



CITY PLANNING COMMISSION

February 10, 2010/Calendar No. 3

N 100134 ZRX

IN THE MATTER OF an application submitted by the New York City 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, concerning Article II, Chapter 5 (Accessory Off-Street Parking and Loading Regulations) and Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), relating to off-street parking regulations in Community District 10, Borough of The Bronx.

This application for an amendment to the Zoning Resolution was filed by the Department of City Planning on October 27, 2009. The proposed zoning text change would address current parking issues in R6 and R7-1 zoning districts in Community District 10.

BACKGROUND

The Lower Density Growth Management Area (LDGMA) was created to address issues of overdevelopment, parking and inappropriate development in predominantly low-density districts in Community District 10. These areas are not well-served by mass transit, have high car-ownership rates and are far from the City's central business core. In August 2004, R2, R3, R4A and R4-1 zoning districts in Community District 10 were included in the LDGMA (ULURP No. N 040482 ZRX) to provide better site design options while balancing the need for providing adequate locations for parking and maintaining yards and open space. Current on-site parking rules require one space per dwelling unit in lower density districts. The text amendment increased the on-site parking requirement for residential developments to 150% of the dwelling units rounded up, two spaces for a single-family home on a single zoning lot and three spaces for a two family home. Other provisions included a floor area ratio (FAR) bonus of up to 500 feet for providing a detached garage, limiting the width of driveways to provide more open space and a change to the "attic rule" to provide more useable interior space.

However since 2004, Community Board 10, the local civic association and elected officials have noted that mid-density districts in Community District 10 experience the same challenges related to off-street parking conditions as low-density districts. In Community District 10 seventy-four percent of all households own a car, this is compared to 43% for the Bronx and 57% for the city

overall. There are many existing pre-war multi-family apartment buildings that do not provide off-street parking. In addition, many newer buildings are the result of the subdivision of larger lots. In many cases this allows the developer to provide less parking based on a smaller lot, or waive the parking requirement altogether. All of these factors have replicated the same scenarios previously experienced in low-density districts. It is common for local residents to drive for lengthy periods through the neighborhood streets searching for on-street parking.

The proposed text amendment would expand the definition of LDGMA to include R6 and R7-1 zoning districts in Community District 10 in the Bronx for the purposes of applying the parking provisions of Article II, Chapter 5 and Article III, Chapter 6 to Bronx Community District 10. R6 and R7-1 districts are mapped in the vicinity of Westchester Square, the neighborhood of Pelham and near Westchester Avenue in Co-Op City.

Current Regulations

Under the existing rules, residential development in R7-1 zoning districts is required to provide off-street parking for 60% of dwelling units. Residential development in R6 zoning districts is required to provide off-street parking for 70% of dwelling units. If Quality Housing regulations are followed, parking is required for 50% of dwelling units in both districts.

Pursuant to Section 25-241 of the Zoning Resolution (ZR), zoning lots with less than 10,000 square feet are permitted to reduce the parking requirement to 30% of dwelling units in R7-1 districts and 50% in R6 districts.

Pursuant to Section 25-261 of the Zoning Resolution (ZR) Waiver of Requirements for Small Number of Spaces, new development or enlargements that require fewer than 5 spaces, may waive the required parking altogether in both R6 and R7-1 zoning districts. This regulation has the unintended consequence of allowing developers to subdivide larger lots into smaller lots in order to apply the waiver and subsequently provide no off-street parking. This pattern has become increasingly prevalent in Community District 10.

Proposed Regulations

The proposed text amendments would expand the definition of LDGMA to include R6 and R7-1 zoning districts in Community Board 10 in the Bronx.

The proposed amendments would modify ZR 25-241 to require 50% parking for all residential development in R7-1 zoning districts on lots less than 10,000 square feet in Community Board 10. This change would increase the requirement in R7-1 districts to make it consistent with current R6 zoning district regulations.

The proposed amendments would also limit the application of §25-261 the Waiver of Requirements for Small Number of Spaces in R6 and R7-1 zoning districts to existing zoning lots in Community Board 10. Developers would not be allowed to subdivide to apply the waiver.

ENVIRONMENTAL REVIEW

This application (N 100134 ZRX) 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 10DCP012X. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on November 2, 2009.

PUBLIC REVIEW

On November 2, 2009 the application (N 100134 ZRX) was duly referred to Community Board 10 and the Borough President, for information and review in accordance with the procedures for non-ULURP items.

Community Board Public Hearing

Community Board 10 held a public hearing on this application on November 19, 2009, and on that date by a vote of 23 to 0 with 0 abstentions adopted a resolution recommending approval of the application.

Borough President Recommendation

The Borough President did not issue a recommendation for this application (N 100134 ZRX).

City Planning Commission Public Hearing

On December 16, 2009 (Calendar No. 1), the City Planning Commission scheduled January 6, 2010, for a public hearing on this application (N 100134 ZRX). The hearing was duly held on January 6, 2010 (Calendar No. 23).

