



April 22, 2019/Calendar No. 3

N 190114 (A) ZRR

IN THE MATTER OF an application submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XIII, Chapter 5 (Special Bay Street Corridor District) to establish the Special Bay Street Corridor District and establish a Mandatory Inclusionary Housing area, Borough of Staten Island, Community District 1.

An application (N 190114 ZRR) for a zoning text amendment was filed by the New York City Department of City Planning (DCP) on November 7, 2018, in conjunction with several related actions to facilitate land use modifications associated with the Bay Street Corridor Neighborhood Plan, a comprehensive planning effort to foster a vibrant, mixed-use corridor with opportunities for affordable housing that connects the surrounding communities of St. George, Tompkinsville and Stapleton along a 20-block non-contiguous stretch of Bay Street in Community District 1, Staten Island.

On January 31, 2019, pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure rules, DCP filed an application (N 190114 (A) ZRR) to modify components of the zoning text amendment in conjunction with a related application to modify components of the Urban Development Area Action (UDAA) and Urban Development Action Area Project (UDAAP) (C 190179 (A) HAR) in response to information and feedback gathered during the public review process. On April 18, 2019, DCP withdrew the original application (N 190114 ZRR). The modified application (N 190114 (A) ZRR) is the subject of this report.

RELATED ACTIONS

In addition to this application (N 190114 (A) ZRR) for a zoning text amendment, which is the subject of this report, implementation of the proposed Bay Street Corridor Neighborhood Plan also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 190113 ZMR	Zoning map amendment;
C 190115 PPR	Disposition of City-owned property; and

C 190179 (A) HAR Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP) designation and project approval and disposition of City-owned property.

BACKGROUND

A full background discussion and description of this project appears in the report for the related zoning map amendment (C 190113 ZMR).

ENVIRONMENTAL REVIEW

The original application (N 190114 ZRR), in conjunction with the related applications (C 190113 ZMR, C 190115 PPR and C 190179 HAR) and modified applications (N 190114 (A) ZRR and C 190179 (A) HAR), 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 16DCP156R. The lead is the City Planning Commission.

A summary of the environmental review, including the Final Environmental Impact Statement (FEIS) dated April 11, 2019, appears in the report on the related application for a zoning map amendment (C 190113 ZMR).

PUBLIC REVIEW

The original application (N 190114 ZRR) was referred for information and review in accordance with the procedures for non-ULURP matters, in conjunction with the applications for the related actions (C 190113 ZMR, C 190115 PPR and C 190179 HAR), which were certified as complete by the Department of City Planning on November 13, 2018 and duly referred to Staten Island Community Board 1 and the 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 1 held a public hearing on January 8, 2019 on the application and by a vote of 37 in favor, 3 against and 0 abstentions, adopted a resolution recommending disapproval of the application with conditions.

A summary of the Community Board's recommendations appears in the report for the related zoning map amendment action (C 190113 ZMR).

Borough President Recommendation

The original application (N 190114 ZRR), in conjunction with the related applications, was considered by the Staten Island Borough President, who issued a recommendation on February 21, 2019 disapproving the application with conditions.

A summary of the Borough President's recommendation appears in the report on the related application for a zoning map amendment (C 190113 ZMR).

City Planning Commission Public Hearing

On February 13 (Calendar Nos. 12 and 13), the City Planning Commission scheduled February 27, 2019 for a public hearing on the original application (N 190114 ZRR) and the modified application (N 190114 (A) ZRR). The hearing was duly held on February 27, 2019 (Calendar Nos. 35 and 36), in conjunction with the hearings for the related actions.

There were several speakers as described in the report on the related actions for a zoning map amendment (C 190113 ZMR), and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (N 190114 (A) ZRR) 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 15-123.

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

CONSIDERATION

The Commission believes that the proposed zoning text amendment (N 190114 (A) ZRR), in conjunction with the related applications, is appropriate.

A full description of the Commission's consideration, and analysis of the issues, and the reasons for approving the application appear in the report for the related zoning map amendment (C 190113 ZMR).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on April 11, 2019, with respect to this application (CEQR No. 16DCP156R), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, those project components related to environmental and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of this decision, pursuant to Section 617.11(d) of the SEQRA regulations; 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 will not substantially hinder the achievement of the Waterfront Revitalization Program (WRP) policy and hereby determines that this proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-c and 200 of the New York City Charter, that based on the environmental determination, and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and subsequently modified, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE I

GENERAL PROVISIONS

Chapter 1

Title, Establishment of Controls and Interpretation of Regulations

* * *

11-122

Districts established

* * *

Establishment of the Special Bay Ridge District

In order to carry out the special purposes of this Resolution as set forth in Article XI, Chapter 4, the #Special Bay Ridge District# is hereby established.

Establishment of the Special Bay Street Corridor District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 5, the #Special Bay Street Corridor District# is hereby established.

Establishment of the Special City Island District

* * *

Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

* * *

Special Bay Ridge District

The “Special Bay Ridge District” is a Special Purpose District designated by the letters “BR” in which special regulations set forth in Article XI, Chapter 4, apply.

Special Bay Street Corridor District (date of adoption)

The “Special Bay Street Corridor District” is a Special Purpose District designated by the letters “BSC” in which special regulations set forth in Article XIII, Chapter 5, apply.

Special City Island District

* * *

Chapter 4

Sidewalk Cafe Regulations

* * *

14-44

Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted

* * *

Staten Island	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
<u>Bay Street Corridor District</u>	<u>Yes</u>	<u>Yes</u>
South Richmond Development District	Yes	Yes
St. George District	Yes	Yes
Stapleton Waterfront District	Yes	Yes

* * *

ARTICLE II RESIDENCE DISTRICT REGULATIONS

Chapter 3 Residential Bulk Regulations in Residence Districts

* * *

23-011 Quality Housing Program

* * *

- (c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

* * *

(2) Special Purpose Districts

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

#Special 125th Street District#;
#Special Bay Street Corridor District#;
 #Special Downtown Brooklyn District#;

* * *

23-03

Street Tree Planting in Residence Districts

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

* * *

- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Bay Street Corridor District#;

#Special Clinton District#;

* * *

ARTICLE III

COMMERCIAL DISTRICT REGULATIONS

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-03

Street Tree Planting in Commercial Districts

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, the following shall provide #street# trees in accordance with Section 26-41 (Street Tree Planting):

* * *

- (b) #enlargements# of #single-# or #two-family residences# by 20 percent or more within the following special purpose districts:

#Special Bay Ridge District#;

#Special Bay Street Corridor District#;

#Special Clinton District#;

* * *

ARTICLE XI SPECIAL PURPOSE DISTRICTS

Chapter 6 Special Stapleton Waterfront District

* * *

116-20 SPECIAL BULK REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE AND THE COVE

* * *

116-22 Maximum Floor Area Ratio

The maximum #floor area ratio# for all #uses# shall be 2.0.

However, for #zoning lots# in Subareas A and B1, up to a total of 100,000 square feet of floor space, within a #school# shall be exempt from the definition of #floor area#. #Zoning lots# within Subarea A and B1 that are contiguous or would be contiguous but for their separation by a #street#, may be considered one #zoning lot# for the purpose of applying these special #floor area# regulations.

116-23 Special Height and Setback Regulations

The special height and setback regulations set forth in this Section shall apply.

116-232

Street wall location

Within the #Special Stapleton Waterfront District#, the #street wall# location regulations shall be modified as follows:

(a) Subareas A and B1

In Subareas A and B1, the underlying #street wall# location regulations shall apply, except that the provisions of paragraph (a)(1) of Section 35-651 (Street wall location) shall be modified to require that at least 70 percent of the #aggregate width of street wall# be located within 15 feet of the #street line# and extend to the minimum base heights specified in Section 116-233 (Height and setback), or the height of the #building#, whichever is less.

(b) Subareas B2 through B5 and C

In Subareas B B2 through B5 and C, the underlying #street wall# location regulations of a C4-2A District or an R6B District, as applicable, shall be modified as set forth in this Section. Map 3 (Mandatory Front Building Wall Lines) in Appendix A of this Chapter, specifies locations in Subareas B B2 through B5 and C where #mandatory front building wall# requirements apply as follows:

- (a)(1) Type 1: Front #building# walls shall be coincident with and extend along the entire length of the #mandatory front building wall line#, except, to allow articulation at the intersection of two such lines, the front #building# wall may be located anywhere within 15 feet of their point of intersection.
- (b)(2) Type 2: Front #building# walls shall be located within eight feet of and extend along at least 70 percent of the length of the #mandatory front building wall line#. For phased #development#, this requirement may be satisfied by more than one #building#, provided that upon completion 70 percent of the length of the #mandatory front building wall line# is occupied by such front #building# walls.
- (c)(3) Wherever Map 3 does not indicate a #mandatory front building wall line#, the underlying #street wall# location rules shall apply.

If more than one #building# is #developed# in Subareas B1, B2, B3 or B4, the first #building# shall be located along a Type 1 #mandatory front building wall line#. Subsequent #buildings# shall locate along a Type 2 #mandatory front building wall line# until 70 percent of the length of the #mandatory front building wall line# is occupied.

[MOVED HEIGHT AND SETBACK PROVISIONS TO 116-233]

All #mandatory front building walls# shall rise without setback to ~~a maximum height of 40 feet~~ the minimum base height specified in Section 116-233, or the height of the #building#, whichever is less. ~~A #building# may exceed a height of 40 feet, up to the maximum #building# height specified in Section 116-233, if a setback is provided at a minimum height of 35 feet. Such setback shall have a minimum depth of 10 feet and shall be measured from the front #building# wall.~~ Recesses shall be permitted on the ground floor where required to provide access to the #building#. Above the ground floor, up to 30 percent of the aggregate width of the front #building# wall may be recessed.

~~However, in Subarea B2, the #mandatory front building wall# may rise without setback to the permitted maximum height of the #building#.~~

116-233

Maximum building height ~~Height and setback~~

Within the #Special Stapleton Waterfront District#, the underlying height and setback regulations shall be modified as follows:

(a) Subareas A and B1

(1) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, the maximum transition height, the maximum height of a #building or other structure#, and the maximum number of #stories# for #buildings# in Subareas A and B1. The maximum #building# height set forth in the table shall only be permitted in locations where the maximum #street wall# width of a #building# above the transition height, or, where applicable, the maximum base height, does not exceed 100 feet. At least 60 feet of separation shall exist between any portions of #buildings# located above such maximum transition height, or maximum base height, as applicable.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the Subarea, and shall be provided in accordance with paragraph (a)(2) of this Section.

Maximum Base Heights and Maximum #Building# Heights for Subareas A and B1

<u>Minimum Base Height (in feet)</u>	<u>Maximum Base Height (in feet)</u>	<u>Maximum Transition Height (in feet)</u>	<u>Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet)</u>	<u>Maximum Number of #Stories#</u>
<u>40</u>	<u>65</u>	<u>85</u>	<u>125</u>	<u>12</u>

(2) Required setbacks

At a height not lower than the minimum base height, or higher than the maximum base height specified for the Subarea in the table in paragraph (a)(1) of this Section, a setback with a depth of at least 10 feet shall be provided from the front #building# wall.

In addition, the underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

(3) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building or other structure# permitted in paragraph (a) of this Section, whichever is lower.

(b) Subarea B2

Within Subarea B2, the maximum height of a #building or other structure# shall not exceed 60 feet.

(c) Subareas B3 through B5 and Subarea C

In Subareas B3 through B5 and Subarea C the minimum base height shall be 35 feet and the maximum base height shall be 40 feet. At a height not lower than the minimum base height or higher than the maximum base height, a setback with a depth of at least 10 feet shall be provided, as measured from the front #building# wall.

~~In Subareas A, B and C, the~~ The maximum height of a #building or other structure# ~~outside of Subarea B2~~ shall not exceed 50 feet. However, where the ground floor level of a #building# provides a #qualifying ground floor# in accordance with the supplemental provisions set forth in paragraph (b)(2) of Section 35-652 (Maximum height of buildings and setback regulations), the maximum height of a #building or other structure# may be increased to 55 feet.

~~Within Subarea B2, the maximum height of a #building or other structure# shall not exceed 60 feet.~~

* * *

Appendix A
Stapleton Waterfront District Plan

* * *

Map 3 -Mandatory Front Building Wall Lines

[EXISTING MAP]

135-00

GENERAL PURPOSES

The “Special Bay Street Corridor District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to encourage well-designed buildings that complement the built character of the St. George, Stapleton and Tompkinsville neighborhoods;
- (b) to achieve a harmonious visual and functional relationship with the adjacent neighborhoods;
- (c) to maintain and reestablish physical and visual public access to the Stapleton neighborhood and to the waterfront;
- (d) to enhance neighborhood economic diversity by broadening the range of housing choices for residents at varied incomes;
- (e) to provide flexibility to attract new commercial and retail uses and support the existing businesses that define the area;
- (f) to create a livable community combining housing, retail and other uses throughout the district;
- (g) to create a walkable, urban streetscape environment through a mix of ground floor uses that connect the town centers of St. George and Stapleton;
- (h) to create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;
- (i) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and
- (j) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.

135-01

General Provisions

The provisions of this Chapter shall apply within the #Special Bay Street Corridor District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

135-02

District Plan and Maps

District maps are located in Appendix A of this Chapter and are hereby incorporated and made an integral part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements, as set forth in the text of this Chapter, apply.

Map 1 - Special Bay Street Corridor District and Subdistricts

Map 2 - Location of Visual Corridors

135-03

Subdistricts

In order to carry out the purposes and provisions of this Chapter, five subdistricts are established, as follows:

Subdistrict A

Subdistrict B

Subdistrict C

Subdistrict D

Subdistrict E

In Subdistrict B, subareas are established as follows:

Subarea B1

Subarea B2

The location and boundaries of these subdistricts are shown on Map 1 (Special Bay Street Corridor District and Subdistricts) in Appendix A of this Chapter.

135-04

Applicability

135-041

Applicability of Article I, Chapter 2

The applicability of the definition of “lower density growth management area” in Section 12-10 shall exclude all districts within the #Special Bay Street Corridor District#.

135-042

Applicability of the Quality Housing Program

Any #building# containing #residences#, #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations that is constructed in accordance with the #bulk# regulations of this Chapter shall be considered a #Quality Housing building#, and shall comply with the provisions of Article II, Chapter 8.

135-043

Applicability of the Inclusionary Housing Program

For the purposes of applying the Inclusionary Housing Program set forth in Section 23-90, the #Special Bay Street Corridor District# shall be a #Mandatory Inclusionary Housing area#.

135-044

Applicability of Article VI, Chapter 4

Notwithstanding the general provisions of Section 135-01, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4

(Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4 shall control.

135-045

Applicability of this Chapter to certain zoning lots in Subdistrict D

For #zoning lots# in Subdistrict D containing a Use Group 16 or 17 #use# operated in support of a public service or transportation facility and existing on [date of adoption], the provisions of this Chapter shall not apply. In lieu thereof, the provisions of an M1-1 District shall apply.

135-10

SPECIAL USE REGULATIONS

The underlying #use# regulations are modified by the provisions of this Section, inclusive.

135-11

Ground Floor Use Regulations

For the purposes of applying to this Chapter the special #ground floor level# streetscape provisions set forth in Section 37-30, any portion of a #ground floor level street# frontage along Bay Street, as well as any #street# frontage within 50 feet of Bay Street, shall be considered a #primary street frontage#. A #ground floor level street# frontage along any other #street# shall be considered a #secondary street frontage#. For the purposes of this Section, inclusive, defined terms shall include those in Sections 12-10 and 37-311.

The provisions of this Section shall apply to #developments# or #ground floor level enlargements#.

(a) Along #primary street frontages#

For #buildings#, or portions thereof, with #primary street frontage#, #uses# on the #ground floor level#, to the minimum depth set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses), shall be limited to non-#residential uses#, except for Type 1 lobbies and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain

Uses). #Group parking facilities# located on the #ground floor level# shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements). #Ground floor level street walls# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

For #zoning lots# with a #lot area# of less than 5,000 square feet existing both on [date of adoption] and on the date of application for a building permit, the provisions of this paragraph (a) shall not apply. In lieu thereof, the provisions of paragraph (b) of this Section shall apply.

In #flood zones#, where no transparent materials or #building# entrances or exits are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk for a continuous width of at least 15 feet, visual mitigation elements shall be provided in accordance with Section 135-12 for such blank wall.

(b) Along #secondary street frontages#

For #buildings#, or portions thereof, with #secondary street frontage#, all #uses# permitted by the underlying district shall be permitted on the #ground floor level#, provided that any #accessory# off-street parking spaces on the #ground floor level# shall be wrapped or screened in accordance with Section 37-35.

The level of the finished floor of such ground floor shall be located not higher than five feet above nor lower than five feet below the as-built level of the adjoining #street#.

