



CITY PLANNING COMMISSION

September 10, 2003/Calendar No. 15

N 030468 ZRX

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article XI, Chapter 2 (Special City Island District), Community District 10, Borough of the Bronx.

The application for an amendment of the New York City Zoning Resolution was filed by the Department of City Planning on May 9, 2003, and was revised on May 19 and August 27, 2003.

The revisions included further clarifications to Sections 112-124 and 112-14.

RELATED ACTIONS

In addition to the amendment of the Special City Island District, which is the subject of this report, the following application is being considered concurrently with this application:

C 030467 ZMX: Amendment to the Zoning Map, Sections 4c and 4d.

BACKGROUND

The Department proposes to amend the Special City Island District text, focusing on three areas: urban design elements related to residential uses in the proposed R3A and R2 districts and commercial uses along City Island Avenue; landscaping and screening requirements for parking lots containing ten or more spaces; and provisions for waterfront public access on new residential developments on large zoning lots.

A full background discussion and description appears in the report on the related application for the amendment of the Zoning Map (C 030467 ZMX).

ENVIRONMENTAL REVIEW

The application (N 030468 ZRX), in conjunction with the application for the related action (C030467 ZMX), 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 03DCP067X. The lead is the City Planning Commission.

After a study of the potential environmental impact of the applications, a Negative Declaration was issued on May 19, 2003.

PUBLIC REVIEW

On May 19, 2003, the text amendment (N 030468ZRX) was duly referred to Community Board 10 and the Borough President for information and review in accordance with the procedure for referring non-ULURP matters, along with the related application (C 034067 ZMX) which was certified as complete by the Department of City Planning in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 10 held a public hearing on the application (N 030468 ZRX), in conjunction with the application (C 030467 ZMX) for the related action, on June 19, 2002, and by vote of thirty-one (31) to zero (0) with zero (0) abstentions adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (N 030468 ZRX), in conjunction with the application (C 030467 ZMX) for the related action, was considered by the Borough President, who issued a recommendation on July 22, 2003 approving the application with conditions. A summary of the Borough President's recommendation appears in the report on the related application for the amendment to the zoning map (C 030467 ZMX).

City Planning Commission Public Hearing

On July 23, 2003 (Calendar No.5), the City Planning Commission scheduled August 13, 2003, for a public hearing on this application (N 030468 ZRX), in conjunction with the application for the related zoning map amendment (C 030467 ZMX). The hearing was duly held on August 13, 2003 (Calendar No. 22).

There were a number of appearances, as described in the report on the related application for the amendment to the zoning map (C 030467 ZMX), and the hearing was closed.

Waterfront Revitalization Program Consistency Review

The application (N 030468 ZRX), in conjunction with the related application (C 030467 ZMX) was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), 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 03-021.

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

CONSIDERATION

The Commission believes that the proposed amendment to the Special City Island District text as revised is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application (C 030467 ZMX).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the actions 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 actions are consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 201 of the New York City Charter, that based on the environmental determination and the 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
* * * indicate where unchanged text appears in the Zoning Resolution

Article XI - Special Purpose Districts

Chapter 2 Special City Island District

* * *

112-07 Special Use Regulations

Within the Special District, where #commercial# or #manufacturing uses# are permitted by the underlying district regulations, such #commercial# or #manufacturing uses# shall be limited to those #uses# set forth in this Section.

* * *

112-074

Ground floor use restrictions on certain blocks

For all #buildings# fronting on City Island Avenue between Bay Street and Carroll Street, only #non-residential uses# shall be permitted on the ground floor level or within five feet of #curb level#, except for #residential lobbies#.

112-074 075

Uses permitted in M1 Districts

* * *

112-10

SPECIAL HEIGHT BULK REGULATIONS

~~In order to preserve the unique character of the Special District and to protect the views of and to the water, new #developments# or #enlargements# within Areas A or B shall be subject to both the height and setback regulations of Section 23-631 and a maximum height of 35 feet. However, the City Planning Commission, by special permit after public notice and hearing, may permit, within Area A, modifications of the height restriction set forth in this Section or in Section 23-631 (Height and setback in R1, R2, R3, R4 or R5 Districts); and, in Area B, the Commission may authorize modifications of the regulations set forth in Section 23-631 subject to a maximum building height of 35 feet. As a condition for such modification, the Commission shall find that:~~

- ~~(a) — the distribution of the #bulk# of a #development# or #enlargement# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water.~~
- ~~(b) — the modification of the building height permits better site planning and distribution of #open space#, and~~
- ~~(c) — the height of the new #development# or #enlargement# does not exceed 50 feet.~~

~~The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #development# or #enlargement# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.~~

112-101

Special open space, lot coverage and floor area ratio regulations

In R3A Districts, and in C1 and C2 Districts mapped within R3A Districts, and in C3 Districts, the provisions of Section 23-141 (In R1, R2, R3, R4 and R5 Districts) shall not apply. In lieu thereof, the maximum #floor area ratio# for a #residential use# shall be .50. Such #floor area ratio# may be increased by up to 20 percent provided that any such increase in #floor area# is located under a sloping roof which rises at least 7 inches in vertical distance for each foot of horizontal distance. In addition, the permitted #floor area# of a #single- or #two-family detached# or #semi-detached residence developed# after (effective date of amendment) may be increased by 100 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located in the #side lot ribbon# pursuant to Section 23-12(f)(Permitted Obstructions in Open Space), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).

In C3 Districts, for a #residential use#, the maximum #lot coverage# shall be 65 percent, and the minimum required #open space# shall be 35 percent.

112-102

Special floor area regulations for mixed buildings

In C1, C2 and C3 Districts, for #buildings# containing #residences# with frontage on City Island Avenue, not more than one #story# of #commercial use# may be provided in such #buildings#, and such #story# shall be excluded from the definition of #floor area#.

112-103

Special height and setback regulations

The underlying height and setback regulations shall apply, except that no new #development# or #enlargement# shall exceed a height limit of 35 feet, and the height of all #buildings or other structures# shall be measured from the #base plane#. Such height and setback regulations may be modified only by authorization or special permit of the City Planning Commission, as applicable, pursuant to Sections 112-106 or 112-107.

112-104

Special transparency requirements along City Island Avenue

For #buildings# with ground floor #commercial# or #community facility uses# fronting upon City Island Avenue, the provisions of this Section shall apply to any #streetwall# of such #building# facing City Island Avenue. At least 50 percent of the total surface area of such wall between #curb level# and 12 feet above #curb level#, or to the ceiling of the ground floor, whichever is less, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point of any transparency that is provided to satisfy this requirement shall not be higher than two feet six inches above #curb level#.

In addition, solid security gates that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall be prohibited. All security gates installed after (effective date of amendment) shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.

112-105

Authorization for multiple buildings on a single zoning lot

On #zoning lots# of 25,000 square feet or more, the City Planning Commission may authorize modifications to the provisions of Section 23-711 (Standard minimum distance between buildings), provided:

- (a) such modifications reduce the required distance between a #building wall# containing a #legally required window# and any other building wall to not less than 20 feet;
- (b) such modifications reduce the required distance between two #building walls#, neither of which contains a legally required window, to not less than 13 feet, and
- (c) at least 50 percent of the #zoning lot# not covered by #buildings# has a minimum dimension of 12 feet and is not used for driveways, #private streets# or parking spaces.

The Commission shall find that such modifications enhance the quality of the open spaces on the #zoning lot# and results in an improved site plan. The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

112-106

Authorization for modification of height and setback regulations

The City Planning Commission may authorize, within Area B, as shown on the map in Appendix A, modifications of the underlying height and setback regulations provided the Commission finds that:

- (a) the distribution of the #bulk# of a #development# or #enlargement# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water.
- (b) the modification of the building height permits better site planning and distribution of #open space#; and
- (c) the height of the new #development# or #enlargement# does not exceed 35 feet.

