



IN THE MATTER OF an application submitted by C & A Realty Holding LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20d:

1. eliminating from within an existing R3X District a C2-2 District bounded by Victory Boulevard, Richmond Avenue, Clifton Street, and a line 350 feet westerly of Richmond Avenue; and
2. changing from an R3X District to a C8-1 District property bounded by Victory Boulevard, Richmond Avenue, Clifton Street, and a line 350 feet westerly of Richmond Avenue;

Borough of Staten Island, Community District 2, as shown on a diagram (for illustrative purposes only), dated March 26, 2018, and subject to the conditions of CEQR Declaration E-469.

This application for a zoning map amendment was filed by C&A Realty Holdings LLC on December 5, 2016. The requested action would legalize existing auto-related uses and facilitate the enlargement of an existing automobile repair business in the Bulls Head neighborhood of Staten Island Community District 2.

BACKGROUND

The applicant proposes a zoning map amendment to replace an existing R3X zoning district and C2-2 commercial overlay with a C8-1 zoning district. The rezoning area is bounded by Victory Boulevard, Richmond Avenue, Clifton Street, and a line 350 feet westerly of Richmond Avenue (Block 2159, Lots 1, 10, 13, 15 and part of 18). The rezoning area is developed with two automotive service establishments and a fast food restaurant, all in single-story buildings.

The development site, owned by the applicant, is a through lot located at 3122-3136 Victory Boulevard (Block 2159, Lots 13, 15 and 18) between Victory Boulevard and Clifton Street. Lot 15 is developed with a 5,014-square-foot garage used for vehicle repair and storage since 1948. The existing automobile repair establishment recently began using two adjacent lots (13 and 18) as part of its operations.

The two other separately owned properties within the rezoning area consist of a legally non-conforming single-story 3,760-square-foot car wash and basic automobile repair facility on the adjacent through lot (Lot 10), and a single-story 2,580-square-foot restaurant on the corner lot fronting Richmond Avenue (Lot 1). Lot 10 has been used for automobile-related uses since 1947.

The project area is mapped with an R3X/C2-2 zoning district. This district permits residential uses, community facilities, and commercial uses serving neighborhood needs such as restaurants, offices, catering establishments, and theaters. Commercial or community facility uses are required on the ground floor and are permitted up to a maximum floor area ratio (FAR) of 1.0. Building height is limited to 35 feet for residential uses and 30 feet for commercial uses. Building height for community facility uses is regulated by a sky exposure plane that begins 30 feet above the street line and rises at a slope of 1:1. Parking requirements vary by use, with one space per 300 or 400 square feet of floor area generally required for commercial uses. Residential uses require 1.5 parking spaces per dwelling unit.

The R3X zoning district extends to the west and south of the site, and is predominantly developed with semi-detached and detached single and two-family homes. C1-2 and C2-2 commercial overlays are mapped along Richmond Avenue and Victory Boulevard, which are developed with a mix of uses including automotive service stations, retail, and medical offices. Victory Boulevard and Richmond Avenue, both major thoroughfares, are well travelled and provide connections to expressways and other communities throughout Staten Island.

The proposed C8-1 zoning district permits additional commercial and service uses, such as amusements, warehouses, automotive service stations, and advertising signs. Residential uses and certain community facilities such as schools would not be permitted. The maximum FAR would remain at 1.0 for a commercial building or 2.4 for a building with a community facility. All building heights are regulated by a sky exposure plane that begins 30 feet above the street line and rises at a slope of 1:1. There would be no change to commercial parking requirements.

The requested action would facilitate a proposed 4,767-square-foot enlargement to expand an automobile repair facility to a total of 9,781 square feet, representing an FAR of 0.43. The

development site would have six open accessory parking spaces on Lot 13 and vehicle storage on Lot 18, both with access to Victory Boulevard. No new curb cuts are proposed. A 15-foot-wide open area would be required between the vehicle storage and the adjacent residential development to the west of the development site, on which the applicant proposes landscaping.

The proposed C8-1 zoning district would bring all existing automotive businesses (on Lots 10, 13, 15, and 18) into conformance with zoning, and the existing restaurant on Lot 1 would continue as a permitted use.

ENVIRONMENTAL REVIEW

This application (C 170178 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 15DCP182R. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on March 26, 2018. This Negative Declaration was prepared in accordance with Article 8 of the Environmental Conservation law 6NYCRR part 617.

In connection with the proposed action, an (E) designation (E-469) would be assigned to sites within the rezoning area (Block 2159, Lots 13, 15, and 18) to avoid potential significant adverse impacts related to hazardous materials and air quality, detailed below.

Hazardous Materials (E) Designation

Due to the possible presence of hazardous materials on the aforementioned designated site, there is potential for contamination of the soil and groundwater. To determine if contamination exists and perform the appropriate remediation, the following tasks must be undertaken by the fee owners

of the lot restricted by this (E) Designation prior to any demolition or disturbance of soil on the lot.

Task 1

The fee owners of the lot(s) restricted by this (E) Designation will be required to prepare a scope of work for any soil, gas, or groundwater sampling and testing needed to determine if contamination exists, the extent of the contamination, and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to the Mayor's Office of Environmental Remediation (OER) for review and approval prior to implementation. It will be reviewed to ensure that an adequate numbers of samples will be collected and that appropriate parameters are selected for laboratory analysis.

No sampling program may begin until written approval of a work plan and sampling protocol is received from the OER. The numbers and location of sample sites should be selected to adequately characterize the type and extent of the contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by OER upon request.

Task 2

A written report with findings and summary of the data must be presented to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided by OER if the results indicate that remediation is necessary.

If OER determines that no remediation is necessary, written notice shall be given by OER. If remediation is necessary according to test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owners of the lot restricted by this (E) Designation must

perform such remediation as determined necessary by OER. After completing the remediation, the fee owners of the lot restricted by this (E) Designation should provide proof that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This Plan would be submitted to OER for review and approval prior to implementation.

Air Quality

An (E) Designation is required to restrict the stack location of Lots 13, 15, and 18 in Staten Island, to ensure HVA emissions would not significantly affect residential properties to the west of the proposed new facility. In addition, the existing spray booth facility on Lot 15 would be restricted. The (E) Designation language is as follows:

Block 2159, Lots 13, 15, and 18:

Any new commercial development on Block 2159, Lots 13, 15, and 18 must ensure that the heating, ventilation, and air conditioning stack(s) is/are located at the highest tier (28 feet above the grade) and at least 60 feet away from the lot line facing Jones Street, to avoid any potential significant air quality impacts.

Block 2159, Lot 15:

Any new or existing development on the above-referenced property must contain no enlargement to the existing auto spray booth to avoid any significant adverse air quality impacts

UNIFORM LAND USE REVIEW

This application (C 170178 ZMR) was certified as complete by the Department of City Planning on March 26, 2018 and duly referred to Community Board 2 and the 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 170178 ZMR) on May 1, 2018, and on May 15, 2018, by a vote of 15 in favor, with none opposed and no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Staten Island Borough President who on May 30, 2018 issued a recommendation to approve the application with the following conditions:

- “1. That a permanent restriction be incorporated into the CPC approval restricting the use of advertising signs of any type throughout the newly created C8 district

2. That deed restrictions be filed with the Richmond County Clerk for the properties in question, memorializing the restriction binding upon, and inured to the benefit of, the individual party's heirs, executors, personal representatives, agents, transferees, employees, attorneys, representatives and their respective successors and assigns

3. That any privately held-portions of mapped streets or streets of record be dedicated for public use

4. That a Dedication of Public Use be reviewed by the Department of Transportation (DOT) and filed with the Richmond County Clerk and include a standard condemnation clause utilized by the DOT for item 3 above.

5. That the Department of Transportation evaluate the Builder's Pavement Plan to determine proper sidewalk, street and curb improvements or waivers as applicable
6. That DOT opine on project scope with respect to recently announced pedestrian safety improvements along Victory Boulevard from Richmond Avenue to Arlene Street
7. That left turns into the subject property from the westbound lanes of Victory Boulevard be banned at all times”

City Planning Commission Public Hearing

On June 27, 2018 (Calendar No. 9) the City Planning Commission scheduled July 11, 2018 for a public hearing on this application (C 170178 ZMR). The hearing was duly held on July 11, 2018 (Calendar No. 37). One speaker testified in favor of the application.

The applicant's lead representative, an attorney, described the proposed enlargement of the automobile repair establishment and indicated a willingness to work with the community and other City agencies to address the Borough President's concerns.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 170178 ZMR) for a zoning map amendment is appropriate.

The proposed rezoning will bring two long-standing automobile-related establishments into conformance with zoning, allowing local businesses to continue to grow and serve the needs of Staten Island residents. The proposed C8-1 zoning district is the least intensive zoning district that permits automobile service establishments. Existing automotive and commercial uses within the rezoning area are historically stable and are appropriate for this block, and uses that are not

permitted in the proposed C8-1 District, such as schools and housing, are unsuitable for this busy location at the intersection of two regional thoroughfares.

The Commission acknowledges the Borough President's recommendations and notes that while transportation matters are outside the scope of the requested action, a coordinated approach to transportation issues on Victory Boulevard is to the benefit of all the businesses located on the block. The applicant is encouraged to continue working with the Department of Transportation to achieve a coordinated solution. The Commission also acknowledges the applicant's efforts to pursue a binding agreement with the community and adjacent property owners to restrict advertising signs within the rezoning area, but notes that such an agreement is not a condition of the Commission's approval.

RESOLUTION

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

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, Charter, that based on the environmental determination and 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 hereby amended by changing the Zoning Map, Section Nos. 20d:

1. eliminating from within an existing R3X District a C2-2 District bounded by Victory Boulevard, Richmond Avenue, Clifton Street, and a line 350 feet westerly of Richmond Avenue; and
2. changing from an R3X District to a C8-1 District property bounded by Victory Boulevard, Richmond Avenue, Clifton Street, and a line 350 feet westerly of Richmond Avenue, Borough of Staten Island, Community District 2, as shown on a diagram (for illustrative purposes only) dated March 26, 2018, and subject to the conditions of CEQR Declaration E-469.

The above resolution (C 170178 ZMR), duly adopted by the City Planning Commission on August 22, 2018 (Calendar No. 28) 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.

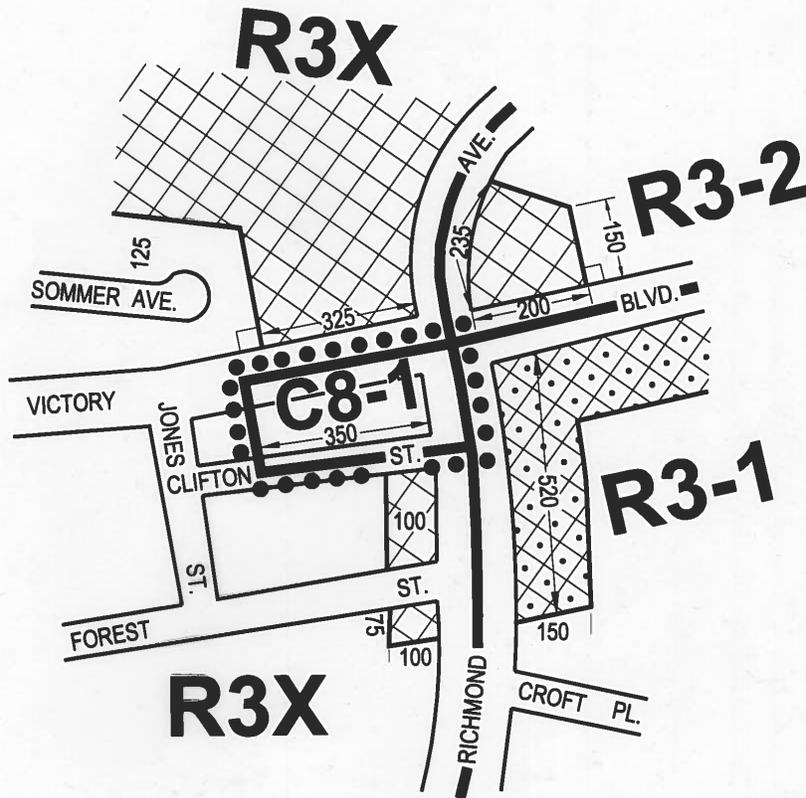
MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

ALFRED C. CERULLO, III, MICHELLE DE LA UZ,

JOSEPH DOUEK, CHERYL COHEN EFFRON, HOPE KNIGHT,

ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, *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
 MARCH 26, 2018

S. Lenard
 S. Lenard, Director
 Technical Review Division



- NOTE:**
- Indicates Zoning District Boundary.
 - • • • The area enclosed by the dotted line is proposed to be rezoned by eliminating a C2-2 District from within an R3X District, and by changing an R3X District to a C8-1 District.
 - Indicates a C1-2 District.
 - Indicates a C2-2 District.

Application #: C 170178 ZMR CEQR #: 15DCP0182R	Project Name: 3122 - 3136 VICTORY BOULEVARD Borough(s): STATEN ISLAND Community District Number(s): 3
<i>Please use the above application number on all correspondence concerning this application</i>	

Docket Description:

IN THE MATTER OF an application submitted by C&A Realty Holding LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 20d:

- 1) Eliminating from within an existing R3X District a C2-2 District bounded by Victory Boulevard, Richmond Avenue, Clifton Street and a line 350' westerly of Richmond Avenue; and
- 2) Changing from an R3X District to a C8-1 District property bounded by Victory Boulevard, Richmond Avenue, Clifton Street and a line 350' westerly of Richmond Avenue

Recommendation:

<input type="checkbox"/> Approve	<input checked="" type="checkbox"/> Approve With Modifications/Conditions
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions

Explanation of Recommendation, Conditions or Modification:

Staten Island Borough President James S. Oddo recommends approval of the referenced application with the following modification and conditions:

1. That a permanent restriction be incorporated into the City Planning Commission approval restricting the use of advertising signs of any type throughout the newly created C8 district
2. That deed restrictions be filed with the Richmond County Clerk for the properties in question, memorializing the restriction binding upon, and inured to the benefit of, the individual party's heirs, executors, personal representatives, agents, transferees, employees, attorneys, representatives and their respective successors and assigns
3. That any privately held-portions of mapped streets or streets of record be dedicated for public use
4. That a Dedication of Public Use be reviewed by the Department of Transportation (DOT) and filed with the Richmond County Clerk and include a standard condemnation clause utilized by the DOT for item 3 above.
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7. That left turns into the subject property from the westbound lanes of Victory Boulevard be banned at all times

Related Applications:
<p>Contact: <i>Address questions about this recommendation to:</i> OFFICE OF THE STATEN ISLAND BOROUGH PRESIDENT ATTN: LAND USE DIRECTOR</p> <p>Address: 10 Richmond Terrace, Room G-12 Staten Island, NY 10301 Phone: 718-816-2112</p>
<p><i>James S. Oddo</i> _____ <i>May 30, 2018</i> _____ James S. Oddo DATE President of the Borough of Staten Island</p>