135-12

Special Streetscape Provisions for Blank Walls

Where visual mitigation elements are required on a blank wall along the #ground floor level street wall# pursuant to the provisions of Section 135-11 (Ground Floor Use Regulations), at least 75 percent of the linear footage of any such blank wall shall be treated by one or more of the following visual mitigation elements:

(a) Planting

Where utilized as a visual mitigation element, any combination of perennials, annuals, decorative grasses or shrubs shall be provided in planting beds, raised planting beds or planter boxes in front of the #street wall#. Each foot in width of a planting bed, raised

planting bed or planter box, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material. Any individual planted area shall have a width of at least five feet, and the height of such planting, inclusive of any structure containing the planted materials, shall be at least three feet.

Where a blank wall exceeds a #street wall# width of 50 feet, at least 25 percent of such #street wall# width shall be planted in accordance with the provisions of this paragraph.

(b) Benches

Where utilized as a visual mitigation element, fixed benches with or without backs shall be provided in front of the #street wall#. Unobstructed access shall be provided between such benches and an adjoining sidewalk or required circulation paths. Each linear foot of bench, as measured parallel to the #street wall#, shall satisfy one linear foot of frontage mitigation requirement. Any individual bench shall have a width of at least five feet, and no more than 20 feet of benches may be used to fulfill such requirement per 50 feet of frontage.

(c) Bicycle racks

Where utilized as a visual mitigation element, bicycle racks, sufficient to accommodate at least two bicycles, shall be provided in front of the #street wall#, and oriented so that the bicycles are placed parallel to the #street wall#. Each bicycle rack so provided shall satisfy five linear feet of frontage mitigation requirement. No more than three bicycle racks may be used to fulfill such requirement per 50 feet of frontage.

(d) Tables and chairs

Where utilized as a visual mitigation element, fixed tables and chairs shall be provided in front of the #street wall#. Each table shall have a minimum diameter of two feet, and have a minimum of two chairs associated with it. Each table and chair set so provided shall satisfy five linear feet of frontage mitigation requirement.

(e) Wall treatment

Where utilized as a visual mitigation element, wall treatment, in the form of permitted #signs#, graphic or sculptural art, rustication, decorative screening or latticework, or living plant material, shall be provided along the #street wall#. Each linear foot of wall

treatment shall constitute one linear foot of frontage mitigation requirement. Such wall treatment shall extend to a height of at least 10 feet, as measured from the level of the adjoining sidewalk or grade, and have a minimum width of 10 feet, as measured parallel to the #street wall#.

All visual mitigation elements shall be provided on the #zoning lot#, except where such elements are permitted within the #street# under other applicable laws or regulations.

135-13

Physical Culture or Health Establishments

Within the #Special Bay Street Corridor District#, a #physical culture or health establishment# shall be permitted as-of-right in #Commercial Districts#. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category PRC-B.

135-14

Breweries

Within the #Special Bay Street Corridor District#, breweries, as listed in Use Group 18 breweries, shall be permitted in Commercial Districts provided that:

- (a) the size of such brewery does not exceed 30,000 square feet; and
- (b) any brewery #developed# or #enlarged# after [date of adoption] shall contain an #accessory# eating or drinking establishment.

For the purposes of applying the underlying regulations, such brewery shall be considered a Use Group 11A #use# and shall be within parking requirement category PRC-F. The performance standards for an M1 District set forth in Section 42-20, inclusive, shall apply to such breweries.

135-15

Modification of Supplemental Use Provisions

In Subdistricts A, B and C, the underlying provisions of Section 32-421 (Limitation on floors occupied by commercial uses) shall be modified as follows:

- (a) For #mixed buildings#, offices, as listed in Use Group 6B, shall be permitted on the lowest two #stories# of a #building#, provided that no access exists between such offices and any #residential uses#;
- (b) For #commercial buildings#, the provisions restricting the location of #uses# listed in Use Group 6A, 6B, 6C, 6F, 7, 8, 9 or 14 to two #stories#, shall not apply; and
- (c) Any brewery provided in accordance with the provisions of Section 135-14, shall be subject to the provisions of Section 32-421.

135-20

SPECIAL BULK REGULATIONS

The underlying #floor area#, #yard#, #street wall# location and height and setback regulations are modified by the provisions of this Section.

135-21

Special Floor Area Regulations

The underlying #floor area# regulations are modified by the provisions of this Section. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

The table below sets forth the maximum #floor area ratio# of a #zoning lot# for each Subdistrict. Column 1 sets forth the maximum #floor area ratio# for #commercial uses# other than offices, as listed in Use Group 6B, and Column 2 sets forth the maximum #floor area ratio# for offices. Column 3 sets forth the maximum #floor area ratio# for #residences#, other than #MIH sites# and #affordable independent residences for seniors#, that are subject to the provisions of paragraph (d)(4)(i) or (d)(4)(iii) of Section 23-154 (Inclusionary Housing). Column 4 sets forth the maximum #residential floor area ratio# for #MIH sites# where either #affordable floor area# is provided in accordance with the provisions of paragraphs (d)(3)(i) through (d)(3)(iv) or paragraph (d)(5) of Section 23-154, or where a contribution to the #affordable housing fund# is made in accordance with paragraph (d)(3)(v) of such Section. Column 4 also sets forth the maximum #floor area ratio# for #community facility uses#, other than #long-term care facilities#. Column 5 sets forth the maximum #floor area ratio# for #zoning lots# containing #affordable independent residences for seniors# or #long-term care facilities#.

For #zoning lots# with #buildings# containing multiple #uses# or for #zoning lots# with multiple

#buildings# containing different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the table, and the maximum #floor area ratio# for the #zoning lot# shall not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

MAXIMUM #FLOOR AREA RATIO#

<u>Subdistrict</u>	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>	<u>Column 5</u>
	<u>For #commercial uses# other than offices</u>	<u>For offices</u>	<u>For #residences# other than #MIH sites# and #affordable independent residences for seniors#</u>	<u>For #MIH sites# and #community facility uses# other than #long-term care facilities#</u>	<u>For #affordable independent residences for seniors# or #long-term care facilities#</u>
<u>A</u>	<u>2.0</u>	<u>4.6</u>	<u>4.0</u>	<u>4.6</u>	<u>5.01</u>
<u>B</u>	<u>2.0</u>	<u>3.6</u>	<u>3.0</u>	<u>3.6</u>	<u>3.9</u>
<u>C</u>	<u>2.0</u>	<u>3.0</u>	<u>2.5</u>	<u>3.0</u>	<u>3.25</u>
<u>D</u>	<u>2.0</u>	<u>2.0</u>	<u>2.5</u>	<u>3.0</u>	<u>3.25</u>
<u>E</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>	<u>2.2</u>	<u>2.2</u>

135-22

Special Lot Coverage Regulations

The underlying #lot coverage# regulations are modified by the provisions of this Section.

The maximum #residential lot coverage# for #interior lots# or #through lots# shall be 65 percent, and the maximum #residential lot coverage# for #corner lots# shall be 100 percent.

135-23

Special Yard Regulations

The underlying #yard# regulations are modified by the provisions of this Section.

In Subdistrict A, no #rear yard# or #rear yard equivalent# need be provided for #commercial buildings#, #community facility buildings#, or the portion of a #mixed building# containing #commercial# or #community facility uses#.

135-24

Special Street Wall Location Regulations

The underlying #street wall# location provisions are modified by the provisions of this Section.

(a) Along Bay Street

Along Bay Street, and along #streets# within 50 feet of their intersection with Bay Street, the following #street wall# regulations shall apply:

- (1) At least 70 percent of the #aggregate width of street walls# of a #building# shall be located within eight feet of the #street line#, and shall rise without setback up to at least the minimum base height specified in Section 135-25 (Special Height and Setback Regulations), or the height of the #building#, whichever is lower. Pursuant to Section 135-31 (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#.
- (2) For #developments# or horizontal #enlargements# of #buildings#, or portions thereof, within the #flood zone# where no transparent materials are provided on the #ground floor level street wall# below a height of four feet above the level of the adjoining sidewalk, pursuant to the provisions of Sections 135-11 (Ground Floor Use Regulations) and 37-34 (Minimum Transparency Requirements) for a continuous distance of more than 25 feet, such #street wall# shall be located at least three feet beyond the #street line#. Such #street wall# shall not be located beyond five feet of the #street line#, except as permitted pursuant to Section 64-333 (Street wall location in certain districts). Such #street wall# shall provide visual mitigation elements in accordance with the provisions of Section 135-12 (Special Streetscape Provisions for Blank Walls), and any area between the #street wall# and the sidewalk that does not contain any planting material pursuant to the provisions of paragraph (a) of Section 135-12 shall be improved to Department of Transportation standards for sidewalks.
- (3) A minimum of 20 percent of the surface area of such #street walls# above the level of the first #story# shall be recessed a minimum of three feet. In addition, up to 30 percent of such #street wall# may be recessed at any level, provided that any recesses deeper than 10 feet are located within an #outer court#. Furthermore, no recesses greater than three feet shall be permitted within 30 feet of the intersection

of two #street lines#.