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #development# or #enlargement# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

112-107

Special permit for modification of height and setback regulations

The City Planning Commission may permit, within Area A, as shown on the map in Appendix A, modifications of the underlying height and setback regulations, provided the Commission finds that:

- (a) the distribution of the #bulk# of a #development# or #enlargement# permits adequate access of light and air to the surrounding #streets# and properties and does not impair the views of and to the water.
- (b) the modification of the building height permits better site planning and distribution of #open space#; and
- (c) the height of the new #development# or #enlargement# does not exceed 50 feet.

The Commission may prescribe appropriate conditions and safeguards to protect the views of and to the water and to minimize adverse effects on the surrounding area. That portion of any #development# or #enlargement# used for boat sales, manufacture, storage or repair shall be exempt from the provisions of this Section.

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112-12
Special Parking Regulations

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~~112-12~~ 112-121
Accessory parking for commercial uses

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~~112-121~~ **112-122**
Accessory parking and floor area requirements for eating or drinking establishments

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For eating or drinking establishments, the provisions of Sections 36-23 or 44-23 (Waiver of Requirements for Spaces below Minimum Number) or Sections 52-41 (General Provisions) with respect only to ~~#enlargements#~~ or ~~#extensions#~~ to provide off-street parking spaces, 73-43 (Reduction of Parking Spaces for Churches or Places of Assembly) and 73-45 (Modification of Off-Site Parking Provisions) are hereby made inapplicable. For eating or drinking establishments with frontage on City Island Avenue, if less than 15 ~~#accessory# off-#street#~~ parking spaces are required, all such parking spaces shall be waived.

~~112-122~~ **112-123**
Reservoir space requirements for eating and drinking establishments

All ~~#developments, extensions, enlargements#~~ or changes of ~~#use#~~ involving an eating or drinking establishment with attendant-operated parking services shall provide adequate on-site reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 10 percent of the total number of spaces, but in no event shall such reservoir space be required for more than 10 automobiles. Reservoir space shall be delineated by painted stripes or lines pursuant to the standards of the Department of Buildings.

Within one year of March 6, 1986, all existing eating or drinking establishments with attendant-operated parking services shall provide adequate reservoir space pursuant to this Section and shall file a site plan and documented evidence of compliance with the appropriate enforcement agency, either the Department of Buildings or Department of Ports and Terminals.

~~112-123-~~

~~Screening requirements for parking facilities accessory to commercial uses~~

~~All new or any #enlargement# of off-street parking facilities with 10 spaces or more which are #accessory# to #commercial uses# shall be screened in accordance with the provisions of this Section from all adjoining #zoning lots#, including such #zoning lots# situated across a #street#, in accordance with the provisions of this Section by either:~~

- ~~(a) — A wall or barrier or uniformly painted fence of fire-resistant material at least six feet high, but not more than eight feet above finished grade. Such wall, barrier or fence may be opaque or perforated provided that not more than 50 percent of the face is open; or~~
- ~~(b) — A strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years.~~

~~Along City Island Avenue, the above requirement is modified as follows: a wall or barrier or uniformly painted fence of fire-resistant material at least four feet high but not more than eight feet above finished grade. Such wall, barrier, or fence must be 100 percent opaque up to a height of four feet above the #curb level# of City Island Avenue adjoining the #accessory# parking lot and not more than 25 percent opaque above four feet. Walls along City Island Avenue, existing on March 6, 1986, which are 100 percent opaque for more than 2 and ½ feet, but less than 4 feet above the #curb level# of City Island Avenue adjoining an #accessory# parking lot shall be deemed to meet the 100 percent opacity requirements of this Section;~~

~~In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no #signs# hung or attached thereto other than those permitted in Sections 32-62 (Permitted Signs), 32-63 (Permitted Advertising Signs) or 42-52 (Permitted Signs):~~

~~Within one year of March 6, 1986, all existing off-street parking facilities with 10 spaces or more which are #accessory# to #commercial uses# shall be screened in accordance with the provisions of this Section and a site plan and documented evidence of compliance shall be filed with the appropriate enforcement agency, either the Department of Buildings or Department of Ports and Terminals.~~

112-124

Screening and tree planting requirements for all parking lots with 10 or more spaces

All new or #enlarged# parking lots with 10 or more spaces shall comply with the provisions of this section.

(a) Screening requirements

#Accessory# parking spaces that adjoin #zoning lots# with #residential uses# shall be screened by an opaque wall or fence extending not less than six feet but not higher than eight feet above finished grade, or alternatively, by a planting strip at least five feet wide and densely planted with evergreen shrubs at least four feet high at time of planting, and of a variety expected to reach a height of six feet within three years, or by both. No chain link fences shall be permitted.

#Accessory# parking spaces that adjoin #zoning lots# with non-#residential uses# shall be screened by an opaque wall or fence extending at least four feet high but not higher than six feet above finished grade, or alternatively by a planting strip at least five feet wide and densely planted with evergreen shrubs at least two and one-half feet high at time of planting. Open chain link fences shall be permitted only within such planting strip, and such fences shall extend at least four feet but not more than six feet above finished grade.

#Accessory# parking spaces that front upon a #street# shall be screened by a strip at least 5 feet wide and densely planted with evergreen shrubs to be maintained at all times at a height not less than two and one-half feet and not more than four feet. In addition, fences not higher than four feet, with a surface area at least 50 percent open shall be permitted, except that chain link fences shall not be allowed. All permitted fences shall be located behind landscaped areas when viewed from the street.

(b) Tree planting requirements

One tree with a minimum caliper of three inches at time of planting shall be provided for every 10 parking spaces. Fractions equal to or greater than three-quarters of a tree shall be counted as an additional tree. All such trees shall be planted at approximately equal intervals and located in planting beds at least six feet square, either adjacent to planting strips required pursuant to paragraph (a) of this Section or in planting islands within the parking lot. A raised curb at least six inches in height shall separate all planting beds from the paved surface of the parking lot. All trees shall be planted in accordance with the standards of the Department of Parks and Recreation, and replaced when necessary.

In addition, such screening shall be maintained in good condition at all times, may be interrupted by normal entrances or exits, and shall have no #signs# hung or attached thereto other than those

permitted in Sections 32-62 (Permitted Signs), 32-63 (Permitted Advertising Signs) or 42-52 (Permitted Signs).

112-125

Location of parking spaces along City Island Avenue

No parking shall be permitted between the #street line# of City Island Avenue and the #street wall# of any #building# or its prolongation facing City Island Avenue. However, this provision shall not apply to #waterfront zoning lots#.

* * *

112-14

Special Requirements for Waterfront Access

Except in R1 and R2 Districts, for #residential developments# on #waterfront zoning lots# of 65,000 square feet or more, a publicly accessible waterfront sitting area shall be provided. Such sitting area shall abut the #shoreline#, have a minimum area of 2,500 square feet, have a minimum depth of 50 feet measured from the #shoreline#, and contain at least 25 linear feet of seating. Building entrances may not front upon such sitting area.

Such sitting area shall be accessible by means of either a direct connection to a public sidewalk, or a publicly traversable way through the #zoning lot# directly connecting the sitting area with a public sidewalk. Such publicly traversable way shall be comprised of a planting strip of at least four feet in width containing one tree of at least three inch caliper for every 25 feet of length of such traversable way, and a paved sidewalk of at least 6 feet in width, or, for #developments# with #private roads#, sidewalks provided in accordance with the requirements for #private roads# as set forth in Article 2 Chapter 6.

Such public access areas shall comply with the provisions of Section 62-14 (Requirements for Recordation), 62-624 (Maintenance and operation of waterfront public access areas), 62-671 (Guardrails, gates and other protective barriers), 62-672 (Seating), and 62-674 (Signage).

The Chairperson of the City Planning Commission shall certify to the Department of Buildings or Department of Business Services, as applicable, that a site plan has been submitted showing compliance with the provisions of this Section.

APPENDIX A

Special City Island District - Height Areas

The above resolution (N030468 ZRX), duly adopted by the City Planning Commission on September 10, 2003 (Calendar No. 15), 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 KNUCKLES, ESQ., Vice-Chairman

**IRWIN G. CANTOR, P.E., ANGELA CAVALUZZI, R.A., RICHARD EADDY,
JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS,
JOSEPH B. ROSE, DOLLY WILLIAMS, Commissioners**

ALEXANDER GARVIN, Commissioner, Abstaining