



CITY PLANNING COMMISSION

September 10, 2008/Calendar No. 13

N 080425 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 amendment of the Zoning Resolution of the City of New York relating to Article I, Chapters 1, 2, 4, 5 and Article X, Chapter 8 to establish the Special St. George District, Community District 1, Borough of Staten Island.

The application for an amendment of the Zoning Resolution was filed by the Department of City Planning on May 8, 2008, as part of a comprehensive effort to revitalize the St. George neighborhood of Community District in Staten Island.

RELATED ACTION

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

C 080426 ZMR - Zoning map amendment

BACKGROUND

The Department of City Planning proposes a zoning map change and zoning text amendment for 12 blocks located in the St. George area of Community District 1, Staten Island. The study area generally coincides with an existing C4-2 district in St. George and is roughly bounded by Hamilton Avenue on the north, Richmond Terrace

on the east, Victory Boulevard, Van Duzer and Bay Streets on the south and Montgomery Avenue on the west.

Area and Site Description

Historically, St. George was one of Staten Island's main commercial hubs and became the borough's civic center with the opening of Borough Hall in 1907, followed by the St. George Public Library and the Richmond County Courthouse. It is the most densely developed neighborhood in Staten Island, with a mix of detached, semi-detached and attached homes, as well large number of rental and owner-occupied apartment buildings.

The entire civic/commercial area of St. George is zoned C4-2, a commercial district which also allows residential and community facility uses. In 2005, in response to inappropriate townhouse development in commercial districts throughout the borough, the Mayor's Growth Management Task Force recommended zoning text amendments that included rules for St. George and a commitment to study the area and propose appropriate long-term solutions.

These rules were adopted by the city in December 2005 and mandated that any new buildings with residential uses must be constructed to pursuant to the Quality Housing Program. The text amendment also prohibited residential uses on the ground floor and limited residential buildings heights to 70 feet. No building heights were set for commercial or community facility buildings. The C4-2 district covers the entire civic/commercial area of St. George and the ground-floor commercial/retail

requirement may not be appropriate for all streets and have limited reinvestment in St. George.

The study area consists of a 12 block area in the heart of St. George comprised of 215 properties. St. George rises from sea level to 200 feet above sea level in a few short blocks creating dramatic harbor views. St. George is located at the intersection of two main streets, Richmond Terrace and Bay Street, that serve as commercial and bus corridors providing access to North Shore communities from Mariner's Harbor and Port Richmond to Stapleton and Rosebank. St. George is also the main transportation hub of Staten Island providing easy access to Manhattan via the Staten Island Ferry, Tottenville on the South Shore and all 21 stations in between along the Staten Island Railway, and destinations throughout the borough via 23 MTA/NYC Transit bus lines.

There are several distinct areas within the study area. One area is the civic center with Borough Hall, the Courts, the New York Public Library, and City government buildings centered around Hyatt and Stuyvesant Streets. Another area consists of the waterfront condominium loft conversions on the waterfront east of Bay Street and adjacent to the ferry terminal. On Bay Street, across from this area are office buildings with retail uses on the ground floor. Many of these older office buildings in St. George cannot convert to residential use if they do not comply with residential FAR and yard requirements.

Upland and to the north are the largely residential areas located around Wall Street, and St. Marks Place, characterized by apartment buildings, vacant lots, and several multi-family wood frame homes. The western edge of the study area on Montgomery Avenue is characterized by one- and two- story residential, mixed use, and transportation use buildings. Finally, the commercial area of Victory Boulevard consists of four and five story walk-ups with ground floor retail.

The study area also includes Tompkinsville, the historic commercial area fronting Tompkinsville Park and a portion of Victory Boulevard. This area consists of four and five story residential walk-ups with ground floor retail. The Department of Parks and Recreation recently renovated Tompkinsville Park. The park is bounded by pedestrian-friendly retail shops, except for one prominent location across from the northern part of the park which is the site of a fast-food restaurant and its large parking lot which is out of context with its surroundings.

Existing Zoning

The proposed Special District generally coincides with an existing C4-2 district in St. George and is roughly bounded by Hamilton Avenue on the north Richmond Terrace on the east, Victory Boulevard on the south and Montgomery Avenue on the west.

The study area also includes an area between Victory Boulevard, Van Duzer and Bay Streets that is zoned R3-2 with a C1-2 zoning overlay.

C4-2

The C4-2 zoning district allows a variety of uses including commercial, community

facility and residential. C4 districts are mapped in regional commercial centers and serve a larger area than neighborhood shopping areas. Pursuant to the regulations adopted in 2005, the Floor Area Ratio (FAR) for a C4-2 zoning district varies by use and the width of the street. On narrow streets the Residential FAR is 2.2. On wide streets the Residential FAR is 3.0. The Community Facility FAR is 4.8 and the Commercial FAR is 3.4, regardless of the street width. Parking requirements for the commercial uses are 1 space per 300 square foot of floor area. Parking requirements for residential uses are 50% of dwelling units on narrow streets and 70% of units on wide streets.

Most Residential and Commercial districts in Staten Island were designated a Lower Density Growth Management Area (LDGMA) in August 2004 and specific LDGMA rules for commercial areas were adopted in December 2005 to prohibit inappropriate townhouse development in commercially zoned areas. The text amendments mandated that new buildings containing residential use be developed pursuant to the Quality Housing Program. In addition, the regulations prohibited residential uses on the ground floor and set overall height limits of 55 feet on narrow streets and 70 feet on wide streets. Commercial and community facility buildings do not have a height limit, but are subject to the sky exposure plane.

In addition, the Waterfront Zoning provisions apply to that portion of the C4-2 district located along the waterfront. These rules supersede the LDGMA rules and have different use, bulk and height regulations.

R3-2 with a C1-2 zoning overlay

The R3-2/C1-2 zoning allows a variety of uses including local retail uses like bakeries, drug stores, and hardware stores, as well as community facilities and residential uses. Residential buildings have a maximum FAR of .6 and commercial uses have a maximum FAR of 1.0 Residential and mixed use buildings are permitted to have a maximum perimeter wall height of 26 feet and a peak height of 35 feet. Commercial buildings are permitted to be 30 feet tall or two stories for most retail uses. Parking requirements for commercial uses are one space per 300 square foot for most uses. Parking requirements for residential uses are 100% or one space per dwelling unit. Parking is allowed to be waived for small zoning lots.

Actions Requested

The proposal to establish the St. George Special District seeks to facilitate the revitalization of St. George by:

- ▶ building upon St. George’s existing strengths as a civic center, neighborhood and transit hub by providing rules that will bolster a thriving, pedestrian-friendly, business and residence district
- ▶ establishing zoning regulations that facilitate continuous ground floor retail and the critical mass needed to attract a broader mix of uses
- ▶ requiring a tall, slender, building form that capitalizes on its hillside topography and maintains waterfront vistas
- ▶ encouraging the reinvestment and reuse of vacant office buildings
- ▶ accommodating an appropriate level of off-street parking while reducing its visual impact

Zoning Text Amendment (N 080425 ZRR)

A zoning text amendment is proposed to create the Special St. George District (SG). The Special St. George district addresses the specific and unique challenges of the neighborhood with additional rules and protections that go beyond underlying zoning regulations.

The Special District would include a variety of streetscape regulations that would reinforce the existing character of St. George. Certain parts of Victory Boulevard, Bay Street, Stuyvesant Place, Hyatt Place, and Richmond Terrace within the Special

St. George District would be designated as “Commercial Streets”. Ground floor retail or commercial uses would be required on these streets to promote retail continuity on these important corridors. Throughout the rest of the district retail/commercial uses would be optional. The Special St. George District would require all new ground floor commercial or community facility uses, throughout the district, to have 50% of their facades to be transparent, measured to a height of 10 feet. In order to provide ample room for pedestrians, shoppers and future sidewalk amenities as outdoor cafes and street trees, new construction must provide at least 12 feet between the buildings and curb for sidewalk use. Approximately 75% of the study area already has sidewalks of at least 12 feet. This will require in some cases that new building will be set back from the mapped street line. New development will also be required to provide street trees.

Buildings that are setback from the street with parking lots in front do not create a pleasing pedestrian retail experience and would be inappropriate for St. George. The proposal would require that at least 70% of a building façade on a Commercial Street be located within 8 feet of the street line to promote a more pedestrian-friendly retail environment. In the rest of the Special District, 50% of a building’s facade must be located within 8 feet of the street line. The proposal would also prohibit open parking lots between the sidewalk and the front of a building.

The Special St. George District will encourage the re-use of existing vacant office buildings by allowing them to easily convert to residential uses. In parts of lower

Manhattan, Downtown Brooklyn and Long Island City proposed conversions are allowed to waive certain zoning regulations that make it easier to convert buildings to residential. The St. George Special District would allow office buildings built in 1971 or earlier to use these same regulations. However, unlike other areas in the city, conversions to residential in St. George would be required to meet residential parking requirements. In order to accommodate the required parking for these existing buildings, off-site required parking will be allowed anywhere within the Special District.

Another goal of the Special St. George District is to ensure that as St George grows, that new buildings are appropriate to this unique hillside, waterfront community. The proposed Special St. George District would equalize and limit the maximum FAR to 3.4 for all uses. The district would retain a 2.2 FAR for zoning lots under 10,000 sq. ft. on non-commercial streets to encourage better site planning on small sites. The FAR of the R3-2/C1-2 portion of the Special District would remain the same.

Buildings whose street wall heights are too low or too high create unwelcoming pedestrian environments at street level. The proposal will require on most streets, including Victory Blvd, a 30 - 60 feet high street wall base. On Stuyvesant Place, which is a 20 foot wide street, a lower base height of 30 – 40 feet will allow sufficient light and air to reach the street. Bay Street is already developed with taller buildings along the street line, and future buildings should be in context with them, thus a higher base height of 60 – 85 feet will be required. The maximum building height of

up to 35 feet in of the R3-2/C1-2 portion of the SSGD would not be affected by the proposed base height requirements.

Buildings that rise above their base height can only be accommodated on large sites with enough floor area to meet the zoning requirements for base and a tower. On large sites with more available floor area, after meeting the base height requirements noted above, any remaining FAR could be used for a slender tower. All towers would be required to be set back between 10 and 15 feet from the base depending upon the width of the street. In order to provide a transition area between the Special District and adjacent lower density residential buildings, a Tower Exclusion Area will be designated along portions of St. Marks Place and Montgomery Place, which would limit buildings in those areas to 70 feet.

Two types of slender towers would be permitted, Point and Broad, each with additional rules for their building forms. All towers must have their narrow portion facing the water and have a width of no more than 80' in order to protect views from the harbor and the upland areas of St. George. To encourage a building design that reflects the existing hillside topography the tops of buildings would be required to provide articulation. Point Towers would have a maximum FAR - 3.4, a maximum Floor Plate of 6,800 sq. ft., a maximum width facing the water of 80 ft., a maximum height of 200 ft., and a maximum overall depth of 85 ft. The lot coverage of the top three floors will be required to have a minimum coverage of 50% of the floors below, but cannot exceed 80% of the floor below. Broad Towers would have a maximum

FAR of 3.4, a maximum Floor Plate of 8,800 sq ft, a maximum width facing water of 80 ft, a maximum height of 200 ft, and a maximum overall depth of 135 ft. Three setbacks facing the water will be required above a height of 100 feet. The top story must be located on the uphill side, so that the building terraces face down towards the water.

The Special St. George District includes parking regulations to assure adequate and visually pleasing off-street parking and encourage new retail development. These regulations exempt parking in structures from counting as floor area. The proposal would require that at least 40% of parking garage rooftops be landscaped. The Special District would make the recently adopted commercial parking lot landscaping guidelines applicable to parking lots for residential uses.

On the designated Commercial Streets, open parking lots would be prohibited in order to encourage continuous ground-floor retail/commercial opportunities. On other streets, open parking lots would not be permitted in front of buildings and would only be allowed at the side or rear of the building.

To encourage new retail development, the Special District would reduce the commercial parking requirement from one space per 300 to one parking space for every 400 sq. ft. of commercial floor area. Parking will not be necessary for stores under 10,000 sq. ft. The proposed Special District would increase the residential parking requirement to one space per dwelling unit. Additionally, the proposal would prohibit the subdivision of zoning lots in order to waive residential parking

requirements. Also, to prevent new curb cuts from conflicting with pedestrian-friendly retail streets, new driveways would only be allowed on designated Commercial Streets pursuant to certification by the Commission Chair that all other alternatives have been explored.

Zoning Map Change (C 080426 ZMR)

In addition to mapping the Special St. George District, the proposed zoning map amendment will also change the zoning of a portion of block 498 roughly bounded by Victory Boulevard, Van Duzer Street and Hannah Street from R3-2/C1-2 to C4-2, an extension of the existing C4-2 district. This would encourage new construction that would provide a continuous retail/commercial presence along the sidewalk because of the street wall rules of the Special District and the designation of Victory Boulevard as a Commercial Street at this location. This would be more in context with the existing retail presence fronting Tompkinsville Park and the goals of the zoning proposal.

ENVIRONMENTAL REVIEW

This application (N 080425 ZRR), in conjunction with the application for the related action (C 080426 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 08DCP070R.

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 19, 2008. Subsequent to the issuance of the Negative Declaration, the CPC modified the action to require additional landscaping in connection with residential uses; require setbacks on each side of a point tower; and require a base height of 30 to 40 feet for developments that include a tower, which would be lower than originally proposed. The modified application was analyzed in a technical memorandum dated September 10, 2008, which found that the conclusions of the EAS would remain unchanged and that no significant adverse impacts would result. Therefore, the Negative Declaration issued on May 19, 2008 remains in effect.

PUBLIC REVIEW

On May 19, 2008, this application (N 080425 ZRR) was referred to Community Board 1 and the Borough President in accordance with the procedure for referring non-ULURP matters. The related action (C 080426 ZMR) was certified as complete by the Department of City Planning on May 19, 2008 and was duly referred to Community Board and was duly referred to Community Board 1 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Recommendation

Community Board 1 held a public hearing on this application on June 2, 2008, and on June 10, 2008, by a vote of 26 to 9 with no abstentions, adopted a resolution recommending approval of the application subject to the following conditions: Parking should be 10 spaces for every 4500 square feet. The roofs of buildings should be planted, and when that cannot be achieved the roofs should be of a material of light color.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation June 25, 2008, approving the application.

City Planning Commission Public Hearing

On July 2, 2008 (Calendar No. 12), the City Planning Commission scheduled July 23, 2008, for a public hearing on this application (N 080425 ZRR). The hearing was duly held on July 23, 2008 (Calendar No. 24) in conjunction with the hearing for the related action (C 080426 ZMR).

There was one speaker in favor of the application and two speakers in opposition

A representative of the Staten Island Economic Development Corporation spoke in favor of the project. She noted that that the SIEDC specifically endorsed a rezoning

for St. George in order to spur revitalization that would result in a pedestrian oriented walkable environment. She also stated that that the Special District's reduction in commercial parking requirements makes sense and would create incentives for businesses to establish themselves in St. George and result in continuous retail frontage.

The president of the St. George Civic Association spoke in opposition.. He said while some aspects of the Special District were positive it could better achieve its stated aims by lowering the maximum base heights and provide more parking.

A member of the St. George Civic Association also spoke in opposition. He said he supported the Special District in concept, but had reservations about its impact. He stated that the project should be phased by allowing only the conversion rules to apply initially. He stated that the no tower zones be applied to streets perpendicular to the waterfront to allow more upland views. He also said that the maximum base heights were too high and the towers should be narrower.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (N 080425 ZRR), in conjunction with the application for the related action

(C 080426 ZMR), 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 08-007.

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

CONSIDERATION

The Commission believes the amendment of the Zoning Resolution of the City of New York, as modified, as well as the related zoning map change application, is appropriate.

The Commission believes that the urban design regulations of the Special District will ensure that the new development will maintain and enhance the character of St. George. The Special District will promote a streetscape that is welcoming to the pedestrian and injects fresh energy into St. George by requiring an appropriate building form that would capitalize on the panoramic views from St. George while maximizing public views of the harbor, requiring non-residential uses on the ground floor on designated Commercial Streets, 12 foot wide sidewalks, windows at street

level for commercial uses, and facilitating the conversion of buildings to residential use..

The Commission believes that rezoning an area on the corner of Victory Boulevard and Bay Street from R3-2/C1-2 to C4-2 in conjunction with the proposed Special District is appropriate. The area to be rezoned constitutes the heart of Tompkinsville in St. George and its revitalization is important to the growth of St. George.

In response to comments heard during public review the Commission believes it is appropriate to modify the proposed zoning text. Therefore, the Commission is adding additional landscaping requirements in order to minimize areas of hard surface between the sidewalk and a residential building that is set back from the street line (Section 108-42). Specifically, the area of the zoning lot between the street wall and the street line (or sidewalk widening line) of a building would be required to be planted where the ground floor use is residential, except for entrances and exits. Commercial uses fronting on the street will be exempt from this requirement.

Building top articulation requirements have been modified, as well (Section 108-34). In order to ensure that the tops of point towers are articulated on all sides so they appear as “towers-in-the-round”, the text has been modified to require setbacks on each side of a point tower, in a manner that maintains design flexibility. Under the original text, tower top articulation can be achieved by a single setback on only one side of the tower.

The maximum base height requirements have also been modified (Section 108-35). The original text allows a base height of 30-60 feet in most of the district. The Commission has modified the text to require a base height of 30-40 feet for developments that include a tower. The proposed Bay Street base heights will remain the same at 60-85 feet to reflect the context of that particular street. A taller base height will be permitted for those projects that do not include a tower. This modification will allow additional light, air and potential waterfront views at the street level due to the unique topography in St. George.

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 197-c 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 underlined is new, to be added;
Matter within # # is defined in Section 12-10;
Matter in ~~strikeout~~ is old, to be deleted;
* * * indicates where unchanged text appears in the Zoning Resolution

11-12
Establishment of Districts

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Establishment of the Special South Richmond Development District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 7, the #Special South Richmond Development District# is hereby established.

Establishment of the Special St. George District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 8, the #Special St. George District# is hereby established.

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12-10
DEFINITIONS

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Special South Richmond Development District

* * *

Special St. George District

The “Special St. George District” is a Special Purpose District designated by the letters “SG” in which special regulations set forth in Article X, Chapter 8, apply. The #Special St. George District# appears on the #zoning maps# superimposed on other districts and its regulations supplement or supersede those of the districts on which it is superimposed.

Special Stapleton Waterfront District

* * *

14-44
Special Zoning Districts Where Certain Sidewalk Cafes are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on

#streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

* * *

Staten Island	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
South Richmond Development District	Yes	Yes
<u>St. George District</u>	<u>Yes</u>	<u>Yes</u>
Stapleton Waterfront District	Yes	Yes

* * *

**Chapter 5
Residential Conversion of Existing Non-Residential Buildings**

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**15-011
Applicability within Special Districts**

* * *

The provisions of this Chapter shall apply in the #Special Downtown Jamaica District# as modified by Article XI, Chapter 5 (Special Downtown Jamaica District).

The provisions of this Chapter shall apply in the #Special St. George District# as modified by Article X, Chapter 8 (Special St. George District).

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**ARTICLE X
SPECIAL PURPOSE DISTRICTS**

* * *

All text is new; it is not underlined

**Chapter 8
Special St. George District**

**108-00
GENERAL PURPOSES**

The "Special St. George District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include among others, the following specific purposes, to:

- (a) build upon St. George’s existing strengths as a civic center, neighborhood and transit hub by providing rules that will bolster a thriving, pedestrian friendly business and residence district;

- (b) establish zoning regulations that facilitate continuous ground floor retail and the critical mass needed to attract and sustain a broader mix of uses;
- (c) require a tall, slender building form that capitalizes on St. George’s hillside topography and maintains waterfront vistas;
- (d) encourage the reuse and reinvestment of vacant office buildings;
- (e) accommodate an appropriate level of off-street parking while reducing its visual impact; and
- (f) promote the most desirable use of land and building development in accordance with the District Plan for St George and thus conserve the value of land and buildings and thereby protect the City’s tax revenues.

