



CITY PLANNING COMMISSION

March 18, 2009/Calendar No. 14

C 080106 ZSR

IN THE MATTER OF an application submitted by the Police Department and the Department of Citywide Administrative Services pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution as follows:

- a. to allow a police station to be located in a residence district; and
- b. to allow the applicable district bulk regulations for community facility buildings as set forth in Article II, Chapter 4 to apply to a proposed building;

to facilitate the development of a police station, on property located at 970 Richmond Avenue (Block 1704, Lot 1), in an R3-2 District, Borough of Staten Island, Community District 1.

The application (C 080106 ZSR) for special permit was filed by the Police Department (NYPD) and the Department of Citywide Administrative Services (DCAS) on October 4, 2007 for a special permit pursuant to Section 74-67 of the Zoning Resolution to allow a police station to be located at 970 Richmond Avenue and to allow use of community facility bulk regulations.

RELATED ACTION

In addition to the special permit which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 080107 PSR Site Selection for a police precinct.

BACKGROUND

A full description of the background and requested actions appears in the report on the related site selection application (C 080107 PSR).

ENVIRONMENTAL REVIEW

This application (C 080106 ZSR), in conjunction with the application for the related action (C 080107 PSR), 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 07NYP002R. The lead agency is the Police Department.

After a study of the potential environmental impact of the proposed action, an amended Negative Declaration was issued on October 20, 2008.

UNIFORM LAND USE REVIEW

This application (C 080106 ZSR), along with the application for the related action (C 080107 PSR), was certified as complete by the Department of City Planning on November 17, 2008 and was duly referred to Staten Island Community Board 1 and the Borough President in accordance Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 1, held a public hearing on this application on January 5, 2009, in conjunction with the public hearing on the application for the related action (C 080107 PSR), and on January 13, 2009 by a vote of 28 in favor, 0 opposed, and 0 abstaining adopted a resolution recommending approval of these applications "...with the request that the architects increase the public parking spaces by any means possible".

Borough President Recommendation

This application (C 080106 ZSR), along with the related application (C 080107 PSR), was considered by the Borough President, who issued recommendations to approve the applications on January 21, 2009.

City Planning Commission Public Hearing

On February 4, 2009 (Calendar No. 7), the City Planning Commission scheduled February 18, 2009, for a public hearing on this application (C 080106 ZSR). The hearing was duly held on

February 18, 2009 (Calendar No. 33), in conjunction with the hearing for the related action (C 080107 PSR).

There were two speakers in favor as described in the report on the related application (C 080107 PSR), 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 08-106.

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

CONSIDERATION

The Commission believes that this application (C 080106 ZSR) of the Police Department (NYPD) and the Department of Citywide Administrative Services (DCAS) for grant of a special permit is appropriate.

A full consideration appears in the report on the related site selection application (C 080107 PSR).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-67 which allows the location of a police station in a residential district and the use of community facility bulk regulations:

- a) That such use will serve the residential area within which it is provided to be located; that there are serious difficulties in locating it in a district wherein it is permitted as of

right and from which it could serve the residential area, which makes it necessary to locate such use within a Residence District; and

b) Not applicable.

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 and findings described in this report, the application submitted by the Police Department and the Department of Citywide Administrative Services pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-67 of the Zoning Resolution to allow a police station to be located in a residence district and to allow the applicable district bulk regulations for community facility buildings as set forth in Article II, Chapter 4 to apply to a proposed building to facilitate the development of a police station on property located at 970 Richmond Avenue (Block 1704, Lot 1), in an R3-2 district, Borough of Staten Island, Community District 1, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 080106 ZSR) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by Rafael Vinoly Architects, P.C., and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Att. 2 (1 of 5)	Site Plan	February 21, 2008
Att. 2 (2 of 5)	Landscape Plan	February 21, 2008
Att. 2 (3 of 5)	Fence Details-1	February 21, 2008
Att. 2 (4 of 5)	Fence Details-2	November 3, 2008
Att. 4 (1 of 2)	Zoning Data	November 3, 2008
Att. 4 (2 of 2)	Zoning Data	November 3, 2008

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above. All zoning computations are subject to verification and approval of the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this special permit, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this special permit that departs from any of the conditions listed above, is grounds for the City

Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 080106 ZSR), duly adopted by the City Planning Commission on March 18, 2009 (Calendar No. 14), 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, FAICP Chair
KENNETH J. KNUCKLES, Esq. Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA,
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KAREN A. PHILLIPS, Commissioners