



## CITY PLANNING COMMISSION

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April 11, 2007/Calendar No. 10

C 070265 ZMX

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**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. 7a and 7b:**

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**1. changing from an R3-2 District to an R3A District property bounded by:**

- a. Patterson Avenue, Underhill Avenue, O'Brien Avenue, Bolton Avenue, Cornell Avenue, a line passing through two points: the first point on the southerly street line of Cornell Avenue distant 143 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Cornell Avenue and the easterly street line of Bolton Avenue, and the second point on the northerly street line of Bronx River Avenue distant 95 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Bronx River Avenue and the westerly street line of Bolton Avenue, The U.S. Pierhead Line, Cornell Avenue and its westerly centerline prolongation, Bronx River Avenue, Gildersleeve Avenue and its westerly centerline prolongation, Taylor Avenue and its southwesterly centerline prolongation, O'Brien Avenue, Thieriot Avenue, a line 125 feet northerly of O'Brien Avenue, a line midway between Taylor Avenue and Thieriot Avenue, a line 250 feet northerly of O'Brien Avenue and its westerly prolongation, and Taylor Avenue; and
- b. a line 450 feet southerly of Lacombe Avenue, the westerly and southerly boundary lines of a Park, Betts Avenue and its northerly centerline prolongation, Gildersleeve Avenue, Husson Avenue, Cornell Avenue, Pugsley Avenue, a line 125 feet northerly of Cornell Avenue, a line 100 feet northeasterly of Sound View Avenue, the westerly prolongation of a line 175 feet northerly of Cornell Avenue, Stephens Avenue, a line 100 feet northeasterly of Sound View Avenue, a line perpendicular to the northeasterly street line of Sound View Avenue distant 50 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Sound View Avenue and the easterly street line of Newman Avenue, Sound View Avenue, a line 90 feet easterly of White Plains Road, a line perpendicular to the easterly street line of White Plains Road distant 230 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of White Plains Road and the southwesterly street line of Sound View Avenue, White Plains Road, Gildersleeve Avenue, a line midway between White Plains Road and Newman Avenue, O'Brien Avenue, and White Plains Road;

**2. changing from a C3 District to an R3A District property bounded by:**

- a. Gildersleeve Avenue and its westerly centerline prolongation, Bronx River Avenue, Cornell Avenue and its westerly centerline prolongation, and the U.S. Pierhead Line; and

- b. the southerly and westerly boundary line of a Park, the centerline of former Sound View Avenue, Betts Avenue, Cornell Avenue, Husson Avenue, Gildersleeve Avenue, and Betts Avenue and its northerly centerline prolongation; and
3. **changing from an R5 District to an R4A District property bounded by** Randall Avenue, a line midway between Beach Avenue and Taylor Avenue, Lacombe Avenue, a line 100 feet easterly of Thieriot Avenue, a line 225 feet southerly of Lacombe Avenue, Leland Avenue, a line 100 feet northerly of Patterson Avenue, Beach Avenue, Patterson Avenue, St. Lawrence Avenue, a line 350 feet northerly of Patterson Avenue, a line midway between St. Lawrence Avenue and Beach Avenue, Lacombe Avenue, and St. Lawrence Avenue;

Borough of the Bronx, Community District 9, as shown on a diagram (for illustrative purposes only) dated January 8, 2007.

The application for an amendment to the Zoning Map was filed by the Department of City Planning on December 27, 2006 to rezone approximately 34 blocks in the neighborhoods of Harding Park and Clason Point in Bronx Community District 9.

## **BACKGROUND**

The Harding Park and Clason Point rezoning area is generally bounded by Randall Avenue to the north, the East River to the south, the Bronx River to the west and Pugsley's Creek to the east. The rezoning study was undertaken at the request of the Waterfront Community Garden Association, the Harding Park Homeowners Association, and Community Board 9.

Clason Point is a flat peninsula of land bounded by the Bronx River to the west, the East River to the south, and Pugsley's Creek to the east. Harding Park, a campground-turned-cooperative residential community, is a maze of narrow alley-like unmapped streets ranging from 5 to 15 feet wide.

At the center of the study area, but outside the proposed rezoning area, is Shorehaven, a large-scale residential community approved by CPC on February 17, 1988. To date 550 of the 1,183 units and portions of the waterfront esplanade have been developed.

The neighborhoods of Harding Park and Clason Point consist of predominantly detached homes with a few semi-detached and attached homes built in recent years. The current R5 and R3-2 zoning districts allow all housing types, including row houses and small apartment buildings. Clason Point residents have raised concerns about the subdivision of underbuilt large lots and the replacement of older detached one- and two-family frame houses with semi-detached or attached houses. This area has limited infrastructure, and is affected by flood plain and drainage issues. The streets are mostly cul-de-sacs and tend to be much narrower than comparable low-density areas in the rest of the Bronx. The area has high car ownership, limited parking, and limited access to mass transit (#6 train is over a mile from the northern boundary of the study area, and the BX39 and BX27 buses run along Soundview Avenue and White Plains Road).

There are two C3 commercial districts within the rezoning area, which permit waterfront commercial uses; one in Clason Point along Pugsley's Creek and another in Harding Park along the Bronx River. Currently there are no commercial uses located in the two existing C3 zones and the Department of Parks and Recreation controls almost all the land along the waterfront.

### **Proposed Zoning**

The proposed actions would rezone one full block and portions of five blocks from R5 to R4A, nineteen full blocks and portions of six blocks from R3-2 to R3A, and three full blocks from C3 to R3A.

#### **R5 to R4A**

An area of approximately six blocks would be rezoned from R5 to R4A. This area contains predominantly one- and two-family detached homes on large lots. Under the proposed R4A zoning district, one- and two-family detached homes would continue to be allowed. Semi-detached, attached and multi-family houses allowed in the existing R5 Zoning would not be permitted in the proposed R4A district.

The minimum lot size would decrease from 3,800 square feet for detached homes in the existing R5 zoning district to 2,850 square feet in the proposed R4A district. The minimum lot width would decrease from the 40 feet for detached homes required in the existing R5 district to 30 feet

in the proposed R4A district. The maximum FAR would decrease from a maximum 1.25 in the existing R5 district to 0.75 (0.9 with an attic allowance) in the proposed R4A district. The minimum front yard requirement of 10 feet is the same in both the existing R5 and proposed R4A districts; however, in the existing R5 the front yard needs to be exactly 10 feet or if it exceeds 10 feet it must be a minimum of 18 feet, whereas in the R4A the front yard is 10 feet or at least as deep as the adjacent front yard. Detached homes must continue to provide two side yards under the proposed zoning; however, total minimum side yards for detached homes would decrease from 13 feet required under the existing R5 zoning to 10 feet under the proposed R4A. The maximum height requirement would be reduced from 40 feet in the existing R5 to 35 feet (with a 21 foot perimeter wall) in the proposed R4A district. The parking requirement would increase from the 85% of dwelling units in the existing R5 district to 100% in the proposed R4A district. Under the proposed R4A district, approximately 87% of all residential lots would conform with the allowed building configuration types (one- and two family detached homes), and approximately 85% would comply with the permitted FAR (less than or equal to 0.9).

### **R3-2 to R3A**

An area of approximately nineteen full blocks and six partial blocks would be rezoned from R3-2 to R3A. The proposed R3A zoning district would continue to allow one- and two-family detached homes; however, semi-detached, attached and multi-family houses allowed in the existing R3-2 zoning would not be permitted.

The minimum lot size would decrease from 3,800 square feet for detached homes in the existing R3-2 district to 2,375 square feet for one- and two-family detached homes in the proposed R3A district. The minimum lot width would decrease from 40 feet for detached homes required in the existing R3-2 district to 25 feet for detached homes in the proposed R3A district. The maximum FAR would remain the same 0.5 (0.6 with an attic allowance). The minimum front yard requirement of 15 feet in the R3-2 zoning would be decreased to 10 feet in the proposed R3A district. Detached homes must continue to provide two side yards under the proposed zoning; however, the total minimum side yards for detached homes would decrease from 13 feet required under the existing R3-2 district to 8 feet in the proposed R3A district. The parking requirement would remain the same at one space per dwelling unit. Under the proposed R3A district,

approximately 82% of all residential lots would conform with the allowed building configuration types (one- and two family detached homes).

### **C3 to R3A**

Two areas of the rezoning area totaling approximately three blocks would be rezoned from C3 to R3A. C3 districts permit waterfront commercial uses, primarily related to boating and fishing, in areas along the waterfront that are usually adjacent to residential districts. The residential equivalent in a C3 district is R3-2. In the proposed rezoning area, the Department of Parks and Recreation owns almost all of the land along the waterfront in the existing C3 zones, and currently there are no commercial uses located anywhere within the C3 zones. Rezoning from C3 to the proposed R3A zoning district would continue to allow one- and two-family detached homes. Semi-detached, attached and multi-family houses allowed in the existing C3 zoning would not be permitted in the proposed R3A district. The commercial uses allowed under the C3 zoning district would no longer be permitted under the proposed R3A.

The minimum lot size would decrease from 3,800 square feet for detached homes in the existing C3 district to 2,375 square feet for one- and two-family detached homes in the proposed R3A district. The minimum lot width would decrease from 40 feet for detached homes required in the existing C3 district to 25 feet for detached homes in the proposed R3A district. The maximum FAR would remain the same 0.5 (0.6 with an attic allowance). The minimum front yard requirement of 15 feet in the C3 zoning would be decreased to 10 feet in the proposed R3A district. Detached homes must continue to provide two side yards. Total minimum side yards for detached homes would decrease from 13 feet required under the existing C3 district to 8 feet in the proposed R3A district. The parking requirement would remain the same at one space per dwelling unit. Approximately 73% of the residential lots in the existing C3 districts would conform with the allowed building configuration types under the proposed R3A.

### **ENVIRONMENTAL REVIEW**

This application (C 070265 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 07DCP039X.

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 January 8, 2007.

## **UNIFORM LAND USE REVIEW**

This application (C 070265 ZMX) was certified as complete by the Department of City Planning on January 8, 2007, and was duly referred to Community Board 9 and the Bronx Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 9 held a public hearing on this application (C 070265 ZMX) on February 1, 2007 and on that date, by a vote of 30 to 1 with no abstentions, adopted a resolution recommending approval of this application.

### **Borough President Recommendation**

This application (C 070265 ZMX) was considered by the Borough President who issued a recommendation on March 5, 2007, approving the application.

## **City Planning Commission Public Hearing**

On February 28, 2007 (Calendar No. 2), the City Planning Commission scheduled March 14, 2007 for a public hearing on this application (C 070265 ZMX). The hearing was duly held on March 14, 2007 (Calendar No. 22). There were four speakers in favor of the application, and no speakers in opposition.

A representative of the Bronx Borough President spoke in support of the proposal, noting that a contextual rezoning was appropriate for the area since owner-occupied homes dominate the area and neighborhood roads lack capacity for new development. A representative of the Council Member from the 18<sup>th</sup> District spoke in support of the proposal, noting the area's limited infrastructure.

A member of the Harding Park Homeowners Association spoke in support of the proposal, stating that other community members were surveyed and support the rezoning as well, and a resident of Clason Point spoke in support of the proposal, describing problems with the existing sewer system and with newly constructed buildings that have remained vacant.

There were no other speakers and the hearing was closed.

## **Waterfront Revitalization Program Consistency Review**

This application, in conjunction with the applications for the related actions, 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 06-081.

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 as modified herein, is appropriate.

The Commission believes that this rezoning action represents a comprehensive zoning strategy for the Harding Park and Clason Point neighborhoods of Community District 9. The proposed actions would limit new development to building envelopes and bulk that correspond to the neighborhood's residential context and built form without precluding future development opportunities. The Commission notes that the proposed R4A and R3A districts would retain this area's low-density, one- and two-family detached home character, limit the subdivision of property, and prevent overdevelopment in an area that has limited infrastructure and flood plain and drainage issues.

The Commission believes that the proposed rezoning from C3 to R3A is appropriate since the Department of Parks and Recreation controls most of the land along the waterfront in the existing C3 zones, and currently there are no commercial uses located anywhere within the C3 zones. The Commission notes that the proposed R3A district would retain this area's low-density, one- and two-family detached home character, limit the subdivision of property, and prevent overdevelopment in an area that has limited infrastructure and flood plain and drainage issues.

## **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(s) 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, Section Nos. 7a and 7b:**

**1. changing from an R3-2 District to an R3A District property bounded by:**

- a. Patterson Avenue, Underhill Avenue, O'Brien Avenue, Bolton Avenue, Cornell Avenue, a line passing through two points: the first point on the southerly street line of Cornell Avenue distant 143 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of Cornell Avenue and the easterly street line of Bolton Avenue, and the second point on the northerly street line of Bronx River Avenue distant 95 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of Bronx River Avenue and the westerly street line of Bolton Avenue, The U.S. Pierhead Line, Cornell Avenue and its westerly centerline prolongation, Bronx River Avenue, Gildersleeve Avenue and its westerly centerline prolongation, Taylor Avenue and its southwesterly centerline prolongation, O'Brien Avenue, Thieriot Avenue, a line 125 feet northerly of O'Brien Avenue, a line midway between Taylor Avenue and Thieriot Avenue, a line 250 feet northerly of O'Brien Avenue and its westerly prolongation, and Taylor Avenue; and
- b. a line 450 feet southerly of Lacombe Avenue, the westerly and southerly boundary lines of a Park, Betts Avenue and its northerly centerline prolongation, Gildersleeve Avenue, Husson Avenue, Cornell Avenue, Pugsley Avenue, a line 125 feet northerly of Cornell Avenue, a line 100 feet northeasterly of Sound View Avenue, the westerly prolongation of a line 175 feet northerly of Cornell Avenue, Stephens Avenue, a line 100 feet northeasterly of Sound View Avenue, a line perpendicular to the northeasterly street line of Sound View Avenue distant 50 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Sound View Avenue and the easterly street line of Newman Avenue, Sound View Avenue, a line 90 feet easterly of White Plains Road, a line perpendicular to the easterly street line of White Plains Road distant 230 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of White Plains Road and the southwesterly street line of Sound View Avenue, White Plains Road, Gildersleeve Avenue, a line midway between White Plains Road and Newman Avenue, O'Brien Avenue, and White Plains Road;

**2. changing from a C3 District to an R3A District property bounded by:**

- a. Gildersleeve Avenue and its westerly centerline prolongation, Bronx River Avenue, Cornell Avenue and its westerly centerline prolongation, and the U.S. Pierhead Line; and
- b. the southerly and westerly boundary line of a Park, the centerline of former Sound View Avenue, Betts Avenue, Cornell Avenue, Husson Avenue, Gildersleeve Avenue, and Betts Avenue and its northerly centerline prolongation; and

**3. changing from an R5 District to an R4A District property bounded by** Randall Avenue, a line midway between Beach Avenue and Taylor Avenue, Lacombe Avenue, a line 100 feet easterly of Thieriot Avenue, a line 225 feet southerly of Lacombe Avenue, Leland Avenue, a line 100 feet northerly of Patterson Avenue, Beach Avenue, Patterson Avenue, St. Lawrence Avenue, a line 350 feet northerly of Patterson Avenue, a line midway between St. Lawrence Avenue and Beach Avenue, Lacombe Avenue, and St. Lawrence Avenue;

Borough of the Bronx, Community District 9, as shown on a diagram (for illustrative purposes only) dated January 8, 2007, is approved.

The above resolution (C 070265 ZMX), duly adopted by the City Planning Commission on April 11, 2007 (Calendar No. 10), is filed with the Office of the Speaker, City Council and 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** Vice-Chairman

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

**ALFRED C. CERULLO, III, BETTY CHEN, RICHARD W. EADDY, LISA A. COMEZ,**

**NATHAN LEVENTHAL, JOHN MEROLO, KAREN A. PHILLIPS,**

**DOLLY WILLIAMS**, Commissioners