



## CITY PLANNING COMMISSION

---

April 11, 2007/Calendar No. 9

C 070264 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 Nos. 3d and 4b:**

- 1. eliminating from within an existing R6 District a C2-2 District bounded by** East Tremont Avenue, St. Lawrence Avenue, a line 150 feet southerly of East Tremont Avenue, and Rosedale Avenue;
- 2. changing from an R6 District to an R5 District property bounded by** East Tremont Avenue, St. Lawrence Avenue, a line 100 feet southerly of East Tremont Avenue, Beach Avenue, a line 125 feet southerly of Mansion Street, a line 100 feet westerly of Beach Avenue, Guion Place, Beach Avenue, a line passing through two points: the first point on the easterly street line of Beach Avenue distant 125 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Beach Avenue and the northeasterly street line of the Cross Bronx Expressway, and the second point on the westerly street line of Taylor Avenue distant 180 feet northerly (as measured along the street line) from the point of intersection of the westerly street line of Taylor Avenue and the northeasterly street line of the Cross Bronx Expressway, Taylor Avenue and its southerly centerline prolongation, Cross Bronx Expressway, a line 110 feet westerly of Rosedale Avenue, Mansion Street, Noble Avenue, and Bronx River Avenue;
- 3. establishing within an existing R6 District a C1-2 District bounded by** a line 125 feet southerly of Mansion Street, Beach Avenue, the westerly centerline prolongation of Archer Street, and a line 100 feet westerly of Beach Avenue; and
- 4. establishing within a proposed R5 District a C2-4 District bounded by** East Tremont Avenue, St. Lawrence Avenue, a line 100 feet southerly of East Tremont Avenue, and Rosedale Avenue:

Borough of the Bronx, Community District 9, as shown on a diagram (for illustrative purposes only) dated January 8, 2007.

---

The application for an amendment of the zoning map was filed by the Department of City Planning on December 27, 2006 to rezone a total of thirteen blocks or portions thereof in the Park Stratton neighborhood of Bronx Community District 9.

## **BACKGROUND**

The Park Stratton rezoning area consists of 300 lots on thirteen blocks, near the Parkchester Planned Community. The rezoning area is generally bounded by Bronx River and East Tremont avenues to the north, Beach Avenue to the east, the service road of the Cross Bronx Expressway to the south, and Noble Avenue to the west. The proposed zoning map amendments would rezone the area from R6 to R5 as well as make changes to the commercial overlays. The Rosedale Homeowners Association, Community Board 9, and Councilmember Annabel Palma's office requested that the Department of City Planning undertake a rezoning study for a contextual rezoning of the Park Stratton area. They were generally concerned about the impact of larger attached development and the lack of side yards in new development within the community.

The Park Stratton rezoning area is a low to mid-density residential neighborhood with local retail uses along Bronx River and East Tremont avenues and portions of Beach Avenue. It is developed with one and two-family detached and semi-detached homes as well as attached and detached multiple dwellings. The area was first developed as one and two-family homes, which were constructed on St. Lawrence, Commonwealth and Rosedale avenues. Residential development continued to spread to the surrounding blocks. With the construction of Parkchester to the east in the late 30s and early 40's, and the additional shopping it would bring, the area was transformed into a vibrant residential community.

The rezoning area consists of 300 lots, of which 83% are residentially developed. The area is low to medium density and the residential lots are developed with a mixture of housing types, including detached (67%), semi-detached (15%), attached (10%) and multi-family (8%). Community facilities and commercial uses make up about 3% of the entire lots in the rezoning area. Five % of the lots are categorized as vacant and five % of the lots are categorized as side yards/parking.

The Bronx River Parkway is located to the west of the rezoning area. The area is served by the BX 40 and BX 42 buses, which travel along East Tremont Avenue and the BX 44, which travels along the service road of the Cross Bronx Expressway. The closest subway station to the rezoning area is the East 180<sup>th</sup> Street stop at Bronx Park Avenue on the #2 and #5 line, which is approximately half a mile away from the northern boundary of the rezoning area. In addition, the Parkchester Avenue stop on the #6 line is located a little more than half a mile from the southern border of the rezoning area. Express Bus service is available with a stop along the service road of the Cross Bronx Expressway and Rosedale Avenue.

### **Existing Zoning**

All the zoning designations within the rezoning area have been in place since the New York City Zoning Resolution was adopted in 1961. Currently, the Park Stratton rezoning area is designated R6, a mid-density residential zoning district that allows all housing types with a maximum FAR of 2.43. There is no height limit, but height is regulated by a sky exposure plane and setback

regulations. Generally, R6 zoning results in apartment buildings between three and twelve stories tall. In the R6 zoning district, the minimum lot size for detached homes is 3,800 square feet and 1,700 square feet for other types of housing. The minimum lot width is 40 feet for detached homes and 18 feet for other types of housing. Two side yards totaling 13 feet are required for detached homes; one side yard must be at least five feet. The parking requirement is one space for each dwelling unit or, if grouped, 70% of the dwelling units.

Commercial overlays are mapped along Beach Avenue (C1-2) and East Tremont and Bronx River avenues (C2-2). C1-2 commercial overlays permit local retail and personal service shops needed in residential neighborhoods (Use Group 6) with a maximum commercial FAR of 2.0 when mapped in R6 zoning districts. Typical uses include, but are not limited to, grocery stores, dry cleaners and restaurants. C2-2 commercial overlays permit a wider range of local retail and service shops than C1-2 districts and are intended to serve the wider residential neighborhood (Use Groups 6-9 and 14) with the same commercial FAR of 2.0. Parking requirements are the same in both the C1-2 and C2-2 districts.

### **Proposed Zoning**

The proposal would preserve the existing neighborhood character of low to medium density residential uses and prevent commercial uses from encroaching on mid-block residential uses along Rosedale, Commonwealth and St. Lawrence avenues.

## **R6 to R5**

Eight full blocks and portions of five blocks generally bounded by Bronx River and East Tremont avenues to the north, Beach Avenue to the east, the service road of the Cross Bronx Expressway to the south and Noble Avenue to the west are proposed to be rezoned from R6 to R5.

R5 districts permit low to medium density attached and semi-detached homes as well as attached and detached multiple dwellings. It has a maximum FAR of 1.25. The minimum lot size would be 3,800 square feet and the minimum lot width would be 40 feet for a detached house and would remain at 18 feet for all other structures. Two side yards would be required with a minimum total of 13 feet. The front yard requirement would be 10 feet or at least as deep as the adjacent front yards. The maximum height would be 40 feet and the height of the perimeter wall would be 30 feet. The parking requirement would be one space per dwelling unit. However, for group parking facilities it would be 85% in the proposed R5 zoning district.

The area is primarily developed with one and two-family detached and semi-detached homes as well as attached and detached multiple dwellings. 73% of the current residential lots would comply with the maximum allowable floor area ratio of 1.25 under the proposed zoning.

### **Commercial Overlay Changes**

The commercial overlays along Bronx River and East Tremont avenues between Rosedale and St. Lawrence avenues would be changed from C2-2 to C2-4. The use groups allowed in the commercial overlays designation remain the same, but the parking regulations would be reduced from one parking space per 300 square feet of floor area to one parking space per 1,000 square feet of floor area. The reduction in the depth of the commercial overlay along the frontage of Bronx River and East Tremont avenues between Rosedale and St. Lawrence avenues from 150 feet to 100 feet would preclude commercial uses from encroaching upon the residential neighborhood on the side streets. The underlying zoning in this area would be changed from R6 to R5.

In addition, the C1-2 commercial overlay along two block fronts of Beach Avenue would be extended approximately 25 feet to cover an existing legal non-conforming use. The underlying zoning in this area would remain R6.

### **ENVIRONMENTAL REVIEW**

This application (C 070264 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 CEQR number is 07DCP040X. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on January 8, 2007.

.

### **UNIFORM LAND USE REVIEW**

This application (C 070264 ZMX) was certified as complete by the Department of City Planning on January 8, 2007, 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 February 1, 2007 and on that date, by a vote of 29 in favor, 1 opposed, 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 on March 5, 2007, approving the application.

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

On February 28, 2007 (Calendar No. 1), the City Planning Commission scheduled March 14, 2007 for a public hearing on this application (C 070264 ZMX). The hearing was duly held on March 14, 2007 (Calendar No. 21). There were eight speakers in favor of the application, and

one speaker in opposition.

The persons who testified in favor of the application included representatives from the Office of the Bronx Borough President, the local council member, and the District Manager of Community Board 9, plus two representatives from the Rosedale Homeowners Association as well as three residents of the area. They stated that the rezoning from R6 to R5 would preserve the existing low density character of the Park Stratton neighborhood by prohibiting the construction of multi-family homes in excess of 40 feet and that the required side yards for new construction would ensure space between residential buildings. The District Manager stated that his district has been experiencing overdevelopment over the years which has put a strain on the delivery of services (i.e: police, fire, sanitation, etc.) and negatively affected the quality of life throughout the district.

One homeowner testified against the proposal. He is concerned about the possibility of not being able to rebuild his three-family home in the event of a fire and that the area is centrally located and so should have a higher zoning designation.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this amendment of the Zoning Map (C 070264 ZMX) is appropriate.

The Commission notes that the Park Stratton rezoning area is developed with housing types ranging from one and two-family semi-detached and detached homes to attached and detached multiple dwellings. The Commission believes that updating the area's zoning is required to protect the established character and quality of life in the neighborhood and ensure that new development is consistent with the scale of surrounding buildings. The current mismatch between the built character of some of the blocks within the Park Stratton neighborhood and the housing types and density permitted by the existing zoning creates an incentive to replace semi-detached and detached housing with attached houses or apartment buildings. In addition, some of the new construction lacks side yards.

The Commission believes that this rezoning action represents a comprehensive land use strategy for the Park Stratton neighborhood. The Commission notes that the proposed R5 district would restrict future residential development to a maximum height limit of 40 feet and require side yards.

The Commission believes that the proposed R5 district would produce development that better fits the existing built character of the area. The Commission believes that the proposed C2-4 overlay along Bronx River and East Tremont avenues, is appropriate. C2-4 allows the same types of uses allowed in the C2-2 overlay, however it would be mapped at a lesser depth and thereby prevent the intrusion of commercial uses along residential side streets.

The Commission further believes that the extension of the existing C1-2 commercial overlay along Beach Avenue for a distance of approximately 25 feet, is appropriate. The change would

make conforming an existing legal non-conforming use.

The Park Stratton rezoning area consists of 300 lots on thirteen blocks, near the Parkchester Planned Community. The rezoning area is generally bounded by Bronx River and East Tremont avenues to the north, Beach Avenue to the east, the service road of the Cross Bronx Expressway to the south, and Noble Avenue to the west. The proposed zoning map amendments would rezone the area from R6 to R5 as well as make changes to the commercial overlays.

## **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. 3d and 4b:

- 1. eliminating from within an existing R6 District a C2-2 District bounded by** East Tremont Avenue, St. Lawrence Avenue, a line 150 feet southerly of East Tremont Avenue, and Rosedale Avenue;
- 2. changing from an R6 District to an R5 District property bounded by** East Tremont Avenue, St. Lawrence Avenue, a line 100 feet southerly of East Tremont Avenue, Beach Avenue, a line 125 feet southerly of Mansion Street, a line 100 feet westerly of Beach Avenue, Guion Place, Beach Avenue, a line passing through two points: the first point on the easterly street line of Beach Avenue distant 125 feet northerly (as measured along the street line) from the point of intersection of the easterly street line of Beach Avenue and the northeasterly street line of the Cross Bronx Expressway, and the second point on the westerly street line of Taylor Avenue distant 180 feet northerly (as measured along the

street line) from the point of intersection of the westerly street line of Taylor Avenue and the northeasterly street line of the Cross Bronx Expressway, Taylor Avenue and its southerly centerline prolongation, Cross Bronx Expressway, a line 110 feet westerly of Rosedale Avenue, Mansion Street, Noble Avenue, and Bronx River Avenue;

3. **establishing within an existing R6 District a C1-2 District bounded by** a line 125 feet southerly of Mansion Street, Beach Avenue, the westerly centerline prolongation of Archer Street, and a line 100 feet westerly of Beach Avenue; and
4. **establishing within a proposed R5 District a C2-4 District bounded by** East Tremont Avenue, St. Lawrence Avenue, a line 100 feet southerly of East Tremont Avenue, and Rosedale Avenue;

Borough of the Bronx, Community District 9, as shown on a diagram (for illustrative purposes only) dated January 8, 2007.

The above resolution (C 070264 ZMX), duly adopted by the City Planning Commission on April 11, 2007 (Calendar No. 9), is filed with the Office of the Speaker, City Council and 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** Vice-Chairman

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,  
ALFRED C. CERULLO, III, BETTY CHEN, RICHARD W. EADDY, LISA A. COMEZ,  
NATHAN LEVENTHAL, JOHN MEROLO, KAREN A. PHILLIPS,  
DOLLY WILLIAMS**, Commissioners