



CITY PLANNING COMMISSION

June 22, 2005/Calendar No. 11

C 050289 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. 2b and 4a:**

1. **eliminating from an existing R4 District a C1-2 District bounded by** East Gun Hill Road, Hammersley Avenue, Fenton Avenue, East Gun Hill Road, DeWitt Place, a line 150 feet southwesterly of East Gun Hill Road, and Sexton Place;
2. **eliminating from an existing R4 District a C2-4 District bounded by** East Gun Hill Road, Fenton Avenue, Knapp Street, a line 100 feet northeasterly of East Gun Hill Road, a line 100 feet southeasterly of Knapp Street, Eastchester Road, Adeo Avenue, East Gun Hill Road, O'Neil Place, a line 150 feet southwesterly of East Gun Hill Road, and Morgan Avenue;
3. **eliminating from an existing R5 District a C1-2 District bounded by** Burke Avenue, Fish Avenue, East Gun Hill Road, a line perpendicular to the southwesterly line of Seymour Avenue distant 230 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Seymour Avenue and the northwesterly street line of Hammersley Avenue, Seymour Avenue, Hammersley Avenue, East Gun Hill Road, Sexton Place, a line 150 feet southwesterly of East Gun Hill Road, and Wilson Avenue;
4. **changing from an R3-2 District to an R3X District property bounded by** Waring Avenue, Tiemann Avenue, a line 200 feet southerly of Waring Avenue, a line midway between Lodovick Avenue and Tiemann Avenue, a line 100 feet southerly of Waring Avenue, a line midway between Gunther Avenue and Lodovick Avenue, Waring Avenue, Delanoy Avenue, a line 310 feet southerly of Waring Avenue, a line midway between Bruner Avenue and Delanoy Avenue, a line 100 feet northerly of Astor Avenue, Bruner Avenue, a line 250 feet northwesterly of Stillwell Avenue, Demeyer Street, a line 100 feet northwesterly of Stillwell Avenue, a line midway between Vance Street and Demeyer Street, a line 175 feet northwesterly of Stillwell Avenue, Vance Street, a line 100 feet southeasterly of Waring Avenue, a line midway between Ely Avenue and Vance Street, a line 260 feet southeasterly of Waring Avenue, Ely Avenue, Stillwell Avenue, Bronx and Pelham Parkway, a line midway between Mickle Avenue and Woodhull Avenue and its southerly prolongation, a line 100 feet southerly of Astor Avenue, Mickle Avenue, Astor Avenue, Westervelt Avenue, a line 100 feet northerly of Astor Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, a line 100 feet southerly of Waring Avenue, and Kingsland Avenue;

5. changing from an R3-2 District to an R4A District property bounded by:

- a.** Waring Avenue, Tenbroeck Avenue and its southerly centerline prolongation Bronx and Pelham Parkway, and Williamsbridge Road; and
- b.** Waring Avenue, Eastchester Road, Mace Avenue, Westervelt Avenue, a line 400 feet northerly of Mace Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, an unnamed street and its westerly centerline prolongation, a line midway between Tiemann Avenue and Kingsland Avenue, a line 100 feet northerly of Mace Avenue, Kingsland Avenue, a line 100 feet southerly of Mace Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, Waring Avenue, Woodhull Avenue, Astor Avenue, and Fish Avenue;

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

- a.** a line 100 feet southerly of Allerton Avenue, a line midway between Laconia Avenue and Lurting Avenue, a line 275 feet southerly of Allerton Avenue, Laconia Avenue, Mace Avenue, a line midway between Yates Avenue and Laconia Avenue, a line 100 feet southerly of Mace Avenue, Yates Avenue, Mace Avenue, a line midway between Hering Avenue and Yates Avenue, a line 100 feet southerly of Allerton Avenue, Hering Avenue, Allerton Avenue, a line midway between Tenbroeck Avenue and Hering Avenue, Mace Avenue, Tenbroeck Avenue, a line 125 feet southerly of Allerton Avenue, Pearsall Avenue, a line 100 feet southerly of Allerton Avenue, Stedman Place, Pearsall Avenue, Esplanade, Waring Avenue, Williamsbridge Road, a line 100 feet northerly of Waring Avenue, and Lurting Avenue; and
- b.** a line 160 feet southerly of Mace Avenue, Seymour Avenue, a line 100 feet northerly of Waring Avenue, Morgan Avenue, a line 200 feet southerly of Mace Avenue, Fenton Avenue, Mace Avenue, a line midway between Fenton Avenue and Morgan Avenue, a line 150 feet northerly of Mace Avenue, Morgan Avenue, a line 100 feet southerly of Allerton Avenue, Fenton Avenue, a line 350 feet northerly of Mace Avenue, a line 100 feet easterly of Fenton Avenue, Mace Avenue, Eastchester Road, Waring Avenue, and Fish Avenue;

7. changing from an R3-2 District to an R4-1 District property bounded by

Waring Avenue, Fish Avenue, Astor Avenue, Woodhull Avenue, Waring Avenue,

a line midway between Kingsland Avenue and Westervelt Avenue, a line 100 feet southerly of Mace Avenue, Kingsland Avenue, a line 100 feet northerly of Mace Avenue, a line midway between Tiemann Avenue and Kingsland Avenue, an unnamed street and its westerly centerline prolongation, a line midway between Kingsland Avenue and Westervelt Avenue, a line 400 feet northerly of Mace Avenue, Westervelt Avenue, Allerton Avenue, Easchester Road, East Gunhill Road, Lodovick Avenue, Mace Avenue, a line 100 feet easterly of Delanoy Avenue, Waring Avenue, Vance Street, a line 175 feet northwesterly of Stillwell Avenue, a line midway between Vance Street and Demeyer Street, a line 100 feet northwesterly of Stillwell Avenue, Demeyer Street, a line 250 feet northwesterly of Stillwell Avenue, Bruner Avenue, a line 100 feet northerly of Astor Avenue, a line midway between Bruner Avenue and Delanoy Avenue, a line 310 feet southerly of Waring Avenue, Delanoy Avenue, Waring Avenue, a line midway between Gunther Avenue and Lodovick Avenue, a line 100 feet southerly of Waring Avenue, a line midway between Lodovick Avenue and Tiemann Avenue, a line 200 feet southerly of Waring Avenue, Tiemann Avenue, Waring Avenue, Kingsland Avenue, a line 100 feet southerly of Waring Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, a line 100 feet northerly of Astor Avenue, Westervelt Avenue, Astor Avenue, Mickle Avenue, a line 100 feet southerly of Astor Avenue, a line midway between Mickle Avenue and Woodhull Avenue and its southerly prolongation, Bronx and Pelham Parkway, and Tenbroeck Avenue and its southerly centerline prolongation;

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

- a. Arnow Avenue, a line midway between Hone Avenue and Paulding Avenue, a line 100 feet southeasterly of Boston Road, Hone Avenue, a line 100 feet southerly of Adee Avenue, a line midway between Lurting Avenue and Hone Avenue, a line 100 feet northerly of Arnow Avenue, Laconia Avenue, a line 110 feet northerly of Arnow Avenue, Tenbroeck Avenue, a line 100 feet northerly of Allerton Avenue, a line midway between Yates Avenue and Laconia Avenue, Mace Avenue, Laconia Avenue, a line 275 feet southerly of Allerton Avenue, a line midway between Laconia Avenue and Lurting Avenue, a line 100 feet southerly of Allerton Avenue, Lurting Avenue, a line 100 feet northerly of Waring Avenue, Williamsbridge Road, and Colden Avenue;
- b. a line 175 feet southerly of Allerton Avenue, Wilson Avenue, Waring Avenue, Pearsall Avenue, a line 100 feet northerly of Waring Avenue, a line midway between Throop Avenue and Pearsall Avenue, a line 225 feet northerly of Waring Avenue, Throop Avenue, Mace Avenue, and Bouck Avenue;

