



CITY PLANNING COMMISSION

June 22, 2005/Calendar No. 18

C 050143 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, 33d and 35a:**

1. **changing from a C3 District to an R3-1 District property bounded by:**
 - a. Hartford Street, Cleveland Avenue, Ackerman Street, and Nelson Avenue; and
 - b. a line 250 feet northwesterly of Mansion Avenue, a line 165 feet northeasterly of Great Kills Road, a line 95 feet northwesterly of Mansion Avenue, and Great Kills Road;
2. **changing from a C3 District to an R3-2 District property bounded by** a line 250 feet northwesterly of Mansion Avenue, Fairlawn Avenue, Mansion Avenue, and a line 170 feet southwesterly of Fairlawn Avenue; and
3. **changing from a C3 District to a C3A District property bounded by:**
 - a. Sweetwater Avenue, Nelson Avenue, Ackerman Street, Cleveland Avenue, a line midway between Mercer Place and Cornish Street, Whitman Avenue, a line 250 feet northwesterly of Tennyson Drive, a line 250 feet northwesterly of Mansion Avenue, Great Kills Road, a line 95 feet northwesterly of Mansion Avenue, a line 165 feet northeasterly of Great Kills Road, a line 250 feet northwesterly of Mansion Avenue, a line 170 feet southwesterly of Fairlawn Avenue, Mansion Avenue, Fairlawn Avenue, the U.S. Pierhead and Bulkhead Line, the U.S. Pierhead Line, and Wiman Avenue and its southeasterly centerline prolongation; and
 - b. the U.S. Pierhead Line, Johnson Avenue and its northwesterly centerline prolongation, a southeasterly boundary line of the New York City Railroad Right-Of Way (S.I.R.T.O.A.) and its southwesterly prolongation, and Bentley Street;

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

The application for an amendment of the Zoning Map was filed by Council Member Andrew Lanza on October 20, 2004, to rezone two areas on the Tottenville and Great Kills waterfronts from C3 to C3A, R3-2 and R3-1.

BACKGROUND

The rezoning is proposed in response to community concerns that the C3 district, which permits a residential equivalency of an R3-2 district, allows residential housing not in character with the surrounding neighborhoods. Two distinct areas are proposed to be rezoned to C3A. One is on the Tottenville waterfront and the other is on the Great Kills Harbor waterfront. Two small areas on the Great Kills waterfront are also proposed to be rezoned from C3 to R3-1 and R3-2.

The area proposed to be rezoned from C3 to C3A in Tottenville consists of primarily vacant land. There are 14 lots in the rezoning area. Two of the lots contain a commercial use and 12 lots are vacant. The two commercial lots are under one ownership and contain a restaurant which is nonconforming. The other 12 vacant lots comprise a tract under one ownership. The tract is wooded. The present C3 district allows waterfront commercial and recreation uses. The maximum commercial FAR is .5. The C3 district also allows residential uses governed by R3-2 bulk regulations, and therefore permits all types of residential development. The area is generally bounded by the Arthur Kill to the north, the prolongation of Johnson Avenue to the east, the S.I.R.T to the south, and Bentley Avenue to the to the west. The area is bordered to the east by M1-1, and to the south and west by R3A districts.

The area proposed to be rezoned from C3 to C3A, R3-1, R3-2 in the Great Kills area consists of a mix of residential one- and two-family homes, restaurants, boating and other water related activities. There are 221 lots in the rezoning area. Of these, 158 are residential, 23 are commercial, 3 are community facilities, 37 are vacant. The commercial uses consist of restaurants, marinas, boat repair shops, and other water related uses. The present C3 district allows waterfront commercial and recreation uses. The maximum commercial FAR is .5. The C3 district, which permits all housing types, also allows residential uses governed by R3-2 bulk regulations. The area is generally bounded by Wiman Avenue to the west, Great Kills Harbor to the south, Fairlawn Avenue to the east, and a line approximately 250' feet north of Mansion Avenue. The area is bordered to the east by R3-2, and to the north and west by R3-1 districts in the Great Kills section of Staten Island, Community District 3.

The C3A was chosen because it allows the same water related commercial uses as the C3. The maximum commercial FAR is .5. The C3A district also permits only one- and two-family detached residences because it has an R3A residential equivalency. The areas proposed to be rezoned C3A would also be subject to the Lower Density Growth Management regulations, since this area of Staten Island in CD 3 is in a Lower Density Growth Management Area. Within the Special South Richmond Development District, the R3A district permits only one- and two-family detached houses on a 35-foot wide minimum lot for one to three story buildings. The district requires 30 foot-rear yards with 18- foot setbacks, two on-site parking space for one-family residence and three parking spaces for two-family residences and a maximum .5 FAR plus .1 attic allowance.

The proposed R3-2 zoning district permits general residences, including detached, semi-detached and attached residences. The R3-2 zoning district allows a maximum FAR of .5 plus .1 attic allowance. This area was selected to be rezoned from C3 to R3-2 because there are no commercial uses and it is adjacent to an existing R3-2 district. Under the present C3 zoning requirements all 19 lots conform and under the proposed zoning all lots would conform.

The area is generally bounded by a line 250 feet northwesterly of Mansion Avenue, Fairlawn Avenue, Mansion Avenue, and a line 170 feet southwesterly of Fairlawn Avenue.

The proposed R3-1 zoning district permits detached and semi-detached residences. The R3-1 zoning district allows a maximum FAR of .5 plus .1 attic allowance. This area was selected to be rezoned from C3 to R3-1 because there are no commercial uses and it is adjacent to an existing R3-1 district. Under the present C3 zoning requirements all 28 lots conform and under the proposed zoning all lots would conform. The area is generally bounded by Hartford Street, Cleveland Avenue, Ackerman Street, and Nelson Avenue; and a line 250 feet northwesterly of Mansion Avenue, a line 165 feet northeasterly of Great Kills Road, a line 95 feet northwesterly of Mansion Avenue, and Great Kills Road.

ENVIRONMENTAL REVIEW

This application (C 050143 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 05DCP025R. 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 March 28, 2005.

UNIFORM LAND USE REVIEW

This application (C 050143 ZMR) was certified as complete by the Department of City Planning on March 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 April 13, 2005, and on April 19, 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 May 10, 2005.

The Borough President's recommendation included the following conditions:

- The attached house communities of Water's Edge, Yacht Club Clove and Port Regale be removed from the application because they do not conform to the C3A's R3A residential equivalency.
- This recommendation would also require a revision to the conformance, compliance and the block and lot tables in the application.

City Planning Commission Public Hearing

On May 25, 2005 (Calendar No. 14), the City Planning Commission scheduled June 8, 2005, for a public hearing on this application (C 050143 ZMR). The hearing was duly held on June 8, 2005 (Calendar No. 26). There was one speaker in favor of the application and two speakers in opposition.

The applicant, the Council Member from the 51st District spoke in favor of the application. He said that this rezoning was not an affordable housing issue. He noted that the Lower Density Growth Management rules do not apply to the existing C3 and that the Department of City

Planning created the C3A district for neighborhoods such as Great Kills. He also said that the road system in the south shore of Staten Island is antiquated and that the schools were overburdened. He also spoke of the increase of teardowns which undermined the character of Staten Island's neighborhoods.

A spokesperson for the Building Industry Association spoke in opposition to the application. He questioned the ability of an individual Council member to file a rezoning application. He also said that the application does not accurately describe the number of residences that would be made non-conforming by the proposed rezoning.

Another spokesperson for the Building Industry Association also spoke in opposition to the application. He said that the application, in conjunction with other rezoning applications by the applicant reflects improper segmentation and does not take into affect prior rezonings. He also said that the application would reduce affordable housing on Staten Island.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (C 050143 ZMR) 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 05-011.

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 Tottenville and Great Kills communities. The area is characterized by one- and two-family detached homes and maritime commercial uses.

The proposed C3A districts would limit future residential development to detached one- and two-family residences compatible with the present development pattern. Eighty percent of the existing homes in the area proposed to be rezoned are detached one- and two-family homes. The proposed R3-2 and R3-1 districts would limit future residential development to housing that is compatible with the present development pattern, as well.

With regards to the Borough President's comments, the Commission notes that the existing

attached homes in the proposed C3A can continue as non-conforming uses. With regard to the Building Industry Association's comments concerning the applicant's ability to file a rezoning application, the Commission notes that Section 201 of the City Charter provides , in relevant part, that applications for changes in the zoning resolution may be filed by , among others, "any taxpayer". An individual who is a Council Member is entitled to file an application under this provision to the same extent as any other person. The Commission notes that the application is a discrete zoning action affecting a specific area, as were the other individual rezoning a conducted in accordance with SEQR and CEQR regulations and did not constitute segmentation.

The Commission recognizes that townhouse units authorized under the December 22, 2004 approval of Sweetwater Estates (N 980408 RAR) would not conform to the C3A designation. The Commission notes in this regard that its approval was with respect to tree removal, alteration of topography, satisfaction of Designated Open Space requirements, and future subdivision, rather than consideration of the appropriateness of townhouse units which are permitted as of right under the C3 district. The Commission believes that the C3A district designation is appropriate to this and the other locations in the Great Kills area.

The Commission also notes that this rezoning would subject the area to the Lower Density Growth Management regulations of the Zoning Resolution. The Commission believes that this will further protect neighborhood character and require more appropriate development.

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, 33d, 35a,

1. **changing from a C3 District to an R3-1 District property bounded by:**
 - a. Hartford Street, Cleveland Avenue, Ackerman Street, and Nelson Avenue; and
 - b. a line 250 feet northwesterly of Mansion Avenue, a line 165 feet northeasterly of Great Kills Road, a line 95 feet northwesterly of Mansion Avenue, and Great Kills Road;
2. **changing from a C3 District to an R3-2 District property bounded by** a line 250 feet northwesterly of Mansion Avenue, Fairlawn Avenue, Mansion Avenue, and a line 170 feet southwesterly of Fairlawn Avenue; and
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 - a. Sweetwater Avenue, Nelson Avenue, Ackerman Street, Cleveland Avenue, a line midway between Mercer Place and Cornish Street, Whitman Avenue, a line 250 feet northwesterly of Tennyson Drive, a

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- b. the U.S. Pierhead Line, Johnson Avenue and its northwesterly centerline prolongation, a southeasterly boundary line of the New York City Railroad Right-Of Way (S.I.R.T.O.A.) and its southwesterly prolongation, and Bentley Street;

Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated March 28, 2005 (C 050143 ZMR).

The above resolution (C 050143 ZMR), duly adopted by the City Planning Commission on June 22, 2005 (Calendar No. 18), 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
ANGELA M. BATTAGLIA, IRWIN G. CANTOR P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO III, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI,
JOHN MEROLO, DOLLY WILLIAMS, Commissioners

KAREN A. PHILLIPS, Commissioner, voting no