currently unavailable that will protect the existing character of these areas while allowing at the same time appropriate commercial and residential development. The Commission has requested the department to expeditiously complete this study so that zoning text and map changes can be implemented. In the interim, the Commission believes the current zoning, even with the proposed text changes, is

inappropriate for this area.

RESOLUTION

RESOLVED, that 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, 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 described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 27b:

1. changing from a C4-2 District to an R3-2 District property bounded by Jacques Avenue, Edison Street, a line midway between Jacques Avenue and New Dorp Lane, a line 100 feet northwesterly of Hylan Boulevard, a line midway between New Dorp Lane and Coddington Avenue, 10th Street, a line 200 feet southwesterly of New Dorp Lane, New Dorp Plaza South, Jacques Avenue, a line 140 feet southeasterly of New Dorp Plaza South, a line midway between Jacques Avenue and New Dorp lane, and a line 100 feet northwesterly of Edison Street;

2. changing from a C4-2 District to an R3X District property bounded by Jacques Avenue, a line 100 feet northwesterly of Edison Street, a line midway between Jacques Avenue and New Dorp Lane, and a line 140 feet southwesterly of New Dorp Plaza South; and

3. establishing within a proposed R3-2 District a C2-2 District bounded by Jacques Avenue, Edison Street, a line midway between Jacques Avenue and New Dorp Lane, a line 100 feet northwesterly of Hylan Boulevard, a line midway between New Dorp Lane and Coddington Avenue, 10th Street, a line 200 feet southwesterly of New Dorp Lane, New Dorp Plaza South, Jacques Avenue, a line 140 feet southeasterly of New Dorp Plaza South, a line midway between Jacques Avenue and New Dorp lane, and a line 100 feet northwesterly of Edison Street;

Borough of Staten Island, Community District 2, as shown on a diagram (for illustrative purposes only) dated August 22, 2005 (C 060062 ZMR).

The above resolution (C 060062 ZMR), duly adopted by the City Planning Commission on December 7, 2005 (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.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice-Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI R.A.,
ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,
CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS,
DOLLY WILLIAMS, Commissioners