



CITY PLANNING COMMISSION

February 11, 2004/Calendar No. 15

C 030066 ZMX

IN THE MATTER OF an application submitted by Wilfred Arroyo, 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 within an existing R6 District a C1-2 District bounded by Westchester Avenue, a line 60 feet westerly of Pugsley Avenue, a line midway between Benedict Avenue and Westchester Avenue, and Pugsley Avenue; and
2. establishing within an existing R6 District a C2-2 District bounded by Westchester Avenue, a line 60 feet westerly of Pugsley Avenue, a line midway between Benedict Avenue and Westchester Avenue, and Pugsley Avenue;

Borough of The Bronx, Community District 9, as shown on a diagram (for illustrative purposes only) dated September 8, 2003.

The application for an amendment of the Zoning Map was filed by Wilfred Arroyo on August 12, 2002, to permit an existing catering hall on Westchester Avenue in the Parkchester section of The Bronx, Community District 9.

BACKGROUND

This is an application to change an existing C1-2 commercial overlay to C2-2 within an existing R6 district on a portion of a blockfront along Westchester Avenue between Pugsley and Metropolitan avenues in the Parkchester section of Community District 9 (Block 3930, Lots 50, 51, & 53). The subject area contains a catering hall, a vacant store, and a beauty salon. The catering hall has been in operation for approximately 11 years. The owner has applied for a zoning amendment in order to bring the catering hall into conformance. Besides residential and community facility uses, C1 districts permit Use Group 6 with a F.A.R. of 2.0. Catering establishments are Use Group 9 and not allowed in C1 districts.

The existing catering hall contains 4,303 square feet and accommodates up to 294 patrons. It is located at the northwest corner of Pugsley Avenue and Westchester Avenue and is adjacent to the Parkchester Branch of the New York Public Library, which fronts on Westchester Avenue. There is an existing C2-2 district across the street from the subject site which contains a grocery store and a parking lot fronting on Pugsley Avenue. Across the street from the site is a two-story office building and a fast food restaurant fronting on Westchester Avenue. The surrounding area is a mix of low-density residential and commercial uses. Westchester Avenue is a major retail corridor containing a mix of neighborhood retail uses. The Bx #4 bus and the elevated #6 train travel along Westchester Avenue and service this area.

ENVIRONMENTAL REVIEW

This application (C030066 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 03DCP008X. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on September 8, 2003.

UNIFORM LAND USE REVIEW

This application (C030066 ZMX) was certified as complete by the Department of City Planning on

September 8, 2003, and was duly referred to Community Board 9 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 9 held a public hearing on this application on October 16, 2003, and on that date, by a vote of 24 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 030066 ZMX) was considered by the Borough President, who issued a recommendation approving the application on December 11, 2003.

City Planning Commission Public Hearing

On December 17, 2003, (Calendar No. 1), the City Planning Commission scheduled January 7, 2004, for a public hearing on this application (C 030066 ZMX). The hearing was duly held on January 7, 2004 (Calendar No. 5). There were two speakers in favor of the application and no speakers in opposition. The applicant's representative gave a brief description of the project and described why the proposed zoning change was appropriate.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

The Commission notes that this section of the Parkchester neighborhood is characterized by low-density residential and commercial uses and that Westchester Avenue is a major retail corridor containing a mix of neighborhood retail uses. The subject area is currently zoned R6/C1-2. The proposal to extend an existing C2-2 overlay sixty feet would bring conforming status to the applicant's existing catering hall and permit a wider range of retail in the area.

The Commission believes that this zoning map amendment, an extension of an existing C2-2 commercial overlay, is consistent with the character of the surrounding area, and is therefore 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 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, Section No. 4b:

1. eliminating within an existing R6 District a C1-2 District bounded by Westchester Avenue, a line 60 feet westerly of Pugsley Avenue, a line midway between Benedict Avenue and Westchester Avenue, and Pugsley Avenue; and

2. establishing within an existing R6 District a C2-2 district bounded by Westchester Avenue, a line 60 feet westerly of Pugsley Avenue, a line midway between Benedict Avenue and Westchester Avenue, and Pugsley Avenue; Borough of The Bronx, Community District 9, as shown on a diagram, which was submitted for illustrative purposes only dated September 8, 2003 .

The above resolution (C030066 ZMX), duly adopted by the City Planning Commission on February 11, 2004 (Calendar No. 15), 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 CAVALUZZI, R.A., RICHARD W. EADDY,
ALEXANDER GARVIN, JANE D. GOL,
CHRISTOPHER KUI, JOHN MEROLO,
KAREN A. PHILLIPS, Commissioners