There were no speakers on the application and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (N 100134 ZRX), 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 09-090.

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 100134 ZRX) is appropriate.

The Commission notes that the R6 and R7-1 zoning districts in Community District 10 has unusually high car ownership rates that are well above the average car ownership rate for the rest of the Bronx and also for the entire City. This condition, together with limited access to public transportation, creates many of the same issues related to off-street parking that occur in low-density districts in Community District 10. The Commission further notes that the existing zoning allows for less parking through subdividing lots and the reduced requirements for small lots, which has exacerbated a lack of existing on-street parking in the area.

The Commission believes that the proposed text amendments will ease this condition by facilitating additional off-street parking in these areas by closing loopholes in the existing zoning.

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 the WRP policies; and be it further

RESOLVED by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the 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 hereby further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

Article I
General Provisions

* * *

Chapter 2
Construction of Language and Definitions

* * *

12-10
DEFINITIONS

Words in the text or tables of this Resolution which are #*italicized*# shall be interpreted in accordance with the provisions set forth in this Section.

* * *

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 District 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.

In the Borough of the Bronx, in Community District 10, #lower density growth management areas# shall also include any R6, R7, C1 or C2 Districts for the purposes of applying the parking provisions of Article II, Chapter 5, and Article III, Chapter 6.

* * *

Chapter 5
Accessory Off-Street Parking and Loading Regulations

* * *

25-24
Modification of Requirements for Small Zoning Lots

R6 R7 R8 R9 R10

In the districts indicated, for small #zoning lots#, the requirements set forth in Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified in accordance with the provisions of this Section.

25-241
Reduced requirements

R6 R7 R8 R9 R10

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is as set forth in the following table:

REDUCED REQUIREMENTS FOR
SMALL ZONING LOTS

Parking Spaces Required as a
Percent of Total #Dwelling
Units#

#Lot Area#

District

10,000 square feet or less	50	R6 R7-1* R7B
	30	R7-1 R7A R7D R7X
10,001 to 15,000 square feet	30	R7-2
	20	R8** R9 R10

* Within #lower density growth management areas# in Community District 10, Borough of the Bronx

** In R8B Districts, the parking requirements may not be reduced

* * *

25-26
Waiver of Requirements for Small Number of Spaces

R4B R5B R5D R6 R7 R8 R9 R10

In the districts indicated, the requirements set forth in Section 25-21 (General Provisions) shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in this Section, except that the requirements shall not be waived for #non-profit residences for the elderly#.

However, the following provisions shall apply:

- (a) in R5D Districts, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on June 29, 2006 and on the date of application for a building permit; and
- (b) in R6 and R7 Districts in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on (effective date of amendment) and on the date of application for a building permit.

* * *

Chapter 6
Accessory Off-Street Parking and Loading Regulations

* * *

36-30

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS

36-34

Modification of Requirements for Small Zoning Lots

C1 C2 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6

In the districts indicated for small #zoning lots#, the requirements set forth in Section 36-33 (Requirements Where Group Parking Facilities are Provided), shall be modified in accordance with the provisions set forth in this Section.

36-341

Reduced requirements in C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is determined by the #Residence District# within which such #Commercial District# is mapped, in accordance with the following table:

REDUCED REQUIREMENTS FOR SMALL ZONING LOTS

#Lot Area#	Parking Spaces Required as a Percent of Total #Dwelling Units#	District within which C1 or C2 District is Mapped
10,000 square feet or less	50	R6 R7-1*R7B
	30	R7-1 R7A R7D R7X
10,001 to 15,000 square feet	30	R7-2
	20	R8** R9 R10

* In C1 or C2 Districts mapped within R7-1 Districts within #lower density growth management areas# in Community District 10, Borough of the Bronx

** In R8B Districts, the parking requirements may not be reduced.

* * *

36-361

For new development or enlargements in C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, where such districts are mapped within R6, R7, R8, R9 or R10 Districts, the requirements set forth in Section 36-31 (General Provisions) for new #development# or #enlargements# shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in the following table. The maximum number is determined by the #Residence District# within which the #Commercial District# is mapped.

NUMBER OF SPACES FOR WHICH
REQUIREMENTS ARE WAIVED

#Residence District# within which C1 or C2 District is Mapped	Maximum Number of Spaces Waived
R5D	1
R6 R7-1 R7B	5
R7-2 R7A R7D R7X R8 R9 R10	15

However, the following provisions shall apply:

- (a) in C1 or C2 Districts mapped within R5D Districts, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on June 29, 2006 and on the date of application for a building permit; and

(b) in C1 or C2 Districts mapped within R6 and R7 Districts in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on (effective date of amendment) and on the date of application for a building permit.

The above resolution (N 100134 ZRX), duly adopted by the City Planning Commission on February 10, 2010 (Calendar No. 3), 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, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
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RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners