



CITY PLANNING COMMISSION

February 8, 2006/Calendar No. 13

C 060180 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. 4b:

1. eliminating from within an existing R6 District a C1-2 District bounded by:
 - a. East Tremont Avenue, Lane Avenue, Benson Street, a line 100 feet westerly of Lane Avenue, a line 100 feet southwesterly of East Tremont Avenue, and St. Raymond Avenue; and
 - b. Manning Street, a line 150 feet easterly of Castle Hill Avenue, Westchester Avenue, and Castle Hill Avenue;
2. eliminating from within an existing R6 District a C2-2 District bounded by:
 - a. East Tremont Avenue, Seddon Street, a line 150 feet southerly of East Tremont Avenue, and Castle Hill Avenue;
 - b. East Tremont Avenue, St. Raymond Avenue, Benson Street, Maclay Avenue, a line 150 feet southerly of East Tremont Avenue, and Saint Peters Avenue; and
 - c. East Tremont Avenue, a line 100 feet southeasterly of Westchester Avenue, Seabury Avenue, Westchester Avenue, the southwesterly boundary line of St. Peter's Cemetery and its northwesterly and southeasterly prolongation, Butler Place and its southwesterly centerline prolongation, Herschell Street, a line 100 feet southeasterly of Westchester Avenue, Zerega Avenue, Westchester Avenue, a line 150 feet easterly of Castle Hill Avenue, a line 100 feet northerly and northwesterly of Westchester Avenue, a line midway between Zerega Avenue and Parker Street, Tratman Avenue and its southwesterly centerline prolongation, a line 100 feet northeasterly of Zerega Avenue, a line 100 feet northwesterly of Westchester Avenue, Overing Street, and Westchester Avenue;
3. changing from an R6 District to an R4A District property bounded by a line 100 feet southeasterly of Westchester Avenue, Herschell Street, a line 125 feet southeasterly of Westchester Avenue, a line 100 feet northeasterly of Herschell Street, Butler Place and its southwesterly centerline prolongation, Herschell Street, Halsey Street, and Zerega Avenue;

4. changing from an M1-1 District to an R4A District property bounded by Butler Place and its southwesterly centerline prolongation, a line 100 feet northeasterly of Herschell Street, a line perpendicular to the southwesterly street line of Rowe Street, distant 150 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Rowe Street and the westerly street line of Seabury Avenue, Herschell Street, a line 300 feet southeasterly of Halsey Street, a line 100 feet southwesterly of Herschell Street, a line 100 feet southeasterly of Halsey Street, a line 150 feet southwesterly of Herschell Street, Halsey Street, and Herschell Street;
5. changing from a R6 District to an R5A District property bounded by a line 100 feet southerly of East Tremont Avenue, Overing Street, Maclay Avenue, a line midway between Benson Street and Overing Street, St. Raymond Avenue, a line 100 feet southwesterly of East Tremont Avenue, a line 225 feet northwesterly of Frisby Avenue, Benson Street, Frisby Avenue, a line 70 feet northeasterly of Overing Street, a line 100 feet northwesterly of Frisby Avenue, Saint Peters Avenue, a line midway between Frisby Avenue and Tratman Avenue, Rowland Street, Tratman Avenue, a line 130 feet southwesterly of Rowland Street, a line 100 feet southeasterly of Tratman Avenue, a line 100 feet northeasterly of Zerega Avenue, Tratman Avenue and its southwesterly centerline prolongation, Parker Street, a line 100 feet northwesterly of Westchester Avenue, Doris Street, Lyon Avenue, a line 100 feet easterly of Castle Hill Avenue, a line midway between Manning Street and Starling Avenue, Glebe Avenue, Glover Street, St. Raymond Avenue, Castle Hill Avenue, Glover Street, a line 50 feet northwesterly of Stearns Street, a line 95 feet northeasterly of Glover Street, Maclay Avenue and its southwesterly centerline prolongation, a line midway between Zerega Avenue and Parker Street, Santa Maria Avenue, Zerega Avenue, Dorsey Street, Hubbell Street, a line 70 feet northwesterly of Dorsey Street, a line 70 feet southwesterly of Seddon Street, a line 50 feet southeasterly of Maclay Avenue, Seddon Street, Maclay Avenue, and Saint Peters Avenue;
6. establishing within an existing R6 District a C1-4 District bounded by:
 - a. East Tremont Avenue, Lane Avenue, Benson Street, a line 100 feet westerly of Lane Avenue, a line 100 feet southwesterly of East Tremont Avenue, and St. Raymond Avenue; and
 - b. Manning Street, a line 100 feet easterly of Castle Hill Avenue, Westchester Avenue, and Castle Hill Avenue;
7. establishing within an existing R6 District a C2-4 District bounded by:
 - a. East Tremont Avenue, Seddon Street, a line 100 feet southerly of East Tremont Avenue, and Castle Hill Avenue;

- b. East Tremont Avenue, St. Raymond Avenue, Benson Street, Maclay Avenue, Overing Street, a line 100 feet southerly of East Tremont Avenue, and Saint Peters Avenue; and
- c. East Tremont Avenue, a line 100 feet southeasterly of Westchester Avenue, Seabury Avenue, Westchester Avenue, Herschell Street, a line 100 feet southeasterly of Westchester Avenue, Zerega Avenue, Westchester Avenue, a line 100 feet easterly of Castle Hill Avenue, a line 100 feet northerly and northwesterly of Westchester Avenue, Zerega Avenue, Tratman Avenue, a line 100 feet northeasterly of Zerega Avenue, a line 100 feet northwesterly of Westchester Avenue, Overing Street, and Westchester Avenue; and
- d. St. Raymond Avenue, a line 100 feet easterly of Castle Hill Avenue, Manning Street, and Castle Hill Avenue;

as shown on a diagram (for illustrative purposes only) dated October 17, 2005, and subject to the conditions of CEQR Declaration E-158, Borough of the Bronx, Community District 10.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on October 11, 2005, to rezone a total of 36 blocks or portions thereof in the Westchester Square neighborhood within Bronx Community District 10. The proposed rezoning will support and reinforce the existing character of the neighborhood and ensure that future residential development will be consistent in scale and context with existing large detached homes.

BACKGROUND

Most of the rezoning area is located north of Westchester Avenue, bounded by East Tremont Avenue to the north and east, and Castle Hill Avenue to the west. This area is presently zoned R6. The rest of the rezoning area is located south of Westchester Avenue, generally bounded by Seabury Avenue to the east, Zerega Avenue to the west, and Waterbury Avenue to the south. This area is presently zoned R6 and M1-1.

Westchester Square, the first European settlement in what is now the Bronx, was founded in 1654 by English settlers from Connecticut. St. Peter's Episcopal Church, a City Landmark that is still located at Westchester Avenue today, was built in 1693 as an Anglican church as part of the Anglican and Quaker community that lived here. Among them were sea captains and crewman that lived and worked here as Westchester Creek developed as a river port along Westchester Creek. With Fort Schuyler built in Throgs Neck in the 1840s, new families, mainly Irish, settled in this area as builders, laborers, and stone masons. The role of Westchester Square as an important commercial hub grew with the arrival of the subway in the early twentieth century. The present zoning in this area has been in place at since the 1960s.

The Westchester Square neighborhood is a predominately residential neighborhood consisting of a mix of low- and mid-density residential developments including detached, semi-detached, row-houses and apartment buildings. The interior blocks of the rezoning area are dominated by large detached homes. East Tremont, Westchester and Castle Hill avenues, the neighborhood's main retail strips, consist mainly of one- and two-story commercial uses and four- to eight-story apartment buildings, allowed under the R6 zoning with C1-2 and C2-2 commercial overlays. The rezoning area consists of 738 lots, of which 654 (89.5%) are residentially developed. Detached homes constitute approximately eighty-one percent of the area's housing stock; the other approximately nineteen percent of residential lots are semi-detached, attached and apartment buildings. Community facilities and commercial uses make up about three percent of the entire lots in the rezoning area.

The number 6 elevated subway runs along Westchester Avenue with stops located at Castle Hill, Zerega and Westchester Square / East Tremont avenues. Several buses serve the area including Bx4, Bx8, Bx14, Bx21, Bx31, Bx40 and Bx42. Even though these public transportation options exist, Bronx Community District 10 has one of the highest car ownership rates in the city and the automobile remains the dominant mean of transportation. Institutions in this neighborhood include St. Peter's Church, Lewis & Clark High School, Westchester Square Hospital, and the Soundview & Throgs Neck Community Mental Health Center.

Local civic groups and Community Board 10 approached the Department of City Planning after the Throgs Neck Area rezoning and text amendments (040479 ZMX, N 040480 ZRX, N 040481 ZRY, and N 040482 ZRX) were approved in 2004 by the City Planning Commission and City Council to request that this neighborhood be considered for a contextual rezoning to preserve the community's residential built character. The community was concerned that with the new Throgs Neck zoning in place, out-of-character development would move westward into the Westchester Square neighborhood.

The Throgs Neck Area, which is located just east of the Westchester Square rezoning area, is predominately a lower density residential neighborhood that was rezoned from mostly R4 and R3-2 zoning districts to lower density or contextual R4-1, R4A, R3-1, and R3A zoning designations generally limiting new development to semi-detached and detached homes to preserve the area's built character. This rezoning area also became subject to Lower Density Growth Management Area (LDGMA) regulations of the Zoning Resolution.

Similar to the Throgs Neck area, but with a higher density, the inner blocks of the Westchester Square neighborhood are primarily developed with large detached homes. However, the existing R6 zoning in this neighborhood allows for a variety of housing types including semi-detached, attached housing and small apartment buildings which are not reflective of the predominant detached home character. 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 out-of-character development. The proposed actions will limit new development to housing types that correspond to the neighborhood's residential context and built form without precluding future development opportunities. The proposed rezoning is aimed at preserving the community's context of detached single- and two-family homes in the inner blocks and apartment buildings along the wider avenues of the rezoning area.

The community is also concerned about the lack of parking especially in the new buildings. Even though much of the Westchester Square neighborhood is located along the elevated subway line, Bronx CD10 has one of the highest car ownership rates in the city. New multi-family buildings often do not provide enough parking spaces for new residences.

EXISTING CONTEXT AND ZONING

Currently most of the Westchester Square rezoning area is designated R6, a mid-density residential zoning district that allows all housing types. A small area south of Westchester Avenue is zoned M1-1. Although zoned for manufacturing and commercial uses, this area is very much a residential area and all but one lot is developed with a residential use. The existing M1-1 district does not permit residential uses.

The interior blocks of the Westchester Square neighborhood are primarily developed with detached homes and zoned R6. Generally this area is bounded by East Tremont Avenue to the north and east, Westchester Avenue to the south, and Castle Hill Avenue to the west. A four block area of detached homes also zoned R6 is located south of Westchester Avenue, generally bounded by Seabury Avenue to the east, Halsey Street at the south, and Zerega Avenue to the west. The R6 zoning district is a residential district that allows for all housing types with a maximum FAR of 2.43. There is no height limit, but height is regulated by a sky exposure plane and setback regulations. Generally, R6 zoning results in apartment buildings between three and twelve stories tall. In the R6 zoning district, the minimum lot size is 3,800 square feet and the minimum lot width is 40 feet for detached homes. The parking requirement is one space for each dwelling unit or, if grouped, 70% of the dwelling units.

East Tremont, Westchester, and Castle Hill avenues are the main retail strips serving this neighborhood. They are generally developed with a range of building types, including one- and two-story commercial uses and apartment building with commercial uses on the ground-floor. Examples of existing uses are restaurants, banks, pharmacies, and grocery, cosmetic and variety stores. Generally, C1-2 and C2-2 commercial overlays are mapped at a depth of 150 feet, which is the case for most commercial overlays along East Tremont and Castle Hill avenues. The commercial overlays along Westchester Avenue are generally mapped at a depth of 100 feet.

C1-2 commercial overlays permit local retail and personal service shops needed in residential neighborhoods (Use Group 6) with a maximum commercial FAR of 2.0 when mapped in R6 zoning districts. Typical uses include, but are not limited to, grocery stores, dry cleaners and

restaurants. C2-2 commercial overlays permit a wider range of local retail and service shops than C1-2 districts, intended to serve a wider residential neighborhoods (Use Groups 6-9 and 14) with the same commercial FAR of 2.0. Additional uses include, but are not limited to, funeral homes, small lumber stores, business and trade schools.

Parking requirements are the same in both the C1-2 and C2-2 districts.

PROPOSED ZONING

The proposal would preserve the existing neighborhood character with contextual zoning districts in the interior blocks and prevent commercial uses from encroaching on mid-block residential uses along East Tremont, Castle Hill and Westchester avenues.

R6 to R5A

Sixteen full blocks and portions of sixteen blocks generally bounded by Maclay Avenue to the north, East Tremont Avenue and Benson Street to the east, Tratman and Frisby avenues to the south, and Castle Hill Avenue to the west are proposed to be rezoned from R6 to R5A, a new residential zoning district adopted by the City Council in December 2005 as part of the Olinville Rezoning (C 060084 ZMX) in Bronx Community District 12.

R5A permits only one- and two-family detached homes. The maximum FAR in the R5A district would be 1.1, with a 300 square-foot increase for providing a detached garage in the rear yard. The minimum lot size would be 2,850 square feet and the minimum lot width would be 30 feet for one-family and two-family detached homes in the proposed zoning district. Two side yards are required with a minimum total of 10 feet. The front yard requirement is 10 feet or at least as

deep as the adjacent front yards. The maximum height would be 35 feet with a 25-foot perimeter wall. The parking requirement would be 100% of the dwelling units in the proposed zoning district.

This area is primarily developed with large one- and two-family detached homes. Within this area proposed to be rezoned to R5A, 397 of 593 or 67% of the residential lots are one- and two-family detached homes. An additional 82 lots or 14% of the residential lots are also detached buildings but will be nonconforming because they contain more than two units. Seventy-two percent (71.8% or 426 of 593) of the current residential lots will comply with the allowable floor area ratio of 1.1 under the proposed zoning.

R6 and M1-1 to R4A

One full block and a portion of two blocks south of Westchester Avenue approximately bounded by Hershell Avenue, Harlsey Street, and Zerega Avenue are residentially developed with mainly detached homes that are proposed to be rezoned from R6 to R4A. Portions of two blocks south of Westchester Avenue generally bounded by Seabury Avenue to the east, Waterbury Avenue to the south, Zerega Avenue to the west, and Westchester Avenue to the north are zoned M1-1, however all but one lot are developed with a residential use, predominantly with detached homes. This area is proposed to be rezoned from M1-1 to R4A.

In rezoning this area to an R4A zoning district, residential development would be limited to one- and two-family detached homes. The maximum FAR in the R4A district would be 0.75 (plus 0.15 attic allowance). The minimum lot size would be 2,850 square feet for one-family detached homes and 3,135 square feet for two-family detached homes and the minimum lot width would

be 30 feet for one-family detached homes and 33 feet for two-family detached homes. Both the minimum front yard requirement and the minimum total of the two side yards would be 10 feet. The maximum height requirement would be 35 feet with a 26-foot perimeter wall in the proposed R4A district. Because the area would be within a LDGMA, the parking requirement would be 1.5 parking spaces per dwelling unit in the proposed zoning district. Other provisions reduce the maximum height of new buildings in floodplain areas and establish a 20-foot side yard on corner lots.

In the proposed R4A district, 72% of the residential lots are one- and two-family detached homes. An additional eight lots or 13% are also detached buildings but will be nonconforming because they contain more than two units. 72% of residential lots have an FAR of less or equal to 0.9.

Commercial Overlay Changes

The commercial overlays along East Tremont, Westchester and portions of Castle Hill avenues would generally be changed from the C1-2 and C2-2 to C1-4 and C2-4. The use groups allowed in the commercial overlays designation remain the same, but the parking regulations would be reduced, depending on the type of use. For example, for food stores with 2,000 square feet or more of floor area per establishment in the C1-2 and C2-2 overlays, one parking space per 200 square feet of floor area is required in comparison to one parking space per 1,000 square feet of floor area in the C1-4 and C2-4.

The reduced parking requirements are appropriate since the commercial overlays are adjacent to or close to transit. Many of the existing commercial overlays, especially along Westchester Avenue, are already 100 feet deep, the standard width of C1-4 and C2-4 overlays. The width of the deeper commercial overlays would be reduced from 150 feet to 100 feet, where appropriate, mainly along the southern side of East Tremont Avenue between Castle Hill Avenue and Overing Street and eastern side of Castle Hill Avenue between Manning Street and Westchester Avenue, to prevent commercial intrusion on residential streets.

Additionally, one C2-4 commercial overlay would be added along Castle Hill Avenue between Manning Street and St. Raymond Avenue to include an existing funeral home and its parking lot, which occupies the entire block front along Castle Hill Avenue. A portion of one C2-2 commercial overlay on Zerega Avenue between Westchester Avenue and the prolongation of Tratman Avenue and one entire C2-2 commercial overlay on Westchester Avenue approximately between Seabury Avenue and Herschell Street would be eliminated where no commercial uses currently exist. Eliminating the commercial overlay along Zerega Avenue would avoid commercial uses encroaching further into the residential neighborhood.

ENVIRONMENTAL REVIEW

The application (C 060180 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 06DCP034X. 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 October 17, 2005, which included (E) designations for hazardous materials, air and noise.

To avoid the potential for hazardous materials impacts, the proposed zoning map amendment includes (E) designations for hazardous materials on the following properties:

- Block 3972, Lot 50
- Block 3980, Lots 1 and Lot 38

On the sites receiving (E) designation for hazardous materials, the contamination can be classified as petroleum based, non-petroleum based or both. The NYCDEP has developed protocols for both petroleum and non-petroleum based, or both. The NYCDEP has developed protocols for both petroleum and non-petroleum based (E) designated sites that are required to be followed in order to address possible contamination. The placement of the (E) designation on the zoning map would eliminate the potential for significant adverse impacts from hazardous materials and would ensure that appropriate testing and remediation, if needed, would be undertaken. The text of the (E) designation is as follows:

Task 1-Sampling Protocol

A. Petroleum

A soil, soil gas, and groundwater testing protocol (including a description of methods), and a site map with all sampling location represented clearly and precisely, must be submitted to the NYCDEP by the fee owner(s) of the lot which is restricted by this (E) designation, for review and approval.

A site map with the sampling locations clearly identified and a testing protocol with a description of methods, for soil, soil gas, and groundwater, must be submitted by the fee owner(s), of the lot which is restricted by the (E) designation, to the NYCDEP for review and approval.

B. Non-Petroleum

The fee owner(s) of the lot restricted by this (E) designation will be required to prepare a scope of work for any sampling and testing needed to determine if contamination exists and to what extent remediation may be required. The scope of work will include all relevant supporting documentation, including site plans and sampling locations. This scope of work will be submitted to NYCDEP for review and approval prior to implementation. It will be reviewed to ensure that an adequate number of samples will be collected and that appropriate parameters are selected for laboratory analysis. For all non-petroleum (E) designated sites, the three generic NYCDEP soil and ground-water sampling protocols should be followed.

A scope of work for any sampling and testing to be completed, which will determine the extent of on-site contamination and the required remediation, must be prepared by the fee owner(s) of the lot restricted by this (E) designation. The scope of work will include the following: site plans, sampling locations, and all other relevant supporting documentation. The scope of work must be submitted to the NYCDEP for review and confirmation that an adequate testing protocol (i.e., number of samples collected, appropriate parameters for laboratory analysis) has been prepared. The NYCDEP must approve the scope of work before it can be implemented.

For non-petroleum (E) designated sites, one of the three generic soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater sampling protocols prepared by the NYCDEP should be followed.

The protocols are based on three types of releases to soil and groundwater, including: the release of a solid hazardous material to ground surface; the release of a liquid hazardous material to the ground surface; and the release of a hazardous material to the subsurface (i.e., storage tank or piping). The type of release defines the areas of soil to be sampled from surface, near-surface, to subsurface. Additionally, it determines the need for groundwater sampling.

A written approval of the sampling protocol must be received from the NYCDEP before commencement of sampling activities. Sample site quantity and location should be determined so as to adequately characterize the site, the source of contamination, and the condition of the remainder of the site. After review of the sampling data, the characterization should have been complete enough to adequately determine what remediation strategy (if any) is necessary. Upon request, NYCDEP will provide guidelines and criteria for choosing sampling sites and performing sampling.

Finally, a Health and Safety Plan must be devised and approved by the NYCDEP before the commencement on any on-site activities.

Task 2-Remediation Determination and Protocol

After sample collection and laboratory analysis have been completed on the soil and/or groundwater samples collected in Task 1, a summary of the data and findings in the form of a written report must be presented to the NYCDEP for review and approval. The NYCDEP will provide a determination as to whether remediation is necessary.

If it is determined that no remediation activities are necessary, a written notice will be released to that effect. However, if it is the NYCDEP's determination that remediation is necessary the fee owner(s) of the lot restricted by the (E) designation must submit a proposed remediation plan to the NYCDEP for review and approval. Once approval has been obtain, and the work completed, the fee owner(s) of the lot restricted by the (E) designation must provide proof to the NYCDEP that the work has been completed satisfactorily.

With the placement of the (E) designations on the above block and lots, no impacts related to hazardous materials are anticipated.

To avoid the potential for air quality impacts associated with boiler emissions, the proposed zoning map amendment includes (E) designations on the following properties:

- Block 3972, Lot 50
- Block 3980, Lots 1 and Lot 38

Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

To avoid the potential for significant adverse impacts related to noise, the proposed action includes (E) designations on the following properties:

- Block 3972, Lot 50
- Block 3980, Lots 1 and Lot 38

In order to ensure an acceptable interior noise environment, future residential uses on the above referenced properties must provide a closed window condition with a minimum of 35 dB (A) window/wall attenuation on all facades 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 would also have to be provided. Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

UNIFORM LAND USE REVIEW

This application (C 060180 ZMX) was certified as complete by the Department of City Planning on October 17, 2005, and was duly referred to Community Board 10 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 10 held a public hearing on this application on November 15, 2005, and on November 17, by a vote of 28 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President who issued a recommendation on January 5, 2006, approving the application.

City Planning Commission Public Hearing

On December 19, 2005 (Calendar No. 23) the City Planning Commission scheduled January 11, 2006 for a public hearing on this application (C 060180 ZMX). The hearing was duly held on

January 11, 2006 (Calendar No. 37). There was one speaker in favor of the application and no speakers in opposition.

The speaker in favor of the application was a representative of the Bronx Borough President, who expressed the Borough President's support for the proposals as it would aid in the preservation of the neighborhood context and character, especially along the interior blocks of the rezoning area.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (C 060180 ZMX) 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 05-063.

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 (C 060180 ZMX) is appropriate.

The Commission notes that the interior blocks of the Westchester Square neighborhood are developed primarily with large detached homes and that the existing zoning is not reflective of the existing development patterns of this community. The Commission believes that updating the area's zoning 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 current mismatch between the built character of the inner blocks of the Westchester Square neighborhood and the housing type and density permitted by the existing zoning creates an incentive to replace detached housing with semi-detached or attached houses or small apartment buildings containing substantially more dwelling units.

The Commission believes that this rezoning action represents a comprehensive zoning strategy for the Westchester Square neighborhood of Community District 10. The Commission notes that the proposed R5A and R4A districts 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 believes that the proposed C1-4 and C2-4 commercial overlays along East Tremont, Castel Hill and Westchester avenues are appropriate since it is more reflective of the existing commercial development along these wider commercial avenues, close to the number 6

subway line. 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, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of 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 hereby amended by changing the Zoning Map, Section No. 4b:

1. eliminating from within an existing R6 District a C1-2 District bounded by:
 - a. East Tremont Avenue, Lane Avenue, Benson Street, a line 100 feet westerly of Lane Avenue, a line 100 feet southwesterly of East Tremont Avenue, and St. Raymond Avenue; and
 - b. Manning Street, a line 150 feet easterly of Castle Hill Avenue, Westchester Avenue, and Castle Hill Avenue;
2. eliminating from within an existing R6 District a C2-2 District bounded by:
 - a. East Tremont Avenue, Seddon Street, a line 150 feet southerly of East Tremont Avenue, and Castle Hill Avenue;

- b. East Tremont Avenue, St. Raymond Avenue, Benson Street, Maclay Avenue, a line 150 feet southerly of East Tremont Avenue, and Saint Peters Avenue; and
 - c. East Tremont Avenue, a line 100 feet southeasterly of Westchester Avenue, Seabury Avenue, Westchester Avenue, the southwesterly boundary line of St. Peter's Cemetery and its northwesterly and southeasterly prolongation, Butler Place and its southwesterly centerline prolongation, Herschell Street, a line 100 feet southeasterly of Westchester Avenue, Zerega Avenue, Westchester Avenue, a line 150 feet easterly of Castle Hill Avenue, a line 100 feet northerly and northwesterly of Westchester Avenue, a line midway between Zerega Avenue and Parker Street, Tratman Avenue and its southwesterly centerline prolongation, a line 100 feet northeasterly of Zerega Avenue, a line 100 feet northwesterly of Westchester Avenue, Overing Street, and Westchester Avenue;
3. changing from an R6 District to an R4A District property bounded by a line 100 feet southeasterly of Westchester Avenue, Herschell Street, a line 125 feet southeasterly of Westchester Avenue, a line 100 feet northeasterly of Herschell Street, Butler Place and its southwesterly centerline prolongation, Herschell Street, Halsey Street, and Zerega Avenue;
 4. changing from an M1-1 District to an R4A District property bounded by Butler Place and its southwesterly centerline prolongation, a line 100 feet northeasterly of Herschell Street, a line perpendicular to the southwesterly street line of Rowe Street, distant 150 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Rowe Street and the westerly street line of Seabury Avenue, Herschell Street, a line 300 feet southeasterly of Halsey Street, a line 100 feet southwesterly of Herschell Street, a line 100 feet southeasterly of Halsey Street, a line 150 feet southwesterly of Herschell Street, Halsey Street, and Herschell Street;
 5. changing from a R6 District to an R5A District property bounded by a line 100 feet southerly of East Tremont Avenue, Overing Street, Maclay Avenue, a line midway between Benson Street and Overing Street, St. Raymond Avenue, a line 100 feet southwesterly of East Tremont Avenue, a line 225 feet northwesterly of Frisby Avenue, Benson Street, Frisby Avenue, a line 70 feet northeasterly of Overing Street, a line 100 feet northwesterly of Frisby Avenue, Saint Peters Avenue, a line midway between Frisby Avenue and Tratman Avenue, Rowland Street, Tratman Avenue, a line 130 feet southwesterly of Rowland Street, a line 100 feet southeasterly of Tratman Avenue, a line 100 feet northeasterly of Zerega Avenue, Tratman Avenue and its southwesterly centerline prolongation, Parker Street, a line 100 feet northwesterly of Westchester Avenue, Doris Street, Lyon Avenue, a line 100 feet easterly of Castle Hill Avenue, a line midway between Manning Street and Starling Avenue, Glebe Avenue, Glover Street, St. Raymond

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6. establishing within an existing R6 District a C1-4 District bounded by:
 - a. East Tremont Avenue, Lane Avenue, Benson Street, a line 100 feet westerly of Lane Avenue, a line 100 feet southwesterly of East Tremont Avenue, and St. Raymond Avenue; and
 - b. Manning Street, a line 100 feet easterly of Castle Hill Avenue, Westchester Avenue, and Castle Hill Avenue;
7. establishing within an existing R6 District a C2-4 District bounded by:
 - a. East Tremont Avenue, Seddon Street, a line 100 feet southerly of East Tremont Avenue, and Castle Hill Avenue;
 - b. East Tremont Avenue, St. Raymond Avenue, Benson Street, Maclay Avenue, Overing Street, a line 100 feet southerly of East Tremont Avenue, and Saint Peters Avenue; and
 - c. East Tremont Avenue, a line 100 feet southeasterly of Westchester Avenue, Seabury Avenue, Westchester Avenue, Herschell Street, a line 100 feet southeasterly of Westchester Avenue, Zerega Avenue, Westchester Avenue, a line 100 feet easterly of Castle Hill Avenue, a line 100 feet northerly and northwesterly of Westchester Avenue, Zerega Avenue, Tratman Avenue, a line 100 feet northeasterly of Zerega Avenue, a line 100 feet northwesterly of Westchester Avenue, Overing Street, and Westchester Avenue; and
 - d. St. Raymond Avenue, a line 100 feet easterly of Castle Hill Avenue, Manning Street, and Castle Hill Avenue;

Borough of the Bronx, Community District 10, as shown on a diagram (for illustrative purposes only) dated October 17, 2005, and which includes CEQR Designation E-158.

The above resolution (C 060180 ZMX), duly adopted by the City Planning Commission on February 8, 2006 (Calendar No. 13), 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

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