- c. Hammersley Avenue, a line 125 feet southwesterly of Mickle Avenue, Adee Avenue, Mickle Avenue, a line 325 feet northwesterly of Arnow Avenue, Kingsland Avenue, a line 290 feet northwesterly of Arnow Avenue, a line midway between Tiemann Avenue and Kingsland Avenue, Arnow Avenue, Kingsland Avenue, East Gun Hill Road, Eastchester Road, Arnow Avenue, DeWitt Place, a line 150 feet southwesterly of East Gun Hill Road, O'Neil Place, East Gun Hill Road, Adee Avenue, Eastchester Road, Knapp Street, and Fenton Avenue; and
 - d. Hammersley Avenue, Grace Avenue, Adee Avenue, Bruner Avenue, Arnow Avenue, a line midway between Gunther Avenue and Tiemann Avenue, Adee Avenue, Gunther Avenue, a line 275 feet northwesterly of Arnow Avenue, a line midway between Wickham Avenue and Gunther Avenue, a line 125 feet southeasterly of Adee Avenue, Wickham Avenue, Adee Avenue, a line midway between Bruner Avenue and Wickham Avenue, a line 110 feet northwesterly of Adee Avenue, Wickham Avenue, a line 100 feet southeasterly of Hammersley Avenue, and Gunther Avenue;
9. **changing from an R5 District to an R4-1 District property bounded by** Givan Avenue, a line midway between Corsa Avenue and Fenton Avenue, a line 100 feet northwesterly of Burke Avenue, Eastchester Road, a line 100 feet southeasterly of Givan Avenue, a line midway between Mickle Avenue and Eastchester Road, Burke Avenue, Eastchester Road, Hammersley Avenue, Seymour Avenue, a line 300 feet southeasterly of Burke Avenue, a line midway between Seymour Avenue and Fish Avenue, Burke Avenue, and a line midway between Fish Avenue and Wilson Avenue;
 10. **changing from an R4 District to an R6B District property bounded by** Hammersley Avenue, Fenton Avenue, Knapp Street, Eastchester Road, Adee Avenue, East Gun Hill Road, O'Neil Place, a line 150 feet southwesterly of East Gun Hill Road, Sexton Place and East Gun Hill Road;
 11. **changing from an R5 District to an R6B District property bounded by** Burke Avenue, a line midway between Seymour Avenue and Fish Avenue, a line 300 feet southeasterly of Burke Avenue, Seymour Avenue, Hammersley Avenue, East Gun Hill Road, Sexton Place, a line 150 feet southwesterly of East Gun Hill Road, and Wilson Avenue; and
 12. **establishing within a proposed R6B District a C2-3 District bounded by** Burke Avenue, Fish Avenue, East Gun Hill Road, a line perpendicular to the southwesterly line of Seymour Avenue distant 230 feet northwesterly (as

measured along the street line) from the point of intersection of the southwesterly street line of Seymour Avenue and the northwesterly street line of Hammersley Avenue, Seymour Avenue, Hammersley Avenue, Fenton Avenue, Knapp Street, a line 100 feet northeasterly of East Gun Hill Road, a line 100 feet southeasterly of Knapp Street, Eastchester Road, Adee Avenue, East Gun Hill Road, O'Neil Place, a line 150 feet southwesterly of East Gun Hill Road, and Wilson Avenue;

Borough of The Bronx, Community Districts 11 and 12, as shown on a diagram (for illustrative purposes only) dated February 14, 2005, and subject to the conditions of CEQR Declaration E-146.

The application for an amendment of the Zoning Map (C 050289 ZMX) was filed by the Department of City Planning on February 8, 2005 to address inappropriate out-of-scale development in the Pelham Gardens, Laconia and Baychester neighborhoods within community districts 11 and 12, in The Bronx.

BACKGROUND

The proposed zoning map amendment is aimed at reinforcing the established built context and preventing out-of-character development within the rezoning area and fostering higher residential and mixed-use development in an appropriate area along East Gun Hill Road near mass transit.

The Pelham Gardens rezoning area is characterized by distinct areas of detached, semi-detached, and attached housing and apartment buildings. This rezoning proposal spans two community districts located north (Community District 12) and south (Community District 11) of East Gun Hill Road. Pelham Gardens, Laconia and Baychester are predominately residential neighborhoods. The existing R3-2, R4, and R5 zoning districts in these neighborhoods allow for a variety of housing types including one and two-family detached homes, semi-detached and attached homes and row houses or garden apartments. The predominant housing types in these neighborhoods are one- and two-family detached homes, and semi-detached homes. The mismatch between the built character of the area and building type and density permitted by the

existing zoning creates an incentive to replace sound detached and semi-detached homes with rows of attached housing.

The northern portion of the rezoning area along East Gun Hill Road is served by mass transit, the Number 5 train at the East Gun Hill Road station and various buses including the BX 12, BX 26, and BX 28. Much of the rezoning area is not well served by transit so the automobile is the primary mode of transportation. These neighborhoods are easily accessible to the New England Thruway (I-95) and the Hutchinson River Parkway

EXISTING ZONING

R3-2

The area generally bounded by East Gun Hill Road, Pelham Parkway, Waring Avenue and Eastchester Road is zoned R3-2. The R3-2 district allows detached, semi-detached or attached housing with a maximum Floor Area Ratio (FAR) of 0.5 plus a 0.1 attic allowance. It is the lowest density district in which multiple dwellings are allowed. The maximum building height is 35 feet (with a 21 foot perimeter wall), and the parking requirement is one space for each dwelling unit.

