



CITY PLANNING COMMISSION

June 20, 2007/Calendar No. 16

C 070409 ZMX

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 2a and 2b:

1. **eliminating from within an existing R5 District a C1-2 District** bounded by a line midway between East 235th Street and 236th Street, a line 80 feet northwesterly of White Plains Road, East 235th Street, and a line 150 feet northwesterly of White Plains Road;
2. **eliminating from within an existing R5 District a C2-2 District** bounded by:
 - a. East 239th Street, a line 95 feet northwesterly of White Plains Road, a line 140 feet southwesterly of East 239th Street, and a line 125 feet southeasterly of Richardson Avenue;
 - b. a line 100 feet northeasterly of Nereid Avenue, a line 175 feet southeasterly of Richardson Avenue, Nereid Avenue, and a line 125 feet southeasterly of Richardson Avenue;
 - c. Nereid Avenue, a line 120 feet southeasterly of Richardson Avenue, East 237th Street, and a line 100 feet southeasterly of Richardson Avenue;
 - d. East 237th Street, a line 115 feet southeasterly of Richardson Avenue, a line 100 feet northeasterly of East 236th Street, a line 160 feet southeasterly of Richardson Avenue, East 236th Street, and a line 100 feet southeasterly of Richardson Avenue;
 - e. East 239th Street, a line 100 feet southeasterly of White Plains Road, Nereid Avenue, and a line 95 feet northwesterly of Furman Avenue;
 - f. Nereid Avenue, a line 100 feet southeasterly of White Plains Road, and a line 100 feet northwesterly of Furman Avenue; and
 - g. a line 100 feet southeasterly of White Plains Road, East 237th Street, and a line 100 feet northwesterly of Furman Avenue;
3. **changing from an M1-1 District to an R4 District** property bounded by:
 - a. a line 225 feet northerly of Light Street, Merritt Avenue, Light Street, a line 50 feet westerly of Merritt Avenue, a line 100 feet northerly of Light Street, and a line midway between Merritt Avenue and Rombouts Avenue;

- b. Light Street, Provost Avenue, a line 375 feet southerly of Light Street, a line 100 feet easterly of Merritt Avenue, a line 100 feet southerly of Light Street, and Merritt Avenue; and
- c. Light Street, Rombouts Avenue, a line 100 feet southerly of Light Street, a line midway between Merritt Avenue and Rombouts Avenue, a line 380 feet southerly of Light Street, Rombouts Avenue, Conner Street, Dyre Avenue, a line 100 feet southerly of Light Street, and a line 100 feet westerly of Rombouts Avenue;

4. changing from an R4 District to an R4A District property bounded by:

- a. Penfield Street, Murdock Avenue, a line 100 feet northwesterly of Cranford Avenue, Monticello Avenue, a boundary line of the City of New York, East 241st Street, Seton Avenue, a line 100 feet northwesterly of Nereid Avenue, Murdock Avenue, a line 100 feet northwesterly of Pitman Avenue, Wilder Avenue, Nereid Avenue, a line midway between Wilder Avenue and De Reimer Avenue, Camp Street, a line 150 feet northeasterly of Baychester Avenue, East 241st Street, Wilder Avenue, a line 100 feet northwesterly of East 241st Street, Hoxie Street, a line 150 feet northerly of East 241st Street, Osman Place, a line 200 feet southeasterly of Cranford Street, and Barnes Avenue;
- b. Bissel Avenue, a line midway between Baychester Avenue and Edson Avenue, Nereid Avenue, Edson Avenue, a line 360 feet southeasterly of Nereid Avenue, a line midway between Edson Avenue and Grace Avenue, a line 75 feet northwesterly of Pitman Avenue, Grace Avenue, Bussing Avenue, Wickham Avenue, a line 100 feet northwesterly of Edenwald Avenue, Gunther Avenue, a line 100 feet northwesterly of Edenwald Avenue, Boyd Avenue, Bussing Avenue, a line midway between Gunther Avenue and Boyd Avenue, a line 85 feet southeasterly of Pitman Avenue, Gunther Avenue, a line 90 feet southeasterly of Pitman Avenue, Wickham Avenue a line 100 feet southeasterly of Nereid Avenue, Bruner Avenue, and Barnes Avenue; and
- c. Bussing Avenue, a boundary line of the City of New York, the westerly boundary line of the New York City Transit Authority (NYCTA) Right-of-Way, a line 100 feet northerly of East 233rd Street, Rombouts Avenue, Dark Street, Dyre Avenue, a line 500 feet northerly of East 233rd Street, a line midway between Dyre Avenue and Secor Avenue, Light Street, a line 100 feet easterly of Secor Avenue, the westerly boundary line of the New York City Transit Authority (NYCTA) Right-of-Way, a line 300 feet southerly of Conner Street, Harper Avenue, Conner Street, a line 100 feet easterly of Pratt Avenue, Light Street, Pratt Avenue, Garrett Place, a line 100 feet easterly of Pratt Avenue, a line 100 feet northerly of Garrett Place, Harper Avenue, East 233rd Street, a line 95 feet westerly of Harper Avenue, a line 125 feet northerly of 233rd Street, Pratt Avenue, a line 75 feet northerly of 233rd Street, Duryea Avenue, East 233rd Street, Amundson Avenue, a line 325 feet southeasterly of Strang Avenue, Monticello Avenue, a line 375 feet

northwesterly of Strang Avenue, Hill Avenue, a line 100 feet southeasterly of Edenwald Avenue, Murdock Avenue, Edenwald Avenue, and Hill Avenue;

5. changing from an R4 District to an R4-1 District property bounded by:

- a. Bruner Avenue, a line 100 feet southeasterly of Nereid Avenue, Wickham Avenue, a line 90 feet southeasterly of Pitman Avenue, Gunther Avenue, a line 85 feet southeasterly of Pitman Avenue, a line midway between Gunther Avenue and Boyd Avenue Bussing Avenue, Boyd Avenue, a line 100 feet northwesterly of Edenwald Avenue, Gunther Avenue, a line 100 feet northwesterly of Edenwald Avenue, Wickham Avenue, Bussing Avenue, a line midway between Baychester Avenue and Edson Avenue, Strang Avenue, a line midway between Grace Avenue and Ely Avenue, a line 100 feet southeasterly of Edenwald Avenue, Bruner Avenue, East 233rd Street, Wickham Avenue, Edenwald Avenue, Digney Avenue, Bussing Avenue, East 234th Street, and Barnes Avenue; and
- b. Nereid Avenue, Wilder Avenue, a line 100 feet southeasterly of Pitman Avenue, Murdock Avenue, Bussing Avenue, Wilder Avenue, a line 150 feet southeasterly of Bussing Avenue, Murdock Avenue, a line 60 feet southeasterly of Bussing Avenue, a line midway between Hill Avenue and Murdock Avenue, a line 300 feet northwesterly of Edenwald Avenue, Murdock Avenue, a line 100 feet southeasterly of Edenwald Avenue, Hill Avenue, a line 325 feet southeasterly of Edenwald Avenue, a line midway between Hill Avenue and Murdock Avenue, a line 450 feet southeasterly of Edenwald Avenue, Murdock Avenue, a line 400 feet northwesterly of Strang Avenue, a line midway between Hill Avenue and Murdock Avenue, a line 150 feet northwesterly of Strang Avenue, Murdock Avenue, Strang Avenue, Monticello Avenue, a line 325 feet southeasterly of Strang Avenue, Amundson Avenue, East 233rd Street, Hill Avenue, a line perpendicular to the southwesterly street line of Hill Avenue distant 130 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Hill Avenue and the northerly street line of East 233rd Street, Murdock Avenue, a line perpendicular to the southwesterly street line of Murdock Avenue distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Murdock Avenue and the northerly street line of East 233rd Street, a line 100 feet southwesterly of Murdock Avenue, a line 200 feet northwesterly of Strang Avenue, Wilder Avenue, a line 350 feet northwesterly of Strang Avenue, Baychester Avenue, a line 350 feet southeasterly of Bussing Avenue, and a line midway between De Reimer Avenue and Baychester Avenue;

6. changing from an R5 District to an R5A District property bounded by:

- a. a line 65 feet southwesterly of East 241st Street, Carpenter Avenue, a line 225 feet southwesterly of East 241st Street, a line midway between Carpenter Avenue and Matilda Avenue, a line 200 feet northeasterly of East 240th Street, Matilda Avenue, East 240th Street, a line midway between Carpenter Avenue and Matilda

Avenue, a line 150 feet southwesterly of East 240th Street, Carpenter Avenue, a line 150 feet northeasterly of East 239th Street, and a line midway between Bronx Boulevard and Carpenter Avenue;

- b. East 239th Street, a line 50 feet northwesterly of Matilda Avenue, a line 100 feet southwesterly of East 239th Street, Matilda Avenue, a line 125 feet southwesterly of Nereid Avenue, Richardson Avenue, a line 55 feet southwesterly of Nereid Avenue, a line 120 feet southeasterly of Richardson Avenue, East 237th Street, a line 115 feet southeasterly of Richardson Avenue, a line 245 feet northeasterly of East 236th Street, Richardson Avenue, a line 100 feet northeasterly of East 236th Street, a line 160 feet southeasterly of Richardson Avenue, East 236th Street, Carpenter Avenue, East 237th Street, a line 100 feet northwesterly of Matilda Avenue, a line 200 feet northeasterly of Nereid Avenue, and Carpenter Avenue; and
 - c. a line midway between East 236th Street and East 235th Street, a line 80 feet northwesterly of White Plains Road, East 235th Street, and a line 150 feet northwesterly of White Plains Road;
7. **changing from an R6 District to an R5A District** property bounded by East 236th Street, a line 200 feet southeasterly of Carpenter Avenue, a line midway between East 236th Street and East 235th Street, a line 150 feet northwesterly of White Plains Road, a line midway between East 235th Street and East 234th Street, a line 200 feet southeasterly of Carpenter Avenue, East 235th Street, a line 100 feet southeasterly of Carpenter Avenue, East 234th Street, a line 150 feet northwesterly of White Plains Road, a line midway between East 234th Street and East 233rd Street, Carpenter Avenue, East 234th Street, and a line midway between Bronx Boulevard and Carpenter Avenue;
8. **changing from an R5 District to an R6 District** property bounded by East 241st Street, White Plains Road, East 239th Street, a line 95 feet northwesterly of Furman Avenue, Nereid Avenue, a line 100 feet northwesterly of Furman Avenue, East 237th Street, a line 100 feet southeasterly of White Plains Road, East 236th Street, a line 150 feet southeasterly of White Plains Road, East 233rd Street, a line 150 feet northwesterly of White Plains Road, East 235th Street, a line 80 feet northwesterly of White Plains Road, a line midway between East 236th Street and East 235th Street, a line 150 feet northwesterly of White Plains Road, East 236th Street, a line 160 feet southeasterly of Richardson Avenue, a line 100 feet northeasterly East 236th Street, Richardson Avenue, a line 245 feet northeasterly of East 236th Street, a line 115 feet southeasterly of Richardson Avenue, East 237th Street, a line 120 feet southeasterly of Richardson Avenue, Nereid Avenue, a line 175 feet southeasterly of Richardson Avenue, a line 100 feet northeasterly of Nereid Avenue, a line 125 feet southeasterly of Richardson Avenue, a line 140 feet southwesterly of East 239th Street, a line 95 feet northwesterly of White Plains Road, East 239th Street, a line 150 feet southeasterly of Richardson Avenue, East 240th Street, and a line 125 feet southeasterly of Richardson Avenue,

Borough of The Bronx, Community District 12, as shown on a diagram (for illustrative purposes only) dated April 9th 2007, and subject to the conditions of CEQR Declaration E-181, Borough of The Bronx, Community District 12.

The application for an amendment to the Zoning Map was filed by the Department of City Planning on March 29, 2007, to address out-of-character residential development in the Wakefield and Eastchester areas, and to facilitate new development along White Plains Road in Bronx Community District 12.

BACKGROUND

The Department of City Planning proposes amendments to the Zoning Map in order to ensure that future residential buildings are not out-of-character with traditional low to mid-density development patterns in the neighborhoods of Wakefield and Eastchester, while simultaneously allowing for new development along White Plains Road, the community's main transportation and retail corridor. Generally, the area proposed for re-zoning is in the northern portion of Community District 12, and is bounded by Carpenter Avenue to the west, East 233rd Street to the south, the Dyre Avenue subway right-of-way / Provost Avenue to the east and the New York – Mount Vernon City Line to the north. The area's development patterns although varied, have distinct enclaves of detached, semi-detached, and attached residential buildings, together with a smaller number of mid and high-rise apartment buildings.

While Wakefield is primarily residential, the Eastchester neighborhood, in the eastern portion of the study area, is made up of both low-density residential areas, and a substantial manufacturing district which is located to the east of Dyre Avenue. A smaller commercial / transit node is

found at the intersection of Dyre Avenue and Light Street in the eastern edge of the rezoning area.

Recently, there has been increased pressure on property owners to subdivide lots or tear down existing housing. These structures are typically replaced by larger developments that are out of context or scale with the surrounding neighborhood. Such trends have resulted in concerns among local residents and civic associations that the increased development results not only in aesthetic concerns, but in undue strains on local infrastructure including educational facilities, roads and sewers. At the request of Community Board 12, local civic associations and the Borough President's Office, DCP undertook this zoning study to respond to out-of-context development and community concerns about its effect on parking availability and local service capacity.

The proposed rezoning action would affect sixty-four (64) full blocks and portions of seventy (70) blocks within the Wakefield and Eastchester neighborhoods. Additionally, fourteen blockfronts along White Plains Road would be rezoned in order to permit increased residential and mixed-use development. Existing C1-2 and C2-2 commercial overlays would be removed from eight lots along four blockfronts on cross streets just west of White Plains Road, where there are presently no commercial uses.

Existing Zoning

At present, the area is primarily zoned R6, R5, and R4A west of White Plains Road, R5 (with C1-2 and C2-2 commercial overlays) along White Plains Road and adjacent blocks, R4 in much

of the area to the east of White Plains Road. About 78% of the housing stock within the rezoning area consists of one and two-family detached or semi-detached houses. Apartment buildings are found in the western portion of the rezoning area, especially in the immediate vicinity of White Plains Road. A manufacturing area, zoned M1-1 and M3-1, is found to the east of the Dyre Avenue subway right-of-way at the eastern edge of the rezoning area. Within this manufacturing district, are several cohesive residential enclaves.

The existing R6 is a mid-density residential zoning district that allows all housing types with a maximum FAR of 2.43. There is no height limit, but height is regulated by a sky exposure plane and setback regulations. Generally, R6 zoning results in apartment buildings between three and twelve stories tall. In the R6 zoning district, the minimum lot size for detached homes is 3,800 square feet and 1,700 square feet for other types of housing. The minimum lot width is 40 feet for detached homes and 18 feet for other types of housing. Two side yards totaling 13 feet are required for detached homes; one side yard must be at least five feet. The parking requirement is one space for each dwelling unit or, if grouped, 70% of the dwelling units.

The existing R5 district permits a variety of housing types ranging from detached houses to row houses and small apartment buildings. The maximum FAR is 1.25. The minimum lot size is 3,800 square feet for a detached single or two-family home and 1,700 square feet for all other housing forms. The minimum lot width is 40 feet for a detached house and 18 feet for all other structures. Front yards of at least 10 feet and side yards ranging from eight (for semi-detached) to 13 feet (for detached) are required. A maximum height is set at 40 feet. On blocks that are predominantly developed, a maximum FAR of 1.65 is permitted with the R4 infill zoning

provisions. Required parking is one space per dwelling unit, or 85% of dwelling units if grouped.

The existing R4 district allows detached, semi-detached and attached houses and small multiple dwellings with a maximum FAR of 0.9 (0.75 plus attic bonus). The maximum FAR for community facilities is 2.0. The minimum lot size is 3,800 square-feet for a detached dwelling and 1,700 square feet for other types of housing. The minimum lot width is 40 feet for detached dwellings and 18 feet for all other residential structures. The minimum front yard requirement would be ten feet. Minimum side yards are 13 feet total with a five foot minimum for detached homes and a minimum of eight feet for all other structures. Maximum height is 35 feet (with a 25 foot perimeter wall). The parking requirement is one space per dwelling unit.

Commercial overlays are mapped along White Plains Road (C1-2 and C2-2). C1-2 commercial overlays permit local retail and personal service shops needed in residential neighborhoods (Use Group 6) with a maximum commercial FAR of 1.0 when mapped in R5 zoning districts and 2.0 when mapped in R6 districts. Typical uses include, but are not limited to grocery stores, dry cleaners and restaurants. C2-2 commercial overlays permit a wider range of local retail and service shops than C1-2 districts and are intended to serve the wider residential neighborhood (Use Groups 6-9 and 14) with the same commercial FAR as C1 districts. Parking requirements are the same in both the C1-2 and C2-2 districts.

Proposed Zoning

R5A: Two (2) full blocks and portions of thirteen (13) blocks are proposed to be rezoned from

R6 and R5 to R5A in two separate sub-areas. The first sub-area consists of portions of Carpenter Avenue from East 239th to East 241st streets. The second sub-area is generally bounded by East 239th Street, Carpenter Avenue, East 234th Street, a line 100 feet west of White Plains Road, Richardson Avenue, Nereid Avenue and Matilda Avenue. Although this area is zoned for a variety of housing types including rowhouses and apartment buildings, the predominant built character is one of large detached homes. One and two-family detached homes make up 68% of the residential buildings in this area. Although permitted densities range from 1.25 in R5 to 2.43 in R6, 78% of the built FARs in this area are generally at 1.1 or below.

The proposed R5A district would permit detached single- and two-family residences only. The maximum FAR would be 1.10 with a 300 square-foot bonus for a detached garage. The minimum lot size would be 2,850 square feet and minimum lot width would be 25 feet for a one-family and 30 feet for a two-family home. Front yards would be exactly 10 feet or at least as deep as the adjacent front yard up to as depth of 20 feet, and two side yards would total 10 feet. A maximum height would be set at 35 feet. Required parking would increase to 100% of dwelling units.

R4A: Thirty-four (34) full blocks and portions of thirty (30) blocks are proposed to be rezoned from R4 to R4A in three separate sub-areas. The first sub-area is generally bounded by Wickham, Pitman, Boyd, Edenwald, Wickham, Bussing, Grace, Pitman, Edson, and Bissel avenues. Sub area two is generally bounded by Barnes Avenue, East 241st Street, Camp Street, Wilder, Pitman, Murdock, Nereid and, Seton avenues, Mundy Lane, the New York City - Mount Vernon City Line, and Penfield Street, and the third sub-area is generally bounded by Bussing,

Hill, Strang, and Amundson avenues, East 233rd Street, Harper Avenue, Garrett Place, Pratt Avenue, Light Street, the prolongation of Varian Avenue, Connor Street, Dyre Avenue, Dark Street, the Dyre Avenue / NYC Transit right of way, and the New York City – Mount Vernon City Line. Smaller one and two-family detached homes make up 83% of the residential buildings in this area.

The proposed R4A district permits detached single- and two-family residences. The maximum permitted FAR is 0.9. The minimum lot size would be 2,850 square feet and minimum lot width would be 30 feet while the front yard requirement would be 10 feet deep and at least as deep as an adjacent front yard up to a depth of 20 feet. Minimum side yards would slightly decrease to 10 feet, while maximum building height would remain at 35 feet (with a slightly decreased 21 foot perimeter wall). The parking requirement would remain unchanged (1 space/ dwelling unit).

R4-1: Twenty-one (21) full and portions of twenty-three (23) blocks are proposed to be rezoned in two sub-areas. The first sub-area is generally bounded by Bruner, Edenwald, Grace, Strang, Edson, Bussing, Wickham, Edenwald, Boyd, Pitman, Wickham, Nereid, Bruner, and Barnes avenues, East 234th Street, Bussing, Digney, Edenwald, and Wickham avenues, and East 233rd Street, while the second sub-area is generally bounded by DeReimer, Bussing, Baychester, Strang, and Murdock avenues, East 233rd Street, Amundson, Strang, Murdock, Pitman, Wilder, and Nereid avenues. One and two-family detached and semi-detached homes make up 75% of the residential buildings in this area.

The proposed R4-1 district permits detached and semi-detached single and two-family

residences. The maximum permitted FAR is (0.9). The minimum lot size would be 2,375 square feet for a detached dwelling and 1,700 square-feet for a semi-detached house. The minimum lot width would be 25 feet for a detached residence and at 18 feet for semi-detached houses. The front yard requirement would remain at 10 feet. Minimum side yards would decrease to a total of eight feet for detached, and four feet for semi-detached residences. Maximum building height would remain at 35 feet (with a 25 foot perimeter wall). One parking spot per dwelling unit is required.

R4: Portions of four (4) blocks in three sub-areas are proposed to be rezoned from M1-1 to R4. The areas to be rezoned include most of the block bounded by Dyre Avenue, Light Street, Rombouts Avenue and Connor Street, the east side of Rombouts Avenue between Light and Connor streets, the south side of Light Street between Merritt Avenue and Provost Avenue, and the West Side of Provost Avenue between Light and Connor streets, and the west side of Merritt Avenue north of Light Street to a point approximately 225 feet north of Light Street.

This area is primarily developed with detached and semi-detached homes. Within this area to be rezoned to R4, 62 out of 67 lots are residential detached and attached homes which are presently non-conforming in the existing M1-1 district. The proposed R4 zone would increase the percentage of conforming lots from 3% to 93% of all lots. One lot used for parking/storage, and one garage, would become non-conforming and a residential building with a ground floor real estate office would remain nonconforming. Ninety-three percent of the total number of all lots would comply with the maximum permitted FAR of 0.9.

The proposed R4 district would allow all housing types with a maximum FAR of 0.9 (0.75 plus attic bonus). The maximum FAR for community facilities is 2.0. The minimum lot size would be 3,800 square-feet for a detached dwelling and 1,700 square feet for other types of housing. The minimum lot width would be 40 feet for detached dwellings and 18 feet for all other residential structures. The minimum front yard requirement would be ten feet. Minimum side yards would be 13 feet total with a five foot minimum for detached homes and a minimum of eight feet for all other structures. Maximum height would be 35 feet (with a 25 foot perimeter wall). The parking requirement would be one space per dwelling unit.

R6: Portions of fourteen (14) blockfronts located along White Plains Road between East 233rd and East 241st streets (including a portion of Richardson Avenue, between East 236th and East 237th streets) would be rezoned from R5 to R6. Development in this area almost is evenly divided between residential and mixed residential / commercial or entirely commercial structures. These blockfronts include parcels of vacant and underutilized land on a wide street which also serves as a major transit corridor. Within this area, 95.38% of all lots are presently conforming and will remain conforming under the proposed zoning. Compliance will increase from 75.38% to 93.85% of all lots.

Commercial Overlay Changes: The depths of commercial overlays, along the west side of White Plains Road from East 235th to East 239th streets and on the east side of White Plains Road from East 237th to East 239th street, would be reduced to prevent commercial encroachment into the residential mid-blocks.

In addition, commercial overlays are being eliminated where no commercial uses exist:

- The south side of East 239th Street, west of White Plains Road
- The north side of Nereid Avenue, west of White Plains Road
- The north side of East 236th Street, west of White Plains Road
- The north side of East 235th Street, west of White Plains Road

In commercial overlays where the underlying zoning is being changed to R6, the permitted commercial FAR will be 2.0.

ENVIRONMENTAL REVIEW

This application (C 070409 ZMX), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The CEQR number is 07DCP058 X. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on April 9, 2007. The Negative Declaration included (E) designations for hazardous materials, air quality and noise.

To avoid the potential for hazardous materials impacts, the proposed rezoning includes (E) designations for hazardous materials on the following properties:

Block 4995	Lots 1 and 80
Block 4996	Lot 1
Block 4998	Lot 61
Block 4999	Lots 46, 49, and 57
Block 5039	Lots 1, 7, 14, 16, 29, and 72
Block 5042	Lots 29, 45, 48, and 51
Block 5043	Lots 9, 28, 31, and 35
Block 5046	Lots 13, 21, 23, 27, and 28
Block 5069	Lots 61 and 62
Block 5070	Lot 5
Block 5081	Lots 60, 63, 72, 78, 80, 81, 82, 84, 88, and 89
Block 5083	Lots 48, 60, and 61

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the Department of Environmental Protection (DEP) before the issuance of a building permit by the Department of Buildings (DOB) pursuant to Section 11-15 of the Zoning Resolution (Environmental Requirements). The (E) designation also includes a mandatory construction-related health and safety plan which must also be approved by DEP.

To avoid the potential for air quality impacts associated with boiler emissions, the proposed zoning map amendment includes (E) designations on the following properties:

Block 4995	Lots 1 and 80
Block 4999	Lots 49, and 57
Block 4996,	Lot 1
Block 5039	Lots 1, 7, 14, 16, 29, and 72
Block 5042	Lots 29, 45, 48, and 51
Block 5043	Lots 9, 28, 31, and 35
Block 5046	Lots 13, 21, 23, 27, and 28
Block 5081	Lots 60, 63, 72, 78, 80, 81, 82, 84, 88, and 89
Block 5083	Lots 48

The text of the (E) designation for air quality for the above properties would require that any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at a minimum distance, as

described in the negative declaration, to the nearest adjacent lot line, or use natural gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant air quality impacts.

With the placement of the (E) designations on the above blocks and lots, no impacts related to stationary source air quality would be expected.

To avoid the potential for impacts related to noise, the proposed rezoning includes (E) designations requiring different levels of attenuation on the following properties:

Block 4995	Lots 1 and 80
Block 4996	Lot 1
Block 4998	Lot 61
Block 4999	Lots 46, 49, and 57
Block 5039	Lots 1, 7, 14, 16, 29, and 72
Block 5042	Lots 29, 45, 48, and 51
Block 5043	Lots 9, 28, 31, and 35
Block 5046	Lots 13, 21, 23, 27, and 28
Block 5069	Lots 61 and 62
Block 5070	Lot 5
Block 5081	Lots 60, 63, 72, 78, 80, 81, 82, 84, 88, and 89
Block 5083	Lots 48, 60, and 61

The text of the (E) designation for noise for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation in order to maintain an interior noise level of 40 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

With the implementation of the above (E) designations, no significant adverse impacts related to hazardous materials, air quality or noise would occur.

UNIFORM LAND USE REVIEW

This application (C 070409 ZMX) was certified as complete by the Department of City Planning on April 9, 2007, and was duly referred to Community Board 12 and the Bronx Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 12 held a public hearing on this application on April 26, 2007, and on that date, by a vote of 32 in favor, 0 opposed, with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President who issued a recommendation on May 29, 2007, approving the application.

City Planning Commission Public Hearing

On May 23, 2007 (Calendar No. 5) the City Planning Commission scheduled June 6, 2007 for a public hearing on this application (C 070409 ZMX). The hearing was duly held on June 6, 2007 (Calendar No. 19). There were three speakers in favor of the applications, and no speakers in opposition.

A representative of the Bronx Borough President expressed the Borough President's support for the proposals, as it would aid in the preservation of neighborhood context and character, while allowing opportunities for new affordable housing in a transit oriented corridor. A representative

of the Wakefield Taxpayers' Association spoke of her organization's support for these proposals as a means to address continued out-of-context construction in this community. The Chair of Bronx Community Board 12 emphasized the wide support these proposals have received in the community, as they would greatly help in preserving the historic character of the community.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (C 070409 ZMX), 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 07-029.

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

CONSIDERATION

The Commission believes that this amendment of the Zoning Map, in conjunction with the amendment to the Zoning Resolution is appropriate.

The Commission believes that this rezoning action represents a comprehensive zoning strategy for the Wakefield and Eastchester areas of Community District 12. The proposal will continue to allow new development that is consistent with existing building forms, and encourage new higher density development along White Plains Road, an important commercial transit corridor.

The Commission believes that the rezoning of primarily low-density areas consisting of detached or semi-detached buildings will help preserve the character of the neighborhood. The current mismatch between the built character of many parts of Wakefield and Eastchester and the housing type and density permitted by the existing zoning creates an incentive to replace detached housing occupied by one or two families with attached or multifamily houses.

Changing all or parts of existing R6, R5, and R4 areas to a mix of lower density or contextual districts including R5, R4-1, and R4A will better reflect the area's character, density, and existing development patterns that will allow a diverse range of housing types.

The Commission also believes that the reduction of the existing commercial overlay along portions of White Plains Road within this area will better preserve existing neighborhood character by preventing the expansion of potentially incompatible commercial uses onto a fully developed residential side street. Similarly, the proposed changes to the existing M1-1 district in the east of Dyre Avenue will grant conforming status to over sixty existing residential properties which range from single family homes to small apartment buildings.

The Commission further believes that a new higher density residential designation would be appropriate along the major commercial / transit corridor of White Plains Road. The existence of

five and six story apartment buildings in this corridor, proximity to existing transit stations and local and express busses serving both Manhattan and Westchester County, and an abundance of underbuilt sites makes this an ideal area for redevelopment at a slightly higher density which would result in a more vibrant main street of this community.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of the this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and the 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 hereby amended by changing the Zoning Map, Section Nos. 2a and 2b:

1. **eliminating from within an existing R5 District a C1-2 District** bounded by a line midway between East 235th Street and 236th Street, a line 80 feet northwesterly of White Plains Road, East 235th Street, and a line 150 feet northwesterly of White Plains Road;
2. **eliminating from within an existing R5 District a C2-2 District** bounded by:
 - a. East 239th Street, a line 95 feet northwesterly of White Plains Road, a line 140 feet southwesterly of East 239th Street, and a line 125 feet southeasterly of Richardson Avenue;
 - b. a line 100 feet northeasterly of Nereid Avenue, a line 175 feet southeasterly of Richardson Avenue, Nereid Avenue, and a line 125 feet southeasterly of Richardson Avenue;
 - c. Nereid Avenue, a line 120 feet southeasterly of Richardson Avenue, East 237th Street, and a line 100 feet southeasterly of Richardson Avenue;
 - d. East 237th Street, a line 115 feet southeasterly of Richardson Avenue, a line 100 feet northeasterly of East 236th Street, a line 160 feet southeasterly of Richardson Avenue, East 236th Street, and a line 100 feet southeasterly of Richardson Avenue;

- e. East 239th Street, a line 100 feet southeasterly of White Plains Road, Nereid Avenue, and a line 95 feet northwesterly of Furman Avenue;
- f. Nereid Avenue, a line 100 feet southeasterly of White Plains Road, and a line 100 feet northwesterly of Furman Avenue; and
- g. a line 100 feet southeasterly of White Plains Road, East 237th Street, and a line 100 feet northwesterly of Furman Avenue;

3. changing from an M1-1 District to an R4 District property bounded by:

- a. a line 225 feet northerly of Light Street, Merritt Avenue, Light Street, a line 50 feet westerly of Merritt Avenue, a line 100 feet northerly of Light Street, and a line midway between Merritt Avenue and Rombouts Avenue;
- b. Light Street, Provost Avenue, a line 375 feet southerly of Light Street, a line 100 feet easterly of Merritt Avenue, a line 100 feet southerly of Light Street, and Merritt Avenue; and
- c. Light Street, Rombouts Avenue, a line 100 feet southerly of Light Street, a line midway between Merritt Avenue and Rombouts Avenue, a line 380 feet southerly of Light Street, Rombouts Avenue, Conner Street, Dyre Avenue, a line 100 feet southerly of Light Street, and a line 100 feet westerly of Rombouts Avenue;

4. changing from an R4 District to an R4A District property bounded by:

- a. Penfield Street, Murdock Avenue, a line 100 feet northwesterly of Cranford Avenue, Monticello Avenue, a boundary line of the City of New York, East 241st Street, Seton Avenue, a line 100 feet northwesterly of Nereid Avenue, Murdock Avenue, a line 100 feet northwesterly of Pitman Avenue, Wilder Avenue, Nereid Avenue, a line midway between Wilder Avenue and De Reimer Avenue, Camp Street, a line 150 feet northeasterly of Baychester Avenue, East 241st Street, Wilder Avenue, a line 100 feet northwesterly of East 241st Street, Hoxie Street, a line 150 feet northerly of East 241st Street, Osman Place, a line 200 feet southeasterly of Cranford Street, and Barnes Avenue;
- b. Bissel Avenue, a line midway between Baychester Avenue and Edson Avenue, Nereid Avenue, Edson Avenue, a line 360 feet southeasterly of Nereid Avenue, a line midway between Edson Avenue and Grace Avenue, a line 75 feet northwesterly of Pitman Avenue, Grace Avenue, Bussing Avenue, Wickham Avenue, a line 100 feet northwesterly of Edenwald Avenue, Gunther Avenue, a line 100 feet northwesterly of Edenwald Avenue, Boyd Avenue, Bussing Avenue, a line midway between Gunther Avenue and Boyd Avenue, a line 85 feet southeasterly of Pitman Avenue, Gunther Avenue, a line 90 feet southeasterly of

Pitman Avenue, Wickham Avenue a line 100 feet southeasterly of Nereid Avenue, Bruner Avenue, and Barnes Avenue; and

- c. Bussing Avenue, a boundary line of the City of New York, the westerly boundary line of the New York City Transit Authority (NYCTA) Right-of-Way, a line 100 feet northerly of East 233rd Street, Rombouts Avenue, Dark Street, Dyre Avenue, a line 500 feet northerly of East 233rd Street, a line midway between Dyre Avenue and Secor Avenue, Light Street, a line 100 feet easterly of Secor Avenue, the westerly boundary line of the New York City Transit Authority (NYCTA) Right-of-Way, a line 300 feet southerly of Conner Street, Harper Avenue, Conner Street, a line 100 feet easterly of Pratt Avenue, Light Street, Pratt Avenue, Garrett Place, a line 100 feet easterly of Pratt Avenue, a line 100 feet northerly of Garrett Place, Harper Avenue, East 233rd Street, a line 95 feet westerly of Harper Avenue, a line 125 feet northerly of 233rd Street, Pratt Avenue, a line 75 feet northerly of 233rd Street, Duryea Avenue, East 233rd Street, Amundson Avenue, a line 325 feet southeasterly of Strang Avenue, Monticello Avenue, a line 375 feet northwesterly of Strang Avenue, Hill Avenue, a line 100 feet southeasterly of Edenwald Avenue, Murdock Avenue, Edenwald Avenue, and Hill Avenue;

5. changing from an R4 District to an R4-1 District property bounded by:

- a. Bruner Avenue, a line 100 feet southeasterly of Nereid Avenue, Wickham Avenue, a line 90 feet southeasterly of Pitman Avenue, Gunther Avenue, a line 85 feet southeasterly of Pitman Avenue, a line midway between Gunther Avenue and Boyd Avenue Bussing Avenue, Boyd Avenue, a line 100 feet northwesterly of Edenwald Avenue, Gunther Avenue, a line 100 feet northwesterly of Edenwald Avenue, Wickham Avenue, Bussing Avenue, a line midway between Baychester Avenue and Edson Avenue, Strang Avenue, a line midway between Grace Avenue and Ely Avenue, a line 100 feet southeasterly of Edenwald Avenue, Bruner Avenue, East 233rd Street, Wickham Avenue, Edenwald Avenue, Digney Avenue, Bussing Avenue, East 234th Street, and Barnes Avenue; and
- b. Nereid Avenue, Wilder Avenue, a line 100 feet southeasterly of Pitman Avenue, Murdock Avenue, Bussing Avenue, Wilder Avenue, a line 150 feet southeasterly of Bussing Avenue, Murdock Avenue, a line 60 feet southeasterly of Bussing Avenue, a line midway between Hill Avenue and Murdock Avenue, a line 300 feet northwesterly of Edenwald Avenue, Murdock Avenue, a line 100 feet southeasterly of Edenwald Avenue, Hill Avenue, a line 325 feet southeasterly of Edenwald Avenue, a line midway between Hill Avenue and Murdock Avenue, a line 450 feet southeasterly of Edenwald Avenue, Murdock Avenue, a line 400 feet northwesterly of Strang Avenue, a line midway between Hill Avenue and Murdock Avenue, a line 150 feet northwesterly of Strang Avenue, Murdock Avenue, Strang Avenue, Monticello Avenue, a line 325 feet southeasterly of Strang Avenue, Amundson Avenue, East 233rd Street, Hill Avenue, a line perpendicular to the southwesterly street line of Hill Avenue distant 130 feet northwesterly (as measured along the street line) from the point of intersection of

the southwesterly street line of Hill Avenue and the northerly street line of East 233rd Street, Murdock Avenue, a line perpendicular to the southwesterly street line of Murdock Avenue distant 100 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Murdock Avenue and the northerly street line of East 233rd Street, a line 100 feet southwesterly of Murdock Avenue, a line 200 feet northwesterly of Strang Avenue, Wilder Avenue, a line 350 feet northwesterly of Strang Avenue, Baychester Avenue, a line 350 feet southeasterly of Bussing Avenue, and a line midway between De Reimer Avenue and Baychester Avenue;

6. changing from an R5 District to an R5A District property bounded by:

- a. a line 65 feet southwesterly of East 241st Street, Carpenter Avenue, a line 225 feet southwesterly of East 241st Street, a line midway between Carpenter Avenue and Matilda Avenue, a line 200 feet northeasterly of East 240th Street, Matilda Avenue, East 240th Street, a line midway between Carpenter Avenue and Matilda Avenue, a line 150 feet southwesterly of East 240th Street, Carpenter Avenue, a line 150 feet northeasterly of East 239th Street, and a line midway between Bronx Boulevard and Carpenter Avenue;
- b. East 239th Street, a line 50 feet northwesterly of Matilda Avenue, a line 100 feet southwesterly of East 239th Street, Matilda Avenue, a line 125 feet southwesterly of Nereid Avenue, Richardson Avenue, a line 55 feet southwesterly of Nereid Avenue, a line 120 feet southeasterly of Richardson Avenue, East 237th Street, a line 115 feet southeasterly of Richardson Avenue, a line 245 feet northeasterly of East 236th Street, Richardson Avenue, a line 100 feet northeasterly of East 236th Street, a line 160 feet southeasterly of Richardson Avenue, East 236th Street, Carpenter Avenue, East 237th Street, a line 100 feet northwesterly of Matilda Avenue, a line 200 feet northeasterly of Nereid Avenue, and Carpenter Avenue; and
- c. a line midway between East 236th Street and East 235th Street, a line 80 feet northwesterly of White Plains Road, East 235th Street, and a line 150 feet northwesterly of White Plains Road;

7. changing from an R6 District to an R5A District property bounded by East 236th Street, a line 200 feet southeasterly of Carpenter Avenue, a line midway between East 236th Street and East 235th Street, a line 150 feet northwesterly of White Plains Road, a line midway between East 235th Street and East 234th Street, a line 200 feet southeasterly of Carpenter Avenue, East 235th Street, a line 100 feet southeasterly of Carpenter Avenue, East 234th Street, a line 150 feet northwesterly of White Plains Road, a line midway between East 234th Street and East 233rd Street, Carpenter Avenue, East 234th Street, and a line midway between Bronx Boulevard and Carpenter Avenue;

8. changing from an R5 District to an R6 District property bounded by East 241st Street, White Plains Road, East 239th Street, a line 95 feet northwesterly of Furman Avenue,

Nereid Avenue, a line 100 feet northwesterly of Furman Avenue, East 237th Street, a line 100 feet southeasterly of White Plains Road, East 236th Street, a line 150 feet southeasterly of White Plains Road, East 233rd Street, a line 150 feet northwesterly of White Plains Road, East 235th Street, a line 80 feet northwesterly of White Plains Road, a line midway between East 236th Street and east 235th Street, a line 150 feet northwesterly of White Plains Road, East 236th Street, a line 160 feet southeasterly of Richardson Avenue, a line 100 feet northeasterly East 236th Street, Richardson Avenue, a line 245 feet northeasterly of East 236th Street, a line 115 feet southeasterly of Richardson Avenue, East 237th Street, a line 120 feet southeasterly of Richardson Avenue, Nereid Avenue, a line 175 feet southeasterly of Richardson Avenue, a line 100 feet northeasterly of Nereid Avenue, a line 125 feet southeasterly of Richardson Avenue, a line 140 feet southwestly of East 239th Street, a line 95 feet northwesterly of White Plains Road, East 239th Street, a line 150 feet southeasterly of Richardson Avenue, East 240th Street, and a line 125 feet southeasterly of Richardson Avenue,

Borough of The Bronx, Community District 12, as shown on a diagram (for illustrative purposes only) dated April 9th 2007, and which includes CEQR Designation E-181.

The above resolution (C 070409 ZMX), duly adopted by the City Planning Commission on June 20, 2007 (Calendar No. 16), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

ANGELA M. BATTAGLIA, **IRWIN G. CANTOR**, P.E., **ANGELA R. CAVALUZZI**, R.A.,

ALFRED C. CERULLO, III, **RICHARD W. EADDY**, **LISA A. GOMEZ**,

NATHAN LEVENTHAL, **KAREN A. PHILLIPS**, **DOLLY WILLIAMS**, Commissioners