



CITY PLANNING COMMISSION

June 8, 2005/Calendar No. 12

C 050015 ZMR

IN THE MATTER OF an application submitted by Councilman Andrew J. Lanza pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 33c and 33d changing from an R3A District to an R1-2 District property bounded by** Richmond Avenue, Hylan Boulevard, Hales Avenue, and Koch Boulevard, within the Special South Richmond Development District, Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated February 28, 2005.

The application for an amendment of the Zoning Map was filed by Council Member Andrew Lanza on July 12, 2004, to rezone from R3A to R1-2 an approximately 12 block area generally in the Eltingville section of Staten Island, Community District 3.

BACKGROUND

The area proposed to be rezoned from R3A to R1-2 consists of an approximately 12 block area generally bounded by Richmond Avenue to the east, Koch Boulevard to the north, Hayes Avenue to the west, and Hylan Boulevard to the south. The proposed rezoning area is bordered to the north by R1-2, to the east by R3A, and to the south by R3-1 and R1-2, and to the west by R1-2, in the Eltingville section of Staten Island, Community District 3. The area consists primarily of one-family detached houses. The area was subject to a contextual rezoning in 1997 (C970211ZMR), which changed the zoning from R3-1 to R3A.

The rezoning is proposed in response to community concerns that the teardowns of large older homes in the R3A district has resulted in housing that is not in character with the existing predominant single-family detached housing on large lots

There are 228 lots in the rezoning area, 99% of which are developed residentially, 1% are community facilities. Over 94% of the homes in these areas are single-family detached homes on 40-foot wide lots with lots areas greater than 5,700 square feet.

The present R3A district within the Special South Richmond Development District permits one- and two-family detached houses on lots with a minimum width of 35 feet. The R3A district requires 30-foot rear yards, 18-foot front yards, two on-site parking spaces for a one-family house and three spaces for a two-family house and a maximum .5 FAR plus .1 attic allowance.

The proposed R1-2 district within the Special South Richmond Development District requires one-family detached houses on minimum 40-foot wide lots for one- and two-story buildings. The R1-2 requires 30-foot rear yards, 20-foot front yards, two on-site parking spaces and a maximum .5 FAR.

ENVIRONMENTAL REVIEW

This application (C 050015 ZMR) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 05DCP004R. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on February 28, 2005.

UNIFORM LAND USE REVIEW

This application (C 050015 ZMR) was certified as complete by the Department of City Planning on February 28, 2005, and was duly referred to Community Board 3 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 3 held a public hearing on this application on March 16, 2005, and on March 22, 2005, by a vote of 29 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on March 19, 2005.

The Borough President's recommendation included the following conditions:

- This application will remove the option of converting existing detached one- and two-family homes into two-family dwellings.
- Since the maximum floor area will remain unchanged, there is a greater likelihood that existing dwellings will be designed and arranged for use as illegal two-family dwelling

- units.
- If illegal conversions become prevalent, there will be a greater risk to the public-at-large with no formal construction inspection process and no reduction in density or neighborhood traffic.
 - The reality of illegal two-families will further burden curbside guest parking availability. The same units, designed as legal two-family dwellings would require (3) off-street spaces.
 - The elimination of future rental apartments, in these areas, will preclude families that can not afford to purchase a home and will further reduce their housing options.

City Planning Commission Public Hearing

On April 27, 2005 (Calendar No. 4), the City Planning Commission scheduled May 11, 2005, for a public hearing on this application (C 050015 ZMR). The hearing was duly held on May 11, 2005 (Calendar No. 18). There was one speaker in favor of the application. The applicant, the Council Member from the 51st District spoke of the antiquated road system in the south shore of Staten Island and that the schools were overburdened. He spoke of the increase of teardowns which undermined the character of Staten Island's neighborhoods.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is WRP-05-005.

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

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

The proposed zoning map change recognizes the established character of this part of the Eltingville community. The area is characterized by one-family detached homes on large lots.

The proposed R1-2 district would limit future residential development to detached one-family residences compatible with the present development pattern. Ninety four percent of the existing homes in the area proposed to be rezoned are detached one-family homes.

The Commission recognizes the Borough President's comments, but notes that the area is overwhelmingly one-family in character and does not believe that the rezoning will result in the

undocumented conversion of one-family houses to two-family.

The Commission also notes that this area is subject to the Lower Density Growth Management regulations of the Zoning Resolution. The Commission believes that this action will reinforce Lower Density Growth Management, whose intent is to protect neighborhood character, encourage more appropriate development, and enhance the quality of life.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 33c and 33d, changing from an R3A District to an R1-2 District property bounded by Richmond Avenue, Hylan Boulevard, Hales Avenue, and Koch Boulevard, within

the Special South Richmond Development District, Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated February 28, 2005 (C 050015 ZMR).

The above resolution (C 050015 ZMR), duly adopted by the City Planning Commission on June 8, 2005 (Calendar No. 12), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice-Chair

ANGELA M. BATTAGLIA, IRWIN G. CANTOR P.E., ANGELA R. CAVALUZZI, R.A.,

ALFRED C. CERULLO III, RICHARD W. EADDY, JANE D. GOL,

LISA A. GOMEZ, CHRISTOPHER KUI, DOLLY WILLIAMS, Commissioners

JOHN MEROLO, KAREN A. PHILLIPS, Commissioners, voting no