Project Description
37-59 Hamilton Avenue Rezoning
March 28, 2025

I. Introduction

Hamilton Property Holdings LLC (the "Applicant") seeks several land use actions (collectively, the "Rezoning") for its property located at 37-59 Hamilton Avenue and 199-205 St. Marks Place (Staten Island Block 13, Lots 1, 6, p/o 116, p/o 119, 121, 123, 124 and 127)[1] (the "Project Area") in the St. George neighborhood of Staten Island Community Board 1. Specifically, the Applicant seeks:

1. A zoning map amendment to:
    a. rezone the Project Area from the existing R6 zoning district to an R7-3 zoning district;
    b. extend an existing C2-4 overlay 60 feet to the west to cover the eastern portion of the Project Area;
    c. remove the Project Area from the Special Hillsides Preservation District (the "SHPD"); and
    d. place the Project Area within the Upland Subdistrict of the Special St. George District (the "SSGD").
2. Zoning text amendments:
    a. to *Appendix F* of the Zoning Resolution of the City of New York (the "ZR" or the "Zoning Resolution") to establish a Mandatory Inclusionary Housing ("MIH") area coincident with the Project Area; and
    b. to Appendix maps 1 through 5 of Article XII, Chapter 8 (Special St. George District) to include the Project Area within the Upland Subdistrict of the SSGD and to establish base heights for the Project Area.

The Rezoning would allow the Applicant to redevelop the Project Area and the remaining portions of tax lots 116 and 119 (collectively, the "Development Site"), currently improved with six one- and two-family detached dwellings and a single garage serving one of the tax lots, with an 18-story, 315,567 square-foot ("sf") mixed-use residential, commercial, and community facility building with 369 dwelling units, of which 111 would be permanently affordable, 7,000 sf of community facility and 1,250 sf of commercial uses (the "Development"). A total of 146 parking spaces (39 required and 107 permitted) would be provided within the building. The Development would also provide approximately 3,880 sf of open space along the zoning lot's frontage on Hamilton Avenue for use by both residents and members of the public. The community facility floor area would be provided along the zoning lot's St. Marks Place frontage while the commercial floor area would be provided on Hamilton Avenue in the eastern portion of the building, and be accessible from the public open space.

[1] The remaining portions of Lots 116 and 119 are already in the proposed zoning districts.

II. Background

The Project Area has been zoned R6, which allows for medium density multi-family buildings, since the enactment of the 1961 Zoning Resolution. Over the last several decades, various land use actions have been approved affecting either the Project Area or the surrounding area.

The Special Hillsides Preservation District

In 1987, the City Planning Commission (the "CPC") established the Special Hillsides Preservation District (the "SHPD") (CPC Report N870002 ZRR). The SHPD was designed to: reduce hillside erosion, landslides and excessive stormwater runoff, preserve hillsides having unique aesthetic value, protect, maintain and enhance natural features, and protect the neighborhood character of the district. The SHPD spans approximately 1,900 acres and includes portions of the St. George Neighborhood to the northeast (such as the Project Area) and Snug Harbor to the northwest. The SHPD touches the Staten Island Expressway to the south. The SHPD was modified in 1992 (to modify certain filing requirements) and 1999 (to change the definition of "steep slope" and introduce the term "steep slope buffer") (CPC Reports N 900691 ZRR and N 990687 ZRR). In 1999, a C2-2 overlay was added on block 13 just east of the Project Area to a depth of 100 feet parallel to Stuyvesant Place (000017 ZMR A-1779).

The boundaries of the SHPD were modified in 2021 when a site referred to as "River North," immediately to the east of the Project Area, was removed from the SHPD and mapped into the SSGD (discussed in more detail below).

The Project Area's block is the only portion of the SHPD zoned R6. The rest of the district is zoned for the lower densities contemplated in R1 – R5 districts.

