

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

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.

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.

Continued on Page 5

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.

Continued on Page 6

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:

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James S. Oddo
President, Borough of Staten Island

02/21/2019
Date