As part of the on-going efforts of the Mayor’s Staten Island Growth Management Task Force, the Department of City Planning is proposing a text amendment to Lower Density Growth Management Areas (LDGMA). This text amendment responds to concerns regarding large-scale medical facilities and day care centers that are located in lower-density districts and do not provide sufficient parking. The proposal would provide stricter regulations in residential areas while encouraging these uses in more appropriate commercial districts. In addition to Staten Island, the text amendment would apply to Bronx’s Community Board 10, which is designated as an LDGM area and present the same issues.

The proposal addresses how current LDGM commercial rules are applied in Staten Island. The proposal would also include the rezoning of three existing commercial corridors along Richmond Avenue and Hylan Boulevard in Staten Island that are located in residential zoning districts and where existing LDGMA commercial regulations and commercial parking lot design guidelines do not apply. This rezoning would provide a consistent regulatory framework for these corridors and facilitate reinvestment by business owners.

What do the changes entail?

- **Proposed Medical Offices and Day Care Centers Text Amendment**
  - The Department of City Planning is proposing a text amendment to address the issue of over-sized and under-parked medical offices and day care centers in lower-density Residential Districts. The proposal would limit the size of future buildings with medical offices and day care centers to the same rules as any residential building surrounding it.
  - Applicability: LDGM areas of Staten Island and Bronx’s Community Board 10.

- **Proposed Commercial Regulation Updates**
  - Stricter Lower Density Growth Management Area commercial rules were adopted in October and December 2005. These rules restricted Residential uses to above the ground floor in commercial districts to allow buildings with residential units above retail. Since then, implementation and practice of those rules have identified several unattended consequences that have hampered appropriate development and are proposed to be corrected.
  - Applicability: LDGM areas of Staten Island

- **Proposed Commercial Corridor Rezoning**
  - The Department of City Planning has identified several commercial corridors that are located in residential districts. LDGMA commercial rules and the updated commercial parking lot design guidelines do not apply to these existing businesses since they are not located in commercial districts. The rezoning would establish commercial districts at these locations to create a predictable regulatory framework.
  - Applicability: Three proposed rezoning areas on Richmond Avenue and Hylan Boulevard in SI CD 2 and SI CD 3.

Public Review
The LDGM text amendment and Commercial Corridor Rezoning began formal public review on September 13, 2010 with the Department of City Planning’s referral of the non-ULURP LDGM Community Facility zoning text amendment (N 110070 ZRY) to SI CB1, SI CB2, SI CB 3 and Bronx CD 10 and certification of the Uniform Land Use Review Procedure (ULURP) application (C 110069 ZMR) to SI CB2 and SI CB 3 for the SI Commercial Corridor Rezoning.
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<thead>
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<tr>
<td>Bronx Community Board 10 Approval</td>
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For more information about this proposal please contact either the Department of City Planning’s Staten Island Office at (718) 556-7240 or the Bronx Office at (718) 220-8500.
LDGMA Text Amendment and Commercial Corridor Rezoning - Approved!
Proposed Medical Offices and Day Care Centers Text Amendment

The Department of City Planning is proposing a text amendment to tackle the issue of over-sized and under-parked Medical Offices and Day Care Centers in lower-density Residential Districts on Staten Island and in Bronx Community District 10. The proposal is to limit the size of future buildings with medical offices and day care centers to the same rules as any residential building surrounding it. The proposal will also require a minimum zoning lot area and lot width in order to accommodate new parking requirements.

At the same time it is important to maintain the opportunity to meet the need for health care services and day care providers in these areas. The Department is proposing to modify rules in Commercial Districts which are more appropriate locations for Medical Offices and Day Care Centers.

View the adopted text amendment.

Task Force Presentations
On April 8, 2010 the Department of City Planning presented this proposal to the Mayor’s Staten Island Growth Management Task Force. The Task Force recommended that the proposal be presented to all affected Community Boards for discussion and to encourage public input.

The proposal was presented on the following dates:
Thursday, April 22 – Staten Island Community Board 3 Land Use Committee
Monday, May 3 – Staten Island Community Board 1 Land Use Committee
Tuesday, May 4 – Staten Island Community Board 2 Land Use Committee
Tuesday, May 4 – Bronx Community Board 10 Land Use Committee

Medical Offices in a Low Density Residential Districts - Note, for the purposes of this presentation the terms Medical Offices and Medical Facilities is used; however the defined term in zoning is "ambulatory diagnostic or treatment health care facilities.

- Maximum Size of Facility
  Medical offices are limited to 1,500 square feet of floor area in a residential building. However, since cellar space (below the ground floor) is not counted as floor area, it allows larger than anticipated medical offices.

  Proposal
  The proposed text amendment would limit medical offices to 1,500 square feet for the entire residential building, including cellar space.

- Maximum Floor Area Ratio (FAR)
  Buildings with residences are limited to a floor area ratio (FAR) but oftentimes, a building using only community facility uses can utilize a much higher community facility FAR. For example in R3 districts, the residential FAR is 0.6, while the community facility FAR is 1.0. This can result in a medical facility out of scale with the surrounding neighborhood.

  Proposal
  The proposed text amendment would limit buildings that include medical offices to the residential Floor Area Ratio (FAR).

- Bulk Envelope Regulations
  Residential buildings in low density districts have defined building heights, i.e. in R3 districts the perimeter wall height is limited to 26 feet with an overall height limit of 35 feet for the peak of the roof. However, in several districts, buildings that include only community facility uses, such as medical offices, can use a sky exposure plane instead of fixed height limits. This can create much taller buildings which dwarf their residential neighbors.

  Proposal
  The proposed text amendment would limit buildings with Medical offices to the residential bulk envelope rules:
i.e. for R3 a maximum 26 foot perimeter wall height and a 35 foot peak.

- **Parking Requirements and Waivers**
  Medical offices located in an R3 Residential District require parking spaces to be provided at a ratio of 1 space per 400 square feet. A 1,500 square foot medical office would require four parking spaces to be provided. However, an existing waiver for non-residential parking spaces allows up to 10 parking spaces in R1-R5 Districts to be waived. Therefore, medical offices are not required to provide the parking spaces. In addition, residential buildings with medical offices limit the amount of paving allowed for driveways and parking lots which makes it difficult to provide parking lots. Additionally, community facility buildings have no limits on the amount of paving which could allow an entire site to be paved which would be out of context with the residential neighborhood context.

  **Proposal**
  The proposed text amendment will remove the parking waiver, so medical offices will require parking spaces to be provided. Site plans will have to be filed at DOB demonstrating that new parking lots meet the Commercial Parking Lot maneuverability standards. Additionally a limit on the amount of paving for driveways and parking would be established. Any new paving cannot exceed 66% of open space on the zoning lot.

- **Yards Requirements**
  The current yards requirements for community facility buildings with medical offices are more lenient. Oftentimes, neither the residential front wall line-up rules nor the residential planting requirements apply to a building which has only community facility uses, such as a medical office. In addition, there are no rules for parking lots, so the neighborhood character can be disrupted by parking lots in front yards.

  **Proposal**
  The proposed text amendment will require that all buildings with medical offices meet all Residential yard requirements, including line-up rules and planting requirements. In addition parking lots will not be permitted in front yards and must be screened from adjacent zoning lots with a 4’ planting strip. However existing Community Facility side yard requirements would remain to provide more open space between these uses in residential districts.

- **Minimum Zoning Lot Width and Area**
  All Residential Districts require a minimum lot widths and minimum lot area for residential buildings to preserve and maintain a low density character. In Lower Density Growth Management Area, when multiple residential buildings are located on the same zoning lot, each building must meet the minimum lot width and lot area. However, community facility buildings with medical offices are often not required to meet the minimum lot width or minimum lot area, allowing them to be built on small lots which are not large enough to accommodate off-street parking spaces.

  **Proposal**
  The proposed text amendment would create new zoning lot requirements for all buildings with medical offices that would be large enough to accommodate parking lots. All zoning lots with a medical office will require a minimum lot width of 60 feet and a minimum lot area of 5,700 square feet. For zoning lots with multiple buildings, each building must meet the respective lot area requirement.

**Day Care Centers in a Low Density Residential Districts:** Group Child Care centers are currently classified as schools within the Zoning Resolution. The Department of City Planning proposes to create more appropriate zoning rules for this use. Group Child Care centers are licensed and regulated by the NYC Department of Health and Mental Hygiene (DOHMH), as provided for in the New York City Health Code, Article 47. Alternatives to Group Child Care centers include Group Family Day Care (up to 12 children) and Family Day Care (up to 6 children). These services are located in the day care provider’s homes, and are registered with DOHMH. These alternatives do not create the parking and congestion problems that larger group child care centers often present. These smaller group family or family day care services are critical options for providing day care close to family homes/neighborhoods and are not subject to the proposed zoning changes.

Note, for the purposes of this presentation the term "Day Care Centers" is used; however the defined term in zoning is "child care services".

- **Maximum Floor Area Ratio (FAR)**
  Buildings with residences are limited to a floor area ratio (FAR) but oftentimes a building using only community facility uses can utilize a much higher community facility FAR. For example in R3 districts, the residential FAR is 0.6, while the community facility FAR is 1.0. This can result in a medical facility out of scale with the surrounding neighborhood.
Proposal
The proposed text amendment would limit all buildings with day care centers to the residential Floor Area Ratio (FAR).

- **Bulk Envelope Regulations**
  Residential buildings in low density districts have defined building heights, i.e. in R3 districts the perimeter wall height is limited to 26 feet with an overall height limit of 35 feet for the peak of the roof. However, oftentimes, community facility buildings such as a day care center can use a sky exposure plane instead of fixed height limits to create a bulk envelope. This can create much taller which dwarf their residential neighbors.

Proposal
The proposed text amendment would limit all buildings with day care centers to the residential bulk envelope rules: i.e. for R3 districts, a maximum 26 foot perimeter wall height and a 35 foot peak.

- **Parking Regulations and Drop-off and Pick-up Areas**
  There are currently no parking requirements for day care centers, creating an undesired parking situation and traffic congestion in Residential Districts. Limited on-street parking is used by employees and safety hazards arise when parents are dropping-off and picking-up children in the street. In addition, residential buildings with day care centers limit the amount of paving allowed for driveways and parking lots (if they are provided), while community facility buildings have no limits on the amount of paving. This could allow an entire site to be paved, which would be out of context with the residential neighborhood context.

Proposal
The proposed text amendment will establish a parking requirement of 1 space per every 1,000 square feet of floor area for day care centers located in Lower Density Growth Management Areas. This parking ratio is derived from the average number of employees mandated by state licensing requirements, which differs based upon the age of the children served. No waiver of spaces will be permitted. An off-street circular drop-off and pick-up driveway will be required for all buildings with day care centers. Site plans will have to be filed at DOB demonstrating that new parking lots meet the commercial parking lot maneuverability standards. Additionally a limit on the amount of paving for driveways and parking would be established. Any new paving cannot exceed 50% of open space on the zoning lot.

- **Yards Requirements**
  The current yards requirements for community facility buildings with day care centers are often more lenient than residential buildings. Neither the residential front wall line-up rules nor the residential planting requirements would apply to a community facility building. In addition, if parking is provided, there are no rules for parking lots, so the neighborhood character can be disrupted by parking lots in front yards.

Proposal
The proposed text amendment will require that all buildings with day care centers meet all residential yard requirements, including line-up rules and planting requirements. However, in order to accommodate circular drop-off and pick-up areas, these rules can be relaxed for narrow zoning lots. In addition parking lots will not be permitted in front yards and must be screened from adjacent zoning lots with a 4’ planting strip. However existing Community Facility side yard requirements would remain to provide more open space between these uses in residential districts.

- **Minimum Zoning Lot Width and Area**
  All Residential Districts require a minimum lot width and minimum lot area for residential buildings to preserve and maintain a low density character. In lower density growth management areas, when multiple residential buildings are located on the same zoning lot, each building must meet the minimum lot width and lot area. However, community facility buildings, such as day care centers are not required to meet the minimum lot width or minimum lot area, allowing them to be built on small lots with limited outdoor play areas and no parking spaces.

Proposal
The proposed text amendment would create new zoning lot requirements for day care centers that would be large enough to accommodate parking lots, a drop-off and pick-up area, and open space for children play areas. All zoning lots with a day care will require a minimum lot width of 60 feet and a minimum lot area of 10,000 square feet. For zoning lots with multiple buildings, each building must meet the respective lot area requirement.
enlargements or new construction.

Proposal
Conversions would have to meet all the proposed rules for new construction related to residential bulk, minimum lot area, lot width and parking requirements. However, conversions located in R3-2 districts would not be required to meet the minimum lot area and lot width requirements as these are areas where these services are needed. A new Chair Certification is proposed to allow the minimum modification of parking requirements due to the location of an existing building.

Medical Offices and Day Care Centers on Shared Sites in Low Density Residential Districts
The proposed new rules would limit the size of these facilities in residential districts, however when these uses are co-located with other community facilities it may be appropriate to allow more flexibility so that the other uses are not also limited.

Proposal
Existing Community Facility rules would continue to apply when a Day Care Center shares a zoning lot with a House of Worship or a Medical Office shares a zoning lot with a nursing home or hospital. Any off street parking provided for Houses of Worship can be used to meet the parking requirement for Day Care Centers. When Day Care Centers share a zoning lot with other community facilities then residential bulk regulations must apply, unless the Day Care Center is less than 25% of the Community Facility FAR permitted on the zoning lot.

Medical Offices and Day Care Centers in Commercial Districts (C1 and C2 Districts): These services are vital to residents and as restrictions are increased in lower density Residential Districts, appropriate locations should be encouraged elsewhere. In many Commercial Districts in Staten Island and Bronx Community District 10, a restrictive bulk envelope, limited allowable floor area and high parking requirements make it costly and often inefficient to build modern medical offices or day care centers in appropriate commercial corridors. The Department of City Planning recommends the following changes to encourage these uses in Commercial Districts where larger buildings are more appropriate and can serve more customers.

- **Bulk Envelope Regulations**
The bulk envelope for a building providing day care centers or medical offices is defined by the sky exposure plane. In C1 and C2 Districts mapped within R1-R3 Districts, the front wall of a building may rise to a height of 30’ or two stories, whichever is less, before the sky exposure plane begins.

  The front wall height restriction creates challenges to constructing modern, large medical offices or day care centers. Oftentimes for economic reasons this difficulty is circumvented by sacrificing large amounts of potential floor area to build a smaller building, without differing floor plates. This limits the amount of day care and health care services provided in appropriate commercial areas.

  **Proposal**
The proposed text amendment will raise the maximum front wall height for C1 or C2 Districts mapped within R1-R3 Districts to a height of 35’ or three stories. The overall building height will still be determined by the sky exposure plane. That portion of a day care center or medical office located within 20 feet of a Residential District will be limited to the current front wall height of 30 feet or two stories, whichever is less to allow a transition to the adjacent residential buildings.

- **Maximum Floor Area Ratio**
Day care centers and medical offices are limited to a maximum floor area ratio of 1.0 in C1 or C2 Districts mapped within R3-1, R3A and R3X Districts, providing no incentive to provide these needed services as opposed to more retail or commercial uses.

  **Proposal**
The proposed text amendment will increase the allowable floor area ratio to 1.2 for buildings providing day care centers or medical offices in C1 or C2 Districts mapped within R3-1, R3A and R3X Districts.

- **Parking Requirements**
Currently day care centers are not required to provide parking spaces. This often results in employees and parents parking in adjacent commercial parking lots causing problems for those businesses and their customers.

  The existing parking requirements for medical facilities in Commercial Districts are oftentimes very stringent in
C1, C2 and C4 Commercial Districts with requirements of either 1 space per 150 sq. ft. of floor area or 1 per 300 sq. ft. of floor area. In a survey of suburban medical offices across the country, these requirements exceeded the average peak parking demands. These requirements can become a significant barrier to providing larger, modern medical offices to serve local health care needs.

**Proposal**

The proposed text amendment will establish a parking requirement for day care centers located in C1, C2, and C4 Commercial Districts of 1 space per every 1000 square feet of floor area. This parking ratio is derived from the average number of employees mandated by state licensing requirements, which differs based upon the age of the children served.

The proposed text amendment will modify the stringent 1 per 150 and 1 per 300 sq. ft. of floor area parking requirements for medical offices located in C1, C2, and C4 Commercial Districts to 1 space per 400 square feet. This reflects the national average for suburban medical offices to meet peak parking demands.

The current parking waiver for small pre-existing commercial zoning lots which is applicable throughout most of the Borough will be extended to buildings with medical offices and day care centers. On pre-existing small commercial lots of less than 4,000 square feet parking can be waived to allow these uses to be constructed in smaller buildings. Zoning lots will not be permitted to be subdivided after the date of adoption in order to waive the parking requirements.

In order to avoid future conversions to commercial/retail uses with limited parking, any building that includes both commercial/retail uses and medical offices or day care centers on the ground floor must use the higher commercial parking requirements for the entire ground floor.

**Parking Garage Regulations**

The city adopted parking lot maneuverability standards and landscaping requirements, however they do not apply to enclosed parking structures. Since these rules may encourage parking garages, it is important to ensure that they meet appropriate screening standards with landscaping. It is also important that the need for parking can be balanced with open space for children in day care centers.

**Proposal**

The proposed text amendment would require that enclosed parking areas provide screening and apply the existing maneuverability standards to parking spaces used for day care centers and medical offices in C1, C2, and C4 Districts. The amendment will also provide an incentive for day care centers to provide play space by waiving perimeter landscaping requirements for parking areas which are enclosed by a roof which serves as a children’s play space.
Stricter *Lower Density Growth Management Area* commercial rules were adopted in October and December 2005 to preclude the inappropriate development of townhouses in commercial areas. These rules restricted ground floor uses in C1, C2 and C4 *Commercial Districts* to *commercial uses* and *community facility uses* only. *Residential uses* would only be permitted above the ground floor to allow buildings with residential units above retail as is often found in many of the borough’s town centers. Since then, implementation and practice of those rules have identified several unanticipated challenges that have hampered appropriate development and should be corrected. [View the proposed text amendment.](#)

### Task Force Presentations

On April 8, 2010 the Department of City Planning presented this proposal to the Mayor’s Staten Island Growth Management Task Force. The Task Force recommended that the proposal be presented to all three Community Boards for discussion and to encourage public input.

The proposal was presented on the following dates:

- Thursday, April 22 – Community Board 3 Land Use Committee
- Monday, May 3 – Community Board 1 Land Use Committee
- Tuesday, May 4 – Community Board 2 Land Use Committee

### Proposed Text Amendment

- **Existing Non-conforming Buildings**
  
  Many commercial overlays are mapped at 100 feet or 150 feet depth from the main commercial *street*. This depth often captures existing residential homes, making them *non-conforming uses* and limits their ability to *enlarge* the residential use on the ground floor should they wish to add or expand a room.

  **Proposal**
  
  The proposed text amendment would permit existing non-conforming residential buildings in Commercial Districts to enlarge their non-conforming use on the ground floor as long as the enlargement complies with all the underlying residential regulations for *bulk* and parking. New construction would have to meet all of the current LDGMA commercial rules.

- **Narrow Commercial Lots in in R4, R5, and R6 Districts mapped in Commercial Overlays**
  
  To allow development on small lots, a citywide rule (applicable on most of Staten Island) allows small commercial parking requirements to be waived. However, there is no parking waiver for required residential parking, even if it is an extremely low requirement. The existing mandatory non-residential ground floor *use* rules permit a portion of the building to have residential lobbies and entrances to parking spaces, but this is limited at 25% of the building’s façade. This restriction makes it difficult for *zoning lots* with narrow *lot widths* hoping to build *residences* on the second floor to comply with this restriction, as providing a driveway and lobby in this small of a percentage of a façade is nearly impossible.

  Combined, these current rules result in one-story *commercial buildings* on narrow lots. They inhibit residential development where transit infrastructure already exists and inhibit reinvestment in town centers, where the historic pattern of development was *mixed buildings* with residential units located above retail stores.

  **Proposal**
  
  The proposed text amendment would allow required parking spaces to be waived in C1 and C2 overlays mapped over R4, R5 and R6 Districts on zoning lots of 4,000 square feet or less. Zoning lots will not be permitted to be subdivided after the date of adoption in order to waive the parking requirements.

  On zoning lots of 60 feet width or less, the proposed text amendment would increase the percentage of *street* frontage that residential lobbies and driveways may occupy to 50% of the buildings width or 20 feet, whichever is less.

  The combination of these two provisions will encourage reinvestment by allowing the historic development pattern of these town centers to continue.
**Corner Lots in R4 or, R5, R6 Districts mapped in Commercial Overlays**

On zoning lots with multiple street frontages, the current regulations require non-residential ground floor uses on all street frontages. In many cases, the Commercial Overlay may extend 100 feet in depth or more. On corner lots the side street often includes residential neighborhoods. While it is appropriate to require these uses on the main commercial street, for corner lots the side street may not be an appropriate location and may result in ground floor spaces that are not marketable and may not be in context with the residential character.

**Proposal**

For corner zoning lots in C1 and C2 Districts overlays mapped within over R4 and, R5, and R6 Districts, the proposed text amendment would continue to require commercial or community facility ground floor uses on the primary commercial street. For corner lots, the owner would have the option to provide commercial, community facility or residential uses on the non-primary commercial street beyond 30 feet of the primary commercial street. This would allow the owner to determine the appropriate transitional use on the side street.

**Conflict with Special Hillsides Preservation District Rules**

LDGMA commercial rules require commercial or community facility uses on the ground floor on zoning lots located in Commercial Districts. However, the Special Hillsides Preservation District in Staten Island requires an authorization from the City Planning Commission for commercial or community facility uses. This creates a conflict in which there is no as-of-right development option for the owners of these properties. In many cases, this authorization can trigger an environmental review for a use that zoning requires. These rules inhibit appropriate reinvestment in these commercial areas.

**Proposal**

The proposed text amendment would remove the CPC authorization for commercial and community facility uses in the Special Hillsides Preservation District in C1, C2, and C4 Districts. All other rules protecting natural features in the Special Hillsides Preservation District would be applicable. The proposed result is that zoning lots located on predominantly flat site in Commercial Districts would not require CPC review.
LDGMA Text Amendment and Commercial Corridor Rezoning - Approved!

Proposed Commercial Corridor Rezoning

The Department of City Planning has identified several commercial corridors that are located in residential districts. LDGMA commercial rules and the updated commercial parking lot design guidelines do not apply to these existing businesses since they are not located in commercial districts.

Many of these commercial uses exist because they are either grandfathered buildings built prior to the adoption of the 1961 zoning regulations or they were subsequently allowed through variances approved by the Board of Standards and Appeals. Many of these business owners delay or do not reinvest in these properties due to their uncertain futures.

Task Force Presentations

On April 8, 2010 the Department of City Planning presented this proposal to the Mayor’s Staten Island Growth Management Task Force. The Task Force recommended that the proposal be presented to all three Community Boards for discussion and to encourage public input.

The proposal was presented on the following dates:
Thursday, April 22 – Community Board 3 Land Use Committee
Monday, May 3 – Community Board 1 Land Use Committee
Tuesday, May 4 – Community Board 2 Land Use Committee

Proposed Commercial Rezonings

The department proposes to rezone three existing commercial corridors to the appropriate commercial districts. This will provide a consistent regulatory framework for their future development.

These corridors include:

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<td>R3X/C1-2</td>
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Projects & Proposals

Related Notes

- Items accompanied by this symbol require the [free Adobe Acrobat Reader](#).
- Brief explanations of terms in *green italics* can be viewed by [visiting glossary page](#). Words and phrases followed by an asterisk (*) are defined terms in the Zoning Resolution, primarily in Section 12-10. Consult the Zoning Resolution for the official and legally binding definitions of these words and phrases.