



CITY PLANNING COMMISSION

June 22, 2005/Calendar No. 15

N 050401 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 2 (Construction of Language and Definitions) and Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residential Districts), concerning R2A district regulations.

The application for an amendment to the New York City Zoning Resolution was filed by the Department of City Planning on April 5, 2005 to modify the front yard controls and floor area exemption provisions in the R2A district regulations.

RELATED ACTIONS

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 050400 ZMQ	Amendment of the Zoning Map to establish new lower-density and contextual zoning districts throughout a 196-block area of Cambria Heights, Queens, generally bounded by Murdock Avenue to the north, Cross Island Parkway to the east, 120 th Avenue to the south and Springfield and Francis Lewis boulevards to the west.
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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 050400 ZMQ).

ENVIRONMENTAL REVIEW

This application (N 050401 ZRY), in conjunction with the application for the related action (C 050400 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.

A technical memorandum, dated April 25, 2005, was prepared in connection with the submission of N050401 ZRY and supplements to the Environmental Assessment Statement submitted in conjunction with the application for the related action (C 050400 ZMQ) on April 8, 2005 and the Negative Declaration issued on April 11, 2005. The technical memorandum concluded that the modifications to the R2A district regulations were minor in nature and, therefore, the Negative Declaration issued on April 11, 2005 remained valid.

PUBLIC REVIEW

On April 11, 2005, this text change application was duly referred to Queens Community Boards 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 13 held a public hearing on this application on May 23, 2005, and on that date, by a vote of 31 to 0 with no abstentions, adopted a resolution recommending approval of the application.

Community Board 11 submitted a letter dated May 11, 2005, stating that it would take no official position on the application.

Borough President's Review

The application was considered by the Borough President of Queens, who issued a recommendation on May 23, 2005, approving the application.

Borough Board Review

The Queens Borough Board did not issue a recommendation.

City Planning Commission Public Hearing

On May 25, 2005 (Calendar No. 11), the City Planning Commission scheduled June 8, 2005, for a public hearing on this application (N 050401 ZRY). The hearing was duly held on June 8, 2005 (Calendar No. 23), in conjunction with the public hearing on the application for the related action (C 050400 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 050400 ZMQ).

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 050400 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, 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

* * *

**12-10
Definitions**

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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:

* * *

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

* * *

- (2) elevator or stair bulkheads, #accessory# water tanks, or cooling towers, except that such exclusions shall not apply in R2A Districts

* * *

- (8) floor space used for mechanical equipment, except that such exclusion shall not apply in R2A Districts, and in R2X, R3, R4 and R5 Districts such exclusion shall be limited to ...

* * *

Basic Regulations - Front Yards

23-45

Minimum Required Front Yards

R1 R2 R3 R4 R5

- (a) In the districts indicated, #front yards# shall be provided as set forth in the following table, except that for a #corner lot# in an R1-2 District, one #front yard# may have a depth of 15 feet and, for a #corner lot# in an R3 District, one #front yard# may have a depth of 10 feet.

District	Front Yard
R1	20 feet
R2 <u>R2X</u> R3-1 R3-2	15 feet
<u>R2A</u>	<u>15 feet*</u>
R3A R3X R4A R4-1	10 feet*
R4 R5	10 feet**
R4B R5B	5 feet*

* Except as provided in paragraphs (b) and (c) of this Section.

** If the depth of a #front yard# exceeds 10 feet or the #zoning lot# is #developed# pursuant to the

optional regulations applicable in a #predominantly built-up area#, the depth of a #front yard# shall be at least 18 feet. However, on a #corner lot#, if one #front yard# has a depth of at least 18 feet, the other #front yard# shall have a depth of at least 10 feet.

Furthermore, if an opening to an #accessory# off-street parking space is located within the #street wall# of a #residential building#, there shall be an open area between the opening and the #street line# which is at least 8 and 1/2 feet in width by 18 feet in depth.

R2A R3A R3X R4A R4-1 R4B R5B

- (b) For the purpose of paragraphs (b) and (c) the area between the #street line# and the front building wall of adjacent #buildings# on the same or adjoining #zoning lots# shall be considered adjacent #front yards#.

Except as provided in paragraph (c) of this Section, in the districts indicated, if adjacent #residential buildings# on the same or on adjoining #zoning lots# fronting on the same #street# have #front yards# greater than the minimum set forth in paragraph (a) of this Section, then a #front yard# shall be provided which:

- (1) in R2A, R3A, R3X, R4A or R4-1 Districts is at least as deep as an adjacent #front yard#; and
- (2) in R4B or R5B Districts is no deeper than the deepest adjacent #front yard# and no shallower than the shallowest adjacent #front yard#.

However, a #front yard# need not exceed 20 feet in depth.

In determining the depth of the adjacent #front yards#, balconies, and projections from the front building wall that do not exceed 33 percent of the aggregate width of the #building#, shall be disregarded.

For new #developments# or #enlargements#, projections into the required #front yard# are permitted provided that the aggregate width of all projections at the level of any #story# does not exceed 33 percent of the aggregate width of the #building#. The depth of such projections shall not exceed three feet into the #front yard#. However, balconies shall be subject to the provisions of Sections 23-13 (Balconies) and 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

- (c) The provisions of paragraph (b) of this Section determining the depth of a #front yard# by the location of a #front yard# on an adjacent #zoning lot#, are modified as follows:
- (1) on #corner lots#, these provisions shall apply on only one #street# frontage; and
 - (2) these provisions shall not apply to:
 - (i) any #street# frontage of a #zoning lot# where such frontage has a length of at least 150 feet along such #street#;
 - (ii) any #zoning lot# located in historic districts designated by the Landmarks Preservation Commission; or
 - (iii) a frontage of any #zoning lot# where the depths of 50 percent of the #front yards# within 150 feet of the #side lot lines# of such #zoning lot# are shallower by more than

two feet than the shallowest of the adjacent #front yards#.

R1 R2 R3 R4 R5

- (d) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the provisions of paragraphs (a) and (b) of this Section are modified as follows:

The depth of the #front# yard may vary between the requirements of paragraph (a) of this Section, or as modified in any applicable Special District, and the depth of the #front yard# of any adjacent #zoning lot#.

The above resolution (N 050401 ZRY), duly adopted by the City Planning Commission on June 22, 2005 (Calendar No. 15), 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
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI,
JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners