



CITY PLANNING COMMISSION

September 8, 2004/Calendar No. 22

C 040515 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. 1b and 1d:

- (1) changing from an R6 District to an R6A District property bounded by West 232nd Street, Fairfield Avenue and its southwesterly centerline prolongation, a line 150 feet southwesterly of West 227th Street, Arlington Avenue, a line 300 feet southwesterly of West 227th Street, Netherland Avenue, Kappock Street, Johnson Avenue, Edsall Avenue (northern portion) and its southwesterly centerline prolongation, the northeasterly boundary line of the Penn Central Railroad Right-Of-Way, a line perpendicular to the southeasterly street line of Palisade Avenue and passing through the point of intersection of the southeasterly street line of Palisade Avenue and the northerly boundary line of a Park, Palisade Avenue, Independence Avenue, West 231st Street, and a line perpendicular to the northerly street line of West 231st Street distant 100 feet (as measured along the street line) from the point of intersection of the northerly street line of West 231st Street and the easterly street line of Independence Avenue;
- (2) changing from an R7-1 to an R6A District property bounded by West 236th Street, Oxford Avenue, West 235th Street, Johnson Avenue, West 232nd Street, a line 150 feet easterly of Fairfield Avenue, a line 200 feet northerly of West 232nd Street, Arlington Avenue, West 235th Street, the northerly prolongation of a line 100 feet westerly of Netherland Avenue (between West 232nd Street and West 235th Street), a line 100 feet northerly of West 235th Street, and a line 100 feet northwesterly of Netherland Avenue; and
- (3) changing from an R7-1 District to an R7A District property bounded by West 239th Street, Johnson Avenue, West 238th Street, a line 100 feet easterly of Johnson Avenue, Oxford Avenue, West 236th Street, a line 100 feet northwesterly of Netherland Avenue, a line 100 feet northerly of West 235th Street, the northerly prolongation of a line 100 feet westerly of Netherland Avenue (between West 232nd Street and West 235th Street), West 235th Street, Arlington Avenue, a line 200 feet northerly of West 232nd Street, a line 150 feet easterly of Fairfield Avenue, West 232nd Street, and Independence Avenue;

partially within a Special Natural Area District (NA-2), Community District 8, Borough of the Bronx, as shown on a diagram (for illustrative purposes only) dated June 16, 2004.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on June 21, 2004, to rezone approximately 30 blocks in Central Riverdale, Bronx from R7-1 to R7A and R6A and from R6 to R6A.

BACKGROUND

The Department of City Planning proposes to rezone 30 blocks in the northwest Bronx neighborhoods of Central Riverdale and Spuyten Duyvil located in Community District 8. The existing regulations have been in place since 1961 and do not reflect the scale of buildings in the area. The proposed zoning amendment is in keeping with the recommendations delineated in Bronx Community Board 8's 197-a Plan, adopted by City Council November, 2003. A major goal of the plan was to preserve the low- and mid-rise building context in various communities.

The rezoning area consists of 30 blocks, generally bounded by West 239th Street to the north, Johnson and Fairfield Avenues to the east, Johnson Avenue to the south, and Independence Avenue to the west. The Department's proposed zoning balances growth and preservation in Central Riverdale and Spuyten Duyvil with the goals of:

- **Ensuring that future development is consistent with neighborhood character.** Current zoning encourages tall towers set back from the street, a building form inconsistent with the prevailing character of Central Riverdale and Spuyten Duyvil. Schools, health care establishments, and other community facilities can also be considerably larger than residential buildings. The Department proposes contextual zoning districts that would produce new buildings more in keeping with the scale and character of Central Riverdale and Spuyten Duyvil.
- **Preserving the scale of existing buildings.** Both Central Riverdale and Spuyten Duyvil consist of a mix of housing types. The predominant built form is the 6-7 story apartment building with attached, semi-detached, and detached homes scattered in between. To preserve the low- and mid-density building stock, the proposal calls for contextual zoning districts that would place a cap on building heights.
- **Guiding bulkier residential development along wider streets.** The Henry Hudson Parkway traverses through both Central Riverdale and Spuyten Duyvil. The few taller buildings are located along this highway. The demand for housing continues to grow in this well established and attractive neighborhood. To help satisfy that demand, the proposal calls for contextual zoning districts that would increase the permitted floor area of buildings along the Henry Hudson Parkway where denser buildings are more appropriate. The proposed zoning districts would guide bulkier development to more appropriate locations while preserving the less dense building context on narrower streets.

Rezoning Area Boundaries and Neighborhood Character

The rezoning area encompasses the portions of Riverdale that are currently zoned as mid-density zoning districts and possess distinctly similar land uses, building forms, and street widths that are appropriate

for contextual zoning. This includes 30 blocks between West 239th Street and Johnson Avenue on both sides of the Henry Hudson Parkway in Community District 8.

Central Riverdale and Spuyten Duyvil are residential communities, with residential uses comprising 82 percent of all lots in the rezoning area. The neighborhoods are zoned as mid-density residential districts with an R7-1 district north of, and an R6 district south of, West 232nd Street. Both neighborhoods contain a mix of multi-family and single- and two-family housing types. Approximately 59 percent of the residential lots consist of apartment buildings, mostly built between 1949 and 1973 and averaging six stories, 19 percent contain detached homes, and 22 percent have semi-detached and attached structures.

The surrounding area has a mix of low and medium density residential neighborhoods, including an R6 and an R1-2 district to the west, an R4 district to the north, and R6, R5, and R2 districts to the east. To the south, there is a row of single-family, detached homes in an R1-2 district, as well as smaller parks along the Harlem River. The Henry Hudson Parkway traverses through the rezoning area and Henry Hudson Memorial Park, Riverdale Park, Seton Park, and the Frances Shervier Home and Hospital Center lie immediately to the west of the area.

The community is concerned about overdevelopment in general and the potential for the development of tall towers in this neighborhood in particular. Bronx Community Board 8 recommended that this area be studied for contextual rezonings as part of its 197-a Plan titled *CD 8 2000: A River to Reservoir Preservation Strategy*, that was approved by the City Council on November 20, 2003. The proposed Zoning Map amendment acknowledges community concerns about changes in the area's character and density and responds to the request for contextual zoning.

Central Riverdale and Spuyten Duyvil are served by the local Bx-7, Bx-10, and Bx-20 busses, which connect with subway lines at nearby stations on the Broadway (#1 & #9) line. The Liberty Lines BxM-1, BxM-2, and BxM-18 buses also provide express service to the east side, west side, and Wall Street area of Manhattan, respectively. These neighborhoods are also served by the Hudson Line of Metro North Railroad.

Existing Zoning

The rezoning area is currently zoned R7-1 north of West 232nd Street (17 of 30 blocks) and is zoned R6 south of West 232nd Street (13 of 30 blocks). There is a C1-2 commercial overlay on Johnson Avenue and West 235th Street in Central Riverdale and a C1-3 commercial overlay on Kappock Street in Spuyten Duyvil. Six lots currently zoned R6 are also in the Special Natural Area District (SNAD). With the exception of the SNAD designation, most zoning designations within the rezoning area have been in place since the current New York City Zoning Resolution was adopted in 1961.

R7-1

The existing R7-1 district is a height factor medium density apartment house district with a maximum residential FAR of 3.44. The maximum FAR for community facilities is 4.8. There is no maximum building height. R7-1 district regulations encourage development of residential towers on large lots and allow new development that could be out of scale or character with the existing buildings. R7-1 districts do not have provisions requiring new buildings to line up with adjacent buildings, allowing new construction to interrupt the existing streetwall on neighborhood streets. The parking requirement in the R7-1 is 60 percent of the number of dwelling units.

R6

The existing R6 district is a height factor medium density apartment house district with a maximum residential FAR of 2.43. The maximum FAR for community facilities is 4.8. The parking requirement is 70 percent of the dwelling units. R6 district regulations encourage the development of residential towers on large lots and allow new development that could be out of scale or character with the existing buildings. R6 districts do not have provisions requiring new buildings to line up with adjacent buildings, allowing new construction to interrupt the existing streetwall on neighborhood streets.

Proposed Zoning

The proposed action would rezone all or portions of 30 blocks in the northwestern Bronx neighborhoods of Central Riverdale and Spuyten Duyvil to contextual zoning districts. Parts or all of thirteen (13) blocks in Central Riverdale would be rezoned from R7-1 to R7A. Directly southeast, parts or all of six (6) blocks would be rezoned from R7-1 to R6A. Thirteen (13) blocks in Spuyten Duyvil would be rezoned from R6 to R6A.

R7-1 to R7A

All or part of thirteen (13) blocks generally bounded by West 239th Street to the north, Oxford Avenue to the east, West 236th and West 232nd Streets to the south, and Independence Avenue to the west are proposed to be rezoned from R7-1 to R7A.

The proposed R7A allows a maximum FAR of 4.0 for both residential and community facility uses with a maximum height of 80 feet with minimum streetwall and setback requirements. The parking requirement is 50% of the dwelling units. Forty-five percent of all residential buildings are attached, semi-detached, or attached and are less than four stories high with thirty-eight (38%) percent of residential buildings are between four- and eight- stories high. There are nine buildings along the Henry Hudson Parkway that are taller than 80-feet high, including the Parkway House, the Whitehall Building, and the Atria, with building heights of 11, 23, and 14 stories, respectively.

Eighty-four percent (84%) of the lots are developed with buildings that are 80 feet in height or less with apartment buildings that maintain the streetwalls at the lot line. Almost eighty-six (86%) percent of the lots are developed at 4.0 FAR or less. This zoning map amendment will ensure that future developments will be in context of the existing built environment for FAR, height and streetwall requirements.

R7-1 to R6A

All or part of six (6) blocks bounded by approximately West 236th Street to the north, Oxford and Johnson Avenues to the east, West 232nd Street to the south, and Arlington and Netherland Avenues to the west are proposed to be rezoned from R7-1 to R6A.

The proposed R6A district allows multiple unit dwellings built to a maximum height of 70 feet with streetwall and setback requirements. The maximum FAR is 3.0 for both residential and community facility uses, and the parking requirement is 50 percent of the dwelling units. The majority of buildings in this area are three-stories or less, including over 60 percent of the residential buildings. Forty percent of all residential lots consist of four- to seven-story, brick apartment buildings. The tallest existing buildings are six-stories tall. None of the buildings within the proposed R6A district exceed the 70-foot height limit regulation and eighty-eight (88%) percent of lots have FARs of 3.0 or less.

R6 to R6A

Thirteen (13) blocks in Spuyten Duyvil between West 232nd and Johnson Avenue are proposed to be rezoned from R6 to R6A.

This neighborhood is characterized by a mixture of housing types including mid-rise apartment buildings with attached, semi-detached, and detached homes dispersed throughout. There are five taller buildings in this neighborhood, including two along Henry Hudson Parkway and three located on a hill along Kappock Street and Knolls Crescent that range in height from eight to ten stories.

The proposed R6A district allows apartment buildings with a maximum height of 70 feet with streetwall and setback requirements. The maximum FAR is 3.0 for both residential and community facility uses, and the parking requirement is 50 percent of the dwelling units. In the proposed R6A district in Spuyten Duyvil, ninety-four (94%) percent of buildings will not exceed the proposed maximum building height of 70 feet and ninety-six (96%) percent of lots have FARs of 3.0 or less.

ENVIRONMENTAL REVIEW

This application (C 040515 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 04DCP061X. 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 June 21, 2004.

UNIFORM LAND USE REVIEW

This application (C 040515 ZMX) was certified as complete by the Department of City Planning on June 21, 2004, and was duly referred to Community Board 8 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 8 held a public hearing on this application on July 6, 2004 and on that date by a vote of 28 to 0 with one abstention, 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 August 4, 2004.

City Planning Commission Public Hearing

On July 28, 2004, (Calendar No. 8), the City Planning Commission scheduled August 11, 2004, for a public hearing on this application (C 040515 ZMX). The hearing was duly held on August 11, 2004 (Calendar No.13).

There were three speakers in favor of the application and none in opposition. The speakers in favor included the Councilmember from District 11, a representative of the Bronx Borough President, and the Chair of Bronx Community Board 8.

All the speakers spoke in favor of the application and stated that the proposed zoning districts would help maintain the character of these attractive and desirable communities. Both the Councilman and the Chairperson from Community Board 8 stated that the rezoning is consistent with the community's 197-a Plan that the Community Board began in 1998. The Borough President's representative stated that the rezoning proposal is an excellent example of the Department of City Planning's ability to apply zoning principles in a flexible way that respects the complex fabric of the City's neighborhoods.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the amendment of the Zoning Map (C 040515 ZMX) is appropriate.

The Commission believes that the proposed Zoning Map amendment would ensure that future development is consistent with the existing neighborhood character. It is also in keeping with recommendations delineated in Bronx Community Board 8's 197-a Plan, adopted by City Council November, 2003 to preserve the low- and mid-rise building context in various communities.

The Commission understands that existing zoning permits tall towers set back from the street, a building form inconsistent with the prevailing character of Central Riverdale and Spuyten Duyvil, that consists of detached one-and two-family homes and mid-rise apartment buildings built to the street line.

Central Riverdale and Spuyten Duyvil consist of a mix of housing types with the predominant built form being six- to seven-story apartment buildings. The Commission believes that the proposed R7A and R6A zoning districts would preserve the scale of the neighborhoods and that new development is in keeping with the existing context. The Commission also notes that existing development generally is consistent with the proposed R6A and R7A zoning district regulations and that the rezoning action would ensure that future development would be reflective of the existing built form.

The Commission understands that as these Riverdale communities continue to grow, the demand for housing continues to grow in this green and attractive area. To help satisfy that demand, the proposal calls for contextual zoning districts that would increase the permitted floor area of buildings along the Henry Hudson Highway where it is more appropriate for bulkier buildings while preserving the relatively smaller scale of existing buildings on narrower streets. The action would be consistent with the land use in the area, maintaining its prevailing character without precluding future residential development opportunities.

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, Section Nos. 1b and 1d:

- (1) changing from an R6 District to an R6A District property bounded by West 232nd Street, Fairfield Avenue and its southwesterly centerline prolongation, a line 150 feet southwesterly of West 227th Street, Arlington Avenue, a line 300 feet southwesterly of West 227th Street, Netherland Avenue, Kappock Street, Johnson Avenue, Edsall Avenue (northern portion) and its southwesterly centerline prolongation, the northeasterly boundary line of the Penn Central Railroad Right-Of-

Way, a line perpendicular to the southeasterly street line of Palisade Avenue and passing through the point of intersection of the southeasterly street line of Palisade Avenue and the northerly boundary line of a Park, Palisade Avenue, Independence Avenue, West 231st Street, and a line perpendicular to the northerly street line of West 231st Street distant 100 feet (as measured along the street line) from the point of intersection of the northerly street line of West 231st Street and the easterly street line of Independence Avenue;

- (2) changing from an R7-1 to an R6A District property bounded by West 236th Street, Oxford Avenue, West 235th Street, Johnson Avenue, West 232nd Street, a line 150 feet easterly of Fairfield Avenue, a line 200 feet northerly of West 232nd Street, Arlington Avenue, West 235th Street, the northerly prolongation of a line 100 feet westerly of Netherland Avenue (between West 232nd Street and West 235th Street), a line 100 feet northerly of West 235th Street, and a line 100 feet northwesterly of Netherland Avenue; and
- (3) changing from an R7-1 District to an R7A District property bounded by West 239th Street, Johnson Avenue, West 238th Street, a line 100 feet easterly of Johnson Avenue, Oxford Avenue, West 236th Street, a line 100 feet northwesterly of Netherland Avenue, a line 100 feet northerly of West 235th Street, the northerly prolongation of a line 100 feet westerly of Netherland Avenue (between West 232nd Street and West 235th Street), West 235th Street, Arlington Avenue, a line 200 feet northerly of West 232nd Street, a line 150 feet easterly of Fairfield Avenue, West 232nd Street, and Independence Avenue;

partially within a Special Natural Area District (NA-2), Community District 8, Borough of the Bronx, as shown on a diagram (for illustrative purposes only) dated June 16, 2004.

The above resolution (C 040515 ZMX), duly adopted by the City Planning Commission on September 8, 2004 (Calendar No.22), 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, ANGELA R. CAVALUZZI, R.A., IRWIN G. CANTOR, P.E., RICHARD. W. EADDY, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners