



## **CITY PLANNING COMMISSION**

March 14, 2005/ Calendar No. 11

N 050148 (A) 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 the Zoning Resolution of the City of New York, relating to Article I, Chapter 1 (Title, Establishment of Controls, and Interpretation of Regulations) and Chapter 2 (Construction of Language and Definitions); Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residential Districts) and Chapter 5 (Accessory Off-Street Parking and Loading Regulations), establishing an R2A district.

The application for an amendment to the New York City Zoning Resolution was filed by the Department of City Planning on October 27, 2004, to create an R2A zoning district, that would allow one-family, detached residential development, currently allowed in the existing R2 zoning district, but would establish new floor area allowances, height and setback regulations and yard provisions. A modified application N 050148 (A) ZRY was filed on December 22, 2004. The modified application N 050148 (A) ZRY is the subject of this report.

### **Related Actions**

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

C 050149 ZMQ    Amendment of the Zoning Map to establish new lower-density and contextual zoning districts throughout a 346 block area of Bayside, Queens generally bounded by 6<sup>th</sup>, 24<sup>th</sup> and 24<sup>th</sup> avenues to the north, the Cross Island Parkway to the east, Francis Lewis Boulevard and the Clearview Expressway and 207<sup>th</sup> Street to the west, and 48<sup>th</sup> Avenue and the Long Island Expressway to the south.

## **BACKGROUND**

A full background discussion and description appears in the report on the related application for an amendment of the Zoning Map (C 050149 ZMQ).

## **ENVIRONMENTAL REVIEW**

The application (N 050148 ZRY), in conjunction with the application for the related action (C 050149 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 CEQR number is 05DCP030 Q. 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 1, 2004.

A technical memorandum, dated February 14, 2005, was prepared in connection with the submission of the modified application N 050148 (A) ZRY. The technical memorandum concluded that the revisions incorporated in the modified application were minor in nature and that the Negative Declaration issued on November 1, 2004 remained valid. An additional technical memorandum, dated March 14, 2005, was prepared in connection with the modifications to the related action discussed later in this report. The technical memorandum concluded that the modifications were minor in nature and the Negative Declaration issued on November 1, 2004 remained valid.

## **PUBLIC REVIEW**

On November 1, 2004 the original application (N 050148 ZRY) was duly referred to Community Board 11 and Queens Borough President in accordance with the Commission's policy for non-ULURP items. Concurrently on November 1, 2004 the related application (C 050149 ZMQ), was certified as complete by the Department of City Planning in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

On December 22, 2004 the modified application (N 050148 (A) ZRY) was duly referred to Community Board 11 and Queens Borough President for information and review.

## **Community Board Review**

Community Board 11 held a public hearing on this application on January 3, 2005, and on January 3, 2005, by a vote of 24 to 8 with 1 abstention, adopted a resolution recommending approval of the application with conditions.

A full discussion and description of the hearing appears in the report on the related application for an amendment of the Zoning Map (C 050149 ZMQ).

## **Borough President Review**

This application was considered by the Borough President who issued a recommendation on January 27, 2005, approving the application with conditions.

A full discussion and description of the hearing appears in the report on the related application for an amendment of the Zoning Map (C 050149 ZMQ).

## **City Planning Commission Public Hearing**

On February 2, 2005 (Calendar Nos. 6 and 7 respectively) the City Planning Commission scheduled February 16, 2005 for a public hearing on the original application (N 050148 ZRY)

and the modified application (N 050148 (A) ZRY). The hearing was duly held on February 16, 2005 (Calendar Nos. 16 and 17 respectively) in conjunction with the public hearing on the related application, (C 050149 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 050149 ZMQ).

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

This application (N 050148 (A) ZRY), in conjunction with the application for the related action (C 050149 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 04-108.

This action was determined to be consistent with the New York City Waterfront Revitalization Program.

### **CONSIDERATION**

The Commission believes that the proposed text amendment is appropriate as modified. 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 050149 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**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of the 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;  
\* \* \* indicate where unchanged text appears in the Zoning Resolution

\* \* \*

**ARTICLE 1  
GENERAL PROVISIONS**

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

\* \* \*

**11-12  
Establishment of Districts**

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

Residence Districts

- R1-1 Single-Family Detached Residence District
- R1-2 Single-Family Detached Residence District
  
- R2 Single-Family Detached Residence District
- R2A Single-Family Detached Residence District
- R2X Single-Family Detached Residence District

\* \* \*

**12-10  
Definitions**

\* \* \*

Floor area

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

\* \* \*

- (d) attic space (whether or not a floor has been laid) providing structural headroom of five feet or more in R2A, R2X, R3, R4 or R5 Districts and eight feet or more in other districts;

\* \* \*

- (i) floor space used for #accessory# off-street parking spaces provided in any #story# after June 30, 1989:

- (1) within #detached# or #semi-detached single-# or #two-family residences# in R2A, R2X, R3, R4 or R5 Districts, except that

- (a) in R2A Districts, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space, and

- (b) in R3, R4A and R4-1 Districts in #lower density growth management areas#, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces.;

\* \* \*

- (6) which is unenclosed and covered by a #residential building or other structure# for at least 50 percent of such #accessory# off-street parking space in R2A, R2X, R3, R4 and R5 Districts.....

\* \* \*

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

\* \* \*

- (4) attic space (whether or not a floor ~~actually~~ has been laid) providing structural headroom of less than five feet in R2A, R2X, R3, R4 or R5 Districts and less than eight feet in other districts;

\* \* \*

- (6) floor space used for #accessory# off-street parking spaces provided in any #story#:

- (i) up to 200 square feet per required space existing on June 30, 1989 within #residential buildings# in R3, R4 or R5 Districts, except that:

- (a) in R2A Districts, #floor area# shall not include up to 300 square feet for one required space, and

- (b) for #detached# or #semi-detached single-# or #two-family residences# in R3, R4A and R4-1 Districts within #lower density growth management areas#, #floor area# shall not include up to 300 square feet for one required space and up to 500 square feet for two required spaces,

\* \* \*

- (9) except in R2A, R2X, R3, R4 and R5 Districts, the lowest #story# (whether a #basement# or otherwise) of a #residential building#, provided that:

- (i) such #building# contains not more than two #stories# above such #story#;

\* \* \*

**Chapter 3**  
**Bulk Regulations for Residential Buildings in Residence Districts**

\* \* \*

**23-00**  
**APPLICABILITY AND GENERAL PURPOSES**

\* \* \*

**23-10**  
**OPEN SPACE AND FLOOR AREA REGULATIONS**

\* \* \*

**23-141**

**In R1, R2, R3, R4 or R5 Districts**

R1 R2 R3 R4 R5

Except as otherwise provided in Section 23-144 (For non-profit residences for the elderly in R3, R4, R5, R6 and R7 Districts), in the districts indicated, the minimum required #open space# or #open space ratio#, the maximum #lot coverage# and the maximum #floor area ratio# for any #building# on a #zoning lot# shall be as set forth in the following tables:

(a)

District	Minimum Required #Open Space Ratio#	Maximum #Floor Area Ratio#
R1 R2*	150.0	0.50

\* R2A and R2X is are subject to the provisions of paragraph (b).

(b)

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R3A R3X	governed by #yard# requirements		.50
R4A R4-1	governed by #yard# requirements		.75
R2X	governed by #yard# requirements		.85
<u>R2A</u>	<u>30</u>	<u>70</u>	<u>.50</u>
R3-1			
R3-2	35	65	.50
R4	45	55	.75
R4B	55	45	.90
R5	55	45	1.25
R5B	55	45	1.35

\* \* \*

(5) In R2A Districts, the permitted #floor area# may be increased by up to 300 square feet for a detached garage located in a #rear yard# , except where a parking space is provided within a #residential building#.

\* \* \*

**23-22**

**Maximum Number of Dwelling Units or Rooming Units**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum number of #dwelling units# or #rooming units# shall equal the maximum #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. In R1 through R5 Districts, no #rooming units# shall be permitted and any #dwelling unit# shall be occupied by only one #family#. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit# or #rooming unit#.

\* \* \*

**FACTOR FOR DETERMINING MAXIMUM NUMBER OF DWELLING UNITS OR ROOMING UNITS**

District	Factor for #Dwelling Units#	Factor for #Rooming Units#
R1-1	4,750	
R1-2	2,850	
R2, <u>R2A</u>	1,900	
R2X	2,900	

\* \* \*

**23-30**

**LOT AREA AND LOT WIDTH REGULATIONS**

\* \* \*

**23-32**

**Minimum Lot Area or Lot Width for Residences**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as provided in Section 23-33 (Special Provisions for Existing Small Lots), no #residence# is permitted on a #zoning lot# with a total #lot area# or #lot width# less than as set forth in the following table:

REQUIRED MINIMUM LOT AREA AND LOT WIDTH

Type of #Residence#	Minimum #Lot Area# (in sq. ft.)	Minimum #Lot Width# (in feet)	District
#Single-family detached#	9,500	100	R1-1
	5,700	60	R1-2
	3,800	40	R2 <u>R2A</u>
	2,850	30	R2X

\* \* \*

**23-40  
YARD REGULATIONS**

\* \* \*

**23-44  
Permitted Obstructions in Required Yards or Rear Yard Equivalents**

\* \* \*

(b) In any #rear yard# or #rear yard equivalent#:

Parking spaces, off-street, #accessory#, provided that:

- (1) the height of a #building# used for such purposes, if accessory to a #single#- or #two-family residence#, shall not exceed one #story#, and if located in an R1 District such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#.

