



## **CITY PLANNING COMMISSION**

November 16, 2005/Calendar No. 16

N 060022 ZRR

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**IN THE MATTER OF** an Application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, **for amendments to the Zoning Resolution** of the City of New York, relating to Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), and Article X, Chapter 7 (Special South Richmond Development District), concerning amendments to the regulations for Lower Density Growth Management Areas in the Borough of Staten Island.

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This application to amend the text of the Zoning Resolution was filed by the Department of City Planning on July 18, 2005. The proposal would affect developments on Staten Island in most lower density residential districts. It is intended to address issues of inappropriate development through changes to the regulations that determine minimum lot area per building, lot width, and shared open 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).

Since adoption of the LDGMA text amendments, the Department and the Task Force have identified three zoning sections that allow new developments that do not meet the intent of the LDGMA text amendment. These zoning sections concern the minimum lot area for a zoning lot, the minimum lot width for a zoning lot, and the required open area for yards. As a result, certain developments have been constructed that are not consistent with the surrounding neighborhood character and not consistent with the density protections of the LDGMA text amendment.

## **PROPOSED ACTION**

The Department of City Planning proposes to amend the Zoning Resolution to change Sections 23-32 (Minimum Lot Area or Lot Width for Residences), and 107-42 (Minimum Lot Area and Lot Width for Residences), and create a new Section 23-89 (Open Area Requirements for Residences in Lower Density Growth Management Areas in the Borough of Staten Island). The proposed text amendments would only apply to Lower Density Growth Management Areas in the Borough of Staten Island.

### **Minimum Lot Area (Sections 23-32 and 107-42)**

Under the current LDGMA rules, more than one building can be developed on a single zoning lot. Historically, the zoning regulations for minimum lot area have been written and interpreted so that each zoning lot – not each building – must meet certain minimum requirements. The maximum number of dwelling units on the lot is determined by a density factor specific to each zoning district. However, the actual number of buildings that could be constructed may be limited by other rules, including the type of building allowed in the zoning district, requirements for side yards, rear yards and front yards, and spacing between buildings and between curb cuts. The result is that on a large zoning lot, more buildings and dwelling units could be constructed, than if the same property were subdivided into several zoning lots. To address this concern, the proposed text amendment would amend Section 23-32 to require that in LDGMA areas in Staten Island the applicable minimum lot area will be multiplied by the number of residential buildings on the zoning lot, so that the achievable density on large lots with multiple buildings would be the same as for smaller lots.

Additionally, the proposed text amendment would change two aspects of Section 107-42 of the Special South Richmond Development District (SSRDD) text. First, the R3X density factor would be increased from 1000 to 1140, the R3A density factor would be increased from 710 to 1000, and the R3-1 and R3-2 semi-detached residence density factor would be increased from 625 to 685 in order to meet the larger lot area requirements of the Special South Richmond Development District. Second, the proposal would allow one single-family or one two-family house where permitted to be built on

small lots that existed prior to the enactment of the SSRDD. A current requirement states that only one single-family house can be built on such lots. This will make the SSRDD rule consistent with the rest of the city and provide consistent rules for development throughout the LDGMA on Staten Island.

**Minimum Lot Width (Sections 23-32 and 107-42)**

The Zoning Resolution mandates a minimum zoning lot width for each residential district (e.g., 40 feet in an R2 district, 30 feet in an R4A district). Where streets follow a grid pattern, and zoning lots are typically regular in shape, determining the width of a zoning lot is straightforward. On Staten Island, where there is no regular pattern to the street network, most streets follow the natural topography of the island or have been defined by private road developments. In many instances, zoning lots are irregular or uniquely shaped. In these circumstances, the zoning rules allow a property owner to use an averaging method to determine the overall lot width. As a result, the Task Force identified several instances where property owners have used this averaging to subdivide zoning lots to build more houses than is normally anticipated or intended by the LDGMA text amendments.

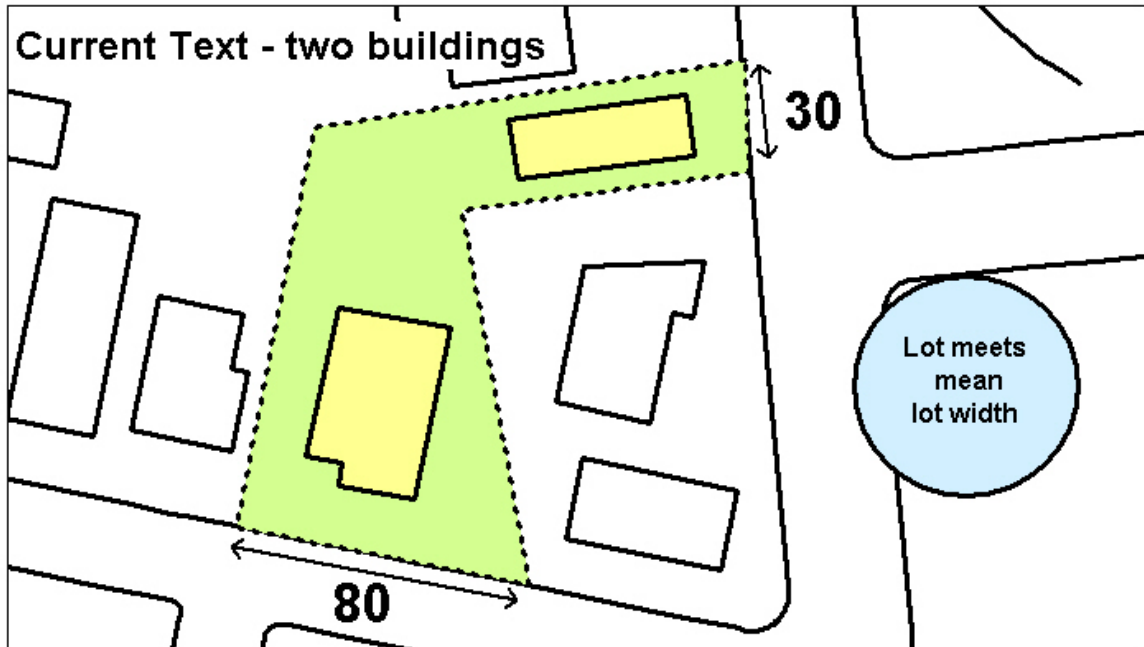
To address this issue, the proposed text amendment would amend Sections 23-32 and 107-42 to require additional minimum lot width rules for new construction. In addition to meeting the minimum mean lot width rule (averaging method), the zoning lot would also have to meet a minimum lot width requirement at the street line, and new residential construction could not be

located on that portion of the zoning lot where the minimum lot width is not provided between the opposing side lot lines. In addition to these minimum lot width rules, on a corner lot, the minimum lot width requirement would have to be met at the street line for all intersecting streets.

On “L-shaped” lots (lots that front more than one street, but do not occupy the corner or intersection of the streets), the minimum lot width requirement would only have to be met at one of the two street lines; however, new residential construction would not be allowed on that portion of the zoning lot where the minimum lot width is not provided between the opposing side lot lines.

The following graphic illustrates the minimum lot width rules that would have to be met for new developments.

## Minimum Lot Width



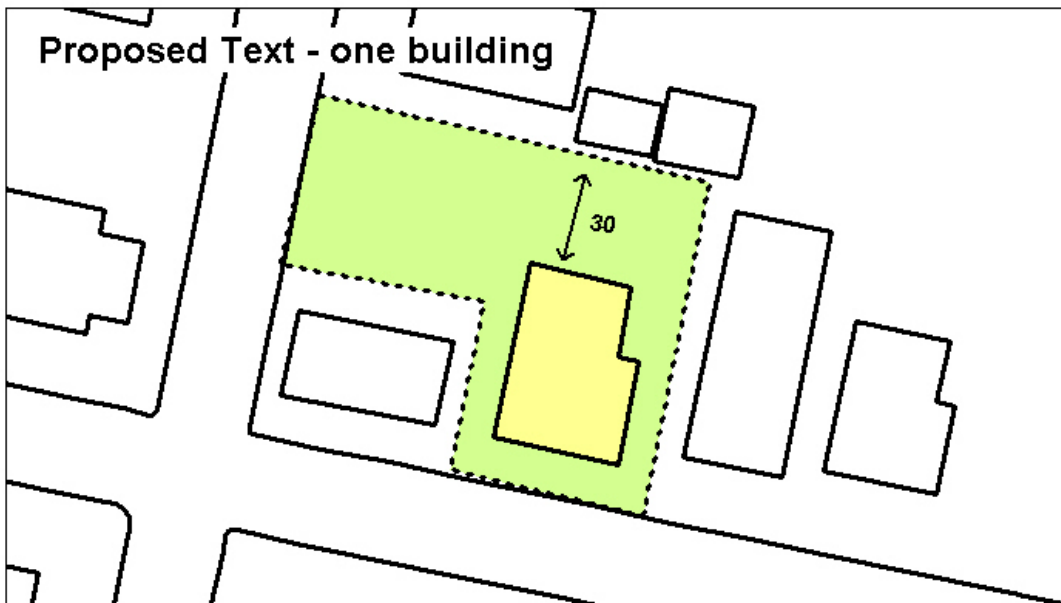
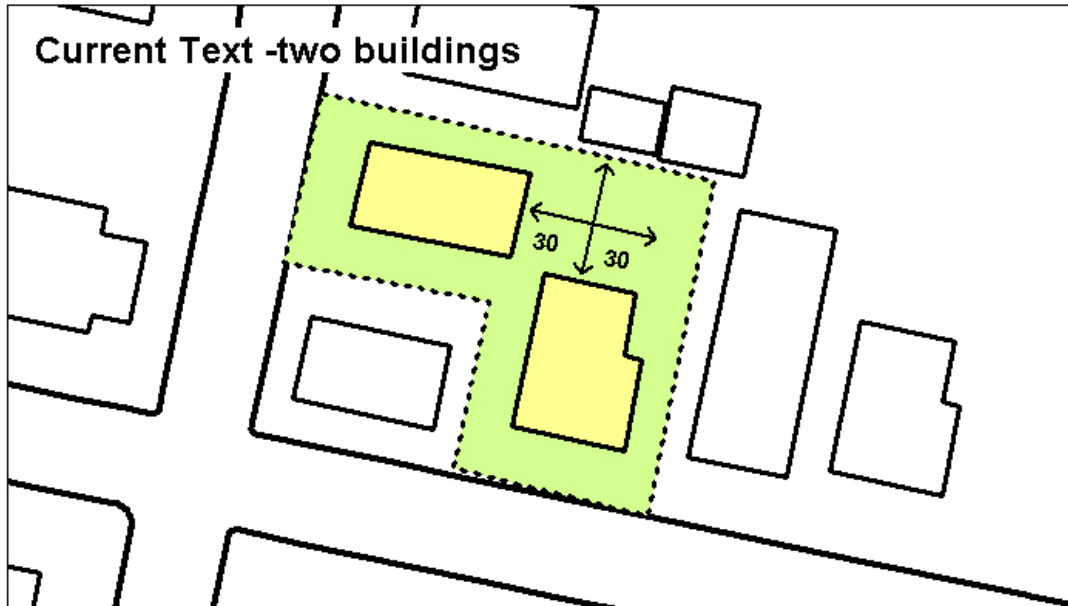
Proposed Text - one building

These proposed text amendments are intended to strengthen the minimum lot width rules and limit the opportunity to subdivide zoning lots to increase the achievable density which was not the intent of the LDGMA regulations.

### **Restrictions on Shared Open Area (Section 23-89)**

One of the original goals of the Task Force was to identify appropriate rules to direct the development of multiple buildings on a single zoning lot to ensure adequate open space and yards. To ensure that all new housing had adequate open space, the LDGMA text amendments adopted in August 2004 required that new residential buildings have a 30-foot-deep open area behind the rear wall of the house to serve as a rear yard. However, the current LDGMA regulations do not preclude this open area from being shared by two separate buildings, which is contrary to the original intent of the Task Force recommendation. The proposed text amendment creates a new Section 23-89 to clarify the language so that each building must have its own 30-foot deep open area, which cannot be shared with other buildings. As noted in the graphic below, future developments would be required to provide a usable rear yard that cannot be shared, as intended by the Task Force's original recommendations. A developer could meet this requirement by reducing the size of the buildings; decreasing the number of buildings on a zoning lot; or building on a larger zoning lot.

## Shared Open Areas





## **ENVIRONMENTAL REVIEW**

This application (N 060022 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 06DCP003R. 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 8, 2005.

## **PUBLIC REVIEW**

On August 8, 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 President Review**

The Borough President of Staten Island issued a recommendation approving the application on October 5, 2005.

### **Borough Board Review**

The Borough Board of Staten Island adopted a resolution in favor of the text amendment on October 5, 2005.

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

On September 28, 2005 (Calendar No. 4) City Planning Commission scheduled October 19, 2005, for a public hearing on this application (N 060022 ZRR). The hearing was duly held on October 19, 2005 (Calendar No. 41). 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 and urged the City Planning Commission to approve the amendment to close “loopholes” used by overzealous developers. He said that the current rules allow developers to build homes that would undermine the neighborhood character.

There were no other speakers and the hearing was closed.

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

This application (N 060022 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 04DCP046R.

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 to the Zoning Resolution 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 three issues that have resulted, in certain circumstances, in developments contrary to the intent of the original LDGMA regulations. This text amendment responds to these issues and will help ensure that that future residential development meets the goals of the Lower Density Growth Management Area.

The Commission notes that the existing regulations for minimum lot area, minimum lot width, and shared open areas allow development of property that is inconsistent with the intent of the Task Force recommendations and the LDGMA text amendment. The recommendations and LDGMA text amendment were intended to ensure development more consistent with the prevailing neighborhood character by ensuring adequate space for yards, open space and parking. The Commission notes that it is difficult for any comprehensive text amendment to anticipate every unique situation and lot condition. This text amendment responds to these unique situations.

By modifying the density rules in the Special South Richmond District and requiring that each residential building on a zoning lot provide the minimum lot area required by the zoning district, multiple buildings on a single zoning lot will have a density similar to developments where zoning lots have been subdivided. In addition, the proposed changes for minimum lot width will better address development on irregular lots, and help ensure development more consistent with the prevailing neighborhood character. Moreover, the Commission believes these changes to the

minimum lot width regulations will preclude creative subdivisions to increase the achievable density. Finally, the original LDGMA requirement for a 30-foot required open area behind residential buildings, primarily applicable in instances with multiple buildings on a single zoning lot, was intended to ensure that each residential building had usable rear yards. The proposed change will ensure that this is achieved by eliminating the potential for the open area to be shared by multiple buildings.

The Commission believes that amending the LDGMA regulations through this text amendment will fine-tune and clarify the LDGMA rules for development and is an appropriate response to ensure the future quality of life on Staten Island. The Commission concludes that this amendment further assures that new development will reinforce neighborhood character and enhance the quality of life on Staten Island.

## **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

**23-30  
LOT AREA AND LOT WIDTH REGULATIONS**

\* \* \*

**23-32  
Minimum Lot Area or Lot Width for Residences**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as provided in Section 23-33 (Special Provisions for Existing Small Lots), no #residence# is permitted on a #zoning lot# with a total #lot area# or #lot width# less than as set forth in the following table:

**REQUIRED MINIMUM LOT AREA AND LOT WIDTH**

Type of #Residence#	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)	District
#Single-family detached#	9,500	100	R1-1
	5,700	60	R1-2
	3,800	40	R2 R2A
	2,850	30	R2X
#Single-# or #two-family detached# or #zero lot line# where permitted	3,800	40	R3-1 R3-2 R4-R10
	3,325	35	R3X
	2,850	30	R4A*
	2,375	25	R3A* R4B R4-1* R5B
Any other permitted	1,700	18	R3-R10*

However, in #lower density growth management areas# in the Borough of Staten Island, the following rules shall apply:

- (a) Where two or more #buildings# that are #single# or #two-family detached# or #semi-detached residences# are located on a #zoning lot#, the applicable minimum #lot area# requirement set forth in the table above shall be multiplied by the number of such #buildings# on the #zoning lot#.
- (b) The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that the applicable lot width, in feet, set forth in the table above shall be met along at least one #street line# of the #zoning lot#, or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum lot width, in feet, set forth in the table above.

\* In #lower density growth management areas#, for #two-family detached# and #two-family zero lot line residences#, where permitted, in R3A, R4A and R4-1 Districts, and for #two-family semi-detached residences# in R3-1, R3-2 and R4-1 Districts, the minimum #lot area# shall be 3,135 square feet and the minimum #lot width# shall be 33 feet.

\* \* \*



**23-33**

**Special Provisions for Existing Small Lots**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, either one #single-family detached residence# or, where permitted, one #single-# or #two-family residence# may be built upon a #zoning lot# consisting entirely of a tract of land that:

- (a) has less than the prescribed minimum #lot area# or #lot width#, or, in #lower density growth management areas# in the Borough of Staten Island does not comply with the provisions of Section 23-32 Minimum Lot Area or Lot Width for Residences);
- (b) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit, or in R2X, R3A, R3X or R4A Districts, both on the effective date of establishing such district on the #zoning maps# and on the date of application for a building permit, or in #lower density growth management areas#, both on (effective date of amendment) and on the date of application for building permit; and
- (c) if #developed# as a #two-family residence#, meets the applicable density requirement of the zoning district in which such #zoning lot# is located.

\* \* \*

**23-80**

**COURT REGULATIONS, ~~AND~~ MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS**

\* \* \*

**23-89**

**Open Area Requirements for Residences in Lower Density Growth Management Areas in the Borough of Staten Island**

The provisions of this Section shall apply in #lower density growth management areas# in the Borough of Staten Island, to all #zoning lots# in #Residence Districts# with two or more

#residential buildings# or #building segments#. All such #residential buildings# or #building segments# shall provide open areas as set forth below:

- (a) An open area shall be provided adjacent to the rear wall of each such #building# or #building segment#. For the purposes of this Section, the “rear wall” shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 30 feet when measured perpendicular to each rear wall. No such open areas shall serve more than one #building# or #building segment#. Only those obstructions set forth in paragraph (b) of Section 23-44 shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways shall not be permitted within such open areas.
  
- (b) For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private road#, one wall of such #building# or #building segment# shall be designated the rear wall, and the open area provisions of this Section applied adjacent to such wall. However, for not more than one #building# or #building segment# located at the corner of intersecting #streets# or #private roads#, the depth of such required open area may be reduced to 20 feet.

\* \* \*

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

~~For the purposes of this Chapter, all #residences# permitted by the underlying district regulations shall comply with the minimum #lot area# and #lot width# requirements which shall vary with the building height as set forth in Table A.~~

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

The #lot width# requirements set forth in this Section shall be applied as set forth in the definition of #lot width# in Section 12-10, provided that the applicable lot width, in feet, set forth in the table above shall be met along at least one #street line# of the #zoning lot#, or, for #corner lots#, along each intersecting #street line#. No #residence#, or portion thereof, shall be permitted between opposing #side lot lines# where such #lot lines# would be nearer to one another at any point where such #residence# is located than the applicable minimum lot width, in feet, set forth in the table above.

However, one #single-family detached residence# or, where permitted, one #single# or #two-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land, that:

- (a) has less than the minimum of #lot area# or #lot width# ~~prescribed in Table A~~ lot width required pursuant to this Section; and
- (b) was owned separately and individually from all other adjoining tracts of land, ~~both on September 11, 1975 and on the date of application for a building permit,~~ both on (effective date of amendment) and on the date of application for a building permit.

In all cases, the density regulations of the applicable district shall remain in effect, except that the factor for determining the maximum number of #dwelling units# shall be 1,000 in R3A and R4A Districts, 1,140 in R3X Districts, and 685 for #semi-detached residences# in R3-1 and R3-2 Districts.

TABLE A

District	Type of #Residence#	<u>Minimum</u> #Lot Area# (in sq.ft.)	Minimum Lot Width (in feet)	Minimum Height (in stories)
R1-1	#detached#	9,500	100	1-4
R1-2	#detached#	5,700	40 50 60	1-2 3 4
R-2	#detached#	3,800	40	1-4
R3-1	#detached#	3,800	40 45	1-2 3-4
R3-1 R3-2	#semi-detached#	2,375 3,800	24 40	1-2 3-4
R3-2	#detached#	3,800 4,275	40 45	1-2 3-4
	#attached#	1,700 2,280	18 24	1-2 3-4
R3A	#detached#	3,325	35	1-3
R3X	#detached#	3,800 4,750 5,700	40 50 60	1-2 3 4
R4A	#detached#	3,325	35	1-3
R4-1	#semi-detached# #detached#	2,375 3,325	24 35	1-3 1-3

\* \* \*

The above resolution (N 060022 ZRR), duly adopted by the City Planning Commission on

November 16, 2005 (Calendar No. 16), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d 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 EADDY,**  
**JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,**  
**KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**