**108-01
Definitions**

Definitions specifically applicable to this Chapter are set forth in this Section and may modify definitions set forth in Section 12-10 (DEFINITIONS). Where matter in italics is defined both in Section 12-10 and in this Chapter, the definitions in this Chapter shall govern.

Commercial Street

A “commercial street” shall be a #street#, or portion thereof, where special regulations pertaining to ground floor #uses# on #commercial streets#, pursuant to Section 108-11, apply to #zoning lots# fronting upon such #streets#. #Commercial streets# are designated on Map 2 in the Appendix to this Chapter.

**108-02
General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George District#, the regulations of this Chapter shall apply to all #developments#, #enlargements#, alterations and changes of #use# within the #Special St. George District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

However, the regulations of this Chapter shall not apply to any property that is the subject of a site selection for a court house and public parking garage pursuant to application C080379 PSR. Such property shall be governed by the underlying regulations of this Resolution.

Furthermore, any property that is the subject of a site selection and acquisition for the use of a lot for open parking pursuant to application C080378 PCR may be governed by the regulations of this Chapter or the underlying regulations of this Resolution for a period of two years after (date of enactment). After (date of enactment plus two years), such property shall be subject to the regulations of this Chapter.

**108-03
District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special St. George District# Plan.

The District Plan includes the following four maps:

Map 1	Special St. George District and Subdistricts
Map 2	Commercial Streets
Map 3	Minimum and Maximum Base Heights
Map 4	Tower Restriction Areas

The maps are located in the Appendix to this Chapter and are hereby incorporated and made a part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

**108-04
Subdistricts**

In order to carry out the purposes and provisions of this Chapter, the #Special St. George District# shall include two Subdistricts: the Upland Subdistrict and the Waterfront Subdistrict, as shown on Map 1 (Special St George District and Subdistricts) in the Appendix to this Chapter.

**108-05
Applicability of District Regulations**

**108-051
Applicability of Article I, Chapter 1**

Within the #Special St. George District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York, stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

**108-052
Applicability of Article 1, Chapter 2**

The definition of “lower density growth management area” in Section 12-10 (DEFINITIONS) shall be modified to exclude all districts within the #Special St George District#.

**108-053
Applicability of Article 1, Chapter 5**

The provisions of Article 1, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), shall apply in the #Special St. George District#, as modified in this Section. The conversion to #dwelling

units# of non-#residential buildings#, or portions thereof, erected prior to January 1, 1977, shall be permitted subject to Sections 15-11 (Bulk Regulations), 15-12 (Open Space Equivalent) and 15-30 (Minor Modifications), paragraph (b). Uses in #buildings# erected prior to January 1, 1977, containing both #residential# and non-#residential uses# shall not be subject to the provisions of Section 32-42 (Location within Buildings)..

108-10 USE REGULATIONS

108-11 Ground Floor Uses on Commercial Streets

Map 2 (Commercial Streets) in the Appendix to this Chapter specifies locations where the special ground floor #use# regulations of this Section apply.

#Uses# on the ground floor of a #building# shall be limited to #commercial 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#.

#Commercial uses# shall have a depth of at least 30 feet from the #street wall# of the #building# facing the #commercial street# and shall 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# facing the #commercial street#.

108-12 Transparency Requirements

Any #street wall# of a #building# containing ground floor #commercial# or #community facility uses#, excluding #schools#, shall be glazed with transparent materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area.

108-13 Location of Uses in Mixed Buildings

The provisions of Section 32-422 (Location of floors occupied by non-residential uses) are modified to permit #residential uses# on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #residences# and provided any non-#residential uses# are not located directly over any #residential uses#. However, such non-#residential uses# may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

108-14 Security Gates

Within the #Special St. George District#, all security gates that are swung, drawn or lowered to secure commercial or community facility premises shall, when closed, permit visibility of at least 75 percent of the

area covered by such gate when viewed from the #street# or publicly accessible area, except that this provision shall not apply to entrances or exits to parking garages.

108-20
FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

108-21
Maximum Floor Area Ratio

In C4-2 Districts within the Upland Subdistrict, the underlying #floor area ratio# and #open space# regulations shall not apply. In lieu thereof, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 3.4, and no #floor area# bonuses shall apply, except that for #zoning lots# with less than 10,000 square feet of #lot area# without frontage on a #commercial street#, the maximum #floor area ratio# for any #use#, separately or in combination, shall be 2.2, and no #floor area# bonuses shall apply.

108-22
Maximum Lot Coverage

In C4-2 Districts within the Upland Subdistrict, the underlying #open space ratio# provisions shall not apply. In lieu thereof, the maximum permitted #lot coverage# for a #residential building#, or portion thereof, shall be 70 percent for an #interior# or #through lot# and 80 percent for a #corner lot#. However, no maximum #lot coverage# shall apply to any #corner lot# of 5,000 square feet or less.

108-23
Rear Yard Equivalents

In C4-2 Districts within the Upland Subdistrict, the #rear yard equivalent# regulations for #residential uses# on #through lots# or the #through lot# portion of a #zoning lot# are modified as set forth in this Section. Such #yards# shall be provided within 45 feet of the centerline of the #through lot# or #through lot# portion, and the level of such #yards# may be provided at any level not higher than the floor level of the lowest #story# containing #dwelling units# that face such #yards#. Furthermore, no #rear yard equivalent# regulations shall apply to any #through lot# or #through lot# portion of a #zoning lot# on which a tower is #developed# or #enlarged# pursuant to Section 108-35.

108-30
HEIGHT AND SETBACK REGULATIONS

The provisions of this Section, inclusive, shall apply to all #buildings# within the Upland Subdistrict.

In C1-2 Districts mapped within R3-2 Districts, all #buildings# shall comply with the height and setback regulations of R4 Districts, except that the maximum perimeter wall height shall be 26 feet, and the #street wall# location provisions of Section 108-32 (Street Wall Location) shall apply.

The underlying height and setback regulations of C4-2 Districts within the Upland Subdistrict shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall apply.

In the Waterfront Subdistrict, the underlying height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply, except as modified in Section 108-31 (Rooftop Regulations).

All heights shall be measured from the #base plane#, except that wherever a minimum or maximum base height is specified for #zoning lots# with multiple #street frontages#, such heights shall be determined separately for each #street# frontage, with each height measured from the final grade of the sidewalk fronting such #street wall#.

108-31 Rooftop Regulations

The provisions of this Section shall apply to all #buildings# in C4-2 Districts within the Upland and Waterfront Subdistricts.

(a) Permitted obstructions

The provisions of Section 33-42 shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit, provided that either:

- (1) the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or
- (2) the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

(b) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, and conversions of non-#residential buildings# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

108-32 Street Wall Location

(a) Street walls along commercial streets

For #zoning lots# with #commercial street# frontage, the #street wall# of any #development# or #enlargement# shall extend along at least 70 percent of the #commercial street# frontage of the #zoning lot# and be located within eight feet of the #street line# of the #commercial street#, or sidewalk widening line, whichever is applicable.

(b) Street walls along non-commercial streets

For #zoning lots# without #commercial street# frontage, the #street wall# of any #development# or #enlargement# shall extend along at least 50 percent of the #street# frontage of the #zoning lot# and be located within eight feet of the #street line# or sidewalk widening line, whichever is applicable .

In C4-2 Districts within the Upland Subdistrict, such #street walls# shall rise without setback to the minimum height specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, or the height of the #building#, whichever is less. When a #building# fronts on two intersecting

#streets# for which different minimum base heights apply, the higher base height may wrap around to the #street# with the lower base height for a distance of up to 100 feet.

108-33 Maximum Base Height

The maximum height of a #building or other structure# before setback shall be as specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter. Where a maximum base height of 60 feet applies as shown on Map 3, such maximum base height shall be reduced to 40 feet for #zoning lots developed# or #enlarged# pursuant to the tower provisions of Section 108-35. When a #building# fronts on two intersecting #streets# for which different maximum base heights apply, the higher base height may wrap around to the #street# with the lower base height for a distance of up to 100 feet. All portions of #buildings# above such maximum base heights shall provide a setback at least ten feet in depth measured from any #street wall# facing a #wide street# and 15 feet in depth from any #street wall# facing a #narrow street#.

In C4-2 Districts within the Upland Subdistrict , dormers may exceed the maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts). However, on any #zoning lot# that includes a tower #developed# or #enlarged# pursuant to Section 108-35, dormers shall not be permitted.

108-34 Maximum Building Height

In C4-2 Districts within the Upland Subdistrict, for #buildings# that are not #developed# or #enlarged# pursuant to the tower provisions of Section 108-35 (Towers), the maximum #building# height shall be 70 feet, except that on Bay Street where there is a maximum base height of 85 feet, the maximum #building height# also shall be 85 feet.

In C4-2 Districts within the Upland Subdistrict for #buildings# that are #developed# or #enlarged# pursuant to the tower provisions of Section 108-35, the maximum height of the tower portion of a #building# shall be 200 feet, and the height of all other portions of the #building# shall not exceed the applicable maximum base height. Where a maximum base height of 60 feet applies as shown on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter, such maximum base height shall be reduced to 40 feet for #zoning lots developed# or #enlarged# pursuant to the tower provisions of Section 108-35.

108-35 Towers

The tower provisions of this Section shall apply, as an option, to any #zoning lot# with a #lot area# of at least 10,000 square feet. Any portion of a #building developed# or #enlarged# on such #zoning lots# that exceeds the applicable maximum base height shall be constructed as either a point tower or a broad tower, as follows:

- (a) Point tower
 - (1) Tower lot coverage and maximum length

Each #story# located entirely above a height of 70 feet shall not exceed a gross area of 6,800 square feet. The outermost walls of each #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 85 feet.

(2) Tower top articulation

The highest three #stories#, or as many #stories# as are located entirely above a height of 70 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (a) (2), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

(b) Broad tower

Each #story# located entirely above a height of 70 feet shall not exceed a gross area of 8,800 square feet. The outermost walls of each such #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 135 feet. The upper #stories# shall provide setbacks with a minimum depth of 15 feet measured from the east facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of 70 feet, whichever is less. For towers with at least six #stories# located entirely above a height of 70 feet, the lowest level at which such setbacks may be provided is 100 feet, and the highest #story# shall be located entirely within the western half of the tower.

(c) Orientation of all towers

The maximum length of the outermost walls of any side of each #story# of a #building# facing the #shoreline# that is entirely above a height of 70 feet shall not exceed 80 feet. For the purposes of this Section, the #street line# of St. Marks Place shall be considered to be a line parallel to the #shoreline#, and any side of such rectangle facing St. Marks Place from which lines perpendicular to the #street line# of St. Marks Place may be drawn, regardless of intervening structures, properties or #streets#, shall not exceed 80 feet.

(d) Location of all towers

Any portion of a #building# that exceeds a height of 70 feet shall be no closer to a #side lot line# than eight feet, and any #story# of a #building# that is entirely above a height of 70 feet shall be located within 25 feet of a #street line# or sidewalk widening line, where applicable.

(e) Maximum tower height

The maximum height of any #building# utilizing the tower provisions of this Section shall be 200 feet. The height of the tower portion of the #building# shall be measured from the #base plane#.

(f) Tower and base integration

All portions of a #building# that exceed the applicable maximum base height set forth in Section 108-33 shall be set back at least 10 feet from the #street wall# of a #building# facing a #wide street# and at least 15 feet from the #street wall# of a #building# facing a #narrow street#. However, up to 50 percent of the #street wall# of the portion of the #building# located above a height of 70 feet need not be set back from the #street wall# of the #building#, and may rise without setback from grade, provided such portion of the #building# is set back at least 10 feet

from a #wide street line# or sidewalk widening line, where applicable, and at least 15 feet from a #narrow street line# or sidewalk widening line, where applicable.

(g) Tower exclusion areas

No #building# may exceed a height of 70 feet within the areas designated on Map 4 (Tower Restriction Areas) in the Appendix to this Chapter.

**108-40
MANDATORY IMPROVEMENTS**

**108-41
Sidewalks**

Sidewalks with a depth of at least 12 feet, measured perpendicular to the curb of a #street#, shall be provided along the entire #street# frontage of a #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 12 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 12 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

**108-42
Planting Areas**

The area of the #zoning lot# between the #street line# or sidewalk widening line, where applicable, and the #street wall# of the #building# shall be planted, except at the entrances to and exits from the #building#, or adjacent to #commercial uses# fronting on the #street#.

**108-50
PARKING REGULATIONS**

In the #Special St George District#, the underlying regulations governing permitted and required #accessory# off-street parking spaces are modified as set forth in this Section.

**108-51
Required off-street parking and loading**

In C4-2 Districts, the following special regulations shall apply:

a) Residential uses

One off-street parking space shall be provided for each #dwelling unit# created after (effective date of amendment), including any #dwelling units# within #buildings# converted pursuant to Article 1, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings). However, where the total number of required spaces is five or less, or, for conversions, where the total number of required spaces is 20 or less, no parking shall be required, except that such waiver provision shall not apply to any #zoning lot# subdivided after (effective date of amendment). The provisions of Section 73-46 (Waiver of Requirements for Conversions) shall apply to conversions where more than 20 parking spaces are required.

