



## CITY PLANNING COMMISSION

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April 9, 2008/Calendar No. 9

C 080199 HAR

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**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 226 Fillmore Street (Block 71, Lot 117), as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a five-story building for low-income seniors, tentatively known as Lafayette Manor, with approximately 60 units, to be developed under the U.S. Department of Housing and Urban Development's Section 202 Supportive Housing for the Elderly Program.

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Approval of three separate matters is required:

1. The designation of property located at 226 Fillmore Street (Block 71, Lot 117) as an Urban Development Action Area; and
2. An Urban Development Action Area Project for such area; and
3. The disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development.

The application for the Urban Development Action Area designation and project approval and disposition of city-owned property was filed by the Department of Housing Preservation and Development (HPD) on December 4, 2007.

Approval of this application would facilitate construction of a five-story non-profit residence for the elderly containing approximately 60 dwelling units for low-income seniors. The proposed project is tentatively known as Lafayette Manor.

The Department of Housing Preservation and Development states in its application that:

The project area consists of underutilized property which tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The project area is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

## **RELATED ACTIONS**

In addition to the UDAAP designation and project approval and disposition of city-owned property which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 080198 ZMR	Amendment of the Zoning Map Section No. 21a changing from an R3X District to an R5 District property bounded by Fillmore Street, Lafayette Avenue, a line 100 feet southerly of Fillmore Street, and a line 175 feet westerly of Lafayette Avenue;
N 080200 ZAR	Authorization pursuant to Section 23-631(i) to modify height and setback regulations

## **BACKGROUND**

The Department of Housing Preservation and Development (HPD) is seeking the designation of 226 Fillmore Street (Block 71, Lot 117) as an Urban Development Action Area, approval as an Urban Development Action Area Project for such area, and disposition of city-owned property (C 080199 HAR). In addition, HPD is also seeking approval of a zoning map amendment (C 080198 ZMR) and a zoning authorization (N 080200 ZAR) to facilitate construction of a five-story non-profit residence for the elderly with approximately 42,536 square feet of floor area and a total of 60 dwelling units for low-income seniors. The project is to be developed under U.S.

Department of Housing and Urban Development's Section 202 Supportive Housing for the Elderly Program.

The city-owned site (Block 71, Lot 117) is located at 226 Fillmore Street at the corner of Lafayette Avenue in New Brighton within Staten Island's Community District 1. The 21,875-square-foot site is primarily within an R3X district, with a 25 by 175-foot portion at the south of the site in an R5 district. The vacant corner lot has 125 feet of frontage on Lafayette Avenue and 175 feet of frontage on Fillmore Street. It was previously occupied by the New Brighton Village Hall, which was designated as a New York City landmark in 1965. The building fell into disrepair and was ordered demolished by the Department of Buildings in 2003. On December 12, 2006, landmark designation was rescinded by the Landmarks Preservation Commission.

The surrounding area is largely residential. Adjacent zoning districts include R3X, R3X/C1-2, R2, R5, and M1-1. The R3X district to the west is occupied mainly by detached one and two-family homes. Residences also occupy most of the M1-1 district to the north. Directly across Fillmore Street to the north in the M1-1 district is a lot used for car parking and storage. Across Lafayette Avenue to the east, within a R3X/C1-2 district, are two mixed-use buildings with a restaurant and grocery on the ground floor. In the R5 district to the south of the site is the 6-story, 380-unit Cassidy-Lafayette development, a New York City Housing Authority (NYCHA) senior housing development. Lafayette Avenue has additional commercial and institutional uses two blocks south of the site. Snug Harbor Cultural Center is less than half a mile east of the site. In addition, the area is accessed by two bus routes, S44 and S94.

The portion of the site currently zoned R3X was the subject of two previous neighborhood rezonings. In 1985, that portion of the site and the surrounding neighborhood was rezoned from R5 to R4 (C 850530 ZMR). In 1997, the same portion of the site was rezoned from R4 to R3X as part of the Brighton Heights Rezoning (C 970271 ZMR).

The proposed Lafayette Manor is a five-story, 60-unit building with a floor area of 42,536 square feet and an overall height of 46 feet 8 inches. The building will include community rooms and a library. The sponsor (Sisters of Charity) will also provide an on-site service coordinator, who

will direct case management, home care, counseling, and other on-site services, as well as, link residents with off-site community-based services. In addition, residents will have access to services at other programs run by the sponsor. The project will have nineteen accessory parking spaces in an at-grade parking lot in the rear of the building. Landscaping and outdoor patios are also provided. The project would be developed under the U.S. Department of Housing and Urban Development's (HUD) Section 202 Supportive Housing for the Elderly Program.

## **REQUIRED ACTIONS**

### **UDAAP designation, approval and disposition of city-owned property (C 080199 HAR)**

HPD requests UDAAP designation and project approval to facilitate the disposition of city-owned property and the construction of the proposed building. The city-owned property (Block 71, Lot 117) is 21,875 square feet and vacant.

### **Zoning Map Amendment from R3X to R5 (C 080198 ZMR)**

HPD also proposes to rezone a 100-foot by 175-foot portion of the lot from R3X to R5. This portion is contiguous with the remainder of the lot (25 by 175 feet) which is currently zoned R5. It is also contiguous with the R5 district to the rear of the site which occupies much of the block fronting Lafayette Avenue and Cassidy Place. The rezoning will result in a lot entirely within an R5 district.

The existing R3X zoning limits residential uses to single or two-family detached residences and has a height limit of 35 feet. Maximum FAR in the R3X district is 0.6 (for non-profit residences for the elderly, R3X permits a maximum FAR of .95). The proposed R5 permits all housing types. The maximum FAR is 1.25 (1.95 for non-profit residences for the elderly). In R5 districts, the maximum building height is 40 feet and the maximum perimeter wall height is 30 feet.

### **Authorization to modify height and setback regulations (N 080200 ZAR)**

In an R5 District, the as-of-right maximum building height is 40 feet. In addition, the maximum perimeter wall height is 30 feet.

The proposed five-story building will have a height of over 46 feet. Also, it will exceed the maximum perimeter wall height on Lafayette Avenue. According to the applicant, a building which complied with the R5 height and setback regulations would not comply with HUD standards.

For non-profit residences for the elderly, pursuant to ZR Section 23-631(i), the Commission may authorize a building that penetrates the height and setback regulations if it finds that (1) the additional floor area permitted is accommodated in an efficient manner, (2) such modification is the least modification required, (3) the proposed modification does not impair the essential character of the surrounding area, and (4) the proposed modification will not have adverse effects on light, air, and privacy of adjacent properties.

#### **ENVIRONMENTAL REVIEW**

This application (C 080199 HAR), in conjunction with the related applications (C 080198 ZMR and N 080200 ZAR), 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 07HPD012R. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on November 3, 2006.

#### **UNIFORM LAND USE REVIEW**

This application (C 080199 HAR), in conjunction with the related application (C 080198 ZMR), was certified as complete by the Department of City Planning on December 17, 2007, and was duly referred to Community Board 1 and the Borough President, in accordance with Title 62 of

the Rules of the City of New York, Section 2-02 (b) along with the application for the non-ULURP action (N 080200 ZAR) which was referred for review and comment.

### **Community Board Public Hearing**

Community Board 1 held a public hearing on this application on February 4, 2008 and on February 11, 2008, by a vote of 24 to 2 with 1 abstention, adopted a resolution recommending approval of this application with the following conditions:

that the project should include two elevators, exterior lighting reflective of the period of New Brighton Village Hall, that the building achieve 20 to 35% energy efficiency and that Community Board #1 be afforded the right to work with the developer in naming the building.

### **Borough President Recommendation**

This application (C 080199 HAR) was considered by the Borough President, who issued a recommendation on March 13, 2008 approving this application subject to the condition that the Commission review and consider all modifications and conditions proposed by Community Board 1 as part of the previously submitted Community Board recommendation.

### **City Planning Commission Public Hearing**

On March 12, 2008 (Calendar No. 8), the City Planning Commission scheduled March 26, 2008, for a public hearing on this application (C 080199 HAR). The hearing was duly held on March 26, 2008 (Calendar No. 23), in conjunction with the public hearing on the related application (C 080198 ZMR).

There were three speakers who spoke in favor and none opposed to the application. The speakers included the developer and two representatives from HPD. The developer briefly described the proposal and changes made to the project in response to the Community Board's and Borough President's recommendations. Two representatives from HPD also appeared in favor.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the application for UDAAP designation, project approval and disposition of city-owned property (C 080199 HAR), along with the related actions (C 080198 ZMR and N 080200 ZAR), is appropriate.

The project, to be developed under U.S. Department of Housing and Urban Development's Section 202 Supportive Housing for the Elderly Program, will consist of a five-story building with approximately 60 units for low-income seniors. In addition, the project will include community rooms and an on-site service coordinator. Nineteen accessory parking spaces will be provided in an at-grade lot at the rear of the building.

The Commission notes that subsequent to certification and in response to Community Board 1 and the Borough President's recommendations, HPD added a second elevator to the building. This resulted in a 91 square-foot increase in the building footprint in the rear and an increase in zoning floor area from 42,079 square feet to 42,536 square feet. HPD also added four windows and an ornamental railing to the west elevation in response to concerns raised by the Commission concerning the building's relationship to the adjoining home. The changes are reflected in revised plans filed by HPD on March 20, 2008.

The Commission notes that approval of the UDAAP for the development site would facilitate the development of vacant city-owned land thereby eliminating a blighting influence on the neighborhood. The Commission also believes that the project will address the need for affordable housing for seniors.

The Commission further believes that the proposed zoning map amendment (C 080198 ZMR) from R3X to R5 is appropriate. The rezoning will allow for a multi-family building as proposed with this application, and the extension is contiguous with the adjacent R5 district which occupies much of the block.

The Commission believes that the authorization (N 080200 ZAR) to exceed the maximum height and setback limits is warranted. The Commission finds that the design of the building is efficient

and is the least modification necessary to accommodate the minimum number of units necessary to meet U.S. Department of Housing and Urban Development standards. Further, the Commission finds that the requested height and setback waivers will not adversely affect light, air, and privacy of adjacent properties because the proposed building will be bounded by streets to the north and east, an at-grade parking lot will occupy the south side yard of the building, and a landscaped buffer and additional building setback will be provided in the west side yard adjacent to the neighboring house.

## **RESOLUTION**

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

**WHEREAS**, the Department of Housing Preservation and Development has recommended the designation of 226 Fillmore Street (Block 71, Lot 117) as an Urban Development Action Area; and

**WHEREAS**, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such area;

**THEREFORE**, be it further **RESOLVED**, that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the matters pursuant to the Urban Development Action Area Act:

- a) the designation of property located at 226 Fillmore Street (Block 71, Lot 117) as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area;

and the City Planning Commission recommends that the New York City Council find that:



- a) the present status of the area tends to impair or arrest the sound development of the municipality;
- b) financial aid, in the form of tax incentives to be provided by the municipality pursuant to Section 696 of the Urban Development Action Area Act, is necessary to enable the project to be undertaken; and
- c) the project is consistent with the policy and purposes stated in Section 691 of the Urban Development Action Area Act; and

**BE IT FURTHER RESOLVED**, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of city-owned property located at 226 Fillmore Street (Block 71, Lot 117) in Community District 1, Borough of Staten Island, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 080199 HAR).

The above resolution (C 080199 HAR), duly adopted by the City Planning Commission on April 9, 2008 (Calendar No. 9), 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,**  
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