R4

The area generally bounded by Williamsbridge Road, Waring Avenue, Eastchester Road and Adee Avenue is zoned R4. The R4 zoning allows detached, semi-detached and attached housing. The maximum FAR is 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.

R5

An area located north of Adee Avenue and east of Boston Road is zoned R5. The R5 district allows a variety of housing types similar to the R3-2 and R4 districts but at a higher density. The

maximum FAR of 1.25 typically produces row houses or small apartment buildings. The maximum building height is 40 feet, and the parking requirement is 85% of dwelling units.

Commercial Overlays

An area along East Gun Hill Road between Burke Avenue and O'Neill Place is zoned R4/C2-2, R4/C1-2 and R5/C1-2. This zoning allows for residential and commercial development. C1-2 and C2-2 commercial overlays permit local retail and personal service shops needed in residential neighborhoods (C1-2 permits U. G. 1-6 and C2-2 permits U. G. 1-9 & 14) with a maximum FAR of 1.0. These districts are often located as overlays along major streets in otherwise residentially zoned neighborhoods. Typical uses include, but are not limited to, grocery stores, dry cleaners and restaurants. Residential developments are governed by the underlying residential district regulations.

PROPOSED ZONING

The proposed zoning would preserve the existing neighborhood character with lower density and contextual zoning districts and foster higher density residential and mixed-use development in an appropriate location along East Gun Hill Road near mass transit.

R3-2 to R3X: eleven full blocks and portions of eight blocks generally bounded by Waring Avenue to the north, Ely Avenue to the east, Stillwell Avenue and Pelham Parkway to the south and Mickle Avenue to the west are proposed to be rezoned from R3-2 to R3X. These blocks are predominantly developed with detached housing on large lots.

The proposed R3X district would permit detached single- and two-family residences on lots that are 35 feet wide with a maximum lot area of 3,325 square feet. The maximum FAR is 0.5 with an attic allowance of 0.1. The proposed zoning action would reinforce the existing character of detached buildings on larger and wider lots found in this area.

R3-2, R4 to R4A: All or portions of 36 blocks located south of Allerton Avenue generally bounded by Waring and Allerton avenues, Kingsland Avenue, Pelham Parkway, and

Williamsbridge Road would be rezoned from R3-2, R4 to R4A. This area is primarily developed with one-and two-family detached homes on relatively large lots. The proposed R4A district would keep future development in context with the current built environment.

The proposed R4A district would limit development to one- and two family detached homes with a permitted maximum FAR of 0.75 floor area plus a 0.15 FAR attic allowance. The minimum lot size and lot width requirements would be 2,850 square feet and 30 feet for new development. In the R3-2 district, the existing built FAR of the housing is higher than the maximum allowable FAR of 0.6. The FAR under the proposed R4A district of 0.9 is actually more reflective of the existing buildings and thus will bring more of the residences in the R3-2 district into compliance.

R3-2, R4, and R5 to R4-1: All or portions of 96 blocks are proposed to be rezoned from R3-2, R4, and R5 to R4-1 generally bounded by Waring Avenue, East Gun Hill Road, Givan and Grace avenues, Vance Street, Lodovick Avenue, Pelham Parkway and Tenbroeck Avenue. This area has been developed predominately with detached and semi-detached one-and two-family residences on narrow lots. To ensure that new developments will continue to be compatible with the scale of existing buildings, the R4-1 district is proposed for these areas in place of the existing R3-2, R4, and R5 zoning districts, which permit all housing types.

The proposed R4-1 district permits detached and semi-detached single- and two family residences with a maximum FAR of 0.75 plus 0.15 attic allowance. The minimum lot size and lot width requirements would be 2,375 square feet and 25 feet for new development. The minimum front yard would be 10 feet in depth, and minimum side yards would be eight feet for detached homes, and four feet minimum for semi-detached homes. Height and setback requirements would generally remain the same, except the maximum perimeter wall height would increase from 21 feet to 25 feet.

R4 and R5 to R6B: One full block and portions of 11 blocks along both sides of East Gun Hill Road between Burke Avenue and O'Neill Place would be rezoned from R4 and R5 to R6B.