(b) Commercial uses

For #commercial uses#, the off-street parking and loading requirements of a C4-3 District shall apply, except that food stores with 2,000 or more square feet of #floor area# per establishment shall require one parking space per 400 square feet of #floor area#, and, for places of assembly and hotels, the off-street parking and loading requirements of a C4-2 District shall apply.

(c) Community facility use

For ambulatory diagnostic or treatment health care facilities listed in Use Group 4, the off-street parking requirements of a C4-3 District shall apply.

**108-52
Special Floor Area Regulations**

The #floor area# of a #building# shall not include floor space used for off-street parking spaces provided in any #story# that complies with the provisions of Section 108-54 (Location of Accessory Off-street Parking Spaces).

**108-53
Use of Parking Facilities**

All #accessory# off-street parking spaces may be provided within parking facilities, including #public parking garages#, on #zoning lots# other than the same #zoning lot# as the #use# to which they are #accessory#, provided:

- (a) such parking facilities are located within the #Special St. George District#;
- (b) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#; and
- (c) the number of #accessory# parking spaces within such facility shall not exceed the combined number of spaces permitted on each #zoning lot# using such facility, less the number of spaces provided on each #zoning lot# using such facility.

**108-54
Location of Accessory Off-street Parking Spaces**

No open parking areas shall be located between the #street wall# of a #building# and the #street line#, and no open parking area shall front upon a #commercial street#. All open parking areas, regardless of the number of parking spaces, shall comply with the perimeter screening requirements of Section 37-921.

All off-street parking spaces within structures shall be located within facilities that, except for entrances and exits, are:

- (a) entirely below the level of each #street# upon which such facility fronts; or
- (b) located, at every level above-grade, behind commercial, community facility or #residential floor area# so that no portion of such parking facility is visible from adjoining #streets#. The minimum depth of any such #floor area# shall be 30 feet, except that such depth may be reduced to 15 feet where the #street wall# containing such #floor area# fronts upon a #street# with a slope in excess of 11 percent; and

- (c) no parking shall be permitted on the roof of such facilities.

108-55

Special Requirements for Roofs of Parking Facilities

The roof of a facility containing off-street parking spaces, not otherwise covered by a #building#, which is larger than 400 square feet shall be landscaped. No parking spaces shall be provided on the roof of such facility. Up to five percent of such roof area may be used for mechanical equipment, provided that such mechanical equipment is screened from view by a fence which is at least 75 percent opaque or by at least three feet of dense planting. No less than 75 percent of such roof area shall be accessible for the recreational use of the occupants of the building in which it is located; and no more than 25 percent may be accessible solely from an adjacent #dwelling unit#. Hard surfaced areas shall not cover more than 60 percent of such roof area.

108-56

Curb Cuts on Commercial Streets

No curb cuts shall be permitted on #commercial streets# as shown on Map 2 in the Appendix to this Chapter. However, if access to a required #accessory# parking facility or loading berth is not possible because of such restriction, a curb cut may be allowed if the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that such location is the only possible location for the facility or loading berth, is not hazardous to traffic safety, is at least 50 feet from the intersection of two #street lines#, and is constructed so as to have minimal effect on the streetscape.