(b) Along Van Duzer Street

Along Van Duzer Street, and along #streets# within 50 feet of their intersection with Van Duzer Street, the underlying #street wall# location regulations shall apply.

(c) Along all other #streets#

Along all #streets# that are not subject to paragraphs (a) or (b) of this Section, at least 50 percent of the #aggregate width of street walls# shall be located within 15 feet of the #street line#. The remaining #aggregate width of street walls# may be recessed beyond 15 feet of the #street line#, provided that any such recesses deeper than 10 feet are located within an #outer court#. Where the #street wall# of a #building#, or an individual segment thereof, exceeds the maximum base height established in Section 135-25, such #street wall# shall rise without setback to at least the minimum base height specified in Section 135-25.

The underlying allowances for #street wall# articulation, set forth in paragraph (d) of Section 23-661 or paragraph (e) of Section 35-651, as applicable, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section.

135-25

Special Height and Setback Regulations

The underlying height and setback provisions are modified by the provisions of this Section.

Pursuant to Section 135-31 (Special Visual Corridor Requirements), required visual corridors shall be considered #streets#. Such visual corridors shall be considered #wide streets# for the purposes of applying the height and setback regulations of this Section.

(a) Base heights and maximum #building# heights

The table below sets forth the minimum and maximum base height, the maximum transition height, where applicable, the maximum height of a #building or other structure# and the maximum number of #stories# for #buildings# in the #Special Bay Street Corridor District#.

In all subdistricts, a setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the subdistrict, and shall be provided

in accordance with paragraph (b) of this Section.

In Subdistrict A and Subarea B1, any portion of a #building or other structure# located above the maximum transition height, and in Subarea B2 and Subdistrict C, any portion of a #building or other structure# located above the maximum base height, shall be subject to the maximum #street wall# width restrictions set forth in paragraph (c) of this Section.

MAXIMUM BASE HEIGHTS AND MAXIMUM #BUILDING# HEIGHTS

<u>Subdistrict or Subarea, as applicable</u>	<u>Minimum Base Height (in feet)</u>	<u>Maximum Base Height (in feet)</u>	<u>Maximum Transition Height (in feet)</u>	<u>Maximum Height of #Buildings or Other Structures# in Certain Locations (in feet)</u>	<u>Maximum Number of #Stories#</u>
<u>A</u>	<u>40</u>	<u>65</u>	<u>85</u>	<u>145</u>	<u>14</u>
<u>B1</u>	<u>40</u>	<u>65</u>	<u>85</u>	<u>125</u>	<u>12</u>
<u>B2</u>	<u>40</u>	<u>65</u>	<u>N/A</u>	<u>125</u>	<u>12</u>
<u>C</u>	<u>40</u>	<u>65</u>	<u>N/A</u>	<u>85</u>	<u>8</u>
<u>D</u>	<u>40</u>	<u>65</u>	<u>N/A</u>	<u>75</u>	<u>7</u>
<u>E</u>	<u>30</u>	<u>45</u>	<u>N/A</u>	<u>55</u>	<u>5</u>

(b) Required setbacks

At a height not lower than the minimum base height or higher than the maximum base height specified for the subdistrict in the table in paragraph (a), a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, and a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#.

In addition, the underlying provisions of paragraphs (c)(2) through (c)(4) of Section 23-

662 (Maximum height of buildings and setback regulations) shall apply to such setbacks.

(c) Maximum #street wall# width in Subdistricts A, B and C

In Subdistricts A, B and C, the maximum #building# height set forth in the table in paragraph (a) shall only be permitted within 100 feet of #streets# intersecting Bay Street. In addition, in Subarea B2, such maximum #building# height shall be permitted beyond 100 feet of #streets# intersecting Bay Street, provided that the maximum #street wall# width above the maximum base height does not exceed 100 feet.

In all such Subdistricts, at least 60 feet of separation shall exist between any portions of #buildings# located above such maximum transition height, or maximum base height, as applicable.

(d) Dormer provisions

The underlying dormer provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) shall apply, except that no dormer shall be permitted above a height of 85 feet, or above the maximum height of the #building or other structure# permitted in paragraph (a) of this Section, whichever is less.

135-30

SPECIAL PUBLIC ACCESS AREA REGULATIONS

135-31

Special Visual Corridor Requirements

Within the #Special Bay Street Corridor District#, visual corridors shall be provided east of Bay Street, prolonging Swan Street, Clinton Street, and Grant Street, as shown on Map 2 in the Appendix to this Chapter. The location of the visual corridor prolonging Grant Street may be located anywhere within the flexible location designated on Map 2.

(a) General Requirements

The boundaries of visual corridors shall be considered #street lines# for the purposes of applying the #use#, #bulk# and parking provisions of this Resolution, except that such portion of the #zoning lot#:

(1) shall continue to generate #floor area#;

- (2) may be included for the purposes of calculating #lot coverage#; and
- (3) shall be permitted to accommodate open, unscreened, tandem (one behind the other) #accessory# off-street parking spaces, provided that any such parking spaces are provided in accordance with DOT standards for on-street parking.

Such visual corridors shall be a minimum of 60 feet wide and shall be improved in accordance with paragraph (b) of this Section

(b) Required improvements

All required visual corridors shall be improved as follows:

- (1) Where a visual corridor is utilized to provide access to #accessory# off-street parking, such visual corridor shall be improved to the minimum Department of Transportation (DOT) standards for public #streets#, from its intersection with Bay Street to at least the curb cut provided to such #accessory# off-street parking, or as deep as necessary to accommodate any parking located on the visual corridor, as applicable. Any remaining portion of the visual corridor may be improved in accordance with the standards in paragraph (b)(2)(ii) of this Section.
- (2) Where a visual does not provide access to #accessory# off-street parking, such visual corridors, may either:
 - (i) be improved to the minimum DOT standards for public #streets#; or
 - (ii) be improved to provide an open area, as follows:
 - a. A minimum of 20 percent of the open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet;
 - b. the remainder of the open area, as applicable, may contain any combination of:
 - 1. streetscape amenities including, but not limited to, benches or tables and chairs;

2. entertainment amenities including, but not limited to, water features, playgrounds, dog runs, game tables, courts or skateboard parks;
 3. unenclosed eating or drinking establishments; or
 4. streetscape-enhancing amenities including, but not limited to, lighting or sculptural artwork.
- c. In no event shall fencing be permitted in any open area of the visual corridor, except along the portion of a #lot line# adjacent to a railroad right-of-way.

135-40

SPECIAL PARKING AND LOADING REGULATIONS

The underlying parking provisions are modified by the provisions of this Section.

135-41

Commercial Parking Requirements

In #mixed buildings#, the underlying parking requirements shall apply, except that for the purposes of determining the parking requirement for #commercial uses# other than offices, as listed in Use Group 6B, the equivalent of 0.5 #floor area ratio#, or the amount of non-office #commercial floor area# in the #building#, whichever is less, may be deducted from the #floor area# used to determine such #commercial# parking calculation.

135-42

Residential Parking Waivers

The underlying #residential# parking waivers shall apply only to #zoning lots# existing both on [date of adoption] and on the date of application for a building permit.

135-43

Location of Parking Spaces

All #accessory# off-street parking spaces may be provided within #public parking garages#. Such spaces may also be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #use# to which they are #accessory#, provided:

- (a) such parking facilities are located either:
 - (1) within the #Special Bay Street Corridor District#; or
 - (2) outside the #Special Bay Street Corridor District#, subject to the underlying provisions for off-site parking spaces set forth in Sections 25-52 (Off-site Spaces for Residences), 25-53 (Off-site Spaces for Permitted Non-residential Uses), 36-42 (Off-site Spaces for Residences) or 36-43 (Off-site Spaces for Commercial or Community Facility Uses), as applicable;
- (b) each off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#; and
- (c) in no event shall the number of #accessory# parking spaces within such facility exceed that permitted in accordance with the underlying regulations.

135-44

Special Loading Regulations

For the purposes of applying the underlying loading regulations, the requirements for C2 Districts mapped within an R7 District shall apply to all #Commercial Districts# in the #Special Bay Street Corridor#.

In addition, the underlying loading regulations shall be modified as follows:

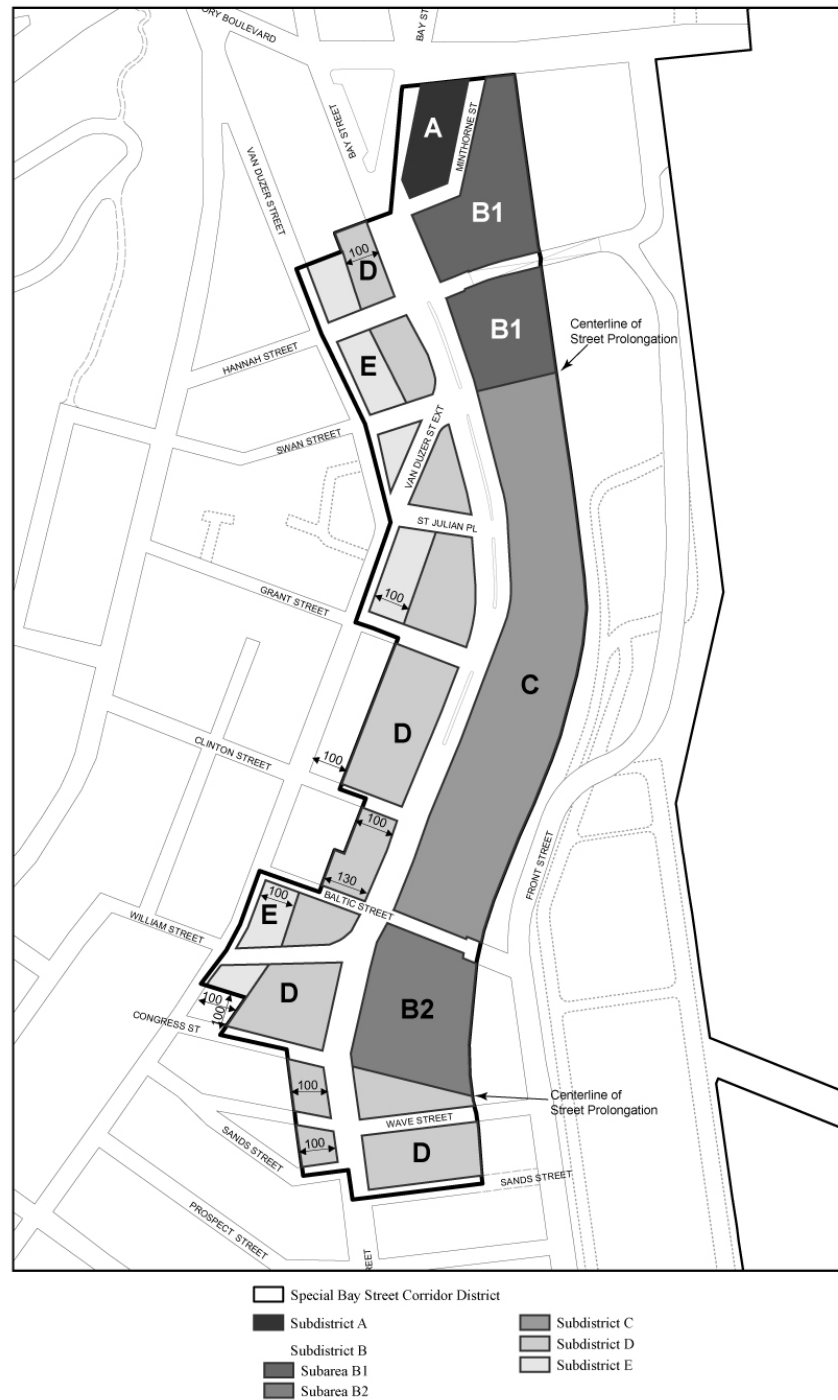
- (a) the requirements of Section 36-60, inclusive, shall not apply to changes of #uses#;
- (b) the provisions of Section 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) and Section 36-64 (Wholesale, Manufacturing, or Storage Uses Combined With Other Uses) shall not apply; and
- (c) the minimum length requirements for loading berths #accessory# to #commercial uses#, other than funeral establishments, set forth in Sections 36-681 (Size of required berths) shall be increased to 37 feet.

135-45

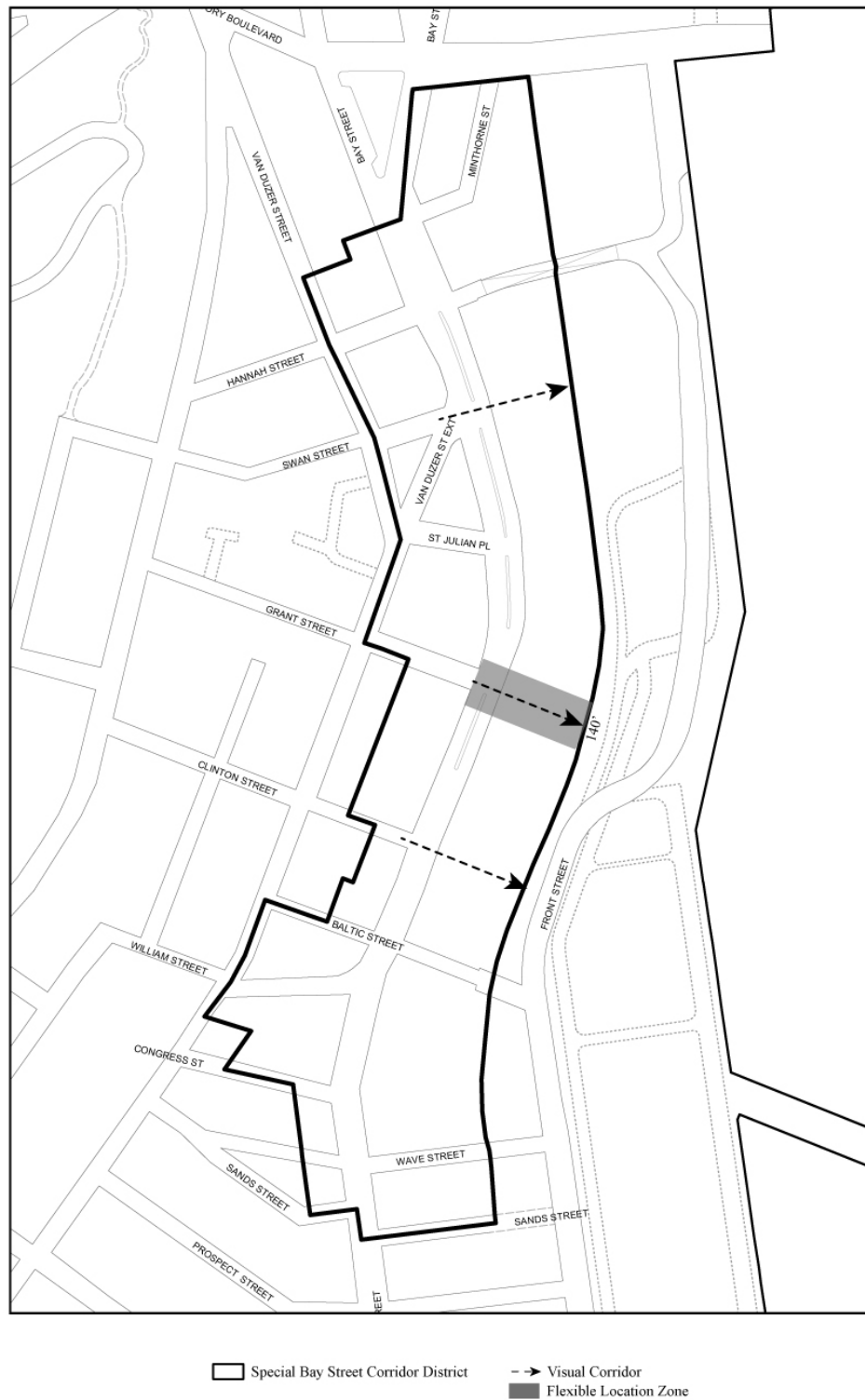
Location of Curb Cuts

For #zoning lots# existing on [date of adoption] with frontage along Bay Street and along another #street# frontage, no curb cut accessing off-street parking spaces or loading spaces shall be permitted along Bay Street.

