



CITY PLANNING COMMISSION

December 1, 2010 / Calendar No. 7

N 110070 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, pertaining to medical offices and day care centers in the Borough of Staten Island and Bronx Community Board 10, and commercial regulations in the Borough of Staten Island.

The application for an amendment to the Zoning Resolution was filed by the Department of City Planning on September 9, 2010 to address the issue of out of context Medical Offices and Day Care Centers in lower-density residential districts in Staten Island and Community Board 10 of the Bronx and to allow appropriate residential development in certain commercial districts in Staten Island.

BACKGROUND

As part of the on-going efforts of the Mayor's Staten Island Growth Management (LDGM) Task Force, and other elected officials, to address the issue of out of context Medical Offices and Day Care Centers in lower-density residential districts and to encourage appropriate residential development in commercial districts, the Department of City Planning is proposing a text amendment to the Lower Density Growth Management areas covering all of Staten Island and Bronx Community District 10.

In 2005, Lower Density Growth Management commercial regulations were adopted for the Borough of Staten Island in order to preclude the development of inappropriate townhouses in commercial areas. These regulations resulted in restrictions on ground floor uses in C1, C2 and C4 commercial districts to allow only commercial and community facility uses. The stricter regulations unexpectedly created an obstacle to appropriate residential development in the affected zoning districts. The proposed text changes would eliminate that obstacle to allow residential development, where appropriate, within the affected commercial areas.

Medical Facilities and Day Care Center Regulation

Currently, in lower-density residential zones, buildings with medical facilities or day care centers are permitted to be larger than the surrounding residential uses.. This can result in much taller community facility buildings which dwarf their residential neighbors. Medical offices are also permitted to waive parking spaces, and there are no parking requirements for day care centers, which can result in an increase in traffic congestion in residential neighborhoods. There are also no limits on the amount or location of paving for medical facility or day care parking facilities, which can result in non-contextual parking lots in front yards within residential neighborhoods. Community facility buildings with medical offices or day care centers are also not required to meet the minimum lot width or minimum lot area, which can result in uncharacteristically large buildings on small lots.

Commercial overlay districts have a restrictive bulk envelope with limited allowable floor area and high parking requirement, which make building modern medical offices or day care centers in Staten Island and Bronx Community District 10 costly and inefficient. In C1 and C2 Districts mapped within R1 to R3 Districts, the front wall of a building may rise to a height of 30' or two stories, whichever is less, before a sky exposure plane begins. This 30' front wall height restriction makes it expensive to construct a modern, large medical office or day care center, because the building must setback after 30 feet. Oftentimes, this difficulty is circumvented by sacrificing large amounts of potential floor area to build a smaller building, without differing floor plates. This limits the amount of day care and health care services which can be provided in commercial areas. Day care centers and medical offices are also limited to a maximum floor area ratio of 1.0 in C1 or C2 Districts mapped within R3-1, R3A and R3X Districts, providing no incentive to provide these needed services as opposed to more lucrative retail or commercial uses.

LDGMA Commercial Regulation

Stricter Lower Density Growth Management commercial regulations for Staten Island were

adopted in 2004 (N 040414 ZRY) to preclude the inappropriate development of townhouses in commercial areas. These regulations restricted ground floor uses in C1, C2 and C4 commercial districts to commercial and community facility uses only. Residential uses are only permitted above the ground floor to allow buildings with residential units above retail, as is often found in many of the borough's town centers. Many commercial overlays are mapped at 100 feet or 150 feet depth from the main commercial street, which often captures existing homes on residential side-streets, making them non-conforming uses and limiting their ability to expand the residential use on the ground floor should they wish to add or expand a room.

The existing mandatory non-residential ground floor use regulations limits residential lobbies and entrances to parking spaces to only 25% of the building's façade. This restriction makes it difficult for narrow lots hoping to build residences on the second floor to comply with this restriction, as providing a driveway and lobby in a small percentage of a façade is not possible. Therefore, new development on narrow lots within the commercial districts often result in only one-story commercial buildings. These regulations inhibit residential development where transit infrastructure already exists and inhibit reinvestment in town centers, where the historic pattern of development was residential units located above retail stores.

Furthermore, on zoning lots fronting multiple streets, the current regulations require non-residential ground floor uses on all street fronts. While it may be appropriate to require these uses on the main commercial street, for corner lots, a residential side street may not be an appropriate location for commercial use and may result in ground floor spaces that are not marketable for commercial development and may not be in context with the residential character.

LDGM commercial regulations also require commercial or community facility uses on the ground floor on zoning lots located in commercial districts. However, the Special Hillside Preservation District in Staten Island requires an authorization from the City Planning Commission for commercial or community facility uses. This creates a conflict in which there is no as-of-right development option for the owners of these properties.

LDGM Community Facility Text Amendment

The proposed text amendment would provide protections to residential neighborhoods and to encourage day care centers and medical facilities to develop in commercial districts, where larger buildings are more appropriate and can serve more customers.

The proposed text amendment would limit medical offices within residential districts to 1,500 square feet for the entire building, including cellar space, and limit buildings that include medical offices to the residential FAR. Buildings with medical offices would be limited to the residential bulk envelope regulations and the existing parking waiver would be eliminated, so medical offices will be required to provide parking. Day care centers would be limited to the residential bulk envelope and residential FAR as well.

In residential districts, all zoning lots with a medical office will require a minimum lot width of 60 feet and a minimum lot area of 5,700 square feet, while zoning lots with a day care center will require a minimum lot width of 60 feet and a minimum lot area of 10,000 square feet. All zoning lots with day care centers would require a drop-off and pick-up area and parking at a rate of 1 space per 1000 square feet of floor area. Buildings with medical offices or day care centers would meet all residential yard requirements, except for side yards, including line-up regulations and planting requirements. In addition parking lots will not be permitted in front yards and must be screened from adjacent zoning lots with a 4-foot planting strip.

For buildings providing day care centers or medical offices in C1 or C2 Districts mapped within R1 to R3 Districts the proposed text amendment will raise the maximum front wall height to a height of 35' or three stories and allow an FAR of 1.2. The overall building height will still be determined by the sky exposure plane. That portion of a day care center or medical office located within 20 feet of a residential district will be limited to the current front wall height of 30 feet or two stories, whichever is less, to allow a transition to the adjacent residential buildings.

The proposed text amendment will establish a parking requirement for day care centers located

in commercial districts of 1 space per every 1000 square feet of floor area. Currently there is no parking requirement for day care centers. The proposal would modify the parking requirements for medical offices from 1 space per 150 square feet of floor area and 1 per 300 sq. ft. of floor area to 1 space per 400 square feet. On pre-existing small commercial lots of less than 4,000 square feet parking would be waived to allow these uses to be constructed in smaller buildings. Zoning lots will not be permitted to be subdivided after the date of adoption in order to waive the parking requirements.

In addition, the Community facility bulk rules will apply where day care centers are on the same zoning lot with other community facility uses, and the floor area of the day care center is less than 25% of the Community Facility FAR permitted on the zoning lot. When day care centers are on the same zoning lot with a house of worship, or where a medical facility is located on the same zoning lot as a nursing home or hospital, the community facility bulk regulations will apply also. Conversions to day care centers and medical facilities must meet the same proposed rules as new construction regarding minimum lot width, lot area and parking requirements. However, a new Chair certification for conversions would allow a modification of parking requirements, if necessary, due to the location of an existing building.

LDGM Commercial Text Amendment

The proposed text amendment would permit existing non-conforming residential buildings to expand on the ground floor as long as the expansion complies with all the underlying residential regulations for bulk, yards and parking. It would also allow parking spaces, including residential, to be waived on zoning lots of 4,000 square feet or less in commercial districts. On zoning lots of 60 feet width or less, the proposed text amendment would increase the percentage of street frontage that residential lobbies and driveways may occupy to 50% of the building width or 20 feet, whichever is less.

For corner lots, a commercial, community facility or residential uses would be permitted on the non-commercial block beyond 30 feet of the primary commercial street. The proposed text

amendment would also remove the CPC authorization for commercial and community facility uses in the Special Hillside Preservation District. All other regulations protecting natural features in the Special Hillside Preservation District would be applicable. The proposed result is that zoning lots located on predominantly flat sites in commercial districts would not require CPC review.

ENVIRONMENTAL REVIEW

This application (N 110070 ZRY) 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 10DCP032Y. 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, September 13, 2010.

PUBLIC REVIEW

This application (N 110070 ZRY) was duly referred on September 13, 2010, to Staten Island Community Boards 1, 2, 3, Bronx Community Board 10, the Staten Island Borough Board and the Staten Island and Bronx Borough Presidents, in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Staten Island Community Board 1 held a public hearing on this application (N 110070ZRY) on

October 12, 2010, and on that date by a vote of 26 to 0 with 2 abstentions, adopted a resolution recommending approval of the application with a recommendation that Houses of Worship not be excluded and must apply for an authorization if expanding or building a community facility.

