



CITY PLANNING COMMISSION

February 27, 2008 | Supplemental Calendar No. 1

N 080149 ZRY

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of Section 12-10 (Definitions) of the Zoning Resolution of the City of New York, modifying regulations pertaining to floor area calculations for stairwells of residential buildings taller than 125 feet.

The application for an amendment of the Zoning Resolution was filed by the Department of City Planning on October 31, 2007, to revise regulations pertaining to floor area calculations for stairwells of residential buildings taller than 125 feet within all R6 through R10 zoning districts and their commercial equivalents.

BACKGROUND

The City Council adopted a new Building Code, which was proposed by Department of Buildings, in July 2007. The new Code will be phased in over time and become fully mandated in July 2009. Many provisions of the new Code address building safety measures. One provision requires wider stairwells in residential buildings taller than 125 feet. Currently, the Code requires that such stairwells be 36 inches wide. The new Code will require a width of 44 inches to better ensure adequate egress in the event of a fire or other emergency.

The Zoning Resolution considers stairwells as floor area. Buildings taller than 125 feet generally require two sets of stairs for emergency egress. These stairs are typically provided in a “scissors” configuration, which allows both stairs to be enclosed within the same stairwell. The

additional eight inch width required by the new Code would amount to approximately 40 square feet of floor area per stairwell on each floor. It is therefore possible that provision of the required wider stairwells could result in slightly smaller apartments on each floor. The proposed text amendment would exclude from the definition of floor area the additional eight inches in width that the new Building Code will require for residential buildings taller than 125 feet.

ENVIRONMENTAL REVIEW

This application (N 080149 ZRY) 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 07DOB001Y. The lead is the Department of Buildings.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 25, 2007.

PUBLIC REVIEW

This application (N 080149 ZRY) was duly referred on November 13, 2007, to all community boards, borough presidents and borough boards in accordance with the procedure for referring

non-ULURP matters.

Community Board Review

Brooklyn

On December 17, 2007, Community Board 10 voted to approve the application by a vote of 43 in favor, 0 opposed, 1 recusal.

On December 18, 2007, Community Board 12 voted to approve the application by a vote of 33 in favor, 0 opposed.

Manhattan

On December 18, 2007, Community Board 1 voted to approve the application by a vote of 35 in favor, 1 opposed, 0 abstained, 0 recused with the following comments:

- No more than one additional floor could be added because of the difference in treatment of floor area
- The text amendment would not apply to a building with a footprint in excess of 5,000 square feet unless such building contained an affordable housing component
- Any increase in permissible height of bulk would not be transferable to another site

On December 27, 2007, Community Board 2 voted to approve the application by a vote of 39 members in favor, 0 opposed.

On December 14, 2007, Community Board 6 voted to disapprove the application by a vote of 38 in favor, 2 opposed, 0 abstentions.

On January 2, 2008, Community Board 7 voted to approve the application by a vote of 34 in favor, 0 opposed, 2 abstentions.

Queens

On December 18, 2007, Community Board 1 voted to approve the application.

On January 10, 2008, Community Board 2 voted to approve the application by a vote of 26 in favor, 1 opposed, 0 abstentions.

On December 11, 2007, Community Board 9 voted to approve the application.

Staten Island

On January 8, 2008, Community Board 1 voted to disapprove the application by a vote of 19 in favor, 11 opposed, 1 abstention.

On January 23, 2008, Community Board 3 voted to disapprove the application.

Borough President Review

No recommendations were received.

Borough Board Review

No recommendations were received.

City Planning Commission Public Hearing

On January 30, 2007 (Calendar No. 25), the City Planning Commission scheduled February 13, 2007, for a public hearing on this application (N 080149 ZRY). The hearing was duly held on February 13, 2007 (Calendar No. 56). There was one speaker in favor of the application and none in opposition.

The Executive Director of Code Relations for the Department of Buildings spoke in favor of the application.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application 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 08-021. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the application for the zoning text amendment (N 080149 ZRY), is appropriate.

The Commission believes the new Building Code with respect to stairwells is appropriate to ensure better egress in the event of an emergency. The proposed text amendment would ensure that the new Building Code requirement would not impact on apartment size and/or number in buildings taller than 125 feet. The Commission notes that the proposed text change could possibly result in minimally taller buildings but further notes that such buildings would still have to comply with the applicable height and setback regulations which are not changed by the proposed text amendment.

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

* * *

Chapter 2
Construction of Language and Definitions

* * *

12-10
DEFINITIONS

* * *

Floor Area

* * *

However, the #floor area# of a #building# shall not include:

* * *

(11) floor space within stairwells at each floor of #residential buildings developed# or #enlarged# after (date of amendment) that are greater than 125 feet in height; provided:

(i) such stairwells are located on a #story# containing #residences#;

- (ii) such stairwells are used as a required means of egress from such #residential buildings#.
- (iii) such stairwells have a minimum width of forty four inches;
- (iv) such floor space excluded from #floor area# shall be limited to a maximum of eight inches of stair and landing width measured along the length of the stairwell enclosure at each floor; and
- (v) where such stairwells serve non-#residential uses# on any floor, or are located within multi-level #dwelling units#, the entire floor space within such stairwells on such floors shall count as #floor area#.

* * *

The above resolution (N 080149 ZRY), duly adopted by the City Planning Commission on February 27, 2008 (Supplemental Calendar No. 1), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA DEL TORO, RICHARD W. EADDY,
NATHAN LEVANTHAL, SHIRLEY A. McRAE, JOHN MEROLO, Commissioners