



## CITY PLANNING COMMISSION

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December 4, 2006/Calendar No. 2

N 060563 ZRY

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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 an amendment of the Zoning Resolution of the City of New York, relating to Article I, Chapter 1 (Title, Establishment of Controls, and Interpretation of Regulations) concerning building permits within R2A districts after the effective of any applicable Zoning Map Amendment.

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The application for an amendment to the New York City Zoning Resolution was filed by the Department of City Planning on June 30, 2006, to revise the requirements necessary to complete construction of home alterations within R2A districts.

### **RELATED ACTION**

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

C 060562 ZMQ          Amendment of the Zoning Map to rezone a 135-block area in  
Douglaston and Little Neck.

### **BACKGROUND**

A full background discussion and description of this project appears in the report on the related application for amendment of the Zoning Resolution (C 060562 ZMQ).

### **ENVIRONMENTAL REVIEW**

This application (N 060563 ZRY), in conjunction with the application for the related action (C 060562 ZMQ), 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 05DCP072Y. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued July 10, 2006.

## **PUBLIC REVIEW**

On July 10, 2006, this text change application was duly referred to Queens Community Boards 7, 8, 11 and 13, the Queens Borough President and the Queens Borough Board for information and review in accordance with the Commission's policy for referring non-ULURP matters.

### **Community Board Review**

Community Board 11 held a public hearing on this application on September 5, 2006, and on that date, by a vote of 38 to 3 with 2 abstentions, adopted a resolution recommending approval of the application.

Community Boards 7, 8 and 13 did not issue recommendations.

### **Borough President's Review**

The application was considered by the Borough President of Queens, who issued a recommendation on October 16, 2006, approving the application.

### **Borough Board Review**

The Queens Borough Board did not issue a recommendation.

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

On October 11, 2006 (Calendar No. 8), the City Planning Commission scheduled October 25, 2006 for a public hearing on this application (N 060563 ZRY). The hearing was duly held on October 25, 2006 (Calendar No. 13), in conjunction with the public hearing on the application for the related action (C 060562 ZMQ).

A full discussion and description of the hearing appears in the report on the related application for an amendment of the Zoning Map (C 060562 ZMQ).

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

This application (N 060563 ZRY), in conjunction with the application for the related action (C 060562 ZMQ), 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 06-039Q.

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.

A full consideration and analysis of the issue, and reasons for approving this application, appear in the report on the related application for amendment of the Zoning Map (C 060562 ZMQ).

**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**, by 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:

- Underlined matter 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

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**ARTICLE 1  
GENERAL PROVISIONS**

**Chapter 1  
Title, Establishment of Controls, and Interpretation of Regulations**

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**11-30  
BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT**

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**11-33**

**Building Permits for Minor or Major Development or Other Construction  
Issued Before Effective Date of Amendment**

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**11-335**

**Building permits for other construction in R2A Districts**

In R2A Districts established on or after (the effective date of this amendment), if a building permit for other construction has been lawfully issued prior to the date establishing such R2A District, such construction may be continued, notwithstanding the provisions of Section 11-332(a) (Extension of period to complete construction), provided that the Department of Buildings determines that all of the requisite structural framing to perform the work authorized under the permit was completed on or before the date establishing such R2A District. If the Commissioner of Buildings determines that such framing was not complete on such date, the provisions of paragraph (a) of Section 11-332 shall apply.

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The above resolution (N 060563 ZRY), duly adopted by the City Planning Commission on December 4, 2006 (Calendar No. 2), 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**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,**

**ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,**

**CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,**

**Commissioners**