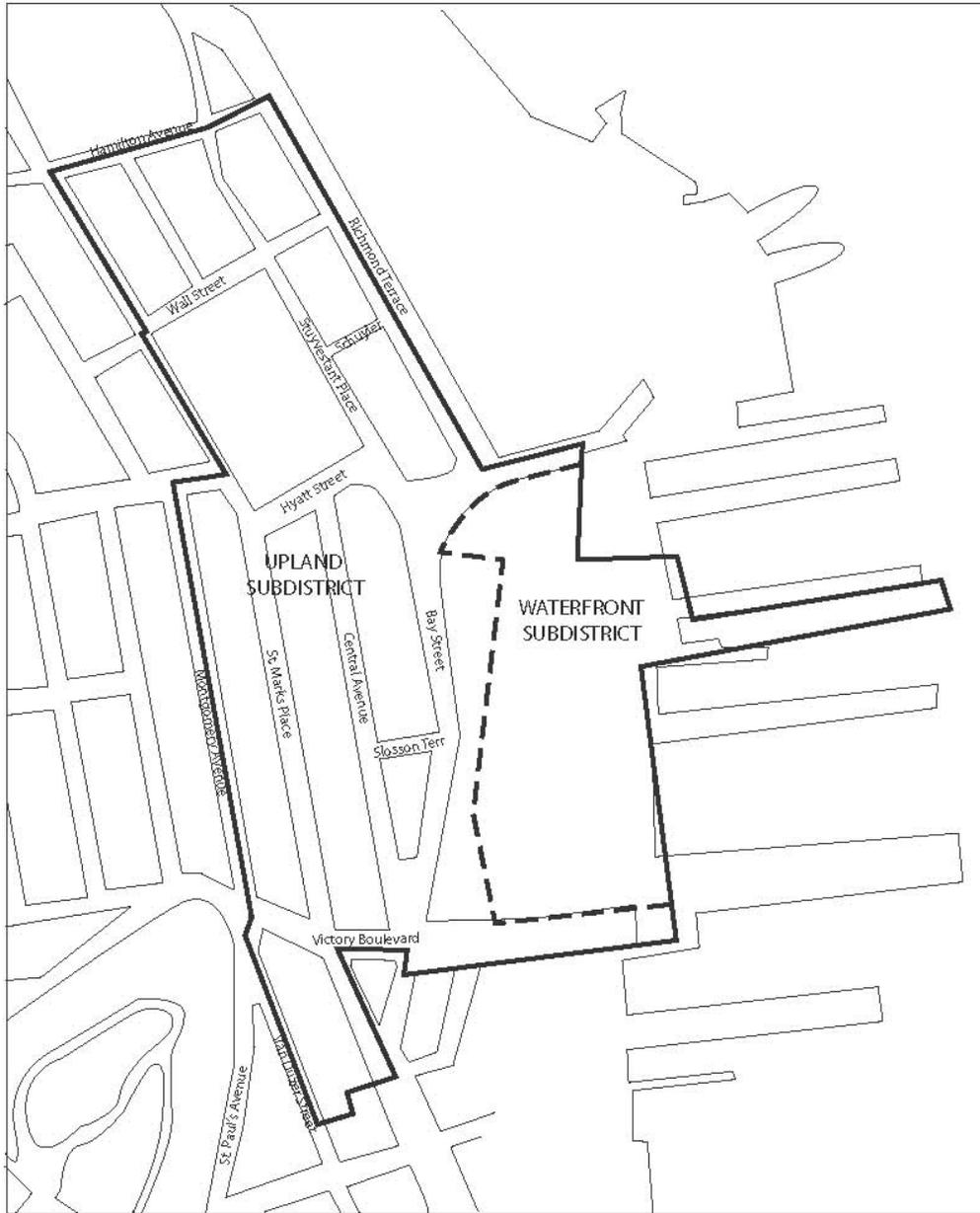
108-57

Accessory Indoor Bicycle Parking

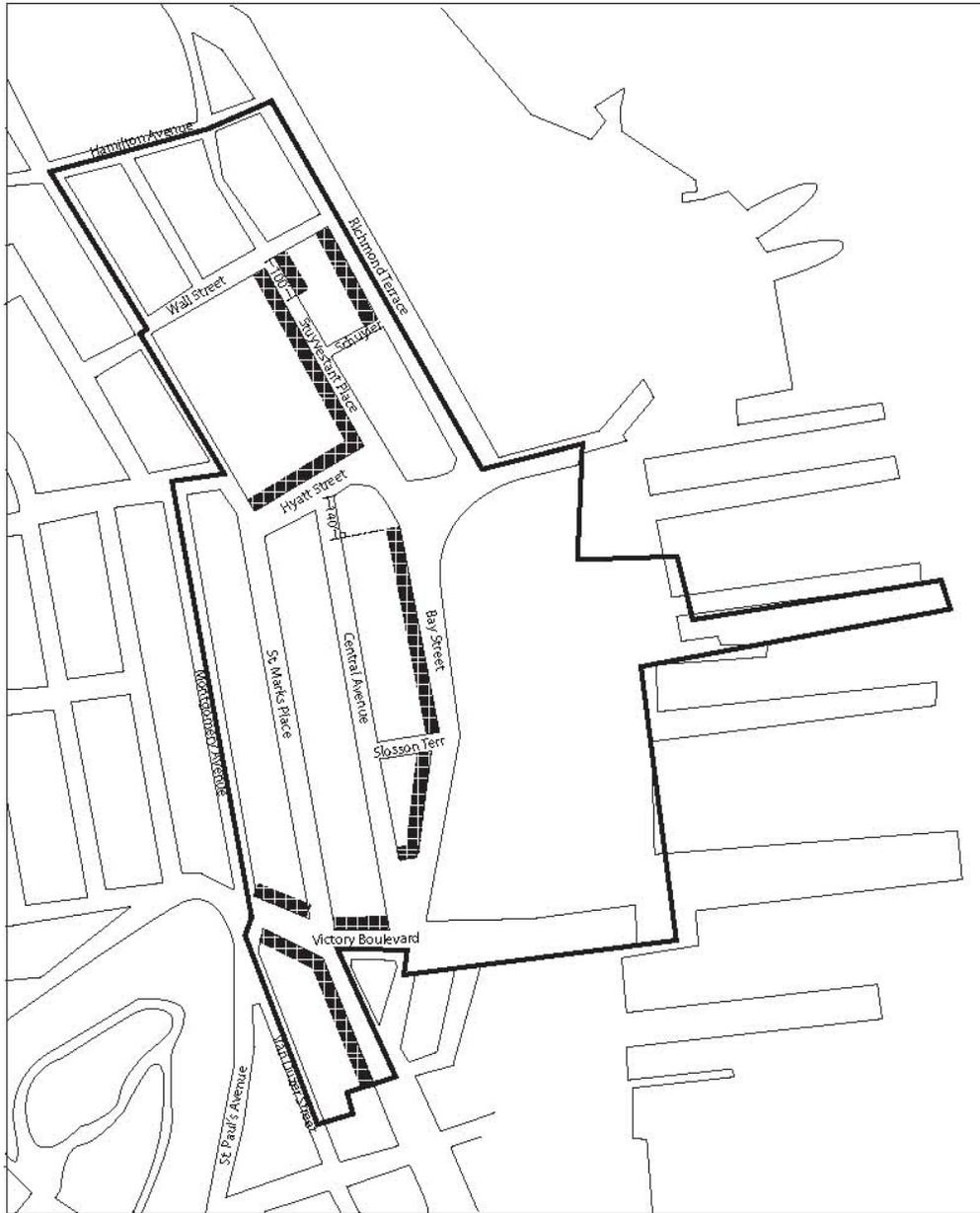
A designated area for #accessory# bicycle parking shall be provided for #developments# or #enlargements# with #residential# or #commercial uses#. Such facility shall be enclosed, accessible and secure. Floor space used for #accessory# bicycle parking located below a height of 33 feet, including #accessory# facilities, such as lockers, showers and circulation space, shall not be included in the definition of #floor area#.

- (a) For #residential developments# or #enlargements# with ten or more units per #building# or #building segment#, one bicycle parking space shall be provided for every two #dwelling units#, up to a maximum of 200 bicycle parking spaces.
- (b) For commercial office #developments# or #enlargements# with 10,000 square feet or more of office #floor area#, one bicycle parking space shall be provided for every 5,000 square feet of office space, up to a maximum of 200 bicycle parking spaces.
- (c) For commercial #developments# or #enlargements# with 10,000 square feet or more of retail or service #floor area#, one bicycle parking space shall be provided for every per 10,000 square feet of retail space, up to a maximum of 100 bicycle parking spaces.

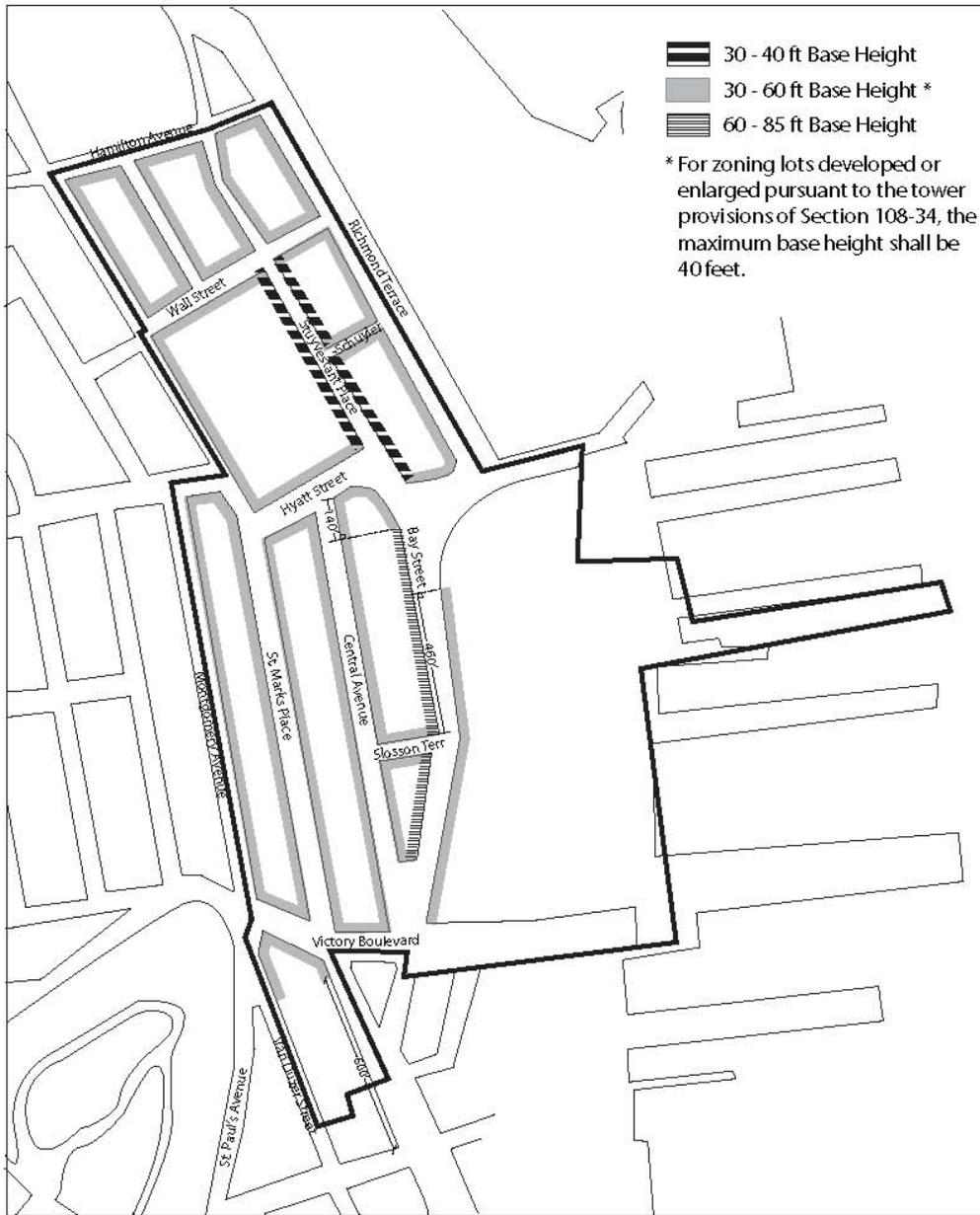
SPECIAL ST GEORGE DISTRICT PLAN MAPS
MAP 1. Special St. George District and Subdistricts



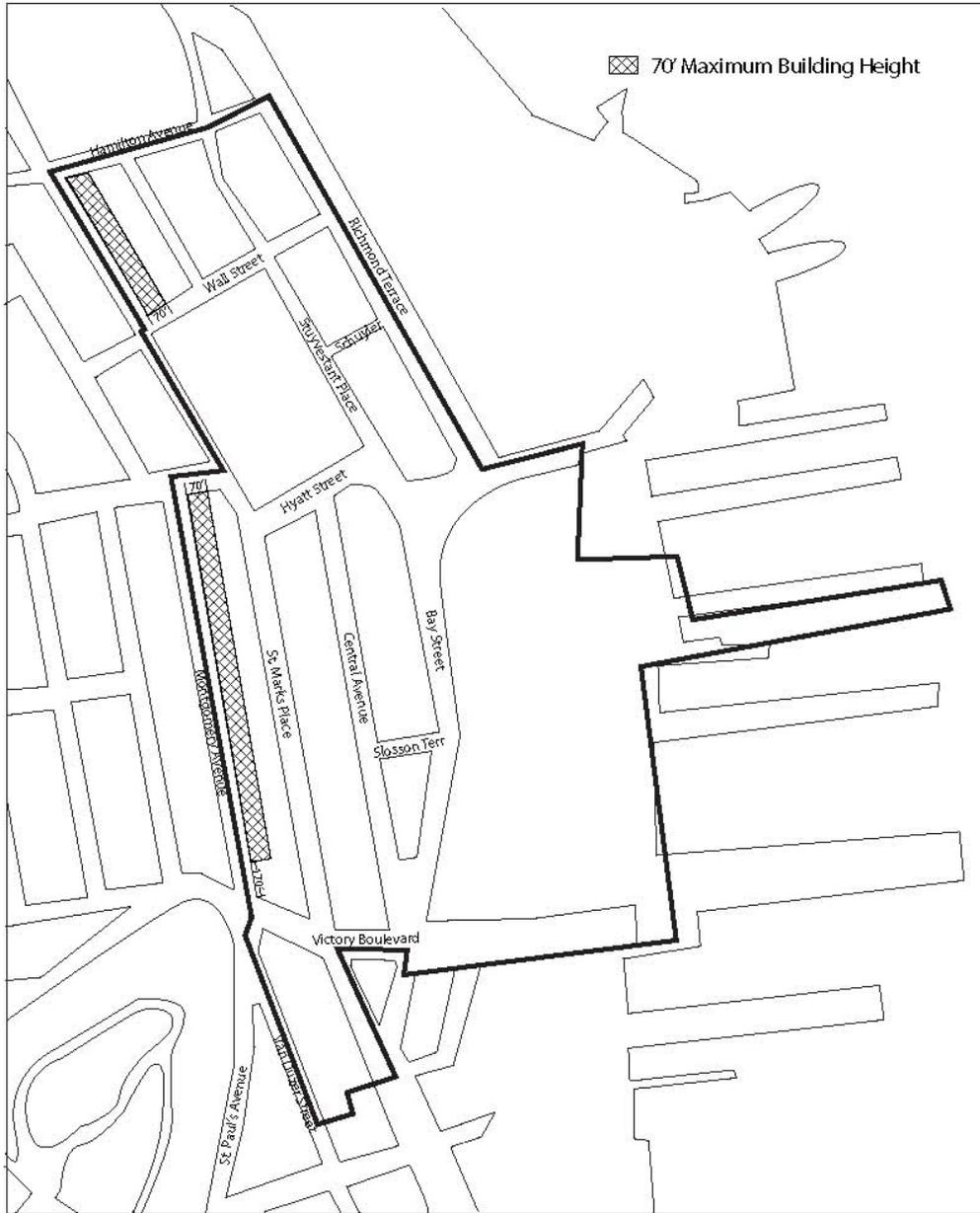
SPECIAL ST GEORGE DISTRICT PLAN MAPS
MAP 2. Commercial Streets



SPECIAL ST GEORGE DISTRICT PLAN MAPS
 MAP 3. Minimum and Maximum Base Heights



SPECIAL ST GEORGE DISTRICT PLAN MAPS
MAP 4. Tower Restriction Areas



The above resolution (N 080425 ZRR), duly adopted by the City Planning Commission on September 10, 2008 (Calendar No. 13), 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.

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