



CITY PLANNING COMMISSION

September 8, 2004/Calendar No. 23

C 040516 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. 1d:

- a) changing from an R7-1 District to an R4A District property bounded by:
- (1) a line from a point on the bisector of an angle formed by extending the southeasterly street line of Orloff Avenue (straight portion) and the northerly street line of Cannon Place (straight portion) distant 175 feet northeasterly from its intersection with the street line, extending northwesterly perpendicular to the southeasterly street line of Orloff Avenue (straight portion);
 - (2) a 200 foot line on the aforementioned bisector running northeasterly from the aforementioned point;
 - (3) a line parallel to West 238th Street passing through the northeasterly terminus of the second-named course;
 - (4) Orloff Avenue;
 - (5) Van Cortlandt Avenue West;
 - (6) a line 100 feet northerly of Sedgwick Avenue;
 - (7) a line perpendicular to a point on the southeasterly street line of Cannon Place distant 450 feet (as measured along the street line) northeasterly from the point of intersection of the southeasterly street line of Cannon Place and the northeasterly street line of West 238th Street;
 - (8) Cannon Place;
 - (9) Orloff Avenue;
 - (10) West 238th Street;
 - (11) a line perpendicular to a point on the easterly street line of West 238th Street distant 175 feet southerly (as measured along the street line) from the point of intersection of the southeasterly street line of Bailey Avenue and the easterly street line of West 238th Street; extending 100 feet southeasterly; and
 - (12) a line perpendicular to the southeasterly terminus of the eleventh-named course;
- b) changing from an R7-1 District to an R6A District property bounded by:
- (1) Van Cortlandt Avenue West;
 - (2) Stevenson Place and its easterly and westerly prolongation;
 - (3) a line 360 feet southwesterly of Stevenson Place;
 - (4) Sedgwick Avenue;
 - (5) West 238th Street;
 - (6) Orloff Avenue;
 - (7) Cannon Place;
 - (8) a line perpendicular to a point on the southeasterly street line of Cannon Place

- distant 450 feet northeasterly (as measured along the street line) from the intersection of the southeasterly street line of Cannon Place and the northeasterly street line of West 238th Street; and
- (9) a line 100 feet northerly of Sedgwick Avenue;

c) Changing from an R6 District to an R4A District property bounded by:

- (1) Fort Independence Street;
- (2) Cannon Place and its westerly prolongation;
- (3) Giles Place;
- (4) a line perpendicular to the easterly street line of Giles Place distant 300 feet (as measured along the street line) from the point of intersection of the easterly prolongation of the center line of Cannon Place and the easterly street line of Giles Place;
- (5) a line 100 feet easterly of Giles Place;
- (6) a line 70 feet northwesterly of Sedgwick Avenue;
- (7) Giles Place;
- (8) Kingsbridge Terrace;
- (9) a line 80 feet northwesterly of Sedgwick Avenue and its northwesterly prolongation;
- (10) a line perpendicular to the northeasterly street line of Perot Street distant 150 feet southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Kingsbridge Terrace and the northeasterly street line of Perot Street;
- (11) Perot Street;
- (12) a line 185 feet northwesterly of Sedgwick Avenue;
- (13) a line 100 feet southwesterly of Perot Street;
- (14) a line 100 feet northwesterly of Sedgwick Avenue;
- (15) West 231st Street;
- (16) Kingsbridge Terrace;
- (17) Albany Crescent;
- (18) a line 50 feet southeasterly of Bailey Avenue;
- (19) a line 100 feet northeasterly of Albany Crescent;
- (20) a line 85 feet northwesterly of Heath Avenue;
- (21) Summit Place;
- (22) Heath Avenue;
- (23) a line 125 feet westerly of Giles Place (the southerly section) and its southerly prolongation, extending 175 feet northerly from its intersection with Heath Avenue; and
- (24) a line perpendicular to the northerly terminus of the last-named course;

d) changing from an R6 District to an R6A District property bounded by:

- (1) West 238th Street;

- (2) Sedgwick Avenue;
- (3) West 231st Street;
- (4) a line 100 feet northwesterly of Sedgwick Avenue;
- (5) a line 100 feet southwesterly of Perot Street;
- (6) a line 185 feet northwesterly of Sedgwick Avenue;
- (7) Perot Street;
- (8) a line perpendicular to the northeasterly street line of Perot Street distant 150 feet southeasterly (as measured along the street line) from the intersection of the southeasterly street line of Kingsbridge Terrace and the northeasterly street line of Perot Street;
- (9) a line 80 feet northwesterly of Sedgwick Avenue and its northwesterly prolongation;
- (10) Kingsbridge Terrace;
- (11) Giles Place;
- (12) a line 70 feet northwesterly of Sedgwick Avenue;
- (13) a line 100 feet easterly of Giles Place;
- (14) a line perpendicular to the easterly street line of Giles Place distant 300 feet (as measured along the street line) from the intersection of the easterly center line prolongation of Cannon Place and the easterly street line of Giles Place;
- (15) Giles Place;
- (16) Cannon Place;
- (17) a line 375 feet northerly of the westerly center line prolongation of Cannon place (the east-west section);
- (18) Fort Independence Street;
- (19) a line 300 feet southwesterly of West 238th Street; and
- (20) Cannon Place;

Community District 8, Borough of The Bronx, as shown on a diagram (for illustrative purposes only) dated June 21, 2004.

This application for an amendment of the Zoning Map was filed by the Department of City Planning on June 16, 2004, to rezone approximately fifteen blocks in the Van Cortlandt Village neighborhood of The Bronx, in order to reflect and reinforce the neighborhood's residential context and built form without precluding future development opportunities.

BACKGROUND

The Department of City Planning proposes to rezone 15 blocks in the northwest Bronx neighborhood of Van Cortlandt Village located in Community District 8. The existing regulations have been in place since 1961 but they neither reflect nor encourage the predominant

type of housing found in this neighborhood. The proposed changes are in keeping with goals delineated in the *CB 8 2000: A River to Reservoir Preservation Strategy*, a 197-a Plan prepared by the Community Board, and approved by the City Planning Commission on October 22, 2003 and by the City Council on November 19, 2003. One of the major goals in the plan was to preserve the low and mid-rise building context and scale of neighborhoods within Community District 8.

The rezoning area is generally bounded by Van Cortlandt Avenue West to the north, Fort Independence Park and Sedgwick Avenue to the east, West 231st Street and Albany Crescent to the south, and by Heath Avenue, Fort Independence Street and Orloff Avenue to the west. Middle to high density residential neighborhoods, which include the Amalgamated Houses and the Kingsbridge and Kingsbridge Heights communities, border the study area on the north, west, and south, respectively. To the north, the existing zoning is R7-1. To the south, west, and east, the current zoning is R6, with small C8 and M1 districts in the Broadway Corridor to the west.

Van Cortlandt Village is served by the local Bx-1, Bx-2, and Bx-10 buses, which connect with subway lines at nearby stations on the Broadway (#1 & #9), Jerome (# 4), and Grand Concourse (D) train routes. The Liberty Lines BxM-3 bus also provides express service along Van Cortlandt Park East and Sedgwick Avenue to midtown Manhattan.

Existing Zoning

Currently, most of Van Cortlandt Village is zoned R6 and R7-1. These mid-density zoning designations allow for multiple dwellings with no limitation on building height. In addition to residential zoning districts, C1-3 and C2-3 commercial overlays are found along portions of Sedgwick Avenue in the vicinity of Van Cortlandt Avenue West. No changes are proposed to the commercial overlays.

R6

The existing R6 zoning district is located in the area generally bounded by Sedgwick Avenue on the east, West 231st Street and Albany Crescent on the south, Heath Avenue and Fort

Independence Street on the west, and West 238th Street on the north. The R6 district is a medium density non-contextual residential 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 dwelling units.

R7-1

The existing R7-1 district is located in the area generally bounded by Fort Independence Park and West 238th Street on the south, Orloff Avenue on the west and north, and Van Cortlandt Avenue West on the east. The R7-1 district is a medium density non-contextual district with a maximum FAR of 3.44. The maximum FAR for community facilities is 4.8. This typically produces residential buildings between twelve to fourteen-stories with low lot coverage and set back from the street. The parking requirement in the R7-1 is 60 percent of the dwelling units.

Proposed Zoning

The proposed rezonings would reflect the existing built character of Van Cortlandt Village.

R4A

The area proposed for R4A is primarily developed (81% of lots) with detached one and two-family homes. Parts of three blocks in the northern portion of the study area along Orloff Avenue and Cannon Place would be rezoned from R7-1 to R4A. All or parts of eight blocks in the southwestern part of the study area, including portions along Heath Avenue, Kingsbridge Terrace, Summit Place, Shardy Place and Giles Place would be rezoned from R6 to R4A. The proposed R4A district permits detached single and two family residences with a maximum FAR of 0.90. This district is proposed along smaller streets generally found in the western part of the study area would limit development to detached, single and two-family homes on lots that have a minimum width of 30 feet and a minimum lot area of 2,850 square feet. The proposed rezoning would preclude multi-story apartment buildings. One off-street parking space would be required for each new dwelling unit.

R6A

The area proposed to be rezoned to R6A is developed primarily with mid-rise apartment buildings. There are also a few scattered detached and attached homes. The apartment buildings tend to be no higher than seven stories, with the exception of one twelve story and two thirteen story buildings. All or portions of nine (9) blocks mostly bordering Sedgwick Avenue would be rezoned from R7-1, R7-1/C1-3, R7-1/C2-3, and R6 to R6A. The proposed R6A district would allow multiple unit dwellings with a maximum FAR of 3.0 and a maximum building height of 70 feet with minimum streetwall and setback requirements, which usually results in seven or eight story buildings. Community facility FAR would decrease from 4.8 in both districts to 3.0 and parking requirements would decrease from 70 percent and 60 percent of dwelling units in R7-1 and R6 districts respectively to 50 percent of dwelling units in the proposed R6A.

The proposed zoning changes will preserve the low density, detached home character of the northern portion of the study area along Orloff Avenue and Cannon Place. The southwestern part of the study area, along Heath Avenue, Kingsbridge Terrace, Summit Place, Shardy Place and Giles Place. The proposed R6A along Sedgewick Avenue and a portion of Giles Place would maintain the scale of the area that is characterized by mid-rise apartment buildings, while continuing to allow for future development.

ENVIRONMENTAL REVIEW

This application (C 040516 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 04DCP062X. 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 040516 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 July 6, 2004, by a vote of 29 to 0 with no abstentions, 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.9), the City Planning Commission scheduled August 11, 2004, for a public hearing on this application (C 040516 ZMX). The hearing was duly held on August 11, 2004 (Calendar No. 14). There were four speakers in favor of the application and none in opposition. The City Councilmember representing District 11, the Chair of Community Board 8, and a representative of the Bronx Borough President , testified about how contextual zoning would preserve the area's unique character, and how the community sought rezoning as part of their recently approved 197-a plan. A representative of the Fort Independence Park Neighborhood Association also spoke about the character of Van Cortlandt Village, and why this rezoning is necessary in light of present school capacity, infrastructure and parking issues.

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 believes the proposed zoning changes will reinforce the lower and mid-density residential housing in Van Cortlandt Village. At the same time, future development potential will be encouraged at a scale and density consistent with the community's existing character. This context varies from distinctly single and two-family detached home along some blocks, to mid-density six to eight story apartment buildings in other areas.

The Commission notes that under the R6 and R7-1 zoning designations, existing single or two-family homes or vacant land can be re-developed with multifamily structures which would be out of context with the surrounding community. The Commission notes that under the proposed zoning, new residential development would be consistent with the area's existing development patterns and density.

The proposed R4A district will ensure that any redevelopment will be a one or two-family detached house in an area that is predominately detached housing. Similarly, the proposed R6A district will better reflect the existing residential built form in the neighborhood's middle-density apartment areas by encouraging the construction of apartment houses similar to the existing structures found in the community, rather than tall towers which are out of context with the area's housing stock.

The proposed zoning is consistent with recommendations contained in *CB 8 2000: A River to Reservoir Preservation Strategy*, a 197-a Plan prepared by the Community Board, and approved by the City Planning Commission on October 22, 2003 and by the City Council on November 19, 2003.

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. 1d:

a) changing from an R7-1 District to an R4A District property bounded by:

- (1) a line from a point on the bisector of an angle formed by extending the southeasterly street line of Orloff Avenue (straight portion) and the northerly street line of Cannon Place (straight portion) distant 175 feet northeasterly from its intersection with the street line, extending northwesterly perpendicular to the southeasterly street line of Orloff Avenue (straight portion);
- (2) a 200 feet line on the aforementioned bisector running northeasterly from the aforementioned point;
- (3) a line parallel to West 238th Street passing through the northeasterly terminus of the second-named course;
- (4) Orloff Avenue;
- (5) Van Cortlandt Avenue West;
- (6) a line 100 feet northerly of Sedgwick Avenue;
- (7) a line perpendicular to a point on the southeasterly street line of Cannon Place distant 450 feet (as measured along the street line) northeasterly from the point of intersection of the southeasterly street line of Cannon Place and the northeasterly street line of West 238th Street;
- (8) Cannon Place;
- (9) Orloff Avenue;
- (10) West 238th Street;
- (11) a line perpendicular to a point on the easterly street line of West 238th Street distant 175 feet southerly (as measured along the street line) from the point of intersection of the southeasterly street line of Bailey Avenue and the easterly street line of West 238th Street; extending 100 feet southeasterly; and
- (12) a line perpendicular to the southeasterly terminus of the eleventh-named course;

b) changing from an R7-1 District to an R6A District property bounded by:

- (1) Van Cortlandt Avenue West;
- (2) Stevenson Place and its easterly and westerly prolongation;
- (3) a line 360 feet southwesterly of Stevenson Place;
- (4) Sedgwick Avenue;
- (5) West 238th Street;
- (6) Orloff Avenue;
- (7) Cannon Place;
- (8) a line perpendicular to a point on the southeasterly street line of Cannon Place distant 450 feet northeasterly (as measured along the street line) from the intersection of the southeasterly street line of Cannon Place and the northeasterly street line of West 238th Street; and
- (9) a line 100 feet northerly of Sedgwick Avenue;

c) Changing from an R6 District to an R4A District property bounded by:

- (1) Fort Independence Street;
- (2) Cannon Place and its westerly prolongation;
- (3) Giles Place;
- (4) a line perpendicular to the easterly street line of Giles Place distant 300 feet (as measured along the street line) from the point of intersection of the easterly prolongation of the center line of Cannon Place and the easterly street line of Giles Place;
- (5) a line 100 feet easterly of Giles Place;
- (6) a line 70 feet northwesterly of Sedgwick Avenue;
- (7) Giles Place;
- (8) Kingsbridge Terrace;
- (9) a line 80 feet northwesterly of Sedgwick Avenue and its northwesterly prolongation;
- (10) a line perpendicular to the northeasterly street line of Perot Street distant 150 feet

southeasterly (as measured along the street line) from the point of intersection of the southeasterly street line of Kingsbridge Terrace and the northeasterly street line of Perot Street;

- (11) Perot Street;
 - (12) a line 185 feet northwesterly of Sedgwick Avenue;
 - (13) a line 100 feet southwesterly of Perot Street;
 - (14) a line 100 feet northwesterly of Sedgwick Avenue;
 - (15) West 231st Street;
 - (16) Kingsbridge Terrace;
 - (17) Albany Crescent;
 - (18) a line 50 feet southeasterly of Bailey Avenue;
 - (19) a line 100 feet northeasterly of Albany Crescent;
 - (20) a line 85 feet northwesterly of Heath Avenue;
 - (21) Summit Place;
 - (22) Heath Avenue;
 - (23) a line 125 feet westerly of Giles Place (the southerly section) and its southerly prolongation, extending 175 feet northerly from its intersection with Heath Avenue; and
 - (24) a line perpendicular to the northerly terminus of the last-named course;
- d) changing from an R6 District to an R6A District property bounded by:
- (1) West 238th Street;
 - (2) Sedgwick Avenue;
 - (3) West 231st Street;
 - (4) a line 100 feet northwesterly of Sedgwick Avenue;
 - (5) a line 100 feet southwesterly of Perot Street;
 - (6) a line 185 feet northwesterly of Sedgwick Avenue;
 - (7) Perot Street;
 - (8) a line perpendicular to the northeasterly street line of Perot Street distant 150 feet southeasterly (as measured along the street line) from the intersection of the

- southeasterly street line of Kingsbridge Terrace and the northeasterly street line of Perot Street;
- (9) a line 80 feet northwesterly of Sedgwick Avenue and its northwesterly prolongation;
 - (10) Kingsbridge Terrace;
 - (11) Giles Place;
 - (12) a line 70 feet northwesterly of Sedgwick Avenue;
 - (13) a line 100 feet easterly of Giles Place;
 - (14) a line perpendicular to the easterly street line of Giles Place distant 300 feet (as measured along the street line) from the intersection of the easterly center line prolongation of Cannon Place and the easterly street line of Giles Place;
 - (15) Giles Place;
 - (16) Cannon Place;
 - (17) a line 375 feet northerly of the westerly center line prolongation of Cannon place (the east-west section);
 - (18) Fort Independence Street;
 - (19) a line 300 feet southwesterly of West 238th Street; and
 - (20) Cannon Place;

Community District 8, Borough of The Bronx, as shown on a diagram (for illustrative purposes only) dated June 21, 2004.

The above resolution (C040516 ZMX), duly adopted by the City Planning Commission on September 8, 2004 (Calendar No.23), 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