



CITY PLANNING COMMISSION

December 3, 2003 Calendar No. 6

C 030058 ZMX

IN THE MATTER OF an application submitted by 3201-13 Park Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section No. 6a**, establishing within an existing R7-1 District a C2-4 District bounded by a line 100 feet southerly of East 162nd Street, Teller Avenue, Park Avenue, East 161st Street, a line perpendicular to the northerly street line of East 161st Street distant 100 feet westerly (as measured along the street line) from the intersection of the northwesterly streetline of Park Avenue and the northerly street line of East 161st Street, a line 100 feet northerly of East 161st Street, and a line 100 feet northwesterly of Park Avenue, Borough of the Bronx, Community District 4, as shown on a diagram (for illustrative purposes only) dated July 21, 2003.

The application for the zoning map amendment was submitted by 3201-13 Park Realty, LLC on August 8, 2002. Approval of this application will enable the development of ground-floor commercial uses in an existing six-story residential building on the corner of East 161st Street and Park Avenue.

BACKGROUND

The area affected by the proposed zoning map amendment is located at the corner of East 161st Street, Teller and Park avenues in the East Concourse neighborhood of Community District 4. Seven blocks to the west is Yankee Stadium and one block west is the site of the new Bronx Criminal Court. Across the street from the Bronx Criminal Court is Concourse Plaza a 858,571 square feet retail mall. The land uses in the area consist of mid-rise residential buildings, attached and semi-detached homes, ground-floor convenience retail establishments and smaller local service community facilities. The uses on the block of the proposed action consist of small local retail establishments, one and two-family residences and medical offices.

East 161st Street is a major retail/commercial corridor in the Bronx, containing a mix of commercial zoning districts. The adjacent residential areas are generally zoned with mid-density R6, R7-1 and R8 zoning districts. Both the D train and the 4 train stop at the East 161st Street and Yankee Stadium subway station and the Bx 6 bus runs along East 161st Street.

The proposed C2-4 commercial overlay would enable the owner to renovate the ground-floor of the building on lot 36 into five retail units. Currently, the ground-floor uses in this building consist of six apartments and one grocery store. This action will bring the grocery store into conformance. Five of the six apartments on the ground floor are occupied. The maximum FAR in an R7-1/C2-4 is 3.44 for residential uses and 2.00 for commercial uses.

The applicant is proposing to extend an existing C2-4 commercial overlay that is located on the southwest and northwest corners of Teller Avenue and East 162nd Street over the existing R7-1. The proposed overlay will extend south and wrap around the block and continue 100 feet along East 161st Street. Mapped at 100 feet in depth, the proposed commercial overlay affects parts of Block 2421 Lots 29, 36 and 35 and all of Block 2421 Lot 135. Lot 135 is a vacant sliver lot owned by the City. Lot 35, at 895 Teller Avenue, has a single-family home. Lot 36, at 3201-3213 Park Avenue, is the site of a six-story 90 unit apartment building owned by the applicant.

ENVIRONMENTAL REVIEW

This application (C 030058 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 designated CEQR number is 02DCP033X. The lead agency is the City Planning Commission.

After a study of potential environmental impact of the proposed action, a Negative Declaration was issued on July 21, 2003.

UNIFORM LAND USE REVIEW

This application (C 030058 ZMX) was certified as complete by the Department of City Planning on July 21, 2003, and was duly referred to Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 4 held a public hearing on this application on September 23, 2003, and on that date, by a vote of 33 to 1 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 30058 ZMX) was considered by the Borough President who issued a recommendation approving the application on October 23, 2003.

City Planning Commission Public Hearing

On October 22, 2003 (Calendar No.1), the City Planning Commission scheduled November 5, 2003 for a public hearing on this application (C 030058 ZMX). The hearing was duly held on November 5, 2003 (Calendar No. 3). There was one speaker in favor of the application and none in opposition.

The speaker in favor of the application was the applicant's environmental consultant, who offered to answer questions from the Commission.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed zoning map amendment is appropriate. East 161st Street is a major commercial corridor in the Bronx surrounded by medium density neighborhoods. The site of the proposed zoning map amendment is in close proximity to mass transit, other active retail and office uses and the new Bronx Criminal Courthouse, which is likely to generate demand for more retail in the area.

The Commission expressed concern with the possible displacement of residents caused by the renovation of the ground-floor residential units in the six-story residential building owned by the applicant. In a letter dated July 25, 2003 the applicant addressed these concerns. Of the six affected units, one is occupied by the building superintendent. A replacement apartment will be provided.

Two units have temporary tenants, with no lease. Two units have tenants, who have agreed to relocate to other units in the same building or in another rent stabilized building of their choosing, however they are under no obligation to do so. The last unit is occupied by a small grocery store, which will remain and become conforming.

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 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 No. 6a: establishing within an existing R7-1 District a C2-4 District bounded by a line 100 feet southerly of East 162nd Street, Teller Avenue, Park Avenue, East 161st Street, a line perpendicular to the northerly street line of East 161st Street distant 100 feet westerly (as measured along the street line) from the intersection of the northwesterly streetline of Park Avenue and the northerly street line of East 161st Street, a line 100 feet northerly of East 161st Street, and a line 100 feet northwesterly of Park Avenue, Borough of the Bronx, Community District 4, as shown on a diagram(for illustrative purposes only) dated July 21, 2003.

The above resolution (C 030058 ZMX), duly adopted by the City Planning Commission on December 3 , 2003, (Calendar No. 6), 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, Esq., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY, ALEXANDER GARVIN,
JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY
WILLIAMS, Commissioners