



CITY PLANNING COMMISSION

January 11, 2006/Calendar No.10

C 060108 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. 4a:

1. changing from an R3-2 District to an R3A District property bounded by Hutchinson River Parkway West, Boller Avenue and its northwesterly centerline prolongation, Stillwell Avenue, Hunter Avenue and its southeasterly centerline prolongation, the northwesterly boundary line of New York, New Haven & Hartford Rail Road Right-of Way, Bruckner Expressway and its northwesterly centerline prolongation, Stillwell Avenue and its southwesterly centerline prolongation, and Palmer Avenue and its northwesterly centerline prolongation; and
2. changing from an R6 District to an R3A District property bounded by Hunter Avenue, a line 95 feet northeasterly of Boller Avenue, Stillwell Avenue, and Boller Avenue;

Borough of The Bronx, Community District 10, as shown on a diagram (for illustrative purposes only) dated September 12, 2005.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on August 31, 2005, to rezone five full blocks and portions of one block in the Village of Baychester neighborhood within Community District 10, The Bronx. The proposed rezoning will support and reinforce the low-density character of the neighborhood to help ensure that future residential development will be consistent in scale and context with existing detached homes.

BACKGROUND

The Department of City Planning proposes amendments to the Zoning Map in order to ensure that future residential buildings are not out-of-character with traditional low-density development patterns of the Village of Baychester. The area affected by the proposed action is generally bounded by the Hutchinson River Parkway East to the north and west, Hunter

Avenue to the east, and Bassett Avenue to the south. It is located just south of Co-op City, a large high rise development built in the 1960s. Pelham Bay Park is located to the east and at 2,765-acres it is the city's largest park. Currently, this area is zoned R3-2 with half of one block zoned R6.

The Village of Baychester neighborhood is primarily residentially developed with a large number of vacant lots. Sixty-five percent of the homes in the area are one- and two-family, detached structures; nineteen percent of the residentially developed lots are occupied by multi-family housing, ten percent by attached housing, and five percent by semi-detached housing. Thirty percent of the lots are either vacant or used for parking, mostly as accessory parking for a single or two-family home. The community expressed concern that the vacant lots will be developed with out-of-character multi-family attached housing or apartment buildings.

The existing R3-2 and R6 zoning districts allow for a variety of housing types including semi-detached, attached housing and small apartment buildings in the R3-2 district and apartment buildings typically between 3 and 12 stories in the R6 district. Such development is not reflective of the predominant character of one- and two-family detached homes. The mismatch between the built character of the area and building type permitted by the existing zoning creates an incentive to replace sound detached homes with rows of attached housing.

Transit is also limited in this neighborhood which is served only by the Q-BX 1 and Bx28, Bx29, Bx30 bus services.

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

EXISTING CONTEXT AND ZONING

R3-2 District

The Village of Baychester neighborhood is primarily developed with detached homes and recently constructed multi-family homes and is generally zoned R3-2 within a Lower Density Growth Management Area (LDGMA). The R3-2 district is generally bounded by the Hutchinson River Parkway East to the north, Boller and Hunter avenues to the east, the New York – New Haven and Hartford Rail Road Right-of-Way to the south, and the Bruckner Expressway to the west. Residential and community facility uses are permitted in R3-2 zoning districts (Use Groups 1 - 4). Detached, semi-detached and attached housing is permitted with a maximum FAR of 0.5 with an attic allowance of up to 0.1 FAR. The maximum building height is 35 feet (with a 26-foot perimeter wall), and the parking requirement is 1.5 parking spaces for each dwelling unit.

R6 District

A portion of one block, generally bounded by Hunter Avenue to the north and east, Stillwell Avenue to the south, and Boller Avenue to the west is zoned R6. Residential and community facility uses are permitted in R6 zoning districts (Use Groups 1 - 4), with no height limit and

a maximum floor area ratio (FAR) of 2.43 for residential uses and 4.8 for community facility uses.

PROPOSED ZONING

The proposed R3A zoning would preserve the existing low density detached neighborhood character of this area.

In order to preserve the predominant one- and two-family detached character, five full blocks are proposed to be rezoned from R3-2 to R3A. This area is generally bounded by the Hutchinson River Parkway Extension to the north, Boller Avenue to the east, the New Haven & Hartford Rail Road Right-of-Way to the south and Bruckner Expressway to the west. A portion of one block, generally bounded by Hunter Avenue to the north and east, Stillwell Avenue to the south, and Boller Avenue would also be rezoned to R3A.

The proposed R3A district within a Lower Density Growth Management Area (LDGMA) permits only detached single- and two-family residences. Under the proposed R3A zoning, the maximum FAR is 0.5 with an attic allowance of 0.1. The minimum lot size would be 2,375 square feet for detached one-family homes and to 3,135 square feet for detached two-family homes. The minimum lot width would be 25 feet for one-family homes and 33 feet for two-family homes and the minimum front yard would be 10 feet. The maximum height is 35 feet, with a maximum perimeter wall height of 26 feet. Parking requirements are 1.5 parking spaces per dwelling unit.

ENVIRONMENTAL REVIEW

This application (C 060108 ZMX) was reviewed in conjunction with the Throgs Neck Rezoning (C 040479 ZMX, N 040480 ZRY, N 040481 ZRY and N 040482 ZRX) applications, 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 04DCP050Y. 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 June 6, 2004.

UNIFORM LAND USE REVIEW

This application (C 060108 ZMX) was certified as complete by the Department of City Planning on September 12, 2005, and was duly referred to Community Board 10 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 10 voted to approve this application (28 in favor, 0 opposed, 0 abstained) on October 11, 2005.

Borough President Recommendation

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

City Planning Commission Public Hearing

On November 16, 2005, (Calendar No. 1), the City Planning Commission scheduled December 7, 2005 for a public hearing on this application (C 060108 ZMX). The hearing was duly held on December 7, 2005, (Calendar No. 19). 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 community, preserving its unique character.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 04-044.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this amendment of the zoning map (C 060108 ZMX) is appropriate.

The Commission notes that the Village of Baychester neighborhood is developed primarily with one- and two-family detached homes. Almost a third of the lots are either vacant or used for parking, mostly as accessory parking for single- and two-family homes, which under the current zoning could be developed with out-of-character multi-family homes. The Commission notes that the existing zoning is not reflective of the existing development patterns of the Village of Baychester community. The Commission believes that changing the area's zoning will protect the established character and quality of life in the neighborhood and help ensure that new development is consistent with the scale of surrounding buildings.

The Commission notes that the proposed R3A 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 proposed R3A would also be subject to the Lower Density Growth Management Area (LDGMA) regulations.

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 201 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. 4a:

1. changing from an R3-2 District to an R3A District property bounded by Hutchinson River Parkway West, Boller Avenue and its northwesterly centerline prolongation, Stillwell Avenue, Hunter Avenue and its southeasterly centerline prolongation, the northwesterly boundary line of New York, New Haven & Hartford Rail Road Right-of Way, Bruckner Expressway and its northwesterly centerline prolongation, Stillwell Avenue and its southwesterly centerline prolongation, and Palmer Avenue and its northwesterly centerline prolongation; and
2. changing from an R6 District to an R3A District property bounded by Hunter Avenue, a line 95 feet northeasterly of Boller Avenue, Stillwell Avenue, and Boller Avenue;

Borough of The Bronx, Community District 10, as shown on a diagram (for illustrative purposes only) dated September 12, 2005.

The above resolution (C 060108 ZMX), duly adopted by the City Planning Commission on January 11, 2005 (Calendar No. 10), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III, RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners