



CITY PLANNING COMMISSION

November 16, 2005/Calendar No. 7

C 060084 ZMX

IN THE MATTER OF an application submitted by the New York City 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. 1d, 2b, 3c and 4a:**

1. **eliminating from an existing R6 District a C1-3 District bounded by** South Oak Drive, a line perpendicular to the southerly street line of South Oak Drive distant 100 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of South Oak Drive and the westerly street line of Bronxwood Avenue, a line 100 feet southerly of South Oak Drive, and Barnes Avenue;
2. **changing from an R5 District to an R4 District property bounded by** Magenta Street, Barnes Avenue, Bartholdi Street, Bronxwood Avenue, a line 50 feet northerly of Duncan Street, a line midway between Bronxwood Avenue and Radcliff Avenue, a line 100 feet northerly of Duncan Street, Colden Avenue, Magenta Street, Bronxwood Avenue, a line 100 feet southwesterly of Gun Hill Road, Lurting Avenue, a line 100 feet northerly of Duncan Street, Hone Avenue, a line 100 feet northerly of Burke Avenue, Radcliff Avenue, a line 150 feet northerly of Burke Avenue, Bronxwood Avenue, a line 100 feet northerly of Chestnut Street, Barnes Avenue, a line 170 feet southerly of Bartholdi Street, Wallace Avenue, a line 100 feet southerly of Bartholdi Street, and Holland Avenue;
3. **changing from an R5 District to an R4A District property bounded by** a line 100 feet southerly of Bartholdi Street, Wallace Avenue, a line 170 feet southerly of Bartholdi Street, Barnes Avenue, a line 100 feet northerly of Chestnut Street, Bronxwood Avenue, South Oak Drive, a line perpendicular to the southwesterly street line of South Oak Drive distant 50 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of South Oak Drive and the easterly street line of Cruger Avenue, North Oak Drive, and Holland Avenue;
4. **changing from an R6 District to an R4A District property bounded by** South Oak Drive, a line perpendicular to the southerly street line of South Oak Drive distant 100 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of South Oak Drive and the westerly street line of Bronxwood Avenue, a line 100 feet southerly of South Oak Drive, Barnes Avenue, a line 100 feet northerly of Burke Avenue, and Wallace Avenue;
5. **changing from an R6 District to an R5 District property bounded by** Rosewood Street, a line midway between Olinville Avenue and White Plains Road, Burke Avenue, Olinville Avenue, Lester Street, a line 100 feet easterly of Olinville Avenue, Adee Avenue, Olinville Avenue, a line 100 feet northerly of Adee Avenue, a line 100 feet easterly of Barker Avenue, Lester Avenue, and Barker Avenue;
6. **changing from an R7-1 District to an R5 District property bounded by** Rosewood Street, Barker Avenue, Burke Avenue, and Bronx Boulevard;

7. changing from an R6 District to an R5A District property bounded by:

- a. a line midway between East 219th Street and East 220th Street, a line 150 feet northwesterly of White Plains Road, a line 100 feet northwesterly of White Plains Road, East 213th Street, Willett Avenue, a line 350 feet southwesterly of East 213th Street, a line midway between Olinville Avenue and Willett Avenue, a line 100 feet northeasterly of East 213th Street, Olinville Avenue, East 219th Street, and a line 100 feet southeasterly of Carpenter Avenue; and
- b. Duncomb Avenue, a line 600 feet northerly of Magenta Street, a line midway between Olinville Avenue and White Plains Road, a line 100 feet northerly of Magenta Street, Olinville Avenue, Rosewood Street, and Barker Avenue;

8. changing from an R7-1 District to an R5A District property bounded by:

- a. East 219th Street, Olinville Avenue, a line 100 feet southwesterly of East 213th Street, a line midway between Bronx Boulevard and Olinville Avenue, a line 125 feet southwesterly of East 219th Street, and the southwesterly prolongation of a line 100 feet southeasterly of Carpenter Avenue; and
- b. Duncomb Avenue, Barker Avenue, Rosewood Street, and Bronx Boulevard; and

9. changing from an R7-1 District to an R6 District property bounded by East 219th Street, the southwesterly prolongation of a line 100 feet southeasterly of Carpenter Avenue, a line 125 feet southwesterly of East 219th Street, a line midway between Bronx Boulevard and Olinville Avenue, a line 100 feet southwesterly of East 213th Street, Olinville Avenue, East 211th Street, and Bronx Boulevard;

as shown in a diagram (for illustrative purposes only) dated August 22, 2005, Community District 12, Borough of The Bronx.

The application for an amendment to the Zoning Map, was filed by the Department of City Planning on August 16, 2005, to address issues of out-of-character residential development in the Olinville area of Bronx Community District 12.

Related Action

In addition to the amendment to the Zoning Map which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

N 060083 ZRY - Zoning text amendment establishing a new R5A zoning designation.

BACKGROUND

The Department of City Planning proposes amendments to the Zoning Map and Zoning Resolution in order to ensure that future residential buildings are not out-of-character with traditional low to mid-density development patterns of Olinville. Generally the area proposed for zoning changes is bounded by East 219th Street and Gun Hill Road to the north, White Plains Road and Boston Road to the east, Burke and Adee avenues to the south, and Bronx Boulevard to the west.

The community of Olinville generally occupies the southwestern portion of Community District 12. The area was first developed in the early 19th century as a small manufacturing village along the Bronx River and at one time was well known for its tapestry mills. With the coming of the New York and Harlem Railroad in the mid-nineteenth century, and the removal of much of the industrial uses for the construction of the original Bronx River Parkway, the area began transforming into an early residential suburb of New York City. From 1888 to 1895, Olinville was a district within the Village of Williamsbridge, which developed rapidly and was eventually annexed to New York City in June of 1895.

Olinville remains a unique area in the northern Bronx. Much of the area was developed with modest but attractive homes along a grid system unique to this part of The Bronx; however a small portion of the area east of White Plains Road, originally known as Bronxwood Park, was designed along curvilinear streets, with significantly larger houses. The neighborhood's growth continued, especially after the opening of the elevated subway line along White Plains Road in

1917. Although development slowed by the mid 1900's numerous smaller private homes and row houses were constructed through the 1960's, especially in the eastern part of Olinville.

Bronx Park, and linear park strips which border the Bronx River Parkway provide scenic vistas for many apartment dwellers along the western edge of the neighborhood. White Plains and Gun Hill roads, the main through streets in the community, are primarily commercial, but also contain some of the religious and educational facilities in the community, such as Evander Childs High School. Gun Hill Houses, a 733-unit New York City Housing Authority (NYCHA) development consisting of a series of 14-story buildings, is located at the intersection of Gun Hill and White Plains roads. In contrast, most of the remaining narrower streets in Olinville are lined with small single and two family houses and small apartment buildings.

The proposed rezoning area consists of all or portions of 39 blocks containing 962 lots of which 885 (92%) are residentially developed. The area is characterized by detached housing with clusters of semi-detached, attached and multi-family homes. About 75% of the housing stock within the rezoning area was built between 1910 and 1960. Apartment buildings are found in the western portion of the rezoning area, especially along Bronx Boulevard. The blocks along this street are currently zoned R7-1 although they contain various housing types ranging from high-rise apartment buildings to two-story detached dwellings. The area between the existing R7-1 district along Bronx Boulevard and White Plains Road is zoned R6 from East 219th Street to Adee Avenue, and is characterized by a mix of housing types, although a significant number are large older detached one-and-two family homes. An R6 district is also found in parts of the area east of White Plains Road, approximately bounded by White Plains Road, South Oak Drive,

Bronxwood and Adee avenues. The existing R5 district, located east of White Plains Road in an area approximately bounded by White Plains Road, South Oak Drive, Bronxwood Avenue, Adee Avenue, an area slightly to the west of Boston Road, and Gun Hill Road, is characterized by a mix of lower density detached, semi-detached and attached homes.

A lower density character is found in much of the Olinville neighborhood. Existing zoning districts however, allow multifamily housing at a substantially higher density than is found here. Recently, there has been increased pressure on property owners to subdivide lots or tear down existing modest structures. These structures are then replaced by larger developments that are out of scale with the surrounding neighborhood and do not provide adequate parking. For example, in 2003, a 24-unit development on Olinville Avenue was constructed as-of-right on adjoining lots. A second similar development, also with 24 units was built in 2005 a few blocks away. 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-scale development and community concerns about its effect on parking availability and local service capacity.

The proposal would rezone portions of the Olinville area from R7-1, R6 and R5 districts to districts with a lower density (R6, R5, and R4) or to contextual districts (R5A and R4A) where appropriate, in order to preserve the area's predominant mid-and low-density character and to ensure that future development is consistent with its surrounding neighborhood. Certain areas would be rezoned R5A, a new zoning designation that is the subject of the related zoning text change application (N 060083 ZRY).

Proposed Zoning Map Amendments (C 060084 ZRX)

The proposed Zoning Map amendments seek to achieve three main objectives:

1. Prevent out-of-character multi-family and attached developments in areas developed primarily with large one- and two-family detached residences;
2. Retain low-density character and in existing low density rowhouse and multiple dwelling areas;
3. Prevent commercial use on a residential side street.

The following have been proposed to meet these objectives:

- **R5, R6 and R6/C1-3 Districts to an R4A District:** This area includes all or portions of five blocks generally bounded by Rosewood, Barker, Adee and Olinville avenues and a portion of two blocks along the south side of South Oak Drive between Wallace and Bronxwood avenues. A one block portion of the R6 district along the south side of South Oak Drive between Barnes and Bronxwood avenues also has a C1-3 commercial overlay which is proposed to be removed since there are no existing commercial uses.

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 64% of the residential buildings in this area. Although permitted densities range from 1.25 in R5 to 2.43 in R6 the built FARs in this area are generally at 0.9 or below.

The proposed R4A district permits detached single- and two-family residences. The maximum permitted FAR is 0.75 plus an attic allowance of 0.15. The minimum lot size in the proposed R4A is 2,850 square feet and the minimum lot width is 30 feet while the front yard requirement would be 10 feet. Two side yards totaling 10 feet are required. The maximum building height is 35 feet (with a 21 foot perimeter wall). The parking requirement is one space per dwelling unit.

- **R5 District to an R4 District:** This proposal includes all or portions of fifteen blocks generally bounded by Holland Avenue, Duncan Street, Bronxwood Avenue, Burke Avenue, Hone Avenue, and Magenta Street. These blocks contain modestly-scaled detached, semi-detached and attached housing but the density in this area is more reflective of R4 zoning with 69% of the residential lots built below the proposed FAR of 0.9.

The proposed R4 district permits the same variety of housing types as the R5; however the maximum FAR will be reduced from 1.25 to 0.75, plus a 0.15 attic allowance. The minimum lot size, lot width and yard requirements remain unchanged. The maximum building height is reduced to 35 feet, with a perimeter wall height of 25 feet. Required parking increases to one space per dwelling unit from 85% of dwelling units (if grouped) in the existing R5.

- **R7-1 and R6 Districts to an R5A District:**

This area includes portions of three blocks along the west side of Carpenter Avenue from approximately East 213th to 219th streets; two full blocks bounded by Duncomb, Barker, and Rosewood avenues and Bronx Boulevard; all or portions of six blocks generally bounded by East 213th Street, Olinville Avenue, East 219th Street, and Barker Avenue; and all or portions of three blocks bounded by Barker, Duncomb, Olinville and Rosewood avenues.

Although the existing zoning permits medium density apartment houses, 72% of residential lots contain detached housing. Current zoning permits an FAR of 2.43 in R6 and 3.44 in R7-1, but 65% of residential lots have an FAR of 1.1 or below, and 59% are developed with one-or two-family detached residences.

The proposed R5A district permits detached single- and two-family residences only with a maximum FAR of 1.1 with a 300 square-foot increase for providing a detached garage. The minimum lot size is 2,850 square feet and the minimum lot width would be 25 feet for a one-family home and 30 feet for a two-family home front. Front and side yards of at least 10 feet would be required. Maximum building height is 35 feet. Required parking increases to 100% of dwelling units.

- **R7-1 and R6 Districts to an R5 District:** This area includes one block bounded by Rosewood, Barker, and Burke avenues and Bronx Boulevard, and all or portions of five blocks approximately bounded by Rosewood, Barker, Adee and Olinville avenues. This area is developed with a variety of housing types ranging from one and two family homes to small apartment buildings. Seventy-nine percent of residential lots have FARs at or below 1.25.

The proposed R5 district also permits a variety of housing types ranging from detached houses to row houses and small apartment buildings with a maximum FAR of 1.25. The minimum lot size is 3,800 square feet for a detached single or two-family home and would remain at 1,700 square feet for all other housing forms. The minimum lot width is 40 feet for a detached house and would remain at 18 feet for all other structures. Front yards of at least 10 feet and side yards ranging from 8 (for semi-detached) to 13 feet (for detached) would be required. Maximum building height is 40 feet. Required parking is one space per dwelling unit, or 85% of dwelling units if grouped.

- **R7-1 District to an R6 District:** Portions of three blocks along the east side of Bronx Boulevard from East 211th to East 219th streets that contain a variety of housing ranging from two to six story apartment buildings would be rezoned to R6. In this area, 74% of residential lots have a floor area ratio that would not exceed the 2.43 maximum permitted under the proposed R6 zoning.

Proposed Zoning Text Amendments (N 060083 ZRY)

The proposed new zoning district—R5A—responds to the need for a district that allows for large detached housing and has a contextual residential building form. Residential uses in the proposed R5A district would be governed by the following regulations:

- New housing would be limited to one and two-family detached buildings.
- The maximum floor area ratio (FAR) would be 1.1 with a 300 square foot increase for detached garages.
- Front yards would be exactly 10 feet or at least as deep as the adjacent front yards.
- Two side yards totaling at least 13 feet and at least 5 feet wide would be required.
- The district would require that there be a minimum distance of 8 feet between buildings on adjacent zoning lots.
- The maximum building height would be 35 feet.
- One parking space would be required per dwelling unit.

The goal of the new R5A designation is to maintain the typical built context of much of Olinville’s existing building stock, not only in terms of the neighborhood’s detached character, but also in terms of the traditional buildings’ size, scale and profile.

ENVIRONMENTAL REVIEW

The application (C 060084 ZMX), in conjunction with the application for the related action (N 060083 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 CEQR number is 06DCP012 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 August 22, 2005.

UNIFORM LAND USE REVIEW

This application (C 060084 ZMX) was certified as complete by the Department of City Planning on August 22, 2005, and was duly referred to Community Board 12 and the Bronx Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related non-ULURP text change application (N 060083 ZRY), which was referred to Community Board 12 and the Borough President for information and review.

Community Board Public Hearing

Community Board 12 held a public hearing on this application on September 22, 2005, and on that date, by a vote of 29 to 0 with 0 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 October 27, 2005, approving the application.

City Planning Commission Public Hearing

On October 19, 2005 (Calendar No. 10) the City Planning Commission scheduled November 2, 2005 for a public hearing on this application (C 060084 ZMX). The hearing was duly held on November 2, 2005 (Calendar No. 24) in conjunction with the public hearing on the related application, (N 060083 ZRY). There were four speakers in favor of the applications, and no speakers in opposition.

A representative of the Bronx Borough President expressed his support for the proposals, particularly the creation of the new R5A District, as it would aid in the preservation of neighborhood context and character. A representative of the Olinville Taxpayers' Association spoke of her organization's support for these proposals as a means to address continued out-of-scale construction in this community. The District Manager of Bronx Community Board 12 emphasized the wide support these proposals have received in the community, while the District Manager of Brooklyn Community Board 15 also expressed support for the proposed new R5A, stressing the citywide applicability of this new designation.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (N 060084 ZMX), in conjunction with the application for the related action (C 060083 ZRY), 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 05-049.

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 Olinville area of Community District 12. The proposal will continue to allow new development that is consistent with existing building forms.

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 Olinville 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 semi-detached or attached houses containing substantially more dwelling units. Changing all or parts of existing R7-1, R6, and R5 areas to a mix of lower density or contextual districts including R6, R5, R4, R4A and the new R5A District 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 elimination of the existing commercial overlay along South Oak Drive 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.

In addition to rezoning to lower and mid-density and contextual zoning districts, the Commission believes that a new contextual zoning tool is also needed for areas developed with large detached, single and two-family houses on relatively small lots. The Commission believes the creation of the new R5A zoning district reflects the character of this area in Olinville, and other lower to mid-density neighborhoods within New York City. It would recognize the particular height and bulk characteristics of these areas by allowing greater maximum floor area ratios than found in other one and two-family house districts. The Commission believes that the new R5A will better protect the existing character of the area, provide more design certainty and ensure that enlargements and new construction will more closely match the existing context.

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.**

1d, 2b, 3c and 4a:

1. **eliminating from an existing R6 District a C1-3 District bounded by** South Oak Drive, a line perpendicular to the southerly street line of South Oak Drive distant 100 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of South Oak Drive and the westerly street line of Bronxwood Avenue, a line 100 feet southerly of South Oak Drive, and Barnes Avenue;
2. **changing from an R5 District to an R4 District property bounded by** Magenta Street, Barnes Avenue, Bartholdi Street, Bronxwood Avenue, a line 50 feet northerly of Duncan Street, a line midway between Bronxwood Avenue and Radcliff Avenue, a line 100 feet northerly of Duncan Street, Colden Avenue, Magenta Street, Bronxwood Avenue, a line 100 feet southwesterly of Gun Hill Road, Lurting Avenue, a line 100 feet northerly of Duncan Street, Hone Avenue, a line 100 feet northerly of Burke Avenue, Radcliff Avenue, a line 150 feet northerly of Burke Avenue, Bronxwood Avenue, a line 100 feet northerly of Chestnut Street, Barnes Avenue, a line 170 feet southerly of Bartholdi Street, Wallace Avenue, a line 100 feet southerly of Bartholdi Street, and Holland Avenue;
3. **changing from an R5 District to an R4A District property bounded by** a line 100 feet southerly of Bartholdi Street, Wallace Avenue, a line 170 feet southerly of Bartholdi Street, Barnes Avenue, a line 100 feet northerly of Chestnut Street, Bronxwood Avenue, South Oak Drive, a line perpendicular to the southwesterly street line of South Oak Drive distant 50 feet southeasterly (as measured along the street line) from the point of intersection of the southwesterly street line of South Oak Drive and the easterly street line of Cruger Avenue, North Oak Drive, and Holland Avenue;
4. **changing from an R6 District to an R4A District property bounded by** South Oak Drive, a line perpendicular to the southerly street line of South Oak Drive distant 100 feet westerly (as measured along the street line) from the point of intersection of the southerly street line of South Oak Drive and the westerly street line of Bronxwood Avenue, a line 100 feet southerly of South Oak Drive, Barnes Avenue, a line 100 feet northerly of Burke Avenue, and Wallace Avenue;
5. **changing from an R6 District to an R5 District property bounded by** Rosewood Street, a line midway between Olinville Avenue and White Plains Road, Burke Avenue, Olinville Avenue, Lester Street, a line 100 feet easterly of Olinville Avenue, Adee Avenue, Olinville Avenue, a line 100 feet northerly of Adee Avenue, a line 100 feet easterly of Barker Avenue, Lester Avenue, and Barker Avenue;
6. **changing from an R7-1 District to an R5 District property bounded by** Rosewood Street, Barker Avenue, Burke Avenue, and Bronx Boulevard;

7. changing from an R6 District to an R5A District property bounded by:

- a.** a line midway between East 219th Street and East 220th Street, a line 150 feet northwesterly of White Plains Road, a line 100 feet northwesterly of White Plains Road, East 213th Street, Willett Avenue, a line 350 feet southwesterly of East 213th Street, a line midway between Olinville Avenue and Willett Avenue, a line 100 feet northeasterly of East 213th Street, Olinville Avenue, East 219th Street, and a line 100 feet southeasterly of Carpenter Avenue; and
- b.** Duncomb Avenue, a line 600 feet northerly of Magenta Street, a line midway between Olinville Avenue and White Plains Road, a line 100 feet northerly of Magenta Street, Olinville Avenue, Rosewood Street, and Barker Avenue;

8. changing from an R7-1 District to an R5A District property bounded by:

- a.** East 219th Street, Olinville Avenue, a line 100 feet southwesterly of East 213th Street, a line midway between Bronx Boulevard and Olinville Avenue, a line 125 feet southwesterly of East 219th Street, and the southwesterly prolongation of a line 100 feet southeasterly of Carpenter Avenue; and
- b.** Duncomb Avenue, Barker Avenue, Rosewood Street, and Bronx Boulevard; and

9. changing from an R7-1 District to an R6 District property bounded by East 219th Street, the southwesterly prolongation of a line 100 feet southeasterly of Carpenter Avenue, a line 125 feet southwesterly of East 219th Street, a line midway between Bronx Boulevard and Olinville Avenue, a line 100 feet southwesterly of East 213th Street, Olinville Avenue, East 211th Street, and Bronx Boulevard;

Borough of The Bronx, Community District 12, as shown in a diagram (for illustrative purposes only) dated August 22, 2005.

The above resolution (C 060084 ZMX), duly adopted by the City Planning Commission on November 16, 2005 (Calendar No. 7), 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, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS,
Commissioners