



CITY PLANNING COMMISSION

September 26, 2005/Calendar No.2

C 050442 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. 4a and 4b:**

- 1. eliminating from within an existing R4 District a C1-2 District bounded by a** line 150 feet northwesterly of Morris Park Avenue, Haight Avenue, a line 150 feet southeasterly of Morris Park Avenue, and Bogart Avenue;

- 2. changing from an R4 District to an R4A District property bounded by:**
 - a.** a line 100 feet southeasterly of Rhinelander Avenue, Haight Avenue, a line 100 feet northwesterly of Morris Park Avenue, a line midway between Colden Avenue and Radcliff Avenue, a line 290 feet northwesterly of Morris Park Avenue, and Radcliff Avenue; and

 - b.** a line 100 feet southeasterly of Morris Park Avenue, Lurting Avenue, Van Nest Avenue, Haight Avenue, a line 100 feet northwesterly of Pierce Avenue, Tomlinson Avenue, a line 200 feet southeasterly of Van Nest Avenue, a line 100 feet southwesterly of Yates Avenue, a line 100 feet southeasterly of Morris Park Avenue, Hering Avenue, Pierce Avenue, Tenbroeck Avenue, Sacket Avenue, a line 100 feet southwesterly of Yates Avenue, Pierce Avenue, Tomlinson Avenue and its southeasterly centerline prolongation, the southeasterly street line of Sacket Avenue, Colden Avenue and its southeasterly centerline prolongation, Pierce Avenue, Paulding Avenue, a line 100 feet northwesterly of Pierce Avenue, Radcliff Avenue, a line 200 feet southeasterly of Van Nest Avenue, and a line midway between Radcliff Avenue and Bogart Avenue;

- 3. changing from an R4 District to an R4-1 District property bounded by** Morris Park Avenue, Bogart Avenue, a line 225 feet northwesterly of Van Nest Avenue, a line midway between Radcliff Avenue and Bogart Avenue, a line 200 feet southeasterly of Van Nest Avenue, Radcliff Avenue, Pierce Avenue, Bogart Avenue, a line 190 feet northwesterly of Pierce Avenue, Fowler Avenue, a line perpendicular to the southwesterly street line of Fowler Avenue distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Fowler Avenue and the northwesterly street line of Pierce Avenue, a line 100 feet southwesterly of Fowler Avenue, a line 150 feet northwesterly of Van Nest Avenue, and Bronxdale Avenue; and

4. **establishing within an existing R4 District a C1-4 District bounded by a line 100 feet northwesterly of Morris Park Avenue, Haight Avenue, a line 100 feet southeasterly of Morris Park Avenue, and Bogart Avenue;**

Borough of the Bronx, Community District 11, as shown on a diagram (for illustrative purposes only) dated June 20, 2005.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on May 12, 2005, to rezone 12 full blocks and portions of 24 blocks in the Morris Park neighborhood within Community District 11, The Bronx. The proposed rezoning will support and reinforce the low-density character of the neighborhood and ensure that future residential development will be consistent in scale and context with existing detached and semi-detached homes.

BACKGROUND

The Morris Park neighborhood is primarily developed with one- and two-family detached and semi-detached homes. However, the existing R4 zoning in this neighborhood allows for a variety of housing types including semi-detached, attached housing and small apartment buildings which is not reflective of the predominant character of one- and two-family detached homes. The mismatch between the built character of the area and building type permitted by the existing zoning creates an incentive to replace sound detached homes with rows of attached housing. Transit is also limited in this neighborhood which is served only by the BX 21 and BX 8 buses.

EXISTING CONTEXT AND ZONING

R4

The Morris Park Neighborhood is primarily developed with detached and semi-detached homes and is zoned R4. R4 zoning allows detached, semi-detached and attached housing with a maximum FAR of 0.75 with an attic allowance of up to 0.15 FAR. The maximum building height is 35 feet (with a 25 foot perimeter wall), and the parking requirement is one space for each dwelling unit.

Commercial Overlays

Morris Park Avenue is the main retail strip serving this neighborhood. However, there are also some commercial uses along Williamsbridge Road and Bronxdale Avenue. C1-2 commercial overlays are mapped along Morris Park Avenue to a depth of 150 feet. The C1-2 commercial overlay permits local retail and personal service shops needed in residential neighborhoods (U.G. 1-6) with a maximum commercial FAR of 1.0. Typical uses include, but are not limited to, grocery stores, dry cleaners and restaurants.

PROPOSED ZONING

The proposed zoning would preserve the existing neighborhood character with lower density and contextual zoning districts and prevent commercial uses from encroaching on mid-block residential uses along Morris Park Avenue.

R4 to R4A

In order to preserve the predominant one- and two-family detached character, eleven full blocks and portions of nineteen blocks north and south of Morris Park Avenue are proposed to be rezoned from R4 to R4A. This area is generally bounded by Rhinelander Avenue to the north, Sacket Avenue to the south, Radcliff Avenue to the west, and Hering Avenue to the east. The proposed R4A district permits only detached single- and two-family residences. Under the proposed R4A zoning, the maximum FAR will remain at 0.75 with an attic allowance of 0.15. The minimum lot size would decrease to 2,850 square feet for detached homes from the 3,800 square feet required under the existing R4 zoning district. The minimum lot width would decrease to 30 feet for detached homes from 40 feet required under current zoning. The minimum front yard would decrease to 10 feet from 18 feet and minimum side yards would decrease to 10 feet from 13 feet required under R4 zoning. The maximum height remains unchanged at 35 feet with a 21-foot perimeter wall with the parking requirement remaining at one space per dwelling unit. Approximately eighty percent of residential lots in this area will be conforming under the proposed R4A zoning.

R4 to R4-1

One full block and portions of five blocks generally bounded by Morris Park Avenue to the north, Pierce Avenue to the south, Bronxdale Avenue to the west and Radcliff Avenue to the east is proposed to be rezoned from R4 to R4-1. This area is developed with a mix of detached and semi-detached homes. The proposed R4-1 district would limit new development to detached and semi-detached single- and two-family homes. The maximum FAR would remain 0.75 (with a 0.15 attic allowance). Lot area and lot width requirements depend on housing type: detached homes require area of 3,800 square feet and lot width of 40 feet. Semi-detached homes require 1,700 square feet of lot area with minimum lot width of 18 feet. The minimum front yard is 10 feet for detached and semi-detached homes. Both detached and semi-detached houses require one side yard, with a minimum of 8 feet. Maximum height remains unchanged at 35 feet with a 21 foot perimeter wall height. The parking requirement also remains at one space per dwelling unit. In total, approximately seventy-three percent of residential lots will be conforming under the proposed R4-1 zoning.

Commercial Overlay Changes

Along Morris Park Avenue between Haight and Bogart avenues twelve C1-2 commercial overlays would be replaced with C1-4 overlays mapped to a depth of 100 feet from the street line to prevent commercial uses from encroaching on mid-block residential uses. These twelve blockfronts are fully developed with one-story retail uses and mixed residential/commercial buildings. All but two lots on which the commercial overlay is proposed to be removed are developed primarily with one- and two-family homes. The parking requirement will be reduced from one parking space for every 300 square feet of commercial space under the existing C1-2 zoning to one parking space per 1,000 square feet under the proposed C1-4 commercial overlay. Like C1-2 commercial overlays, C1-4 commercial overlays permit local retail and personal service shops needed in residential neighborhoods (U.G. 1-6) with a maximum FAR of 1.0.

ENVIRONMENTAL REVIEW

This application (C 050442 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 05DCP075X. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on June 20, 2005.

UNIFORM LAND USE REVIEW

This application (C 050442 ZMX) was certified as complete by the Department of City Planning on June 20, 2005, and was duly referred to Community Board 11 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 11 held a public hearing on this application on July 25, 2005, and on that date unanimously approved the application, by a vote of 32 to 0 with 0 abstentions.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on August 29, 2005.

City Planning Commission Public Hearing

On August 24, 2005, (Calendar No. 2, the City Planning Commission scheduled September 14, 2005, for a public hearing on this application (C 050442 ZMX). The hearing was duly held on September 14, 2005, (Calendar No. 19). There was one speaker in favor of the application and none in opposition.

The speaker in favor of the application was a representative of the Bronx Borough President who stated that the proposed map amendments would help maintain the existing one- and two-family detached homes of this attractive and desirable community, preserving its unique character.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the zoning map (C 050442 ZMX) is appropriate.

The Commission notes that the Morris Park neighborhood is developed primarily with one- and two-family detached and semi-detached homes. The Commission notes that the existing zoning is not reflective of the existing development patterns of the Morris Park community. The Commission believes that updating the area's zoning designation is required to protect the established character and quality of life in the neighborhood and ensure that new development is consistent with the scale of surrounding buildings.

The Commission notes that the proposed R4A would restrict future residential development to one-or two-family detached housing thereby, ensuring that future development would be consistent with the prevailing detached neighborhood character. The Commission also recognizes that the proposed R4-1 zoning district regulations limit new residential development to one- and two-family detached and semi-detached homes which would better reflect the neighborhood character.

The Commission believes that the proposed C1-4 commercial overlays along Morris Park Avenue is appropriate since it is more reflective of the existing commercial development along Morris Park Avenue. This action will prevent the intrusion of commercial uses along residential side streets which are developed with residential uses.

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, 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 further amended by changing the Zoning Map, Sections Nos. 4a, 4b:

- 1. eliminating from within an existing R4 District a C1-2 District bounded by a line 150 feet northwesterly of Morris Park Avenue, Haight Avenue, a line 150 feet southeasterly of Morris Park Avenue, and Bogart Avenue;**
- 2. changing from an R4 District to an R4A District property bounded by:**
 - a.** a line 100 feet southeasterly of Rhineland Avenue, Haight Avenue, a line 100 feet northwesterly of Morris Park Avenue, a line midway between Colden Avenue and Radcliff Avenue, a line 290 feet northwesterly of Morris Park Avenue, and Radcliff Avenue; and
 - b.** a line 100 feet southeasterly of Morris Park Avenue, Lurting Avenue, Van Nest Avenue, Haight Avenue, a line 100 feet northwesterly of Pierce Avenue, Tomlinson Avenue, a line 200 feet southeasterly of Van Nest Avenue, a line 100 feet southwesterly of Yates Avenue, a line 100 feet southeasterly of Morris Park Avenue, Hering Avenue, Pierce Avenue, Tenbroeck Avenue, Sacket Avenue, a line 100 feet southwesterly of Yates Avenue, Pierce Avenue, Tomlinson Avenue and its southeasterly centerline prolongation, the southeasterly street line of Sacket Avenue, Colden Avenue and its southeasterly centerline prolongation, Pierce Avenue, Paulding Avenue, a line 100 feet northwesterly of Pierce Avenue, Radcliff Avenue, a line 200 feet southeasterly of Van Nest Avenue, and a line midway between Radcliff Avenue and Bogart Avenue;

3. **changing from an R4 District to an R4-1 District property bounded by** Morris Park Avenue, Bogart Avenue, a line 225 feet northwesterly of Van Nest Avenue, a line midway between Radcliff Avenue and Bogart Avenue, a line 200 feet southeasterly of Van Nest Avenue, Radcliff Avenue, Pierce Avenue, Bogart Avenue, a line 190 feet northwesterly of Pierce Avenue, Fowler Avenue, a line perpendicular to the southwesterly street line of Fowler Avenue distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Fowler Avenue and the northwesterly street line of Pierce Avenue, a line 100 feet southwesterly of Fowler Avenue, a line 150 feet northwesterly of Van Nest Avenue, and Bronxdale Avenue; and

4. **establishing within an existing R4 District a C1-4 District bounded by** a line 100 feet northwesterly of Morris Park Avenue, Haight Avenue, a line 100 feet southeasterly of Morris Park Avenue, and Bogart Avenue;

Borough of the Bronx, Community District 11, as shown on a diagram (for illustrative purposes only) dated June 20, 2005.

The above resolution (C 050442 ZMX), duly adopted by the City Planning Commission on September 26, 2005 (Calendar No. 2), 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
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