



CITY PLANNING COMMISSION

December 7, 2005/Calendar No. 15

N 060066 ZRR

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 amendments to the Zoning Resolution of the City of New York, relating to Article I, Chapter 2, (Definitions), Article III, Chapter 2 (Use Regulations), Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), Chapter 7 (Special Regulations), Article VII, Chapter 4 (Use Permits), concerning regulations for commercial development in Lower Density Growth Management Areas in the Borough of Staten Island.

This application to amend the text of the Zoning Resolution was filed by the Department of City Planning on August 19, 2005. The proposal would affect developments on Staten Island in C1, C2, and C4 commercial districts. It is intended to address issues associated with residential development in commercial areas.

Overdevelopment and inappropriate development have increasingly become one of the more significant planning issues facing Staten Island. During the period from 1990 to 2000, Staten Island was the fastest growing county in New York State. This increase in population and the subsequent need for housing has exacerbated concerns about development on Staten Island and the effects it is having on established neighborhood character, parking availability, traffic congestion, and the overall quality of life.

In response to the concerns, on July 25, 2003, the Mayor announced the formation of the Staten Island Growth Management Task Force. The Task Force consists of elected officials, City agency commissioners, and representatives of Staten Island civic and community organizations, as well as professional organizations. The Task Force recommended a number of changes that would result in less dense development, more required on-site parking, the demolition of fewer

existing homes, and new developments – including those developed under private road regulations – that would be more compatible with the existing neighborhoods. The recommendations of the Staten Island Growth Management Task Force were implemented in August 2004 by the adoption of the Lower Density Growth Management Area (LDGMA) text amendment (N 040414 ZRY).

However, while most commercial districts and overlays allow for residential development, the LDGMA rules did not apply to such development. In response to Task Force members concerns about residential development in commercial areas and the loss of retail uses in these areas, the Department of City Planning initiated a study of commercially zoned areas. The goal of the study was to identify issues pertaining to areas zoned for commercial use, to better preserve commercial character and to protect the neighboring residential uses from the impacts of commercial activity in Staten Island.

The findings of the study revealed that commercially zoned areas are being increasingly developed with residential-only projects resulting in a loss of commercial uses and out-of-character development. The Department's analysis noted that Staten Island has less commercially zoned areas than other parts of the city. While 16 percent of zoning lots in the City are zoned commercially, only five percent of Staten Island lots have commercial zoning. The Task Force concluded that the replacement of commercial uses with residential diminishes the viability of existing commercial districts. This results in fewer locations for commercial development, requiring more and longer auto trips to meet everyday shopping needs.

Based on these findings, the Task Force identified three main goals: to discourage inappropriate residential development; to encourage appropriate commercial development; and to encourage Staten Island's legacy of town centers.

After reviewing several options to further these goals, the department and task force recommended several zoning text changes for development in Staten Island's commercial districts. In conjunction with the proposed amendment and based on recommendations from the task force, the Department of City Planning also proposes three Zoning Map changes to commercially zoned areas to better reflect the existing character and their relationship to the proposed text amendments.

The proposed text amendments apply to C1, C2, and C4 districts in Staten Island and are described below.

Applicability of LDGMA expanded to include C1, C2 and C4 districts (Section 12-10

DEFINITIONS)

The existing LDGMA is not to applicable residential uses in C1, C2 and C4 districts. The proposed text amendment would make residential uses in Staten Island LDGMA areas within those commercial districts subject to LDGMA residential regulations.

No residential-only development in C1, C2, and C4 zoning districts (Sections 32-11, 32-433)

The existing text allows residential, commercial, community facility, and mixed uses within commercial districts. Under the proposed text amendment residential uses would not be allowed on the ground floor in order to encourage appropriate commercial and mixed use development in commercial districts. Residential uses could only be located above the ground floor of a building with commercial or community facility use.

Require the ground floor use to be within two feet of the curb line (Section 32-433)

The existing text allows the level of a ground floor use to be above or below the as-built level of the street. Under the proposed text amendment a ground floor use would be required to be within two feet of the curb level in order to ensure that the ground floor use be located at or near street level.

Require the non-residential uses to have a 30 foot depth (Section 32-433)

In order to foster non-residential uses, such uses must have a minimum depth of 30 feet. In addition, lobbies for upper story residential uses would be limited to a ground floor width no greater than 25% of the width of the building.

Require a landscaped buffer between residential and non-residential uses in C1, C2, and C4 zoning districts (Section 37-21)

The existing text does not require a buffer between residential and commercial buildings, except in the South Richmond Special District. Elsewhere, buffers are currently required only at the boundary lines of commercial districts and residential districts. The proposal requires a five-foot landscaped buffer at the side or rear property line between residential and commercial or manufacturing buildings.

Require street trees in (Section 37-22)

The proposed text amendment encourages street trees in commercial districts by requiring that one tree be planted on the sidewalk for every 25 feet of street frontage.

Residential Uses on Blocks Four Acres or Greater in C4-1 Districts not allowed as-of-right (Sections 32-11, 74-49)

Large C4-1 districts on blocks greater than four acres are intended to be primarily major shopping areas. In order to facilitate this objective, the proposed text would not allow residential use as-of-right on such blocks or on zoning lots greater than 20,000 square feet in C4-1 districts.

A development proposing residential use would require a City Planning Commission (CPC) Special Permit pursuant to new section 74-49. In order to grant the special permit, the Commission would have to find that the development has a superior site plan, that the proposed residences are compatible with the surrounding area, and that adequate provisions are made to

handle traffic.

Quality Housing Program in C4-2 Districts (Section 35-23)

C4-2 Districts on Staten Island are predominantly located in Staten Island's older, more historic town center commercial areas. These areas include St. George, Port Richmond, and Stapleton. The existing text permits a residential FAR of 2.44 with no height limit or required streetwall and allowed recent development in these areas to be built that are not consistent with existing development of continuous streetwalls, limited building height, and no curb cuts.

The proposed text mandates the use of the Quality Housing Program in C4-2 districts. The Quality Housing Program requires that streetwalls be located to reflect existing development, and that buildings have a maximum height of 70 feet if located within 100 feet of a wide street and 55 feet for projects located beyond 100 feet of a wide street. Quality Housing regulations also require at least 70 percent of the aggregate length of street walls of the building to be within eight feet of the street line, up to a height of 40 feet. Quality Housing regulations prohibit parking between the street line and building.

ENVIRONMENTAL REVIEW

This application (N 060066 ZRR) 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 06DCP013R. 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 August 22, 2005, and a Revised Negative Declaration was issued on December 7, 2005.

PUBLIC REVIEW

On August 22, 2005, this text change application was duly referred to Community Boards 1, 2, and 3, the Staten Island Borough President and the Staten Island Borough Board for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Staten Island Community Board 1: On September 12, 2005 Community Board 1 adopted a resolution in favor of the proposed text amendment.

Staten Island Community Board 2: On September 20, 2005 Community Board 2 adopted a

resolution in favor of the proposed text amendment by a vote of 31 in favor and 0 opposed, with 1 abstention.

Staten Island Community Board 3: On September 27, 2005 Community Board 3

unanimously adopted a resolution in favor of the proposed text amendment.

Borough Board Review

The Borough Board of Staten Island adopted a resolution in favor of the text amendment on October 20, 2005.

Borough President Review

The Borough President of Staten Island issued a recommendation approving the application on October 18, 2005.

City Planning Commission Public Hearing

On October 19, 2005 (Calendar No. 21) the City Planning Commission scheduled November 2, 2005, for a public hearing on this application (N 060066 ZRR). The hearing was duly held on November 2, 2005 (Calendar No. 21). There was one speaker in favor of the application and none in opposition.

A representative of the City Council Member from District 49 stated that the amendment would help protect neighborhoods on the north shore of Staten Island.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (N 060066 ZRR) 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 05-053.

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

CONSIDERATION

The Commission believes that this amendment of the Zoning Resolution, as modified herein, is appropriate.

In August 2004, the City Council adopted the Lower Density Growth Management Text Amendments, as proposed by the Department of City Planning based on the recommendations of the Mayor's Staten Island Growth Management Task Force. The Task Force had been established to address issues of inappropriate development on Staten Island, one of the fastest growing areas in the state. The adopted regulations apply to any development in residential districts within a designated "Lower Density Growth Management Area". Primarily affecting R1 through R5 residential zoning districts, the new rules maintain and enhance existing neighborhood character by reducing the density of new residential development and by ensuring better quality site design. The entire borough of Staten Island was designated New York City's first Lower Density Growth Management Area (LDGMA).

The department continues to work with the task force on a wide range of issues relating to development on Staten Island. As a result of this on-going commitment, the task force and department identified the preservation of commercial character and the protection of neighboring residential uses from the impacts of commercial activity in Staten Island as important goals. The proposed text amendment addresses these issues.

The Commission believes that requiring that residential construction in C1, C2, and C4 districts

be built in accordance with LDGMA regulations will result in construction that better reflects the surrounding neighborhood character. The Commission also believes that by requiring residential development to be above the first floor, commercial development will be encouraged on the ground floor, thereby strengthening commercial areas and preventing the development of residential enclaves within commercial areas.

