



CITY PLANNING COMMISSION

August 22, 2007/Calendar No. 8

C 070382 ZSR

IN THE MATTER OF an application submitted by the New York City Police Department and the New York City Department of Design and Construction pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution to allow a police station to be located in a residence district and to allow the applicable district bulk regulations for community facility buildings as set forth in Article II, Chapter 4 to apply to a proposed 3-story police station on property located at 60 Hill Street (Block 556, Lot 100), in an R3-2 District, Borough of Staten Island, Community District 1.

This application was filed by the New York City Police Department (NYPD) and the New York City Department of Design and Construction on March 12, 2007 for a special permit pursuant to Section 74-67 of the Zoning Resolution to allow a police station to be located at 60 Hill Street and to allow use of community facility bulk regulations.

BACKGROUND

The project site (Block 556, Lot 100) is located on the south side of Hill Street between Warren Street and Tompkins Avenue in Staten Island Community District 1, and is in an R3-2 district. The currently vacant mid-block site is approximately 104,659 square feet and slopes upward from the Hill Street frontage at mean curb level 41.5 feet, to an average elevation of 81.5 feet at the rear property line. The property has 305 feet of frontage on Hill Street.

The adjacent land uses fronting on Hill Street within the R3-2 zoning district are I.S. 49 to the west of the project site and one- and two-family two-story residences located to the east, between the site and Tompkins Avenue. The Bayley Seton hospital campus and other community facility land uses are located further to the east, across Tompkins Avenue. A post office is located in the southeast corner of the project site block in an R3-2/C1-1 district. In the R3A zoning district adjacent to the rear lot line of the project site there are one- and two-family two-story residences and a three-story multiple family building. This R3A district extends across Warren Street to the west. In the R5 district across Hill Street to the north of the project site, the Stapleton public housing complex is located on the north side of Hill Street across from the project site. P.S. 14 also fronts on the north side of Hill Street at the Tompkins Avenue corner.

The site is zoned R3-2, which does not permit the use as-of-right. Therefore, the applicant is seeking a special permit pursuant to Section 74-67 to permit the new 120th Precinct police station to be located in a residential district and to use community facility bulk regulations.

The current 120th Precinct police station, built in 1923, is located in Saint George at 78 Richmond Terrace, which is approximately two miles north of the subject property. It is in use 24 hours a day and has approximately 28,100 gross square feet. This building no longer meets the NYPD's programmatic requirements. Further, accessory parking is severely limited at this location. Most police officers and other staff utilize curb side parking on the street. On October 21, 1987 the City Planning Commission (CPC) approved two applications related to the subject project. One was the site selection application (C 870243 PSR) to locate the new 120th Precinct station house on the subject property (60 Hill Street) and the other was the special permit application (C 870303 ZSR), pursuant to Section 74-67, to locate a police station, using community facility bulk regulations, in a residential district. The current special permit is requested since the 1987 special permit has expired and the building design has changed since the prior application.

The proposed facility for the 120th Precinct is designed to provide adequately sized and modern administrative spaces, locker rooms, lavatories, dormitories, shower facilities, equipment storage areas, interrogation rooms and detention areas. The facility includes an L-shaped police station building of approximately 62,338 square feet and a total of 126 parking spaces. The two-level parking structure has 105 spaces, the at-grade parking lot in the east side yard has 18 spaces and there are 3 additional spaces to the rear of the proposed building. Landscaping and the at-grade parking lot are located in the east side yard. This yard is over 82 feet wide and has planting areas along the lot line, ranging from 7 to 28 feet deep, to buffer the project site from the residential buildings east of the site. The project was approved by the NYC Art Commission on February 12, 2007.

The application requests a Section 74-67 special permit to allow the new police station to be located in an R3-2 residential district and to use community facility bulk regulations applicable

in such residential district. The maximum FAR for community facility uses in an R3-2 district is 1.0 and the maximum lot coverage for community facility buildings is 55%. The proposed police station would have an FAR of 0.601, lot coverage of 45.2% and side yards of 20 feet and 82 feet, which meet or exceed the 20-foot wide minimum for each side yard.

In addition to the application for the special permit, the NYPD sought and received a mayoral zoning override on May 17, 2006 to exceed the community facility height and setback regulations governing front wall height, sky exposure plane and side setback. In summary, in a residence district, Section 24-521 regulations indicate 25 feet above the front yard line as the maximum front wall height for a community facility building. Above 25 feet a sky exposure plane of 1:1 is required. The proposed building received the override to have a front wall height of 52 feet 9 inches which pierces the sky exposure plane. Section 24-551 requires that no portion of a building more than 35 feet above a side yard be located nearer to the side lot line than one half of the height of the building. The project received the override to allow 5 feet 3 inches of the building to encroach into the setback distance.

ENVIRONMENTAL REVIEW

This application (C 070382 ZSR) 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 07NYP001R. The lead agency is the New York City Police Department.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 2, 2007.

UNIFORM LAND USE REVIEW

This application (C 070382 ZSR) was certified as complete by the Department of City Planning on May 21, 2007 and was duly referred to Staten Island Community Board 1 and the Borough

President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 1 held a public hearing on this application on June 4, 2007 and on June 12, 2007 by a vote of 27 in favor, 0 opposed, and 0 abstaining adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 070382 ZSR) was considered by the Borough President, who issued a recommendation on June 19, 2007 approving the application.

City Planning Commission Public Hearing

On July 11, 2007 (Calendar No. 5), the City Planning Commission scheduled July 25, 2007, for a public hearing on this application (C 070382 ZSR). The hearing was duly held on July 25, 2007 (Calendar No. 31).

The applicant's architect appeared in favor of the proposal.

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

CONSIDERATION

The Commission believes that the grant of the special permit (C 070382 ZSR) is appropriate.

Approval of the special permit would facilitate the construction of a 62,338 square foot, three-story building with a two-level parking structure.

The Commission notes that on October 21, 1987 the City Planning Commission (CPC) approved two applications related to the subject project. One was the site selection application (C 870243 PSR) to locate the new 120th Precinct station on the subject property (60 Hill Street). This approval remains in effect. The other approval was for the special permit application (C 870303

ZSR), pursuant to Section 74-67, to locate a police station, using community facility bulk regulations, in a residential district. The current special permit application (C 070382 ZSR) is requested since the C 870303 ZSR special permit has expired and the building design has changed since the prior special permit.

The Commission notes that the current 120th Precinct police station at 78 Richmond Terrace was built in 1923 and no longer meets the NYPD's programmatic requirements. It is in use 24 hours a day and has approximately 28,100 gross square feet. Further, accessory parking is severely limited at this location. Most police officers and other staff utilize curb side parking on the street. The Commission notes that the new facility will provide adequately sized and modern facilities such as administrative spaces, locker rooms, lavatories, dormitories, shower facilities, equipment storage, an interrogation room, prisoner detention areas and a muster room. The Commission also notes that the new facility and parking structure will provide 126 accessory parking spaces, which complies with off-street parking requirements pursuant to Section 25-31.

The Commission notes that the site is zoned R3-2, which does not permit the use as-of-right, and therefore, the applicant is seeking a special permit pursuant to Section 74-67 of the New York City Zoning Resolution, (C 070382 ZSR), to allow the construction of a police station in a residence district and to allow the applicable district bulk regulations for community facility buildings. Additionally, the Commission notes that the proposed facility would not comply with the following regulations: maximum height of walls and required setbacks pursuant to Section 24-521; and required side setbacks for tall buildings in low bulk districts pursuant to Section 24-551. In this instance, the City is exercising its power not to be subject to its zoning requirements when performing a government function.

The Commission notes that the project site for the new facility is located within the 120th Precinct service area, which is the portion of Staten Island north of the Staten Island Expressway.

The Commission believes that the location of the project site is well suited to the needs of the Police Department. The Commission, therefore, believes that the proposed project is appropriate.

The approval of the special permit would facilitate the construction of a modernized NYPD facility and contribute to the overall safety of this community.

The Commission notes that the NYPD searched for suitable alternative sites during the site selection which was approved on October 21, 1987 (C 870243 PSR). It was determined that there were serious difficulties in locating the police station in a district where it would be both permitted as-of-right and capable of servicing the assigned area. The only site where the police station could have been built as-of-right was federal property and not available. The Commission also notes that there were seven city-owned sites considered at the time, most of which were determined not to be central to community needs and calls for service.

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Section 74-67:

- a) That such *use* will serve the *residential* area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as of right and from which it could serve the *residential* area, which makes it necessary to locate such *use* within a *Residence District*; and
- b) Not applicable.

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, 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 submitted by the New York City Police Department and the New York City Department of Design and Construction (C 070382 ZSR) for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution to allow a police station to be located in a residence district and to allow the applicable district bulk regulations for community facility buildings as set forth in Article II, Chapter 4 to apply to a

proposed three-story police station on property located at 60 Hill Street (Block 556, Lot 100), in an R3-2 district, Borough of Staten Island, Community District 1, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 070382 ZSR) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated in the following plans, prepared by Karlsberger Architecture, P.C., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-01	Site Plan	May 14, 2007
A-02	Zoning Data	May 14, 2007
A-03	Encroachment Diagrams: 1 and 2	May 14, 2007
A-04	Encroachment Diagrams: 3 and 4	May 14, 2007
A-09	North and West Elevations	May 14, 2007
A-10	South and East Elevations	May 14, 2007
A-11	Building Sections	May 14, 2007

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. 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 the 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 070382 ZSR), duly adopted by the City Planning Commission on August 22, 2007 (Calendar No. 8), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP Chair

**ANGELA M. BATTAGLIA, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, RICHARD W. EADDY, LISA A. GOMEZ,
NATHAN LEVENTHAL, JOHN MEROLO, KAREN A. PHILLIPS,
DOLLY WILLIAMS, Commissioners**