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CONTACT: Rachaele Raynoff, Press Secretary -- (212) 720-3471

COMMUNITY FACILITIES REFORM TO PROTECT LOW-DENSITY NEIGHBORHOOD CHARACTER IS PASSED BY CITY PLANNING COMMISSION

July 28, 2004 - The City Planning Commission (CPC) today unanimously voted to approve zoning reform to better regulate community facilities such as medical offices and houses of worship and reduce their undesired effects on low density residential neighborhoods. The proposed changes complement the Bloomberg administration's other zoning initiatives to protect the character of the city's suburban style residential neighborhoods. The CPC approved the zoning change, proposed jointly by the Department of City Planning and the City's Council's Land Use Committee, and sent it on to the City Council for final review. The Council is expected to vote on the measure in August.

The amendment is designed to bring relief to communities from increasingly large medical offices that have been permitted as of right under current zoning, raising traffic and other neighborhood concerns. It changes parking requirements for houses of worship that have become increasingly more regional but have not provided adequate parking, burdening lower density neighborhoods. At the same time, the zoning amendment recognizes the value of such community facilities, and, with changes to minimize land use conflicts, creates new opportunities for them to locate in districts that can more easily accommodate their size and parking requirements. The joint effort of the Council and City Planning on this measure underscores the importance of the issue to low density neighborhoods in the city.

"We are delighted to partner with the Council on this zoning text change to protect the character of our neighborhoods by reducing land use conflicts from community facilities such as health care offices and houses of worship. As the nature and size of health care practices has changed, so too must the zoning adapt to accommodate needed facilities in ways that are less problematic for residential communities. It is important to protect our lowest density residential neighborhoods from facilities that have expanded to regional proportions," said Ms. Burden, Chair of the Planning Commission. "Input received during the public review process has helped us improve the proposal, which is an important first step in solving the conflicts between such facilities and their surrounding communities."

City Council Land Use Committee Chair Melinda Katz, said, "This is a great step in providing much needed relief to our communities. I am proud of the exchange between the council, the administration and the public in order to generate a solid solution that benefits so many of our neighborhoods. Adapting zoning changes to ensure the stability of our city's ever-changing communities is, and must continue to be, a city priority."

"Today is a big step forward in amending the "Community Facilities" part of the zoning code to improve the quality of life in low density residential communities throughout the city," said Council Member Tony Avella, Chair of Zoning and Franchises for the City Council. "Having made this a priority issue since my election, I am extremely pleased that we have reached this point in the public review process. I look forward to continuing to work with Chair Burden on the proposed text changes when it comes before my committee in the next state of the process."

The key changes in the citywide community facilities regulations include:

- Increasing off-street parking requirements for houses of worship, distinguishing between those that serve a local vs. regional audience and adding flexibility for houses of worship to meet these new requirements;
- Prohibiting large medical facilities in single family districts and restricting their size in one- and two-family districts;
- Eliminating or reducing permission for certain community facilities to obstruct rear yards;
- Requiring parking lots for community facilities with 10 or more spaces to be screened with planting strips in lower density districts;
- Permitting houses of worship as-of-right in M1 districts.
- Increasing the allowable size of community facilities in commercial districts mapped within R3-2 districts
- Amending use regulations for houses of worship, ambulatory health care facilities, and clarifying that college or school dormitories are limited to students.

The changes are intended primarily to limit the size of certain community facilities, and their related parking and traffic impacts, in the city's lowest density residential neighborhoods while continuing to allow them ample opportunities to

locate where land use conflicts would be minimized.

Medical Offices

An array of health care providers, many of whom partner in larger, traffic-generating practices, would be prohibited in R1 and R2 districts. In all other single- and two-family districts, the size of offices would be limited to 1,500 square feet and larger practices, up to a maximum of 10,000 square feet, would require a Board of Standards and Appeals (BSA) special permit.

Houses of Worship

The parking problems often associated with houses of worship in low density neighborhoods would be alleviated under the new rules, resulting in a better match between the demand a facility creates for off-street parking, and the amount of parking provided. In lower density residence (R1 through R5) districts, parking requirements will be based on "persons rated capacity" of the largest room of assembly in a house of worship, rather than the current standard, "fixed seats." Under existing zoning, few or no parking spaces are provided at many houses of worship in these auto-oriented neighborhoods because they are designed without fixed seats, relying instead on movable chairs. Yet these facilities often attract large numbers of people who travel by car from well beyond the neighborhood, creating traffic and parking problems.

The zoning change passed today would enable local houses of worship demonstrating that 75 percent of the congregation lives within three-quarters of a mile of the facility, to apply for a City Planning certification waiving the parking requirement. The CPC proposed this administrative mechanism for the waivers in response to public testimony and requests by elected officials and community organizations. In addition, houses of worship that provide parking off-site or shuttle service that does not tax local parking capacity could apply to the Board of Standards and Appeals for a waiver of the requirement.

The new regulations also make it easier to locate houses of worship in light manufacturing districts. New adult uses in these districts would be prohibited from locating within 500 feet of new or existing houses of worship.

Rear Yard Construction

In order to better preserve light and air to adjoining residences and rear yard views, as well as preserve neighborhood character, the proposal would extend the current prohibitions on community facilities building in a required rear yard in the lowest density (R1 and R2) districts to all other single and two-family districts (R3A, R3X, R3-1, R4A, R4B & R4-1). Certain types of community facilities in higher density residence districts would also be subject to greater restrictions on rear yard obstructions.

The proposal has been reviewed by all 59 community boards and the five borough presidents before today's action by the City Planning Commission and next month's review at the City Council. Please visit the DCP website for more information on the [proposed new community facility zoning text](#) or the [public review process](#).

About City Planning

The Department of City Planning is responsible for the City's physical and socioeconomic planning, including land use and environmental review; preparation of plans and policies; and provision of technical assistance and planning information to government agencies, public officials, and community boards.