**252 Victory Boulevard**

**April 2021**

## 1. Introduction

Victory Boulevard Realty LLC (the "Applicant") seeks a series of actions to facilitate a new mixed-use development in the Tompkinsville neighborhood of Staten Island Community District #1.The Applicant seeks a zoning map amendment, zoning text amendment and four zoning authorizations (the "Proposed Actions") to facilitate new development at 252 Victory Boulevard (Block 576, Lot 25; the "Development Site"), which is located in the Special Hillside District (HS).

The Proposed Actions consist of a zoning map amendment from (1) R3-2 to R6B/C1-3 and R3-2/C1-3; and (2) R3X to R6B and R6B/C1-3. The proposed zoning map amendment would affect five lots in total (Block 576; Lots 21, 23, 25, 38, and 42; the "Rezoning Area"). A zoning text amendment to Appendix F of the Zoning Resolution ("ZR") would be required to make the Rezoning Area applicable as a Mandatory Inclusionary Housing ("MIH") area under Options 1 and 2. In addition, due the presence of the Rezoning Area in the Special HS District. three zoning authorizations are required: (1) ZR 119-311: authorization of development on a steep slope; and (2) ZR 119-312: authorization of certain uses and parking in excess of 30 spaces.

The Proposed Actions would enable the construction of a new 5-story, 55-foot mixed use-building under R6B/C1-3 (MIH) district regulations with 54,942 square feet of residential floor and 8,687 square feet of combined commercial (retail) and community facility space (daycare) space on the ground floor for a total of 63,629 square feet (FAR 2.2). Pursuant to MIH, the building will contain 46 dwelling units, 12 of which will be permanently affordable to incomes averaging 60% of AMI under Option 1. 59 accessory off-street parking spaces would be provided.

It should be noted the Rezoning Area includes the Development Site (Block 576; Lot 25), as well as four additional properties (Block 576; Lots 21, 23, 38, and 42), which are not under the Applicant's control and are included for a more comprehensive proposal.

## 2. Background

The Development Site was vacant and undeveloped from 1898 until 1917, when nine contiguous single-story buildings occupied the lot from 1937 until 1977. By 1981, the buildings were demolished and since then the property has remained vacant and undeveloped.

The Rezoning Area was initially zoned R3-2 under the 1961 Zoning Resolution with the district extending south and east of Victory Boulevard, while the opposite side of the street was zoned R4 and R4/C1-3. In 1964 a C1-3 overlay was added to the subject block, extending north from Cebra Avenue for 400 feet.

In 1987 the Special Hillside District (HS) was approved, which encompasses the Rezoning Area and regulates development in areas of steep slope in Staten Island's Serpentine Ridge, an area of approximately 1,900 acres in the northeastern part of the borough. The purpose of the district is to reduce hillside erosion, landslides and excessive stormwater runoff by preserving the area's hilly terrain, trees and vegetation. The primary means of regulating development in the district is to control the amount of the lot area that can be covered by a building. As the lot area becomes steeper, permitted lot coverage decreases while the permissible floor area remains the same. This generally results in taller buildings with less impact on steep slopes and natural features. There are also additional regulations for the removal of trees, grading of land, and construction of driveways and private roads. As such, the four guiding principles of the Special HS district in the ZR are as follows: (1) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain; (2) to preserve hillsides having unique aesthetic value to the public; (3) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas; and (4) to promote the most desirable use of land and to guide future development in accordance with a comprehensive development plan, and to protect the neighborhood character of the district.

Following the adoption of the Special HS District, a portion of the Rezoning Area was amended in 2003 from R3-2 to R3X as a result of the Staten Island Borough President/Northeast North Shore Rezoning (C 030001 ZMR), which was a large-scale rezoning initiated by the Staten Island Borough President's Office in response to community concerns that ongoing development was not consistent with the existing character of predominantly detached existing housing. The rezoning affected a 186-block area from R5, R4, R3-2, and R3-1 to R3A and R3X. This amended the area beyond approximately 100 feet from Victory Boulevard from R3-2 to R3X, which requires detached one- and two-family housing. Specifically, this amended the Rezoning Area which was zoned R3-2 at that time and resulted in a split zoning district between R3-2 and R3X, with the R3X area mapped beyond 100 feet of Victory Boulevard. The rezoning also affected blocks beyond 100 feet of Victory Boulevard on the opposite site of the street, which were rezoned to R3A from R3-2.

A single approval by the Board of Standards and Appeals (BSA) occurred in close proximity, with an approval occurring in 2017 for 339 Victory Boulevard (2017-4-A). This facilitated a two-story mixed-use building (residential-commercial) to the south of the Rezoning Area on Victory Boulevard, in the bed of a mapped but unbuilt portion of Victory Boulevard, contrary to General City Law Section 35.

It should be noted the Development Site was the subject of an approval by the CPC (N100324 ZAR) in October of 2010 for two zoning authorizations pursuant to ZR 119-311 (development on a steep slope) and ZR 316 (modification of grading controls) to facilitate a 15-unit residential building. Construction pursuant to that approval never advanced, and the approval subsequently lapsed four years later in 2014. The Applicant acquired the property following this approval. Aside from erecting a fence from the Bayview Place frontage to control the dumping of waste and vandalism, the property has remained undisturbed.

No other notable land use approvals have occurred in the surrounding area since the inception of the 1961 ZR.

## 3. Description of the Surrounding Area

The Rezoning Area is situated along the southeastern side of Victory Boulevard between Cebra Avenue and Jersey Street in the Tompkinsville area of Staten Island Community District #1. Victory Boulevard is an arterial mixed-use corridor for Staten Island and is 100 feet in width, classifying the street as "wide" in the ZR. Jersey Street and Cebra Avenue are 'narrow' with less than 75 feet in width (50 feet and 66 feet, respectively).

Accordingly, the location along Victory Boulevard corresponds to a mix of uses including commercial, residential, mixed-use (commercial retail with residential units above) and some community facility uses, vacant lots and utility/automotive related uses. Residential housing types consist of a mix of older detached and semi-detached one- and two-family homes and smaller multi-family apartment buildings. A cluster of mixed use and commercial uses are situated around Cebra Avenue, with eating and drinking establishments, delis, tax preparation, groceries and other neighborhood retail uses present, often with residential units above. To the north at Jersey Avenue is another neighborhood mixed-use corridor, with a DSNY facility present at the intersection of Jersey Street and Victory Boulevard.

In terms of community facility uses, notable uses to the south include an Albanian Cultural Center at 307 Victory Boulevard (Block 109, Lot 6) in a three-story structure and a nursing home in four-stories at 100 Castleton Avenue (Block 114, Lot 52). To the north includes a cluster of houses of

worship along Victory Boulevard and Pike Street (Mount Sinai Church, and Staten Island Christian Church). There are no notable public open spaces in the surrounding area.

The Rezoning Area is zoned R3-2/C1-3, R3-2 and R3X, with the latter district mapped beyond frontage of Victory Boulevard. The area is also located in the Lower Density Growth Management Area (LDGMA) and is located outside the Transit Zone. The surrounding area is also entirely located in the Special HS District. To the north at the intersection of Jersey Street and Victory Boulevard, R4 and R5 districts are present, as well as C1-3 and C2-2 commercial overlays.

The R3-2 and R3X zoning districts are similar and permit Use Groups 1–4 at a maximum FAR of 0.50. The 0.5 floor area ratio (FAR) may be increased by an attic allowance of up to 20% for the inclusion of space beneath a pitched roof. The perimeter wall may rise to 21 feet before sloping or being set back to a maximum building height of 35 feet. Lots with detached homes must be at least 40 feet wide; if occupied by semi-detached and attached buildings, lots must be at least 18 feet wide. The maximum street wall length for a building on a zoning lot is 125 feet. The maximum lot coverage of any residence is 35%. Front yards must be at least 15 feet deep. Cars may park in the side or rear yard, in the garage or in the front yard within the side lot ribbon; parking is also allowed within the front yard when the lot is wider than 35 feet. The other requirements between the districts are similar, except that the R3-2 districts have a maximum lot coverage of 35% and R3X districts only permit one- and two-family detached housing. In the LDGMA, both districts have increased parking requirements for 150% of dwelling units and ground-floor retail is required in areas with mapped commercial overlays. Where a C1-3 commercial overlay is present, up to 1.0 FAR of commercial use is permitted (Use Group 6).

The R4 district is a general residence district that primarily permits contextual two- to three-story residential buildings at a maximum FAR of 0.75, with an attic allowance of 20%. The perimeter wall may rise to 25 feet before being set back to the maximum building height of 35 feet. The maximum street wall length for a building on a single zoning lot is 185 feet. Front yards of 10 feet and rear yards 30 feet are required, with side yards of at least 8 feet. The maximum building height is 35 feet and one parking space is required per dwelling unit.

The R5 district is a low-density general residence district that permits residential buildings up to 1.25 FAR and community facility buildings up to 2.0 FAR. The maximum height of buildings within R5 districts is 40 feet, with a maximum street wall height of 30 feet, as well as a 15-foot setback above the street wall. R5 districts require side yards of at least 8 feet and a 10-foot front yard. Parking is required for 85% of dwelling units.

In R4 and R5 districts, C1-3 overlays permit 1.0 FAR of Use Group 6 commercial use, while C2-2 overlays permit 1.0 FAR of some expanded commercial uses (Use Groups 5-9 & 14). In the LDGMA, the presence of commercial overlays requires mandatory ground-floor commercial retail.

The Rezoning Area is located in the Special Hillsides (HS) Preservation District. The Special HS District guides development in the steep slope areas of Staten Island's serpentine ridge. In order to preserve steep slopes and hillsides, the Special HS District applies stricter lot coverage controls than the underlying zoning both on sites with steep slopes.

The surrounding area is located outside the Transit Zone and is also located outside the Coastal Zone Boundary. The Rezoning Area is also located outside a FRESH area, however the area on the opposite side of Victory Boulevard is within a FRESH area and qualifies commercial developments for tax incentives for the provision of a FRESH use.

Although the Rezoning Area is located outside the Transit Zone, it is well served by New York City Transit (NYCT) bus service, with the S46, S48, S61 and S62 making stops along Victory Boulevard, connecting the area with St. George and points south. Approximately a half-mile to the east is Tompkinsville Station of the Staten Island Railway, providing service along the South Shore of Staten Island between St. George and Tottenville in the south.

## 4. Description of the Proposed Project Area

The Proposed Project Area (the "Rezoning Area") consists of Block 576, Lots 21, 23, 25, 38, and 42 which are situated along the south-east side of Victory Boulevard north of Cebra Avenue.

Lots 21 and 23 (no mapped address) are currently vacant lot. Each lot has a width of approximately 75 feet in depth and 40 feet of frontage, respectively. They are zoned R3-2 with a small portion of Lot 21 containing a C1-3 commercial overlay which exists to the south, extending north from Cebra Avenue along Victory Boulevard. These lots have been vacant since 1898.

Lot 25 consists of the Development Site and is discussed in greater detail below.

Lot 38 (250 Victory Boulevard) is a 3,454 square foot lot entirely in the R3-2 district which contains a one-story parking facility with approximately 1,450 square feet of floor area. The property was associated with the property located in Lot 42 (discussed below), from 1898 until 1917. From 1930 until 1975, a one-story commercial warehouse occupied the lot. The building was used as a storage facility for farm products. The lot has been a legal non-conforming use since 1967 when the property was converted to use as an auto-repair facility.

Lot 42 (no mapped address) contains frontage along Avon Place with approximately 2,320 square feet entirety in the R3-2 district. This parcel is undeveloped vacant land. The property was

occupied by a two-story detached residence from 1898 until 1987. By 1988, the building was demolished and has remained vacant since that time.

## 5. Description of the Proposed Development Site

The Development Site consists of Block 576, Lot 25, which is an irregular-shaped lot containing 30,267 square feet of lot area, with approximately 127 feet of frontage along Victory Boulevard and an irregular depth, with approximately 150 feet measured at the center of the lot. The site also small area of frontage in the rear of the property along Bayview Place (50 feet wide). The Development Site is currently undeveloped with wooded area occupying a majority of the property. It should be noted there is no known disturbance of the property since the prior approval in 2010. As noted above, a fence was installed in the rear of the property near the Bayview Place frontage to prevent the disposal of waste on the property and trespassing.

It should be noted that the site occupies a steep topography, with the front lot line containing an elevation of approximately 123 feet, while the center of the parcel contains an elevation of over 170 feet. Under the Special HS District regulations, the site is classified as "Tier I" site with an area of steep slope 10% or greater (17,088 square feet or 56.8% of the lot) with an area of steep slope buffer (15 feet from the slope limits) occupying 3,846 square feet. The Site currently has 121 trees resulting in 153 tree credits.

The Site is split between an R3-2 district and an R3A district due to the large size of the parcel, with the latter district mapped approximately 100 feet away from Victory Boulevard. This split district resulted from the Staten Island Borough President/Northeast North Shore Rezoning, which intended to prevent attached housing on interior bocks.

## 6. Description of the Proposed Development

With the Proposed Actions, a new building would be constructed on the Development Site to contain a 5-story (and cellar) mixed-use building. The building would rise to a height of 55 feet and contain 63,629 square feet (approximately 2.12 FAR) with 54,942 square feet of residential space, 7,500 square feet of community facility use (daycare space) and 1,187 square feet of commercial retail area. The residential space would consist of 46 dwelling units, with 34 market rate and 12 affordable units through MIH. 59 accessory parking spaces would be provided in the cellar and first floors, made accessible via two new curb cuts both 12-feet in width. The Proposed Development will include a lot coverage of approximately 50%, as detailed below. To facilitate the Proposed Development, 71 trees would be removed and 28 would be planted where the Site

currently contains 153 tree credits. This would result in 78 total tree credits, which would comply with Tier II planting requirements per ZR 119-216 which requires a total of 51% of all tree credits for trees originally on-site. In addition, a total of 6 street trees would be provided along the Victory Boulevard frontage of the site.

The building would occupy the eastern portion of the site along Victory Boulevard with the building containing a depth of approximately 55 feet at the southern end of the site and approximately 77 feet at the northern end of the site. The building would front Victory Boulevard due to the upward slope of site, with the small area of frontage along Bayview Place at a higher elevation than Victory Boulevard. The cellar level of the building would contain 31 self-park spaces accessible from a 12-foot curb cut along Victory Boulevard for the proposed residential use. The first floor would provide 24 attended parking spaces in stackers for the proposed residential use, available from another 12-foot curb cut along Victory Boulevard. In addition, 4 self-park spaces would be dedicated for the proposed daycare use for drop-offs. Based on the above, secondary access is not provided from Bayview Place due to the changes in elevation.

As noted above, 12 of the proposed 46 dwelling units would be made permanently affordable though MIH Option 1. This option requires that these units be made affordable to incomes averaging 60 percent AMI.

## 7. Actions Necessary to Facilitate the Project

The Proposed Actions consist of a zoning map amendment from R3-2 to R6B/C1-3; R3X to R6B/C1-3; R3-2 to R6B; and R3-2 to R3-2/C1-3. In addition, the area to be amended to R6B would be mapped as a Mandatory Inclusionary Housing (MIH) area pursuant to a text amendment of Appendix F of the Zoning Resolution.

These map amendments are necessary to resolve split lot conditions present in the Rezoning Area, which prevent new development consistent with the surrounding area. The Development Site would be amended from a partially (57.7%) zoned R3-2 and (42.3%) R3X districts to R6B/C1-3 (MIH). Lot 38 would also be amended from R3-2 to R6B/C1-3 (MIH) and Lot 42 would be amended from R3-2 to R6B (MIH). Lot 21 would be amended from a partial (16.9%) R3-2/C1-3 district and partial (83.1%) R3-2 district to full R3-2/C1-3 district, while Lot 23 would be entirely amended from R3-2 to R3-2/C1-3. These map amendments are necessary to promote commercial use along Victory Boulevard, a neighborhood commercial arterial, as well as promote an increased level of density closer to Jersey Avenue, another neighborhood mixed-use corridor in proximity to R4 and R5 districts.

As noted above, R4 and R5 districts with commercial overlays are present around Jersey Avenue and the proposed R6B district would result in a similar contextual level of permitted density on an unutilized property that is currently vacant. The R6B district also requires MIH units where over 12,500 square feet of residential use is provided, requiring mandatory income-restricted dwelling units, a recognized need in all areas of the city. It is believed the proposed R6B district under MIH is appropriate for this location, as Victory Boulevard is a 'wide' avenue with similar built density in the vicinity. For instance, the block to the north at 150 Victory Boulevard contains a six-story apartment building with 40 dwelling units and an overall FAR of 1.97. In comparison, the proposed R6B district typically results in four and five-story contextual buildings under Quality Housing regulations, with mandatory recreational space and other amenities. In addition, the text amendment to make the R6B area of the Rezoning Area applicable to MIH would facilitate required affordable dwelling units in an appropriate location, in close proximity to transit and existing services, with a bus stop located adjacent the Development Site and a rail station a half-mile to the east and pre-existing local retail uses present along Victory Boulevard.

The proposed C1-3 commercial overlay would be consistent with pre-existing C1-3 and C2-2 commercial overlays present along Victory Boulevard and would require mandatory ground floor retail or community facility uses if these properties are developed, thereby reinforcing this segment of Victory Boulevard as a mixed-use arterial with increased pedestrian activity to improve the vibrancy of this segment.

In addition to the zoning map amendment and text amendment, a series of zoning authorizations are required based on the presence of the Special HS District. This includes the following actions:

1. ZR 119-311: authorization of development on a steep slope; and
2. ZR 119-312: authorization of certain uses and parking in excess of 30 spaces.

The first authorization pursuant to ZR 119-311 is required, as the site contains areas of 'steep slope.' The second authorization pursuant to ZR 119-312 is required as a community facility use is proposed and a group parking facility with over 30 spaces is required. All the above authorizations require findings as outlined in the attached Statement of Findings (Attachment 11).

## 8. Conclusion

The Proposed Actions would serve to improve this segment of Victory Boulevard, which is currently underdeveloped with a series of vacant parcels. The Proposed Actions and resulting development would activate this segment of Victory Boulevard with a new contextual mixed-use building and would also serve to encourage new mixed-use commercial buildings on remaining affected parcels in the Rezoning Area. This would serve to improve the vibrancy and pedestrian

experience along this segment of the Victory Boulevard corridor, while providing new neighborhood services (daycare and neighborhood retail), as well much needed new dwelling units, including permanently affordable units, a demonstrated need in all areas of the city.