



## **CITY PLANNING COMMISSION**

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October 11, 2006/Calendar No. 16

N 060464 ZRR

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**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 to the Zoning Resolution of the City of New York, relating to Article X, Chapter 7 (Special South Richmond Development District), concerning Section 107-06 (District Plan Appendix A) creating new Areas LL and SH, Section 107-40 (Special Use, Bulk and Parking regulations and Section 107-60 (Authorizations) relating to the new Areas, Borough of Staten Island, Community District 3.

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The application for amendment of the Zoning Resolution was filed by the Department of City Planning and Council Member Andrew Lanza on May 1, 2006, to amend the Special South Richmond Development District (SSRDD).

### **RELATED ACTIONS**

In addition to the amendment to the Zoning Resolution which is the subject of this report, a related application, which is being considered concurrently with this application, also requires action by the City Planning Commission:

C 060465 ZMR      A Zoning Map Amendment to rezone an approximately two block area in the Prince's Bay area of Staten Island from R3-2 to R3X and R3X to R1-2 districts.

### **BACKGROUND**

A full background discussion and description of this project appears in the report on the related application for a zoning map amendment (C 060465 ZMR).

## **ENVIRONMENTAL REVIEW**

This application (N 060464 ZRR), in conjunction with the related action (C 060465 ZMR), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 06DCP098R. 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 May 8, 2006. In response to public testimony a Revised Negative Declaration was issued on October 11, 2006 which supersedes the Negative Declaration issued on May 8, 2006.

## **PUBLIC REVIEW**

On May 8, 2006, this text change application (N 060464 ZRR) was duly referred to Community Board 3 and the Borough President in accordance with the procedure for referring non-ULURP matters.

### **Community Board Public Hearing**

Community Board 3 held a public hearing on this application on June 21, 2006, but did not issue a recommendation on this application.

### **Borough President Recommendation**

The Borough President did not issue a recommendation.

### **City Planning Commission Public Hearing**

On August 9, 2006 (Calendar No. 10), the City Planning Commission scheduled August 23, 2006 for a public hearing on this application (N 060464 ZRR). The hearing was duly held on August 23, 2006 (Calendar No. 24), in conjunction with the public hearing on the application for the related action (C 060465 ZMR).

There were a number of speakers, as described in the report on the related application for amendment of the Zoning Resolution (C 060465 ZMR), and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

This application (in conjunction with those for the related action) 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 06-017.

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

## **CONSIDERATION**

The Commission believes that this zoning text amendment (N 060464 ZRR), as modified, is appropriate.

A full consideration of the issues, and the reasons for approving this application, as modified, appear in the report on the related application for amendment of the zoning map (C 060465 ZMR).

## **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:

**Article X - Special Purpose Districts**

**Chapter 7  
Special South Richmond Development District**

\* \* \*

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

**107-41  
Type of Residence**

\* \* \*

**107-411  
Non-profit residences for the elderly in Area SH**

In Area SH, as shown on the District Plan, any #development# or #enlargement# comprised of #non-profit residences for the elderly# shall be permitted upon certification of the Chairperson of the City Planning Commission that:

- (a) such #development# or #enlargement# will contain not more than 250 #dwelling units# of #non-profit residences for the elderly#, individually or in combination with other #developments# or #enlargements# within Area SH that have received prior certification pursuant to this Section;
- (b) a site plan has been submitted showing a detailed plan demonstrating compliance with the provisions of this Chapter, and;
- (c) such #residences# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section 23-141 (Open space and floor area regulations in R1, R2, R3, R4 and R5 Districts), as modified by this Chapter. The provisions of Section 23-144 (For non-profit residences for the elderly in R3, R4 R5 R6 and R7 Districts shall not apply.

Any #development# or #enlargement# that results in a total of more than 250 #dwelling units# of #non-profit residences for the elderly# in Area SH shall be permitted only upon authorization of

the City Planning Commission pursuant to Section 107-672 (In Area SH)

**107-42  
Minimum Lot Area and Lot Width for Residences**

For all #zoning lots# containing #residences#, the minimum #lot area# and #lot width# requirements set forth in the table in this Section shall apply, which shall vary by building height. Where two or more #buildings# that are #single-# or #two-family detached# or #semi-detached residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement shall be multiplied by the number of such #buildings# on the #zoning lot#.

\* \* \*

District	Type of #Residence#	#Lot Area# (in sq.ft.)	Minimum Lot Width (in feet)	Minimum Height (in stories)
R3A	#detached#	3,325	35	1-3
R3X*	#detached#	3,800	40	1-2
		4,750	50	3
		5,700	60	4

\* \* \*

\* In Area LL as shown on the District Plan, all #residences# shall have a minimum #lot area# of 5,700 square feet and a minimum #lot width# of 50 feet. However, the minimum #lot area# and minimum #lot width# set forth in this table shall apply to any #development# on a #zoning lot# having an area of at least 1.5 acres for which applications for certifications pursuant to Sections 107-08 (Future Subdivision) and 107-123 (Public schools) have been filed prior to March 1, 2003.

\* \* \*

**107-46  
Yard and Court Regulations**

\* \* \*

**107-462**  
**Side yards**

In all districts, except R1 Districts, for all #single-# or #two-family detached# and #semi-detached residences#, the #side yards# shall relate to the height of the #building# as set forth in the following table, except that in R1, R2, R3, R4A and R4-1 Districts, on a #corner lot#, one #side yard# shall be at least 20 feet in width:

**REQUIRED SIDE YARDS**

District	Type of #Residence#	Height (in #stories#)	Number of #Side Yards# Required	Required Total Width	Required Minimum Width of any #Side Yard
	* * *				
R3A R4A	#detached#	1-4	2	15	5
R3X*	#detached#	1-2	2	15	5
	#detached#	3	2	20	8
	#detached#	4	2	25	10
R4-1	#detached#	1-4	2	15	5
	#semi-detached#	1-4	1	9	9

In R1 Districts, the #side yard# regulations of Section 23-46 shall apply.

\* In area LL, as shown on the District Plan, two #side yards# with a total width of at least 16 feet shall be required for all #residences#, and each #side yard# shall have a minimum width of eight feet. However, the minimum #side yard# widths set forth in this table shall apply to any #development# on a #zoning lot# having an area of at least 1.5 acres for which applications for certifications pursuant to Sections 107-08 (Future Subdivision) and 107-123 (Public schools) have been filed prior to March 1, 2003.

\* \* \*

**107-60**

## AUTHORIZATIONS

### 107-61

#### General Provisions

On application, the City Planning Commission may grant authorizations for modifications of specified regulations of this Chapter or of the underlying districts in accordance with the provisions of Sections 107-62 to ~~107-68~~ 107-69 inclusive, relating to Authorizations.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorizations.

\* \* \*

### 107-67

#### Uses and Bulk Permitted in Certain Areas

#### 107-671

##### In Areas F and K

In Areas F and K, as shown in the District Plan, the City Planning Commission may authorize one or more #uses# in the Use Groups specified in this Section not permitted by the underlying district regulations.

\* \* \*

#### 107-672

##### In Area SH

The City Planning Commission may authorize #developments# or #enlargements# that will result in more than 250 #dwelling units# of #non-profit residences for the elderly# in Area SH provided such #developments# or #enlargements# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section 23-141 (Open space and floor area regulations in R1, R2, R3, R4 and R5 Districts), as modified by this Chapter. The provisions of Section 23-144 (For non-profit residences for the elderly in R3, R4 R5 R6 and R7 Districts shall not apply).

In order to grant such authorization, the Commission shall find:

- (a) that such #developments# or #enlargements# are part of a superior site plan,
- (b) that such #residences# are compatible with the character of the surrounding area, and;



(c) that the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

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The above resolution (N 060464 ZRR), was duly adopted by the City Planning Commission on October 11, 2006 (Calendar No. 16), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP, Chair**

**KENNETH J. KNUCKLES, Esq., Vice-Chairman**

**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**

**ALFRED C. CERULLO III, RICHARD W. EADDY, JANE D. GOL,**

**CHRISTOPHER KUI, JOHN MEROLO, DOLLY WILLIAMS, Commissioners**