The Commission believes that requiring a Special Permit for any residential construction on C4-1 blocks greater than four acres or lots greater than 20,000 sq. ft. will protect the primarily commercial intent of this district and ensure that residential development will be in context with its surroundings. The Commission further believes that requiring that residential development use the Quality Housing Program in the older C4-2 established town centers will help preserve the continuity of the streetwalls in these locations, while encouraging commercial activity on the ground floor.

In response to concerns of the task force that the proposed five-foot landscaped buffer could disrupt commercial streetwalls on commercial block fronts the Commission is modifying the application by requiring the buffer only on side streets. The Commission believes the quality of life in commercial district neighborhoods will be enhanced by requiring street trees in commercial areas.

The Commission believes that this text amendment is an appropriate response to ensure the

future quality of life on Staten Island. The Commission concludes that this amendment will help strengthen the character of the commercial areas and limit inappropriate and out-of-scale residential development.

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 1

* * *

**Section 12-10
DEFINITIONS**

* * *

Lower Density Growth Management Area

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

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

In the Borough of Staten Island, #lower density growth management areas# shall also include any C1, C2 or C4 District.

* * *

ARTICLE III

**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 only be permitted 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 (effective date of amendment) 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).

* * *

32-43

Ground Floor Uses in Certain Locations

~~The following regulations shall apply to ground floor use in certain contextual districts and within Community Board 7, Borough of Manhattan~~

32-431

Ground floor use in C1-8A, C1-9A, C2-7A, C2-8A, C4-6A and C4-7A Districts

C1-8A C1-9A C2-7A C2-8A C4-6A C4-7A

- (a) In the districts indicated, and in C1 and C2 Districts mapped within R9A and R10A Districts

The provisions of ~~paragraph (a)~~ of this Section shall not apply within Community Board 7, Borough of Manhattan.

32-432

Ground floor use in Community Board 7, Borough of Manhattan

- (b) ~~Community Board 7, Borough of Manhattan~~

Within the boundaries of Community Board 7 in the Borough of Manhattan.....

32-433

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

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#.

* * *

Chapter 5

Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-23

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

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

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

~~Furthermore,~~ The provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall not apply in C4-4, C4-5, C4-2F, C4-6, C4-7, C5 or C6 Districts, unless the #residential# portion of a #mixed building# in such district is #developed# or #enlarged# pursuant to the Quality Housing Program.

Furthermore, in C4-2 Districts in the Borough of Staten Island, the #residential# portion of a #mixed building# shall be #developed# or #enlarged# only pursuant to the Quality Housing Program.

Applicable #Residence District#	District#
R3-2	C3
R3A	C3A
R5	C4-1
R6	C4-2 C4-3 C6-1A
R7	C1-6 C2-6 C4-4 C4-5 C6-1
R8	C1-7 C4-2F C6-2
R9	C1-8 C2-7 C6-3
R10	C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

* * *

**Chapter 7
Special Regulations**

* * *

**37-20
Special Regulations for Lower Density Growth Management Areas in the Borough of Staten Island**

**37-21
Special screening requirements between residential and non-residential uses**

In all C1, C2 and C4-1 Districts in the Borough of Staten Island, all #developments# or #enlargements# containing non-#residential uses# shall be screened from adjoining #zoning lots# containing only #residential uses# along the common #side lot line# 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. No chain link fences shall be permitted. However, no such screening shall be required where both such #buildings# front upon a #streetline# that forms the boundary of a blockfront mapped entirely as a #commercial district#.

**37-22
Street Tree Planting Requirements in C1, C2 and C4 Districts**

In all C1, C2 and C4 Districts in the Borough of Staten Island, the #street# tree planting requirements of Section 26-40 (STREET TREE PLANTING REQUIREMENTS FOR LOWER DENSITY GROWTH MANAGEMENT AREAS) shall apply.

* * *

**74-40
~~AMUSEMENT ESTABLISHMENTS~~
USE PERMITS**

* * *

**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 (effective date of amendment) were greater than 20,000 square feet, the City Planning Commission may permit #residences# provided such #residences# comply with the #bulk# regulations for R5 Districts as set forth in Article 2 Chapter 3, or, for #mixed buildings#, Article 3, Chapter 5.

In order to grant such permit, the Commission shall find that such #residences# are part of a superior site plan, such #residences# are compatible with the character of the surrounding area, and 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.

The Commission may prescribe appropriate safeguards and conditions to minimize the adverse effect of any #residences# permitted under this Section on the character of the surrounding area.

The above resolution (N 060066 ZRR), duly adopted by the City Planning Commission on December 7, 2005 (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 and 200 of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice-Chair
ANGELA M. BATTAGLIA, IRWIN G. CANTOR P.E.,
ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO III, RICHARD W. EADDY,
JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,
KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners