

Application #: C 190113 ZMR	Project Name: BAY STREET CORRIDOR Zoning Map 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:

IN THE MATTER OF an application submitted by the NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 21c and 21d:

1. Eliminating from within an existing R3-2 District a C2-2 District bounded by a line 150 northwesterly of Canal Street, a line 700 feet southwesterly of Wright Street, a line 125 northwesterly of Canal Street, a line 200 feet southwesterly of Wright Street, Canal Street, Broad Street, and Cedar Street;
2. Eliminating from within an existing R4 District a C2-2 District bounded by Canal Street, Wright Street, and Broad Street;
3. Changing from an R3X District to an R6 District property bounded by a line 130 feet northwesterly of Bay Street, a line 105 feet northeasterly of Baltic Street, a line 100 feet northwesterly of Bay Street, and Baltic Street;
4. Changing from an M1-1 District to an R6 District property bounded by Bay Street (easterly portion), the southerly street line of Victory Boulevard, the easterly boundary line of the State Island Rapid Transit (SIRT) Right-of-Way, Sands Street, Bay Street, Sands Street, a line 100 feet westerly of Bay Street, Congress Street, a line 100 feet southeasterly of Van Duzer Street, Baltic Street, a line 100 feet northwesterly of Bay Street, Clinton Street, a line 100 feet southeasterly of Van Duzer Street, St. Julian Place, Van Duzer Street Extension, Swan Street, a line 100 feet northeasterly of Van Duzer Street, Hannah Street, a line midway between Van Duzer Street and Bay Street, and the southwesterly centerline prolongation of Minthorne Street;
5. Changing from an R3-2 District to an R6B District property bounded by a line 150 feet northwesterly of Canal Street, a line 700 feet southwesterly of Wright Street, a line 125 feet northwesterly of Canal Street, a line 200 feet southwesterly of Wright Street, Canal Street, Broad Street, and Cedar Street;
6. Changing from an R3X District to an R6B District property bounded by Van Duzer Street, Baltic Street, a line 100 feet southeasterly of Van Duzer Street, and a line 100 feet northeasterly of Congress Street;
7. Changing from an R4 District to an R6B District property bounded by Canal Street, Wright Street, and Broad Street;
8. Changing from an M1-1 District to an R6B District property bounded by Van Duzer Street, a line 150 feet northwesterly of Hannah Street, a line midway between Van Duzer Street and Bay Street, Hannah Street, a line 100 feet northeasterly of Van Duzer Street, Swan Street, Van Duzer Street Extension, St. Julian Place, a line 100 feet southeasterly of Van Duzer Street, and Grant Street;
9. Establishing within a proposed R6 District a C2-3 District bounded by a line midway between Van Duzer Street and Bay Street, the southwesterly centerline prolongation of Minthorne Street, Bay Street, the easterly centerline prolongation of Swan Street, the easterly boundary line of the Staten Island Rapid Transit (SIRT) Right-of-Way, Sands Street, Bay Street, Sands Street, a line 100 feet easterly of Bay Street, Congress Street, a line 100 feet southeasterly of Van Duzer Street, Baltic Street, a line 130 feet northwesterly of Bay Street, a line 105 feet northeasterly of Baltic Street, a line 100 feet northwesterly of Bay Street, Clinton Street, a line 100 feet southeasterly of Van Duzer Street, St. Julian Place, Van Duzer Street Extension, Swan Street, a line 100 feet northeasterly of Van Duzer Street, and Hannah Street;
10. Establishing within a proposed R6B District a C2-3 District bounded by:
 - a. Van Duzer Street, a line 150 feet northwesterly of Hannah Street, a line midway between Van Duzer Street and Bay Street, Hannah Street, a line 100 feet northeasterly of Van Duzer Street, Swan Street, Van Duzer Street Extension, St. Julian Place, a line 100 feet southeasterly of Van Duzer Street, and Grant Street; and
 - b. A line 150 northwesterly of Canal Street, a line 700 feet southwesterly of Wright Street, a line 125 feet northwesterly of Canal Street, a line 200 feet southwesterly of Wright Street, Canal Street, Wright Street, Broad Street, and Cedar Street;

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Docket Description (continued):

11. Establishing within a proposed R6 District a C2-4 District bounded by Bay Street (easterly portion), the southerly street line of Victory Boulevard, the easterly boundary line of the State Island Rapid Transit (SIRT) Right-of-Way, the easterly centerline prolongation of Swan Street, and Bay Street; and

12. Establishing a Special Bay Street Corridor District (BSC) bounded by Bay Street (easterly portion), the southerly street line of Victory Boulevard, the easterly boundary line of the Staten Island Rapid Transit (SIRT) Right-of-Way, Sands Street, Bay Street, Sands Street, a line 100 feet westerly of Bay Street, Congress Street, a line 100 feet southeasterly of Van Duzer Street, a line 100 feet northeasterly of Congress Street, Van Duzer Street, Baltic Street, a line 130 feet northwesterly of Bay Street, a line 105 feet northeasterly of Baltic Street, a line 100 feet northwesterly of Bay Street, Clinton Street, a line 100 feet southeasterly of Van Duzer Street, Grant Street, Van Duzer Street, a line 150 feet northwesterly of Hannah Street, a line midway between Van Duzer Street and Bay Street, and the southwesterly centerline prolongation of Minthorne Street;

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated May 22, 2017, and subject to conditions of CEQR Declaration E-429.

RECOMMENDATION:

Approve

Approve with Modifications / Conditions

Disapprove

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.

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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.

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.

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Explanation of Recommendation, Conditions or Modification (continued):

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.

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.

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Explanation of Recommendation, Conditions or Modification (continued):

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 190114 ZRR, C 190114A ZRR, 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
Staten Island, NY 10301

Phone: 718-816-2112



James S. Oddo
President, Borough of Staten Island

02/21/2019

Date