Staten Island Community Board 2 held a public hearing on this application (N 110070 ZRY) on October 20, 2010, and on that date by a vote of 23 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Staten Island Community Board 3 held a public hearing on this application (N 110070 ZRY) on September 28, 2010 and on that date by a vote of 29 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Bronx Community Board 10 held a public hearing on this application (N 110070 ZRY) on October 20, 2010, and on that date by a vote of 27 to 0 with 3 abstentions, adopted a resolution recommending approval of the application with the recommendation that group homes and houses of worship be added after approval by the City Council.

Borough Board Recommendation

The application (N 110070 ZRY) was considered by the Staten Island Borough Board, who issued a recommendation approving the application on November 3, 2010.

Borough President Review

The application (N 110070 ZRY) was considered by the Staten Island Borough President, who issued a recommendation approving the application on November 4, 2010.

City Planning Commission Public Hearing

On October 27, 2010, Cal. No. 4, the Commission scheduled November 17, 2010 for a public hearing on this application (N 110070 ZRY). The hearing was duly held on November 17, 2010 (Calendar No. 13). There were no speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application 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 WRP 10-039R.

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

CONSIDERATION

The Commission believes that the application for the zoning text amendment (N 110070 ZRY) , as modified, is appropriate.

The Commission believes that by requiring minimum lot sizes, residential bulk requirements, and planting requirements for day care centers and medical facilities in residential districts, the text amendment will help protect the character of residential neighborhoods. The Commission also believes that parking requirements and drop-off areas for day care centers will also alleviate the impact of traffic in affected neighborhoods and thereby lessen the impact on local streets.

The Commission also notes that day care centers and medical facilities are vital to a community's needs. The Commission believes it is important to maintain the opportunity to meet the need for health care services and day care providers throughout the borough of Staten Island and Bronx Community District 10. The Commission believes that by providing a higher FAR, a lower parking requirement, and higher perimeter wall in commercial districts, day care centers and medical facilities will be incentivized to locate in these areas where they are more appropriate.

The Commission also acknowledges that unintended consequences of the LDGM commercial text amendment could hamper reinvestment in Staten Island's older town centers. The Commission believes that, if floor area is available, houses should be allowed to expand existing ground-floor residential uses in commercial districts. The Commission also believes that providing a parking waiver for residential uses on lots less than 4000 square feet in commercial districts will allow new second story residential uses to be developed where they are needed in older town centers. Additionally, allowing residential use on the first floor of a corner lot that faces the non-commercial street will provide much needed flexibility when developing older commercial neighborhoods throughout Staten Island.

The Commission also believes that eliminating the Special Hillside Preservation District (SH) authorization for commercial uses on flat sites that do not require other HS actions will streamline the land use process and encourage reinvestment in the town centers of Tompkinsville and St. George.

The Commission acknowledges the recommendation from Staten Island Community Board 1 to not allow day care centers located on house of worship sites to utilize the community facility bulk without an authorization; however, the Commission believes that it is appropriate to locate larger day care centers on large house of worship sites or larger medical facilities on large hospital sites because these sites typically provide adequate amounts of off-street parking.

The Commission acknowledges the recommendation from Bronx Community Board 10 to study houses of worship and group homes at a future date, but notes that there are no plans to conduct such a study at this time.

The Commission acknowledges that subsequent to the public hearing staff received a suggestion from the Board of Standards and Appeals recommending that a clarification was needed regarding the applicability of the special permit to expand the size of medical and day care facilities in LDGM areas. As referred, the special permit for LDGM areas was embedded within an existing citywide special permit (Section 73-125). In response, the Commission believes a modification to the text as referred is needed. The modified language contains the same waivers, conditions and findings as originally referred but under a separate special permit section (Section 73-126) for LDGM areas.

The Commission believes that this text amendment will help protect residential neighborhoods, provide incentives for day care centers and medical facilities to locate in commercial districts, and streamline reinvestment in Staten Island older, denser town centers.

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 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 in underline is new, to be added;

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

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

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

Article I: General Provisions

* * *

Chapter 2 Construction of Language and Definitions

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12-10 DEFINITIONS

Words in the text or tables of this Resolution which are #*italicized*# shall be interpreted in accordance with the provisions set forth in this Section.

* * *

School

A "school" is:

(a) an institution providing full-time day instruction and a course of study that meets the requirements of Sections 3204, 3205, and 3210 of the New York State Education Law; or

(b) a nursery school or kindergarten:

(1) whose annual session does not exceed the school sessions for full-time day schools prescribed in Section 3204 of the New York State Education Law; and

(2) which is operated by the ~~Board~~ Department of Education, or any established religious organization as part of an elementary school; or

(c) A child care service operating under a permit issued pursuant to Section 47.03 of the New York City Health Code.

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Article II: Residence District Regulations

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Chapter 2 Use Regulations

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22-10 USES PERMITTED AS-OF-RIGHT

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22-14 Use Group 4 R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

A. Community facilities

***Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, #physical culture or health establishments#, or ophthalmic dispensing. In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor.

* * *

C. #Accessory uses#

* A #use# in Use Group 4, marked with an asterisk, is not permitted in R1 or R2 Districts as-of-right.

** Use of #railroad or transit air space# is subject to the provisions of Section 22-41 (Air Space over Railroad or Transit Rights-of-Way or Yard).

*** Not permitted in R1 or R2 Districts, ~~and, in~~ In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, such #use# shall be limited to a maximum of 1,500 square feet of #floor area#. However, in R3A, R3X, R3-1, R4A, or R4-1 Districts in #lower density growth management areas#, ambulatory diagnostic or treatment health care facilities shall be limited, on any #zoning lot#, to 1,500 square feet of #floor area#, including #cellar# space, except that where a #zoning lot# contains a hospital or nursing home as defined in the New York State Hospital Code, such 1,500 square feet restriction shall not include #cellar# space.

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Chapter 3

Bulk Regulations for Residential Buildings in Residence Districts

23-00

APPLICABILITY AND GENERAL PURPOSES

* * *

23-012

Lower density growth management areas

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply to ~~all #residential developments# or #enlargements#~~. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)

Section 12-10 (DEFINITIONS - Floor area; Lower density growth management area, and Private road)

Section 22-14 (Use Group 4 – Ambulatory diagnostic or treatment health care facilities)

Section 23-12 (Permitted Obstructions in Open Space)

Section 23-141 (Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts)

Section 23-32 (Minimum Lot Area or Lot Width for Residences)

Section 23-33 (Special Provisions for Existing Small Lots)

Section 23-35 (Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas)

Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents)

~~Section 23-461 (Side yards for single or two family residences)~~

Section 23-462 (Side yards for all other residential buildings)

Section 23-532 (Required rear yard equivalents)

Section 23-631 (Height and setback in R1, R2, R3, R4 and R5 Districts)

Section 23-711 (Standard minimum distance between buildings)

Section 23-881 (Minimum distance between lot lines and building walls in lower density growth management areas)

Section 24-013 (Exceptions to the bulk regulations of this Chapter)

Section 24-04 (Modification of Bulk Regulations in Certain Districts)

Section 25-028 (Applicability of regulations to certain community facility uses in lower density growth management areas)

Section 25-22 (Requirements Where Individual Parking Facilities Are Provided)

Section 25-23 (Requirements Where Group Parking Facilities Are Provided)

Section 25-31 (General Provisions)

Section 25-331 (Exceptions to application of waiver provisions)

Section 25-62 (Size and Location of Spaces)

Section 25-621 (Location of parking spaces in certain districts)

Section 25-622 (Location of parking spaces in lower density growth management areas)

Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas)

Section 25-631 (Location and width of curb cuts in certain districts)

Section 25-632 (Driveway and curb cut regulations in lower density growth management areas)

Section 25-64 (Restrictions on Use of Open Space for Parking)

Section 25-66 (Screening)

Section 26-00 (Applicability of this Chapter)

Section 26-30 (SPECIAL REGULATIONS FOR DEVELOPMENTS WITH PRIVATE ROADS IN LOWER DENSITY GROWTH MANAGEMENT AREAS), inclusive

Section 32-11 (Use Groups 1 and 2)

Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)

Section 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO DEVELOPMENTS WITH PRIVATE ROADS)

Section 37-20 (SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND, inclusive)

Section 54-313 (Single- or two-family residences with non-complying front yards or side yards)

Section 105-702 (Applicability of lower density growth management area regulations)

Section 107-412 (Special bulk regulations for certain community facility uses)

Section 107-421 (Minimum lot area and lot width for zoning lots containing certain community facility uses)

Section 107-62 (Yard, Court and Parking Regulations)

Section 107-464 (Side yards for permitted non-residential use)

Section 119-05 (Applicability of Parking Location Regulations)

Section 119-214 (Tier II requirements for driveways and private roads)

Section 128-052 (Applicability of Article 1, Chapter 2)

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23-30

LOT AREA AND LOT WIDTH REGULATIONS

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23-32

Minimum Lot Area or Lot Width for Residences

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

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Regulations Applying in Special Situations

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23-34

Special Provisions for Zoning Lots Divided by District Boundaries

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23-35

Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas

In R1, R2, R3A, R3X, R3-1, R4A, and R4-1 districts in #lower density growth management areas#, the minimum #lot area# and #lot width# regulations of this Section shall apply to any #zoning lot# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship, or, for #zoning lots that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot# .

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet. Where such #uses# are located in the same #building#, the minimum #lot area# shall be 10,000 square feet. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot# width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

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**Chapter 4
Bulk Regulations for Community Facility Buildings in Residence Districts**

**24-00
APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS**

**24-01
Applicability of this Chapter**

The #bulk# regulations of this Chapter apply to any #community facility building# or any #building# used partly for a #community facility use# on any #zoning lot# located in any #Residence District# in which such #building# is permitted. As used in this Chapter, the term "any #building#" shall therefore not include a #residential building#, the #bulk# regulations for

which are set forth in Article II, Chapter 3. 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.

When two or more #buildings# on a single #zoning lot# are used in any combination for #community facility uses# and #residential# or other permitted #uses#, the regulations set forth in Sections 24-11 to 24-163, inclusive, relating to Floor Area and Lot Coverage Regulations, shall apply as if such #buildings# were a single #building# used partly for #community facility use#.

~~However, in R3A, R3X, R3-1, R4A, R4-1, R4B or R5B 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 apply only to a #building# that is used entirely for #community facility uses# and the #bulk# regulations of Article II, Chapter 3, shall apply to any #building# that is used partly for #community facility use# and partly for #residential use# except as otherwise permitted in Section 24-04 (Modifications of Bulk Regulations in Certain Districts).~~

* * *

24-013
Exceptions to the bulk regulations of this Chapter

R1 R2 R3 R4 R5

(a) #Buildings# used partly for #community facility uses#

Except as provided in paragraph (b) of this Section, in R3A, R3X, R3-1, R4A, R4-1, R4B or R5B Districts, the #bulk# regulations of this Chapter shall apply only to a #zoning lot# or portion of a #zoning lot# which contains a #community facility building#, and the #bulk# regulations of Article II, Chapter 3 shall apply to any #zoning lot# or portion of a #zoning lot# which contains any #building# that is used partly for #community facility use# and partly for #residential use#. In such districts, the #bulk# regulations of this Chapter may apply to the #community facility# portion of a #building# that is used partly for #community facility use# and partly for #residential use# only where:

- (1) such #community facility use# has 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
- (2) such #building# has received an authorization pursuant to Section 24-04 (Modifications of Bulk Regulations in Certain Districts).

(b) #Buildings# containing certain #community facility uses# in #lower density growth management areas#

In the districts indicated, in #lower density growth management areas#, the #bulk# regulations of this Chapter shall not apply to any #zoning lot# containing #buildings# used for:

- (1) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
- (2) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship, or, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#.

In lieu thereof, the #residential bulk# regulations of Article II Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) shall apply, except that:

- (i) the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to prohibit parking spaces of any kind within a #front yard#;
- (ii) in lieu of Sections 23-46 (Minimum Required Side Yards) and 23-66 (Required Side and Rear Setbacks), Sections 24-35 (Minimum Required Side Yards) and 24-55 (Required Side and Rear Setbacks) shall apply; and
- (iii) for child care services in R1 and R2 Districts, the provisions of paragraph (9) of Section 12-10, definition of #floor area#, pertaining to #floor area# exclusions for the lowest story of a residential #building#, shall not apply.

* * *

24-04
Modification of Bulk Regulations in Certain Districts
R3-1 R3A R3X R4-1 R4A R4B R5B

In the districts indicated, except for #developments# subject to the provisions of paragraph (b) of Section 24-013 (Exceptions to the bulk regulations of this Chapter) the City Planning Commission may, upon application, authorize #developments# pursuant to the #bulk# regulations of this Chapter, provided that the Commission finds that:

- (a) the design of the #development# ensures adequate separation of #uses# and sufficient independent access to each #use#; and
- (b) the #floor area# designated for #community facility use# is designed in a manner that is consistent with such #use# and physically distinguishes such space from that designated for #residential use#.

The Commission may prescribe additional safeguards to prevent the conversion of such #community facility use# to #residential use#.

Applications for authorizations shall be referred to the affected Community Board for a period of at least 30 days for comment. The City Planning Commission shall grant in whole or in part or deny the application within 60 days of the completion of the Community Board review period.

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Chapter 5
Accessory Off-Street Parking and Loading Regulations

Off-street Parking Regulations

25-00
GENERAL PURPOSES AND DEFINITIONS

* * *

25-02
Applicability

* * *

25-028

Applicability of regulations to certain community facility uses in lower density growth management areas

In #lower density growth management areas# other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or

- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship; or, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

shall not be subject to the following provisions:

- (1) the parking location provisions of Sections 25-622 (Location of parking spaces in lower density growth management areas) and 25-623 (Location of parking spaces for community facility uses) ;

- (2) the driveway and curb cut provisions of Sections 25-632 (Driveway and curb cut regulations in lower density growth management areas) and 25-634 (Curb cut regulations for community facilities);

- (3) the open space provisions of Section 25-64 (Restrictions on Use of Open Space for parking); and

- (4) the screening provisions of Section 25-66 (Screening).

In lieu thereof, all such #zoning lots# shall comply with the provisions of Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas).

In addition, where the #uses# listed in paragraphs (a) and (b) of this Section result from a change of #use#, the provisions of Section 25-31 (General Provisions) shall be modified to require #accessory# off-street parking spaces for such #uses#. However, the requirements of Sections

25-31 and 25-624 may be modified for #zoning lots# containing #buildings# with such changes of #use# where the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such modifications are necessary due to the location of existing #buildings# on the #zoning lot#, and such requirements have been complied with to the maximum extent feasible.

* * *

**25-30
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED
NONRESIDENTIAL USES**

**25-31
General Provisions
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10**

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table at the end of this Section for all new #development# after December 15, 1961 for the #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

* * *

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

Type of #use#

Parking Spaces Required in Relation
to Specified Unit of Measurement - District

FOR COMMUNITY FACILITY USES:

* * *

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

Square feet of #floor area# and #cellar# space, except #cellar# space #used# for storage In #lower density growth management areas#, all #cellar# space, including storage space, shall be used to determine parking requirements.

None required - R7-2 R7A R7D R7X R8 R9 R10
1 per 400 - R3

1 per 500 - R4 R5
1 per 800 - R6 R7-1 R7B

* * *

#Schools#

Square feet of #floor area#:

None required - R3 R4 R5 R6 R7 R8 R9 R10

1 per 1,000 sq. ft. – R1 R2 R3 R4 R5 for child care services in #lower density growth management areas#

1 per 1,500 - R1 R2

* * *

* Requirements in the table are in addition to the area used for ambulance parking.

** Requirements in the table apply only to the #floor area# not used for storage

25-33

Waiver of Requirements for Spaces below Minimum Number

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

25-331

Exceptions to application of waiver provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the waiver provisions of Section 25-33 (Waiver of Requirements for Spaces below Minimum Number) shall not apply to the following types of #uses#:

Agricultural #uses#, including greenhouses, nurseries or truck gardens;

Ambulatory diagnostic or treatment health care facilities in R3, R4A and R4-1 districts in #lower density growth management areas#. However, such waivers shall apply where such #use# is located in such areas on the same #zoning lot# as a hospital or nursing home as defined in the New York State Hospital Code, and shall apply where such #use# is located in such areas on any #zoning lot# in an R6 or R7 District in Community District 10, Borough of the Bronx;

Outdoor tennis courts;

Camps, overnight or day;

#Schools# in R1 and R2 Districts, child care services in R1, R2, R3, R4A and R4-1 districts in #lower density growth management areas#. However, such waivers shall apply where child care services are located in such districts on the same #zoning lot# as a house of worship, and shall apply where child care services located in such districts on #zoning lots# that do not contain houses of worship where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

* * *

25-60

ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFFSTREET PARKING SPACES

* * *

25-62

Size and Location of Spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and 8 feet, 6 inches wide.

However, the width of a parking stall may be reduced to eight feet for #detached#, #semi-detached# or #zero lot line buildings# on a #zoning lot# where not more than four #accessory#

parking spaces are required if such #accessory# parking spaces are located in a #side lot ribbon# and are subject to the provisions of Section 25-621 (Location of parking spaces in certain districts).

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10, Borough of the Bronx, for #community facility uses#, each required parking space in a parking area not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, non-required parking spaces within the travel aisles. For such open parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (Parking Lots) shall also apply.

* * *

25-624

Special parking regulations for certain community facility uses in lower density growth management areas

In #lower density growth management areas#, other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship, and, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

shall comply with the following provisions:

- (1) #Accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# or prolongation thereof of the #building#.

- (2) The maneuverability provisions of paragraphs (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply to all such #zoning lots#. No tandem parking shall be permitted.
- (3) The curb cut provisions of paragraph (c) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations) shall apply to all such #zoning lots#, except that, for #zoning lots# with less than 75 feet of #street# frontage, a minimum distance of four feet from other curb cuts on adjacent #zoning lots# shall be maintained.
- (4) For #zoning lots# in R1, R2, R3A, R3X, R3-1, R4A and R4-1 Districts with #buildings# containing child care services, a driveway shall be required for drop-off and pick-up of users of the child care facility. Such driveway shall have a minimum width of 15 feet and a maximum width of 18 feet and shall serve one-way traffic. Such driveway shall include a designated area for the drop-off and pick-up of users of the facility with a minimum length of 25 feet and a minimum width of 10 feet. Such drop-off and pick-up area shall abut a sidewalk with a minimum width of four feet that connects to the child care facility entrance and all public sidewalks. No parking spaces shall be located within such driveway. Where the width of the #street# frontage of the #zoning lot# accessing such driveway is 75 feet or less, the minimum percentage of #front yard# required to be planted pursuant to Section 23-451 (Planting requirement) shall be reduced to 25 percent.
- (5) For any #zoning lot# containing child care services, driveways and open #accessory# off-street parking spaces may occupy no more than 50 percent of the #lot area# not covered by #buildings#. For #zoning lots# containing ambulatory diagnostic or treatment health care facilities, driveways and open #accessory# off-street parking spaces may occupy no more than 66 percent of the #lot area# not covered by #buildings#.
- (6) All parking areas not within a #building# shall be screened from adjoining #zoning lots# and #streets# by a landscaped strip at least four feet wide densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that may be expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.
- (7) Any lighting provided in off-street parking areas shall be directed away from #residences#.

25-625

Special certification to modify the parking regulations for certain community facility uses in lower density growth management areas

In #lower density growth management areas#, other than R6 and R7 Districts in Community District 10, Borough of the Bronx, all #enlargements#, alterations and conversions on #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship, and, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

may modify the amount of #accessory# off-street parking required pursuant to Section 25-31 (General Provisions), or the special parking regulations of paragraphs (3), (4), and (5) of Section 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas), where a site plan provided by the applicant demonstrates to the Chairperson of the City Planning Commission that the manner in which an existing #building# is placed upon the site restricts the ability to comply with such requirements, and where the Chairperson certifies to the Department of Buildings to the maximum extent feasible, the #enlargement#, alteration or conversion complies with such requirements.

* * *

Article III: Commercial District Regulations

* * *

**Chapter 2
Use Regulations**

* * *

32-11

Use Groups 1 and 2

C1 C2 C3 C4 C5 C6

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

In ~~#lower density growth management areas#~~ in the Borough of Staten Island, except C3A Districts, Use Groups 1 and 2 shall be permitted only within ~~#mixed buildings#~~. ~~except that in C4-1 Districts that occupy at least four acres within a #block#, and in other C4-1 Districts for #zoning lots# that, on December 21, 2005, were greater than 20,000 square feet, #residences# shall be allowed only by special permit of the City Planning Commission, pursuant to Section 74-49 (Residential Use in C4-1 Districts in The Borough of Staten Island).~~ However, no #residences# shall be allowed on the following #zoning lots#, except by special permit pursuant to Section 74-49 (Residential Use in C4-1 Districts in The Borough of Staten Island):

- (a) any #zoning lot# in a C4-1 District, where such district occupies at least four acres within a #block#, or
- (b) any other #zoning lot# in a C4-1 District, where such #zoning lot# had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date.

* * *

32-40

SUPPLEMENTARY USE REGULATIONS

* * *

32-43

Ground Floor Use in Certain Locations

* * *

32-433

Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island

C1 C2 C4

~~In all C1, C2 and C4 Districts in the Borough of Staten Island, #uses# on the ground floor of a #building# shall be limited to non-#residential uses#. The level of the finished floor of such~~

ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

~~Non #residential uses# shall have a depth of at least 30 feet from the #street wall# of the #building# and extend along the entire width of the #building# except for lobbies and entrances to #accessory# parking spaces, provided such lobbies and entrances do not occupy more than 25 percent of the #street wall# width of the #building#. Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#.~~

In all C1, C2 and C4 Districts in the Borough of Staten Island, ground floor #uses# shall conform with the provisions of this Section 32-433.

(a) Ground floor level #use# requirements

All #uses# on the ground floor of a #building# shall be limited to non-#residential uses# and have a depth of at least 30 feet from the #street wall# of the #building#, except that:

- (1) #Residential# lobbies, and an associated vertical circulation core, as well as entrances to #accessory# parking spaces shall be permitted on the ground floor, provided such lobbies and entrances conform to the frontage requirements of paragraph (b) of this Section;
- (2) Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted on the ground floor provided they are located beyond 30 feet of the #street wall# of the #building#; and
- (3) Where a #commercial district# is mapped along an entire #block# front, and a #zoning lot# includes #street# frontage along such #block# front, and also includes #street frontage along a #block# front that is not mapped as a #commercial district# in its entirety, non-#residential uses# shall only be required only within 30 feet of the #street wall# facing the #block# front mapped in its entirety as a #commercial district#.

The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

(b) Ground floor frontage requirements

Non-#residential uses# shall extend along the entire width of the ground floor of the #building#, except as follows:

- (1) In C1 and C2 Districts mapped within R1, R2 and R3 Districts, and in C4 Districts, #residential# lobbies and entrances to #accessory# parking spaces shall be permitted, provided such lobbies and entrances do not occupy more than 25 percent of the #street wall# width of the #building#; and
- (2) In C1 and C2 Districts mapped within R4, R5 and R6 Districts, #residential# lobbies and entrances to #accessory# parking spaces shall be permitted, provided that:
 - (i) For #zoning lots# with a #street# frontage of less than 60 feet, such lobbies and entrances do not occupy more than 50 percent of the #street wall# width along such frontage, or 20 feet, whichever is less. In addition, an entrance to #accessory# parking spaces shall not exceed a width of 15 feet; and
 - (ii) For #zoning lots# with a #street# frontage equal to or greater than 60 feet, such lobbies and entrances do not occupy more than 25 percent of the #aggregate width of street wall# of the #building#.

(c) Non-conforming buildings

#Buildings# containing #non-conforming residential uses# on the ground floor shall be permitted to #enlarge# without regard to the #use# regulations of this Section 32-433 provided that such #enlargement# complies with the provisions of the #residential yard# regulations set forth in Section 23-40 (YARD REGULATIONS).

* * *

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

* * *

33-04
Lower density growth management areas

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45 (Authorizations or Permits in Lower Density Growth Management Areas)

Section 12-10 (DEFINITIONS - Floor area; Lower density growth management area, and Private road)

Section 22-14 (Use Group 4 – Ambulatory diagnostic or treatment health care facilities)

Section 32-11 (Use Groups 1 and 2)

Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island)

Section 33-121 (In districts with bulk governed by Residence District bulk regulations)

Section 33-431 (In districts with bulk governed by surrounding Residence District)

Section 36-21 (General provisions)

Section 36-231 (In districts with high, medium or low parking requirements)

Section 36-27 (Waiver for Certain Small Zoning Lots)

Section 36-521 (Size of Spaces)

Section 36-581 Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx)

Section 37-10 (APPLICABILITY OF ARTICLE II, CHAPTER 6, TO DEVELOPMENTS WITH PRIVATE ROADS)

Section 37-20 (SPECIAL REGULATIONS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS IN THE BOROUGH OF STATEN ISLAND, inclusive

Section 73-125 (Ambulatory diagnostic or treatment health care facilities)

Section 107-412 (Special bulk regulations for certain community facility uses in lower density growth management areas)

Section 107-62 (Yard, Court and Parking Regulations)

Section 107-464 (Side yards for permitted non-residential use)

Section 119-05 (Applicability of Parking Location Regulations)

Section 119-214 (Tier II requirements for driveways and private roads)

Section 128-052 (Applicability of Article 1, Chapter 2)

**33-10
FLOOR AREA REGULATIONS**

* * *

**33-121
In districts with bulk governed by Residence District bulk regulations**
C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the maximum #floor area ratio# for a #commercial# or #community facility building# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

MAXIMUM FLOOR AREA RATIO

| District | For #Commercial Buildings# | For #Community Facility Buildings# | For #Buildings# Used for Both #Commercial# and #Community Facility Uses# |
|--------------|----------------------------|------------------------------------|--|
| R1 R2 | 1.00 | 0.50 | 1.00 |
| R3-1 R3A R3X | 1.00 | 1.00 | 1.00 |
| R3-2 | 1.00 | 1.60 | 1.60 |
| R4 R5 | 1.00 | 2.00 | 2.00 |
| R5D R6B | 2.00 | 2.00 | 2.00 |

* * *

* In R8B Districts, within the boundaries of Community Board District 8 in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility uses# exclusively shall not exceed 5.10.

In addition, the following provisions shall apply:

- (a) In #buildings# used for both #commercial uses# and #community facility uses#, the total #floor area# used for #commercial uses# shall not exceed the amount permitted for #commercial buildings#.
- (b) In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for #community facility uses# in a #building# used for both #commercial uses# and for #community facility uses# is 0.50 unless it is increased pursuant to the special permit provisions of Section 74-901 (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts.)
- (c) In C1 and C2 Districts mapped within R1, R2, R3-1, R3A and R3X Districts in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, the maximum #floor area ratio# for any #zoning lot# containing a #building# used for ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS) shall be 1.2.
- (d) In C1 and C2 Districts mapped within R3, R4, R5, R6, R7, R8 and R9 Districts, for any #zoning lot# containing nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and philanthropic or non-profit institutions with sleeping accommodations, the total #floor area# used for #community facility uses# shall not exceed the amount as set forth in paragraph (b) of Section 24-111 unless modified pursuant to Section 74-902.
- (e) The maximum #floor area ratio# for any #building# used partly for #commercial uses# and partly for nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and philanthropic or non-profit institutions with sleeping accommodations shall not exceed the amount permitted for a #commercial building# by the applicable district regulations. However, for the districts in which the allowable #floor area#, as set forth in paragraph (b) of Section 24-111, exceeds the amount permitted for a #commercial building#, the provisions of paragraph (b) of Section 24-111 shall be used to compute the maximum #floor area# permissible for the #building# unless modified pursuant to Section 74-902.

* * *

33-431

In C1 or C2 Districts with bulk governed by surrounding Residence District

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

- (a) In the districts indicated, the maximum height of a front wall and the required front setback of a #building or other structure# shall be determined by the #Residence District# within which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

| #Initial Setback Distance# (in feet) | | Maximum Height of a Front Wall or other portion of a #Building# within the #Initial Setback Distance# | Height above the #Street Line# (in feet) | #Sky Exposure Plane# | | | |
|--------------------------------------|------------------|---|--|--|---------------------|-------------------|---------------------|
| | | | | Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance) | | | |
| On #Narrow Street# | On #Wide Street# | | | On #Narrow Street# | | On #Wide Street# | |
| | | | | Vertical Distance | Horizontal Distance | Vertical Distance | Horizontal Distance |

Within R1, R2, R3, R4, R5 R5A or R5B Districts

| | | | | | | | |
|----|----|---|----|--------|--|--------|--|
| 20 | 15 | 30 feet or two #stories#, whichever is less | 30 | 1 to 1 | | 1 to 1 | |
|----|----|---|----|--------|--|--------|--|

Within R6 or R7 Districts

| | | | | | | | |
|----|----|--|----|----------|--|----------|--|
| 20 | 15 | 60 feet or four #stories#, whichever is less | 60 | 2.7 to 1 | | 5.6 to 1 | |
|----|----|--|----|----------|--|----------|--|

* * *

However, in accordance with the provisions of Section 32-42 (Location within Buildings), no #commercial building# or portion thereof occupied by non-#residential uses# listed in Use Groups 6A, 6B, 6C, 6F, 7, 8, 9 or 14 shall exceed in height 30 feet or two #stories#, whichever is less.

For #community facility buildings# or #buildings# used for both #community facility use# and #commercial use#, when mapped within R4, R5, R5A or R5B Districts, the maximum

height of a front wall shall be 35 feet or three #stories#, whichever is less, and the height above #street line# shall be 35 feet and, when mapped within R7-2 Districts, the maximum height of a front wall shall be 60 feet or six #stories#, whichever is less.

In C1 or C2 Districts mapped within R1, R2 or R3 Districts in the Borough of Staten Island or in Community District 10 in the Bronx, for #buildings# containing ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), the maximum height of a front wall or other portion of a #building# within the #initial setback distance# shall be 35 feet, or three #stories#, whichever is less. However, such increased height shall only be permitted beyond 20 feet of a #Residence District# boundary or beyond 20 feet of any portion of a #building# containing a #residential use# located in a #Commercial District#.

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

- (b) In the districts indicated, when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R10A or R10X Districts, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

* * *

Chapter 6
Accessory Off-Street Parking and Loading Regulations

* * *

36-20
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES

36-21
General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

* * *

The requirements of this Section shall be waived in the following situations:

- (a) when, as a result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 36-23 (Waiver of Requirements for Spaces below Minimum Number);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 36-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 36-53 (Location of Access to the Street);
- (c) for houses of worship, in accordance with the provisions of Section 36-25 (Waiver for Locally-Oriented Houses of Worship); or
- (d) for ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or a child care service, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), pursuant to Section 36-27 (Waiver for small zoning lots containing certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx).

REQUIRED OFF-STREET PARKING SPACES FOR COMMERCIAL
OR COMMUNITY FACILITY USES

Type of #Use#

Parking Spaces Required in Relation
to Specified Unit of Measurement

-

Districts

* * *

FOR COMMUNITY FACILITY USES

* * *

Ambulatory diagnostic or treatment health care facilities listed in Use Group 4

None required - C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8 C4-4A C4-5 C4-5A C4-5X
C4-6 C4-7 C5 C6 C8-4

1 per 150* sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage - C1-1 C2-1 C3 C4-1

1 per 300* sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage - C1-2 C2-2 C4-2 C8-1

1 per 400* sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage - C1-3 C2-3 C4-2A C4-3 C7 C8-2

1 per 1,000 sq. ft. of #floor area# and #cellar# space, except #cellar# space used for storage - C1-4 C2-4 C4-4 C4-5D C8-3

1 per 400 square feet of #floor area# when located above the first #story# ceiling - C1-1, C1-2, C2-1 and C2-2 Districts mapped within R3-2 Districts

1 per 400 square feet of #floor area# and #cellar# space, except #cellar# space used for storage, when located in #community facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and #community facility uses#- C1-1, C1-2, C2-1, and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts in the Borough of Staten Island and Community District 10 in the Borough of the Bronx and C4-1 and C4-2 Districts in the Borough of Staten Island and Community District 10 in the Borough of the Bronx

* * *

Child care services, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), in #lower density growth management areas#

Square feet of #floor area#:

1 per 1000 square feet when located in #community facility buildings# or when located above the first #story# ceiling in #buildings# with both #commercial# and #community facility uses# - C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts in the Borough of Staten Island and Community District 10 in the Borough of the Bronx and C4-1 and C4-2 Districts in the Borough of Staten Island and Community District 10 in the Borough of the Bronx.

* * *

36-231

In districts with high, medium, or low parking requirements

C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3 C7 C8-1 C8-2

In the districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), and except as otherwise provided in Section 36-27 (Waiver for Certain Small Zoning Lots), the parking requirements set forth in Sections 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to #commercial uses# in parking requirement category A, B, B1, C, D, E, or H, or to permitted #community facility uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

| Number of Spaces | Districts |
|------------------|------------------------------|
| 10 | C1-1 C2-1 C3 C4-1 |
| 15 | C1-2 C2-2 C4-2 C8-1 |
| 25 | C1-3 C2-3 C4-2A C4-3 C7 C8-2 |

* * *

36-27
Waiver for Certain Small Zoning Lots
C1-1 C1-2 C2-1 C2-2 C4-1 C4-2

In C1-1, C1-2, C2-1 and C2-2 Districts mapped within R1, R2, R3A, R3X and R3-1 Districts in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, and in C4-1 and C4-2 Districts in the Borough of Staten Island and in Community District 10 in the Borough of the Bronx, for #zoning lots# with a #lot area# of 4,000 square feet or less with #buildings# containing either ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), or a child care service, as listed under the definition of #school# in Section 12-10 (DEFINITIONS), no #accessory# off-street parking spaces shall be required, provided such #zoning lot# existed both on (effective date of amendment) and on the date of application for a building permit.

36-30

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

* * *

36-33

Requirements Where Group Parking Facilities Are Provided

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, for #residences developed# under single ownership or control where #group parking facilities# are provided, the number of required #accessory# off-street parking spaces is as set forth in this Section.

* * *

36-34

Modification of Requirements for Small Zoning Lots

C1 C2 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6

In the districts indicated for small #zoning lots#, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities are Provided), shall be modified in accordance with the provisions set forth in this Section.

* * *

36-345

Waiver of requirements for small zoning lots in certain districts in the Borough of Staten Island

C1 C2

In the districts indicated mapped within R4, R5 and R6 Districts in the Borough of Staten Island, for #zoning lots# with a #lot area# of 4,000 square feet or less, no #accessory# off-street parking spaces shall be required, provided such #zoning lot# existed both on (effective date of amendment) and on the date of application for a building permit.

* * *

36-52

Size and Location of Spaces

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, all #accessory# off-street parking spaces shall comply with the size and location provisions of this Section.

36-521

Size of spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, for all #accessory# off-street parking spaces, open or enclosed, each 300 square feet of unobstructed standing or maneuvering area shall be considered one parking space. However, an area of less than 300 square feet, but in no event less than 200 square feet, may be considered as one space, where the layout and design of the parking area are adequate to permit convenient access and maneuvering in accordance with regulations promulgated by the Commissioner of Buildings, or where the developer or applicant for a building permit or certificate of occupancy certifies that such spaces will be fully attended.

In any case where a reduction of the required area per parking space is permitted on the basis of the developer's certification that such spaces will be fully attended, it shall be set forth in the certificate of occupancy that paid attendants employed by the owners or operators of such spaces shall be available to handle the parking and moving of automobiles at all times when such spaces are in use.

In no event shall the dimensions of any parking stall be less than 18 feet long and eight feet, six inches wide.

In the Borough of Staten Island and in #lower density growth management areas# in Community District 10, Borough of the Bronx, for #commercial# or #community facility uses#, each required parking space not within a #building# shall be within a parking stall accessed from a travel aisle, where each such stall and aisle complies with the maneuverability standards of paragraph (b) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations). The use of an attendant shall be permitted only where necessary to accommodate additional, non-required parking spaces within the travel aisles. For such parking areas with 18 or more spaces, or greater than 6,000 square feet in area, the provisions of Section 37-90 (Parking Lots) shall also apply.

* * *

36-522

Location of parking spaces in certain districts

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D
C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-4A C6-4X

* * *

36-56

Screening

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, all open off-street parking areas with 10 spaces or more, which are located on #zoning lots# adjacent to the boundary of a #Residence District#, either at natural grade or on a roof:

* * *

36-58

Parking Lot Maneuverability and Curb Cut Regulations

C1 C2 C3 C4 C5 C6 C7 C8

* * *

36-581

Special parking regulations for certain community facility uses in the Borough of Staten Island and Community District 10 in the Borough of the Bronx

C1 C2 C4

In C1, C2 and C4 Districts in the Borough of Staten Island or in Community District 10 in the Borough of the Bronx, all #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship; or, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

shall comply with the following provisions:

- (1) Notwithstanding the applicability provisions of paragraph (a) of Section 36-58 (Parking Lot Maneuverability and Curb Cut Regulations), the maneuverability provisions of paragraph (b) and the curb cut provisions of paragraph (c) of such Section shall apply to all #group parking facilities#, open or enclosed. No tandem parking or attended parking shall be permitted.

(2) In addition to the screening requirements for open parking areas in Section 36-56 (Screening) any parking area covered by a roof shall be screened from adjoining #zoning lots# in #Residence Districts# and from adjacent #streets# in accordance with the following provisions:

- (i) Screening shall consist of a wall or barrier or uniformly painted fence of fire resistant material at least six feet high above finished grade and may be interrupted by normal entrances or exits;
- (ii) Such wall, barrier or fence may be opaque or perforated, provided that not more than 50 percent of the surface is open. No chain link fencing shall be permitted. Such screening shall be maintained in good condition at all times;
- (iii) Where the exterior wall of a parking facility facing a #street# has an opaque area with a width greater than 40 feet and a height greater than six feet, such area shall be treated with a decorative element or material or shall be screened with planting so as to provide visual relief. Such screening or decorative treatment shall be applied to a minimum height of 15 feet above adjoining grade or the height of the wall, whichever is less;
- (iv) For parking areas covered by a roof, where at least half of the surface area of such roof serves as children’s play space for #buildings# containing child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), such covered parking area shall not be considered an “open parking area” for the purposes of Section 37-90 (PARKING LOTS), inclusive, and shall therefore not require perimeter or interior landscaping pursuant to such Section. In lieu thereof, such covered parking area shall be screened in accordance with paragraph (2) of this Section 36-581.

* * *

Article VII: Administration

* * *

**Chapter 3
Special Permits by the Board of Standards and Appeals**

* * *

73-10
SPECIAL PERMIT USES

* * *

73-125
Ambulatory diagnostic or treatment health care facilities

In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts, excluding #lower density growth management areas#, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited in each case to a maximum of 10,000 square feet of #floor area#, provided that the Board finds that the amount of open area and its distribution on the #zoning lot# conform to standards appropriate to the character of the neighborhood.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-126
Certain community facility uses in lower density growth management areas

In R3A, R3X, R3-1, R4A, R4B or R4-1 Districts in #lower density growth management areas#, the Board of Standards and Appeals may permit ambulatory diagnostic or treatment health care facilities listed in Use Group 4, limited in each case to a maximum of 10,000 square feet of #floor area#, provided that such facilities are located on #zoning lots# that comply with the minimum #lot area# and #lot width# regulations of Section 23-35 (Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas).

In addition, for #buildings# in R3, R4, and R5 Districts in #lower density growth management areas# subject to the provisions of paragraph (b) of Section 24-013 (Exceptions to the bulk regulations of this Chapter) the Board may permit the #development# of a #building# pursuant to the #bulk# regulations of Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts).

In order to grant such special permit, the Board shall find that:

- (a) the amount and type of open area and its distribution on the #zoning lot# is compatible with the character of the neighborhood;
- (b) the distribution of #bulk# on the #zoning lot# will not unduly obstruct access of light and air to adjoining properties or #streets#; and

- (c) the scale and placement of the #building# on the #zoning lot# relates harmoniously with surrounding #buildings#.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

74-49

Residential Use in C4-1 Districts in Staten Island

In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a #block# and in other C4-1 Districts for #zoning lots# that, ~~on December 21, 2005, were greater than 20,000 square feet,~~ had a #lot area# greater than 20,000 square feet on December 21, 2005, or on any subsequent date, the City Planning Commission may permit #residences#, provided such #residences# comply with the #bulk# regulations for R5 Districts as set forth in Article II, Chapter 3, or, for #mixed buildings#, Article III, Chapter 5.

* * *

74-901

Certain community facility uses in R1 and R2 Districts and certain Commercial Districts

In R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts# for any #development#, #extension# or #enlargement# or change of #use# involving any #community facility uses# other than domiciliary care facilities for adults or those for which a permit is required by the Board of Standards and Appeals pursuant to Sections 73-12 (Community Facility Uses in R1 or R2 Districts) or 73-13 (Open Uses in R1 or R2 Districts), the City Planning Commission may permit the allowable community facility #floor area ratio# and #lot coverage# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to all such #uses#, provided that the following findings are made:

- (a) that the distribution of the #bulk# of the total #development# will not unduly obstruct the access of light and air in and to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and surrounding #developments#;

- (b) that the architectural and landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography and the surrounding area;
- (c) that the proposed #development# will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and
- (d) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

To minimize traffic congestion in the area, the Commission may require where necessary off-street parking facilities and #accessory# off-street loading berths beyond the amount required by the district regulations.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

Article X: Special Purpose Districts

* * *

**Chapter 7
Special South Richmond Development District**

* * *

**107-40
SPECIAL USE, BULK AND PARKING REGULATIONS**

* * *

**107-412
Special bulk regulations for certain community facility uses in lower density growth management areas**

The #bulk# regulations of this Chapter applicable to #residential buildings# shall apply to all #zoning lots# in #lower density growth management areas# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship; or, for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

* * *

107-42
Minimum Lot Area and Lot Width for Residences

* * *

107-421
Minimum lot area and lot width for zoning lots containing certain community facility uses

In R1, R2, R3A, R3X, R3-1, R4A, and R4-1 Districts the provisions of this Section shall apply to #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; and
- (b) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where:
 - (1) such #zoning lot# contains #buildings# used for houses of worship; or
 - (2) for #zoning lots# that do not contain #buildings# used for houses of worship, the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#

The minimum #lot area# for such #zoning lots# containing ambulatory diagnostic or treatment health care facilities shall be 5,700 square feet, and the minimum #lot area# for such #zoning lots# containing child care services shall be 10,000 square feet, Where such #uses# are located on the same #zoning lot#, the applicable #lot area# requirement shall be allocated separately to each such #use#. In addition, each such #zoning lot# shall have a minimum #lot width# of 60 feet. Such #lot width# shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that such #lot# width# shall also be met along at least one #street line# of the #zoning lot#. No #building#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point than 60 feet.

For such #zoning lots# containing multiple #buildings# used in any combination for ambulatory diagnostic or treatment health care facilities, child care serves, or #residences#, the applicable minimum #lot area# and #lot width# requirements shall be allocated separately to each such #building#.

* * *

Article XI - Special Purpose Districts

* * *

Chapter 3 Special Ocean Parkway District

* * *

113-50 THE SUB-DISTRICT

* * *

113-503 Special bulk regulations

For #single-# and #two-family detached# and #semi-detached residences#, certain underlying district #bulk# regulations set forth in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) are superseded by those set forth in Sections 113-51 through 113-55. The regulations applicable to a #predominantly built-up area# shall not apply in the subdistrict.

For #community facility buildings#, certain underlying district #bulk# regulations set forth in Article II, Chapter 4 (Bulk Regulations for Community Facility Buildings in Residence Districts), are superseded by those set forth in Sections 113-51 (Maximum Permitted Floor Area Ratio), 113-52 (Density Regulations), 113-542 (Minimum required front yards), 113-543

(Minimum required side yards), 113-544 (Minimum required rear yards) and 113-55 (Height and Setback Regulations). The provisions of Sections 24-01 (Applicability of this Chapter), paragraph (a) of Section 24-013 (Exceptions to the bulk regulations of this Chapter), and 24-04 (Modification of Bulk Regulations in Certain Districts) pertaining to R4-1 Districts shall not apply in the subdistrict.

* * *

Chapter 9 Special Hillside Preservation District

* * *

119-02 General Provisions

* * *

Those portions of a #zoning lot# having #areas of no disturbance#, however, may count as #lot area# for the purposes of the applicable regulations on #yards#, #floor area ratio#, #open space ratio# or maximum number of #dwelling units# or #rooming units#.

The following #uses#, including #enlargements# to such #uses#, shall not be permitted within the #Special Hillside Preservation District# unless an authorization is granted by the City Planning Commission pursuant to Section 119-30: ~~#commercial uses#~~, #community facility uses# within a #Residence District#, #group parking facilities# of 30 cars or more, whether or not they are necessary to satisfy parking requirements.

When the #Special Hillside Preservation District# is designated on a #public park#, or portion thereof, #site alterations#, the construction of new park-related facilities such as, but not limited to, roadways, parking lots, comfort stations, storage facilities, swimming pools, eating establishments, tennis courts, amphitheaters and stadia, and improvements to existing park-related facilities, shall not be subject to the provisions of Sections 119-10 or 119-20 but shall require an authorization from the City Planning Commission, pursuant to Section 119-31 (Authorizations).

* * *

119-06 Special requirements for certain properties within Special Hillside Preservation District

The following sites, Block 24, Lot 1; Block 23, Lots 17, 42; Block 23, Lots 1, 4, 13; Block 115, Lots 61, 62, 63; and Block 47, Lots 7, 10, 107 shall be subject to the procedures of Section 11-15

(Environmental Requirements) governing (E) designations, provided that the (E) designations shall not be shown on the zoning maps. The CEQR Declarations for these sites shall be listed in the City Environmental Quality Review (CEQR) Requirements Declarations which is appended to the zoning maps. Section 11-15 (b) shall not apply to such CEQR Declarations.

* * *

119-21

Tier II Requirements for Development

119-211

Lot coverage, floor area and density regulations

The area of a #private road# shall be excluded from the area of the #zoning lot# for the purposes of applying the applicable requirements of Sections 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) as modified by this Section, and Sections 23-21 (Required Floor Area per Dwelling Unit or Floor Area per Rooming Unit) and

33-10 (FLOOR AREA REGULATIONS). For the purposes of this Section, the area of the #private road# shall include the area of the paved roadbed plus a seven-foot wide area adjacent to and along the entire length of the required curbs.

The maximum permitted percentage of #lot coverage# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

TABLE I
 PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT
 BY ZONING DISTRICT, AVERAGE PERCENT OF SLOPE AND
 RESIDENCE TYPE

| #Average Percent of Slope# | #Residence District#* | | | | | | |
|----------------------------------|-----------------------|------|------|------|------|---------------|-------|
| | | | | | | | R6 |
| | R1 | R2 | R3 | R4 | R5 | 1-2 Family | Other |
| 10-14.9 | 22.5 | 22.5 | 22.5 | 36.0 | 45.0 | 48.6 | 32.4 |
| 15-19.9 | 20.0 | 20.0 | 20.0 | 32.0 | 40.0 | 43.2 | 28.8 |
| 20-24.9 | 17.5 | 17.5 | 17.5 | 28.0 | 35.0 | 37.8 | 25.2 |

* ~~or #Residence District# equivalent when #zoning lot# is located within a #Commercial District#~~

If an authorization is granted for a #development#, #enlargement# or #site alteration# on a #zoning lot# or portion of a #zoning lot# having a #steep slope# or #steep slope buffer# pursuant to Section 119-311, the maximum permitted percentage of #lot coverage# for said #zoning lot# shall not exceed the maximum set forth in Table II of this Section.

TABLE II
 PERMITTED PERCENTAGE OF LOT COVERAGE ON A ZONING LOT
 OR PORTION OF A ZONING LOT WITH A STEEP SLOPE,
 BY ZONING DISTRICT AND RESIDENCE TYPE

| #Residence District#* | | | | | | |
|-----------------------|------|------|------|------|--------|-------|
| | | | | | | R6 |
| | | | | | 1-2 | |
| R1 | R2 | R3 | R4 | R5 | Family | Other |
| 12.5 | 12.5 | 12.5 | 20.0 | 25.0 | 27.0 | 18.0 |

*~~_____ or #Residence District#~~ equivalent when #zoning lot# is located within a #Commercial District#

However, the maximum permitted percentage of #lot coverage# on a #zoning lot#, as determined by Table I or Table II, shall not apply to any #development#, #enlargement# or #site alteration# that receives an authorization pursuant to Section 119-312 (Authorization of certain uses within the Special Hillside Preservation District) and is located in a #Commercial District#.

* * *

**119-30
 SPECIAL REVIEW PROVISIONS**

* * *

**119-31
Authorizations**

* * *

**119-312
Authorization of certain uses within the Special Hillside Preservation District**

~~The City Planning Commission may grant authorizations for #commercial uses#, #community facility uses#, #group parking facilities# of 30 cars or more and for #enlargements# to any such #uses# and facilities.~~

Any #group parking facility# with 30 cars or more, and, in #residence districts#, any #community facility use# or #enlargement# thereof shall be allowed only by authorization of the City Planning Commission. In order to grant such authorizations, the Commission, upon review of ~~the~~ a site plan, shall find that:

- (a) the proposed #development#, #enlargement# or #site alteration# will not ~~disturb~~ adversely affect the drainage pattern and soil conditions of the area;
- (b) the proposed #development#, #enlargement# or #site alteration# has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;
- (c) such #development#, #enlargement# or #site alteration# is so located as not to impair the essential character of the surrounding area;
- (d) the design of such #development#, #enlargement# or #site alteration# takes full advantage of all special characteristics of the site;
- (e) vehicular access and egress for such #development#, #enlargement# or #site alteration# is located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby #residential# areas; and
- (f) where vehicular access and egress is located on an arterial, such location affords the best means for controlling the flow of traffic generated by such #development# to and from such arterial.

The City Planning Commission may permit modifications to parking lot landscaping and maneuverability requirements for applications for such authorizations of #group parking

facilities# for over 30 cars or for #enlargements# to #group parking facilities# if such modifications preserve vegetation and natural topography.

* * *

119-317

Modification of requirements for private roads and driveways

For any #development#, #enlargement# or #site alteration#, the City Planning Commission may authorize variations in the requirements for #private roads# and driveways on any #Tier II zoning lot# as set forth in Section 119-214 (Tier II requirements for driveways and private roads) as well as the requirements of Sections 25-621 (Location of parking spaces in certain districts), 25-624 (Special parking regulations for certain community facility uses in lower density growth management areas) and 25-631 (Location and width of curb cuts in certain districts).

In order to grant such authorizations, the Commission shall find that:

- (a) the #development# or #enlargement# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;
- (b) such modification is the least modification required to achieve the purpose for which it is granted;
- (c) the requested modification will not disturb the drainage pattern and soil conditions of the area;
- (d) the requested modification has minimal impact on the existing natural topography and vegetation and blends harmoniously with it; and
- (e) such modification will enhance the quality of the design of the #development#, #enlargement# or site alteration#.

* * *

The above resolution (N 110070 ZRY), duly adopted by the City Planning Commission on December 1, 2010 (Calendar No. 7), 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.

KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. McRAE, KAREN A. PHILLIPS Commissioners

City of New York

1 Edgewater Plaza, Suite 217 • Staten Island, New York 10305

Tel: 718-981-6900

Fax: 718-720-1342

Community Board No. 1

October 14, 2010

Ms. Amanda Burden, AICP, Director
Department of City Planning
22 Reade Street, New York, New York 10007

FAX: 1-212-720-3319

Re: N 10070 ZRY
Lower Density Growth Management Areas Community Facility Text Amendment

Dear Ms. Burden:

On October 12, 2010 Community Board #1 voted 26-0-2 to approve the Lower Density Growth Management Areas Community Facility Text Amendment with the recommendation that Houses of Worships not be excluded and must apply for an authorization if expanding or building a community facility.

If you need any further information or have any questions, please do not hesitate to call.

As always, thank you for your concern for and interest in our community.

Very truly yours,

Leticia Remauro
Leticia Remauro
Chairwoman

Vincent Accornero
Vincent Accornero
Land Use Chairman

Cc: Leonard Garcia-Duran, Director, SI City Planning
James Miraglia, Deputy Director
Hon. Debi rose
Robert Englert, Land Use Director, Borough Hall



DANA T. MAGEE
CHAIR

DEBRA A. DERRICO
DISTRICT MANAGER

THE CITY OF NEW YORK
Community Board Two
BOROUGH OF STATEN ISLAND

460 BRIELLE AVENUE
STATEN ISLAND, NEW YORK 10314
718-317-3235
FAX: 718-317-3251

October 20, 2010

Ms. Amanda Burden, AICP, Director
Department of City Planning
22 Reade Street, New York, New York 10007

Re: **N110070ZRY**
Lower Density Growth Management Community Facility Text Amendment

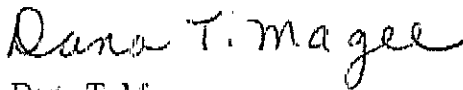
Dear Ms. Burden:

Community Board Two, at its full Community Board meeting on Tuesday, October 20, 2010 voted to support the Department of City Planning's Application N110070ZRY, a text amendment to the Lower Density Growth Management areas covering Staten Island to tackle the issue of over-sized and under-parked Ambulatory Health Care Offices and Child Care Centers in lower density residential districts.

The committee voted as follows: 23-In Favor; 0-Opposed; 0-Abstained; 0-Not-Entitled

Thank you for moving this Zoning Text Amendment forward.

Very truly yours,


Dana T. Magee
Chairman


Frank Marchiano
Land Use Chairman

copy to: Leonard Garcia-Duran
James Miraglia
Honorable James Oddo
Robert Englert

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Roado Street, New York, NY 10007
FAX # (212) 720-3356

Application **N11007OZRY**

CEQR #
Community District No. 02 Borough: Staten Island
Community District No. 03 Borough: Staten Island

Project Name **Community Facility Text Amendment**

INSTRUCTIONS: Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address. Send one copy of the complete 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:

See Attached

Applicant(s):

Department of City Planning
Staten Island Borough Office
130 Stuyvesant Place, 6th Floor
Staten Island, NY 10301

Applicant's Representative:

James Miraglia
Department of City Planning
Staten Island Borough Office
130 Stuyvesant Place, 6th Floor
Staten Island, NY 10301

Community Board No. 3 Borough: **Staten Island**

Borough Board

Date of public hearing: **9/28/10**

Location:

Was a quorum present? YES NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken:

Location: **6451 Hylan Boulevard, S.I. N.Y. 10309**

RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

Voting

In Favor: **29**

Against: **0**

Abstaining: **0**

Total members appointed to the board:

43

James Miraglia
Community/Borough Board Officer

CHAIRMAN
Title

9/28/10

Date

v.012006w

* Indicates application was certified by the CPC pursuant to Section 197-C(e) of the City Charter.



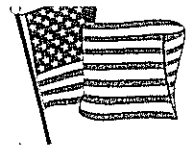
BRONX COMMUNITY BOARD NO. 10

3165 East Tremont Avenue • Bronx, New York 10461

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Website: www.nyc.gov/bronxcb10



John Marano
Chairperson

Kenneth Kearns
District Manager

Ruben Diaz, Jr.
Borough President



October 27, 2010

Ms. Carol Samol, Director
Bronx Office of City Planning
New York City
Department of City Planning
1 Fordham Plaza
Bronx, New York 10457

Dear Ms. Samol:

At its public meeting of October 21, 2010, Bronx Community Board #10 passed the following resolutions:

“Resolved...at the recommendation of the Housing and Zoning Committee of Bronx Community Board #10, that the language of the Lower Density Growth Management Areas Community Facility Text Amendment, be approved in its present form, with the recommendation of adding group homes and houses of worship to said language, after the Amendment has secured approval from the City Council, and that this Resolution be communicated to the full Board for its approval.”

This Resolution passed the Board with (27) votes in the affirmative and (3) abstentions.

“Resolved... at the recommendation of the Housing and Zoning Committee of Bronx Community Board #10, that the requested change in the Zoning Text Amendment, providing for an increase in height of the perimeter wall from 21 to 25-26 feet; the authorization for private street status and adherence by Sea Breeze Development to a Restrictive Declaration for a public access venue and promenade, in accordance with the standards established by the New York City Department of Parks and Recreation be approved by the full Board, with the reservation that Sea Breeze Development provide the Board with a letter stating that they are willing to work with Bronx Community Board #10 and local civic associations, during the duration of construction.”

Sea Breeze/Blitman Development issued the attached letter agreeing to work with the community (see attached). This Resolution passed the Board with (28) votes in the affirmative and (2) abstentions.

Thank you for your attention and consideration.

Sincerely,

Kenneth Kearns
District Manager

- C: J. Marano – Chairman, Bronx Community Board #10
- P. Sullivan – Chairman, Housing and Zoning Committee
- Hon. J. Vacca – Member of the City Council
- J. Horstman, NYC Department of City Planning

Staten Island Borough Board Resolution

At a meeting on November 3, 2010, the Staten Island Borough Board unanimously approved the following Resolution:

Whereas, the Department of City Planning has proposed a text amendment to the Lower Density Growth Management (LDGMA) areas to address the issue of over-sized and under-parked Ambulatory Health Care Offices and Child Care Centers in lower density residential districts located within Staten Island Community Districts 1, 2 and 3; and,

Whereas, the proposed text amendment will affect zoning provisions governing community facility developments in LDGMA areas of Staten Island; and,

Whereas, the purpose of the application is to address the impact of very large day-care and medical centers on the character of existing residential neighborhoods throughout the Borough; and,

Whereas, the proposal will limit the size of future buildings with ambulatory health care offices and child care centers to the same rules as any residential building surrounding it. The proposal will also require a minimum zoning lot size and lot width in order to accommodate new parking requirements. To meet the continued need for health care services and child care providers throughout LDGMA areas, zoning rules in commercial districts will be modified to accommodate these uses in locations which are more appropriate, and;

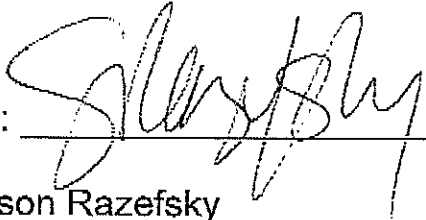
Whereas, stricter LDGMA commercial rules were adopted for Staten Island in 2005 to preclude the inappropriate development of townhouses in commercial areas. These rules restricted ground floor uses in C1, C2 and C4 commercial districts to commercial and community facility uses only. Residential uses are only permitted above the ground floor to allow buildings with residential units above lower level retail, as is often found

in many Borough town centers. Since then, implementation and practice of those rules have identified several unanticipated consequences that have hampered appropriate development in commercial areas. This amendment will address the issue by permitting existing non-conforming residential buildings in C1, C2 and C4 districts to expand their non-conforming use on the ground floor as long as the expansion complies with all the underlying residential regulations for bulk, yards, and parking, and;

Whereas, the Department of City Planning has notified Community Boards 1, 2 and 3, regarding these rezoning applications, and as all three Community Boards have recommended, to approve the proposed changes for their respective district;

Therefore, be it resolved, that the Staten Island Borough Board, hereby unanimously approves the aforementioned rezoning proposals.

By: _____


Jason Razefsky
Special Assistant to the Borough President
November 3, 2010



**Uniform Land Use Review Procedure
New York City Department of City Planning
Staten Island Borough President Recommendation**

**ULURP NO.
N 110070 ZRY
COMMUNITY FACILITY TEXT AMENDMENT**

COMMUNITY DISTRICT: 1, 2 & 3

DOCKET DESCRIPTION: The Department of City Planning has proposed a text amendment to the Lower Density Growth Management (LDGMA) areas to address the issue of over-sized and under-parked Ambulatory Health Care Offices and Child Care Centers in lower density residential districts located within Staten Island Community Districts 1, 2 and 3. The proposed text amendment will affect zoning provisions governing community facility developments in LDGMA areas of Staten Island. The purpose of the application is to address the impact of very large day-care and medical centers on the character of existing residential neighborhoods throughout the Borough and will limit the size of future buildings with ambulatory health care offices and child care centers to the same rules as any residential building surrounding it. The proposal will also require a minimum zoning lot size and lot width in order to accommodate new parking requirements. To meet the continued need for health care services and child care providers throughout LDGMA areas, zoning rules in commercial districts will be modified to accommodate these uses in locations which are more appropriate, and; stricter LDGMA commercial rules were adopted for Staten Island in 2005 to preclude the inappropriate development of townhouses in commercial areas. These rules restricted ground floor uses in C1, C2 and C4 commercial districts to commercial and community facility uses only. Residential uses are only permitted above the ground floor to allow buildings with residential units above lower level retail, as is often found in many Borough town centers. Since then, implementation and practice of those rules have identified several unanticipated consequences that have hampered appropriate development in commercial areas. This amendment will address the issue by permitting existing non-conforming residential buildings in C1, C2 and C4 districts to expand their non-conforming use on the ground floor as long as the expansion complies with all the underlying residential regulations for bulk, yards, and parking.

RECOMMENDATION:

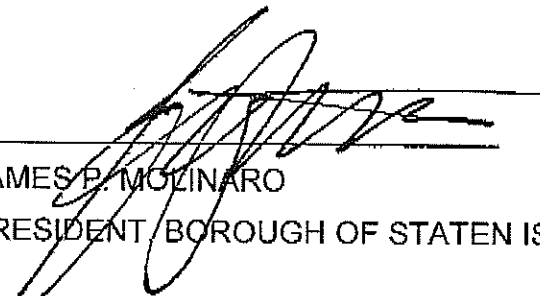
APPROVE **DISAPPROVE** **WITH CONDITIONS/MODIFICATIONS**

EXPLANATION OF RECOMMENDATION, CONDITION OR MODIFICATIONS

RECEIVED

NOV - 5 2010

Department of City Planning
Staten Island Office



**JAMES P. MOLINARO
PRESIDENT, BOROUGH OF STATEN ISLAND**

DATE: November 4, 2010