



CITY PLANNING COMMISSION

August 25 / Calendar No. 9

N 040480 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapter 1; Article III, Chapter 4 and Article III, Chapter 5, establishing a C3A district.

The application for an amendment to the New York City Zoning Resolution was filed by the Department of City Planning on June 2, 2004, to create a C3A zoning district, that would allow marine related commercial uses, currently allowed in the existing C3 zoning district but limit residential development to one and two-family detached homes.

Related Actions

In addition to the amendment to the Zoning Resolution which is the subject of this report, implementation of proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 040479 ZMX Zoning map amendment
2. N 040481 ZRY Zoning text amendment modifying the definition of street for the purpose of determining a waterfront zoning lot
3. N 040482 ZRX Zoning text amendments to the Lower Density Growth Management (LDGM) provisions and the Special City Island District

BACKGROUND

The new C3A district is aimed at creating a waterfront commercial district that can be mapped in lower density contexts while continuing to allow marine related commercial uses. The C3A would permit one- and two-family detached homes on lots that are 25 feet wide with a minimum lot area of 2,375 square feet.

A full background discussion and description appears in the report on the related application for an amendment of the Zoning Map (C 040479 ZMX).

ENVIRONMENTAL REVIEW

This application (N 040480 ZRY), in conjunction with the applications for the related actions (C 040479 ZMX), (N 040481 ZRY) and (N 040482 ZRX), 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 CEQR number is 04DCP0S0X. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on June 7, 2004.

PUBLIC REVIEW

On June 7, 2004 this application (N 040480 ZRY) in conjunction with the related applications, (N 040481 ZRY) and (N 040482 ZRX), was duly referred to the borough presidents and community boards, for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Community Board 10 held a public hearing on this application on June 17, 2004, and on June 17, 2004, by a vote of 29 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Review

The Bronx Borough President held a public hearing on this application on June 29, 2004 and issued a recommendation approving the application on July 8, 2004.

City Planning Commission Public Hearing

On July 28, 2004 (Calendar No. 4), the City Planning Commission scheduled August 11, 2004 for a public hearing on this application, in conjunction with the related applications, (C 040479 ZMX), (N 040481 ZRY) and (N 040482 ZRX). The hearing was duly held on August 11, 2004 (Calendar No. 9).

A full discussion and description of the hearing appears in the report on the related application for an amendment of the Zoning Map (C 040479 ZMX).

Waterfront Revitalization Program Consistency Review

This application (N 040480 ZRY), in conjunction with the applications for the related actions (C 040479 ZMX), (N 040481 ZRY) and (N 040482 ZRX), 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 04-044.

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

CONSIDERATION

The Commission believes that the proposed text amendment is appropriate.

A full consideration and analysis of the issue, and reasons for approving this application, appear in the report on the related application for amendment of the Zoning Map (C 040479 ZMX).

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 the 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 Section 200 of the New York City 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 further amended as follows:

Matter underlined is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicate where unchanged text appears in the Zoning Resolution

ARTICLE 1

GENERAL PROVISIONS

Chapter 1

Title, Establishment of Controls, and Interpretation of Regulations

* * *

**11-12
Establishment of Districts**

* * *

Commercial Districts

* * *

C3 Waterfront Recreation District
C3A Waterfront Recreation District

* * *

**12-10
Definitions**

* * *

Lower Density Growth Management Area

A “lower density growth management area” is any R1, R2, R3, R4A, R4-1 or C3A District in the following designated areas, and any #development# accessed by #private roads# in R1, R2, R3, R4, R5 or C3A Districts within such areas:

The Borough of Staten Island
Community Board 10 in the Borough of The Bronx

* * *

**ARTICLE 3
COMMERCIAL DISTRICT REGULATIONS**

* * *

**Chapter 2
Use Regulations**

* * *

**32-10
USES PERMITTED AS-OF-RIGHT**

32-11
Use Group 1 and 2

C1 C2 C3 C4 C5 C6

Use groups 1 and 2, as set forth in Section 22-11 and 22-12. However, in C3A Districts, Use Group 2 shall be limited to #single#-or #two-family detached# or #zero lot line residences#.

* * *

34-00
APPLICABILITY AND DEFINITIONS

34-01
Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #residential building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

However, In C3A Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations# for R3A Districts of Article II Chapter 3 shall apply to #residential buildings#.

* * *

Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-00
APPLICABILITY AND DEFINITIONS

35-01
Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #mixed building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. When two or more #buildings# on a single #zoning lot# are used

in any combination for #uses# which, if located in a single #building#, would make it a #mixed building#, the regulations set forth in Sections 35-21 to 35-23, relating to Applicability of Residence District Bulk Regulations to Mixed Buildings, in Section 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS TO MIXED BUILDINGS), inclusive, and in Section 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS), inclusive, shall apply as if such #buildings# were a single #mixed building#. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross-reference.

However, in C3A Districts, except for #community facility uses# that have received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law, or its successor, the #bulk# regulations of this Chapter shall not apply, and the #bulk# regulations for R3A Districts of Article II, Chapter 3 shall apply to any #building# that is used partly for #community facility use# and partly for #residential use#.

* * *

35-23

Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

- (a) In the districts indicated, the #bulk# regulations for #residential# portions of #mixed buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, where the #residential# portion of a #mixed building# is #developed# or #enlarged# pursuant to the Quality Housing Program, the height and setback regulations of Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply to such #mixed building#.

* * *

District	Applicable #Residence District#
C3	R3-2
<u>C3A</u>	<u>R3A</u>
C4-1	R5

* * *

* * *

35-50

MODIFICATION OF YARD REGULATIONS FOR MIXED BUILDINGS

* * *

35-52

Modification of Side Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-54 (Special Provisions Applying along District Boundaries), no #side yard# shall be required for any #mixed building#. ~~However~~ although, if any open area extending along a #side lot line# is provided at any level, it shall have a width of not less than eight feet.

However, in C3A Districts, #side yard(s)# shall be provided for any #mixed building# in accordance with the regulations for R3A Districts as set forth in Section 23-461 (Side yards for single- or two-family residences).

* * *

35-60

MODIFICATION OF HEIGHT AND SETBACK REGULATIONS FOR MIXED BUILDINGS

35-61

Height and Setback Regulations

C1 C2 C3 C4 C5 C6

In the districts indicated, except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements), no #front yard# is required for any portion of a #mixed building# in a #Commercial District#. Therefore, in applying the height and setback regulations, a #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#.

In cases where the provisions of Section 34-243 paragraph (a), apply, as set forth in Section 35-51, the #sky exposure plane# is measured from a point above the #front yard line#.

In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be used for #mixed buildings#.

In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be used for #mixed buildings#.

In C3A Districts, the height and setback regulations applicable to R3A Districts shall apply to #mixed buildings#.

**35-62
Maximum Height of Front Wall in Initial Setback Distance**

C1 C2 C3 C4 C5 C6

In the districts indicated, ~~except in C3A Districts, as otherwise provided in Sections 82-37 (Street Walls along Certain Street Lines) and 85-04 (Modifications of Bulk Regulations)~~, the maximum height of a front wall of a #mixed building# within the #initial setback distance# shall be the maximum height of a front wall permitted in the applicable district for a #residential#, #commercial# or #community facility building#, whichever permits the greatest maximum height.

* * *

**Chapter 6
Accessory Off-Street Parking and Loading Regulations**

* * *

**36-30
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR
RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS**

* * *

**36-322
In C3 or C4 Districts**

C3 C4-1 C4-2 C4-3

In the districts indicated, where group parking facilities are not provided, one accessory off-street parking space, open or enclosed, shall be provided for each #dwelling unit#, except that in C3A Districts, the provisions applicable to R3 Districts in Sections 25-22 (Requirements Where Individual Parking Facilities Are Provided), and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES) shall apply.

* * *

36-332

In other C1 or C2 Districts, or in C3, C4, C5 or C6 Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

In the districts indicated, the number of required #accessory# off-street parking spaces is as set forth in the following table:

REQUIRED PARKING SPACES AS A PERCENT OF TOTAL DWELLING UNITS

District	Percent
C3*	100
C4-1	85
C4-2 C4-2A C4-3 C4-3A	70
C1-6 C2-6 C4-4 C4-5 C6-1	50
C1-7 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	40

* In C3A Districts the provisions applicable to R3 Districts in Sections 25-22 (Requirements Where Individual Parking Facilities Are Provided), and 25-60 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES) shall apply.

**Chapter VII
Special Regulations**

* * *

37-10

Applicability of Article II, Chapter 6, to Developments with Private Roads

In C1 or C2 Districts mapped within R3, R4 or R5 Districts, and in C3 Districts, the provisions of Section 26-20 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS) shall apply to any #development# containing #private roads#, except where such #developments# contain #private roads# constructed prior to February 6, 2002. In addition, the open area between #buildings# and sidewalks required pursuant

to Section 26-25 need not be planted where such open areas front upon #commercial uses#.

However, in C3A Districts located within #lower density growth management areas#, the provisions of 26-30 (SPECIAL REQUIREMENTS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS) shall apply.

* * *

The above resolution (N 040480 ZRY), duly adopted by the City Planning Commission on August 25, 2004 (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
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, **IRWIN G. CANTOR**, P.E.,
ANGELA R. CAVALUZZI, R.A., **RICHARD W. EADDY**,
CHRISTOPHER KUI, **KAREN A. PHILLIPS**, **DOLLY WILLIAMS**,
Commissioners