The R6B contextual zoning district proposed along East Gun Hill Road will permit multiple unit buildings built to a maximum height of 50 feet with street wall and setback requirements. The Quality Housing Program is mandatory. The maximum FAR is 2.0 and the parking requirement is 50 percent of the residential units.

East Gun Hill Road is a wide street developed with one-story retail uses and few mixed residential/commercial buildings. This area is well served by mass transit, thus an appropriate location to facilitate slightly denser development. The proposed building form would better reflect traditional development patterns found along other portions of East Gun Hill Road and along similar streets in the borough.

Commercial Overlays Changes

Along East Gun Hill Road between Burke Avenue and O'Neill Place the commercial overlays will be changed from C1-2 and C2-2 to C2-3. The proposed R6B zoning district with a C2-3 commercial overlay would reflect the commercial uses of the area while encouraging new, slightly higher density mixed-use buildings, generally built as one floor of commercial with three to four stories of residential above. This area is also well served by mass transit. The existing C1-2 and C2-2 commercial overlays permit local retail uses (U.G.1-6 and U.G. 1-9, 14, respectively) with a maximum FAR of 1.0. The depths of the existing commercial overlays remain unchanged. The proposed R6B/C2-3 (U.G. 1-9, 14) allows for a wider variety of local retail and service uses with a maximum FAR of 1.0. The proposed commercial overlay reduces the parking requirement, from one space per 300 square feet of commercial to one parking space per 400 square feet, since the area is well served by mass transit.

ENVIRONMENTAL REVIEW

This application (C 050289 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 05DCP054X. 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 February 14, 2005. The negative declaration included an (E) designation. The placement of the (E) designation (E-146) on the zoning map would eliminate the potential for significant adverse impacts and would ensure that appropriate testing and/or remediation, if needed, would be undertaken.

To avoid the potential for impacts related to hazardous materials, the (E) designations would be placed on two of the projected and three of the potential development sites. These sites are comprised of the following parcels:

Block	Lots
4564	75
4589	40
4762	98,105,106

The text of the (E) designation is as follows:

Due to the possible presence of hazardous materials on the aforementioned designated sites there is potential for contamination of the soil and groundwater. To determine if contamination exists and perform an appropriate remediation, the following tasks must be undertaken by the fee owner(s) of the lot restricted by this (E) designation prior to any demolition or disturbance of soil on the lot.

Task 1

The fee owner(s) of the lot restricted by this (E) designation must submit to the New York City Department of Environmental Protection (NYCDEP) for review and approval, a soil, soil gas, and ground water testing protocol, including a

description of methods, and a site map with all sampling locations clearly and precisely represented.

No sampling program should begin until written approval of a protocol is received from the NYCDEP. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination, and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by the NYCDEP upon request.

Task 2

A written report with findings and summary of the data must be presented to the NYCDEP after completion of the testing phase and laboratory analysis for the review and approval. After receiving such test results, a determination will be provided by the NYCDEP if the results indicate that remediation is necessary. Written notice shall be given by the NYCDEP if it determines that no remediation is necessary.

If remediation is necessary according to test results, a proposed remediation plan must be submitted to DEP for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by DEP. After completing the remediation, the fee owner(s) of the restricted by this (E) designation should provide proof that the work has been satisfactorily completed.

A DEP-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or

groundwater. This plan would be submitted to DEP for review and approval prior to implementation.

With the placement of the aforementioned (E) designations for hazardous materials, no impacts related to hazardous materials are expected.

To avoid the potential for impacts related to air quality, the proposed rezoning includes (E) designation for air quality on one projected development site. Accordingly, an (E) designation will be mapped on the following parcel:

Block	Lots
4762	92, 95, 98, and 102

The text of the (E) designation for air quality for the above properties is as follows:
Any new residential and/or commercial development on the above-referenced properties is required to use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

With the implementation of the above (E) designation, no significant adverse impacts related to air quality would occur.

To avoid the potential for impacts related to noise, the proposed rezoning includes (E) designations for noise on one projected and one potential development site. Accordingly, (E) designations will be mapped on the following parcels:

Block	Lots
4564	68, 75

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 40 dB(A) window/wall attenuation

in order to maintain an interior noise level of 45 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 placement of the (E) designation for noise on Block 4564, Lots 68 and 75, no mobile source noise impacts are expected and no further analysis is warranted.

