

TECHNICAL MEMORANDUM 002
POTENTIAL CITY COUNCIL MODIFICATIONS
BAY STREET CORRIDOR REZONING AND RELATED ACTIONS

CEQR No. 16DCP156R

ULURP Nos.: C190113 ZRM, N190114ZRR,
C190115 PPR, C190179 HAR
N190114(A) ZRR, and C190179(A) HAR

June 14, 2019

A. INTRODUCTION

The New York City Department of City Planning (DCP), together with the Department of Housing Preservation and Development (HPD), and the Department of Citywide Administrative Services (DCAS), is proposing a series of land use actions including zoning map amendments, zoning text amendments, disposition of City-owned property, and Urban Development Action Area Project (UDAAP) designation (collectively, the “Proposed Actions”) to implement recommendations of the Bay Street Corridor Neighborhood Planning Initiative (the “Plan”).¹ The Plan is the subject of an ongoing community process to create opportunities for housing, including affordable housing, commercial development, and improved public spaces and infrastructure within an approximately 20-block area (“Project Area”) in Downtown Staten Island (roughly defined as Tompkinsville, Stapleton, and St. George neighborhoods), Community District 1. The affected area within the Tompkinsville and Stapleton neighborhoods along Bay Street is generally bounded by Victory Boulevard to the north and to the east, Sands Street to the south, and Van Duzer Street to the west. The affected area in the Stapleton neighborhood along Canal Street is generally bounded by Tappen Park to the north, Wright Street to the east, Broad Street to the south, and Cedar Street to the west. The Project Area also includes three City-owned sites (“City Disposition Sites 1, 2, and 3”) within the St. George and Tompkinsville neighborhoods and the Stapleton Waterfront Phase III Sites A and B1 located along Front Street between the prolongation of Swan Street and Wave Street.

The Final Scope of Work, Draft Environmental Impact Statement (DEIS) and Notice of Completion of the DEIS for the Proposed Actions were issued on November 9, 2018, by DCP, acting on behalf of the City Planning Commission (CPC) as lead agency. On January 31, 2019, DCP filed an application (N190114(A) ZRR) to modify components of the zoning text amendment, in response to information and feedback gathered during the public review process. These zoning text modifications included: (1) zoning text amendments to modify the Special Stapleton Waterfront District (SSWD) regulations to allow buildings in Subareas A or B1 of the special district to waive from floor area calculation purposes up to 100,000 square feet (sf) of community facility floor area for school use; (2) zoning

¹ For conservative analysis purposes, the *Bay Street Corridor Rezoning and Related Actions DEIS* also contemplated the disposition of the City-owned site located at 54 Central Avenue (Block 6, Lot 20 [City Disposition Site 3]) and the associated street demapping of the mapped, but unimproved, Victory Boulevard to facilitate future development of the site. The disposition of City Disposition Site 3 and the associated street demapping are not currently being sought as part of the Bay Street Corridor Rezoning and Related Actions ULURP applications. However, since these actions are expected to be sought by the City in the near future, the City Environmental Quality Review (CEQR) analysis accounts for them to present a conservative assessment.

text amendments to modify the Special Bay Street Corridor District (SBSCD) to permit brewery uses throughout the proposed SBSCD; and (3) zoning text amendments to modify the SBSCD related to loading requirements and visual corridor design. In addition, HPD prepared and filed an amended disposition and UDAAP designation application (ULURP No. C190179(A) HAR), which modified the disposition terms of City Disposition Site 2 (539 Jersey Street/100 Brook Street) to include Affordable Independent Residences for Seniors (AIRS), reduced the amount of commercial space and increased the amount of community facility space at the site. Furthermore, while the disposition of City Disposition Site 3 (54 Central Avenue) is not included in the land use application at this time, the action is expected to be sought in the near future. The modified assumptions for City Disposition Site 3 reflected the anticipated mixed-use residential and commercial program. Together, these changes were considered the “A-Text Application.” A Technical Memorandum pursuant to the modified application was issued on February 12, 2019 (“TM 001”), and the modified application was later analyzed as an alternative in the Final Environmental Impact Statement (FEIS), the “A-Text Application Alternative.” TM 001 concluded that the A-Text Application Alternative would not result in any new or different significant adverse impacts not already identified in the DEIS.

A public hearing on the DEIS was held on February 27, 2019, in conjunction with the CPC’s public hearing pursuant to ULURP, and written comments on the DEIS were accepted through March 11, 2019. On April 19, 2019, DCP withdrew the original application (N 190114ZRR), and HPD also withdrew the original disposition and UDAAP application (C190179HAR). The modified application (N 190114(A) ZRR, C190179(A) HAR) then became the Proposed Actions. The Notice of Completion for the Final Environmental Impact Statement (FEIS) was issued on April 11, 2019 (CEQR No. 16DCP156R). The FEIS incorporated responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS. As mentioned above, the FEIS also analyzed the modified application as an alternative to the original application, called the “A-Text Application Alternative”.

Following the publication of the FEIS, the CPC adopted the A-Text Application Alternative on April 22, 2019 (the “Approved Actions”) and referred the application to the City Council.

Since the CPC’s adoption of the Approved Actions, potential modifications have been identified as being under consideration by the City Council. The potential City Council modifications (the “Potential Modifications”) are summarized below. This technical memorandum examines whether the Potential Modifications would result in any new or different significant adverse environmental impacts not already identified in the FEIS as pertains to the Approved Actions.

As set forth below, this technical memorandum concludes that the Potential Modifications by the City Council would not result in any new or different significant adverse impacts not already identified in the FEIS. The mitigation measures identified and proposed in the FEIS would not change.

B. DESCRIPTION OF THE POTENTIAL CITY COUNCIL MODIFICATIONS

The Potential Modifications to the Approved Actions consist of substantive changes to the proposed zoning text amendments (ULURP No. N 190114(A) ZRR), with regard to the proposed Special Bay Street Corridor District (SBSCD) and Special Stapleton Waterfront District (SSWD), and with regard to the Mandatory Inclusionary Housing (MIH) Area Options to be mapped in the Project Area. The Potential Modifications to the proposed zoning text amendments are described in detail below. The zoning text associated with the Potential Modifications is provided in Appendix 1.

Zoning Text Modifications to the Special Bay Street Corridor District

The Potential Modifications include a change to the zoning text amendment action to further subdivide Subdistrict D of the proposed SBSCD into two separate Subareas, Subarea D1 and Subarea D2. The location and boundaries of the two subareas of Subdistrict D are shown in Figure 1.

Within Subarea D2, the Potential Modifications would include changes to the permitted density and maximum building height along the west side of Bay Street between Grant Street and Baltic Street and between Congress Street and Sands Street, reducing the maximum allowable floor area ratios (FARs) for residential and community facility uses and reducing the maximum building height, as compared to Subarea D1. Specifically, the maximum proposed FAR in Subarea D2 would be 2.25 for residences other than MIH sites), would be 2.75 for MIH sites and community facility uses (other than long-term care facilities), and would be 3.0 for AIRS or long-term care facilities. Commercial uses would have a maximum allowable FAR of 2.0 in Subareas D1 and D2. The maximum permitted building height within Subarea D2 would be 65 feet or 6-stories. This modification would affect Projected Development Sites 11 to 15, and Potential Development Sites M, N, R, and S (refer to Figure 2).

Tables 1 and 2 provide a comparison of the allowable density and height limits under the Approved Actions and the Potential Modifications by respective Subdistrict and applicable subarea of the SBSCD as appropriate.

TABLE 1

Proposed Density by Subdistrict or Subarea in the Special Bay Street Corridor Special District

Approved Actions					Potential Modifications				
Subdistrict or Subarea	Max Density (FAR)				Subdistrict or Subarea	Max Density (FAR)			
	Office ¹	Non-MIH Sites	MIH Sites & Com Fac. Uses	AIRS/Long-Term Care		Office ¹	Non-MIH Sites	MIH Sites & Com Fac. Uses	AIRS/Long-Term Care
A	4.6	4.0	4.6	5.01	A	4.0	3.6	4.0	4.6
B	3.6	3.0	3.6	3.9	B	3.6	3.0	3.6	3.9
C	3.0	2.5	3.0	3.25	C	3.0	2.5	3.0	3.25
D	2.0	2.5	3.0	3.25	D1	2.0	2.5	3.0	3.25
					D2	2.0	2.25	2.75	3.0
E	2.0	2.0	2.2	2.2	E	2.0	2.0	2.2	2.2

Notes:

¹ The maximum FAR for commercial uses other than offices is 2.0 in all subdistricts/subareas of the SBSCD.

TABLE 2

Proposed Height Limits by Subdistrict or Subarea in the Special Bay Street Corridor Special District

Approved Actions		Potential Modifications	
Subdistrict/Subarea	Max Height (ft.)	Subdistrict/Subarea	Max Height (ft)
A	145	A	125
B1	125	B1	125
B2	125	B2	125
C	85	C	85
D	75	D1	75
		D2	65
E	55	E	55

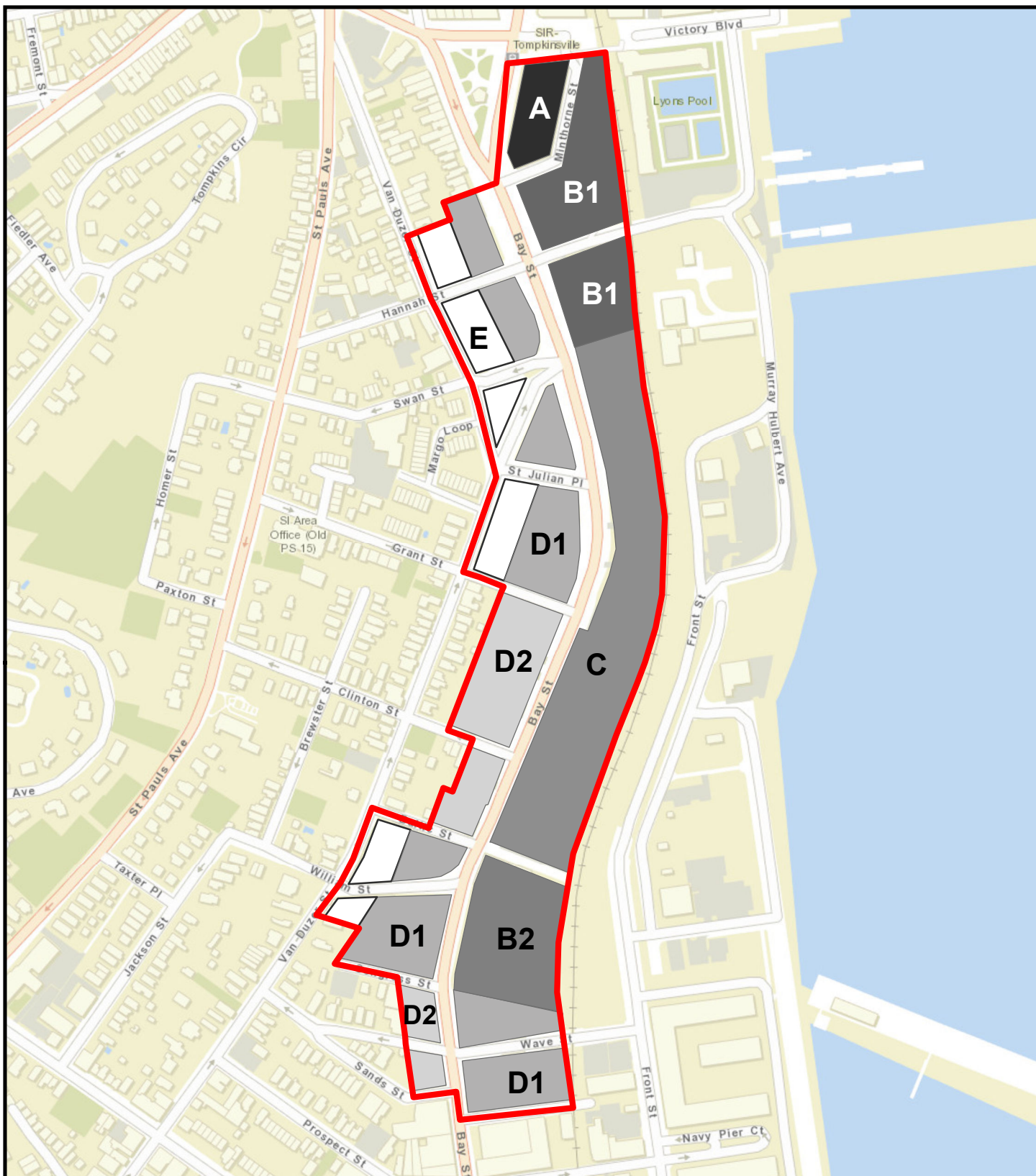
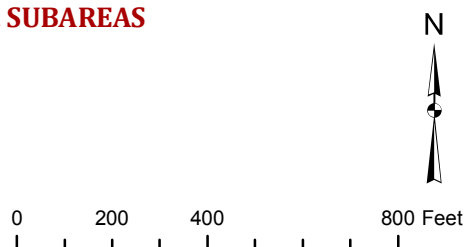


FIGURE 1: SPECIAL BAY STREET CORRIDOR DISTRICT - SUBDISTRICTS & SUBAREAS

**BAY STREET CORRIDOR
REZONING
AND RELATED ACTIONS
STATEN ISLAND, NY**

Map Reference:
Basemap: ESRI
Shapefile: NYC DCP; MapPLUTO
Data: NYC DPR

- | | | |
|---|--|---|
| Special Bay Street Corridor District | Subdistrict A | Subdistrict C |
| Subarea B1 | Subarea D1 | |
| Subarea B2 | Subarea D2 | |
| Subdistrict E | | |



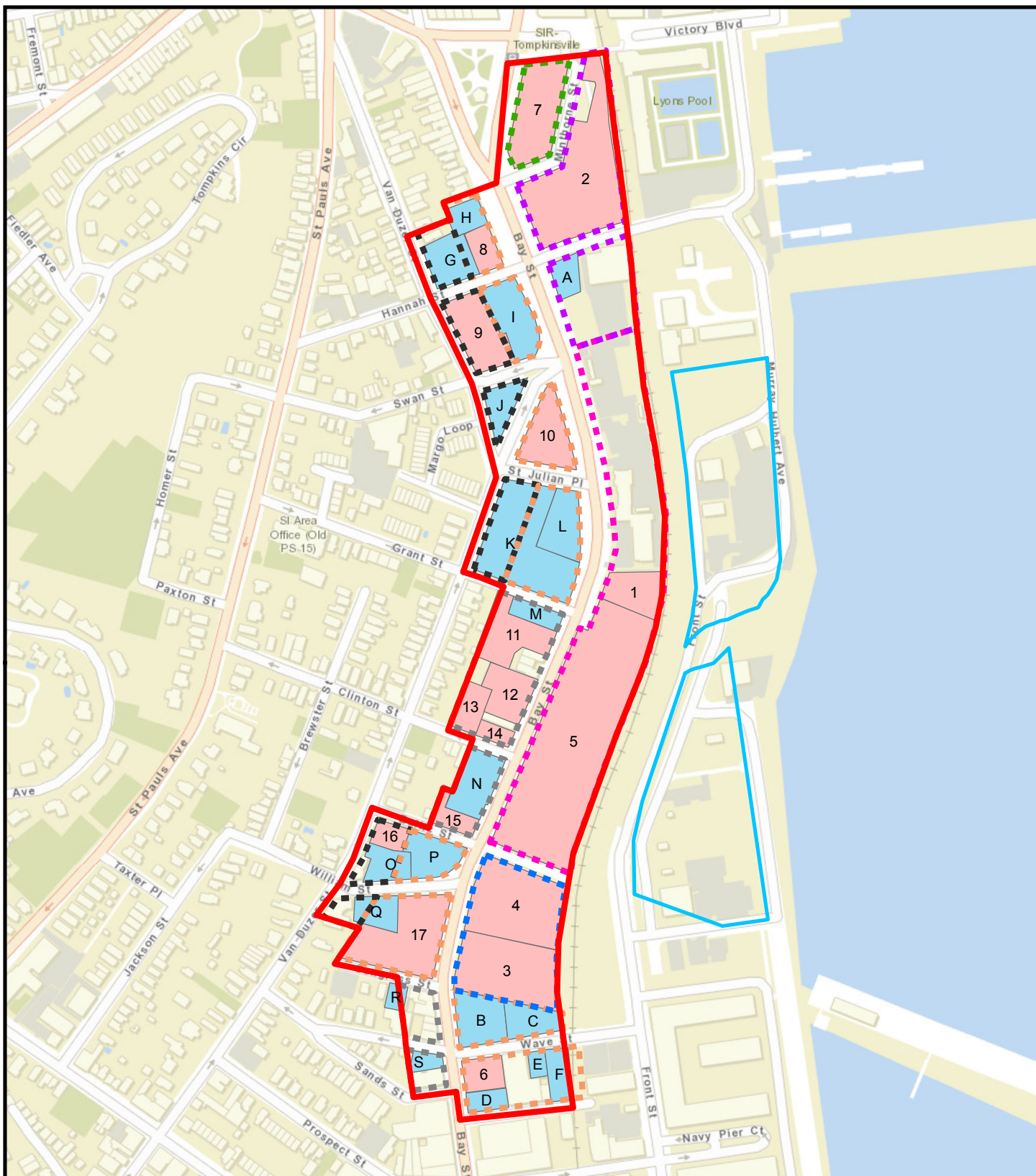


FIGURE 2: SPECIAL BAY STREET CORRIDOR DISTRICT - PROJECTED AND POTENTIAL DEVELOPMENT SITES

**BAY STREET CORRIDOR
REZONING AND RELATED
ACTIONS - STATEN ISLAND, NY**

Map Reference:
Basemap: ESRI
Shapefile: NYC DCP; MapPLUTO
Data: NYC DPR

- Special Bay Street Corridor District
- Stapleton Waterfront Phase III Sites
- Projected Development Sites
- Potential Development Sites
- Subdistrict A
- Subarea B1
- Subarea B2
- Subdistrict C
- Subarea D1
- Subarea D2
- Subdistrict E

0 200 400 800 Feet



As shown in Tables 1 and 2, the Potential Modifications would also reduce the maximum allowable FAR and maximum permitted building height in Subdistrict A of SBSCD, which comprises the block bounded by Victory Boulevard to the north, Minthorne Street to the east and south, and Bay Street to the west. Specifically, the maximum proposed FAR in Subdistrict A would be reduced from 4.6 to 4.0 for offices, MIH sites, and/or community facility uses (other than long-term care facilities) from 4.0 to 3.6 FAR for residences other than MIH sites, and from 5.01 to 4.6 FAR for AIRS or long-term care facilities. No change would occur to the maximum allowable 2.0 FAR for commercial uses other than offices. Additionally, the maximum permitted building height within Subdistrict A would be reduced from 145 feet (14-stories) to 125 feet (12-stories). Streetwall requirements in Subdistrict A would also be modified to provide flexibility for portions of the building that exceed the maximum base height. This modification would affect Projected Development Site 7, which comprises all of Subdistrict A (refer to Figure 2).

