



## CITY PLANNING COMMISSION

---

February 24, 2010 / Calendar No. 13

N 100139 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 Articles I, II, III, VII and XII and other related Sections concerning front yard planting, parking location and curb cut regulations for residential uses.

---

An application for an amendment to the Zoning Resolution, N 100139 ZRY, was filed by the Department of the City Planning on November 16, 2009 to clarify, revise and introduce new regulations to preserve and enhance the streetscape character of residential neighborhoods.

### **BACKGROUND**

The Department of City Planning is proposing a city-wide text amendment to clarify, revise and introduce new regulations to preserve and enhance the streetscape character of residential neighborhoods. The text amendment would strengthen front yard planting regulations; further restrict front yard parking in one and two- family residence districts; restore the original intent of residential parking and planting regulations as they affect existing buildings in order to be consistent with a court decision affecting the definition of the term “development”; restore curb cut prohibitions for narrow lots in R4B, R5B, R6B, R7B and R8B districts; introduce new curb cut regulations for residential parking spaces in various residential, commercial and special purpose mixed-use districts citywide where none exist today; add streetscape character findings and accentuate pedestrian movement findings in authorizations for curb cut and parking spaces in Manhattan Community Districts 1 through 8 and portions of Queens Community Districts 1 and 2; clarify parking requirements for new dwelling units created within existing residential buildings in R3 and R4 districts and in pre-1961 residential buildings city-wide, and clarify rules governing the amount of open space that may be occupied by driveways and open parking spaces.

The proposed text amendment addresses concerns expressed by Community Boards and elected officials about inappropriate curb cuts and parking pads in front yards in low density residence districts. In addition, the proposal responds to a recent court decision regarding the applicability of the word “development” and its effect on residential parking and planting rules. The proposal also fills the gaps in the existing regulations by establishing curb cut rules in districts where none exist.

## **EXISTING AND PROPOSED ZONING REGULATIONS**

This application is amending multiple sections of the Zoning Resolution pertaining to front yard planting, parking and location of curb cuts for residential buildings in lower, medium and high density districts citywide. In addition, text amendments are proposed to clarify the intent of other regulations relating to parking and curb cuts in residential districts. The following sections describe the existing and proposed regulations for lower density districts followed by medium and high density districts, and other clarifications.

### **Lower Density Districts**

#### **Front yard planting requirements**

In R1, R2, R3, R4, and R5 districts, current zoning regulations require a minimum percentage of the area of the front yard to be planted (Section 23-451). The percentage increases as the width of the zoning lot increases. These rules were adopted April 30, 2008 to ensure that new residences provide landscaped areas that promote permeability and attractive streetscapes (ULURP No. 080078 ZRY). The proposal would not change the percentage of required planting, but would strengthen the rules by eliminating loopholes that allow the required planting to be located in driveways or in excessively narrow strips where the plants have little chance of survival. The minimum width of a planted area contributing towards the minimum percentage would be one foot, exclusive of bounding walls. Planting would continue to be permitted within driveways, but such planting could no longer count towards meeting the minimum percentage. These modifications would ensure that the required planted areas are of sufficient quality that they contribute towards an attractive streetscape.

Secondly, the current text does not address how the required planting is distributed on zoning lots with multiple buildings. It is proposed that for such zoning lots, the planting requirement be based on the street frontage allocated to each building on a proportional basis. This modification would ensure the proportional distribution of the planting requirements to each building on a single zoning lot, in keeping with the intent that each new residence has a planted front yard.

#### Parking location in R3A, R3X, R3-1, R4A, R4-1 and R5A districts

Existing regulations require that new parking spaces in R1 and R2 districts city-wide, and in Lower Density Growth Management Areas (R1, R2, R3, R4A and R4-1 districts on Staten Island and Community District 10 in the Bronx) be located within a residential building or to the side or rear of the building. This requirement would be extended to all single and two-family residence districts city-wide. These districts are widely mapped throughout areas of Queens, Brooklyn and the Bronx.

In 1989, the City Planning Commission adopted the Lower Density Contextual Zoning Text Amendment, which included rules to encourage less disruptive parking placement and the preservation of curbside parking spaces (ULURP No. 040414 ZRY). These regulations require that parking spaces on narrow lots (less than 35 feet wide) be located in a “side lot ribbon” (an area up to ten feet wide that extends along a side lot line) or in the rear of the building. Typically, a side lot ribbon coincides with an eight foot wide side yard, and the parking space is located within a driveway in the side yard. Many lower density districts do not allow new attached buildings, but may contain a small number of pre-existing “non-conforming” rowhouses, which do not have a side yard. Currently, a new parking pad is permitted directly in front of these rowhouses within ten feet of the side lot line bounding the front yard, which results in a highly visible parking space that is disruptive to the character of the neighborhood and not in keeping with the original intent of the Lower Density Contextual Zoning Text Amendment. For existing semi-detached or detached buildings that lack an eight foot side yard, and do not have garages within the building, the introduction of a parking pad directly in front of the building has a similar disruptive affect on neighborhood character.

The proposed amendment to Section 25-621 and 25-631 would prohibit parking in front of all detached buildings on zoning lots less than 35 feet wide in R3A, R3X, R3-1, R4A, R4-1 and R5A districts, and would permit new curb cuts only if they access a driveway located within a side yard that is at least eight feet wide. For semi-detached buildings in R3-1 and R4-1 districts, parking spaces would be permitted within a driveway in an eight foot side yard and prohibited in front of the building except when within a driveway in front of a garage located within the building. This proposal would maintain the streetscape and preserve on-street parking spaces in lower density contextual districts in a manner consistent with the original intent of the Commission.

No changes are proposed for zoning lots at least 35 feet wide. Curb cuts would continue to be allowed to access driveways located in side yards at least eight feet wide or access garages located within residential buildings.

Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) would be clarified to allow, in single and two family districts (except R4B), additional parking spaces within front yard driveways provided such driveways access parking spaces located within the residential building or to the side or rear of the building.

#### Parking prohibitions for non-conforming buildings in R1 through R5 districts

The proposed amendment to Section 25-633 would prohibit curb cuts and parking in front of any non-conforming building in R1 through R5 districts. In addition, the proposed text amendment would prohibit curb cuts and parking in front of any semi-detached building attached to an attached building in R3-1 and R4-1 districts. This is consistent with the intent of the changes proposed for R3, R4 and R5 single and two-family districts.

#### **Medium and High Density Districts**

##### Curb cuts in R4B, R5B, R6B, R7B and R8B districts

In *Gruson vs. The Department of City Planning*, the court decided that the term “development” as used in the Zoning Resolution for the purposes of curb cut regulations in Section 25-633,

refers only to the construction of a new building and not existing buildings. The case concerned the Department's refusal to accept an application for authorization of a new parking space within an existing rowhouse in an R8B District in Community District 8, Manhattan, where all new parking spaces in existing buildings require an authorization. The Department contested that Section 25-633, which applies to districts with a "B" suffix, prohibits curb cuts for developments on zoning lots having a width of less than 40 feet along a street. The court found that the prohibition did not apply in this case because the rowhouse had been in existence for over 100 years, and ordered the Department to accept the petitioner's application. Although other sections of the Zoning Resolution prohibit parking between the street line and street wall of a building in a "B" district, the court decision could result in the creation of enclosed parking spaces within rowhouses accessed by new curb cuts and driveways. Such curb cuts would result in the loss of on-street parking spaces, and such driveways could result in the elimination of front yard landscaping, both of which would be disruptive of neighborhood character.

The proposal would prohibit curb cuts in R4B and R5B districts on zoning lots existing on the effective date of establishing such districts on the zoning maps with less than 40 feet of street frontage (paragraph (c) of Section 25-631), and would prohibit curb cuts in R6B, R7B and R8B districts for any building or building segment less than 40 feet wide (paragraph (e)(4) of Section 25-631). This would reinforce the intent of the Commission when it adopted contextual zoning rules that prohibited curb cuts for narrow lots in "B" districts in 1994 (ULURP No. 940257 ZRY). The Commission sought at that time to preserve the streetscape of the "B" districts, which are characterized by rowhouse developments with planted front yards and few if any curb cuts.

#### Curb cuts in other R6, R7 and R8 districts

Currently, there are no curb cut regulations in R6A, R7A, R7D, R7X, R8A and R8X districts, or, in R6, R7 and R8 non-contextual districts for buildings with four or more dwelling units or for any building utilizing the optional Quality Housing regulations. There are also no curb cut regulations for residential buildings in commercial or special mixed-use districts with R3 through R8 residential equivalents. This can result in unlimited curb cuts which result in unattractive streetscapes, eliminate public curb-side parking spaces and contribute to conflicts between

pedestrians and vehicles. Excessive curb cut widths and driveways also preclude planted front setback areas in residence districts, and contribute towards a loss of retail continuity in commercial districts.

In addition, in R6B, R7B and R8B districts, current rules in Section 25-631 permit multiple curb cuts to access parking for developments on zoning lots that were wider than 40 feet on the effective date of establishing such districts on the zoning maps, if such curb cuts are spaced at least 34 feet apart. This can result in several curb cuts on blocks where such curb cuts are uncharacteristic of the surrounding area, leading to the pavement of front set back areas for driveways and the loss of on-street parking.

It is proposed that for all zoning lots in R6, R7 and R8 districts existing on the date of this amendment, either one or two curb cuts would be permitted on any street frontage of a zoning lot, depending on the size of the group parking facility (paragraph (e) of Section 25-631). For group parking facilities with fewer than 50 spaces, where not more than one vehicle is likely to use the curb cut at the same time, one curb cut with a maximum width of 12 feet, including splays, would be permitted. For group parking facilities with at least 50 spaces, where vehicles may be more likely to enter and exit simultaneously, the maximum width of the curb cut would be 22 feet, including splays. Alternatively, two curb cuts, each with a maximum width of 12 feet, including splays, would be allowed for an entrance and exit to a group parking facility with 50 or more spaces, if such curb cuts were spaced at least 60 feet apart. However, curb cuts would only be allowed on zoning lots created after the date of this amendment if at least 34 feet of uninterrupted curb space, (enough for two on-street parking spaces) would be maintained along the street in front of the zoning lot.

The only exceptions to these rules would be for non-Quality Housing buildings or building segments with less than four dwelling units, which will continue to be permitted to have multiple curb cuts and front yard parking if such curb cuts are spaced at least 16 feet apart (paragraph (d) of Section 25-631), and for zoning lots with buildings or building segments less than 40 feet wide in R6B, R7B and R8B districts, as already discussed.

### Commercial Districts

In commercial districts, the proposed modifications to Section 36-52 would require parking spaces accessory to residences to follow the parking location and curb cut rules for their residential equivalent district. For zoning lots with access to both wide and narrow streets, curb cuts would be permitted only on the narrow street to maintain retail continuity along the wide street, which is typically the more active retail street (Section 36-532).

The proposal would minimize the loss of public curb-side parking spaces and reduce potential pedestrian and vehicular conflicts. The proposal also strengthens the existing rule requiring that all front setback areas of Quality Housing buildings in residence districts be planted, except at the building entryways and driveways that access parking spaces, thereby enhancing the quality of the streetscape (Section 28-33). This rule could no longer be circumnavigated by devoting an excessive amount of the building frontage to garages and curb cuts.

### Curb cut authorizations

In Manhattan Community Districts 1 through 8 and in portions of Queens Community Districts 1 and 2, new parking spaces within existing buildings and curb cuts on wide streets are allowed only by authorization of the City Planning Commission. The findings focus on vehicular movement and traffic congestion. The proposed modifications to Sections 13-551 and 13-553 would add a finding to both authorizations that the new curb cuts would not be inconsistent with the character of the existing streetscape. The amendment would also create a separate finding in each authorization that pedestrian movement would not be adversely affected by the new parking space or curb cut..

Parking for buildings erected prior to 1961 The Zoning Resolution contains no rules for residential parking spaces constructed prior to 1961. This has led to the removal of some spaces. The proposed text amendment to Sections 25-21 and 36-31 would require that any residential parking spaces provided prior to 1961 could not be removed if such spaces would be required pursuant to today's zoning regulations.

### Required parking for new dwelling units in existing residential buildings

Currently, the use of the word “conversion”, which is not defined in the Zoning Resolution, is ambiguous as it relates to parking requirements. In Sections 25-211 and 36-31 the proposal would clarify that the creation of new dwelling units in residential buildings in R3 and R4 districts, even if those building are not “enlarged”, are required to provide an off street parking space in addition to any existing parking spaces on the zoning lot. The modified language would ensure that adequate parking is provided when, for example, a single family home is converted to a two-family home, or a two-family home is converted to a three-family home in R3 and R4 districts. The proposal would also clarify that in other districts, conversions do not generate parking requirements.

**Other modifications:**

Permitted obstructions in open space and amount of open space that can be occupied by driveways and open parking spaces

Existing regulations limit the amount of open space that can be used for driveways and open parking spaces. There is ambiguity concerning whether this requirement applies where there is no open space requirement, such as for Quality Housing buildings, or in R2X, R3A, R3X, R4A, R4-1 and R5A districts where there is no required minimum amount of open space.

In Lower Density Growth Management Areas, this ambiguity was resolved by removing the reference to open space, and requiring that driveways and open parking spaces occupy not more than a specified percentage of the area of the zoning lot not covered by a residential building.

In the proposed amendment to Section 25-64, this clarity would be extended city-wide. In all districts with floor area ratios of less than 1.0 (R1, R2, R3 and R4B districts), driveways and open parking spaces could occupy not more than 50 percent of the area of the zoning lot not covered by a residential building. In R4 other than R4B districts, and R5 districts, driveways and open parking spaces could occupy not more than 66 percent of the area of the zoning lot not covered by a residential building. In R6 through R9 districts with open space ratios, the text would specify that driveways and open parking spaces could occupy not more than 50 percent of area of the zoning lot used to meet open space ratio requirements. Quality Housing buildings,



which are not subject to open space ratio requirements because they are high coverage buildings with separate requirements for recreation space, would be specifically exempted from the limitations on the amount of open area used for parking and driveways. This is as originally intended by the creation of the Quality Housing Program, where open parking lots located in the rear of buildings was anticipated.

Related language in Section 23-12 has been clarified.

#### Waiver of parking for lots with restricted access

The Commissioner of Buildings is allowed to waive parking requirements if it is impossible to comply with the curb cut spacing rules. For instance, if a pre-existing zoning lot is less than 24 feet wide and is bounded on both sides by driveways constructed after 1989, it cannot construct a new curb cut and also maintain at least 16 feet of uninterrupted curb space along the street (the minimum width of a curb cut is eight feet). The waiver process is time consuming and unnecessary since it can easily be demonstrated at the plan examiner level whether one can comply with the spacing rule or not. The proposed text in Section 25-27 would allow the waiver of parking requirements without Commissioner of Buildings approval.

#### Height of garages

Existing regulations limit the height of a garage accessory to a building with three or more dwelling units in R3-2, R4 and R5 districts to six feet above curb level. This is unrealistically low and conflicts with the Americans with Disabilities Act which requires taller ceiling heights for accessible vehicles. The proposal would raise the permitted height to ten feet, including the apex of a pitched roof, measured from adjoining grade (Section 23-44). In R6 through R10 districts, the height of a garage accessory to a building with three or more dwelling units is limited to 14 feet above curb level. The proposal would add base plane, where applicable, as a point of measurement to address changes in topography on sloped sites.

#### Quality Housing modifications

The definition of “development”, as affected by the court decision, has necessitated various modifications to the Quality Housing Program, its applicability and its regulations so that the

purpose and intent of the program remains as intended by the City Planning Commission (Sections 12-10, 23-011, 23-892, 28-00, 28-33, 28-50, 36-026). In addition, Study Area boundaries in Section 23-011, where the Quality Housing Program is not permitted, have been updated to reflect zoning map changes.

#### Residential parking in Special Mixed Use Districts

Article 12 Chapter 3 would be clarified to specify how the parking regulations of Article 2 Chapter 5 apply to residential uses in Special Mixed Use Districts (Section 123-72).

### **ENVIRONMENTAL REVIEW**

This application (N 100139 ZRY) 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 10DCP0135Y. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 16, 2009.

### **PUBLIC REVIEW**

This application (N 100139 ZRY) was duly referred on November 16, 2009, to all community boards, borough presidents and borough boards in accordance with the procedure for referring non-ULURP matters.

### **Community Board Review**

#### Bronx

On December 8, 2009, Community Board 8 voted in support of the zoning application by a vote of 33 in favor, 1 opposed, and 1 abstention.

## Brooklyn

On January 14, 2010, Community Board 8 voted in support of the zoning application by a vote of 28 in favor, 3 opposed and 1 abstention.

On January 26, 2010, Community Board 9 voted in support of the zoning application by a unanimous vote.

On January 19, 2010, Community Board 10 voted in support of the zoning application by a vote of 40 in favor, 2 opposed and 1 recusal with the following comments:

- Curb Cut Spacing and DCP Authorizations: The applications for new curb cuts which are necessary to meet parking requirements should be required to provide zoning references and dimensions to show the location of curb cuts on all adjacent properties in filed zoning diagrams.
- Garages and Garage Heights: The text amendment in Section 23-44 that increases the heights of garages in rear yards be modified to include following conditions:
  - That such increase in garage height not be allowed to accommodate uses other than parking in garages.
  - That the entrance door to the garages be compatible with the new height requirement.
  - That the amendment explicitly state that parking garages permitted thereunder not accommodate or be converted to other (non-garage) uses; and
  - If any new parking spaces are created pursuant to the Amendment and such garage space is converted to non-parking use, the adjacent driveway space not be permitted to be used for parking.
- Front Yard Parking and Curb Cuts: The text be modified to extend the front yard parking restrictions on narrow lots (less than 35 feet wide) in single and two-family districts to wide lots as well (35 feet or more).
- Text should be written to improve the clarity.

On January 11, 2010, Community Board 14 voted in support of the zoning application by a vote

of 34 in favor, none opposed and no abstention.

On December 21, 2009, Community Board 17 issued a letter in support of the zoning application (no vote).

### Manhattan

On December 15, 2009, Community Board 1 voted in support of the zoning application by a vote of 29 in favor, 1 opposed, and no abstentions with the following modifications:

- to amend the proposed finding in Section 13-551 that currently states-“the parking spaces will not adversely affect pedestrian movement” to “the parking spaces will not unduly inhibit pedestrian movement”; and
- to amend finding (d) in Section 13-553 to include discussion that curb cuts will not interfere with the efficient functioning of bicycle lanes.

On January 21, 2010, Community Board 2 issued a letter in support of the zoning application by a unanimous vote of 36 in favor.

On December 24, 2009, Community Board 3 issued a letter in support of the zoning application with the recommendation that the rules should consider the needs of people with disabilities. The Land Use, Zoning, Public and Private Housing Committee of Community Board 3 voted in support of the zoning application by a vote of 30 in favor, none opposed and no abstention.

On January 11, 2010, Community Board 4 voted to recommend the conditional approval of the zoning application. The Community Board supported the application with the following conditions:

- Limitation on number of curb cuts is incompatible with the tower-in-a-park buildings.
- Penn South on West 26th Street has a single curb cut approximately 55 feet wide to accommodate entry and exit lanes for both above ground and below ground parking. They stated their preference for this single, wide curb cut to any alternative and request that the proposed amendments be modified to accommodate it.
- Permits for uncovered parking facilities with curb cuts that run the entire length of the

facility and parking facilities with curb cuts on both a wide and a narrow street be made ineligible for renewal. Both of these conditions exist in Community Board 4 and adversely affect pedestrians and the ability to plant trees.

On December 10, 2009, Community Board 5 voted in support of the zoning application by a vote of 33 in favor, none opposed, and 1 abstention.

On January 5, 2010, Community Board 7 voted in support of the zoning application by a vote of 28 in favor, none opposed and 1 abstention.

On January 13, 2010, Community Board 8 voted in support of the zoning application by a vote of 30 in favor, 1 opposed and 2 abstentions.

### Queens

On January 19, 2010, Community Board 1 voted to recommend approval of the application with the following conditions:

- Allow curb cuts on zoning lots with less than 40-foot street frontage;
- Do not require additional parking spaces for conversions of existing buildings that create additional dwelling units;
- Allow 14-foot high garages in lots developed with multiple dwellings consistent with other zoning districts; and
- Remove the lot coverage requirements for individual garages in R2A zoning districts.

On January 7, 2010, Community Board 2 voted to approve the application by a vote of 28 in favor, 2 opposed and no abstention.

On December 1, 2009, Community Board 4 voted to approve the application by a unanimous vote.

On January 13, 2010, Community Board 8 voted to approve the application by a unanimous vote with the condition that the Commission commences preparation of a Zoning Text Amendment that will protect one family occupancy row houses subject to mapping.

On January 12, 2010, Community Board 9 voted to approve the application with a comment that the community facilities in low density residential neighborhoods should be bound by the same regulations for front yard planting that are applicable to residential uses.

On December 7, 2009, Community Board 11 voted to approve the application by a unanimous vote.

#### Staten Island

On January 19, 2010, Community Board 2 voted to approve the application by a unanimous vote.

On December 15, 2009, Community Board 3 voted to support the application.

#### **Borough President Review**

This application was considered by the Manhattan Borough President who issued a letter of support on January 25, 2010.

The Brooklyn Borough President issued a letter supporting the application on February 2, 2010. The Borough President suggested that modifications be made based on the recommendations received from the Brooklyn Borough Board.

No recommendations were received from the Bronx, Queens or Staten Island Borough Presidents.

### **Borough Board Review**

The Brooklyn Borough Board issued a recommendation approving the application on February 2, 2010 by a vote of 23 in favor, 1 opposed and 2 abstentions with the following conditions.

- The planting requirements be extended to front setback areas of all residential buildings including those developed under height factor regulations in R6, R7 and R8 districts.
- Amend text in Section 25-27 that allows required parking to be waived by the Department of Building's plan examiner if access to parking cannot be provided in compliance with the requirements of Section 25-63 (Location of Access to the Street) to be limited to a maximum of three parking spaces.

On February 1, 2010, the Queens Borough Board held a public hearing on the application and voted unanimously for approval.

No recommendations were received from the Bronx, Manhattan, or Staten Island Borough Boards.

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

On January 6, 2010 (Calendar No. 9), the City Planning Commission scheduled January 27, 2010, for a public hearing on this application (N 1001399 ZRY). The hearing was duly held on January 27, 2010 (Calendar No. 19). There were four speakers in favor of the application and one speaker in opposition. One person submitted written testimony in support of the application.

A representative testified on behalf of Councilmember representing the 43<sup>rd</sup> District in favor of the application stating that the text amendment is a very good start at preserving on-street parking and preserving the character of streets. He expressed Councilman's support for Brooklyn Community Board 10's recommendation and reiterated the Councilman's support for extending the front yard parking restrictions proposed for narrow lots (less than 35 feet) in one and two-family districts to all wide lots (35 feet or more) in these districts. He also stated that the proposed text should be written to improve the clarity and avoid misinterpretation of the regulations.

A representative testified on behalf of Manhattan Borough President Scott Stringer and expressed his support of the application to enhance and protect the streetscape.

A representative from Brooklyn Community Board 10 expressed their support of the application stating that the application should consider the recommendations submitted by the Community Board.

A representative from Historic Districts Council (HDC) testified in favor of the application stating that the proposed zoning text should be clarified and strengthened to prevent curb cuts in some district and to include additional planting requirements.

Written testimony in support of the application was submitted by Carnegie Hill Neighbors, who stated that the proposed text change would help protect the character of blocks as originally built and reduce the usurpation of on-street parking spaces for curb cuts. They noted that the text amendment clarifies ambiguities with respect to the introduction of curb cuts and accessory parking spaces for both existing and new buildings in R8B districts.

A representative from the Citizens Housing and Policy Council (CHPC) expressed their concern over the proposed amendment to Section 25-21 of the Zoning Resolution, which would require that existing parking spaces for pre-1961 buildings be retained if such spaces would be required under today's zoning. She stated that this rule might hinder the redevelopment efforts of the New York City Housing Authority as it seeks to add infill development on older tower-in-the-park projects. She also stated that CHPC was opposed to the rule in Section 25-211 that would require an additional parking space for any new dwelling unit added to an existing residence in R3 and R4 district (for example, converting a single family home to a two-family home). They are concerned that the requirement will unintentionally discourage the creation of housing units and encourage illegal conversions that pose health and safety hazards.

New York City Housing Authority (NYCHA) submitted written testimony expressing concern over the proposed modification to Section 25-21 that would prevent the removal of parking



spaces in pre-1961 buildings if those spaces would be required under today's zoning. Some of NYCHA's projects have underutilized parking lots that are planned to be removed to provide infill housing or community facility buildings. They stated that the proposed change to 25-21 may impede their development plans.

The New York Chapter of the American Institute of Architects (AIA) also submitted written testimony supporting the concerns expressed by NYCHA and CHPC and recommended that the Commission consider delaying the adoption of this application until the Department completes a residential parking study that would review auto-ownership patterns throughout the city to determine the need to update parking requirements for housing.

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

This application 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 09-086. 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 100139 ZRY), as modified, is appropriate.

The Commission believes that the proposed text amendment would greatly enhance the streetscape character of residential neighborhoods citywide and promote green streetscapes. The Commission believes the proposed amendment would strengthen front yard planting requirements and restrict front yard parking in one and two-family residence districts, thereby preserving landscaped front yards and curb-side parking spaces. The Commission also believes the proposed

amendment would restore the original intent of curb cut prohibitions on narrow lots as they affect existing buildings in order to be consistent with a court decision affecting the meaning of the term “development”. Furthermore, the Commission believes the proposed amendment will encourage group parking facilities in medium and high density districts that are accessed by fewer curb cuts, thereby reducing vehicular conflicts with pedestrians and preserving on-street parking spaces.

The Commission has carefully considered the recommendations and comments received during the public review of the application. The Commission is therefore making the following two modifications to the text amendment referred on November 16, 2009:

In response to the concerns raised by NYCHA, CHPC and AIA New York Chapter, the Commission has modified the proposed amendment to Section 25-21 to state that existing parking spaces for pre-1961 buildings cannot be removed if such spaces were required by zoning at the time such buildings were constructed, unless today’s zoning allows for their removal. This will codify the current practice of the Department of Buildings, which applies pre-1961 zoning rules for parking to all buildings built between July 20, 1950 (the date zoning first enacted residential parking requirements), and December 15, 1961. Buildings built prior to July 20, 1950 are currently permitted to remove all residential parking, and this text amendment will continue to allow for those spaces to be removed.

The Commission has also modified the proposed finding of need in Section 13-551, which allows the Commission to authorize enclosed parking spaces in existing buildings. The existing finding does not offer clear guidance as to what constitutes “need”. The proposed modification would make clear that “need” is a fairly high standard to meet, based upon objectively demonstrated circumstances.

Additionally, in response to comments that the text is too complex, the Commission has modified various other sections for greater clarity.

The Commission has carefully considered other recommendations made during the public hearing.

In response to the comments received from Brooklyn Borough President and Borough Board concerning limiting the number of parking spaces permitted to be waived pursuant to Section 25-27, and requiring planting in front of all residential buildings including those developed under height factor rules, the Commission noted that such modifications would be beyond the scope of this application.

The Commission received comments from CHPC and AIA New York Chapter pertaining to Section 25-211 which requires an additional parking space for any new dwelling unit added to an existing residence in R3 and R4 districts. The Commission is concerned with striking the right balance between housing opportunities and parking needs. R3 and R4 districts are largely auto-dependent and mapped in areas distant from public transit. These districts require a parking space for each dwelling unit in new and enlarged homes, and additional dwelling units created within existing homes should be treated equally. The Commission is concerned that exempting such units from parking requirements will contribute to a scarcity of on-street parking spaces in these districts, and therefore does not recommend modifications to this part of the text amendment. In addition, the Commission acknowledges that the Department of City Planning is conducting a residential parking study that will analyze auto-ownership rates and off-street parking requirements.

The Commission received testimony from the Councilmember representing the 43rd district recommending that the front yard parking restrictions on narrow lots (less than 35 feet wide) in single and two-family districts be extended to wide lots as well (35 feet or more). This recommendation was also supported by the Brooklyn Borough Board and Brooklyn Community Board 10. The Commission finds that the goals of the amendment can be met without extending such restrictions to wider lots. The proposal requires that on narrow lots, parking be allowed only in a driveway that extends into a side yard at least eight feet in width, thereby reserving the area in front of the house for a planted front yard, and the adjoining curb space for an on-street parking space. The only exception is for semi-detached homes with interior garages in R3-1 and R4-1 districts, where a driveway would be allowed to extend to the garage in the front of the home. On lots with 35 feet or more of street frontage, detached homes can be wide enough to

provide both an interior garage and adequate front yard planting in front of the homes, as well as adequate curb side parking spaces. The Commission notes that prohibiting homes with interior garages on wide lots is therefore unduly restrictive.

In response to comments received from Brooklyn Community Board 10 requesting that zoning diagrams submitted to the Department of Buildings for new curb cuts applications be required to show zoning references and dimensions of curb cuts on all adjacent properties, the Commission notes that such a change is procedural in nature, and that changes to the administrative processes of other agencies is beyond the scope of this application. Brooklyn Community Board 10 also recommended that the text be modified to explicitly require that rear yard garages permitted as obstructions in Section 23-44 shall not be permitted to accommodate uses other than a garage. The Commission notes that such conversions are prohibited by zoning, and zoning violations are the responsibility of the Department of Buildings.

In response to recommendations of Manhattan Community Board 1 to modify a finding of Section 13-551 concerning the effect of new parking spaces and curb cuts on pedestrian movement, the Commission notes that the finding as proposed, which consider an adverse affect on pedestrian movement, is stronger than the board's recommendation to consider an inhibition of pedestrian movement. The board also recommended that finding (d) in Section 13-553 include considerations for bicycle lanes. The Commission notes that the affect on bicycle lanes is considered under the vehicular movement finding of paragraph (b).

In response to concerns of Manhattan Community Board 3 to consider the needs of people with disabilities, the Commission notes that nothing in the proposed text conflicts with the Americans with Disabilities Act.

In response to concerns raised by Manhattan Community Board 4 that the proposed limitation on the number and width of curb cuts is incompatible with the tower-in-a-park building type and with existing buildings in the Community District that have 55-foot wide curb cuts, the Commission notes that the proposed text amendment is not retroactive and will not affect existing legal curb cuts. The Commission also notes that the development of tower-in-a-park

building types is unlikely in the future given the scarcity of large underbuilt sites. However, such building types with multiple curb cuts would be permitted pursuant to the provisions for Large Scale Residential Developments, upon authorization that the multiple curb cuts would permit better site planning and allow better traffic flow. The board also raised concerns regarding permits issued to uncovered parking facilities that have curb cuts along the entire zoning lot frontage and existing parking facilities that have curb cuts on wide and narrow streets and recommended that permits for such parking facilities be made ineligible for renewal. The Commission notes that revoking renewal of permits issued for such parking facilities is subject to the conditions listed under each permit and could only be addressed on a case-by-case basis.

In response to the concerns raised by Queens Community Board 1 to allow curb cuts on zoning lots with less than 40 feet of street frontage, the Commission notes that the proposal would allow curb cuts on all zoning lots except narrow lots in row house neighborhoods that are mapped as R4B through R8B districts. This prohibition is crucial in order to maintain the streetscape character in these row house neighborhoods. The Commission also notes that parking requirements for new dwelling units created as a result of conversion of an existing building apply only to R3 and R4 districts. The Commission further notes that raising the allowable height of garages in rear yards of multifamily dwellings and excluding detached garages in R2A districts from lot coverage requirements are outside the scope of this application.

The Commission received comments from Queens Community Board 8 to consider preparing a zoning text amendment that will protect one family occupancy row houses subject to mapping. The Commission recognizes that such a text amendment will require an in-depth analysis of the issues and needs of such neighborhoods and is outside the scope of this application.

In response to the concerns raised by Queens Community Board 9 to consider extending front yard planting rules that are currently applicable to residential buildings in low density districts to community facility uses in these districts, the Commission notes that such changes are beyond the scope of this application.

**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 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 to be deleted;  
Matter with # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

**Article 1  
GENERAL PROVISIONS**

\* \* \*

**Chapter 2  
Construction of Language and Definitions**

\* \* \*

**12-10  
DEFINITIONS**

\* \* \*

Publicly accessible open area

\* \* \*

Quality Housing building

A “Quality Housing building” is a #building developed, enlarged, extended# or converted pursuant to the Quality Housing Program.

Quality Housing building segment

A “Quality Housing building segment” is a #building segment developed, enlarged, extended# or converted pursuant to the Quality Housing Program.

\* \* \*

**Chapter 3**

**Comprehensive Off-Street Parking Regulations in Community Districts 1 through 8 in Manhattan and a portion of Community Districts 1 and 2 in the Borough of Queens**

\* \* \*

**13-50**

**SPECIAL PERMITS AND AUTHORIZATIONS**

\* \* \*

**13-55**

**Authorizations**

\* \* \*

**13-551**

**Accessory off-street parking spaces**

The City Planning Commission may, by authorization, subject to the otherwise applicable zoning district regulations, allow on-site enclosed #accessory# off-street parking facilities with a maximum capacity of 15 spaces in existing #buildings#, provided that the Commission finds that:

- (a) the #building# does not have #accessory# off-street parking spaces;
- (b) such parking spaces are needed for and will be used exclusively by the occupants of the #use# to which they are #accessory#. For the purposes of this finding (b), need shall exist where there are special circumstances and there are no reasonably viable alternatives to on-site enclosed parking spaces;
- (c) the parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic ~~and pedestrian movement;~~
- (d) the parking spaces will not adversely affect pedestrian movement; and

~~(d)~~(e) the parking spaces will not be incompatible with, or adversely affect, adjacent #uses# including #uses# within the #building#, ; and

(f) the curb cut accessing such parking spaces will not be inconsistent with the character of the existing streetscape.

\* \* \*

### 13-553

#### Curb cuts

The City Planning Commission may authorize, subject to the applicable zoning district regulations, curb cuts located on a #wide street# provided the Commission finds that a curb cut at such location:

(a) is not hazardous to traffic safety;

(b) will not create or contribute to serious traffic congestion, or unduly inhibit vehicular ~~and pedestrian~~ movement; ~~and~~

(c) will not adversely affect pedestrian movement;

~~(e)~~(d) will not interfere with the efficient functioning of bus lanes, specially designated #streets# and public transit facilities; and

~~(d)~~(e) will not be inconsistent with the character of the existing streetscape.

\* \* \*

## Article 2

### RESIDENCE DISTRICT REGULATIONS

#### Chapter 3

#### Bulk Regulations for Residential Buildings in Residence Districts

\* \* \*

### 23-011

#### Quality Housing Program

(a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, any ~~#development# or #enlargement#~~ #building# shall comply with the applicable district #bulk# regulations as set forth in this Chapter and ~~any #residential development#, #enlargement#, #extension# or conversion~~ any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8 (Quality



Housing Program). In R5D Districts, certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

- (b) In other R6, R7, R8, R9 or R10 Districts, the #bulk# regulations applicable to #Quality Housing #developments# buildings# may, as an alternative, be applied if the #zoning lot# is #developed# or #enlarged# pursuant to all of the requirements of the Quality Housing Program. Such #developments# #buildings# may be subsequently #enlarged# only pursuant to the Quality Housing Program. In these districts, the Quality Housing #bulk# regulations may apply to #developments# or #enlargements# on #zoning lots# with existing #buildings# to remain, if:
- (1) the existing #buildings# are non-#residential# and the entire #zoning lot# will comply with the #floor area ratio# and density standards applicable to Quality Housing #developments# #Quality Housing buildings#; or
  - (2) the existing #buildings# are #residential#, and such #buildings# comply with the maximum base heights and maximum #building# heights listed in the tables in Section 23-633 or Section 35-24 for the applicable district, and the entire #zoning lot# will comply with the #floor area ratio#, #lot coverage#, and density standards applicable to Quality Housing #developments# or #enlargements# #Quality Housing buildings#.
- (c) The optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section shall not apply to:

\* \* \*

- (3) #zoning lots# in R6 or R7 Districts within the study areas set forth in this paragraph, (c)(3), and occupied, as of August 14, 1987, by a #single-#, #two-# or three-#family detached# or #semi-detached residence# where 70 percent or more of the aggregate length of the blockfronts in #residential use# on both sides of the #street# facing each other are occupied by such #residences#. For any #development# or #enlargement# on such #zoning lot#, the #floor area ratio# and density requirements of the underlying district shall apply. On a #narrow street# that intersects with a #wide street#, the 70 percent #residential use# requirement on a #narrow street# shall be measured from a distance of 100 feet from its intersection with a #wide street#.

The study areas are:

\* \* \*

In the Borough of Brooklyn:

Midwood Area

The area bounded by Avenue M, Coney Island Avenue, ~~Avenue P, Ocean Avenue, Quentin Road~~ Avenue O, and a line midway between East 10th Street and Coney Island Avenue.

\* \* \*

In the Borough of Queens:

Elmhurst/Corona Area

The area bounded by ~~Junction Boulevard~~, Roosevelt Avenue, 114th Street, 34th Avenue, ~~105th Street~~ and ~~35th Avenue~~ 112 Street.

~~Bell Boulevard Area~~

~~The area bounded by 213th Street, the southerly prolongation of the center line of 213th Street, 213th Street, Northern Boulevard, 211th Street, 45th Road, 215th Street, 43rd Road, 214th Place, the northerly prolongation of the center line of 214th Place, 214th Place, 40th Avenue, Corporal Stone Street and 38th Avenue.~~

Forest Hills Area

The area bounded by Queens Boulevard, Union Turnpike, Austin Street and 76th Road.

~~Area A~~

~~The area bounded by Hillside Avenue, 181st Street, Jamaica Avenue and 168th Street.~~

~~Area B~~

~~The area bounded by Sutphin Boulevard, Jamaica Avenue, 138th Street and Hillside Avenue.~~

\* \* \*

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

\* \* \*

## **23-12 Permitted Obstructions in Open Space**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the following ~~shall not be considered~~ obstructions shall be permitted when located in any #open space# required on a #zoning lot#, or, in R2X, R3A, R3X, R4A, R4-1 and R5A Districts, and for #Quality Housing buildings# or #Quality Housing Building segments#, open area provided #open space# required on a #zoning lot#, except that no portion of such #open space# which is also a required #yard# or #rear yard equivalent#, or is #open space# needed to satisfy the minimum required area or dimensions of a #court#, may contain any obstructions not permitted in such #yard#, #rear yard equivalent# or #court#:

- (a) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (b) Breezeways;
- (c) Driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths, provided that the total area occupied by all these items does not exceed the percent of the total open area or required #open space# on the #zoning lot#, as follows, set forth in Section 25-64 (Restrictions on Use of Open Space for Parking):
  - (1) — 50 percent in R1, R2, R3, R6, R7, R8, R9 or R10 Districts; and
  - (2) — 66 percent in R4 or R5 Districts;
- (d) Eaves, gutters or downspouts, projecting into such #open space# not more than 16 inches or 20 percent of the width of such #open space#, whichever is the lesser distance;
- (e) Parking spaces, off-street, enclosed, #accessory#, not to exceed one space per #dwelling unit#, when #accessory# to a #single-family#, #two-family# or three-#family residence#, provided that the total area occupied by a #building# used for such purposes does not exceed 20 percent of the total required #open space# on the #zoning lot#. However, two such spaces for a #single-family residence# may be permitted in #lower density growth management areas# and in R1-2A Districts;
- (f) Swimming pools, #accessory#, above-grade structures limited to a height not exceeding eight feet above the level of the #rear yard# or #rear yard equivalent#;
- (g) Terraces, unenclosed, fire escapes, planting boxes or air conditioning units, provided that no such items project more than six feet into or over such #open space#.

However, any such #open space# or open area, or portion thereof, that is part of a required #yard#, #rear yard equivalent# or #court# may contain an obstruction listed in this Section only where such obstruction is permitted pursuant to Sections 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) or 23-87 (Permitted Obstructions in Courts), as applicable.

\* \* \*

**23-22**

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

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

\* \* \*

\*\*\* for #buildings# subject to the provisions of paragraph (c) of Section 25-631 (Location and width of curb cuts in certain districts) ~~25-633 (Prohibition of curb cuts in certain districts)~~

\* \* \*

**23-44**

**Permitted Obstructions in Required Yards or Rear Yard Equivalents**

In all #Residence Districts#, the following ~~shall not be considered~~ obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

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

\* \* \*

Parking spaces, off-street, open, within a #front yard#, that are #accessory# to a ~~#residential #building#~~ containing #residences# ~~where provided that:~~

- (1) ~~in R2X, R3, R4 and R5 Districts, no more than two parking spaces are required, provided such spaces are located in a permitted #side lot ribbon#;~~
- (2) ~~in R3, R4 and R5 Districts, more than two parking spaces are required, provided such spaces meet all the requirements of paragraph (b) of Section 25-621 (Location of parking spaces in certain districts) and the screening requirements of Section 25-66.~~

~~However, no such parking spaces shall be permitted in any #front yard# within a R1, R2 other than R2X, R4B, R5B or R5D District, and no such required spaces shall be permitted in any #front yard# within any R1, R2, R3, R4A or R4-1 District within a #lower density growth management area#.~~

- (1) in R1, R2, R3A, R3X, R3-1, R4A, R4-1 and R5A Districts, except in #lower density growth management areas#, such spaces meet all the requirements of paragraph (a) of Section 25-621 (Location of parking spaces in certain districts);

- (2) in R3-2, R4 other than R4A, R4-1 and R4B Districts, and R5 Districts other than R5A, R5B and R5D Districts, such spaces meet all the requirements of paragraph (b) of Section 25-621 (Location of parking spaces in certain districts);
- (3) in #lower density growth management areas#, such spaces are non-required and are located in a driveway that accesses parking spaces that are located behind the #street wall# of the #building# or prolongation thereof.

However, no parking spaces of any kind shall be permitted in any #front yard# in an R4B, R5B or R5D District. Furthermore, no parking spaces of any kind shall be permitted in any #front yard# on a #zoning lot# containing an #attached building# or #semi-detached building# in an R1, R2, R3A, R3X, R4A or R5A District, or in any #front yard# on a #zoning lot# containing an #attached building# or a #semi-detached building# abutting an #attached building# in an R3-1 or R4-1 District.

\* \* \*

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

\* \* \*

Parking spaces, off-street, #accessory#, for automobiles or bicycles, 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#;
- (2) if #accessory# to any other kind of #residential building#, the height of such #accessory building#, including the apex of a pitched roof, shall not exceed ~~six~~ ten feet above adjoining grade in R3, R4 or R5 Districts, or fourteen feet above #curb level# or #base plane#, as applicable, in R6, R7, R8, R9 or R10 Districts;

\* \* \*

**23-451  
Planting requirement**

R1 R2 R3 R4 R5

In the districts indicated, a minimum percentage of the area of the #front yard# shall be planted, which shall vary by #street# frontage of the #zoning lot# as set forth in the following table. For the purposes of this Section, the #front yard# shall include the entire area between all #street walls# of the #building# and their prolongations and the #street line#. Planted areas shall be comprised of any combination of grass, groundcover, shrubs, trees or other living plant material,

and shall have a minimum dimension of one foot, exclusive of any bounding walls. Any planted area within a driveway or parking space shall not qualify towards meeting the minimum planting requirements of this Section.

For #through lots# or #corner lots#, the planting requirement of this Section shall be applied separately to each #street# frontage. For #corner lots#, planted areas of overlapping portions of #front yards# shall only be counted towards the planting requirement of one #front yard#.

For #zoning lots# with multiple #building segments#, the planting requirement of this Section shall be determined by the #street# frontage of each #building segment# and applied separately to the entire area between the #street wall# of each #building segment# and the #street line#.

Where multiple #buildings# on a single #zoning lot# front upon the same #street#, the planting requirements of this Section shall be determined by the #street# frontage allocated to the area occupied by each such #building# and applied separately to the entire area between the #street line# and the #street wall# of each #building# and its prolongation. The allocation of planting requirements to open areas between #buildings# shall be determined by dividing such open area evenly, with an equal portion attributed to each #building# on both sides of such open area.

Any #zoning lot# occupied by a #building# constructed after April 30, 2008 shall provide planted areas in accordance with the provisions of this Section. Any #zoning lot# occupied by a #building# constructed prior to such date shall not be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

#Street# frontage of #zoning lot#, #street wall# width of #building segment#, or #street# frontage allocated to each of multiple #buildings# on a single #zoning lot#, as applicable.	Minimum percentage of #front yard# to be planted
Less than 20 feet	20
20 to 34 feet	25
35 to 59 feet	30
60 feet or greater	50

\* \* \*

**23-80  
COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS**

\* \* \*

**23-89  
Open Area Requirements for Residences in R1 through R5 Districts**

**23-891**

**In R1 through R5 Districts**

R1 R2 R3 R4 R5

In the districts indicated, except R4B and R5B Districts, the provisions of this Section shall apply to all #zoning lots# with two or more #buildings# containing #residences# or #building segments#. All such #buildings# or #building segments# shall provide open areas as follows:

- (a) An open area shall be provided adjacent to the rear wall of each such #building# or #building segment#. For the purposes of this Section, the “rear wall” shall be the wall opposite the wall of each #building# or #building segment# that faces a #street# or #private road#. The width of such open area shall be equal to the width of each #building# or #building segment#, and the depth of such open area shall be at least 30 feet when measured perpendicular to each rear wall. No such open areas shall serve more than one #building# or #building segment#. Only those obstructions set forth in Section 23-44 shall be allowed, except that parking spaces, whether enclosed or unenclosed, and driveways shall not be permitted within such open areas.
- (b) For #buildings# or #building segments# that front upon two or more #streets# or #private roads#, and for #buildings# or #building segments# that do not face a #street# or #private road#, one wall of such #building# or #building segment# shall be designated the rear wall, and the open area provisions of this Section applied adjacent to such wall. However, for not more than one #building# or #building segment# located at the corner of intersecting #streets# or #private roads#, the depth of such required open area may be reduced to 20 feet.

**23-892**

**In R6 through R10 Districts**

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A R10X

- (a) In the districts indicated, the entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted, except at the entrances to and exits from the #building# or driveways accessing off-street parking spaces located within, to the side, or rear of such #building#. No #zoning lot# shall be altered in any way that will either create a new non-compliance or increase the degree of non-compliance with the provisions of this Section.

R6 R7 R8 R9 R10

- (b) In the districts indicated without a letter suffix, on #zoning lots# containing a #Quality Housing building#, the entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted, except at the

entrances to and exits from the #building# or driveways accessing off-street parking spaces located within, to the side, or rear of such #building#.

\* \* \*

## **Chapter 5 Accessory Off-Street Parking and Loading Regulations**

### **Off-street Parking Regulations**

#### **25-00 GENERAL PURPOSES AND DEFINITIONS**

\* \* \*

#### **25-02 Applicability**

\* \* \*

#### **25-025 Applicability of regulations to Quality Housing**

On any #zoning lot# containing #residences# in R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9X, R9A, R9X, R10A or R10X Districts or their commercial equivalents, and on any #zoning lot# in other districts containing ~~#residential uses developed#, #enlarged# or converted pursuant to the Quality Housing Program,~~ a #Quality Housing building#, all #accessory# off-street parking spaces shall comply with the provisions of Section 28-50 (PARKING FOR QUALITY HOUSING).

\* \* \*

#### **25-20 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES**

#### **25-21 General Provisions**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided for all ~~new #residences# constructed~~ #dwelling units# or #rooming units# created after December 15, 1961, in accordance with the provisions of the following Sections and the other applicable provisions of this Chapter, as a condition precedent to the #use# of such #residences#



#dwelling unit# or #rooming unit#.

- Section 25-22 (Requirements Where Individual Parking Facilities Are Provided)
- Section 25-23 (Requirements Where Group Parking Facilities Are Provided)
- Section 25-24 (Modification of Requirements for Small Zoning Lots)
- Section 25-25 (Modification of Requirements for Public Housing or Housing for Elderly)
- Section 25-28 (Special Provisions for Zoning Lots Divided by District Boundaries)

~~After December 15, 1961, for all #enlargements# which increase the number of #dwelling units# or #rooming units# in a #building#, the same requirements shall apply to the additional #dwelling units# or #rooming units# created by such #enlargements#.~~

For #dwelling units# or #rooming units# constructed pursuant to the zoning regulations in effect after July 20, 1950 and prior to December 15, 1961, off-street parking spaces #accessory# to such #dwelling units# or #rooming units# cannot be removed if such spaces were required by such zoning regulations, unless such spaces would not be required pursuant to the applicable zoning regulations currently in effect.

For the purposes of these Sections, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

For the purposes of calculating the number of required parking spaces for any #residential development# #building# containing #residences#, any fraction of a space 50 percent or greater shall be counted as an additional space.

In the event that the number of #accessory# off-street parking spaces required under the provisions of these Sections exceeds the maximum number of spaces permitted under the provisions of Section 25-16 (Maximum Spaces for Other than Single-Family Detached Residences) the Commissioner of Buildings shall reduce the required number of spaces to the maximum number permitted.

## **25-211**

### **Application of requirements to conversions and certain enlargements**

#### R3 R4

- (a) In the districts indicated, except for #zoning lots# in R4 Districts utilizing the special optional regulations of a #predominately built-up area#, wherever additional #dwelling units# are created by conversions or #enlargements# of #residential buildings#, there shall be one off-street parking space provided on the #zoning lot# for each such additional #dwelling unit#. Such off-street parking spaces shall be in addition to any

existing off-street parking spaces on the #zoning lot# and shall not be located in any common easement driveways or within a #front yard#. The provisions of Section 25-27 (Waiver of Requirements for All Zoning Lots Where Access Would be Forbidden) shall not apply to such #zoning lots#. Furthermore, such additional #dwelling units# shall be permitted only if the #zoning lot# complies with the provisions of Section 25-64 (Restrictions on Use of Open Space for Parking).

R4 R5

(b) In R5 Districts, and for #zoning lots# in R4 Districts utilizing the special optional regulations of a #predominately built-up area#, the requirements of Section 25-21 (General Provisions) shall not apply to additional #dwelling units# created by conversions of #residential buildings# on #zoning lots# with less than 5,000 square feet of #lot area#, provided such #buildings# were constructed prior to (effective date of amendment) and not subsequently #enlarged#.

R1 R2 R3 R4 R5 R6 R7-1 R7A R7B R7D R7X

(c) In the districts indicated, the requirements of Section 25-21 (General Provisions) shall not apply to #dwelling units# or #rooming units# created by conversions of non-#residential uses# to #residential uses# on #zoning lots# with less than 5,000 or more square feet of #lot area#.

R7-2 R8 R9 R10

(d) In the districts indicated, no #accessory# off-street parking is required for additional #dwelling units# created by conversions of any kind.

\* \* \*

**25-261**

**For new developments or enlargements**

R4B R5B R5D R6 R7 R8 R9 R10

In the districts indicated, for all new #developments# or #enlargements#, For #developments# in R4B and R5B Districts, and for #developments# and #dwelling units# within #enlarged# portions of #buildings# in R5D, R6, R7, R8 R9 and R10 Districts, the maximum number of #accessory# off-street parking spaces for which requirements are waived is as set forth in the following table:

Maximum number of spaces waived

District

---

1	R4B R5B R5D
5	R6 R7-1 R7B
15	R7-2 R7A R7D R7X R8 R9 R10

**25-262**  
**For conversions**

R6 R7-1 R7A R7B R7D R7X

In the districts indicated, for conversions of any kind in #buildings#, or portions thereof, which result in the creation of additional #dwelling units# or #rooming units#, the maximum number of #accessory# off-street parking spaces for which requirements are waived is 20 spaces; ~~provided that~~ However, the Board of Standards and Appeals may waive requirements for a greater number of spaces in accordance with the provisions of Section 73-46 (Waiver of Requirements for Conversions).

~~\* No accessory off street parking is required for additional dwelling units created by conversions in R7-2, R8, R9 or R10 Districts. See Section 25-211 (Application of requirements to conversions).~~

\* \* \*

**25-27**  
**Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden**

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the requirements set forth in Section 25-21 (General Provisions) shall not apply to any #building# or #zoning lot# ~~as to which the Commissioner of Buildings has certified that~~ where there is no way to arrange the required spaces with access to the #street# to conform to the provisions of Section 25-63 (Location of Access to the Street). ~~The Commissioner of Buildings may refer such matter to the Department of Traffic for report and may base his determination on such report.~~

\* \* \*

**25-62**  
**Size and L Location of Spaces**

\* \* \*

**25-621**  
**Location of parking spaces in certain districts**

All ~~accessory~~ off-street parking spaces on ~~zoning lots~~ with ~~buildings~~ containing ~~residences~~ shall be located in accordance with the provisions of this Section, except that in R1, R2, R3, R4A and R4-1 Districts within ~~lower density growth management areas~~, the provisions of Section 25-622 shall apply. In addition, all such parking spaces shall be subject to the curb cut requirements of Section 25-63 (Location of Access to the Street).

- (a) For ~~zoning lots~~ with ~~residential buildings~~ where no more than two ~~accessory~~ parking spaces are required:

~~R2X R3 R4 R5~~

(1) ~~In the districts indicated, except R4B or R5B Districts, accessory off-street parking spaces shall be permitted only in the side lot ribbon, within a building or in any open area on the zoning lot which is not between the street line and the street wall or prolongation thereof of the building. Access to the accessory spaces through a front setback area or required front yard shall be only through the side lot ribbon. However, for zoning lots that have a minimum of 35 feet of street frontage along one street, are occupied by a single or two-family detached residence, and maintain a minimum of 18 feet of uninterrupted curbside space along the street frontage, access to accessory spaces need not be through a side lot ribbon provided that, on a zoning lot with less than 50 feet of frontage along a street, no more than one enclosed accessory parking space is provided within the residential building.~~

~~R6 R7 R8~~

(2) ~~In the districts indicated without a letter suffix, for zoning lots comprised of single, two, or three family residences or building segments, accessory off-street parking spaces shall be located in accordance with the provisions of paragraph (a)(1) of this Section.~~

~~R4B R5B R5D R6B R7B R8B~~

(3) ~~In the districts indicated, accessory off-street parking spaces shall be located only within a building, or in any open area on the zoning lot which is not between the street line and the street wall of the building or its prolongation. Access to such parking spaces shall be provided only through the side lot ribbon or through the rear yard.~~

(4) ~~R1 R2~~

~~(4) In the districts indicated, required accessory off-street parking spaces shall be permitted only within a building, or in any open area on the zoning lot that is not between the street line and the street wall of the building or its prolongation.~~

- (b) For ~~#zoning lots#~~ with ~~#residential buildings#~~ where more than two ~~#accessory#~~ parking spaces are required:

~~R2X R3 R4 R5~~

(1) — ~~In the districts indicated, except R4B or R5B Districts, #accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# which is not between the #street line# and the #street wall# of the #building# or its prolongation, unless:~~

~~(i) — no more than two such unenclosed spaces are accessed from a single curb cut, and the parking area for these spaces is not more than 20 feet in width measured parallel, or within 30 degrees of being parallel, to the #street line#; or~~

~~(ii) — a #group parking facility# with five or more spaces is provided and is screened in accordance with the requirements of Section 25-66 (Screening), paragraphs (a) or (b).~~

~~R6 R7 R8~~

~~(2) In the districts indicated without a letter suffix, for #zoning lots# comprised of #single #, #two #, or three #family residences# or #building segments#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (b)(1) of this Section.~~

~~R4B R5B R5D R6B R7B R8B~~

~~In the districts indicated, #accessory# off-street parking spaces shall be located only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of the #building# or its prolongation. Access to such parking spaces shall be provided only through the #side lot ribbon# or through the #rear yard#.~~

R1 R2 R3A R3X R3-1 R4A R4-1 R5A

- (a) In the districts indicated, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations only where such spaces are located in a driveway that accesses at least one parking space located to the side or rear of such #building# and no portion of such driveway is located in front of such #buildings#.

However, such parking spaces may also be located in a driveway directly in front of a garage, where such garage is within:

- (1) a #semi-detached building# in an R3-1 or R4-1 district, or
- (2) a #detached building# on a #zoning lot# with at least 35 feet of frontage along the #street# accessing such driveway, and at least 18 feet of uninterrupted curb space along such #street

No parking spaces of any kind shall be allowed between the #street line# and #street wall# of an #attached building# or #semi-detached building# in an R1, R2, R3A, R3X, R4A or R5A District, or for an #attached building# or #semi-detached building# abutting an #attached building# in an R3-1 or R4-1 District.

### R3-2 R4 R5

- (b) In the districts indicated, other than R4A, R4B, R4-1, R5A, R5B and R5D Districts, #accessory# off-street parking spaces shall be located within or to the side or rear of #buildings# containing #residences#. #Accessory# parking spaces may also be located between the #street line# and #street wall# of such #buildings# and their prolongations provided that, for #buildings# on #zoning lots# with less than 35 feet of #street# frontage, such spaces are located in a driveway in the #side lot ribbon#, and provided that for #buildings# on #zoning lots# with at least 35 feet of #street# frontage and at least 18 feet of uninterrupted curb space along a #street#, either:
  - (1) no more than two parking spaces located between the #street line# and #street wall# of such #buildings# and their prolongations shall be accessed from a single curb cut, and the parking area for these spaces shall not be more than 20 feet in width measured parallel, or within 30 degrees of being parallel, to the #street line#; or
  - (2) a #group parking facility with five or more spaces is provided and is screened in accordance with the requirements of Section 25-66 (Screening), paragraphs (a) or (b).

### R4B R5B R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X

- (c) In the districts indicated, #accessory# off-street parking spaces shall be located only within or to the side or rear of #buildings# containing #residences#. No parking spaces of any kind shall be permitted between the #street line# and the #street wall# of such #buildings# and their prolongations.

### R6 R7 R8

(d) In the districts indicated without a letter suffix, the following provisions shall apply:

- (1) for #zoning lots# containing non-#Quality Housing buildings# or non-#Quality Housing building segments#, each of which contains not more than three #dwelling units#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (b) of this Section;
- (2) for #zoning lots# containing #Quality Housing #buildings# or #Quality Housing building segments#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (c) of this Section.

\* \* \*

## **25-622**

### **Location of parking spaces in lower density growth management areas**

The provisions of this Section shall apply to all ~~#residential developments#~~ #zoning lots# with #buildings# containing #residences# in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#.

Required #accessory# off-street parking spaces shall be permitted only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# or prolongation thereof of the #building#.

For #zoning lots# with less than 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a single driveway no more than 10 feet in width.

For #zoning lots# with at least 33 feet of #street# frontage, access to all parking spaces through a #front yard# shall be only through a driveway no more than 20 feet in width.

No more than two unenclosed required parking spaces may be located in tandem (one behind the other), except that no tandem parking shall be permitted in any #group parking facility# with more than four spaces.

\* \* \*

## **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~~

~~(2) — In the districts indicated, except R4B and R5B Districts, and except as otherwise provided in Section 25-633 (Prohibition of curb cuts in certain districts), curb cuts shall comply with the following provisions:~~

- ~~(i) — for #zoning lots# with less than 50 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of ten feet, shall be permitted;~~
- ~~(ii) — for #zoning lots# with at least 50 feet of frontage along a #street#, no more than two curb cuts shall be permitted along such #street# frontage. If one curb cut is provided, such curb cut shall have a maximum width, including splays, of 15 feet. If two curb cuts are provided, the maximum width of each curb cut, including splays, shall be ten feet, and a minimum distance of 30 feet of uninterrupted curb space shall be provided between such curb cuts;~~
- ~~(iii) — where access to #accessory# parking spaces is only through a #side lot ribbon#, all curb cuts shall be a continuation of the #side lot ribbon#;~~
- ~~(iv) — wherever #accessory# parking spaces are provided in adjacent #side lot ribbons# on #zoning lots# subdivided after June 30, 1989, the curb cuts giving access to such #side lot ribbons# shall be contiguous (paired), so that only one curb cut, having a maximum width of 15 feet, including splays, shall serve both #side lot ribbons#; and~~
- ~~(v) — new #residential developments# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989, provided that this requirement may be waived if the Commissioner of Buildings certifies that, due to the location of curb cuts on adjacent #zoning lots#, there is no way to locate the curb cut in compliance with this requirement and that at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.~~

#### ~~R6 R7 R8~~

~~(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)(2), inclusive, of this Section.

~~R4B R5B R6B R7B R8B~~

~~(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.~~

~~(b) For zoning lots with residential buildings where more than two accessory parking spaces are required:~~

~~R2X R3 R4 R5~~

~~(1) In the districts indicated, except R4B and R5B Districts, and except as otherwise provided in Section 25-633, curb cuts shall comply with the following provisions:~~

~~(i) zoning lots with 35 feet or more of frontage along a street shall maintain a minimum distance of 16 feet of uninterrupted curb space along such street;~~

~~(ii) new residential developments shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts on the same or adjoining zoning lots developed after June 30, 1989;~~

~~(iii) the maximum width of a curb cut serving a group parking facility shall be as set forth in the following table:~~

<del>Size of Facility (in number of spaces)</del>	<del>Maximum Width of Curb Cuts (in feet)</del>
<del>up to 4</del>	<del>15</del>
<del>5 to 24</del>	<del>22</del>
<del>25 and over</del>	<del>30</del>

~~(iv) all driveways shall be located at least 13 feet from any other driveway on the same or adjoining zoning lots. However, driveways may be paired with other driveways on the same or adjoining zoning lots, provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet. Curb cuts accessing such paired driveway shall have a minimum width of 15 feet and a maximum width, including splays, of 18 feet.~~

However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width than listed in this chart, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

~~R6 R7 R8~~

~~(2) — 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 (b)(1) of this Section.~~

~~R4B R5B R6B R7B R8B~~

~~(3) — In the districts indicated, for #attached residential developments# and rowhouses, and for multiple dwellings in R5B, R6B, R7B and R8B Districts, a minimum distance of 34 feet between curb cuts shall be maintained. In addition, the maximum width of curb cuts serving a #group parking facility# shall be as set forth in the table in paragraph (b)(1) of this Section.~~

~~(c) — Modification of curb cut location requirements:~~

~~R2X R3 R4 R5 R6 R7 R8~~

~~(1) — In the districts indicated, the location and width of curb cuts, as required by the provisions of this Section, may be modified if the Commissioner of Buildings certifies that the specified curb cut locations would require the removal of shade trees maintained by the City of New York. The Commissioner of Buildings may refer such matter to the Department of Parks and Recreation and the Department of Transportation for reports, and may base the determination on such report.~~

~~R6 R7 R8~~

~~(2) — In the districts indicated, except R6, R7 or R8 Districts with a letter suffix, the City Planning Commission may authorize modification of the location and width of curb cuts as required by the provisions of this Section provided that the Commission finds that:~~

~~(i) — the proposed modification does not adversely affect the character of the surrounding area; and~~

~~(ii) — where more than one curb cut is provided, the curb cuts are arranged to foster retention of curb side parking spaces along the #street frontage# of the #development#.~~

All curb cuts on #zoning lots# with #buildings# containing #residences# shall comply with the provisions of this Section, except that in #lower density growth management areas#, the provisions of Section 25-632 shall apply. The minimum width of a curb cut shall be eight feet, including splays. In addition, for #non-conforming buildings# in all districts, the provisions of Section 25-633 (Curb cut restrictions for certain buildings in R1 through R5 districts) shall apply.

#### R2A

- (a) 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

- (b) In the districts indicated, except R4B and R5B Districts, curb cuts shall comply with the following provisions:

- (1) For #zoning lots# containing #residences# where not more than two #accessory# parking spaces are required:

- (i) for #zoning lots# with less than 50 feet of frontage along a #street#, only one curb cut, having a maximum width, including splays, of ten feet, shall be permitted. Access to parking spaces through a front setback area or required #front yard# shall only be through a #side lot ribbon#, and all curb cuts shall be a continuation of the #side lot ribbon#;
- (ii) for #zoning lots# with at least 50 feet of frontage along a #street#, no more than two curb cuts shall be permitted along such #street# frontage. If one curb cut is provided, such curb cut shall have a maximum width, including splays, of 18 feet. If two curb cuts are provided, the maximum width of each curb cut, including splays, shall be ten feet, and a minimum distance of 30 feet of uninterrupted curb space shall be provided between such curb cuts;
- (iii) wherever #accessory# parking spaces are provided in adjacent #side lot ribbons# on #zoning lots# subdivided after June 30, 1989, the curb cuts giving access to such #side lot ribbons# shall be contiguous (paired), so that only one curb cut, having a maximum width of 18 feet, including splays, shall serve both #side lot ribbons#; and
- (iv) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing both on June 30, 1989 and (effective date of amendment) that are less than 40 feet wide

and where at least 16 feet of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.

(2) For #zoning lots# containing #residences# where more than two #accessory# parking spaces are required:

- (i) #zoning lots# with 35 feet or more of frontage along a #street# shall maintain a minimum distance of 16 feet of uninterrupted curb space along such #street#;
- (ii) a minimum distance of 16 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to any #zoning lot# existing both on June 30, 1989 and (effective date of amendment) that is less than 40 feet wide and where at least 16 feet of uninterrupted curb space is maintained in front of such #zoning lot# along the #street#;
- (iii) all driveways shall be located at least 13 feet from any other driveway on the same or adjoining #zoning lots#. However, driveways may be paired with other driveways on the same or adjoining #zoning lots#, provided the aggregate width of such paired driveways, including any space between them, does not exceed 20 feet. Curb cuts accessing such paired driveway shall have a minimum width of 15 feet and a maximum width, including splays, of 18 feet;
- (iv) except for paired driveways as set forth in paragraph (iii) above, the maximum width of a curb cut accessing less than 50 parking spaces shall be 12 feet, including splays, and the maximum width of a curb cut accessing more than 50 parking spaces shall be 22 feet, including splays. However, where Fire Department regulations set forth in the Administrative Code of the City of New York require curb cuts of greater width, such curb cuts may be increased to the minimum width acceptable to the Fire Department.

#### R4B R5B

- (c) In the districts indicated, curb cuts are permitted only on #zoning lots# with at least 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#. For #detached#, #semi-detached# and #zero lot line buildings#, the width and location of curb cuts shall be in accordance with paragraph (b)(1), inclusive, of this Section. For #attached buildings# and #building segments#, and for multiple dwellings in R5B Districts, at least 34 feet of uninterrupted curb space shall be maintained between all curb cuts constructed after June 30, 1989, provided that this requirement shall not apply to #zoning lots# existing on both June 30, 1989 and (the effective date of amendment) that are less than 76 feet wide and where at least 34 feet

of uninterrupted curb space is maintained along the #street# in front of the #zoning lot#.

For #zoning lots# with less than 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps, curb cuts shall be prohibited.

#### R6 R7 R8

- (d) In the districts indicated without a letter suffix, for #zoning lots# containing non-#Quality Housing buildings# or non-#Quality Housing building segments#, each of which contains not more than three #dwelling units#, #accessory# off-street parking spaces shall be located in accordance with the provisions of paragraph (b)(2), inclusive, of this Section.

#### R6 R7 R8

- (e) In the districts indicated, except as provided in paragraph (d) of this Section, only one curb cut, having a maximum width of 12 feet, including splays, shall be permitted on any #street# frontage of a #zoning lot#. However, where a curb cut accesses a #group parking facility# with 50 or more spaces, the maximum width of a curb cut shall be 22 feet, including splays, or alternatively, two curb cuts shall be permitted to access such #group parking facility#, each with a maximum width of 12 feet, including splays, and spaced at least 60 feet apart. For #zoning lots# subdivided after (the effective date of amendment), curb cuts shall only be permitted along the #street# frontage of such subdivided #zoning lot# where at least 34 feet of uninterrupted curb space is maintained, and shall comply with the width and spacing requirements of this paragraph (e).

These curb cut provisions shall apply as follows:

- (1) In R6, R7 and R8 Districts without a letter suffix, to non-#Quality Housing buildings# or non-#Quality Housing building segments#, any of which contain four or more #dwelling units#;
- (2) In R6, R7 and R8 Districts without a letter suffix, to #Quality Housing buildings# or #Quality Housing building segments#;
- (3) In R6A, R7A, R7D, R7X, R8A, R8X Districts, to all #buildings#; and
- (4) In R6B, R7B and R8B Districts, to #zoning lots# occupied by a #building# with a #street wall# at least 40 feet in width, or, for #zoning lots# with multiple #building segments#, only where such curb cut is in front of a #building segment# with a #street wall# at least 40 feet in width. On such #zoning lots#, curb cuts shall be permitted only on the #street# frontage that is at least 40 feet wide. On all other #zoning lots# in R6B, R7B and R8B Districts, curb cuts shall be prohibited.

(f) Modification of curb cut location requirements:

R2X R3 R4 R5 R6 R7 R8

(1) In the districts indicated, the location and width of curb cuts, as required by the provisions of this Section, may be modified if the Commissioner of Buildings certifies that the specified curb cut locations would require the removal of shade trees maintained by the City of New York. The Commissioner of Buildings may refer such matter to the Department of Parks and Recreation and the Department of Transportation for reports, and may base the determination on such reports.

R6 R7 R8

(2) In the districts indicated, except R6, R7 or R8 Districts with a letter suffix, the City Planning Commission may authorize modification of the location and width of curb cuts as required by the provisions of this Section provided that the Commission finds that:

(i) the proposed modification does not adversely affect the character of the surrounding area; and

(ii) where more than one curb cut is provided, the curb cuts are arranged to foster retention of curb side parking spaces along the #street frontage# of the #zoning lot#.

**25-632**

**Driveway and curb cut regulations in lower density growth management areas**

The provisions of this Section shall apply to all ~~#residential developments#~~ #zoning lots# with buildings# containing #residences# within all #lower density growth management areas#, except that these provisions shall not apply to any #zoning lot# occupied by only one #single-family detached residence# with at least 60 feet of frontage along one #street# and, for such #residences# on #corner lots#, with at least 60 feet of frontage along two #streets#.

\* \* \*

(e) All ~~#residential developments~~ #zoning lots# with #buildings# containing #residences# shall maintain a minimum distance of 16 feet of uninterrupted curb space between all curb cuts constructed after June 30, 1989.

\* \* \*

**25-633**

**Prohibition of curb cuts in certain districts**

## Curb cut restrictions for certain buildings in R1 through R5 Districts

~~R4B R5B R6B R7B R8B~~ R1 R2 R3A R3X R3-1 R4A R4-1 R5A

~~In the districts indicated, curb cuts are prohibited for residential developments on zoning lots having a width of less than 40 feet along a street and existing on the effective date of establishing such district on the zoning maps.~~

- (a) In the districts indicated, curb cuts are prohibited for attached buildings. Furthermore, for a semi-detached building that abuts an attached building, a curb cut shall only be permitted along that portion of the street frontage of the zoning lot directly in front of a side yard that is at least eight feet wide and accesses a parking space located beyond the street wall or prolongation thereof.

R1 R2 R3A R3X R4A R5A

- (b) In the districts indicated, for semi-detached buildings, a curb cut shall only be permitted along that portion of the street frontage of the zoning lot directly in front of a side yard that is at least eight feet wide and accesses a parking space located beyond the street wall or prolongation thereof.

\* \* \*

## **25-64**

### **Restrictions on Use of Open Space for Parking**

~~Restrictions on the use of open space for parking and driveways are set forth in this Section, in accordance with the provisions of Section 23-12 (Permitted Obstructions in Open Space). For zoning lots in lower density growth management areas, the provisions of paragraph (b) of this Section shall apply.~~

- (a) ~~In accordance with the provisions of Section 23-12 (Permitted Obstructions in Open Space), driveways, private streets, open accessory off street parking spaces, or open accessory off street loading berths may not use more of the required open space on any zoning lot than the percent set forth in the following table:~~

<u>Percent</u>	<u>District</u>
50	R1 R2 R3 R6 R7 R8 R9 R10
66	R4 R5

- (b) ~~In lower density growth management areas, the following regulations shall apply:~~

- (1) ~~Driveways, #private roads# and open #accessory# off-street parking spaces may occupy no more than 50 percent of the #lot area# not covered by #residential buildings# in R1, R2 and R3 Districts, and may occupy no more than 66 percent of the #lot area# not covered by #residential buildings# in R4 and R5 Districts; and~~
- (2) ~~The area within 30 feet and perpendicular to the #rear wall line# of any #building# or #building segment# that does not front upon two #streets# in its entirety shall not be occupied by driveways or off-street parking spaces, except that this provision shall not apply to any #zoning lot# occupied by only one #single-# or #two-family detached# or #semi-detached residence#.~~
- (a) In R1, R2, R3, R4A, R4-1 and R4B Districts, driveways, #private roads#, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths may occupy no more than 50 percent of the #lot area# not covered by #buildings# containing #residences#;
- (b) In R4 Districts except for R4A, R4-1 and R4B Districts, and in R5 Districts, driveways, #private roads#, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths may occupy no more than 66 percent of the #lot area# not covered by #buildings# containing #residences# ;
- (c) In R6, R7, R8, R9 and R10 Districts without a letter suffix, driveways, private streets, open #accessory# off-street parking spaces, unenclosed #accessory# bicycle parking spaces or open #accessory# off-street loading berths may not use more than 50 percent of the required #open space# on any #zoning lot#. The provisions of this paragraph (c) shall not apply to #Quality Housing buildings#.

\* \* \*

**Chapter 8**  
**The Quality Housing Program**

**28-00**  
**GENERAL PURPOSES**

The Quality Housing Program is established to foster the provision of ~~multi-family~~ housing that:

- (a) is compatible with existing neighborhood scale and character;
- (b) provides on-site recreation space to meet the needs of its occupants; and
- (c) is designed to promote the security and safety of the residents.

**28-01**



## Applicability of this Chapter

The Quality Housing Program is a specific set of standards and requirements for #buildings# containing #residences#. In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, ~~some of these standards and requirements are mandatory for the #development#, #enlargement#, #extension# of, or conversion to any #residential use# other than #single # or #two-family residences#.~~ all such #buildings# shall comply with the Quality Housing Program standards and requirements as set forth in this Chapter. In R5D Districts, only the requirements set forth in Sections 28-12 (Street Tree Planting), 28-23 (Refuse Storage and Disposal), 28-33 (Planting Areas) and 28-53 (Location of Accessory Parking) shall apply.

In other R6, R7, R8, R9 or R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, #residential developments#, or #residential enlargements# where permitted, electing to use the optional Quality Housing #bulk# regulations in Article II, Chapter 3, shall comply with the ~~mandatory~~ Quality Housing Program standards and requirements set forth in this Chapter.

\* \* \*

### 28-33 Planting Areas

The area of the #zoning lot# between the #street line# and the #street wall# of the #building# shall be planted pursuant to the provisions of Section 23-892 (In R6 through R10 Districts). ~~except at the entrances to and exits from the #building#, or adjacent to #commercial uses# fronting on the #street#.~~

\* \* \*

### 28-50 PARKING FOR QUALITY HOUSING

Except as modified by the provisions of this Section, #accessory# off-street parking ~~for Quality Housing #developments#, #enlargements# or conversions~~ shall be provided as set forth in Article II, Chapter 5, and Article III, Chapter 6 the applicable underlying district regulations.

\* \* \*

### 28-52 Special Regulations for Off-Site Accessory Parking

Off-site #accessory# off-street parking spaces ~~for Quality Housing #development#, #enlargement# or conversion~~ may be unenclosed, provided that the #zoning lot# on which such spaces are located does not contain a #residential use#.

**28-53**

**Location of Accessory Parking**

On-site ~~#accessory#~~ off-street parking for ~~Quality Housing #developments#, #enlargements# or conversions~~ shall not be permitted between the ~~#street line#~~ and the ~~#street wall#~~ of a ~~#building#~~ or its prolongation.

However, on ~~#through lots#~~ measuring less than 180 feet in depth from ~~#street#~~ to ~~#street#~~, ~~#accessory#~~ off-street parking may be located between the ~~#street line#~~ and any ~~#street wall#~~ located beyond 50 feet of such ~~#street line#~~.

\* \* \*

**ARTICLE III**

**Chapter 6**

**Accessory Off-Street Parking and Loading Regulations**

**36-00**

**GENERAL PURPOSES AND DEFINITIONS**

Off-Street Parking Regulations

\* \* \*

**36-026**

**Applicability of regulations to Quality Housing**

On any ~~#zoning lot#~~ containing ~~#residential uses developed#, #enlarged# or converted pursuant to the Quality Housing Program, a #Quality Housing building#~~, all ~~#accessory#~~ off-street parking spaces shall comply with the provisions of Section 28-50 (PARKING FOR QUALITY HOUSING), ~~to 28-52~~ inclusive.

\* \* \*

**36-10**

**PERMITTED ACCESSORY OFF-STREET PARKING SPACES**

\* \* \*

**36-12**

**Maximum Size of Accessory Group Parking Facilities**

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, no ~~accessory group parking facility~~ shall contain more than 150 off-street parking spaces or, in the case of a ~~Quality Housing development or enlargement~~, ~~Quality Housing building~~, more than 200 spaces, except as provided in Section 36-13 (Modification of Maximum Size of Accessory Group Parking Facilities).

The provisions of this Section shall not apply to ~~accessory~~ off-street parking spaces provided in ~~public parking garages~~ in accordance with the provisions of Section 36-57 (Accessory Off-Street Parking Spaces in Public Parking Garages).

\* \* \*

**36-30  
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES  
WHEN PERMITTED IN COMMERCIAL DISTRICTS**

**36-31  
General Provisions**

C1 C2 C3 C4 C5 C6

In all districts, as indicated, ~~accessory~~ off-street parking spaces, open or enclosed, shall be provided for all ~~new residences constructed dwelling units or rooming unit~~ created after December 15, 1961, in accordance with the provisions of the following Sections and the other applicable provisions of this Chapter, as a condition precedent to the ~~use~~ of such ~~residences~~ ~~dwelling unit or rooming unit~~:

- Section 36-32 (Requirements Where Individual Parking Facilities Are Provided)
- Section 36-33 (Requirements Where Group Parking Facilities Are Provided)
- Section 36-34 (Modification of Requirements for Small Zoning Lots)
- Section 36-35 (Modification of Requirements for Public Housing or Non-profit Residences for Elderly)
- Section 36-37 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)
- Section 36-39 (Special Provisions for Zoning Lots Divided by District Boundaries)

~~After December 15, 1961, for all enlargements which increase the number of dwelling units or rooming units in a building, the same requirements shall apply to the additional dwelling units or rooming units created by such enlargements.~~

For #dwelling units# or #rooming units# constructed pursuant to the zoning regulations in effect after July 20, 1950 and prior to December 15, 1961, off-street parking spaces #accessory# to such #dwelling units# or #rooming units# cannot be removed if such spaces were required by such zoning regulations, unless such spaces would not be required pursuant to the applicable zoning regulations currently in effect.

For the purposes of these Sections, three #rooming units# shall be considered the equivalent of one #dwelling unit#.

### **36-311**

#### **Application of requirements to conversions in C1 or C2 Districts**

C1 C2

- (a) In the districts indicated, where such districts are mapped within R1, R2, R3, R4, R5, R6, ~~R7B or R7-1~~ or R7 Districts, except R7-2 Districts, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# or #rooming units# created by conversions of any kind on #zoning lots# with less than 5,000 or more square feet of #lot area#, ~~except as otherwise provided in Sections 36-363 (For conversions in C1 or C2 Districts governed by surrounding Residence District bulk regulations) and 73-46 (Waiver of Requirements for Conversions).~~
- (b) In the districts indicated, where such districts are mapped within R7-2, R8, R9 or R10 Districts, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# or #rooming units# created by conversions of any kind on #zoning lots# of any size.

### **36-312**

#### **Application of requirements to conversion in C3 or C4 Districts**

C3 C4-1 C4-2 C4-3

In the districts indicated, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# or #rooming units# created by conversions of any kind on #zoning lots# with less than 5,000 or more square feet of #lot area#, ~~except as otherwise provided in Sections 36-364 (For conversions in C4 Districts) and 73-46 (Waiver of Requirements for Conversions).~~

\* \* \*

### **36-32**

#### **Requirements Where Individual Parking Facilities Are Provided**

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5 C3 C4-1 C4-2 C4-3

In the districts indicated, where #group parking facilities# are not provided, the requirements for #accessory# off-street parking spaces are as set forth in this Section.

**36-321**

**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 R1, R2, R3, R4, or R5, ~~R6 or R7-1~~ Districts, and where #group parking facilities# are not provided, one #accessory# off-street parking space, open or enclosed, shall be provided for each #dwelling unit#. ~~The provisions of this Section shall not apply to these districts when mapped within R6A, R6B, R7A, R7B or R7X Districts or to #residential buildings developed# or #enlarged# pursuant to the Quality Housing Program #Quality Housing buildings# in R6 or R7 Districts without a letter suffix.~~

\* \* \*

**36-33**

**Requirements Where Group Parking Facilities Are Provided**

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, for ~~new~~ #residences developed# under single ownership or control where #group parking facilities# are provided, the number of required #accessory# off-street parking spaces is as set forth in this Section.

\* \* \*

**36-50**

**ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES**

\* \* \*

**36-52**

**Size and Location of Spaces**

C1 C2 C3 C4 C5 C6 C7 C8

In the districts indicated, all #accessory# off-street parking spaces shall comply with the size and location provisions of this Section.

- (a) Size of spaces

**36-521**

**Size of spaces**

C1 C2 C3 C4 C5 C6 C7 C8

\* \* \*

(b) ~~Location of parking spaces in certain districts~~

**36-522**

**Location of parking spaces in certain districts**

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D  
C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-4A C6-4X

In the districts indicated, and in C1 and C2 Districts mapped within R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X Districts, and for #Quality Housing buildings# in C1, C2, C4, C5 and C6 Districts without a letter suffix, all #accessory# off-street parking spaces shall comply with the provisions of this Section.

(a) #Buildings other than #mixed buildings#

~~#accessory# off-street parking spaces shall not be located between the #street wall# of a #building# and any #street line# that is coincident with the boundary of a #Commercial District# mapped along an entire blockfront. Where a #zoning lot# is bounded by more than one #street line# that is coincident with the boundary of a #Commercial District# mapped along an entire blockfront, this provision need not apply along more than one #street line#.~~

For any blockfront that is entirely within a #Commercial District#, #accessory# off-street parking spaces shall be located only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of the #building# or its prolongation. Where a #zoning lot# is bounded by more than one such #street line#, this provision shall apply along only one #street line#.

(b) #Mixed buildings#

For #mixed buildings#, all #accessory# off-street parking spaces shall be located only within a #building# or in any open area on the #zoning lot# that is not between the #street line# and the #street wall# of the #building# or its prolongation.

**36-53**

**Width of Curb Cuts and Location of Access to the Street**

C1 C2 C3 C4 C5 C6 C7 C8

\* \* \*

### **36-531**

#### **Location of curb cuts in C1 or C2 Districts mapped in R5D Districts**

In C1 or C2 Districts mapped within R5D Districts, a minimum distance of 34 feet of uninterrupted curb space shall be provided between all curb cuts constructed after June 29, 2006. Furthermore, no curb cuts shall be permitted on the #wide street# frontage of any #zoning lot# existing on June 29, 2006, with access to a #narrow street#.

### **36-532**

#### **Location and width of curb cuts accessing residential parking spaces in certain districts**

The provisions of this Section 36-532 shall apply to all curb cuts accessing off-street parking spaces #accessory# to #residences# in C1 and C2 Districts mapped within R1 through R8 Districts, and in all other #commercial districts# where, as set forth in the Tables in Section 34-112 or 35-23, as applicable, the applicable #Residential District# is R3, R4, R5, R6, R7 or R8.

- (a) All such curb cuts shall comply with the provisions of Section 25-631 (Location and width of curb cuts in certain districts), as set forth for the applicable #building#, #building segment# and #residence district#. All #buildings# containing #residences# in C1 and C2 Districts mapped within R1, R2, R3A, R3X, R3-1, R4A, R4-1 and R5A Districts shall comply with the provisions set forth in Section 25-631 for an R3-2 District;
- (b) All such curb cuts shall be prohibited on the #wide street# frontage of any #zoning lot# existing on (the effective date of amendment) with access to a #narrow street#; and
- (c) Where a commercial district with only #narrow street# frontage is mapped along the short end of a #block#, and a #zoning lot# existing on (effective date of amendment) has access to both the short and long ends of such #block#, all such curb cuts shall be prohibited along the #street line# of the short end of such #block#.

\* \* \*

### **73-46**

#### **Waiver of Requirements for Conversions**

In R6 or R7-1 Districts, in C1 or C2 Districts mapped within R6 or R7-1 Districts, or in C4-2 or C4-3 Districts, where the number of #accessory# off-street parking spaces required for additional #dwelling units# created by conversions of any kind exceeds the number of spaces which may be waived as of right under the provisions of Sections 25-262 (For conversions), 36-363 (For conversions in C1 or C2 Districts governed by surrounding Residence District bulk regulations) or 36-364 (For conversions in C4 Districts), the Board of Standards and Appeals may waive all

or part of the required spaces, provided that the Board finds that there is neither a practical possibility of providing such spaces:

- (a) on the same #zoning lot# because of insufficient #open space# and the prohibitive cost of structural changes necessary to provide the required spaces within the #building#; nor
- (b) on a site located within 1,200 feet of the nearest boundary of the #zoning lot# because all sites within such radius are occupied by substantial improvements.

\* \* \*

## Article XI - Special Purpose Districts

### Chapter 7

#### Special Long Island City Mixed Use District

\* \* \*

#### 117-64

#### Special Parking Regulations

\* \* \*

- (b) #Residential uses#

\* \* \*

- (3) Where the designated district is a M1-2/R5B District, the provisions of paragraph (c) of Section 25-631 (Location and width of curb cuts in certain districts) ~~25-633 (Prohibition of curb cuts in certain districts)~~ shall not apply.

\* \* \*

## Article XII - Special Purpose Districts

### Chapter 3

#### Special Mixed Use District

\* \* \*

#### 123-70

#### PARKING AND LOADING

\* \* \*

#### 123-72



## Residential and Community Facility Uses

For #residences# and #community facility uses#, the #accessory# off-street parking and loading regulations of the designated #Residence District#, as set forth in Article II, Chapter 5, shall apply, except that:

- (a) the provisions of Section 25-50 (RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES) shall not apply. In lieu thereof, the provisions of Section 44-30 (RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES) shall apply to such #uses#; and ~~in #mixed-use buildings#, the provisions of Section 25-60 shall not apply. In lieu thereof, the provisions of Section 44-40 (ADDITIONAL REGULATIONS FOR PERMITTED OR REQUIRED ACCESSORY OFF-STREET PARKING SPACES) shall apply to such #uses#.~~ for #buildings# containing #residences# in #Special Mixed Use Districts#, in addition to the applicable #accessory# off-street parking and loading regulations set forth in Article II, Chapter 5, the provisions of Section 44-46 (Accessory Off-Street Parking Spaces in Public Parking Garages), Section 44-47 (Parking Lot Maneuverability and Curb Cut Regulations) and Section 44-48 (Parking Lot Landscaping) shall apply.

\* \* \*

The above resolution (N 100139 ZRY), duly adopted by the City Planning Commission on February 24, 2010 (Calendar No. 13), 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.,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,**  
**RICHARD W. EADDY, ANNA HAYES LEVIN,**  
**SHIRLEY A. MCRAE, Commissioners**

**KAREN A. PHILLIPS, Commissioner, Abstaining**



20 / JH / ~~SM / MA~~

CITY PLANNING DEPT. S10

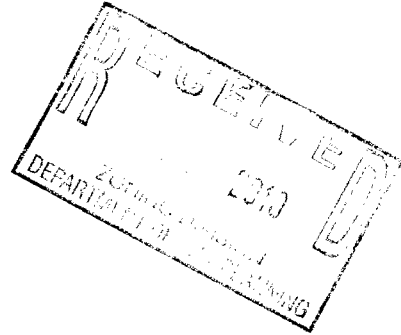
2010 JAN 25 PM 2:52

THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT** OF CITY PLANNING  
BOROUGH OF MANHATTAN

**SCOTT M. STRINGER**  
BOROUGH PRESIDENT

January 25, 2010

Amanda M. Burden, FAICP  
Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007



**Re: Residential Streetscape Preservation Text Amendment (N 100139 ZRY)**

Dear Chair Burden:

Thank you for providing the opportunity to comment on the application submitted by the Department of City Planning (“the Department”) for a citywide text amendment intended to preserve and enhance the streetscape character of residential neighborhoods. The proposed text changes will generally apply to all residential districts in the city; however, I write to support the application as it specifically applies to Manhattan.

The Department’s proposal reinforces the original intent of zoning regulations affecting residential parking and planting rules, introduces new curb cut rules to preserve streetscape character and on-street parking spaces, and adds streetscape character and pedestrian movement findings for curb cut authorizations.

Specifically, the proposal amends rules for “B” zoning districts, which typically have streetscapes that are characterized by planted front yards without front yard parking, so that curb cuts prohibitions that are currently applicable to new developments on zoning lots less than 40’ wide also apply to existing buildings less than 40’ wide; introduces new curb cut restrictions for residential parking spaces in R6, R7 and R8 districts where none exist today; and requires applications for curb cut and accessory parking in Community District 1 through 8 to show that they will not adversely affect the character of the existing streetscape or pedestrian movement.

The quality of the pedestrian environment is one of the most important influences on the vitality of any city, and is a significant part of what makes our city’s neighborhoods desirable places to live, work and visit. Currently, because there are no curb cut restrictions for many zoning districts, the installation of curb cuts have the potential to negatively affect pedestrian flow, prevent front yard and street tree plantings, and diminish the overall quality of the pedestrian environment. The proposed regulations restrict the size, location, and number of curb cuts in



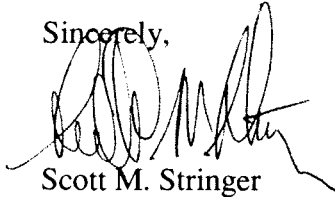
order to rationalize the amount of parking-related intrusions on the streetscape, and to promote ground floor retail uses where zoning allows mixed use building. Further, extending the prohibition on new curb cuts to existing buildings on narrow lots in "B" zoning districts is not only consistent with the original intent of the Zoning Resolution, but also necessary due to a recent court decision. The proposed amendments would significantly benefit Manhattan's residential streetscapes.

Moreover, the Department's proposal recognizes the importance of pedestrian mobility by making pedestrian movement a separate finding from vehicular movement. By doing so, this stand-alone finding emphasizes considerations of pedestrian safety in the public review process and enhances the importance of examining curb cuts and other sidewalk obstructions that might detract from the pedestrian experience.

Finally, the newly proposed streetscape character finding for curb cut authorizations creates new protection for the integrity of Manhattan's most livable streets. Over the past several years, many neighborhoods have expressed concern to my office that the existing authorization findings only relate to impacts on vehicular traffic and do not address impacts on neighborhood character, streetscape qualities, and the overall harmony of the block. This proposed finding is a direct response to community concerns, and the Department should be commended for its inclusion.

I thank the Department for developing this text amendment. This is an important step toward preserving the walkability and physical charm of Manhattan's neighborhoods.

Sincerely,



Scott M. Stringer  
Manhattan Borough President



OFFICE OF THE  
CHAIRPERSON

FEB 9 - 2010

21032

OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

February 5, 2010

Ms. Amanda M. Burden  
Director  
Department of City Planning  
22 Reade Street  
New York, New York 10007

Dear Ms. Burden:

At its stated meeting on February 2, 2010, the Brooklyn Borough Board (Board) adopted the enclosed resolution by a vote of 23 yes, 1 no, and 2 abstentions, for the proposed Residential Streetscape Preservation Zoning Text Amendment.

I want to applaud the Department of City Planning (DCP) for: responding to the call to have curb cut regulations become consistent with the intent of the Lower Density Contextual Zoning initiative from 1987; and furthering the mayor's PlaNYC objectives through proposed refinements to the planting requirements.

The Board seeks further modification of the proposed text as noted in the enclosed Resolution dated February 2, 2010, as it pertains to the following: removal of approval from the commissioner of the Department of Buildings to waive required parking based on the impossibility to comply with curb cut spacing requirements; including the number of housing units provided where a curb cut would not comply with zoning regulations; clarification to where front yard parking would be prohibited; and support of Community Board 10's recommendation to not permit front yard parking on larger lots developed with detached buildings.

The Board believes that subsequent zoning actions and studies should be undertaken by DCP. These include expanding the planting requirement of the Zoning Resolution to include the front yard area for buildings developed according to the regulations for alternate front setback for mid- to high-rise developments; and, working with community boards to analyze possibilities for rezoning non-contextual districts to contextual districts, as a means to expand the benefits of the Residential Streetscape Preservation Zoning Text Amendment to more neighborhoods of Brooklyn.

In reviewing the DCP proposal, the Board noted concerns on specific matters that warrant being addressed by the City. In terms of illegal conversions of garages, the lack of regulatory authority

Amanda M. Burden, Director  
February 5, 2010  
Page - 2 -

inhibits city inspectors in substantiating reports of illegal use. While the Board strongly supports these improvements to the regulations regarding legal curb cuts, it acknowledges that resolving unauthorized curb cuts remains problematic. It would be appropriate for the City to pursue changes that result in more timely elimination of unauthorized curb cuts that would not comply with the Zoning Resolution.

If you have any questions, your office may contact Mr. Richard Bearak, my director of Land Use, at (718) 802-4057. Thank you for this opportunity to comment.

Sincerely,



Marty Markowitz

MM/rb  
Enc.

cc: Members of the Brooklyn Borough Board  
Ms. Purnima Kapur, Brooklyn Office Director  
Department of City Planning  
Mr. Thomas Wargo, Director, Zoning Division  
Department of City Planning

# **BROOKLYN BOROUGH BOARD RESOLUTION**

**February 2, 2010**

The Brooklyn Borough Board commends the Department of City Planning (DCP) for responding to the call to address inappropriate placement of curb cuts that result in front yard parking. As a result regulations would be consistent with the intent of the Lower Density Contextual Zoning initiative from 1987 and furthering the mayor's PlaNYC objectives through the proposed refinements to the planting requirements.

The Board believes that this amendment would retain and, for new development, encourage front yard landscaping in a manner that is respectful to the neighborhood and is in support of storm water control objectives.

The Board recognizes that the development process would be streamlined by removing the time-consuming effort to obtain approval from the commissioner of the Department of Buildings to waive required parking based on the impossibility to comply with curb cut spacing requirements. Such change could result in as many as three parking spaces waived in R5B districts. The Board believes that this should not been done without a requirement that the Department of Buildings' Zoning Diagram depict the appropriate zoning references and the dimensions to the curb cut of all adjacent properties. In limited circumstances, five units can be provided with no parking required in R5 districts. The Board believes that this is unacceptable and should be limited to know more than three units.

The Board believes that language regarding the prohibition of front yard parking on zoning lots could be more explicit, therefore amending, as needed, to clarify that in specific cases front yard parking is not permitted.

The Board supports Community Board 10 in its recommendation that even for lots developed with detached buildings with street frontage measuring 35 feet or more, vehicles should not be allowed to legally park within any portion of the front yard.

The Board supports the borough president's recommendation issued in 2008 for the Zoning Resolution's planting requirements to be expanded to include the front yard area of all buildings developed according to the regulations for alternate front setback for mid-to-high rise developments. Pursuing such a change would be consistent with Mayor Bloomberg's PlaNYC goals to increase street tree canopy, air quality improvements and storm water management.

In addition to this text proposal, the board believes that DCP should consult with Brooklyn's community boards to determine where it might be appropriate to rezone remaining 1961 districts as a means to expand the benefits of the Residential Streetscape Preservation Zoning Text Amendment to more neighborhoods of Brooklyn. Such districts include:

- R3-2, R4 and R5 that are characterized by detached and/or semi-detached.
- R4 and R5 that are characterized by attached housing without front yard parking.
- R6, R7-1 and R7-2 that are characterized by contextual bulky buildings.

Though the Board supports increasing the allowable height for detached garages to 14 feet in recognition of the needs for persons with physical disabilities, there is concern that the extra height might entice more property owners to illegally convert such garages to dwelling spaces. It has been reported that agency inspectors are constrained in their efforts to document conversion of garages as an illegal use. The Board believes that these constraints should be adequately addressed so that meritorious intentions do not result in unintended outcome of illegal occupancy.

While the zoning text would result in satisfactory regulations as it pertains to creating legal curb cut, it is not meant to address unauthorized curb cuts. Violations result in monetary fines, while curb cuts remain in place. An amendment to the Administrative Code, such as Intro 620-2007 had been previously pursued to facilitate more timely removal of unauthorized curb cuts. The Board believes that it is appropriate for the City to implement measures that result in the removal of such curb cuts.

Be it resolved that the Brooklyn Borough Board, pursuant to Section 201 of the New York City Charter, recommends that the City Planning Commission

and City Council approve the Residential Streetscape Text Amendment application by the Department of City Planning (DCP) subject to the condition that the text be further modified as follows:

1. That the Department of Buildings' required Zoning Diagram, as submitted by an applicant, depict the appropriate zoning references and the dimensions to the curb cut of all adjacent properties.
2. That no more than three units be permitted in R5 districts where curb cuts would not be permitted.
3. That section 25-633 (b) be amended to read "a parking space not located in the front yard."
4. That in Community District 10, Section 25-621 (a)(2) shall not be applicable.

Be it further resolved that the Borough Board calls on:

1. The Department of City Planning to extend the planting requirements to the front yard area of all buildings developed according to the regulations pertaining to alternate front setback for mid- to high-rise developments in a subsequent zoning text amendment proposal.
2. The Department of City Planning to consult with Brooklyn's community boards to determine where it might be appropriate to rezone remaining 1961 districts as a means to expand the benefits of the Residential Streetscape Preservation Zoning Text Amendment to more neighborhoods of Brooklyn.
3. That effort be made to address constraints affecting the ability of inspectors to investigate reports of illegally residential occupancy of accessory residential garage space.
4. That effort be made to address constraints that do not result in the timely removal of unauthorized curb cuts.



50

# Queens Borough Board Recommendation

APPLICATION: ULURP# 100139 ZRY

COMMUNITY BOARD: Citywide

## DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of City Planning, pursuant to Sections 200 and 201 of the NYC Charter, proposing zoning text amendments that would strengthen front yard planting requirements; further restrict front yard parking in one- and two-family residence districts; restore the original intent of residential parking and planting requirements as they affect existing buildings in order to be consistent with a court decision affecting the definition of the term "development"; restore curb cut prohibition for narrow lots in R4B, R5B, R7B and R8B districts; introduce new curb cut requirements for residential parking in various residential, commercial and special purpose mixed-use districts citywide where none exist today; add streetscape character findings and accentuate pedestrian movement findings in authorizations for curb cut and parking spaces in Manhattan Community Districts 1 through 8 and portions of Queens Community Districts 1 and 2; clarify rules governing the amount of open space that may be occupied by driveways and parking spaces.

## PUBLIC HEARING

The Department of City Planning made presentations to the Borough Board in the Borough President's Conference Room at 120-55 Queens Boulevard at monthly meetings that were held on Monday, October 19, 2009 and again on February 1, 2010 pursuant to Section 85(6) of the New York City Charter.

## CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- o The Department of City Planning is proposing zoning text amendments to the Zoning Resolution that would refine, clarify or add new text to address issues concerning front yards, streetscape character, curb cuts, location of parking spaces, preservation of street parking and pedestrian safety in all residential areas.;
- o The proposal focuses on limiting inappropriate curb cuts and eliminating front yard parking in lower density residential areas. Another important aspect of the proposal is to encourage better planted open spaces by defining minimum sizes and where these are to be located. The proposed text amendments would also restore the original intent of the Zoning Resolution regarding front yard landscaping, on street parking and close loopholes that had unintended results in higher density areas.;
- o A new finding would be required for City Planning Commission consideration before granting Curb Cut Authorizations in Manhattan Community Districts 1 through 8 and in Queens Community Districts 1 and 2. The new finding would consider whether the proposed curb cut would affect pedestrian movement independently of the findings for traffic congestion and movement.;
- o The proposed text amendments supplement and support earlier zoning text adopted over the years to promote open space, contextual development in lower density residential areas. These amendments would remove ambiguities and specify more distinctly what is required in these areas.;
- o The Department of City Planning has done extensive outreach in crafting these amendments and presenting them to elected officials, the Community Boards, Borough Boards, responsible agencies and the Queens AIA.;
- o The Queens Borough Board voted unanimously to approve the application at the Borough Board meeting held on February 1, 2010.

## RECOMMENDATION

Based on the above consideration, the Queens Borough Board hereby recommends approval of this application.

Helen Marshall  
PRESIDENT, BOROUGH OF QUEENS

2-19-10  
DATE

City  
Of  
New York



## COMMUNITY BOARD NO. 8 BRONX

5676 Riverdale Avenue, Suite 100 • Bronx, New York 10471-2194

Telephone: 718-884-3959 • Fax: 718-796-2763

E-Mail: [brxcb8@optonline.net](mailto:brxcb8@optonline.net)

Website: [www.nyc.gov/brnxc8](http://www.nyc.gov/brnxc8)

Honorable Ruben Diaz, Jr.  
Bronx Borough President

### OFFICERS:

#### Chairperson

Damian McShane

#### Vice Chairperson

Bradford Trebach

#### Secretary

Joyce M. Pilsner

#### Treasurer

Philip Friedman

### COMMITTEE CHAIRS:

#### Aging

Karen Pesce

#### Budget

Ken A. O'Brien

#### Economic Development

Robert Fanuzzi

#### Education

Debbie Bowden

#### Environment & Sanitation

Saul Scheinbach

#### Health, Hospitals & Social Services

Maria Khury

#### Housing

Thomas C. Durham

#### Land Use

Charles G. Moerdler

#### Law, Rules & Ethics

Irving Ladimer

#### Libraries & Cultural Affairs

Robert G. Abbott

#### Parks & Recreation

Bob Bender

#### Public Safety

Ariene Garbett Feldmeier

#### Traffic & Transportation

Anthony Perez Cassino

#### Youth

Victoria Gray

OFFICE OF THE  
CHAIRPERSON

DEC 14 2009

20731

District Manager  
Nicole M. Stent

December 10, 2009

Amanda M. Burden, FAICP, Chair  
City Planning Commission  
22 Reade Street, Room 3E  
New York, NY 10007-1216

Dear Chair Burden:

At its meeting held on December 8, 2009, Community Board No. 8, Bronx, passed the following resolution by a vote of 33 in favor, 1 opposed, and 1 abstention:

**WHEREAS**, the New York City Department of City Planning has proposed a city-wide zoning text amendment (N 100139 ZRY) to preserve and enhance the streetscape character of residential neighborhoods; and

**WHEREAS**, on November 16, 2009, the City Planning Commission referred the proposed text amendment to all Community Boards, Borough Boards and Borough Presidents for review and comment; and

**WHEREAS**, the proposed text amendment would strengthen front-yard planting requirements in R1 to R5 districts; and

**WHEREAS**, the proposed text amendment would refine rules for curb cuts and front-yard parking in R1 to R5 contextual districts; and

**WHEREAS**, the proposed text amendment would restore the original intent of zoning regulations affecting residential parking and planting rules to be consistent with a court decision that defines "development" as a new building, not an existing building; and

**WHEREAS**, the proposed text amendment would encourage group-parking facilities and preserve on-street parking spaces for Quality Housing buildings; and

**WHEREAS**, the proposed text amendment would ensure that adequate parking is provided for new dwelling units added to existing buildings; and

*Serving the neighborhoods of Fieldston, Kingsbridge, Kingsbridge Heights,  
Marble Hill, Riverdale, Spuyten Duyvil, and Van Cortlandt Village*

**COMMUNITY BOARD NO. 8 BRONX**

PAGE 2

**WHEREAS**, the Traffic & Transportation Committee of Community Board No. 8, Bronx, has considered the implications and other policy issues relating to the proposed text amendment; therefore

**BE IT RESOLVED**, that Community Board No. 8, Bronx, supports the Department of City Planning's proposed Residential Streetscape Preservation Text Amendment (N 100139 ZRY) and urges that it be approved by the City Council.

Sincerely,

A handwritten signature in black ink that reads "Damian McShane" with a circled "DM" monogram to the right.

Damian McShane  
Chairman

c: Thomas C. Wargo, DCP  
Robert Dobruskin, DCP  
N. Danyluk, DCP  
Bronx Borough President Ruben Diaz, Jr.



# COMMUNITY BOARD NO. 8

1291 ST. MARKS AVENUE • BROOKLYN, NEW YORK 11213

TEL.: (718) 467-5620 • FAX: (718) 778-2979

Marty Markowitz  
Borough President

Nizjoni Granville  
Chairperson

Robert Matthews  
Chairperson Emeritus

Michelle T. George  
District Manager

January 15, 2010

Ms. Amanda Burden, Director  
NYC Dept. of City Planning  
22 Reade Street, 2<sup>nd</sup> Floor  
New York, NY 10007

OFFICE OF THE  
CHAIRPERSON

JAN 19 2010

26884

**Re: Residential Streetscape Preservation Text Amendment**  
**CEQR No. 10DCP013Y**  
**ULURP No. N100139ZRY**  
**City-wide**

Dear Ms. Burden,

At the January 14, 2010 Community Board No. 8 general meeting, members voted to support the Dept. of City Planning's Residential Streetscape Preservation Text Amendment. The final vote tally was twenty-eight in favor, three opposed, with one abstention.

We understand the value that these zoning changes will have in our community and we thank you for the opportunity to voice our opinions and concerns over the initiative. If we can be of further assistance, please do not hesitate to contact the District office.

Sincerely,

Nizjoni Granville  
Chairperson



# COMMUNITY BOARD NO. 9

OFFICE OF THE  
CHAIRPERSON

FEB 17 2010

21054

Marty Markowitz  
Borough President

Rabbi Jacob Goldstein  
Chairman

Pearl R. Miles  
District Manager

February 12, 2010

Ms. Amanda Burden  
Chairperson  
City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: Application # N100139ZRY – Residential  
Streetscape Preservation Text Amendment**

Dear Ms. Burden:

The members of Community Board 9 at a public hearing held on Tuesday, January 26<sup>th</sup> 2010, voted unanimously to support the Department of City Planning's Application #N100139ZRY – Residential Streetscape Preservation Text Amendment which will preserve and enhance the streetscape character of residential neighborhoods in Community District 9 and throughout the City of New York.

Community Board 9 also requests that the Department of City Planning address the concerns and recommendations contained in the resolution adopted by the Brooklyn Borough Board as it pertains to this application.

Thank you for your attention to this matter.

Sincerely,

Pearl R. Miles  
District Manager



## Community Board Ten

8119 5th Avenue • Brooklyn, N.Y. 11209  
(718) 745-6827 • Fax (718) 836-2447  
Communitybd10@nyc.rr.com  
www.bkcb10.org

BRIAN KIERAN  
*Vice Chairperson*  
ELEANOR SCHIANO  
*Secretary*  
MARY ANN WALSH  
*Treasurer*

JOANNE SEMINARA  
*Chairwoman*

JOSEPHINE BECKMANN  
*District Manager*

January 25, 2010

Amanda M. Burden, AICP Director  
NYC Department of City Planning  
22 Reade Street, Room 2E  
New York, NY 10007-1216

Re: Residential Streetscape Preservation Text Amendment

Dear Ms. Burden:

At a duly publicized meeting of Community Board Ten held on Tuesday, January 19, 2010 members voted to submit comments to you regarding the New York City Department of City Planning's Residential Streetscape Preservation Text Amendment (hereinafter, the "Amendment").

As you know, Community Board Ten has been at the forefront of raising awareness to quality of life problems associated with the proliferation of permitted and illegal curb cuts as well as front yard parking pads that have significantly altered the residential streetscapes of the Bay Ridge, Dyker Heights and Fort Hamilton communities. We appreciate all the energy that went into producing the Amendment and are grateful that your staff was accessible and responsive to our many questions.

The Zoning and Land Use Committee held three meetings to carefully review the Amendment. I have enclosed a copy of the Zoning and Land Use Committee Report to be included as part of this submission. Community Board Ten Board Members voted overwhelmingly to support the following portions of the Amendment as written:

- A. Front yard planting requirements.
- B. Curb cuts in R4B, R5B, R6B, R7B and R8B districts. All rowhouse "B" district changes to expressly include prohibition of curb cuts with respect to lots with buildings less than 40 feet.
- C. Change in text to allow a minimum percentage of required open space on a lot to be used for parking – R1,R2,R3 and R4B –driveways cannot occupy more than 50% of the open space requirement; and in R4 and R5 Districts parking space/driveways can occupy no more than 66 percent of the open space on a zoning lot.

MARTY MARKOWITZ, BOROUGH PRESIDENT

---

Community Board Ten Members voted overwhelmingly in support of the following recommendations pertaining to:

- D. **Curb Cut Spacing and DCP Authorizations** – The Board recommends this change which would allow curb cuts where they create a compliance issue for otherwise legal development upon the following condition: that applicants for these curb cuts which are necessary to meet parking requirements be required to provide zoning references and dimensions to show the location of curb cuts on all adjacent properties in filed zoning diagrams.
  - E. **Garages and Garage Heights** – The Board supports changes to the new garage height requirement to comply with the Americans with Disabilities Act raising garage heights from 10 feet to 14 feet above curb level with the following conditions:
    - a. That such increase in garage height not be allowed to accommodate uses other than parking in garages.
    - b. That the entrance door to the garages be compatible to the new height requirement.
    - c. That the Amendment explicitly state that parking garages permitted thereunder not accommodate or be converted to other (non-garage) uses; and
    - d. If any new parking spaces are created pursuant to the Amendment and such garage space is converted to non-parking use, the adjacent driveway space not be permitted to be used for parking.
  - F. **Front Yard Parking and Curb Cuts** – With reference to Zoning Resolution Sections 23-44, 25-621 which sections indicate a prohibition or prohibit front yard parking on zoning lots of less than 35 feet of street frontage unless such parking spaces are located in a side yard or in the rear of the residence and prohibit parking between the front lot line and the building street wall that such prohibition be extended to zoning lots with 35 feet or more of street frontage, that is, ZALUC recommends the following changes:
    - a. Striking proposed Section 25-621 (a) (2) (ii) and any other provision in the text so as to prohibit all new front yard parking and;
    - b. That the illustration on page 11 of the diagrams accompanying the text amendment (as depicted on the slideshow) be corrected to delete the depiction of a vehicle parked in front of a building street wall, which is not allowed under the text presented;
    - c. That the language of proposed Section 621 (a) (1) be amended to the extent that it is confusing and appears to be contradictory on its face - as the first part of the section (a) seems to indicate that (in certain cases) parking spaces may be located “between the street line and street wall..and their prolongations thereof.” However, The “Amendment” then goes on to state the opposite in (1) “for detached or zero lot line
-

Amanda M. Burden  
NYC Dept. City Planning  
January 25, 2010  
Page Three

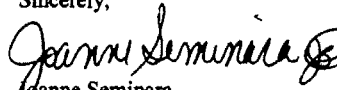
buildings on zoning lots with less than 35 feet street frontage, if such parking spaces are located in a driveway in the side lot ribbon that accesses parking spaces located to the side or rear of the residential building, and no such parking spaces or portions thereof are located in front of the street wall of the building." We found the language of these two sections begging the question where is parking allowed between the street line and street wall of buildings and their prolongations in Section 621 (a) (1).

- d. That the language of section 25-633 (b) line 3 be amended to strike that "a parking space located beyond the front yard" be replaced with "a parking space not located in the front yard".

The official vote tally for the above recommendations were 40 Board Members in favor, two against and one recusal.

Thank you for your attention and please feel free to contact me with any questions regarding the above. I look forward to your response.

Sincerely,

  
Joanne Seminara  
Chairwoman

cc: Hon. Marty Markowitz  
Hon. Vincent Gentile

Enc.

---



**COMMUNITY BOARD 10  
ZONING AND LAND USE COMMITTEE**

**MINUTES: JANUARY 7, 2010  
JANUARY 14, 2010**

January 7, 2010 – Committee met in quorum. Present were: Bob Cassara, Ann Falutico, Michael Festa, Judith Grimaldi, Ron Gross, Scott Klein, Dino Lamia, Susan Pulaski, Fran Vella-Marrone, Bob Hudock, Josephine Beckmann and myself.

**Residential Streetscape Preservation Text Amendment, N10039 ZRY**

The Department of City Planning (DCP) is proposing an extensive citywide text amendment to the New York City Zoning Resolution (ZR) which seeks to preserve and enhance streetscape character in residential neighborhoods. The amendment seeks to clarify, revise and introduce new regulations for residential buildings that affect front yard planting, location of parking spaces and curb cuts. Comments and recommendations to the application must be sent to DCP by January 25, 2010. The text amendment amends more than 40 sections of the Zoning Resolution.

The Zoning and Land Use Committee met to further consider this text amendment. DCP City Planners Richard Jacobs and Parul Agarwala presented the text amendment to the committee in the slide show format and answered questions from the Committee for approximately 1½ hours. A number of questions were presented to Department of City Planning which were answered in part in a subsequent written e-mail the following week.

Among these matters, the Committee considered provisions of the new text that would allow front yard parking in certain structures with lot sizes with more than 35 feet in frontage the necessity of an 18 foot front yard from a lot line to a building wall in order to accommodate front yard parking. Questions posed included clarification with regard to curb cut regulations as they are applied in different circumstances.

January 14, 2010 – Committee met in quorum. Present were: Bob Cassara, Ann Falutico, Ron Gross, Steve Harrison, Scott Klein, Dino Lamia, Susan Pulaski, Fran Vella-Marrone, Victoria Hofmo, Maria Lykourazos representing Spartan Souvlaki Restaurant, Josephine Beckmann and myself.

**1. Application for renewal of unenclosed sidewalk café to be located at Spartan Souvlaki, located at 6818 8<sup>th</sup> Avenue, DCA Application No. 42568:**

This is an application for renewal of a café with 13 tables and 34 seats. The applicant was represented by Maria Lykourazos. The Board office reports that there were no complaints received for this establishment. ZALUC determined that the restaurant does not use valet parking, does not obstruct pedestrian sidewalk access and that there are no concerns regarding operation of the café or restaurant. ZALUC noted that muni-meters were approved and will be installed on 8<sup>th</sup> Avenue in front of the restaurant. Therefore, the Zoning and Land Use Committee unanimously recommends approval of the renewal of a permit for an outdoor café by this applicant.

---

## **2. Residential Streetscape Preservation Text Amendment, N10039 ZRY**

ZALUC resumed its discussion of the text amendment and met for almost 2 hours to reconsider portions of the text and make recommendations concerning this application. After much study, discussion and collaboration spanning three separate meetings, the Zoning and Land Use Committee generally supports the text amendment with the following resolutions and findings.

### **A. Front yard planting requirements**

The proposal does not change the minimum planting that is required but no longer allows plantings in driveways to contribute to such minimum requirements and does not count strips of less than one foot in width toward such requirements. The modification also ensures that planting is equally distributed on a zoning lot containing more than one building. ZALUC unanimously recommends the front yard planting requirement of the text.

### **B. Curb cuts in R4B, R5B, R6B, R7B and R8B districts**

A change was made to the text of the zoning resolution to address a court case which defined the word "development" to refer only to new development with regard to allowing curb cuts to be created in certain districts. This amendment to Section 25-633 extends the prohibition to the construction of curb cuts with respect to lots with buildings less than 40 feet wide in "B" districts, which are characterized by row house development with planted front yards and free of any curb cuts. ZALUC unanimously supports this text amendment.

### **C. Change in text to allow a minimum percentage of required open space on a lot to be used for parking**

Existing regulations limit the amount of open space that can be used for driveways and open parking spaces and are ambiguous in not addressing open space to be occupied by parking spaces in some districts. This amendment defines the percentages of open space to be used for parking to be: (a) in R1, R2, R3 and R4B driveways and parking spaces can occupy no more than 50% of the open space requirement; (b) in R4B, R4 and R5 districts parking space/driveways can occupy no more than 66% of the open space on a zoning lot. ZALUC unanimously recommends this text amendment change.

### **D. Curb Cut Spacing and DCP Authorizations**

Existing rules require that new curb cuts be spaced at least 16 feet apart (or 34 feet apart for buildings wider than 40 feet in R4B, R5B, R6B, R7B and 8B districts). This rule applies to all curb cuts constructed after 1989, whether on the same or on an adjoining zoning lot. This spacing rule can severely restrict curb cuts necessary for new developments where off-street parking required. However, the zoning text allows the Commissioner of Buildings to waive the spacing requirements where it is not possible to comply, and where at least 16 feet of uninterrupted curb space will be maintained (or 34 feet in R4B and R5B districts). According to DCP, the waiver process is cumbersome, time consuming and unnecessary since it can easily be demonstrated whether one can comply with the spacing rule or not. The proposed text would allow the curb cuts without Commissioner of Buildings approval (Section 25-27). ZALUC unanimously recommends this change which would allow curb cuts where they create a compliance issue for otherwise legal development with the following proviso: that applicants for these curb cuts which are necessary to meet parking requirements be required to provide zoning references and dimensions to show the location of curb cuts on all adjacent properties in filed zoning diagrams.

---

E. Garages and Garage Heights

The text amendment increases the limit on the height of garages to comply with the Americans with Disabilities Act which requires taller ceilings for accessible vehicles. This proposal raises garage heights to 10 feet to 14 feet above curb level.

ZALUC supports this amendment with the following provisos/conditions:

1. that such increases in garage height not be allowed to accommodate uses other than parking in garages; and that
2. text amendment change explicitly states that parking garages permitted thereunder not accommodate or be converted to other uses; and
3. if any new parking spaces are created pursuant to the text amendment and such garage space is converted to non-parking uses, the adjacent driveway space not be permitted to be used for parking.

F. Front Yard Parking and Curb Cuts

ZALUC makes the following recommendation:

With reference to Zoning Resolution Sections 23-44, 25-621 which sections indicate a prohibition or prohibit front yard parking on zoning lots of less than 35 feet of street frontage unless such parking spaces are located in a side yard or in the rear of the residence and prohibit parking between the front lot line and the building street wall that such prohibition be extended to zoning lots with 35 feet or more of street frontage, that is, ZALUC recommends: (a) striking proposed Section 25-621 (a) (2) (ii) so as to prohibit all new front yard parking and; (b) that the illustration on page 11 of the diagrams accompanying the text amendment (depicted on the website) be corrected to delete the depiction of a vehicle parked in front of a building street wall, which is not allowed under the text presented; (c) that the language of proposed Section 621 (a) (1) be amended to the extent it is contradictory on its face; and (d) that the language of section 25-633 (b) line 3 be amended to strike that "a parking space located beyond the front yard" and replaced with "a parking space not located in the front yard".

Respectfully submitted,

Joanne Seminara  
Chair, Zoning and Land Use Committee

JS:dg

---



**BROOKLYN COMMUNITY BOARD 14**  
**FLATBUSH-MIDWOOD COMMUNITY DISTRICT**  
810 East 16<sup>th</sup> Street  
Brooklyn, New York 11230

**MARTY MARKOWITZ**  
*Borough President*

**ALVIN M. BERK**  
*Chairman*

OFFICE OF THE  
CHAIRPERSON

**DORIS ORTÍZ**  
*District Manager*

JAN 14 2010

20871

January 12, 2010

Amanda M. Burden, Director  
City Planning Commission  
22 Reade Street  
New York, NY 10007-1216

**RE: Residential Streetscape Text Amendment (ULURP #N 100139 ZRY)**

Dear Ms. Burden:

Brooklyn Community Board 14 held a public hearing to hear comment from the community on the Department of City Planning's above-captioned zoning text amendment on Monday, January 4, 2010. After the hearing, the Board members present at the hearing made a recommendation for the full Board to approve the amendment.

At its Regular Monthly Meeting on Monday, January 11, 2010, the Board recommended (34-0-0) that the Residential Streetscape Text Amendment be approved.

If you have questions regarding the above, please do not hesitate to contact our District Manager Doris Ortíz at (718) 859-6357.

Sincerely,

Alvin M. Berk  
Chairman



# Community Board 17

OFFICE OF THE  
BOROUGH CLERK  
39 Remsen Avenue, Brooklyn, NY 11212-1536  
(718) 467-3536 FAX (718) 467-4113

## Executive Officers:

**Mr. Lloyd Mills**  
Chairperson

**Mr. Morgan Gabriel**  
First Vice Chair

**Mr. Terrence LaPierre**  
Second Vice Chair

**Ms. Herminia Brown**  
Treasurer

**Ms. Renaé Carson Smith**  
Secretary

December 21, 2009

20808

**Sherif Fraser**  
District Manager

Ms. Amanda M. Burden  
Chair  
City planning Commission  
22 Reade Street  
New York, NY 10007


RE: CEQR No. 10DCP013Y  
ULURP No. N100139ZRY  
SEQRA Classification: Type 1

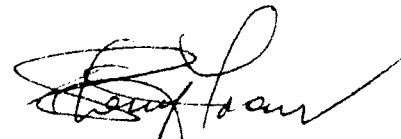
Dear Commissioner Burden:

I am writing on behalf of Community Board 17 in support of the above mentioned **Application** by the **New York City Department of City Planning** for a citywide text Amendment to clarify, revise and introduce new regulations to **preserve and enhance the streetscape character of residential neighborhoods.**

We applaud NYC Department of City Planning for their **vision and effort** to regulate **front yard planting requirements, curb cuts, and front yard planting rules.** Surely, the need to regulate these areas is **long overdue** and is **urgently needed** to ensure **uniformity**, and of course, **maintaining the beauty and character of our neighborhoods in East Flatbush.**

We look ward to working closely with you to achieve your **Department's goals.**

Sincerely,  
  
Lloyd Mills  
Chairperson

  
Sherif Fraser  
District Manager

cc: Hon. Marty Markowitz, President of the Borough of Brooklyn  
Hon. Mathieu Eugene, 40<sup>th</sup> Council District  
Hon. Darlene Mealy, 41<sup>st</sup> Council District  
Hon. Charles Barron, 42<sup>nd</sup> Council District  
Hon. Kendall Stewart, 45<sup>th</sup> Council District

E-mail: [Bkbrd17a@optonline.net](mailto:Bkbrd17a@optonline.net)  
[www.nyc.gov/brooklyncb17](http://www.nyc.gov/brooklyncb17)



OFFICE OF THE  
CHAIRPERSON

JAN 14 2010

20872

January 11, 2010

Hon. Amanda M. Burden, Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

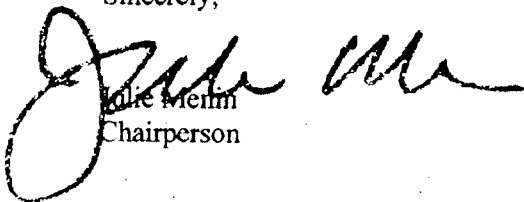
Re: N100139 ZRY  
Residential Streetscape Preservation Text Amendment

Dear Commissioner Burden,

Thank you for sharing the proposed text amendment for Residential Streetscape Preservation (N100139 ZRY). Manhattan Community Board One has considered the proposed zoning text amendment and believes them to be generally beneficial to the city. However, the Community Board does recommend some modifications to the proposals contained in ZR 13-551 and ZR 13-553 in order to ensure that pedestrian and bicycle movement is not impaired as a consequence of the proposed changes. Please find attached, the resolution passed by the full Community Board at the board meeting on December 15, 2009 regarding this issue.

If you have any further questions regarding the contents of this letter or resolution, please feel free to contact Michael Levine, Community Board One Director of Planning and Land Use, at (212) 442-5050.

Sincerely,



Julie Menin  
Chairperson

2010 ltr.epc

City of New York



Julie Menin CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER  
49 Chambers Street, Suite 715, New York, NY 10007-1209  
Tel 212 442 5050, Fax 212 442 5055, Email [cb1@cb1.org](mailto:cb1@cb1.org), [www.cb1.org](http://www.cb1.org)

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: DECEMBER 15, 2009

COMMITTEE OF ORIGIN: PLANNING AND COMMUNITY INFRASTRUCTURE

COMMITTEE VOTE: 6 In Favor 0 Opposed 0 Abstained 0 Recused  
PUBLIC MEMBERS: 1 In Favor 0 Opposed 0 Abstained 0 Recused  
BOARD VOTE: 29 In Favor 1 Opposed 0 Abstained 0 Recused

RE: Residential Streetscape Preservation Text Amendment

WHEREAS: The New York City Department of City Planning has proposed certain text amendments to the Zoning Resolution for the purpose of clarifying streetscape regulations in residential neighborhoods, and

WHEREAS: The goals of the proposed text amendments are to maintain lively retail streets, minimizing pedestrian and vehicular conflicts, and having continuous sidewalks, and

WHEREAS: The proposed text amendments would enhance the pedestrian environment, maintain continuous and safe sidewalks, preserve on-street parking, and

WHEREAS: Some of the proposed text amendments have limited applicability in CB1, Manhattan, applying only to C6-2A and R8 Districts, and most of the text amendments apply to low-density residential neighborhoods, and

WHEREAS: A representative of the NYC Department of City Planning presented and discussed these proposed changes to the satisfaction of the Planning and Community Infrastructure Committee, now

THEREFORE

BE IT

RESOLVED

THAT: CB#1 recommends the approval of these proposed text amendments, and makes the following recommendations:

(1) the proposed text change to ZR 13-551 be amended in such a way that finding (d) read as: “the parking spaces will not unduly inhibit pedestrian movements” and

(2) the proposed text change to ZR 13-553 be amended in such a way that finding (d) include discussion that curb cuts also will not interfere with the efficient functioning of bicycle lanes.

Jo Hamilton, Chair  
Bo Riccobono, First Vice Chair  
Sheelah Feinberg, Second Vice Chair  
Bob Gormley, District Manager



Amanda Kahn Fried, Treasurer  
Susan Kent, Secretary  
Elaine Young, Assistant Secretary

**COMMUNITY BOARD NO. 2, MANHATTAN**

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)

Greenwich Village • Little Italy • SoHo • NoHo • Hudson Square • Chinatown • Gansevoort Market

January 22, 2010

OFFICE OF THE  
CHAIRPERSON

FEB 1 - 2010

20963

Amanda Burden, Chair  
City Planning Commission  
22 Reade Street  
New York, New York 10007

Dear Chair Burden:

At its Full Board meeting on January 21, 2010, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

**Department of City Planning Residential Streetscape Preservation Text Amendment**

**WHEREAS**, This zoning text amendment would add reasonable curb cut rules for residential parking spaces in our district where none currently exist And,

**WHEREAS**, The proposed rules would eliminate inappropriate curb cuts, And,

**WHEREAS**, The text amendment proposes many rules that do not apply in our Board but are none the less worth while.

**THEREFORE BE IT FURTHER RESOLVED**, that CB#2, Man. supports this application for a city-wide zoning text amendment to preserve and enhance the streetscape character of residential neighborhoods.

Vote: Unanimous, with 36 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Jo Hamilton, Chair  
Community Board #2, Manhattan

David Reck, Chair  
Zoning and Housing Committee  
Community Board #2, Manhattan

JH/fa



cc: Hon. Jerrold Nadler, Congressman  
Hon. Thomas Duane, NY State Senator  
Hon. Deborah Glick, Assembly Member  
Hon. Scott Stringer, Man. Borough President  
Hon. Margaret Chin, Council Member  
Hon. Rosie Mendez, Council Member  
Hon. Christine Quinn, Speaker of the Council  
Sandy Myers, Community Board Liaison, Man. Borough President  
Lolita Jackson, Manhattan Director, CAU  
Vivian Awner, Community Board Liaison, Dept. of City Planning  
Lorna Edwards, Land Use Review Unit, Dept. of City Planning  
Jeff Mulligan, Executive Director, Board of Standards & Appeals  
Magdi Mossad, P.E., Man. Borough Commissioner, NYC Department of Buildings  
Applicant



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD NO. 3  
59 EAST 4TH STREET - NEW YORK, NY 10003  
PHONE: (212) 533-5300 - FAX: (212) 533-3659  
WWW.CB3MANHATTAN.ORG - INFO@CB3MANHATTAN.ORG

Dominic Pisciotta, Board Chair

Susan Stetzer, District Manager

December 24, 2009

OFFICE OF THE  
DISTRICT MANAGER  
DEC 27 2009  
20802

Hon. Amanda M. Burden, Chair  
City Planning Commission  
Calendar Information Office  
22 Reade Street, Room 2E  
New York, NY 10007

Re: Residential Streetscape Preservation Text Amendment  
CEQR No. 10DCP013Y  
ULURP No. N100139ZRY

Dear Chair Burden:

At its December 2009 monthly meeting, Community Board #3 passed the following motion:

To support the proposal for the B neighborhoods. For the A neighborhoods, the rules should consider the needs of people with disabilities.

If you have any questions, please do not hesitate to call.

Sincerely,

*Dominic Pisciotta*

Dominic Pisciotta, Chair  
Community Board #3

*David McWater*

David McWater, Chair  
Land Use, Zoning, Public & Private Housing Committee

cc: Arthur Huh, DCP  
Manhattan Borough President Scott Stringer  
Council Member Rosie Mendez  
Council Member Alan Gerson



CITY OF NEW YORK  
**MANHATTAN COMMUNITY BOARD FOUR**  
330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
tel: 212-736-4536 fax: 212-947-9512  
www.nyc.gov/mcb4

JOHN WEIS  
Chair

ROBERT J. BENFATTO, JR., ESQ.  
District Manager

OFFICE OF THE  
CHAIRPERSON

JAN 15 2010

20877

January 11, 2010

Hon. Amanda M. Burden, Director  
New York City Department of City Planning  
22 Reade Street  
New York, NY 10007-1216

**Re: Application No. N 100139 ZRY – Residential Streetscape Preservation Text Amendment**

Dear Director Burden:

On the recommendation of the Chelsea Preservation and Planning and the Clinton/Hells Kitchen Land Use committees, Manhattan Community Board 4 voted to recommend the conditional approval of the application for a Zoning Text Amendment for the preservation of residential streetscapes.

The great majority of the proposed amendments apply to lower scale zoning districts found in other boroughs but not in Manhattan Community District 4. We are concerned, however, that those amendments that would apply in CD4 have been written with a similar focus and without consideration of potential consequences for some building forms found in our district. While the specific examples noted here are existing conditions and likely would be exempt, we request that the proposed amendments be modified to accommodate them and eliminate future problems with similar buildings.

**25-631 Location and width of curb cuts in certain districts**

**(b) (3) R6 R7 R8**

These sections provide for a single curb cut with a maximum width of 12 feet, or, in the case of a group parking facility, either a single curb cut with a maximum width of 22 feet or two separated curb cuts each with a maximum width of 12 feet.

While we support the objective of reducing the number of curb cuts, these provisions are incompatible with the tower-in-a-park building form found in CD4. For example, the Penn South development in Chelsea has multiple buildings on a single zoning lot in an R8 district, with service curb cuts wider than 12 feet for each building to accommodate

trash removal, and multiple, wide curb cuts for their power station. We request that the proposed amendments be modified to accommodate this condition.

In addition, the Penn South parking facility on West 26<sup>th</sup> Street has a single curb cut approximately 55 feet wide to accommodate entry and exit lanes for both above ground and below ground parking. We prefer this single, wide curb cut to any alternative and request that that the proposed amendments be modified to accommodate it.

Finally, CB4 would like to see permits for uncovered parking facilities with curb cuts that run the entire length of the facility and parking facilities with curb cuts on both a wide and a narrow street made ineligible for renewal. Both of these conditions exist in CD4 and adversely affect pedestrians and the ability to plant trees.

Sincerely,



John Weis, Chair  
Manhattan Community Board 4



J. Lee Compton, Co-Chair  
Chelsea Preservation and Planning

[signed 1/11/10]  
Corey Johnson, Co-Chair  
Chelsea Preservation and Planning



Sarah Desmond, Co-Chair  
Clinton/Hell's Kitchen Land Use



Elisa Gerontianos, Co-Chair  
Clinton/Hell's Kitchen Land Use

cc: NYC Council Speaker Christine Quinn  
NYC Council Land Use Division – Danielle DeCerbo  
NYS Senator Thomas K. Duane  
NYS Assemblyman Richard Gottfried  
MBP Scott Stringer  
MBPO – Anthony Borelli, Deborah Morris



**MANHATTAN COMMUNITY BOARD FIVE**

450 Seventh Avenue, Suite 2109  
New York, NY 10123-2199  
(212) 465-0907  
fax: (212) 465-1628  
office@cb5.org

Vikki Barbero, *Chair*

Wally Rubin, *District Manager*

December 11, 2009

Hon. Amanda Burden  
Chair  
Department of City Planning  
22 Reade Street, Room 2E  
New York, NY 10007

**Re: CITYWIDE TEXT AMENDMENT PROPOSED BY THE DEPARTMENT OF CITY PLANNING FOR RESIDENTIAL STREETScape PRESERVATION.**

Dear Chair Burden:

At the regularly scheduled monthly meeting of Community Board Five on Thursday, December 10, 2009, the Board passed the following resolution by a vote of 33 in favor, 0 opposed, 1 abstaining:

WHEREAS, The goals of the text amendment is to introduce new curb cut rules to preserve streetscape character and on-street parking spaces and to add streetscape character and pedestrian movement findings for curb cut authorization in Manhattan Community Districts 1 – 8; and

WHEREAS, The zoning text amendment only affects Union Square/Irving Plaza, East 36<sup>th</sup>-39<sup>th</sup> between Park and Madison, and designated Midtown streets; and

WHEREAS, The new zoning text amendment will prohibit curb cuts for buildings less than 40 feet wide in certain zoning districts; and

WHEREAS, The text amendment will require that zoning lots must maintain 34 feet of uninterrupted curb space; and

WHEREAS, Too many curb cuts results in unattractive streetscapes, loss of on-street parking, and potential conflicts between vehicles and pedestrians; therefore be it

**RESOLVED**, That Community Board 5 urges the **passage** of a new zoning text amendment to regulate new curb cuts.

Thank you for the opportunity to comment on this matter.

Sincerely,

Vikki Barbero  
Chair

Kevin Finnegan  
Chair, Land Use and Zoning Committee

COMMUNITY BOARD 7  Manhattan

---

OFFICE OF  
CHAIRPERSON

JAN 12 2010

20821

January 7, 2010

Honorable Amanda M. Burden  
Chairperson  
City Planning Commission  
22 Reade Street  
New York, New York 10007


Dear Chairperson Burden:

The enclosed resolution was adopted by the Full Board of Community Board 7 on January 5, 2010.

Please let us know of any action taken by your agency pertaining to this matter.

Thank you for your consideration.

Sincerely,

  
Mel Wymore  
Chair

Enclosure

~~Cc: Applicant~~

250 West 87<sup>th</sup> Street New York, NY 10024-2706  
Phone: (212) 362-4008 Fax: (212) 595-9317  
Web site: nyc.gov/mcb7 e-mail address: office@cb7.org

COMMUNITY BOARD 7  Manhattan

---

**RESOLUTION**

**Date: January 5, 2010**

**Committee of Origin: Land Use**

**Re: Department of City Planning's Residential Streetscape Preservation Text Amendment.**

**Full Board Vote: 28 In favor 0 Against 1 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed changes in the Text Amendment regarding Residential Streetscape Preservation.

*Committee: 6-0-0-0. Public member: 1-0-0-0.*

**Jacqueline Ludorf**  
Chair

**Latha Thompson**  
District Manager



505 Park Avenue  
Suite 620  
New York, N.Y. 10022  
(212) 758-4340  
(212) 758-4616 (Fax)  
info@cb8m.com- E-Mail  
www.cb8m.com – Website

**The City of New York**  
**Manhattan Community Board 8**

January 15, 2010

Hon. Amanda M. Burden  
Chair  
The Department of City Planning  
22 Reade Street  
New York, New York 10007

**Re: Residential Streetscape Preservation Text Amendment**

Dear Chair Burden:

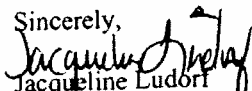
At its Land Use meeting on Wednesday, January 13, 2010 Community Board 8M approved the following resolution by a vote of 30 in favor, 1 opposed and 2 abstentions.

**Whereas**, Residential Streetscape Preservation Text Amendment-CEQR No. 10DCP013Y, ULURP No. N100139ZRY-The application by the NYC Department of City Planning for a city-wide text amendment to clarify, revise, and introduce new regulations to preserve and enhance the streetscape character or residential neighborhoods. The proposed amendment aims to meet a number of goals with regard to front-yard planting, parking allowances and requirements, curb cuts, and open space in residential districts. In addition, the proposal responds to a recent court decision regarding the applicability of the word "development" and its effect on residential parking and planting rules. The proposal also fills the gaps in the existing regulations by establishing curb cut rules in districts where none exist. The text amendment includes revisions primarily to the following ZR Sections: 23-451, 25-621, 23-44, 25-633, 25-631, 36-532, 28-50, 13-551, 13-553, 25-211, 25-64. The text amendment will generally apply to all residential districts in the city in all of its 59 community districts.

**Whereas**, Community Board 8M held a public hearing regarding this matter;

**Be it resolved**, that Community Board 8M approved this application.

Kindly advise this office of your decision made concerning this matter.

Sincerely,  
  
Jacqueline Ludorf  
Chair

cc: Honorable Michael Bloomberg, Mayor of the City of New York  
Honorable Scott Stringer, Manhattan Borough President  
Honorable Carolyn Maloney, 14<sup>th</sup> Congressional District Representative  
Honorable Liz Kruger, NYS Senator, 26<sup>th</sup> Senatorial District



Honorable Micah Kellner, Assemblyman, 65<sup>th</sup> Assembly District  
Honorable Jonathan Bing, Assemblyman, 73<sup>rd</sup> Assembly District  
Honorable Jessica Lappin, NYC Council Speaker, 5<sup>th</sup> Council District  
Honorable Daniel Garodnick, NYC Council Member, 4<sup>th</sup> Council District



**City of New York  
Community Board #1, Queens**

American Museum of Moving Image  
36-01 35<sup>th</sup> Avenue  
Astoria, N.Y. 11106  
Tel: 718-786-3335, Fax: 718-786-3368

OFFICE OF THE  
CHAIRPERSON

FEB 22 2010  
21059

Helen Marshall,  
*President, Queens*  
Barry Grodenchik,  
*Deputy Borough President*  
Vinicio Donato,  
*Chairperson*  
Lucille T. Hartmann,  
*District Manager*

EXECUTIVE BOARD

Vinicio Donato  
*Chairperson*  
Joseph Guarino  
*First Vice Chairperson*  
George L. Stamatides  
*Second Vice Chairperson*  
Norma Nieves-Blas  
*Third Vice Chairperson*  
John A. Scourakis  
*Executive Secretary*  
Peter Pallos  
*Sergeant-at-Arms*

COMMITTEES &  
CHAIRPERSONS

*Airport Access*  
Rosemarie Poveromo  
*Capable Disabled*  
Daniel Aliberti  
*Capital/Expense,*  
*Community Development*  
Joseph Guarino  
*Consumer Affairs*  
Joseph Risi Jr.  
*Education*  
Linda Perno  
*Environmental Protection*  
Joan Asselin  
*Health & Social Services/  
Senior*  
Jean Marie D'Alleva  
*Housing*  
Mary O'Hara  
*Industrial/Commercial*  
Julian Wager  
*Parks & Recreation/  
Cultural Affairs/OTB*  
Richard Khuzami  
*Public Safety*  
Antonio Meloni  
*Street Festivals*  
Ann Bruno  
*Transportation*  
Robert Piazza  
*Youth*  
Jose Batista  
*Zoning & Variance*  
John Carusone

February 17, 2010

Ms Amanda M. Burden, FAICP  
Chairperson  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Ms Burden:

RE: ULURP #N100139 ZRY  
Residential Streetscape Preservation  
Text Amendment (City-Wide)

At our January 19, 2010 full Board meeting our Board voted to recommend approval of the above referenced ULURP action with the adoption of the following stipulations:

- Allow curb cuts on zoning lots with less than 40'-0" street frontage
- Do not require additional parking spaces for conversion of existing buildings that create additional dwelling units
- Allow 14' high garages in lots developed with multiple dwellings consistent with other zoning districts
- Remove the lot coverage requirements for individual garages in R2A zoning districts

Community Board I recommends **denial with the omission of our stipulations.**

Thank you.

Sincerely,

Vinicio Donato

cc: Hon. Peter Vallone, Jr.  
Hon. James Van Bramer  
Mr. John Young, DCP

BOARD MEMBERS (cont.)

Rose Anne Alafogiannis  
George Alexiou  
Gus Antonopoulos  
Edward Babor  
Jannita Brathwaite  
Ann Bruno  
Gerald Caliendo  
Joanna D'Elia  
Dolores DeCrescenzo  
Mary Demakos  
Demetrios K. Demetrios  
Elizabeth Erion  
Salvatore Gagliardo  
Anthony Gigantiello  
Pauline Jannelli  
Jerry Kril  
Frances Luhmann-McDonald  
William Melnick  
Prabir Mitra  
Kevin Mullarkey  
Stella Nicolaou  
Rose Marie Poveromo  
Gus Prentzas  
Thomas Ryan  
Michael Serao  
Rudolfo Sarchese  
Aravella Simotas  
Dennis Syntilas  
Judy Trilivas  
Patrick A. Wehle  
Mannie Wilson  
John P. Ziedonis



## Community Board No. 2

43-22 50th Street  
Woodside, New York 11377  
(718) 533-8773  
Fax (718) 533-8777

*Joseph Conley*  
Chairman

*Debra Markell-Kleinert*  
District Manager  
January 8, 2010

OFFICE OF THE  
CHAIRPERSON

JAN 13 2010

*20882*

Amanda M. Burden  
Director,  
Department of City Planning  
City of New York  
22 Reade Street  
New York, NY 10007-1216

RE: Residential Streetscape Preservation Text Amendment  
CEQR No. 10DCP013Y  
ULURP No. N100139ZRY  
City-Wide

Dear Ms. Burden:

On January 7, 2010 at the regular monthly meeting of Community Board 2 a motion was made and seconded to approve the Residential Streetscape Preservation Text Amendment (N100139ZRY).

The vote was as follows 28 In favor 2 Opposed; 0 Abstentions with the Chairman present and not voting.

If you have any questions, please feel free to contact Community Board 2.

Sincerely,

  
Debra Markell-Kleinert  
District Manager

DMK/mag

cc: Honorable Joseph Crowley, US Congress  
Honorable Carolyn B. Maloney, US Congress  
Honorable Nydia M. Velazquez, US Congress

*"Serving the Communities of Long Island City, Sunnyside, Woodside and Maspeth"*

Honorable George Onorato, NY State Senate  
Honorable Michael DenDekker, NYS Assembly  
Honorable Margaret Markey, NYS Assembly  
Honorable Catherine T. Nolan, NYS Assembly  
Honorable Elizabeth Crowley, NYC Council Member  
Honorable Jimmy Van Bramer NYC Council Member  
Honorable Daniel Dromm, NYC Council Member  
Honorable Helen Marshall, President of the Borough of Queens  
Honorable Barry Grodenchik, Deputy Borough President  
Irving Poy, Queens Borough President's Office  
Joseph Conley, Chairman, Community Board 2  
Lisa Deller, Chair, Land Use Committee  
John Young, Department of City Planning  
Penny Lee, Department of City Planning

DCP Residential Streetscape Preservation Text Amendment

---



## COMMUNITY BOARD # 4Q

Serving: Corona, Corona Heights, and Elmhurst

46-11 104<sup>th</sup> Street

Corona, New York

11368-2882

Telephone: 718-760-3141

Fax: 718-760-5971

e-mail: cb4q@nyc.rr.com

**Helen Marshall**  
Borough President

**Louis Walker**  
Chairperson

**Karen Koslowitz**  
Director of Community Boards

**Richard Italiano**  
District Manager

December 02, 2009

Thomas C. Wargo  
City Planning Commission  
Calendar Information Office  
22 Reade Street, Room 2E  
New York, NY 10007

Re: Application #: N 100139 ZRY  
Residential Streetscape Preservation Text Amendment

Dear Mr. Wargo,

In short the proposed amendment will strengthen the design standards for front yard planting and create stricter rules for parking in front yards of buildings in low density one and two family districts. In R6 through R8 districts and their commercial equivalents where there are no existing rules for curb cuts, the text will introduce new rules to prevent excessive curb cuts to preserve on-street parking spaces and encourage multiple space off-street parking facilities.

The CB #4Q Zoning Committee and the membership of CB #4Q reviewed the proposed text amendment and at the December 01, 2009 meeting of the Board, by a unanimous vote of a quorum present, approved and agreed with the proposed text amendment as written.

We request that the proposed text amendment be approved and implemented as soon as possible to protect the existing neighborhood streetscapes.

Please contact the office of CB #4Q if you require further assistance in adopting the Residential Streetscape Preservation Text Amendment.

On Behalf of the Membership of CB #4Q

Sincerely,

Richard Italiano  
District Manager

Borough President, Helen Marshall

Deputy Borough President, Barry Grodenchik



Chairman, Alvin Warshavik

*The City of New York*  
*Borough of Queens*

Community Board 8  
197-15 Hillside Avenue  
Hollis, NY 11423-2126  
Telephone: (718) 264-7895  
Fax: (718) 264-7910  
Qn08@cb.nyc.gov  
Website: www.queenscb8.org



District Manager, Marie Adam-Ovide

January 22, 2010

Amanda Burden, Director  
City Planning Commission  
22 Reade Street, Room 2E  
New York, NY 10007

Dear Ms. Burden:

The attached resolution was unanimously passed by the members of Community Board 8, Queens at its board meeting held on January 13, 2010.

Community Board # 8, Queens, approves the Streetscape Text Amendment on the condition that the Commission commences preparation of a Zoning Text Amendment that will protect one family occupancy row houses subject to mapping.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Marie Adam-Ovide".

Marie Adam-Ovide  
District Manager

Enclosure

Borough President, Helen Marshall

Deputy Borough President, Barry Grodenchik



Chairman, Alvin Warshaviak

*The City of New York*  
*Borough of Queens*

Community Board 8  
 197-15 Hillside Avenue  
 Hollis, NY 11423-2126  
 Telephone: (718) 264-7895  
 Fax: (718) 264-7910  
 Qn08@cb.nyc.gov  
 Website: www.queenscb8.org



District Manager, Marie Adam-Ovide

**RESOLUTION REGARDING THE STREETScape PRESERVATION AMENDMENT**

**WHEREAS:** The Yard text amendment, which the Planning Commission adopted last year, has failed to effectively enhance front yard planting, front yard paving, additional over wide driveways and the loss of greenspace on residential streets.

**WHEREAS:** The Streetscape text amendment will close many loopholes in the Yard text and more effectively control yard paving, which can cause a loss of ground drainage- resulting in flooding-- and overheats open space around residences and require meaningful landscaping. In addition the amendment will limit the proliferation of oversized driveways and the consequent loss of street parking.

**WHEREAS:** The Amendment also requires one parking space per unit in R3 and R-4 residence districts, which, the Department of City Planning contends, will limit the number of conversions of as built one-family homes in these districts to two or three family occupancy. At the same time, the amendment limits the amount of open space that can be for parking.

**WHEREAS:** Community Board 8 finds that provisions of the Streetscape Zoning Text Amendment will protect open space from paving and control the proliferation of over wide driveways in lower density residence districts.

**AND:** Community Board 8 contends that protection of one-family row houses will be attained only through a Zoning Text Amendment.

**BE IT THEREFORE RESOLVED:** Community Board 8 approves the Streetscape Text Amendment on the condition that the Commission commences preparation of a Zoning Text Amendment that will protect one family occupancy row houses subject to mapping.

By unanimous vote 1/13/2010

City of New York



## COMMUNITY BOARD NO.9

Queens Borough Hall

120-55 Queens Boulevard, Room 310-A

Kew Gardens, NY 11424

(718) 286-2686

Fax (718) 286-2685

Meeting Hotline (718) 286-2689

Email [communitybd9@nyc.rr.com](mailto:communitybd9@nyc.rr.com)

---

Andrea Crawford, Chairperson \* Mary Ann Carey, District Manager \* Helen Marshall, Borough President

---

January 12, 2009

### Queens Community Board 9 Resolution - N 100139 ZRY- Proposed Residential Streetscape /Text Amendment

While Queens Community Board 9 welcomes City Planning's proposed improvements overall, via the proposed 2009 Front Yard Paving zoning text, we urge City Planning to go further.

Neither the 2007 amendments nor the 2008 amendments, and now not even those amendments proposed in late 2009 adequately protect front yard areas. Community Facilities in low density, residential areas continue to be able to alter and downgrade the streetscapes of which they are a part. Such Facilities should be bound by the same principles applicable to all buildings in their zoned areas, especially those that are contiguous.

Further, even the paving regulations embodied in the Yard Paving texts (passed in November 2007) are apparently not enforced. Without strict enforcement and the closing of loopholes for so-called "community facilities", New York City's neighborhoods will continue to resemble paved-over parking malls—hardly what City Planning must have had in mind.

We urge City Planning to look again at what their regulations do not accomplish. It is not just our streetscapes that are at risk. The proliferation of uncontrolled lawn pave overs, with resultant flooding of sewers and pollution of drinking water, threatens our sheer habitability.





# Community Board No. 11

46-21 Little Neck Parkway, Little Neck, New York 11362

(718) 225-1064  
FAX (718) 225-4514

email: [QN11@cb.nyc.gov](mailto:QN11@cb.nyc.gov)  
website: [www.nyc.gov/queenscb11](http://www.nyc.gov/queenscb11)

Jerry Iannece  
Chair

Susan Seinfeld  
District Manager

Helen Marshall, President  
Borough of Queens

Karen Koslowitz, Deputy Borough President  
and Director of Community Boards

December 9, 2009

Thomas C. Wargo  
Director Zoning Division  
NYC Department of City Planning  
22 Reade Street  
New York, New York 10007

RE: N 1000139 ZRY  
Residential Streetscape Preservation Text Amendment

Dear Mr. Wargo:

Please be advised that Community Board 11 reviewed the above referenced zoning text amendment at our December 7, 2009 monthly Board meeting.

Community Board 11 voted overwhelmingly in favor of the text amendment.

Sincerely,

Jerry Iannece  
Chair

cc: John Young

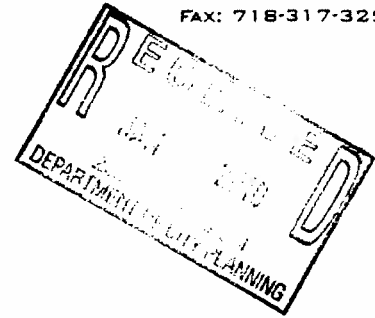


THE CITY OF NEW YORK  
**Community Board Two**  
BOROUGH OF STATEN ISLAND

DANA T. MAGEE  
CHAIR

DEBRA A. DERRICO  
DISTRICT MANAGER

460 BRIELLE AVENUE  
STATEN ISLAND, NEW YORK 10314  
718-317-3235  
FAX: 718-317-3251



January 21, 2010

Mr. Thomas Wargo  
Director, Zoning Division  
City Planning Commission  
Calendar Information Office  
22 Reade Street, Room 3E  
New York, New York 10007

Dear Mr. Wargo:

On January 19, 2010 Community Board Two voted unanimously to support City Planning Application N100139ZRY, Residential Streetscape Preservation Text Amendment, which aims to meet a number of goals with regard to front-yard planting, parking allowances and requirements, curb cuts, and open space in residential districts.

If you have any questions or require additional information, please call.

Very truly yours,

*Dana T. Magee*  
Dana T. Magee  
Chairman

*Frank Marchiano*  
Frank Marchiano  
Chair, Land Use Committee

c: Hon. James P. Molinaro  
Hon. James Oddo  
Hon. Vincent Ignizio  
Hon. Debi Rose  
Len Garcia-Duran  
Robert Englert  
Jason Razefsky  
Jacquelyn Harris  
Philip Sperling  
Nicole Campus

The  
City  
of  
New York



BOROUGH OF STATEN ISLAND  
**COMMUNITY BOARD 3**

655-218 Rossville Avenue, Staten Island, N. Y. 10309

OFFICE OF THE  
CHAIRPERSON

Telephone: (718) 356-7900

Fax: (718) 966-9013

Email: [sicb3@cb.nyc.gov](mailto:sicb3@cb.nyc.gov)

Website: [www.nyc.gov/sicb3](http://www.nyc.gov/sicb3)

DEC 23 2009

20804

December 18, 2009

Amanda M. Burden, FAICP, Director  
Department of City Planning  
22 Reade Street  
New York, New York 10007-1216

Re: Residential Streetscape Preservation Text Amendment  
CEQR No. 10DCP013Y  
ULURP No. N100139ZRY

Dear Director Burden:

On December 15, 2009 at our General Board Meeting the Board Members viewed a presentation on the above referenced text amendment, and subsequently debated the significant effect the amendment will have on our community. With advantages prevailing over negative aspects Board Members voted to support the Residential Streetscape Preservation Text Amendment.

We appreciate your support to our community and thank you for the opportunity to comment on this amendment.

Very truly yours,

Thomas Barlotta  
Chairman Land Use Committee

Frank Morano  
Chairman of the Board

TB/FM:js

cc: Borough President James P. Molinaro  
Councilman Vincent Ignizio  
Len Garcia-Duran, City Planning

Docket No. 907608