The Special St. George District

In 2008, the CPC established the Special St. George District (the "SSGD") to the east and south of the Project Area (CPC Report N 080425 ZRR). The SSGD originally spanned 12 blocks within the St. George neighborhood of Community Board 1 in Staten Island. As initially created, the SSGD was roughly bounded by Hamilton Avenue on the north, Richmond Terrace on the east, Victory Boulevard, Van Duzer and Bay Streets on the south and Montgomery Avenue on the west. The SSGD was designed to build upon the St. George neighborhood's existing strengths, such as serving as a civic center and a transit hub, to bolster a thriving, pedestrian-friendly business and residence district. The SSGD was devised to facilitate this by requiring continuous ground floor retail along certain streets, allowing tall slender buildings to capitalize on St. George's hillside topography while maintaining waterfront vistas, and accommodating an appropriate level of off-street parking while reducing its visual impact.

The SSGD was expanded northeast in 2013 (CPC Report N 30316 ZRR) to create the "North Waterfront Subdistrict" in connection with the then-proposed observation wheel (the "New York

Wheel"). The expanded SSGD authorized special permits for the Empire Outlet mall and hotel (CPC Report C 130318 ZRY) and the New York Wheel (CPC Report C 130317 ZSR).

River North

In 2021, portions of tax lots 116 and 119 within the Development Site and an area to the north and east were removed from the SHPD, remapped as part of the SSGD and upzoned from an R6 district with a partial C2-2 overlay to an R7-3 district with a C2-4 overlay. This rezoning was granted in conjunction with a special permit and zoning text amendment to facilitate the River North mixed-use development on Richmond Terrace and Stuyvesant Place (CPC Reports C 210289 ZMR, N 210290 ZRR, and C 210291 ZSR). In seeking the special permit and text amendment, River North sought to develop a 592,014-sf development with three mixed-use buildings, comprised of approximately 750 housing units, including 225 permanently affordable units, and 18,800 square feet of non-residential uses located on the ground floor and cellar levels of the buildings. The special permits authorized certain bulk modifications. After approval by CPC (and modification by the City Council), River North has evidently surrendered the special permits and will build as-of-right.

III. Description of the Surrounding Area

The Development Site is located in the southwestern portion of Staten Island Block 13, an irregularly-shaped block bounded by Nicholas Street on the northwest, Richmond Terrace and Stuyvesant Place on the northeast, Hamilton Avenue on the south and St. Mark's Place on the west. The western side of the block, including the Project Area, is zoned R6, the densest zoning district within the SHPD. The eastern and northeastern portions of the block have recently been rezoned to R7-3/C2-4 (SSGD) to facilitate the development of River North. The area rezoned to facilitate River North includes 4,970 sf of the Development Site on Tax Lot 116 and 119. There is a significant drop in elevation along Hamilton from St. Marks Place to Richmond Terrace with St. Marks Place at the top of the hill and Richmond Terrace at the bottom.

To the north of the Development Site, within the R6 and the SHPD portion of the block, is Castleton Park Apartments, which consists of two 20-story residential buildings built in 1976. The two buildings were developed prior to the creation of SHPD and are designed in the typical "towers in the park" style that was fostered by the 1961 Zoning Resolution. The Castleton Park Apartments sit on a plateau above the northeastern portion of the block fronting on Richmond Terrace. To the east of the Development Site is the River North development site, described above.

Across Richmond Terrace are parcels devoted to uses compatible with the waterfront, such as the site of the New York Wheel, which was approved to be built to a height of over 625 feet in 2013 but has been abandoned.[2] The New York Wheel site is adjacent to a parking structure containing approximately 820 parking spaces. To the southeast of the parking area is the stadium in which the Staten Island FerryHawks play, an associated parking facility and the Empire Outlets Mall, which contains approximately 340,000 sf of retail floor area. South and southeast of the mall are the Staten Island Ferry Terminal and Staten Island Railroad (SIR) terminal.

[2] This site is now the subject of an RFP from the EDC.

The area immediately to the south of the Development Site and inland is zoned C4-2 within the SSGD. The C4-2 district encompasses many residential and mixed-use buildings, including two 6-story residential buildings directly across Hamilton Avenue from the Development Site. As the borough's civic center, it contains numerous public buildings such as Borough Hall, the St. George Library, part of the College of Staten Island (CUNY), the USPS, courthouse buildings (old and new), government office buildings and other public facilities.

Immediately to the west of the Development Site, and across St. Marks Place, is Curtis High School, which was designated by the Landmarks Preservation Commission (the "LPC"), as an individual landmark (LP-1214) within an R4 zoning district (SHPD). North of the high school is a neighborhood primarily developed with one- and two-family homes within R3A and R4 zoning districts. Many of these homes are located within the St. George/New Brighton Historic District, which was designated by the LPC (LP-1883) in July 1994.

There are a variety of types of open space in the vicinity of the Property. St. George Park, a small playground, is one block south of the Development Site. Lt. Lia Playground, a bigger playground is on St. Marks Place and Wall Street (one block south of the Development Site), and Mahoney and Davis Playgrounds are on Crescent Avenue and Jersey Street (.4 miles away) and contain basketball courts. Along the waterfront are The North Shore and St. George Esplanades and open space in the Empire Outlet Mall. While it is unclear what the final development on River North will look like, the developers there have previously proposed open space for public use immediately to the east of the Development Site.

The area is transit rich and is located within the Outer Transit Zone. The Development Site is roughly a quarter mile from the Staten Island Ferry Terminal which offers direct ferry service to lower Manhattan. The Staten Island Railroad (SIR), which runs north-south along Staten Island's eastern side, is .4 miles from the Development Site. MTA bus service originating from and terminating at the Ferry Terminal includes 14 local routes and 9 Limited-Stop routes that operate during peak hours. The S42 (east-west) and S52 (north-south) buses stop at the intersection of St. Marks Place and Hamilton Avenue, including a stop directly in front of the Development Site and the S40 and S42 run along Richmond Terrace, two block to the east.

IV. Description of the Project Area

The Project Area consists of contiguous tax lots 1, 6, p/o 116, p/o 119, 121, 123, 124 and 127, on Staten Island Block 13 within the St. George neighborhood, and is currently improved with six one- and two-family detached dwellings and a single garage serving Tax Lot 1. All of the lots are owned by the Applicant.

The Project Area contains 145.54 feet of frontage along St. Marks Place and 302.58 feet of frontage along Hamilton Avenue, both narrow streets with widths of 60 and 50 feet respectively. There is a significant drop in elevation along Hamilton from St. Marks Place to Richmond Terrace with St. Marks Place at the top of the hill and Richmond Terrace at the bottom.

The Project Area is within an R6 zoning district which allows medium-density residential development of 2.20 FAR under standard residence development (narrow street), 2.43 FAR under height factor, 3.90 FAR with the provision of qualifying affordable housing under the UAP program, and community facility uses at 4.8 FAR (ZR 23-22, 23-732, and 24-11). The SHPD regulations limit development on zoning lots as determined by the average steepness of the slope ("Tier I" or "Tier II" sites). Steep slope areas (average slope greater than 25%) and buffer areas around the steep slopes are considered "areas of no disturbance" and limit the as-of-right development. As-of-right development also requires preservation of trees. Modification of these requirements may be obtained pursuant to CPC authorizations.

V. Description of the Development Site

The Development Site consists of the Project Area and the currently unimproved 4,970 sf of Lots 116 and 119 that are already in the R7-3/C2-4 zoning district in the Upland Subdistrict of the SSGD (the "Previously Rezoned Portions"). The lots in the Project Area and the Previously Rezoned Portions will all be merged into a single zoning lot with an area of 53,039 sf.

The Development Site has 145.54 feet of frontage along St. Marks Place and 357 feet of frontage along Hamilton Avenue (52.42 feet more than the Project Area), both narrow streets with widths of 60 and 50 feet respectively.

The Previously Rezoned Portions are within the SSGD, not the SHPD, and are therefore not subject to the SHPD regulations. The R7-3 zoning district has a maximum FAR of 6.0 with qualifying affordable housing, (either UAP or MIH, where required such as on the Development Site should the Rezoning be approved), all of which can be used for residential uses. Since minimum and maximum base heights within the SHPD are established pursuant to Appendix map 3, the Application proposes base heights between 30 and 65 feet along Hamilton Avenue (to match the current requirement across Hamilton Avenue) and between 60 and 85 feet along St. Marks Place. The maximum building height for an R7-3 district within the SHPD is 185 feet (23-434).

VI. Description of the Proposed Development

The Rezoning would facilitate the Development, an 18-story mixed-use development containing commercial, community facility, and residential uses. The Development would have a total floor area of approximately 315,567 sf (5.97 FAR), comprised of approximately 1,250 sf of commercial floor area, approximately 7,000 sf of community facility floor area, and 307,317 sf of residential floor area. The Development would contain approximately 369 dwelling units. The applicant is proposing MIH Option 2, under which the Proposed Development would contain 30 percent, or approximately 92,195 sf of, affordable housing floor area, which would yield approximately 111 affordable units.

The Development will comply with the bulk regulations in effect for R7-3 zoning districts within the SSGD. Although a single building, the Development will be designed to appear as a grouping of separate buildings, varying in height from approximately 38 feet to 185 feet in height above base plane, with the taller components of the Development at the bottom of the slope on which the

Development will be built. The required rear yard (20 feet deep below a building height of 75 feet and 30 feet above such height) would be provided beyond 100 feet of St. Marks Place.

The 7,000 sf of community facility would be located at the base of the building along St. Marks Place at the top of the hill. The main residential lobby and entrance would be located towards the top of the hill along Hamilton Avenue, just off the intersection with St. Marks Place.

The parking garage entrance would be located further downhill, towards the middle of the Development's Hamilton Avenue frontage. The Development would have 146 parking spaces located on the first, second, and third levels of the Development primarily below grade, due to the sloping nature of the Development Site. Beyond the garage entrance, along the most eastern frontage along Hamilton Avenue, at the bottom of the hill, the Development Site would have approximately 3,880 sf of open space with seating available for use by residents and members of the public and accessible via stairs and a ramp from the sidewalk. Both the residential portion of the building and the 1,250-sf commercial space (a café and co-working space) would be accessible from the open space.

The Development would have amenities which might include: furnished rooftops, a dog run, indoor and outdoor lounges, a game room, a music practice room, a basketball court, a racquetball court, a business center, and access to the café and co-working space.[3]

VII. Actions Necessary to Facilitate the Proposed Development

The Rezoning requires the following actions:

1. A zoning map amendment to:
    a. rezone the Project Area from the existing R6 zoning district to an R7-3 zoning district;
    b. extend an existing C2-4 overlay 60 feet to the west to cover a portion of the Project Area;
    c. remove the Project Area from the SHPD; and
    d. place the Project Area within the Upland Subdistrict of the SSGD.
2. Zoning text amendments:
    a. to *Appendix F* of the ZR to establish a MIH area coincident with the Project Area; and
    b. to Appendix maps 1 through 5 of Article XII, Chapter 8 (Special St. George District) to include the Project Area within the Upland Subdistrict within the SSGD and to establish base heights for the Project Area.

Zoning Map Amendment

The CPC's report adopting the River North rezoning notes that the R6 zoning district has remained unchanged since 1961 and that the City's planning effort in the area has been to focus on "developing underutilized land within close proximity to the St. George Terminal to spur economic

[3] The list of amenities is to serve as example of potential amenities the Development may contain.

development on Staten Island's North Shore." The report noted that, despite efforts, the area "has not kept pace or provided the critical mass of residents needed to support the new businesses and institutions."

The Project Area is within the SHPD and development is limited due to its R6 zoning district coupled with the SHPD regulations. The R6 zoning district, which permits a maximum residential FAR of 3.9 (with .9 FAR – 1.7 FAR of qualifying affordable housing depending on the width of the street), is at odds with the rest of the SHPD which consists primarily of low-rise low-density residential zoning districts with FARs ranging from .5 to a maximum of 2.0. Should the Rezoning occur, the R7-3 zoning district would allow for flexibility to develop in harmony with the Development Site's existing topography, allowing the Development to rise to the maximum permitted building height towards the bottom of the hill while preserving upland views at the top of the hill—one of the goals of the SSGD.

The Proposed Development would also be contextual with the other developments on the block. As explained above, the block was zoned R6 in 1961, anticipating development of multifamily buildings, in contrast with the remainder of the neighborhood. In 1976, the 20-story "tower in a park" style Castleton Park Apartments were constructed. While not redeveloped yet, River North continued the trend by rezoning its site to an R7-3 zoning district. Thus, allowing the Rezoning to facilitate the proposed 18-story Development would be consistent with the context of a block that was always intended to have higher density than the surrounding area.

The Rezoning is also consistent with the City's overarching land use policy to align infrastructure and transit rich areas with the production of affordable housing. The Development Site is currently underbuilt and underutilized given its location in close proximity to mass transit, the civic center, the North Shore waterfront and esplanade, and the recently constructed Empire Outlets. The area is ideally situated for development to continue to serve as a residential hub. The Rezoning would provide the area with 369 dwelling units (111 affordable) in a borough where housing, especially affordable housing, is needed. Extending the C2-4 commercial overlay 60 feet affords the Development the ability to have local retail (a café) to serve this blossoming neighborhood, while not being unduly intrusive in an otherwise primarily residential setting.

Zoning Text Amendment

A text amendment is also required to amend maps within the Zoning Resolution. Appendix maps 1 through 5 of Article XII, Chapter 8 need to be amended to include the Project Area within the Upland Subdistrict of the SSGD. Pursuant to section 128-33, all base heights within SSGD are identified on Appendix Map 3. Accordingly, the Rezoning Proposes to modify Appendix Map 3 to require the Development Site's St. Marks Place frontage to have a minimum base height of 60 feet and a maximum base height of 85 feet. This will allow the Building to maintain the proposed 75 foot base height. The Hamilton Avenue frontage would have a 30-foot minimum base height and a 60-foot maximum base height, which mirrors the minimum and maximum base heights required across Hamilton Avenue.

Additionally, because the Rezoning would increase the maximum residential floor area on the Development Site, the Rezoning requires an amendment to Appendix F (Inclusionary Housing

Designated Areas and Mandatory Inclusionary Housing Areas) to include the Project Area as a mandatory inclusionary housing area. The Applicant proposes complying with Option 2, under which 30 percent of residential floor area must be for housing units affordable to households with income at a weighted average of 80 percent of the AMI. This would result in construction of approximately 111 affordable housing units.

VIII. Conclusion

The Rezoning would replace the Project Area's existing R6 zoning district within the SHPD with an R7-3 zoning district, having a partial C2-4 overlay, within the Upland Subdistrict of the SSGD. This action allowing greater residential density and requiring affordable housing would create approximately 369 new dwelling units, including approximately 111 permanently affordable units on the Development Site. The Development Site is appropriate for the greater density that the Rezoning would facilitate, and it would be in context with the character of the block consisting of the Castleton Park Apartments and River North. The Rezoning would allow an underdeveloped and underutilized site, currently located in an R6 zoning district that is inconsistent with the SHPD, and is ideally located near commercial, transit, and civic hubs in Staten Island, to be developed with a vibrant mixed-use development containing housing, retail, community facility, and open space available for public use.