



## **CITY PLANNING COMMISSION**

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December 7, 2005/Calendar No. 12

C 060061 ZMR

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**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. 21a:

1. changing from C4-2 District to an R3-2 District property bounded by a line 200 feet northerly of Castleton Avenue, Alaska Street, Castleton Avenue, Elizabeth Street, a line 200 feet southerly of Castleton Avenue, Roe Street, a line 240 feet southerly of Castleton Avenue, Taylor Street, a line 200 feet southerly of Castleton Avenue, Dongan Street, a line 150 feet northerly of Castleton Avenue, Taylor Street, a line 100 feet northerly of Castleton Avenue, and a line 160 feet westerly of Baker Street;
2. changing from a C4-2 District to an R3A District property bounded by a line 200 feet northerly of Castleton Avenue, a line 160 feet westerly of Baker Street, a line 100 feet northerly of Castleton Avenue, Taylor Street, a line 150 feet northerly of Castleton Avenue, and Dongan Street; and
3. establishing within a proposed R3-2 District a C2-2 District bounded by a line 200 feet northerly of Castleton Avenue, Alaska Street, Castleton Avenue, Elizabeth Street, a line 200 feet southerly of Castleton Avenue, Roe Street, a line 240 feet southerly of Castleton Avenue, Taylor Street, a line 200 feet southerly of Castleton Avenue, Dongan Street, a line 150 feet northerly of Castleton Avenue, Taylor Street, a line 100 feet northerly of Castleton Avenue, and a line 160 feet westerly of Baker Street;

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated August 22, 2005.

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The application for amendment of the Zoning Map was filed by the Department of City Planning on August 19, 2005, to rezone from C4-2 to R3A and R3-2 and to establish a C2-2 district within the proposed R3-2 in the Castleton neighborhood of Community District 1, Staten Island.

### **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 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 six-block proposed rezoning area on Castleton Avenue is located between Dongan Street and Alaska Avenue and is zoned C4-2. The C4-2 district is located primarily on the frontage of Castleton Avenue. The existing built context of this portion of Castleton Avenue is predominantly one-and two-story mixed-use buildings built to the street line and few curb cuts. A portion of the C4-2 district that fronts on Taylor Court is developed with one and two family detached residences, similar to those across Taylor Court which are located in an R3A 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 060061 ZMR) proposes rezoning most of the C4-2 district to R3-2 with a C2-2 commercial overlay. The portion of the existing C4-2 district that is developed with detached residences would be rezoned to R3A. This rezoning, in conjunction with the related

text change (N 060066 ZRR) would limit commercial development to an FAR of 1.0. In the R3-2/C2-2, 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 Taylor Court that is developed residentially would be rezoned to R3A which only permits single or two family detached residences with a maximum FAR of .6.

### **ENVIRONMENTAL REVIEW**

This application (C 060061 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 060061 ZMR) was certified as complete by the Department of City Planning on August 22, 2005, and was duly referred to Community Board 1 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 1 held a public hearing on this application on October 5, 2005 and on October 11, 2005, by a vote of 23 to four with no abstentions, issued the following recommendation:

Community Board #1 requests The Department of City Planning rescind application C 060061 ZMR rezoning from a C4-2 to a C2-2 on Castleton Avenue and resubmit a revised application with input from the property owners, the West Brighton Local Development Corporation, Borough President Molinaro, Councilman Michael McMahon and Community Board #1.

### **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. 18), the City Planning Commission scheduled November 2, 2005, for a public hearing on this application (C 060061 ZMR). On November 2, 2005 (Calendar No. 18), the hearing duly held and continued to November 16, 2005. On November 16, 2005 (Calendar No. 21), the continued hearing was duly held. On November 16, 2005, there was one speaker in favor of the application and two speakers in opposition.

A representative of the Councilmember from the 49th district spoke in favor of the application noting that developers have been using the current commercial rules to build inappropriate, denser residential developments. He noted that the proposed text amendments would preclude

residential-only development, but the current zoning would still allow buildings taller and denser than the surrounding communities of the North Shore. He stated that the proposed rezoning would preserve the existing character of the neighborhood.

A representative of the West Brighton Development Corporation and a Castleton Avenue property owner spoke in favor of the proposed commercial text amendments, but opposed the zoning map amendment. The property owner noted that his ideas for future development would be infeasible since the proposed rezoning would reduce the FAR for commercial development from 3.4 to 1.0. The speakers also stated that 2 new major national retailers have already opened in the proposed rezoning area encouraging its revitalization and bringing new life to this traditional town center, and the proposed rezoning has delayed any further commitments from retailers.

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 Castleton Avenue.

The subject portion of Castleton Avenue 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-and two-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 change (N 060066 ZRR) 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. The existing C4-2 abuts an R3A district where development is predominantly one-and two-family detached homes. Development at C4-2 densities could negatively impact the homes in the abutting R3A 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 Castleton Avenue. 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 Taylor Court that is developed residentially would be rezoned to R3A 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 Castleton Avenue) 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. 21a:

1. changing from C4-2 District to an R3-2 District property bounded by a line 200 feet northerly of Castleton Avenue, Alaska Street, Castleton Avenue, Elizabeth Street, a line 200 feet southerly of Castleton Avenue, Roe Street, a line 240 feet southerly of Castleton Avenue, Taylor Street, a line 200 feet southerly of Castleton Avenue, Dongan Street, a

line 150 feet northerly of Castleton Avenue, Taylor Street, a line 100 feet northerly of Castleton Avenue, and a line 160 feet westerly of Baker Street;

2. changing from a C4-2 District to an R3A District property bounded by a line 200 feet northerly of Castleton Avenue, a line 160 feet westerly of Baker Street, a line 100 feet northerly of Castleton Avenue, Taylor Street, a line 150 feet northerly of Castleton Avenue, and Dongan Street; and
3. establishing within a proposed R3-2 District a C2-2 District bounded by a line 200 feet northerly of Castleton Avenue, Alaska Street, Castleton Avenue, Elizabeth Street, a line 200 feet southerly of Castleton Avenue, Roe Street, a line 240 feet southerly of Castleton Avenue, Taylor Street, a line 200 feet southerly of Castleton Avenue, Dongan Street, a line 150 feet northerly of Castleton Avenue, Taylor Street, a line 100 feet northerly of Castleton Avenue, and a line 160 feet westerly of Baker Street;

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated August 22, 2005 (C 060061 ZMR).

The above resolution (C 060061 ZMR), duly adopted by the City Planning Commission on December 7, 2005 (Calendar No. 12), 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. PHILLIP,**

**DOLLY WILLIAMS, Commissioners**