



CITY PLANNING COMMISSION

January 11, 2006/Calendar No.11

C 060109 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 No. 7a changing from an R4 District to an R4A District property bounded by Wenner Place, the westerly service road of the Hutchinson River Expressway, Senger Place, Jay Place, and Brush Avenue, Borough of The Bronx, Community District 10, as shown on a diagram (for illustrative purposes only) dated September 12, 2005.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on August 31, 2005, to rezone three full blocks in the Ferry Point neighborhood within Community District 10, 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 homes.

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-density development patterns of the Ferry Point neighborhood. The area affected by the proposed action is generally bounded by Wenner Place to the north, the Hutchinson River Parkway to the east, Jay Place to the south, and Brush Avenue to the west. Currently, this area is zoned R4.

The rezoning area consists of three blocks of which eighty-nine percent are residentially developed. Eighty-two percent of the residential homes in this area are one- and two-family, detached structures. Eight percent are attached homes and eight percent are multi-family homes, all of them currently under construction. Two lots are vacant and used for parking.

Other uses in the area consist of transportation/utilities and legally non-complying commercial uses that make up five percent or two lots of the entire lots.

The existing R4 zoning district allows for a variety of housing types including semi-detached, attached housing and small apartment buildings. Such development 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 Q-BX 1 and Q44 buses.

This rezoning is a follow-up to the Throgs Neck Area Rezoning and Text Amendments approved by the City Planning Commission on August 25, 2004 (040479 ZMX, N 040480 ZRX, N 040481 ZRY, and N 040482 ZRX; CPC Calendar # 8) and by the City Council on September 28, 2004 (CC Resolution # 611). The Ferry Point area study was undertaken at the request of Community Board 10 and the Ferry Point Civic Association to extend the protection of the Lower Density Growth Management (LDGM) regulations and contextual zoning to this area.

PROPOSED ZONING

The proposed rezoning would preserve the existing low density detached neighborhood character of the Ferry Point neighborhood. The rezoning area is proposed to be rezoned from

R4 to R4A. This area is generally bounded by Wenner Place to the north, Hutchinson River Expressway to the east, Jay Place to the south and Brush Avenue to the west.

The existing R4 districts allows for a variety of housing types including semi-detached, attached housing and small apartment buildings. The proposed R4A district permits only detached single- and two-family residences. Because the rezoning area is within Bronx Community District 10, the Lower Density Growth Management Area (LDGMA) regulations of the Zoning Resolution would also become applicable. 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 be 2,850 square feet for detached one-family homes and to 3,135 square feet for detached two-family homes. The minimum lot width would be 30 feet for one-family homes and 33 feet for two-family homes. The minimum front yard would be 10 feet. The maximum building height remains unchanged at 35 feet and the maximum perimeter wall height is 26. Parking requirements change from one parking space per dwelling unit to 1.5 parking spaces per dwelling unit. Approximately eighty-two percent of residential lots in this area will be conforming under the proposed R4A zoning.

ENVIRONMENTAL REVIEW

This application (C 060109 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 06DCP020X. 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 September 12, 2005.

UNIFORM LAND USE REVIEW

This application (C 060109 ZMX) was certified as complete by the Department of City Planning on September 12, 2005, and was duly referred to Community Board 10 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 10 voted to approve this application (27 in favor, 0 opposed, 1 abstained) on October 11, 2005.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on November 2, 2005.

City Planning Commission Public Hearing

On November 16, 2005, (Calendar No. 2), the City Planning Commission scheduled December 7, 2005, for a public hearing on this application (C 060109 ZMX). The hearing

was duly held on December 7, 2005, (Calendar No. 20). There were three speakers in favor of the application, and no speakers in opposition.

Two speakers in favor of the application spoke on behalf of the residents of the affected community, including the president of the Ferry Point Civic Association and one resident. Both speakers stated that they believed the proposal would preserve the neighborhood's one- and two-family homes. They expressed concerns regarding recent out-of-character construction and stated that the proposed rezoning would extend the contextual zoning and Lower Density Growth Management Area regulations that were implemented in the adjacent communities with the Throgs Neck rezoning in September 2004 to the Ferry Point community.

The third speaker in favor of the application was a representative of the Bronx Borough President who stated that the proposed map amendment would help maintain the existing one- and two-family detached homes and preserve the community's low-density residential character. He welcomed that by rezoning this neighborhood to an R4A the protection of the Lower Density Growth Management Area regulations would be extended to this neighborhood.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, 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 05-026. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this amendment of the zoning map (C 060109 ZMX) is appropriate.

The Commission notes that the Ferry Point neighborhood is developed primarily with one- and two-family detached homes and that the current zoning is not reflective of the existing development patterns of the Ferry Point community. The Commission believes that changing the area's zoning will protect the established character and quality of life in the neighborhood and help 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 that would be consistent with the prevailing detached

neighborhood character. The Lower Density Growth Management Area (LDGMA) regulations would also become applicable in the rezoning area further protecting the existing character.

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 further amended by changing the Zoning Map, Sections No. 7a, changing from an R4 District to an R4A District property bounded by Wenner Place, the westerly service road of the Hutchinson River Expressway, Senger Place, Jay Place, and Brush Avenue, Borough of The Bronx, Community District 10, as shown on a diagram (for illustrative purposes only) dated September 12, 2005.

The above resolution (C 060109 ZMX), duly adopted by the City Planning Commission on January 11, 2006 (Calendar No. 11), 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

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