



CITY PLANNING COMMISSION

April 2, 2014 / Calendar No. 10

C 110106 ZMR

IN THE MATTER OF an application submitted by Zahra Marina and Hashem Araj pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20d:

1. establishing within an existing R3X District a C1-2 District bounded by Richmond Avenue, a line 145 southerly of Merrill Street, a line 160 feet westerly of Richmond Avenue, a line 95 feet southerly of Merrill Avenue, a line 100 feet westerly of Richmond Avenue and Merrill Avenue; and
2. establishing within an existing R3-1 District a C1-2 District bounded by Richmond Avenue, Merrill Avenue, a line perpendicular to Merrill Avenue distant 155 feet westerly from Richmond Avenue, the centerline of the block between Merrill Avenue and Jardine Avenue, a line perpendicular to Jardine Avenue distant 135 feet from Richmond Avenue and Jardine Avenue

as shown on a diagram (for illustrative purposes only) dated November 18, 2013, in the Borough of Staten Island, Community District 2.

The application for an amendment to the Zoning Map was filed by Zahra Marina and Hashem Araj on October 4, 2010 to change a portion of a block from an R3X district to an R3X district with a C1-2 overlay to facilitate the construction of a one-story, 6,440-square-foot commercial development located on the eastern end of Block 2236 on Richmond Avenue, between Merrill Avenue and Victory Boulevard and to change a portion of a block from an R3-1 district to an R3-1 district with a C1-2 overlay to bring existing development back into conformance on the eastern end of Block 1580 on Richmond Avenue, between Jardine Avenue and Merrill Avenue in the Bulls Head neighborhood of Staten Island, Community District 2.

BACKGROUND

The applicants, Zahra Marina and Hashem Araj, propose a zoning map amendment to establish C1-2 commercial overlays on property currently zoned R3X and R3-1, along portions of Richmond Avenue in the Bulls Head neighborhood of Staten Island, Community District 2.

[Type text]

The rezoning area comprises the zoning lot at the eastern end of Block 2236 (Lots 56 and 61) located on the west side of Richmond Avenue south of the Merrill Avenue intersection which the applicants own and intend to develop with a one-story commercial building. The property is currently zoned R3X and includes approximately 18,450 square feet covering the two tax lots. The applicants' property is occupied by two 2.5-story residential buildings. Both of these buildings contain residential and community facility uses and vacant units. There is a commercial office in one of these buildings. The commercial office is not a permitted use in a residential district and the owners have received an ECB violation (No. 34936505P). The northern half of Block 2236, which includes Lots 56 and 61, is zoned R3X and contains detached and attached 2- to 3-story residential buildings and community facility uses including a large parochial school and church.

This part of the rezoning area is adjacent to R3-1 and R3-2 districts mapped to the north and east, respectively. To the north, Block 1580 is zoned R3-1 and consists of a two-story medical office community facility building fronting Richmond Avenue and one- and two-family residential buildings, a public school and a cemetery. To the northeast Block 1548 is zoned R3-2 with a C1-2 overlay and contains one-story commercial uses including a drug store and a bank. To the southeast Block 1560 is zoned R3-2 and contains a medical office community facility use in a frame building and one- and two-family residential buildings.

The proposed rezoning area also includes the adjacent Richmond Avenue street frontage between Merrill Avenue and Jardine Avenue.. In this rezoning area, comprised of Lot 22 located in Block 1580, the application proposes a zoning map amendment to change an R3-1 district to an R3-1 district with a C1-2 overlay. The two-story, medical office community facility building on Lot 22 on the eastern end of Block 1580 has approximately 40,400 square feet of lot area and is developed with a legally non-conforming medical office use with approximately 25,000 square feet of floor area. When this building was constructed in 1996, the building complied and the medical uses conformed to the zoning in place at the time. In 2004, a citywide zoning text amendment, N 040202 ZRY, was approved and limited the size of as-of-right medical facilities to 1,500 square feet of floor area in low density residential districts to maintain the residential character in one- and two-family

residential districts. The adoption of this text amendment caused the 25,000 square feet of medical uses on Lot 22 to become legally non-conforming since they exceeded the 1,500 square feet permitted by the new rules. The proposed zoning map amendment will bring the existing medical office community facility back into conformance with zoning.

The proposed zoning map amendment would extend the existing C1-2 overlay district on the northeast side of Richmond Avenue to include the east ends of the R3-1 and R3X districts, north and south of Merrill Avenue on the west side of Richmond Avenue. The existing R3X and R3-1 districts permit residential uses to an FAR of 0.6 and community facility uses to an FAR of 1.0. In R3X and R3-1 districts, residential buildings may have a perimeter wall of up to 26 feet; 35 feet is the maximum residential building height. The proposed R3X/C1-2 and R3-1/C1-2 districts would permit commercial and community facility uses to an FAR of 1.0 and building heights of 30 feet or 2 stories.

The rezoning south of Merrill Avenue would facilitate the development of a 6,440 square foot, one-story commercial building with parking for 21 vehicles which would be accessed via a 18-foot curb cut at the Richmond Avenue frontage. Landscaped buffering is required between the zoning lot and the adjacent residential development to the west and south. The development would be built to .35 FAR. The proposed building would be located at the northeast corner of the applicants' property at the intersection of Merrill and Richmond avenues. The two entrances to the proposed building would be located at the southeast corner of the building. One entrance faces the Richmond Avenue frontage and the other one faces the parking lot.

ENVIRONMENTAL REVIEW

This application (C 110106 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 11DCP072R. 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 November 18, 2013.

UNIFORM LAND USE REVIEW

This application (C 110106 ZMR) was certified as complete by the Department of City Planning on November 18, 2013 and was duly referred to Community Board 2 and Staten Island Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 2 held a public hearing on this application (C 110106 ZMR) on January 7, 2014, and on January 28, 2014, by a vote of 35 in favor and 0 in opposition with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 110106 ZMR), was considered by the Borough President, who, on February 26, 2014, recommended approval of the application.

City Planning Commission Public Hearing

On February 19, 2014 (Calendar No.4), the City Planning Commission scheduled March 5, 2014 for a public hearing on this application (C 110106 ZMR). The hearing was duly held on March 5, 2014 (Calendar No. 24).

There was one speaker in favor of the application and no speakers opposed. The speaker in favor was the applicants' lawyer who provided a summary of the project and the requested action. In response to questions raised at the public hearing, the representative stated that the midblock height of the proposed building is 18 feet and the western façade of the building facing the existing residential development would be a brick wall. He also stated that landscape buffering would be located within the 8-foot area between the proposed building and the existing residential development.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 110106 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 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 Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 12-046.

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 110106 ZMR) for an amendment to the zoning map is appropriate.

The Commission believes that adding a C1-2 overlay district to the lots on the west side of Richmond Avenue, south and north of Merrill Avenue will be in keeping with the existing commercial context of this portion of Richmond Avenue.

The Commission notes that the two lots within the R3X/C1-2 rezoning area south of Merrill Avenue are owned by the applicants who propose to develop the property with a one-story commercial building. The Commission also notes that the proposed building's mid-block height of 18 feet is lower than the maximum 30 feet or two-stories allowed in a C1-2 district. Further, a brick wall on the western façade of the proposed building would face existing residences. There will be vegetative buffering in the 8-foot open area between this brick wall and the adjacent residential development.

The Commission believes that adding the C1-2 overlay district to Lot 22 on Block 1580 located on the west side of Richmond Avenue, north of Merrill Avenue will bring the existing medical office

community facility uses back into conformance.

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, 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

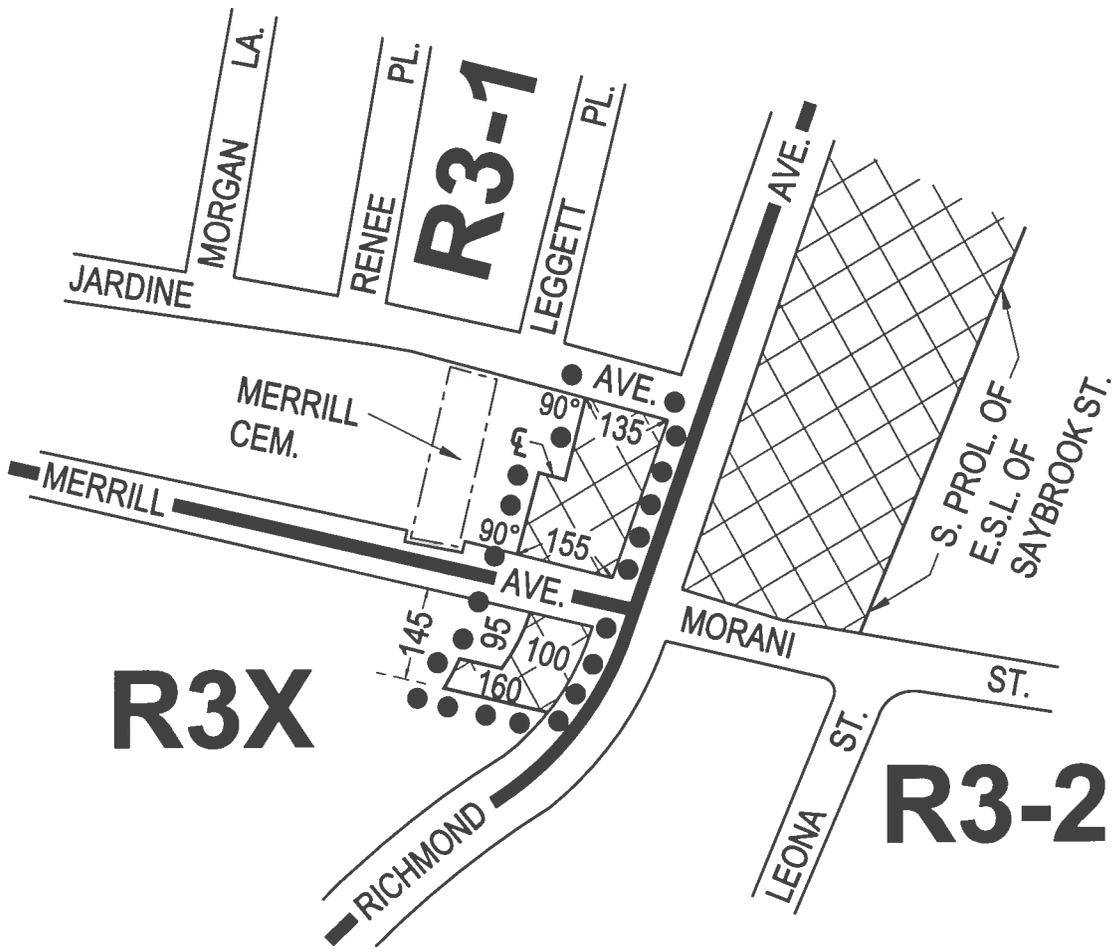
RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 20d:

1. establishing within an existing R3X District a C1-2 District bounded by Richmond Avenue, a line 145 southerly of Merrill Street, a line 160 feet westerly of Richmond Avenue, a line 95 feet southerly of Merrill Avenue, a line 100 feet westerly of Richmond Avenue and Merrill Avenue; and
2. establishing within an existing R3-1 District a C1-2 District bounded by Richmond Avenue, Merrill Avenue, a line perpendicular to Merrill Avenue distant 155 feet westerly from Richmond Avenue, the centerline of the block between Merrill Avenue and Jardine Avenue, a line perpendicular to Jardine Avenue distant 135 feet from Richmond Avenue and Jardine Avenue;

as shown on a diagram (for illustrative purposes only) dated November 18, 2013, in the Borough of Staten Island, Community District 2.

The above resolution (C 110106 ZMR), duly adopted by the City Planning Commission on April 2, 2014 (Calendar No. 10), 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.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,
MARIA M. DEL TORO, JOSEPH DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
20d
 BOROUGH OF
STATEN ISLAND



New York, Certification Date
 NOVEMBER 18, 2013

J. Miraglia, Director
 Technical Review Division



NOTE:

- Indicates Zoning District Boundary.
- The area enclosed by the dotted line is proposed to be rezoned by establishing C1-2 Districts within existing R3-1 and R3X Districts.
- Indicates a C1-2 District.

Application #: C 110106 ZMR	Project Name: 1582 Richmond Avenue
CEQR Number: 11DCP072R	Borough(s): Staten Island Community District Number(s): 02

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by Zahra Marina and Hashem Araj pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20d:

- establishing within an existing R3-1 District a C1-2 District bounded by Jardine Avenue, Richmond Avenue, Merrill Avenue, a line perpendicular to the northerly street line of Merrill Avenue distant 155 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Merrill Avenue and the westerly street line of Richmond Avenue, a line midway between Jardine Avenue and Merrill Avenue, and a line perpendicular to the southerly street line of Jardine Avenue distant 135 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of Jardine Avenue and the westerly street line of Richmond Avenue; and
- establishing within an existing R3X District a C1-2 District bounded by Merrill Avenue, Richmond Avenue, a line 145 feet southerly of Merrill Avenue, a line 160 feet westerly of Richmond Avenue, a line 95 feet southerly of Merrill Avenue, and a line 100 feet westerly of Richmond Avenue;

Applicant(s): Zahra Marina and Hashem Araj 1582 Richmond Avenue Staten Island, New York 10310	Applicant's Representative: Eric Palatnik Eric Palatnik, P.C. 32 Broadway, Suite 114 New York, New York 10004
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Recommendation submitted by:
Staten Island Community Board 2

Date of public hearing: January 7, 2014 **Location:** Community Board 2
460 Brielle Avenue
Staten Island, NY 10314

Was a quorum present? YES NO *A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.*

Date of Vote: January 28, 2014 **Location:** Community Board 2
460 Brielle Avenue
Staten Island, N.Y 10314

RECOMMENDATION

Approve Approve With Modifications/Conditions
 Disapprove Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting
In Favor: 35 # Against: 0 # Abstaining: 0 Total members appointed to the board: 43

Name of CB/BB officer completing this form Dana T. Magee	Title Chair	Date 1-29-14
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BOROUGH PRESIDENT RECOMMENDATION
 Pursuant to the Uniform Land Use Review Procedure

 Application #: C 110106
 CEQR #: 11DCP072R

 Project Name: 1582 Richmond Avenue
 Borough(s): Staten Island
 Community District Number(s): 02

Please use the above application number on all correspondence concerning this application
Docket Description:

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2. Establishing within an existing R3X District a C1-2 District bounded by Merrill Avenue, Richmond Avenue, a line 95 feet southerly of Merrill Avenue, a line 160 feet westerly of Richmond Avenue, a line 95 feet southerly of Merrill Avenue, and a line 100 feet westerly of Richmond Avenue.

Recommendation:
 Approve
 Disapprove

 Approve With Modifications/Conditions
 Disapprove With Modifications/Conditions

Explanation of Recommendation, Conditions or Modification:
Related Applications:
Contact:

Address questions about this recommendation to:

OFFICE OF THE STATEN ISLAND BOROUGH PRESIDENT
ATTN: LAND USE DIRECTOR

 Address: 10 Richmond Terrace, Staten Island, NY 10301 (Room G-12)
 Phone: 718.816.2112
 Fax: 718.816.2060

February 26, 2014

 James S. Oddo
 President of the Borough of Staten Island

DATE