



Legislation Details (With Text)

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In control: Committee on Land Use

On agenda: 12/21/2005

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Title: Resolution approving the decision of the City Planning Commission on Application No. N 060066 ZRR, for amendments to the Zoning Resolution of the City of New York, relating to Article I, Chapter 2, (Definitions), Article III, Chapter 2 (Use Regulations), Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), Chapter 7 (Special Regulations), Article VII, Chapter 4 (Use Permits), concerning regulations for commercial development in Lower Density Growth Management Areas in Staten Island (L.U. No. 671).

Sponsors: Melinda R. Katz, Tony Avella

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 12/21/05

Date	Ver.	Action By	Action	Result
12/19/2005	*	Committee on Land Use	P-C Item Approved by Comm	
12/21/2005	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1332

Resolution approving the decision of the City Planning Commission on Application No. N 060066 ZRR, for amendments to the Zoning Resolution of the City of New York, relating to Article I, Chapter 2, (Definitions), Article III, Chapter 2 (Use Regulations), Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), Chapter 7 (Special Regulations), Article VII, Chapter 4 (Use Permits), concerning regulations for commercial development in Lower Density Growth Management Areas in Staten Island (L.U. No. 671).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on December 7, 2005 its decision dated December 7, 2005 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 060066 ZRR) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 060061 ZMR (L.U. No. 668), C 060062 ZMR (L.U. No. 669), and C 060063 ZMR (L.U. No. 670), amendments to the Zoning Map;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 15, 2005;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on August 22, 2005 and revised on December 7, 2005 (CEQR No. 06DCP013R);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment;

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

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

ARTICLE 1

* * *

**Section 12-10
DEFINITIONS**

* * *

Lower Density Growth Management Area

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

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

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

* * *

ARTICLE III

**Chapter 2
Use Regulations**

* * *

**32-11
Use Groups 1 and 2**

C1 C2 C3 C4 C5 C6

Use Groups 1 and 2, as set forth in Section 22-11 and Section 22-12. However, in C3A Districts,

Use Group 2 shall be limited to ~~single-or-two-family detached~~ or ~~zero lot line residences~~.

In ~~lower density growth management areas~~ in the Borough of Staten Island, except C3A Districts, Use Groups 1 and 2 shall only be permitted within ~~mixed buildings~~ except that in C4-1 Districts that occupy at least four acres within a ~~block~~, and in other C4-1 Districts ~~for zoning lots~~ that, on (effective date of amendment) were greater than 20,000 square feet, ~~residences~~ shall be allowed only by special permit of the City Planning Commission pursuant to Section 74-49 (Residential Use in C4-1 Districts in The Borough of Staten Island).

* * *

32-43
Ground Floor Uses in Certain Locations

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

32-431
Ground floor use in C1-8A, C1-9A, C2-7A, C2-8A, C4-6A and C4-7A Districts

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

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

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

32-432
Ground floor use in Community Board 7, Borough of Manhattan

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

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

32-433
Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island

In all C1, C2 and C4 Districts in the Borough of Staten Island, ~~uses~~ on the ground floor of a ~~building~~ shall be limited to non-residential uses. The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the asbuilt level of the adjoining ~~street~~.

Non-residential uses shall have a depth of at least 30 feet from the ~~street wall~~ of the ~~building~~ and extend along the entire width of the ~~building~~ except for lobbies and entrances to ~~accessory~~ parking spaces provided such lobbies and entrances do not occupy more than 25 percent of the ~~street wall~~ width of the ~~building~~. Enclosed parking spaces, or parking spaces covered by a ~~building~~, including such spaces ~~accessory~~ to ~~residences~~ shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the ~~street wall~~ of the ~~building~~.

* * *

Chapter 5
Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-23
Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

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

(a) In the districts indicated, the ~~bulk~~ regulations for ~~residential~~ portions of ~~mixed buildings~~ are the ~~bulk~~ regulations

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

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

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

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

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**Chapter 7
Special Regulations**

* * *

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

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

In all C1, C2 and C4-1 Districts in the Borough of Staten Island, all #developments# or #enlargements# containing non-#residential uses# shall be screened from adjoining #zoning lots# containing only #residential uses# along the common #side lot line# by a planting strip at least five feet wide and densely planted with evergreen shrubs at least four feet high at time of planting and of a variety expected to reach a height of six feet within three years. No chain link fences shall be permitted. However, no such screening shall be required where both such #buildings# front upon a #streetline# that forms the boundary of a blockfront mapped entirely as a #commercial district#.

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

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

* * *

**74-40
AMUSEMENT ESTABLISHMENTS**

USE PERMITS

* * *

74-49

Residential Use in C4-1 Districts in Staten Island

In the Borough of Staten Island, in C4-1 Districts that occupy at least four acres within a #block# and in other C4-1 Districts for #zoning lots# that, on (effective date of amendment) were greater than 20,000 square feet, the City Planning Commission may permit #residences# provided such #residences# comply with the #bulk# regulations for R5 Districts as set forth in Article 2 Chapter 3, or, for #mixed buildings#, Article 3, Chapter 5.

In order to grant such permit, the Commission shall find that such #residences# are part of a superior site plan, such #residences# are compatible with the character of the surrounding area, and that the #streets# providing access to such #residences# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

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

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on December 21, 2005, on file in this office.

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City Clerk, Clerk of The Council