Map 1 – Special Bay Street Corridor District, Subdistricts, and Subareas



Map 2 – Location of visual corridors



* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

Zoning Map	Community District	Maps of Inclusionary Housing Designated Areas	Maps of Mandatory Inclusionary Housing Areas
1d	Bronx CD 7	Map 1	

* * *

21c	Staten Island CD 1		Maps <u>1</u> , <u>2</u>
22a	Brooklyn CD 7	Map 2	

* * *

STATEN ISLAND

Staten Island Community District 1

* * *

Map 2 – (date of adoption)



Portion of Community District 1, Staten Island

★ ★ ★

The above resolution (N 190114 (A) ZRR), duly adopted by the City Planning Commission on April 22, 2019 (Calendar No. 3), 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*

ALLEN P. CAPPELLI, ESQ., JOSEPH DOUEK, RICHARD W. EADDY,

HOPE KNIGHT, ANNA HAYES LEVIN, LARISA ORTIZ, *Commissioners*

ALFRED C. CERULLO, III, ORLANDO MARIN, RAJ RAMPERSHAD, *Commissioners*,
VOTING NO



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190113 ZMR**

CEQR Number: 16DCP156R

Project Name: **Bay Street Corridor**

Borough(s): **Staten Island**

Community District Number(s): **01**

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended)**: Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL**: Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX**: to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

SEE ATTACHED

Applicant(s):

Department of City Planning
120 Broadway
New York, NY 10271

Applicant's Representative:

Christopher Hadwin
Department of City Planning
130 Stuyvesant Place, 6th Fl
Staten Island, NY 10301

Recommendation submitted by:

Staten Island Community Board 1

Date of public hearing: January 8, 2019

Location: All Saints Episcopal Church, 2329 Victory Blvd.

Was a quorum present? YES ☒ NO ☐

A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Date of Vote: January 8, 2019

Location: All Saints Episcopal Church, 2329 Victory Blvd.

RECOMMENDATION

☐ Approve

☐ Disapprove

☐ Approve With Modifications/Conditions

☒ Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting

In Favor: 37 # Against: 3 # Abstaining:

Total members appointed to the board: **46**

Name of CB/BB officer completing this form

Title

Chairman

Date

1/22/2019

- C 190113 ZMR – Bay Street Corridor multiple zoning changes:

Motion made and seconded to deny the application with the following conditions:

1. 20 acres be preserved as park land; and,
2. Reassess affordability with consistent statistics for north shore seniors and disabled; and,
3. Preserve and provide waterfront public access; and,
4. 6 floor maximum of all buildings; ,
5. Upgrade the Port Richmond Sewage Treatment Plant; and,
6. Upgrade Bay Street Sewer and mitigate flooding conditions that already exist; and,
7. Reassess the already inadequate transportation infrastructure; and,
8. Retract Cromwell Center facility from the application and fund Cromwell Center separate; and,
9. Request for a new K-8 school and a High School; and,
10. Preserve lots A1 & B as parkland and Waterfront Esplanade; and,
11. That the Stapleton Waterfront Phase III Sites (A and B1) should not be rezoned at this time in this action.
12. Site an HHC hospital in the Bay Street Corridor

Roll call vote taken, vote passed to deny with conditions 37-3-0.

Application #:	C 190114 ZRR C 190114A ZRR	Project Name:	BAY STREET CORRIDOR Zoning Text Amendment
CEQR Number:	16DCP156R	Borough(s):	STATEN ISLAND
		Community District Number(s):	1

Please use the above application number on all correspondence concerning this application

Docket Description:

Proposed Zoning Text Amendments

The Department of City Planning proposes a series of text amendments to facilitate the land use objectives of the Bay Street Corridor Plan. The following is a list and description of the proposed text amendments.

ZR Section 135-00: Special Bay Street Corridor District (SBSCD)

Through outreach conducted as part of the Plan, special zoning provisions have been crafted to establish specific urban design and bulk controls to respond to the unique context of the Bay Street Corridor. The proposed text amendment would establish the Special Bay Street Corridor District (ZR Section 135-00) and would modify the underlying use, setback, height, bulk, and parking regulations, view corridors, street wall provisions and vehicular access provisions, including:

- o Maximum permissible building heights of between 55 and 145 feet, depending on lot configuration and location;
- o Maximum permissible Floor Area Ratio (FAR) between 2.0 and 4.6 dependent on location and lot size:
 - Greater FARs may be achieved for Affordable Independent Residences for Seniors (AIRS) developments or long-term care facilities;
- o Use Regulations are proposed to be modified from underlying zoning as follows:
 - Non-residential uses would be required at the ground floor within 50 feet of Bay Street;
 - Underlying LDGMA requirements for ground floor uses within the C2 zoning district would not apply to existing zoning lots, below a certain size, or in certain locations within the corridor;
 - In a mixed-use building, commercial uses are proposed to be permitted up to and including the second story;
 - Use Group 6b (office) would be permitted up to the full permitted FAR in certain locations along Bay Street and in commercial-only buildings
 - Within certain areas of the R6 zoning district, limited expansion of existing brewery uses would be permitted, provided that (i) the enlarged or extended area does not exceed 15,000 sf for a beverage manufacturing establishment or brewery; and (ii) such enlargement or extension is located within a completely enclosed building; and (iii) all construction has been completed prior to 15 years after date of enactment; and
 - Physical Culture and Health Establishments would be permitted in commercial districts as-of-right.
- o Parking requirements are proposed to be modified from underlying zoning as follows, including, but not limited to:
 - A portion of non-office commercial use floor area may be exempted from parking calculations in mixed-use and commercial only buildings to recognized lower parking needs for more locally-oriented retail uses that serve the immediate residents and workers in the area;
 - Underlying residential parking waivers shall only apply to zoning lots with a lot area equal to or greater than the lot area of that zoning lot on the date of adoption; and
 - Accessory parking spaces may be provided within parking facilities anywhere in the SBSCD
- o View corridors, open from the ground to the sky and improved to minimum DOT standards for public streets, are proposed at the following locations east of Bay Street:
 - In the prolongation of Swan Street (for any new residential or commercial development);
 - In a flexible zone near the prolongation of Grant Street; and
 - In the prolongation of Clinton Street

**Additional modifications to ZR Section 135-00 (Special Bay Street Corridor District) are proposed in an A-Applications, as described below:*

ZR Section 116-00 – Stapleton Waterfront

A zoning text amendment is proposed to the ZR to modify the underlying building height regulations within the existing SSWD. The proposed zoning text amendment would alter the maximum building height on Stapleton Waterfront Northern Sites A and B1 from 55 feet to 125 feet.

Continued on Page 2

ZR Section 116-00 – Stapleton Waterfront (continued)

With a proposed 125 foot height limit, the same floor area permitted by existing zoning would be permitted; however, the increase in maximum allowable building height would provide flexibility in the building envelope. Rather than restrict development to a single, long building mass parallel to Front Street and the shoreline, the increased allowable building height would permit a taller building with a reduced floor plate in order to enhance waterfront viewsheds.

**Additional modifications to ZR Section 116-00 (Special Stapleton Waterfront District) are proposed in an A-Application, as described below:*

ZR Appendix F: Mandatory Inclusionary Housing Areas (MIHA)

Both the Bay Street Corridor and Canal Street Corridor project areas are proposed to be mapped as MIHAs in ZR Appendix F. This proposed text amendment would mandate that a minimum percentage of new residential floor area in qualifying developments be provided as permanently affordable to households at low and moderate incomes. The MIH program would require the provision of affordable housing in developments exceeding 10 dwelling units or 12,500 square feet of residential floor area.

Proposed Disposition of City-Owned Property:

Under the Proposed actions, the following City-owned property would be disposed:

City Disposition Site: 55 Stuyvesant Place

In accordance with Sections 197-c(10) and 384(b)(4) of the New York City Charter, the City seeks disposition approval of Staten Island Block 9, Lot 9 (approximately 11,500 square feet) which is under the jurisdiction of the Department of Citywide Administrative Services (DCAS). There is a vacant, five-story (37,675 square foot) building on this lot (55 Stuyvesant Place). Once the disposition has been approved, the City intends to dispose of Lot 9, which includes the building to the New York City Land Development Corporation, then EDC will repurpose the property for use by a private tenant for office uses as proposed in the Request for Proposal (RFP) released by NYC Economic Development Corporation in 2015. The site is located in a C4-2 zoning district in the SSGD which allows a range of residential and commercial uses including offices.

At this time, there is no specific development proposal under consideration for the site that would be implemented pursuant to this application and the related land use actions. While the discretionary approvals that comprise the Proposed Project have been defined, the specific development program and site plan would depend upon future procurements to pursue the economic development goals of the Plan. Through the future procurement process, the development of commercial office space to support the creation of jobs in the creative, media, or technology sectors is in support of the goals of the Plan and consistent with the context of St. George as a downtown commercial and civic core of northern Staten Island.

Proposed Zoning Text Amendments, A-Application

In addition to the aforementioned zoning map and text amendments, the Department of City Planning has prepared and filed an amended zoning text amendment (referred to hereafter as the "A-Application") in response to comments during the certification and public review process. The modified zoning text amendment (N 190114A ZAR) would:

Special Bay Street Corridor District (SBSCD)

- **Modification to Use Provisions, UG 18a (Breweries)**
The proposed zoning text amendment would expand upon the originally proposed modification of use provisions within the SBSCD to allow for both existing and new breweries, not to exceed 30,000 square feet, to be located on commercially-zoned lots within the District.
- **Visual Corridor Design Standards**
The proposed zoning text amendment would expand the design standards and permitted accessory use provisions within mapped visual corridors in the SBSCD. The proposed modifications would allow flexibility for additional planting, seating, and unenclosed accessory uses to be located within portions of the visual corridor not required for access to parking or building egress.
- **Modification of Loading Requirements**
The proposed text amendment would reduce the underlying loading requirements for C2 commercial overlays located within R6 districts.

Continued on Page 3

Special Stapleton Waterfront District (SSWD)

- The proposed zoning text amendment would permit an exemption of up to 100,000 square feet of floor area for #school# uses as described in Use Group 3, within the Northern Sites (subareas A & B1) of the Special Stapleton Waterfront District.

The exemption of floor area for educational uses is intended to allow for the planning for a future school to be located at the Stapleton Waterfront Development to respond to projected future need, while retaining the opportunity to create the same amount of retail and affordable housing on City-owned property necessary to activate the area. In addition, the proposed text amendment to modify the maximum height of buildings on subareas A & B1 will allow for the flexibility needed to accommodate the additional floor area for educational uses.

RECOMMENDATION:

- ☐ Approve
- ☐ Disapprove
- ☐ Approve with Modifications / Conditions
- ☒ Disapprove with Modifications / Conditions

Explanation of Recommendation, Conditions or Modification:

Be it resolved that the Borough President of Staten Island, pursuant to Section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council **disapprove** the referenced land use actions based on the following conditions:

1. That in order to address all infrastructure deficiencies throughout the Bay Street Corridor (BSC), and establish a hierarchy of improvements based on need and future demand, the Department of Environmental Protection (DEP) commit in writing, prior to the City Council hearing, to undertaking a work plan with a definitive timeline to upgrade all relevant infrastructure including water and sewer, road and drainage facilities, and treatment plant capacity, as well as identifying strategic opportunities for green infrastructure to improve street drainage and storm storage capacity. An investigation of all existing drainage facilities at known locations of flooding throughout the corridor should be included and funded as required. DEP should commit, in writing, to a substantial capital improvement strategy with a funded budget that includes the acquisition of all properties required to execute the work needed to address the identified deficiencies. Infrastructure historically deemed outdated or unreliable, such as old unlined cast iron distribution water mains, outdated trunk mains, non-working hydrants, older undersized sanitary piping and insufficient storm drainage that contributes to localized street flooding, should be included for upgrades or alternative improvements. Existing streets that do not have sanitary sewers should become part of an immediate capital plan.
2. That in order to address street and transportation deficiencies throughout the corridor, the Department of Transportation (DOT) commit in writing, prior to the City Council hearing, to a street evaluation and redevelopment initiative, as well as interim design strategies to improve roadways and public spaces in the near term. This effort should be coordinated with the infrastructure plan, to ensure that all area streets are mapped, accessible, outfitted with public sidewalks, curbs, strategically-planted street trees and lighting. Unopened portions of mapped streets and privately-owned portions of Bay Street that can mitigate specific traffic issues, or provide direct throughput, should be considered for acquisition under this plan. A streetscape improvement plan should be implemented that includes, but is not limited to, all options for extended sidewalks and intermittent curbside parking, curb extensions at corners, requirements for publically accessible open spaces adjoining the public sidewalks at strategic locations, protected cycle lanes (where reasonable), distinctive pedestrian crosswalks, dedicated left turn lanes, speed restrictions, traffic controls, and signage and signal modifications. Improved streetscapes and pedestrian and vehicular connectivity from Bay Street to the waterfront should also be a priority. All of these community considerations contribute to public safety, the viability of the streetscape, and the efficiency of local commuter and traffic flow through the BSC. The aforementioned conditions establish the public realm, expected community services and desirability for economic investment and long-term residency.
3. That in order to address public transportation deficiencies and future impacts throughout the North Shore transportation corridor, the City Planning Commission (CPC) and City Council compel the Metropolitan Transit Authority (MTA) and the Staten Island Railway (SIR) to commit in writing to an evaluation and redevelopment initiative to ensure safe and efficient movement in each mode. The current bus service should be modified to address existing overcrowded conditions on the S78, the S74, and other buses utilizing the corridor, and a review of existing bus stop locations must be undertaken to identify the increased service that will be required to accommodate anticipated new residents to the area generated by this proposal. SIR service should also be evaluated to better serve the Stapleton and Tompkinsville communities. SIR infrastructure and stations should be refurbished to provide a safe environment for commuters. Areas of safety, lighting, barrier-free access and connectivity to existing streets from multiple locations at these SIR stations should become part of the Bay Street Neighborhood Plan.

Continued on Page 4

Explanation of Recommendation, Conditions or Modification (continued):

3. (continued) The CPC and City Council should ensure that a dialogue continues with the Economic Development Corporation (EDC) to establish a permanent fast ferry route from an agreed-upon Stapleton location to a designated Brooklyn landing or multiple landings. Fast ferry service between Staten Island and Brooklyn will provide new commuter and job opportunities, as well as creating an economic synergy for both boroughs. A definitive timeline should be established to keep the transportation corridor options and service levels in step with increasing demands created through future development.

4. That in order to address additional deficiencies in the delivery of services for police, fire, emergency response, local hospitals and sanitation, created by the addition of more than 6,500 residents within the BSC, the Administration provide a written commitment, prior to the City Council hearing, to quantify how service levels will be affected. In addition, thresholds should be identified as indicators used to trigger new capital allotments in response to the extent of the need. The level of service at local hospital emergency departments should also be included as the additional residents represent an 8% increase in the Stapleton population.

5. That in order to facilitate the creation of new school seats and the required increase in the total number of seats anticipated to adequately serve the existing and future demands, the Department of Education (DOE) and the School Construction Authority (SCA) provide written commitments, prior to the City Council hearing, of each agency's intent and timeline to complete an evaluation of all elementary, intermediate and high school capacities proximate to the BSC. This report should include and make definitive determinations regarding the appropriateness of constructing enlargements at specific relevant locations. It should also identify the current number of available seats and the projected number of new seats required in the short and long-term.

The Draft Environmental Impact Statement (DEIS) identified that the proposed actions would not have a significant impact on elementary, intermediate or high schools within the borough. With an estimated increase of 2,632 dwelling units under this proposal, and at least an additional 1,000 more currently being planned or under construction, current hard attendance data for each school should also be presented and reviewed prior to the City Council hearing to confirm the DEIS assumptions being presented in response to future conditions. Data shows that the current enrollment for schools servicing the BSC identifies capacities as follows: six elementary schools ranging from 101% to 154% capacity, two intermediate schools at an average of 70% capacity, and Curtis High School, which is at 172% capacity.

Further, a review of existing school and public bus routes should also be included to guarantee coordination with road and transportation improvements and modifications.

6. With regard to the 'A Text' modification to include a new floor area deduction of 100,000 sf. for schools located in the Subareas A and B1 in the Special Stapleton Waterfront District (SSWD), now filed as N190114(A) ZRR, in addition to the text originally filed under N190114 ZRR, it is necessary to denote that all floor area constructed under this exemption should be jointly designed with the DOE and SCA and approved by Department of City Planning (DCP). This requirement should be memorialized in ZR 116-22. The exemption should not become a pass to "overbuild" the site without thoughtful consideration for the short- and long-term public school strategies, including anticipated student enrollment at all age levels, dedicated attendant school facilities and open spaces, program specialization, student transportation, building maintenance and responsibilities for shared building services. Each of these concerns should be addressed in the written commitments of the agencies.

7. With regard to Physical Culture (PCE) or Health Establishments within the BSC pursuant to the 'A' text amendment to ZR135-13, the uses permitted under this section should be limited to establishments providing services that include physical exercise, aerobics, yoga, martial arts, and boxing or provide access to exercise equipment focused solely on improving physical conditions. The DCP should agree in writing, prior to the City Council hearing to better define exemptions from ZR 73-36 in lieu of declaring all PCE uses an as-of-right development within the BSC under this section.

8. That in order to make housing available to the broadest sample of end-users and include the widest band of incomes, the CPC and City Council should support and impose all available Mandatory Inclusionary Housing (MIH) options. The BSC market conditions will support new construction, but not the feasibility of reaching low-income levels without the use of subsidy. With the creation of moderate-income housing contributing to neighborhood housing affordability in the BSC, CPC and the City Council should choose to apply the Workforce Option and other available options in addition to Options 1 and 2. Imposing all available options to provide availability from 40% to 115% of Area Median Income (AMI) establishes the broadest housing plan with opportunities for both affordability and workforce housing. Subsidy should also be considered for workforce housing when deeper affordability is pursued in response to specific needs. These options will provide permanent affordability and galvanize diverse BSC housing opportunities into the future.

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Explanation of Recommendation, Conditions or Modification (continued):

9. That in order to make affordable housing on city-owned properties within the BSC available to the broadest spectrum of the Stapleton community, the CPC and City Council should support and require application of MIH Options 1 & 2 for all city-owned properties within the New Stapleton Waterfront (NSW), Phases 2 and 3 (Parcels A, B1, B4 & B5) and to any other city-owned parcel within the BSC. This requirement would provide the greatest opportunity for affordability to families within all income bands on properties where the city can directly control the most diversified and desired outcomes.

10. That in order to facilitate the adequate availability of publically-funded child care centers, Administration for Children's Services (ACS) provide a written commitment, prior to the City Council hearing, to identify new opportunities to mitigate impacts and anticipated shortages identified through the DEIS. Sites supporting mixed uses within the BSC should be considered by DCP for zoning incentives to create additional child care opportunities as appropriate.

11. That in order to support the skilled men and women that represent the building service workers, EDC commit in writing, prior to the City Council hearing, to ensuring that all development on city-owned properties under Phase 2 and 3 of the NSW or other city-owned parcels, disposed of as part of this effort, must be developed utilizing prevailing wage standards and protections for workers. Additional commitments must be made to include local hiring requirements and registered apprenticeship opportunities for local residents.

12. That in order to address the displacement of existing residents along the BSC, the New York City Department of Housing Preservation and Development (HPD) and the DCP commit, in writing, to an interim program exploring the possibility of creating an exclusive BSC program assisting in the short-term relocation of residents within the same neighborhood and providing assistance and priority opportunities to displaced families in order for them to remain within their chosen community at no additional cost for housing. The risk of displacement is a reality that should be addressed before this rezoning is considered.

13. That in order to address commercial and industrial displacement and foster new and existing business development and job creation throughout the BSC, the Department of Small Business Services (SBS) shall commit, in writing, prior to the City Council hearing, to a toolbox of incentives that can assist small business owners looking to remain within the corridor and landlords that want to retain longtime tenants. Incentives might include business tax exemptions, low-cost financing opportunities, reduction of water and sewer charges, forgiveness of civil penalties for violations that have been cured, etc. In addition to financial support, the SBS should provide business counseling and legal assistance to existing retailers. Services should be provided to assist with understanding new leases, to provide education for the establishment of Locally Based Enterprise (LBE) or Minority- and Women-owned Business Enterprise (M/WBE), to provide insight on how to grow a business in the BSC, etc. The SBS should also commit to conducting business owner's roundtable discussions to monitor evolving issues and concerns, regardless of the rezoning application status.

14. That in order to facilitate continued public open space improvements, shoreline stabilization, development of the North Shore Promenade, including the pedestrian connection to the ferry terminal and North Shore Esplanade and the completion of the public open spaces for Phase 2 (adjoining parcels B4, B5, dog park, playground, barbeque/picnic area, maintenance facility and public art display) and Phase 3 (adjoining parcels B1, A, Pier Place and court game venue) of the NSW, the Department of Parks and Recreation (DPR), DCP & EDC should, prior to the City Council hearing, provide written commitments, for the entire anticipated scope of work, current project funding and budget shortfalls, projected phasing and timelines, and how the public interest will be served through the review and approval process of the remaining development parcels.

Specifically, DCP should state its intent to oversee the entire design and planning process and ensure that the final site and building designs meet the general purpose of the Special Bay Street Corridor District (SBSCD) as proposed in ZR 135-00. EDC should commit to the completion of all technical tasks associated with shepherding each piece of the public waterfront commitment throughout the BSC, Special St. George District (SSGD) and the SBSCD. Tasks should include establishing a budget and timeline for required street mappings (Victory Boulevard, Murray Hulbert Street and the acquisition of Front Street, south of Phase 2 of the NSW), including acquisition when necessary, removing all street areas from tax lots under the jurisdiction of agencies that have no control or jurisdiction over the public safety of streets or delivery of services for street maintenance, installation of required sewer and water infrastructure for all negotiated development fronting or adjoining waterfront streets, from Victory Boulevard to the southernmost end of Phase 2 of the NSW, establish a working group that includes utility companies to identify service projections and future utility improvements and anticipated timelines, address projected traffic and identify a long-term neighborhood traffic plan for DOT review prior to the installation of a two-way bicycle lane along Front Street. EDC should also evaluate existing city contracts for waterfront leases to guarantee that waterborne uses situated on city-owned properties are not displaced and that the lessees are treated properly and given fair and equitable alternatives to continue operations supporting the greater good.

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Explanation of Recommendation, Conditions or Modification (continued):

15. That in order to meet the Administration's pre-existing commitment to include the replacement of all community services previously offered at the George M. Cromwell Recreational Center, DCP, EDC and DPR commit in writing, prior to the City Council hearing, to a new project, in the same general location, replacing previous community activities with sports venues for basketball, volleyball, boxing, dance and fitness classes, the establishment of family fitness club memberships, arts and crafts programs and theater programs specifically designed for all age groups. Commitment should include site location, intended scope of work and services and the total funding necessary to recognize the importance of re-establishing the tradition of community services historically offered to all Staten Islanders since 1936. This new facility should build upon the seventy four years of community dependability synonymous with "Cromwell Center". This is a debt the city owes to the residents of the North Shore and all Staten Islanders, and it should remain an essential part of the BSC effort.
16. That in order to audit progress on all agency commitments and recommendations and to keep community representatives, elected officials and Community Board 1 informed, the Administration should commit, in writing, prior to the City Council hearing, to an oversight committee consisting of representatives from each of the aforementioned stakeholder groups that will meet quarterly to monitor intended progress on capital initiatives and city-owned and all other BSC parcels.
17. To address the highest and best future use of the city-owned property at Tax Block 6, Tax Lot 20, fronting Central Avenue and St. Marks Place, DCP should confirm that this site has, in fact, been removed from the disposition portion of the greater ULURP application. EDC should commit, in writing, to undertake a market study determining appropriate community needs and a hierarchy of uses supported by the neighborhood. This parcel was earmarked as an economic development site prior to the construction of the adjacent Supreme Court Building. While originally included as part of the courthouse site, it was determined to have a greater community value as an independent site that would be utilized in response to a unique community need. The documentation submitted as part of this rezoning is a mere distraction from the real issues of the BSC proposal and does not make a compelling case that the disposition, at this time, is a worthwhile effort. While included in the DEIS, I understand it may have since been removed. I do not support the disposition of this site for the aforementioned reasons.
18. That in order to facilitate the disposition of city-owned property at Tax Block 9, Tax Lot 9, known as 55 Stuyvesant Place, CPC and EDC provide a written commitment, prior to the City Council hearing, to advance the work of the previous Request for Proposals (RFP) issued by EDC to facilitate a 21st century tech hub and job incubator. The site can serve as a catalyst for local and citywide technology startup success and be utilized to develop new products, services and technologies. This use, combined with direct access to St. George, New Brighton, Tompkinsville and the BSC, via mass transit, will add unique employment to the palette of other opportunities actively existing or being created along the BSC to live, work and recreate within the borough. At this time, I do not support the inclusion of housing in any future development program at this location.
19. That in order to facilitate the upzoning application being presented, a commitment must be made by DCP, in writing prior to the City Council hearing, to equally study the downzoning of other borough communities where, though already zoned for less density, there is little or no infrastructure and fewer mass transit options, and where new as-of-right development is inconsistent with the neighborhood character, existing street fabric and the built environment. This acknowledgement informs borough residents that DCP will not only strive to encourage medium-density, mixed-use development in appropriate areas, but also remove the possibility of inappropriate development of out-of-character buildings, and protect the suburban character of other communities as part of their mission to plan for the future.
20. That in order to reimagine the BSC consistent with the desired goals of the proposed rezoning, the aforementioned issues must be sufficiently addressed to deliver on previous commitments to the borough and serve the future demands of more people, businesses, vehicles and the constant demand for more services. To address the public health, safety and general welfare, establish social equity and promote economic investment and the highest quality of life for all residents, the CPC and City Council must **disapprove** this application and demand commitments from related agencies that are consistent with the known challenges that all Staten Islanders will face in the future.

Related Application(s): C 190113 ZMR, C 190115 PPR, C 190179 HAR

Address all questions about this Recommendation to:

OFFICE OF THE STATEN ISLAND BOROUGH PRESIDENT
ATTN: LAND USE DIRECTOR

Address: 10 Richmond Terrace, Room G-12
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Phone: 718-816-2112


James S. Oddo
President, Borough of Staten Island

02/21/2019
Date