In addition, the Potential Modifications to the SBSCD text would insert “public” before “transportation” to further clarify that zoning lots in Subdistrict D containing a Use Group 16 or 17 operated in support of a public service or “public” transportation facility would need to comply with the provisions of an M1-1 zoning district and the provisions of the SBSCD would not comply. This modification would not increase density or otherwise affect the amount, type, or location of future development beyond what was analyzed in the *Bay Street Corridor Rezoning and Related Actions FEIS*.

Zoning Text Modifications to the Special Stapleton Waterfront District

As described above, the Approved Actions include a zoning text amendment to SSWD to allow buildings in Subareas A or B1 of the special district to waive, for floor area calculation purposes up to 100,000 sf of community facility floor area for a school. The Potential Modifications to the SSWD regulations would limit school use to “public school,” constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority (SCA) and subject to the jurisdiction of the New York City Department of Education (DOE). All floor area constructed under this floor area exemption would be jointly designed with DOE and the SCA, and approved by DCP. This modification would not increase density or otherwise affect the amount, type, or location of future development beyond what was analyzed in the *Bay Street Corridor Rezoning and Related Actions FEIS*.

Zoning Text Modifications to Appendix F

The Potential Modifications also include a modification to the zoning text amendment action to the New York City Zoning Resolution (ZR) Appendix F to designate the rezoning area as MIH Areas. The modification would apply MIH Option 1 with MIH Option 3 (the “Deep Affordability” Option) rather than the currently proposed MIH Options 1 and 2 with MIH Options 3 and 4. MIH Option 2 requires 30 percent of residential floor area for affordable housing units for residents with incomes averaging 80 percent AMI (\$76,880 per year for a family of three), and MIH Option 4 (Workforce Option) requires 30 percent of residential floor area for affordable housing units for residents with incomes averaging 115 percent (\$110,515 per year for a family of three). MIH Option 1 requires 25 percent of residential floor area for affordable housing units for residents with incomes averaging 60 percent AMI (\$57,660 per year for a family of three). MIH Option 3, the Deep Affordability Option, requires 20 percent of the total residential floor area for housing units for residents with incomes averaging 40 percent AMI (\$38,440 per year for a family of three); no direct subsidies may be used for these units except where needed to support more affordable housing. The proposed change in available MIH Options may decrease the number of affordable units produced as a result of the Approved Actions. However, the assumptions used in the *Bay Street Corridor Rezoning and Related Actions FEIS*

provides a conservative analysis of the effects of income-restricted units.

C. REASONABLE WORST CASE DEVELOPMENT SCENARIO

The Potential Modifications would result in changes to the reasonable worst case development scenario (RWCDs) presented in the FEIS, and assessed in connection with the Approved Actions. The proposed modifications to permitted height and density in Subdistricts A and D would result in changes to the RWCDs presented in the FEIS, as these modifications would result in shorter buildings and fewer dwelling units (DUs; i.e., reduced residential floor area) on affected development sites. Accordingly, a modified With-Action Condition was established to account for the Potential City Council Modifications to permitted height and density (referred to hereafter as the “Modified With-Action Condition”) as detailed below. The potential modifications to available MIH Options and text clarifications to the SBSCD and SSWD would not affect the RWCDs and would therefore not require any further assessment in this Technical Memorandum.

Development under the Potential Modifications would occur on the same 53 development sites (30 Projected and 23 Potential) identified for the Approved Actions. With the Potential Modifications, there would not be any new Projected or Potential Development Sites, nor would the Project Area change. As noted in Section B, above, the Potential Modifications would affect six Projected Development Sites (7, 11, 12, 13, 14, and 15) and four Potential Development Sites (M, N, R, and S). The Potential Modifications would result in density and height reductions on those sites, and consequently, the residential floor area would decrease. No changes to the amount of commercial or community facility floor area would occur at any of the development sites.

Table 3 summarizes the difference between the increment of the Approved Actions and the Potential Modifications. The specific changes affecting the Projected and Potential Development Sites with the Potential Modifications are shown in Table 4. As shown in Table 4, given that Projected Development Site 15 would involve the expansion of an existing commercial use in the With-Action condition, no changes would occur to the development program, as a result of the Potential Modifications. Like the Approved Actions, Projected Development Site 15 would be improved with approximately 10,294 sf commercial building with a height of 35 feet in the Modified With-Action condition under the Potential Modifications.

TABLE 3

Incremental Difference Between Approved Actions and Modified With-Action Condition

Use	Modified With-Action Condition	Approved Actions Increment (compared to No-Action)	Modified With-Action Condition Increment (compared to No-Action)	Difference in Increment
Commercial (sf)	526,790	183,555	183,555	0
Community Facility (sf)	190,378	152,499	152,499	0
Total Residential Dwelling Units (DUs)	2,707	2,736	2,695	-41
Workers ¹	2,532	1,281	1,279	-2
Residents ²	6,957	7,031	6,926	-105

Notes: ¹ Estimates of workers are based on the following rates: 4 employees per 1,000 sf of office; 3 employees per 1,000 sf of retail/supermarket/restaurant uses; one employee per 25 DUs; 3 employees per 1,000 sf of community facility uses; and 1 employee per 50 parking spaces.

² Assumes 2.57 residents per DU based on 2010- 2014 ACS Five-Year Estimates average household size of renter-occupied units for Staten Island Census Tracts 3, 7, 11, 21, and 27.

TABLE 4**Affected Projected and Potential Development Sites with Potential Modifications**

Development Site	Height (ft.) under Approved Actions	Height (ft.) under Modified With-Action Condition	Approved Actions Dwelling Unit (DU) Count	Modified With-Action Condition DU Count	Dwelling Unit (DU) loss	Incremental Change (No-Action vs. Modified With-Action Condition)
Projected Development Sites						
7	145	125	154	129	-25	129
11	75	65	80	73	-7	73
12	75	65	45	40	-5	37
13	75	65	39	35	-4	35
14	75	65	14	13	-1	13
15	35	35	0	0	0	0
Potential Development Sites						
M	75	65	19	17	-2	15
N	75	65	58	53	-5	52
R	75	65	12	11	-1	11
S	75	65	12	11	-1	11

Under the Modified With-Action Condition, the total development expected to occur on the 30 Projected Development Sites would consist of approximately 3,426,350 sf of built floor area, including approximately 2,707 DUs, a substantial portion of which are expected to be affordable; 215,212 sf of retail space, 240,578 sf of office space, 71,000 sf of restaurant space, and 190,378 sf of community facility space.

D. ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL MODIFICATIONS

This section assesses the effects of the Potential Modifications on the environmental analyses presented in the FEIS. As described previously, the Potential Modifications would result in massing changes and development program changes on five Projected Development Sites, which would result in a relatively small alteration to the incremental difference in residential dwelling units and shorter buildings.

The Potential Modifications would result in less incremental development and shorter buildings on five Projected Development and four Potential Development Sites than under the Approved Actions, as analyzed in the FEIS. Therefore, the potential modifications are similarly not expected to result in significant adverse impacts in the areas of land use, socioeconomic conditions, libraries, intermediate schools, high schools, shadows, urban design and visual resources, hazardous materials, water and sewer infrastructure, solid waste and sanitation services, energy, greenhouse gas emissions, public health, or neighborhood character.

A discussion of the implications of the Potential Modifications on the FEIS conclusions in the areas of community facilities (elementary schools and child care), open space, historic and cultural resources, transportation, air quality, noise and construction are provided below. As discussed in detail below, the Potential Modifications are expected to result in the same or very similar significant adverse impacts related to community facilities (elementary and child care), open space, historic and cultural resources, transportation (traffic and pedestrians), and construction (noise), as identified in the FEIS. Consequently, the significant adverse impacts under the Potential Modifications could be mitigated using the same types of mitigation measures identified for the Approved Actions.

The same (E) designations mapped in connection with the Approved Actions to preclude exposure to noise and hazardous materials would be mapped under the Potential Modifications. Additionally, like the Approved Actions, (E) designations would also be mapped for restrictions on fossil fuel-fired heat and hot water systems (HVAC) under the Potential Modifications and for brewery uses on Projected Development Sites 5 and 7, which are detailed in Appendix 2. As compared to the Approved Actions, the (E) designations to preclude exposure to HVAC and brewery emissions would be modified for Projected Development Site 7 and Potential Development Site M to include additional stock location restrictions, and fuel type restrictions. With respect to the three City-owned sites (City Disposition Sites 1, 2, and 3) and the Stapleton Waterfront Phase III Sites, the Potential Modifications, like the Approved Actions, would require measures similar to the (E) Designation requirements and the provisions contained in Land Disposition Agreements (LDA) or comparable binding documents between the City of New York and the future selected developer(s).

Community Facilities

Elementary Schools

The Potential Modifications would result in 41 fewer incremental DUs in Community School District (CSD) 31, Sub-district 4 and therefore, would result in lesser impacts on CSD 31, Sub-district 4 elementary schools, as compared to the Approved Actions. Specifically, as presented in Table 5, CSD 31, Sub-district 4 public school (PS) utilization rates would increase by 7.4 percent under the Potential Modifications, as compared to 8.0 percent under the Approved Actions analyzed in the FEIS. 202 elementary school seats would be needed to mitigate the Potential Modifications elementary school impacts in CSD 31, Sub-district 4, as compared to 209 elementary seats needed to mitigate the impacts under the Approved Actions as presented in the FEIS.

TABLE 5

2030 With-Action School Enrollment, Capacity, and Utilization in CSD 31, Sub-district 4 under the Modified With-Action Condition

	Students Introduced under Modified With-Action Condition	Total With-Action Enrollment under Modified With-Action Condition	Capacity	Available Seats under Modified With-Action Condition	Utilization (%) under the Modified With-Action Condition	Change in Utilization (%) from No-Action Condition to the Modified With-Action Condition	Change in Utilization under the Approved Actions
Elementary Schools	755 ¹	14,793	10,843	-3,950	136.4%	+7.4%	+8.0%

Note(s): DOE Enrollment Projections 2018-2026 by the Grier Partnership; DOE, Utilization Profiles: Enrollment/Capacity/Utilization, 2017-2018, DOE 2020-2024 Proposed Five-Year Capital Plan, February 2019; School Construction Authority (SCA); NYC SCA Projected New Housing Starts as used in 2018-2027 Enrollment Projections.

¹ The multipliers for primary and intermediate schools have been refined to reflect how many pupils are generated by new housing at the school district level (multipliers for high schools have been maintained at the borough level). As such, thresholds for determining when a public schools analysis is warranted have changed. For elementary and intermediate schools in CSD 31 in Staten Island, if a project is anticipated to introduce more than 128 incremental residential units, an analysis is warranted. For high schools in Staten Island, the new threshold is 1,205 incremental residential units. The 2014 *CEQR Technical Manual* has not been updated to reflect these new thresholds. However, DCP as lead agency, in consultation with the Mayor's Office of Environmental Coordination (MOEC) has determined that the 2012-2016 American Community Survey (ACS) – Public Use Microdata Sample (PUMS) data should be utilized as the basis for determining the need for a public schools indirect CEQR analysis, to present a reasonable and accurate environmental assessment.

Child Care

In terms of child care services, the Potential Modifications would generate one less incremental child eligible for publicly-funded child care services, and therefore would result in similar impacts on area child care facilities, as compared to the Approved Actions analyzed in the FEIS. Specifically, as presented in Table 6, under the Potential Modifications, the study area child care facility utilization rate would increase by 27.2 percentage points (to 127.9 percent), as compared to an increase of 27.4 percentage points (to 128.2 percent) under the Approved Actions. To mitigate the child care facility impact that would occur under the Potential Modifications, 83 child care slots would have to be provided, which is to the same as the number of child care slots that would need to be added under the Approved Actions.

TABLE 6

Comparison of Capacity, Enrollment, Available Slots, and Utilization for the 2030 Future No-Action, Approved Actions, and Potential Modifications Conditions

	Capacity	Enrollment	Available Slots	Utilization (%)
2030 No-Action Condition	383	386	-3	100.78%
Approved Actions Increment	0	105	-105	+27.42%
2030 Approved Actions With-Action Condition	383	491	-108	128.20%
Modified With-Action Condition Increment	0	104	-104	+27.16%
2030 Modified With-Action Condition	383	490	-107	127.94%

Source: New York City Administration for Children's Services (ACS)

Open Space

As under the Approved Actions, the Potential Modifications would result in significant adverse indirect impacts on total and active open space resources in the ½-mile residential study area, with slightly lesser impacts under the Potential Modifications. As presented in Table 7, the Potential Modifications would reduce the residential study area total open space ratio by 7.60 percent, as compared to a 7.80 percent reduction under the Approved Actions. The percentage change in passive and active open space ratios would also decrease under the Potential Modifications as compared to the Approved Actions. To fully mitigate the residential study area open space impact under the Potential Modifications, approximately 6.7 acres of additional open space would have to be provided (2.1 acres more than the 4.6 acres provided in the With-Action), including 2.6 acres of active open space to the study area, as compared to 6.8 acres of additional open space needed to fully mitigate the significant adverse impact under the Approved Actions (including 2.7 acres of active open space).

TABLE 7

Comparison of Residential Study Area Open Space Ratios- 2030 Future No-Action, Approved Actions, and Modified With-Action Condition

	Open Space Ratios per 1,000			Percent Change (%)	
	No-Action	Approved Actions	Modified With-Action	Future No-Action to Future With-Action under Approved Actions	Future No-Action to Future Modified With-Action
Total- Residents	1.513	1.395	1.398	-7.80%	-7.60%
Passive-Residents	0.934	0.876	0.878	-6.21%	-6.00%
Active-Residents	0.579	0.519	0.520	-10.36%	-10.19%

Historic and Cultural Resources

Implementation of the Potential Modifications would not alter the conclusions of the historic and cultural resources assessment presented in the FEIS. As under the Approved Actions, the Potential Modifications would not result in any significant adverse direct or indirect (contextual impacts) to architectural resources, nor would it result in any shadow impacts on historic resources. Both the Approved Actions and the Potential Modifications would result in inadvertent construction-related significant adverse impacts on two eligible historic resources and in direct impacts to archaeological resources at a single Projected Development Site.

As under the Approved Actions, the Potential Modifications could result in significant adverse archaeology impacts associated with potential prehistoric and nineteenth- to early twentieth-century waterfront archaeological features on Projected Development Site 5 in the Bay Street Corridor Project Area.

Under both the Approved Actions and the Potential Modifications, all New York City Landmarks Preservation Commission (LPC)-designated and/or properties listed on the State/National Register of Historic Places (S/NR-listed) historic resources within 90 feet of Projected or Potential Development Sites that would undergo construction would be subject to the protections of New York City Department of Building's (DOB's) Technical Policy and Procedure Notice (TPPN) #10/88. In both the Approved Actions and the Potential Modifications, this would apply to (i) Tompkinsville (Joseph H. Lyons) Pool (LPC-designated NYCL; S/NR eligible), which is less than 90 feet from Projected Development Site 2; and (ii) the 120th Police Precinct Station House (LPC-designated NYCL; S/NR eligible) and the Staten Island Family Courthouse (LPC-designated NYCL; S/NR eligible), both of which are less than 90 feet from City Disposition Site 1.

Similar to the Approved Actions, construction on Potential Development Site Q under the Potential Modifications could result in significant adverse construction-related impacts to the S/NR-eligible 292 Van Duzer Street, which is located within 90 feet of the site. In addition, construction on Projected Development Site 20 could result in significant adverse construction-related impacts to the LPC-eligible and S/NR-eligible Stapleton Branch of the New York City Public Library under the Approved Actions and the Potential Modifications.

Transportation

Under the Potential Modifications there would be fewer action-generated vehicle, transit, and pedestrian trips and less demand for on- and off-street public parking compared to the Approved Actions. Based on the trip generation assumptions detailed in Chapter 14, "Transportation," of the FEIS and as shown in Table 8, this potential modification would generate approximately 12, 3, 12 and 7 fewer incremental vehicle trips in the weekday AM, midday, and PM and Saturday midday peak hours, respectively, as well as 26, 15, 27 and 30 fewer person trips by non-motorized modes in these respective peak hours. This would represent decreases ranging from approximately 0.4 to 1.3 percent in net incremental peak hour trips compared to the Approved Actions.

Traffic

As presented in Table 8, compared to the Approved Actions, the Modified With-Action under the Potential Modifications would generate approximately 12, 3, 12 and 7 fewer incremental vehicle trips during the weekday AM, midday, and PM and Saturday midday peak hours, respectively. As the

decrease in net incremental vehicle trips results from a reduction in DUs on Projected Development Sites 7, 11, 12, 13 and 14 along the Bay Street corridor, it is anticipated that traffic conditions along this corridor would be similar under the Potential Modifications compared to the Approved Actions. Due to the marginal reduction in trips, conditions could improve slightly under the Potential Modifications compared to the Approved Actions, and could possibly result in fewer significant adverse traffic impacts. With fewer vehicle trips in each analyzed peak hour, the mitigation measures recommended in the FEIS for the Approved Actions' significant adverse traffic impacts would remain effective at mitigating traffic impacts under the Potential Modifications. Based on the reduction in peak hour vehicle trips, some of the unmitigated significant adverse traffic impacts identified in the FEIS could potentially be mitigated under the Potential Modifications.

**TABLE 8: Comparison of Net Incremental Peak Hour Trips by Mode—
Approved Actions vs. Potential Modifications**

Scenario	Vehicle Trips (Auto/Taxi/Truck)	Person trips by non-motorized modes			
		SIR	Bus	Bike/Walk Only	Total
Approved Actions	1193	432	940	1,609	2,980
Potential Modifications	1,181	426	928	1,601	2,954
Difference	-12	-6	-12	-8	-26
Approved Actions	887	341	679	2,469	3,489
Potential Modifications	884	338	673	2,463	3,474
Difference	-3	-3	-6	-6	-15
Approved Actions	1,299	573	1,144	1,846	3,563
Potential Modifications	1,287	567	1,131	1,838	3,536
Difference	-12	-6	-13	-8	-27
Approved Actions	705	487	900	1,636	3,023
Potential Modifications	698	480	891	1,622	2,993
Difference	-7	-7	-9	-14	-30

Transit

As presented in Table 8, the Potential Modifications would generate 6 fewer incremental SIR trips during both the weekday AM and PM peak hours than would the Approved Actions. As with the Approved Actions, incremental subway trips generated under this potential modification would not result in significant adverse SIR station or line haul impacts in either the weekday AM or PM peak hour.

Weekday AM and PM peak hour incremental bus trips would total 928 and 1,131 under the Potential Modifications, compared to 940 and 1,144 trips under the Approved Actions. Although there would be a total of 12 and 13 fewer bus trips during the weekday AM and PM peak hours, respectively, under Potential Modifications, this potential modification, like the Approved Actions, would likely result in significant adverse bus impact to the northbound and southbound S51/81, S74/84, S76/86 and S78 routes AM and PM peak hours. The mitigation measure recommended for the Approved Actions' bus impacts—increasing the number of peak hour buses—would remain effective at mitigating these impacts under the Potential Modifications.

Pedestrians

The Potential Modifications are expected to generate 26, 15, 27 and 7 fewer incremental pedestrian trips (including walk-only trips and trips to/from area transit services) in the weekday AM, midday, PM, and Saturday midday peak hours, respectively. With fewer pedestrian trips in each analyzed peak

hour, the mitigation measures recommended in the FEIS for the Approved Actions' significant adverse pedestrian impacts would remain effective at mitigating pedestrian impacts under the Potential Modifications. Furthermore, based on the reduction in peak hour pedestrian trips, the Potential Modifications could possibly result in fewer significant adverse pedestrian impacts. However, the unmitigated significant adverse pedestrian impacts resulting from the Approved Actions as identified in the FEIS are expected to remain unmitigated under the Potential Modifications.

Parking

As the development program for Projected Development Sites 7, 11, 12, 13 and 14 would be reduced under the Potential Modifications, there would be less incremental parking demand under the Potential Modifications than under the Approved Actions. As the Approved Actions would not result in any significant adverse impacts to on- or off-street parking conditions in any analysis period, and as the Potential Modifications would generate less incremental parking demand, the Potential Modifications are not expected to result in any significant adverse parking impacts.

Air Quality

Mobile Sources

As presented in the transportation portion of Section D, compared to the Approved Actions, the Modified With-Action under the Potential Modifications would generate approximately 12, 3, 12 and 7 fewer incremental vehicle trips during the weekday AM, midday, and PM and Saturday midday peak hours, respectively. Therefore, like the Approved Actions, no significant adverse air quality impacts are anticipated as a result of mobile source emissions with the Potential Modifications.

Stationary Sources

As discussed in Section C, the Potential Modifications would affect six Projected Development Sites (7, 11, 12, 13, and 14) and four Potential Development Sites (M, N, R, and S). The Potential Modifications would result in density and height reductions on those sites, and consequently, the residential floor area would decrease. Therefore, the stationary source analysis examined the potential for air quality impacts with the Potential Modifications. In addition, Projected Development Site 15 would involve the expansion of an existing commercial use in the With-Action condition. No changes would occur to the development program as a result of the Potential Modifications, and therefore no additional air quality analysis was required.

For Projected Development Site 7 and Potential Development Sites R and S, a screening analysis was conducted for the Potential Modifications. Both Potential Development Sites passed using No. 2 fuel oil; therefore, like the Approved Actions, no restrictions are required for these sites under the Potential Modifications. Projected Development Site 7 was determined to require the exclusive use of natural gas for fossil fuel-fired heating and hot water systems, a low NO_x burner, and that the heating and hot water systems stack(s) is located at least 30 feet from the lot line facing Minthorne Street, and at least 128 feet above grade. In addition, since the proposed brewery use at Projected Development Site 7 was not analyzed directly, but was instead modeled based on the HVAC normalized concentrations for the site, the same stack height and setback restrictions determined from the HVAC analysis would apply to the brewery exhaust stack(s).

As presented in the FEIS, Projected Development Sites 11, 12, 13 and 14 were analyzed along with Potential Development Sites M and N as part of HVAC Cluster 1. Individually, the restrictions for these sites would not be different as compared to the restrictions identified for the Approved Actions, with the exception of Potential Development Site M, which was determined to require a low NO_x burner in addition to the natural gas restriction determined for the site under the Approved Actions. For the cluster analysis, additional restrictions (as compared to the cluster analysis performed for the developments under the Approved Actions) were determined to be required for Potential Development Site M, requiring that the heating and hot water systems stack(s) is located at least 20 feet from the lot line facing Grant Street, and 40 feet from the lot line facing Bay Street, and at least 68 feet above grade.

Table 9 presents a summary of the proposed (E) designations for the sites that would be affected by the Potential Modifications. A complete summary of the air quality restrictions with the Potential Modifications is presented in Appendix 2.

TABLE 9: Proposed Air Quality (E) Designations for Projected and Potential Development Sites Affected by the Potential Modifications

Site	Block	Lot	Proposed (E) Designation
7	497	1, 7, 9	Any new residential and/or commercial development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at least 30 feet from the lot line facing Minthorne Street, and at least 128 feet above grade, to avoid any potential significant air quality impacts. Any new brewery operating on this site must ensure that the process exhaust stack(s) is located at least 30 feet from the lot line facing Minthorne Street, and discharge at a height of at least 3 feet above the proposed development height of 125 feet for this projected site (total of 128 feet above grade).
11	505	4, 51	Any new residential and/or commercial development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at least 60 feet from the lot line facing Bay Street, and at least 68 feet above grade, to avoid any potential significant air quality impacts.
12	505	11, 12, 14	Any new residential and/or commercial development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at least 35 feet from the lot line facing Bay Street, and at least 68 feet above grade, to avoid any potential significant air quality impacts.
13 ²	505	22, 24, 25	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at least 68 feet above grade, to avoid any potential significant air quality impacts.
14 ³	505	18	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at least 68 feet above grade, to avoid any potential significant air quality impacts.
M ⁴	505	1	Any new residential and/or commercial development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at least 40 feet from the lot line facing Bay Street, at least 20 feet from the lot line facing Grant Street, and at least 68 feet above grade, to avoid any potential significant air quality impacts.

² The (E) Designation for Site 13 was applied based on the modeling done for the HVAC Cluster Analysis.

³ The (E) Designation for Site 14 was applied based on the modeling done for the HVAC Cluster Analysis.

⁴ The (E) Designation for setback requirements for Potential Development Site M was applied based on the modeling for the HVAC Cluster Analysis.

Site	Block	Lot	Proposed (E) Designation
N	507	1, 5, 6	Any new residential and/or commercial and/or community facility development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at least 30 feet from the lot line facing Bay Street, and at least 68 feet above grade, to avoid any potential significant air quality impacts.

With these requirements in place, the Potential Modifications, like the Approved Actions, would not result in significant adverse air quality impacts.

Noise

Implementation of the Potential Modifications would not alter the conclusions of the noise assessment presented in the FEIS. The Approved Actions with this potential modification would result in comparable or lower project-generated traffic, and therefore, would result in a comparable or lower level of project-generated mobile source noise. Consequently, as with the Approved Actions, the Potential Modifications would result in changes in noise level that would be considered imperceptible to barely perceptible and not significant according to *CEQR Technical Manual* impact criteria at all analyzed noise receptor sites. The window/wall attenuation requirements established for the Approved Actions to be implemented by noise (E) designation or comparable measures would be required under the Potential Modifications. As with the Approved Actions, for development with the Potential Modifications, it is assumed that building mechanical systems (i.e., HVAC systems) for all building associated with the Potential Modifications would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in *ambient* noise levels.

Construction

Under the Potential Modifications, construction activities similar to what has been described in the FEIS would occur in the Project Area under the reasonable worst-case conceptual construction schedule. The construction phasing, activities, and estimates under the Modified With-Action Condition are expected to be similar to those under the Approved Actions. Like the Approved Actions, the construction schedule for the Modified With-Action Condition would be spread out over a period of approximately eleven years throughout the Project Area involving 30 Projected Development Sites, and construction of most of the Projected Development Sites would be short-term (i.e., lasting up to 24 months).

Neither the Approved Actions nor the Modified With-Action Condition would result in significant adverse construction impacts with respect to land use and neighborhood character, socioeconomic conditions, community facilities, open space, hazardous materials, air quality, or vibration. However, like the Approved Actions, construction activities related to the Potential Modifications would result in historic and cultural resources impacts and temporary noise impacts.

As noted above, like the Approved Actions, the Potential Modifications would result in significant adverse impacts to architectural and archaeological resources. The Potential Modifications are expected to result in the same significant adverse impacts related to construction-related architectural and archaeological resources as the development program and/or density related changes to the five Projected Development Sites under the Potential Modifications are not expected to change construction activity on those sites.

Like the Approved Actions, trips generated due to construction activity associated with the Potential Modifications are expected to peak in the first quarter of 2029. The net cumulative number of construction trips and operational trips in 2029 under the Potential Modifications would be generally comparable to the number under the Approved Actions during the 6-7 AM and 3-4 PM construction peak hours and the 7:30-8:30 AM and 4:30-5:30 PM operational peak hours. Under both the Approved Actions and the Potential Modifications, however, the cumulative construction and operational travel demand in 2029 would be less than with full build-out of either the Approved Actions or the Potential Modifications in 2030. Consequently, there would be less likelihood of significant adverse transportation impacts in 2029 compared to 2030, and the mitigation measures identified for 2030 operational transportation impacts under the Potential Modifications would also be effective at mitigating any potential impacts from combined operational and construction demand in 2029.

The Potential Modifications would result in similar increases in air pollutant emissions and noise levels that would be associated with the construction under the Approved Actions presented in the FEIS. As such, the Potential Modifications would have the potential to result in significant adverse construction noise impacts similar to those described in the FEIS. As under the Approved Actions, there are no practical or feasible mitigation measures that would fully mitigate the significant adverse construction noise impacts.

E. CONCLUSION

This Technical Memorandum examined whether the Potential Modifications would result in any new or different significant adverse environmental impacts not already identified in the FEIS. The proposed zoning text amendments to the proposed SBSCD would result in density and height reductions on five Projected Development Sites and four Potential Development Sites, and consequently, the residential floor area would decrease. No changes to the amount of commercial or community facility floor area would occur at any of the development sites.

As discussed in detail above, the Potential Modifications are expected to result in the same or very similar significant adverse impacts related to community facilities, open space, historic and cultural resources, transportation (traffic and pedestrians), and construction (noise), as identified in the FEIS. The significant adverse impacts under the Potential Modifications could be mitigated using the same types of mitigation measures identified for the Approved Actions.

APPENDIX 1:
PROPOSED CITY COUNCIL MODIFICATIONS
ZONING TEXT AMENDMENTS



THE COUNCIL
THE CITY OF NEW YORK
LAND USE DIVISION
250 BROADWAY - ROOM 1602
NEW YORK NEW YORK 10007

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June 11, 2019

Honorable Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Application No.: N 190114(A) ZRR (Pre. L.U. No. 421)
Related Application Nos.: C 190113 ZMR (Pre. L.U. No. 420),
C 190115 PPR (Pre. L.U. No. 422), and
C 190179(A) HAR (Pre. L.U. No. 423)

Special Bay Street Corridor District

Dear Chair Lago:

On June 11, 2019 the Land Use Committee of the City Council, by a vote 15-0-0 for Application **N 190114(A) ZRR**, recommended modifications of the City Planning Commission's decision in the above-referenced matter.

Pursuant to Section 197-d(d) of the City Charter I hereby file the proposed modifications with the Commission:

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council
* * * 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

* * *

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

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 public #school#, constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority and subject to the jurisdiction of the Department of Education, 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.

(e)(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.~~

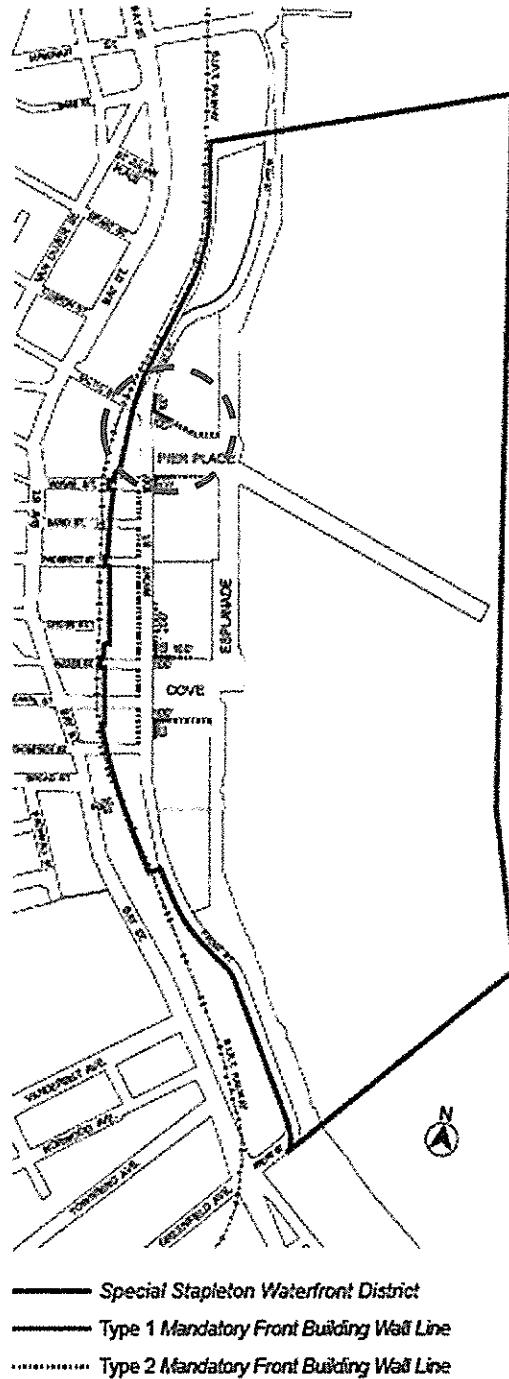
* * *

Honorable Marisa Lago, Chair
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June 11, 2019
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Appendix A
Stapleton Waterfront District Plan

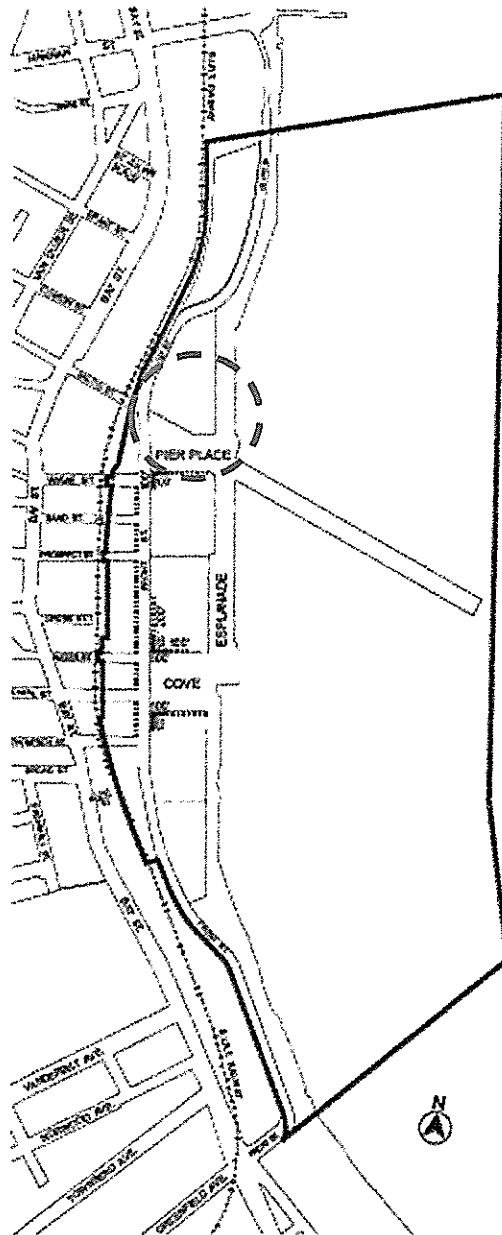
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Map 3 - Mandatory Front Building Wall Lines
[EXISTING MAP]



[PROPOSED MAP:

Type 1 and Type 2 Mandatory Front Building Wall Lines to be removed from Subarea B1]



— Special Stapleton Waterfront District
— Type 1 Mandatory Front Building Wall Line
- - - - - Type 2 Mandatory Front Building Wall Line

* * *

ARTICLE XIII

SPECIAL PURPOSE DISTRICTS

Chapter 5

Special Bay Street Corridor District

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

In Subdistrict D, subareas are established as follows:

Subarea D1

Subarea D2

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 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 public 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 A, 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 #developed# or #enlarged# 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>For</u> <u>#commercial</u> <u>uses# other</u> <u>than offices</u>	<u>Column 2</u> <u>For offices</u>	<u>Column 3</u> <u>For</u> <u>#residences#</u> <u>other than</u> <u>#MIH sites#</u> <u>and</u> <u>#affordable</u> <u>independent</u> <u>residences for</u> <u>seniors#</u>	<u>Column 4</u> <u>For #MIH</u> <u>sites# and</u> <u>#community</u> <u>facility uses#</u> <u>other than</u> <u>#long-term</u> <u>care facilities#</u>	<u>Column 5</u> <u>For</u> <u>#affordable</u> <u>independent</u> <u>residences for</u> <u>seniors# or</u> <u>#long-term</u> <u>care facilities#</u>
<u>A</u>	<u>2.0</u>	<u>4.64.0</u>	<u>4.03.6</u>	<u>4.64.0</u>	<u>5.04.6</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>D1</u>	<u>2.0</u>	<u>2.0</u>	<u>2.5</u>	<u>3.0</u>	<u>3.25</u>
<u>D2</u>	<u>2.0</u>	<u>2.0</u>	<u>2.25</u>	<u>2.75</u>	<u>3.0</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

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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>	44 <u>125</u>	44 <u>12</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>D1</u>	<u>40</u>	<u>65</u>	<u>N/A</u>	<u>75</u>	<u>7</u>

<u>D2</u>	<u>40</u>	<u>65</u>	<u>N/A</u>	<u>65</u>	<u>6</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 A and 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.

135-31

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 corridor 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.

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;

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- (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 District#.

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 Sections 36-63 (Special Provisions for a Single Zoning Lot With Uses Subject to Different Loading Requirements) and 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 Section 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.

APPENDIX A

SPECIAL BAY STREET CORRIDOR DISTRICT

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

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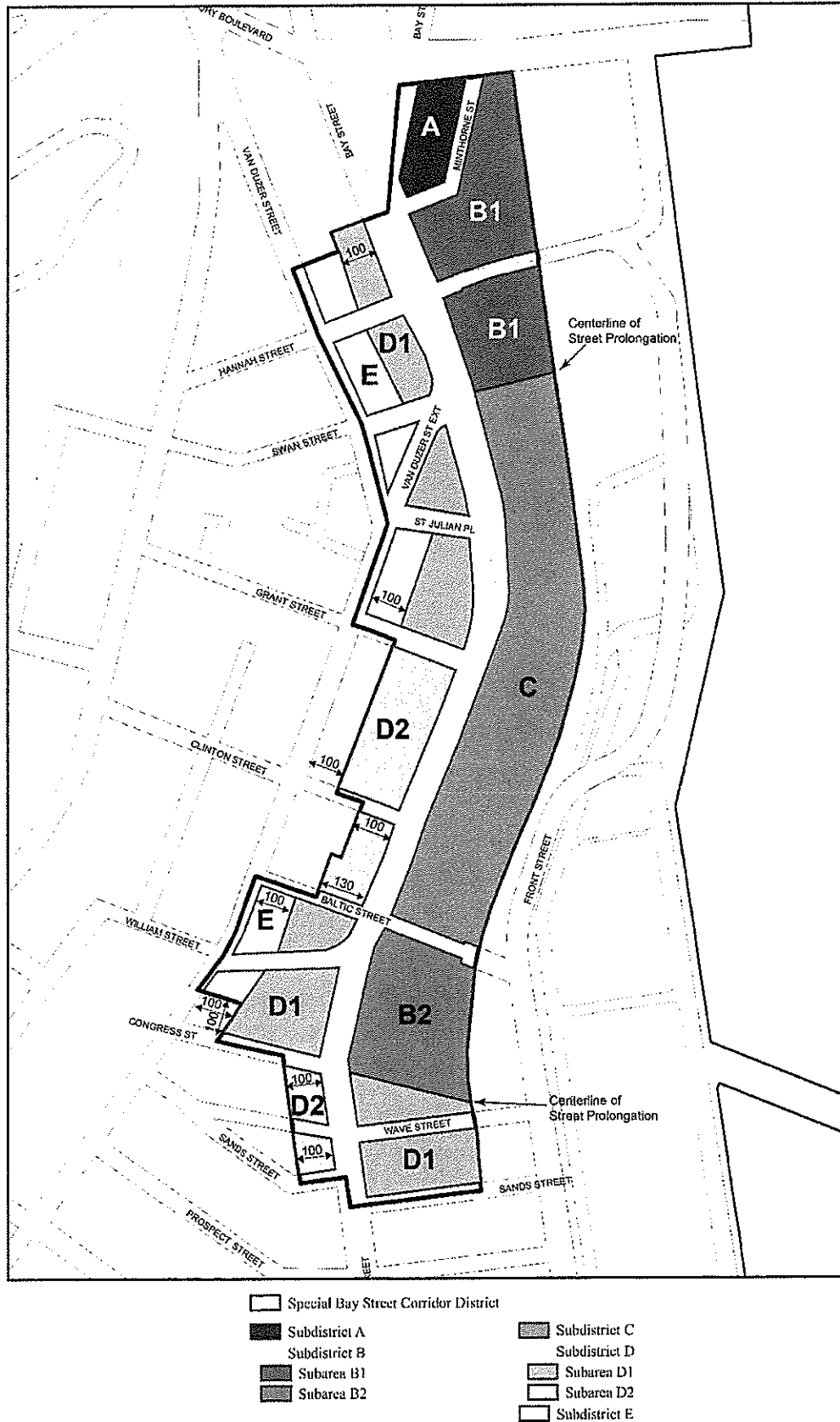
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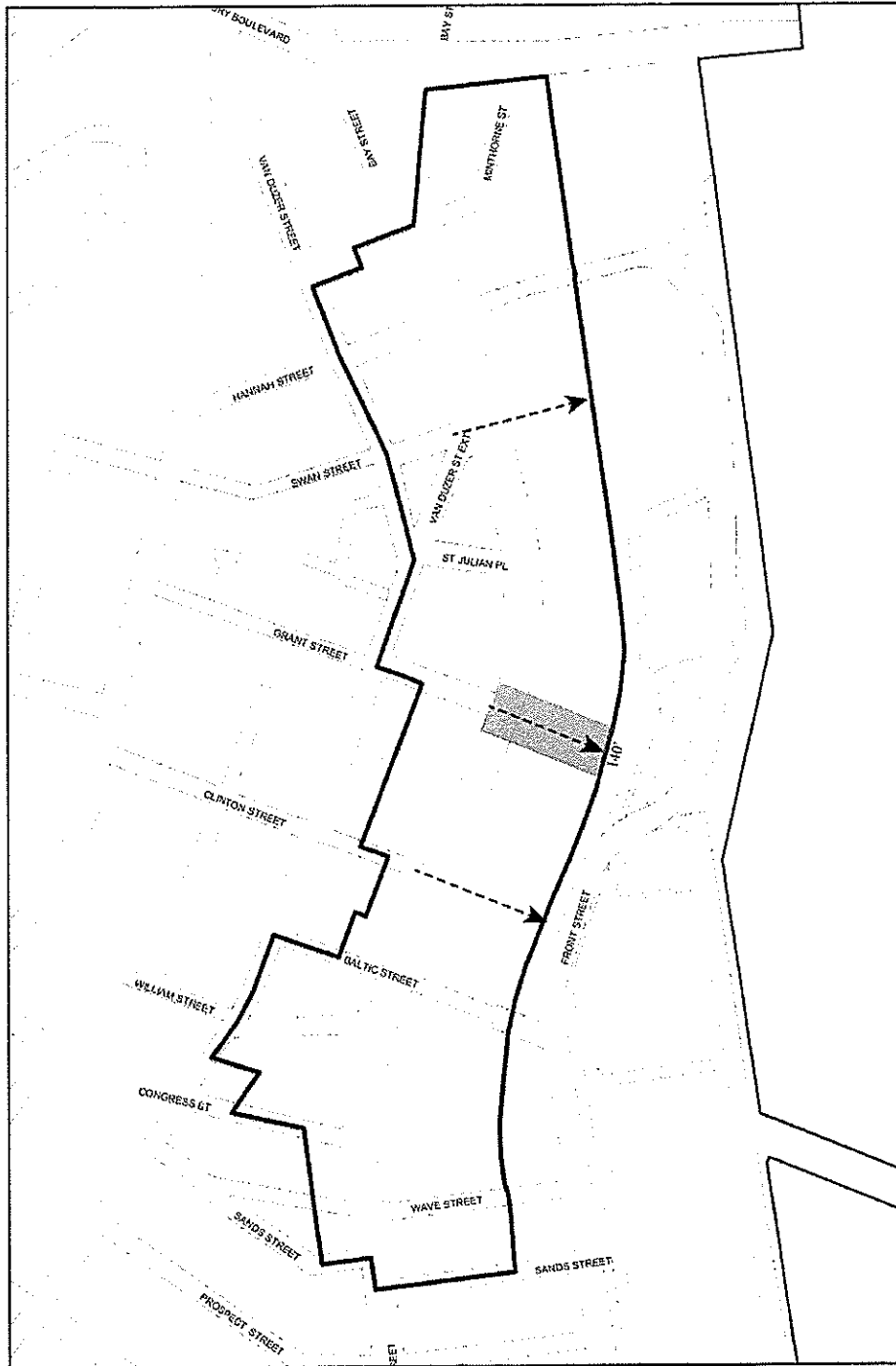
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Map 2 – Location of visual corridors



Special Bay Street Corridor District - - - - - Visual Corridor
Flexible Location Zone

* * *

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, 2</u>
22a	Brooklyn CD 7	Map 2	

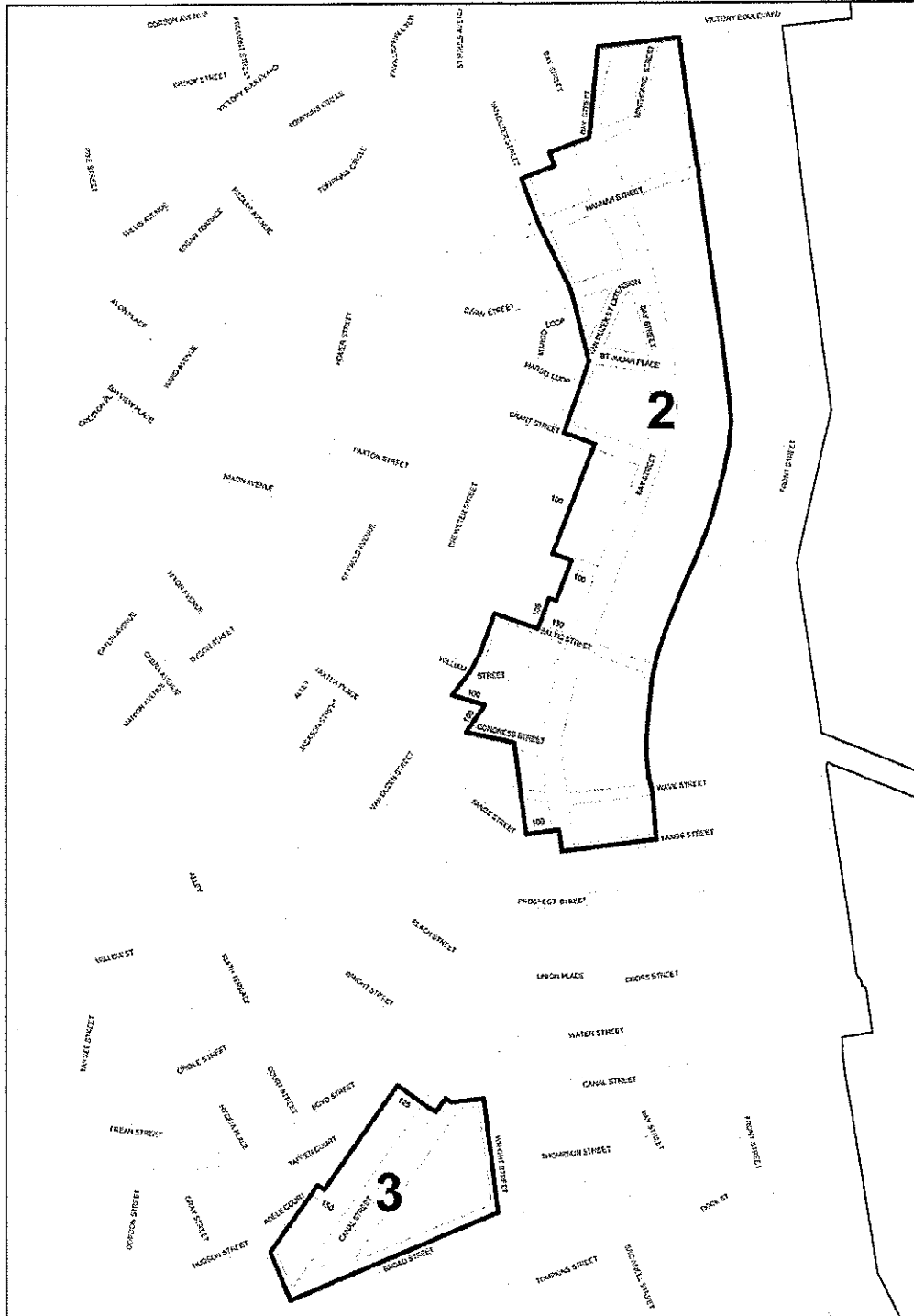
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STATEN ISLAND

Staten Island Community District 1

* * *

Map 2 - (date of adoption)



 Mandatory Inclusionary Housing Program Area see Sections 23-154(d)(3), 135-043 and 135-21 (Area 2) and see Section 23-154(d)(3) (Area 3)
 Area 2 ~ [date of adoption] MIH Program Option 1, ~~Option 2, Deep Affordability Option and Workforce Option~~
 Area 3 ~ [date of adoption] MIH Program Option 1, ~~Option 2, Deep Affordability Option and Workforce Option~~


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Portion of Community District 1, Staten Island

* * *

Please feel free to contact me at (212) 482-5185 if you or your staff have any questions in this regard.

Sincerely,


.....
Julie Lubin,
General Counsel

JL:mcs

RECEIVED BY: Mark Sherck
DATE: 6-11-2019
TIME: 2:15 PM

C: Members, City Planning Commission
Raju Mann, Director, Land Use Division
Amy Levitan, Deputy Director
Jeff Campagna, Deputy General Counsel
Angelina Martinez-Rubio, Deputy General Counsel
Arthur Huh, Assistant General Counsel
John Douglas, Project Manager
Susan Amron, Esq., DCP
Danielle J. DeCerro, DCP
File

APPENDIX 2:
PROPOSED AIR QUALITY (E) DESIGNATIONS

Under the Approved Actions with the Potential Modifications, (E) Designations are proposed to avoid adverse Air Quality impacts on Projected or Potential Development Sites with respect to air quality (heating systems and industrial sources). A description of the requirements of those (E) Designations follows. A list of the sites, including blocks and lots, affected by the (E) Designations is presented in Tables 2-1 and 2-2 for the Projected and Potential Sites, respectively, under the Approved Actions with the Potential Modifications.

To preclude the potential for significant adverse air quality impacts on other Projected and Potential Developments from either the HVAC emissions, or from existing/proposed industrial source emissions, an (E) Designation would be incorporated into the proposed rezoning for each of the affected sites. The descriptions and requirements of the proposed (E) Designations for these sites with respect to HVAC systems and existing/proposed industrial sources are presented in Tables 2-1 and 2-2 for the Proposed Actions.

TABLE 2-1: (E) Designations for Projected Development Sites (HVAC & Industrial Source Restrictions) for the Approved Actions with the Potential Modifications

Development Site	Block	Lots	Proposed (E) Designation
1	488	71	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier and at least 20 feet from the lot line facing Murray Hulbert Avenue, to avoid any potential significant air quality impacts.
2	487	60,64,80	Any new commercial and/or community facility development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier and at least 65 feet from the lot line facing Minthorne Street, to avoid any potential significant air quality impacts.
3	488	9	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water systems stack(s) is located at least 135 feet above grade, to avoid any potential significant air quality impacts.
4	488	18, 26, 175, 201, 206	Any new residential and/or commercial and/or community facility development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water systems stack(s) is located at least 135 feet above grade, to avoid any potential significant air quality impacts.
5	488	53,65	Any new residential and/or commercial and/or community facility development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas for heating and hot water systems, and ensure that the heating and hotwater system stack(s) is located at least 283 feet from the lot line facing Baltic Street, at least 100 feet from the lot line facing Front Street, and at least 95 feet above grade, to avoid any potential significant air quality impacts. Any new brewery operating on this site must ensure that the process exhaust stack(s) is located at the highest tier and discharge at a height of at least 3 feet above the proposed development height of 85 feet for this projected site (total of 88 feet above grade).

Development Site	Block	Lots	Proposed (E) Designation
7	497	1, 7, 9	<p>Any new residential and/or commercial development must be fitted with low NO_x (30 ppm) burners firing exclusively natural gas for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at least 30 feet from the lot line facing Minthorne Street, and at least 128 feet above grade, to avoid any potential significant air quality impacts.</p> <p>Any new brewery operating on this site must ensure that the process exhaust stack(s) is located at least 30 feet from the lot line facing Minthorne Street, and discharge at a height of at least 3 feet above the proposed development height of 125 feet for this projected site (total of 128 feet above grade).</p>
9	500	16, 18, 20, 22, 24	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier and at least 80 feet from the lot line facing Bay Street, to avoid any potential significant air quality impacts.
11	505	4,51	Any new residential and/or commercial development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at least 60 feet from the lot line facing Bay Street, and at least 68 feet above grade, to avoid any potential significant air quality impacts.
12	505	11,12,14	Any new residential and/or commercial development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at least 35 feet from the lot line facing Bay Street, and at least 68 feet above grade, to avoid any potential significant air quality impacts.
13 ¹	505	22,24,25	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at least 68 feet above grade, to avoid any potential significant air quality impacts.
14 ²	505	18	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at least 68 feet above grade, to avoid any potential significant air quality impacts.
15	507	12,17	Any new commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier and at least 38 feet above grade and at least 30 feet from the lot line facing Clinton Street, to avoid any potential significant air quality impacts.
17	509	1,4,8	Any new residential and/or commercial development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier and at least 80 feet from the lot line facing Bay Street, to avoid any potential significant air quality impacts.
18	526	11	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water systems stack(s) is located at least 65 feet above grade, to avoid any potential significant air quality impacts.

¹ The (E) Designation for Site 13 was applied based on the modeling done for the HVAC Cluster Analysis.

² The (E) Designation for Site 14 was applied based on the modeling done for the HVAC Cluster Analysis.

Development Site	Block	Lots	Proposed (E) Designation
19	526	19, 21, 25	Any new residential and/or commercial and/or community facility development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier to avoid any potential significant air quality impacts.
22	527	49	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water systems stack(s) is located at least 65 feet above grade, to avoid any potential significant air quality impacts.
Stapleton Waterfront Phase III Site A	487	100	Any new residential and/or commercial and/or community facility development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water systems stack(s) is located at least 140 feet above grade, to avoid any potential significant air quality impacts.
Stapleton Waterfront Phase III Site B1	487	100	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water systems stack(s) is located at least 135 feet above grade, to avoid any potential significant air quality impacts.
City Disposition Site 2	34	1	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier to avoid any potential significant air quality impacts.
City Disposition Site 3	6	20	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier to avoid any potential significant air quality impacts.
Notes: For the City-owned parcel located at Stapleton Waterfront Phase III Sites A and B1 (Block 487, Lot 100), the implementation of the restrictions would be required through a disposition agreement between EDC and the future developer. This agreement would require that any new residential and/or commercial and/or community facility development must exclusively use natural gas as the type of fuel for heating and hot water systems, with stack height restrictions as noted, to avoid any potential significant air quality impacts. Similarly, for the City Disposition Sites 2 and 3, the implementation of the restrictions would be required through a disposition agreement between the City and the future developer. This agreement would require that any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems.			

TABLE H-2: (E) Designations for Potential Development Sites (HVAC Restrictions) for the Approved Actions with the Potential Modifications

Development Site	Block	Lots	Proposed (E) Designation
B ³	488	1	Any new residential and/or commercial development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier and at least 120 feet from the lot line facing Baltic Street to the north, to avoid any potential significant air quality impacts.
C	488	157,162,164	Any new residential and/or commercial development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier and at least 60 feet from the lot line facing Baltic street to the north, and at least 85 feet above grade, to avoid any potential significant air quality impacts.

³ The (E) Designation for low NO_x burners (30 ppm) for Site B was applied based on the modeling done for the HVAC Cluster Analysis.

Development Site	Block	Lots	Proposed (E) Designation
G	498	5	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier to avoid any potential significant air quality impacts.
K	503	1	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier and at least 140 feet from the lot line facing Bay Street, to avoid any potential significant air quality impacts.
L	503	32	Any new residential and/or commercial development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier to avoid any potential significant air quality impacts.
M ⁴	505	1	Any new residential and/or commercial development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas heating and hot water systems, and ensure that the heating and hotwater system stack(s) is located at least 40 feet from the lot line facing Bay Street, at least 20 feet from the lot line facing Grant Street, and at least 68 feet above grade, to avoid any potential significant air quality impacts.
N	507	1,5,6	Any new residential and/or commercial and/or community facility development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at least 30 feet from the lot line facing Bay Street, and at least 68 feet above grade, to avoid any potential significant air quality impacts.
P	508	1	Any new residential and/or commercial development must be fitted with low NO _x (30 ppm) burners firing exclusively natural gas for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier and at least 30 feet from the lot line facing Bay Street, to avoid any potential significant air quality impacts.
W	527	59	Any new residential and/or commercial and/or community facility development must exclusively use natural gas as the type of fuel for heating and hot water systems, and ensure that the heating and hot water system stack(s) is located at the highest tier to avoid any potential significant air quality impacts

⁴ The (E) Designation for setback requirements for Potential Development Site M was applied based on the modeling for the HVAC Cluster Analysis.