UNIFORM LAND USE REVIEW

This application (C 050289 ZMX) was certified as complete by the Department of City Planning on February 14, 2005, and was duly referred to Community Boards 11 and 12, the Borough President and the Borough Board, 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 March 8, 2005, and on March 28, 2005, by a vote of 23 to 0 with 1 abstention, adopted a resolution recommending approval of the application. Community Board 12 held a public hearing on this application on March 31, 2005, and on that date, by a vote of 19 to 0 with 2 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on May 12, 2005.

Borough Board Recommendation

This application was considered by the Borough Board, who issued a recommendation approving the application on April 28, 2005.

City Planning Commission Public Hearing

On May 11, 2005 (Calendar No.2, the City Planning Commission scheduled May 25, 2005, for a public hearing on this application (C 050289 ZMX). The hearing was duly held on May 25, 2005 (Calendar No. 33). 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 050289 ZMX) is appropriate.

The proposed rezoning would help preserve the established low-density character of the neighborhoods where the existing zoning is not consistent with the one- and two- family detached and semi-detached character. The existing zoning would allow these homes to be replaced with attached or multifamily homes that would be out of character.

The Commission notes that the proposed R3X, R4A, and R4-1 districts would restrict future residential development to one- or two-family detached or semi-detached homes, thereby, ensuring that future development would be consistent with the prevailing neighborhood character. The action would be consistent with the land use in the area, maintaining its prevailing character without precluding future residential development opportunities.

The Commission believes that the proposed R6B and C2-3 zoning districts proposed along East Gun Hill Road will allow for the development of slightly higher residential and commercial mixed-use buildings which are characteristic of similar streets in the borough. Since this area is well served by mass transit, both bus and subway, the small increase in permitted density is appropriate.

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. 2b, 4a:

- 1. eliminating from an existing R4 District a C1-2 District bounded by** East Gun Hill Road, Hammersley Avenue, Fenton Avenue, East Gun Hill Road, DeWitt Place, a line 150 feet southwesterly of East Gun Hill Road, and Sexton Place;
- 2. eliminating from an existing R4 District a C2-4 District bounded by** East Gun Hill Road, Fenton Avenue, Knapp Street, a line 100 feet northeasterly of East Gun Hill Road, a line 100 feet southeasterly of Knapp Street, Eastchester Road, Adee Avenue, East Gun Hill Road, O'Neil Place, a line 150 feet southwesterly of East Gun Hill Road, and Morgan Avenue;
- 3. eliminating from an existing R5 District a C1-2 District bounded by** Burke Avenue, Fish Avenue, East Gun Hill Road, a line perpendicular to the southwesterly line of Seymour Avenue distant 230 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Seymour Avenue and the northwesterly street line of Hammersley Avenue, Seymour Avenue, Hammersley Avenue, East Gun Hill Road, Sexton Place, a line 150 feet southwesterly of East Gun Hill Road, and Wilson Avenue;

4. changing from an R3-2 District to an R3X District property bounded by Waring Avenue, Tiemann Avenue, a line 200 feet southerly of Waring Avenue, a line midway between Lodovick Avenue and Tiemann Avenue, a line 100 feet southerly of Waring Avenue, a line midway between Gunther Avenue and Lodovick Avenue, Waring Avenue, Delanoy Avenue, a line 310 feet southerly of Waring Avenue, a line midway between Bruner Avenue and Delanoy Avenue, a line 100 feet northerly of Astor Avenue, Bruner Avenue, a line 250 feet northwesterly of Stillwell Avenue, Demeyer Street, a line 100 feet northwesterly of Stillwell Avenue, a line midway between Vance Street and Demeyer Street, a line 175 feet northwesterly of Stillwell Avenue, Vance Street, a line 100 feet southeasterly of Waring Avenue, a line midway between Ely Avenue and Vance Street, a line 260 feet southeasterly of Waring Avenue, Ely Avenue, Stillwell Avenue, Bronx and Pelham Parkway, a line midway between Mickle Avenue and Woodhull Avenue and its southerly prolongation, a line 100 feet southerly of Astor Avenue, Mickle Avenue, Astor Avenue, Westervelt Avenue, a line 100 feet northerly of Astor Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, a line 100 feet southerly of Waring Avenue, and Kingsland Avenue;

5. changing from an R3-2 District to an R4A District property bounded by:

- a. Waring Avenue, Tenbroeck Avenue and its southerly centerline prolongation Bronx and Pelham Parkway, and Williamsbridge Road; and
- b. Waring Avenue, Eastchester Road, Mace Avenue, Westervelt Avenue, a line 400 feet northerly of Mace Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, an unnamed street and its westerly centerline prolongation, a line midway between Tiemann Avenue and Kingsland Avenue, a line 100 feet northerly of Mace Avenue, Kingsland Avenue, a line 100 feet southerly of Mace Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, Waring Avenue, Woodhull Avenue, Astor Avenue, and Fish Avenue;

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

- a. a line 100 feet southerly of Allerton Avenue, a line midway between Laconia Avenue and Lurting Avenue, a line 275 feet southerly of Allerton Avenue, Laconia Avenue, Mace Avenue, a line midway between Yates Avenue and Laconia Avenue, a line 100 feet southerly of Mace Avenue, Yates Avenue, Mace Avenue, a line midway between Hering Avenue and Yates Avenue, a line 100 feet southerly of Allerton Avenue, Hering Avenue, Allerton

Avenue, a line midway between Tenbroeck Avenue and Hering Avenue, Mace Avenue, Tenbroeck Avenue, a line 125 feet southerly of Allerton Avenue, Pearsall Avenue, a line 100 feet southerly of Allerton Avenue, Stedman Place, Pearsall Avenue, Esplanade, Waring Avenue, Williamsbridge Road, a line 100 feet northerly of Waring Avenue, and Lurting Avenue; and

- b. a line 160 feet southerly of Mace Avenue, Seymour Avenue, a line 100 feet northerly of Waring Avenue, Morgan Avenue, a line 200 feet southerly of Mace Avenue, Fenton Avenue, Mace Avenue, a line midway between Fenton Avenue and Morgan Avenue, a line 150 feet northerly of Mace Avenue, Morgan Avenue, a line 100 feet southerly of Allerton Avenue, Fenton Avenue, a line 350 feet northerly of Mace Avenue, a line 100 feet easterly of Fenton Avenue, Mace Avenue, Eastchester Road, Waring Avenue, and Fish Avenue;

- 7. **changing from an R3-2 District to an R4-1 District property bounded by** Waring Avenue, Fish Avenue, Astor Avenue, Woodhull Avenue, Waring Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, a line 100 feet southerly of Mace Avenue, Kingsland Avenue, a line 100 feet northerly of Mace Avenue, a line midway between Tiemann Avenue and Kingsland Avenue, an unnamed street and its westerly centerline prolongation, a line midway between Kingsland Avenue and Westervelt Avenue, a line 400 feet northerly of Mace Avenue, Westervelt Avenue, Allerton Avenue, Eastchester Road, East Gunhill Road, Lodovick Avenue, Mace Avenue, a line 100 feet easterly of Delanoy Avenue, Waring Avenue, Vance Street, a line 175 feet northwesterly of Stillwell Avenue, a line midway between Vance Street and Demeyer Street, a line 100 feet northwesterly of Stillwell Avenue, Demeyer Street, a line 250 feet northwesterly of Stillwell Avenue, Bruner Avenue, a line 100 feet northerly of Astor Avenue, a line midway between Bruner Avenue and Delanoy Avenue, a line 310 feet southerly of Waring Avenue, Delanoy Avenue, Waring Avenue, a line midway between Gunther Avenue and Lodovick Avenue, a line 100 feet southerly of Waring Avenue, a line midway between Lodovick Avenue and Tiemann Avenue, a line 200 feet southerly of Waring Avenue, Tiemann Avenue, Waring Avenue, Kingsland Avenue, a line 100 feet southerly of Waring Avenue, a line midway between Kingsland Avenue and Westervelt Avenue, a line 100 feet northerly of Astor Avenue, Westervelt Avenue, Astor Avenue, Mickle Avenue, a line 100 feet southerly of Astor Avenue, a line midway between Mickle Avenue and Woodhull Avenue and its southerly prolongation, Bronx and Pelham Parkway, and Tenbroeck Avenue and its southerly centerline prolongation;

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

- a.** Arnow Avenue, a line midway between Hone Avenue and Paulding Avenue, a line 100 feet southeasterly of Boston Road, Hone Avenue, a line 100 feet southerly of Adee Avenue, a line midway between Lurting Avenue and Hone Avenue, a line 100 feet northerly of Arnow Avenue, Laconia Avenue, a line 110 feet northerly of Arnow Avenue, Tenbroeck Avenue, a line 100 feet northerly of Allerton Avenue, a line midway between Yates Avenue and Laconia Avenue, Mace Avenue, Laconia Avenue, a line 275 feet southerly of Allerton Avenue, a line midway between Laconia Avenue and Lurting Avenue, a line 100 feet southerly of Allerton Avenue, Lurting Avenue, a line 100 feet northerly of Waring Avenue, Williamsbridge Road, and Colden Avenue;
- b.** a line 175 feet southerly of Allerton Avenue, Wilson Avenue, Waring Avenue, Pearsall Avenue, a line 100 feet northerly of Waring Avenue, a line midway between Throop Avenue and Pearsall Avenue, a line 225 feet northerly of Waring Avenue, Throop Avenue, Mace Avenue, and Bouck Avenue;
- c.** Hammersley Avenue, a line 125 feet southwesterly of Mickle Avenue, Adee Avenue, Mickle Avenue, a line 325 feet northwesterly of Arnow Avenue, Kingsland Avenue, a line 290 feet northwesterly of Arnow Avenue, a line midway between Tiemann Avenue and Kingsland Avenue, Arnow Avenue, Kingsland Avenue, East Gun Hill Road, Eastchester Road, Arnow Avenue, DeWitt Place, a line 150 feet southwesterly of East Gun Hill Road, O'Neil Place, East Gun Hill Road, Adee Avenue, Eastchester Road, Knapp Street, and Fenton Avenue; and
- d.** Hammersley Avenue, Grace Avenue, Adee Avenue, Bruner Avenue, Arnow Avenue, a line midway between Gunther Avenue and Tiemann Avenue, Adee Avenue, Gunther Avenue, a line 275 feet northwesterly of Arnow Avenue, a line midway between Wickham Avenue and Gunther Avenue, a line 125 feet southeasterly of Adee Avenue, Wickham Avenue, Adee Avenue, a line midway between Bruner Avenue and Wickham Avenue, a line 110 feet northwesterly of Adee Avenue, Wickham Avenue, a line 100 feet southeasterly of Hammersley Avenue, and Gunther Avenue;

9. changing from an R5 District to an R4-1 District property bounded by
Givan Avenue, a line midway between Corsa Avenue and Fenton Avenue, a

line 100 feet northwesterly of Burke Avenue, Eastchester Road, a line 100 feet southeasterly of Givan Avenue, a line midway between Mickle Avenue and Eastchester Road, Burke Avenue, Eastchester Road, Hammersley Avenue, Seymour Avenue, a line 300 feet southeasterly of Burke Avenue, a line midway between Seymour Avenue and Fish Avenue, Burke Avenue, and a line midway between Fish Avenue and Wilson Avenue;

- 10. changing from an R4 District to an R6B District property bounded by** Hammersley Avenue, Fenton Avenue, Knapp Street, Eastchester Road, Adee Avenue, East Gun Hill Road, O'Neil Place, a line 150 feet southwesterly of East Gun Hill Road, Sexton Place and East Gun Hill Road;
- 11. changing from an R5 District to an R6B District property bounded by** Burke Avenue, a line midway between Seymour Avenue and Fish Avenue, a line 300 feet southeasterly of Burke Avenue, Seymour Avenue, Hammersley Avenue, East Gun Hill Road, Sexton Place, a line 150 feet southwesterly of East Gun Hill Road, and Wilson Avenue; and
- 12. establishing within a proposed R6B District a C2-3 District bounded by** Burke Avenue, Fish Avenue, East Gun Hill Road, a line perpendicular to the southwesterly line of Seymour Avenue distant 230 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Seymour Avenue and the northwesterly street line of Hammersley Avenue, Seymour Avenue, Hammersley Avenue, Fenton Avenue, Knapp Street, a line 100 feet northeasterly of East Gun Hill Road, a line 100 feet southeasterly of Knapp Street, Eastchester Road, Adee Avenue, East Gun Hill Road, O'Neil Place, a line 150 feet southwesterly of East Gun Hill Road, and Wilson Avenue;

Borough of The Bronx, Community Districts 11 and 12, as shown on a diagram (for illustrative purposes only) dated February 14, 2005, and which includes the CEQR designation E-146.

The above resolution (C 050289 ZMX), duly adopted by the City Planning Commission on June 22, 2005 (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

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,
JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO, KAREN
A. PHILLIPS, DOLLY WILLIAMS, Commissioners**