



## CITY PLANNING COMMISSION

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November 3, 2004/ Calendar No. 19

C 050043 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. 1c:

1. changing from an R3-1 to an R3A district property bounded by the Boundary Line of the City of New York, a line 100 feet westerly of Broadway, West 259<sup>th</sup> Street, a line midway between Riverdale Avenue and Delafield Avenue, a line 250 feet northerly of West 259<sup>th</sup> Street, Delafield Avenue, a line 200 feet northerly of West 260<sup>th</sup> Street, and a line midway between Riverdale Avenue and Delafield Avenue and its northerly prolongation at West 263<sup>rd</sup> Street;
2. changing from an R3-2 to an R3A District property bounded by West 259<sup>th</sup> Street, a line 100 feet westerly of Broadway, a line 100 feet northerly of Mosholu Avenue, Tyndall Avenue, Mosholu Avenue, West 256<sup>th</sup> Street, and a line midway between Riverdale Avenue and Delafield Avenue; and
3. changing from an R3-2 to an R3-1 District property bounded by a line 100 feet southerly of Mosholu Avenue, a line 100 feet westerly of Broadway, West 254<sup>th</sup> Street, Valles Avenue, West 256<sup>th</sup> Street, and Fieldston Road.

Borough of the Bronx, Community District 8, as shown on a diagram (for illustrative purposes only) dated August 9, 2004.

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The application for an amendment of the Zoning Map was filed by the Department of City Planning on August 3, 2004, to rezone approximately 45 blocks in North Riverdale, Bronx from R3-1 to R3A, from R3-2 to R3A, and from R3-2 to R3-1.

## BACKGROUND

The Department of City Planning proposes to rezone 45 blocks or portions of blocks in the northwest Bronx neighborhood of North Riverdale located in Community District 8. The existing zoning

regulations have been in place since 1961 and they neither reflect nor encourage the predominate housing type found 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 the City Council November 19, 2003. A major goal of the plan was to preserve the scale and character of various communities.

The rezoning area consists of 45 blocks, generally bounded by the Boundary Line of the City of New York to the north, 100 feet west of Broadway to the east, West 254<sup>th</sup> Street, Mosholu Avenue and West 256<sup>th</sup> Street to the south; and Valles Avenue, Fieldston Road and the midblock east of Riverdale Avenue to the west.

North Riverdale is a residential community, with residential uses comprising 89 percent of all lots in the rezoning area. The neighborhood is zoned with low-density residential districts with an R3-1 district north of, and an R3-2 district south of, West 259<sup>th</sup> Street. The area north of Mosholu Avenue consists primarily of one- and two-family detached homes. The area south of Mosholu Avenue consists of a mix of detached and semi-detached homes. In the entire neighborhood, detached homes constitute approximately eighty percent (79.5%) of the area's housing stock; and fourteen percent (13.9%) of the residential structures are semi-detached.

The surrounding area has a mix of low and medium density residential neighborhoods, including a primarily- low-density, detached-home area of the City of Yonkers to the north, an R6 zoning district to

the east along Broadway, and R1-2 and R4 districts to the south of the rezoning area across the Henry Hudson Parkway. An R4 district runs through the rezoning area along Mosholu Avenue and to the west along Riverdale Avenue.

The proposed zoning map amendments reflect the community's concern about non-contextual development in general and the potential for teardowns to build semi-attached homes or rows of attached homes 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.

## **EXISTING ZONING**

The rezoning area is currently zoned R3-1 north of West 259<sup>th</sup> Street (28 of 45 blocks) and is zoned R3-2 south of West 259<sup>th</sup> Street (17 of 45 blocks).

### **R3-1**

The existing R3-1 district is a low density residential district with a maximum residential FAR of 0.5 plus a 0.1 attic allowance. The maximum FAR for community facilities is 1.0. The maximum building height

is 35 feet. The R3-1 allows for single- and two-family detached and semi-detached residential building types. The parking requirement in the R3-1 is one space per dwelling unit.

### **R3-2**

The existing R3-2 district is a low density general residential district with a maximum residential FAR of 0.5 plus a 0.1 attic allowance. The maximum FAR for community facilities is 1.0. The maximum building height is 35 feet. The R3-2 district allows for all building types: detached, semi-detached, attached, and multifamily, and the parking requirement is one space per dwelling unit.

## **PROPOSED ZONING**

The proposed action would rezone all or portions of 45 blocks in the northwestern Bronx neighborhood of North Riverdale to contextual zoning districts. Portions or all of twenty-eight (28) blocks would be rezoned from R3-1 to R3A, portions or all of eight (8) blocks would be rezoned from R3-2 to R3A, and all or portions of nine (9) blocks south of Mosholu Avenue would be rezoned from R3-2 to R3-1.

### **R3-1 to R3A**

All or portions of twenty-eight (28) blocks bounded by the Boundary Line of the City of New York, a line 100 feet westerly of Broadway, West 259<sup>th</sup> Street, a line midway between Riverdale Avenue and Delafield Avenue, a line 250 feet northerly of West 259<sup>th</sup> Street, Delafield Avenue, a line 200 feet

northerly of West 260<sup>th</sup> Street, and a line midway between Riverdale Avenue and Delafield Avenue and its northerly prolongation at West 263<sup>rd</sup> Street are proposed to be rezoned from R3-1 to R3A.

The proposed R3A zoning district allows only one and two family detached homes. R3A zoning districts have a maximum FAR of 0.6 for residential uses with a maximum height of 35 feet. The Community Facilities FAR remains 1.0. The parking requirement is one space per dwelling unit. FAR, height, and parking requirements in R3A are the same as those in R3-1 zoning districts.

This area is primarily developed with detached homes. Eighty three percent (83%) of all residential buildings in this area are detached. In addition, this area contains some semi-attached (14%), attached (1%), and multifamily (2%) homes.

### **R3-2 to R3A**

All or portions of eight (8) blocks bounded by West 259<sup>th</sup> Street, a line 100 feet westerly of Broadway, a line 100 feet northerly of Mosholu Avenue, Tyndall Avenue, Mosholu Avenue, West 256<sup>th</sup> Street, and a line midway between Riverdale Avenue and Delafield Avenue are proposed to be rezoned from R3-2 to R3A.

Detached homes make up much of the housing stock in this area. Seventy three percent (73%) of all residential buildings are detached. This area also includes scattered semi-detached (8%), attached (16%), and multifamily (2%) homes.

### **R3-2 to R3-1**

All or parts of nine (9) blocks bounded by a line 100 feet southerly of Mosholu Avenue, a line 100 feet westerly of Broadway, West 254<sup>th</sup> Street, Valles Avenue, West 256<sup>th</sup> Street, and Fieldston Road are proposed to be rezoned from R3-2 to R3-1.

This area is characterized by a mixture of detached and semi-detached housing types dispersed throughout. In this proposed R3-1 district, ninety-one (91%) percent of residential lots are developed with either detached or semi-detached homes. In addition, there are some attached (7%) and multifamily (3%) homes in this area.

### **ENVIRONMENTAL REVIEW**

This application (C 050043 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 05DCP011X. 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 August 9, 2004.

## **UNIFORM LAND USE REVIEW**

This application (C 050043 ZMX) was certified as complete by the Department of City Planning on August 3, 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 September 13, 2004 and on that date by a vote of 24 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 September 28, 2004.

### **City Planning Commission Public Hearing**

On October 6, 2004, (Calendar No. 1), the City Planning Commission scheduled October 20, 2004, for a public hearing on this application (C 050043 ZMX). The hearing was duly held on October 20, 2004 (Calendar No. 8).

There was one speaker in favor of the application and none in opposition. The speaker in favor was a representative of the Bronx Borough President. The Borough President's representative stated that the proposed zoning districts would help maintain the character of this attractive and desirable community and that the rezoning is consistent with the community's 197-a Plan that the Community Board began in 1998.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the amendment of the zoning map (C 050043 ZMX) is appropriate.

The Commission acknowledges the concerns of the community to preserve the established low-density character of the neighborhood and is aware that under the existing zoning designations, one- and two-family homes can be replaced with attached (rowhouse) or multifamily homes that would be out of character with the surrounding development. The proposed zoning is in keeping with recommendations delineated in Bronx Community Board 8's 197-a Plan, adopted by the City Council November 19, 2003 to preserve the context in various communities.

The existing zoning permits semi-detached, attached, and multifamily homes, housing types inconsistent with the prevailing character of North Riverdale that consists primarily of detached homes north of Mosholu Avenue and a mix of detached and semi-detached homes south of Mosholu Avenue.

The Commission believes that the proposed R3A and R3-1 zoning districts would preserve the character of the neighborhood, ensuring that new development will be in keeping with the existing detached and semi-detached home context. 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 No. 1c:

1. changing from an R3-1 District to an R3A District property bounded by the Boundary Line of the City of New York, a line 100 feet westerly of Broadway, West 259<sup>th</sup> Street, a line midway between Riverdale Avenue and Delafield Avenue, a line 250 feet northerly of West 259<sup>th</sup> Street, Delafield Avenue, a line 200 feet northerly of West 260<sup>th</sup> Street, and a line midway between Riverdale Avenue and Delafield Avenue and its northerly prolongation at West 263<sup>rd</sup> Street;
2. changing from an R3-2 to an R3A District property bounded by West 259<sup>th</sup> Street, a line 100 feet westerly of Broadway, a line 100 feet northerly of Mosholu Avenue, Tyndall Avenue, Mosholu Avenue, West 256<sup>th</sup> Street, and a line midway between Riverdale Avenue and Delafield Avenue; and
3. changing from an R3-2 to an R3-1 District property bounded by a line 100 feet southerly of Mosholu Avenue, a line 100 feet westerly of Broadway, West 254<sup>th</sup> Street, Valles Avenue, West 256<sup>th</sup> Street, and Fieldston Road.

Borough of the Bronx, Community District 8, as shown on a diagram (for illustrative purposes only) dated August 9, 2004.

The above resolution (C 050043 ZMX), duly adopted by the City Planning Commission on November 3, 2004 (Calendar No. 19), 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.,**

**ALFRED CERULLO, III, RICHARD. W. EADDY, JANE D. GOL, CHRISTOPHER KUI,**

**JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**