\* \* \*

**23-441  
Location of garages in side yards of corner lots**

In all #Residence Districts#, on #corner lots#, enclosed #accessory# off-street parking spaces shall not be considered obstructions in any portion of a #side yard# which is within 30 feet of both #side lot lines#, provided that in an R1 or R2A District, on a #corner lot# whose mean width is 45 feet or more, no structure used for such purposes shall be less than five feet from any #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#.

\* \* \*

**23-461**

**Side yards for single- or two-family residences**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) In all districts, as indicated, for #single-family detached residences# or, where permitted, for #two-family detached residences#, #side yards# shall be provided as set forth in the following table, except that on #corner lots# in #lower density growth management areas#, and on #corner lots# in R2A Districts, one #side yard# shall be at least 20 feet in width:

MINIMUM REQUIRED SIDE YARDS

Number Required	Required Total Width (in feet)	Required Minimum Width of any #Side Yard# (in feet)	District
2	35	15	R1-1
2	20	8	R1-2
2	13	5	R2 <u>R2A</u> R3-1 R3-2 R4-R10
2	10	2*	R2X R3X R4A
1	8	0*	R3A R4-1 R4B R5B

\* \* \*

**23-541**

**Within one hundred feet of corners**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except within #lower density growth management areas#, and except R2A Districts, no #rear yard# shall be required within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less.

**23-542**

**Along short dimension of block**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except within #lower density growth management areas#, and except R2A Districts, whenever a #front lot line# of a #zoning lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, no #rear yard# shall be required within 100 feet of such #front lot line#.

\* \* \*

**23-60  
HEIGHT AND SETBACK REGULATIONS**

\* \* \*

**23-621  
Permitted obstructions in certain districts**

R2A R3 R4 R4A R4-1

- (a) In the districts indicated, permitted obstructions are limited to those listed in paragraphs (b), (e) and (g) of Section 23-62 (Permitted Obstructions)

\* \* \*

**23-631  
Height and setback in R1, R2, R3, R4 and R5 Districts**

R1 R2

- (a) In the districts indicated, except R2A and R2X Districts, the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

\* \* \*

R2A R2X R3 R4 R4A R4-1

- (b) In the districts indicated, the height and setback of a #building or other structure# shall be as set forth herein except where modified pursuant to paragraphs (g) and (h) of this Section.

For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#. Furthermore, for the purposes of this Section, #building segments# may be considered to be separate #buildings# and abutting #semi-detached buildings# may be considered to be one #building#.

The perimeter walls of a #building or other structure# are those portions of the outermost walls enclosing the #floor area# within a #building or other structure# at any level and height is measured from the #base plane#. Perimeter walls are subject to setback regulations at a maximum height above the #base plane# of:

21 feet	<u>R2A</u> R2X R3 R4A
25 feet	R4 R4-1
26 feet*	R3 R4A R4-1 within #lower density growth management areas#

\* \* \*

**25-631**

**Location and width of curb cuts in certain districts**

All curb cuts shall comply with the provisions of this Section, except that in #lower density growth management areas#, the provisions of Section 25-632 shall apply.

- (a) For #zoning lots# with #residential buildings# where not more than two #accessory# parking spaces are required:

R2A

(1) In R2A Districts, the maximum width of a curb cut shall be 18 feet, and the maximum width of a driveway within a #front yard# shall be 20 feet. All #zoning lots# shall maintain at least 18 feet of uninterrupted curb space along each #street# frontage.

R2X R3 R4 R5

- ~~(1)~~(2) In the districts indicated, except R4B and R5B Districts, and except as otherwise provided in Section 25-632 (Prohibition of curb cuts in certain districts), curb cuts shall comply with the following provisions:

\* \* \*

R6 R7 R8

- ~~(2)~~(3) In the districts indicated without a letter suffix, for #zoning lots# comprised of #single-#, #two-#, or three-#family residences# or #building segments#, the width and location of curb cuts shall be in accordance with the provisions of paragraph (a)(1), inclusive, of this Section.

R4B R5B R6B R7B R8B

~~(3)~~(4) In the districts indicated, for #attached residential buildings# and rowhouses, and for multiple dwellings in R5B, R6B, R7B and R8B Districts, new #residential developments# shall provide a minimum distance of 34 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.

The above resolution (N 050148 (A) ZRY), duly adopted by the City Planning Commission on March 14, 2005 (Calendar No. 11), 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

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