



Amendment of the Zoning Resolution pursuant to Section 200 of the New York City Charter creating a new Section 23-145 (Optional Provisions for Certain R5 and R6 Districts in Brooklyn) for 1-family, 2-family, and 3-family residences.

The proposed text amendment establishes optional regulations for any development or enlargement of one, two, or three-family dwellings in R5 and R6 Districts located within the Boro Park section of Community Board 12 in Brooklyn.

On April 6, 1983 (Cal No. 6), the Commission scheduled a Public Hearing on the proposed optional provisions amendment. The public hearing was held on April 20, 1983 (Cal No. 34). There were five speakers who spoke in favor of the proposed amendment. There were no appearances in opposition. The hearing was closed. The Council of Jewish Organization (COJO) which represents 170 educational, religious and human services agencies serving 100,000 constituents in Boro Park urged adoption of the proposal. A city Councilman appeared and spoke in favor of the amendment. The Councilman also read a joint statement of endorsement from other Councilpersons. A representative appeared on behalf of the Southern Brooklyn Community Organization's (SBCO) Board of Directors and strongly endorsed adoption of the amendment. Community Board 12 voted and approved the proposed text amendment, by a vote of 16 in favor, 14 opposed, with 5 abstentions.

CONSIDERATION

Boro Park is situated in the southwest section of Brooklyn stretching from 8th Avenue on the west, Bay Parkway and Dahill Road on the east, 36th Street on the north and 61st Street on the south.

Boro Park is a developed community with primarily, two and three family dwellings, as well as some low-rise multiple dwellings. The need for additional housing in the past ten years has resulted in the demolition of detached frame homes and their replacement with two and three family semi-attached and attached homes. Since the late 1960's Boro Park has continued to attract large families, thereby increasing the need for large residential units.

During the past three years, many owners/developers filed applications with the Board of Standards and Appeals for variances in order to permit construction of large 3-story 3-family houses in excess of the bulk allowed by the present R5 and R6 regulations.

The Boro Park neighborhood contains an unique concentration of housing types occupied by large family sizes. The housing needs of these families are very different from the rest of the City. In most cases these families require exterior balconies and extra floor area to create additional bedrooms for the children.

Meetings were held among the Office of the Brooklyn Borough President and representatives of the Department of Buildings, Community Board 12 and the Department of City Planning, and it was recommended that the Zoning Resolution be amended to allow for the development of larger homes. Such amendments would provide optional regulations, to allow greater freedom in development.

The proposed Zoning amendment establishes optional regulations for one, two and three family residences in the R5 district will allow an increase in FAR from 1.65 to 1.8 in order to permit a three story residential building with 60 percent lot coverage.

In order to maintain a minimum 8 foot open space between buildings on adjoining zoning lots, special side yard provisions are mandated. Since most the existing buildings are developed with either front or rear yard balconies, some flexibility as to size and location of balconies are allowed. In addition, since the Boro Park area is well served by public transportation, it is considered appropriate not to mandate on-site parking.

The proposed optional regulations for one, two and three family residences in the R6 district will allow an increase in FAR from 1.6 to 1.95 in order to permit a three-story residential building with 65 percent lot coverage. In addition, some flexibility is allowed for outer courts, and the provision of special side yards for buildings exceeding 62 feet in depth is required.

All developments or enlargements constructed pursuant to the optional regulations shall remain subject a 30 foot rear yard requirement of the underlying district regulations.

The proposed amendment has been reviewed under the City Environmental Quality Review (CEQR) program and has received a negative declaration stating that the proposed text change will not have any significant adverse impact on the environment.

The zoning text amendment as proposed by the Commission would help to satisfy the special needs of these large families who continue to be attracted to Boro Park. Substantial rehabilitation of two and three-family houses as well as the upgrading of older homes, are indications of the continuing need for larger and refurbished residential units to serve these large families. The proposed optional regulations will allow as-of-right construction of large one, two, and three family residences without the need for developers to seek variances from the Board of Standards and Appeals.

The Commission determined that this amendment is appropriate and adopted the following Resolution, which is duly filed with the Secretary of the Board of Estimate, pursuant to section 200 of the New York City Charter.

RESOLVED, By the City Planning Commission that the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changes relating to Article II, Chapter 3 to be known as section 23-145 optional provisions for certain R5 and R6 Districts in Brooklyn as follows:

Matter in **Bold Type** is new;

Matter in brackets [] is old, to be omitted;

Matter in *italics* is defined in Section 12-10.

23-145

Optional Provisions for Certain R5 and R6 Districts in Brooklyn

Within the area bounded by 39th Street, Dahill Road, Ditmas Avenue, McDonald Avenue, Bay Parkway, 61st Street, and Fort Hamilton Parkway in Community Board #12 in the borough of Brooklyn, special optional regulations as set forth in this section are applicable for the *development or enlargement, on an interior or through lot, of a building used exclusively as a one, two or three family residence* if such *development or enlargement* complies with all of the provisions of this Section. Except as modified by express provisions of this section the underlying district regulations remain in effect.

a. **Floor Area, Lot Coverage, Open Space, Lot Area Per Room and Height Factor Regulations.**

The maximum *floor area* shall not exceed 1.8 in R5 Districts and 1.95 in R6 Districts. Notwithstanding the definition of *floor area* in Section 12-10, the lowest story of a *residential building* shall be included in the definition of *floor area*, and floor space used for *accessory off-street parking spaces* shall be included in the definition of *floor area* unless such spaces are located in a *cellar*.

The *lot coverage of buildings* shall not exceed 60 percent in R5 District and 65 percent in R6 Districts.

The regulations of Article II, Chapter 3, relating to *floor area ratio, open space ratio, lot area per room and height factor* are hereby made inapplicable.

b. **Building Height**

No *residential building* shall exceed a height of 35 feet above *curb level*, or 3 stories, whichever is less.

c. **Front Yards**

In R5 Districts the following *front yard* regulations are applicable. A *front yard* shall be provided with a depth of not less than 5 feet. However, if the depth of the *front yard* exceeds 10 feet, such *front yard* shall have a depth of not less than 18 feet. In R6 districts a *front yard* is not required. However, if there is a balcony which projects into a *front yard*, such *front yard* shall have a minimum depth of 5 feet.

d. Side Yards

In R5 districts the following *side yard* regulations shall apply:

- i) Where an existing *building* on an adjacent *zoning lot* is located on the common *side lot line*, no *side yard* is required. However, if an open area extending along such common *side lot line* is provided, it shall be at least 8 feet wide.
- ii) Where an existing *building* on an adjacent *zoning lot* is located less than 8 feet from but not on the common *side lot line*, a *side yard* at least 4 feet wide is required. However, in no case shall the distance between a new or *enlarged building* and an existing *building* across a common *side lot line* on an adjacent *zoning lot* be less than 8 feet.
- iii) Where an adjacent *zoning lot* is vacant or where an existing *building* on an adjacent *zoning lot* is located more than 8 feet from the common *side lot line*, a *side yard* at least 4 feet wide is required.
- iv) In R6 Districts a *side yard* is not required. However, when a building is 62 feet in depth or more an eight foot *side yard* or an *outer court* as set forth in paragraph e of this section is required.

e. Outer Court and Minimum Distance Between Legally Required Windows and Wall or Lot Lines.

In R6 Districts the *outer court* provisions of Sec. 23-84 are modified as follows: An *outer court* shall have a minimum width of 10 feet and a depth of not more than twice the width.

Where a *residential development* is attached, along a common *side lot line*, to a portion of an existing or new *residential building* on an adjacent *zoning lot*, there may be a joint *outer court* across such common *side lot line* with a minimum width of 10 feet. The requirements of Section 23-86 are hereby made inapplicable.

f. Balconies

Unenclosed balconies shall comply with the provisions of Section 23-13 and 23-44 except to the extent modified in this Section. Balconies may project a maximum of 5 feet into the *front yard* and a maximum of 6 feet into the *rear yard*. They may be located at or higher than the floor level of the second story provided that such balcony is located not lower than 7 feet above *curb level* or 7 feet above the adjacent natural grade, whichever is higher.

g. Off-Street Parking in R5 and R6 Districts.

- i. No *accessory off-street parking* is required in R5 and R6 districts.

HERBERT STURZ, Chairman
MARTIN GALLENT, Vice Chairman
MAX BOND, JOHN P. GULINO,
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