

3.1 LAND USE, ZONING, AND PUBLIC POLICY

INTRODUCTION

The analysis of Land Use, Zoning, and Public Policy prepared for the *Webster Avenue Rezoning EAS* concluded that the proposed action would result in significant changes to land use and zoning, but not in significant adverse impacts. Therefore, the analysis of Land Use and Zoning has been satisfied at the level of the EAS and has not been advanced to the EIS.

With the exception of Waterfront Revitalization Program (WRP) conformity, which is considered in this EIS, it was determined in the EAS that the proposed action would be consistent with the public policies set forth to guide the development of the rezoning area and the primary study area (¼-mile radius around the proposed rezoning area). It was also determined in this EIS that the proposed action would not result in significant adverse impacts to the local water supply, sanitary wastewater treatment, or stormwater management infrastructure systems and would, therefore, be consistent with WRP policies. The discussion of the WRP is presented here in the EIS as part of the public policy discussion, pursuant to the *City Environmental Quality Review (CEQR) Technical Manual*.

Part of the Webster Avenue corridor rezoning area lies within New York City's Coastal Zone, as defined by the NYCDCP. However, as detailed below, the proposed action would be consistent with the City's Local Waterfront Revitalization Program (LWRP) coastal policies. As explained in Chapter 3.11, "Natural Resources," of the EAS, the Webster Avenue rezoning project would not result in adverse impacts to terrestrial plants, animals, water quality or aquatic biota. There are no wetlands, floodplains, estuaries, beaches, dunes, barrier islands or coral reefs located in the rezoning area. Additionally, while a portion of the rezoning area is located in the Coastal Zone, it has few of the attributes associated with coastal management. Land use is compatible with that of property located adjacent to the Bronx River. Therefore, the Webster Avenue rezoning would be consistent with the City's LWRP.

By 2020, changes south of the proposed rezoning area are expected as a result of the recent DCP-proposed Third Avenue/East Tremont Avenue Rezoning. Description of the Third Avenue/East Tremont Avenue Rezoning, which was considered in the *Webster Avenue Rezoning EAS*, is presented in this chapter of the EIS as it pertains to land use, zoning, and public policy analyses.

3.1.1 LAND USE

In addition to other development projects expected to be in place by 2020 within the primary study area (¼-mile radius around the proposed rezoning area) and secondary study area (¼-mile radius around the primary study area), seven projected development sites associated with the proposed Third Avenue/East Tremont Avenue rezoning are located within the Webster Avenue Rezoning primary and secondary study areas.

These seven sites are expected to include 27,937 sf of commercial retail space, 16,947 sf of restaurant space, 109,579 sf of office space, and 173 new dwelling units (including 36 affordable dwelling units).

As noted on page 3.1-25 of the EAS, absent the proposed action, 627 new affordable dwelling units, 16 market rate dwelling units, a 48-room hotel, and 94,000 sf of community facility development would be added to both the Webster Avenue corridor rezoning area and the Bedford Park and Norwood rezoning area as part of 11 development projects expected to be in place by 2020. As stated on page 3.1-30 of the EAS, absent the proposed action, the RWCDs for the projected development sites within the Webster Avenue corridor rezoning area accounts for the development of an additional 219 residential dwelling units (no affordable residential development), 451,694 sf of commercial space (116,737 sf of retail space; 9,941 sf of restaurant space; 27,612 sf of hotel space; 128,405 sf of office space; and 168,999 sf of automotive-related, storage and other space); and 40,164 sf of community facility space expected to occur on these 24 sites. Further, as explained on pages 3.1-34 and 3.1-35 of the EAS, an additional 1,029 dwelling units (including 643 affordable units) would be introduced by other developments anticipated by 2020 within the primary and secondary study areas surrounding the rezoning areas. With the inclusion of the seven projected development sites associated with the Third Avenue/East Tremont Avenue Rezoning, which are located within the primary and secondary study areas south of the Webster Avenue rezoning areas, the anticipated development in the future without the proposed action will add 27,937 sf of commercial retail space, 16,947 sf of restaurant space, 109,579 sf of office space, and 1,202 new dwelling units (including 679 affordable dwelling units). 1,202 to the primary and secondary study areas.

The seven projected development sites associated with the Third Avenue/East Tremont Avenue Rezoning that are within a ½-mile of the Webster Avenue rezoning study areas do not represent a deviation in land use patterns from the future No-Action condition anticipated in the EAS. As such, the revision noted above to include these development sites in the future No-Action condition of the Webster Avenue Rezoning is provided as a point of clarification and does not alter the findings of the analyses presented in the EAS.

In the future with the proposed action, changes south of the rezoning area expected as a result of the Third Avenue/East Tremont Avenue Rezoning, which would generate new residential and commercial development, would be compatible with the proposed higher-density mixed residential and commercial uses along Webster Avenue and the low density residential uses in the Norwood and Bedford Park neighborhoods. Given the compatibility between the Third Avenue/East Tremont Avenue Rezoning development and the land uses generated by the proposed action, there would be no significant adverse land use impact.

3.1.2 ZONING

The proposed Third Avenue/East Tremont Avenue Rezoning south of the Webster Avenue rezoning area will include all or portions of approximately 62 blocks generally bounded by Fordham Plaza and East 189th Street to the north, extending down Third Avenue to East 175th Street to the south, and including much of the area between Third and Park Avenues; the rezoning area also includes an east-west corridor along East Tremont Avenue between Daly Avenue to the east and Webster Avenue to the west. (The secondary study area for the Webster Avenue Rezoning extends southward to approximately East 183rd Street, and so much of the Third Avenue/East Tremont Avenue Rezoning would apply to areas further south in the Webster Avenue study areas.)

The proposed Third Avenue/East Tremont Avenue Rezoning will change the underlying residential, commercial, and manufacturing zoning districts (R7-1, C4-4, C8-3, M1-1, and M1-4) within the rezoning area to residential, commercial, and mixed-use zoning districts (R5, R6A, R7-1, R7X, C4-4A, C4-4D, C4-5X, MX [M1-4/R7A] and MX [M1-4/R7X]).

It is expected that the proposed Third Avenue/East Tremont Avenue Rezoning will create new mixed-use districts along Third Avenue and south of East Tremont Avenue, which will allow for the development of new market-rate and affordable housing while permitting the continuation of light industrial and automotive-related uses. The proposed commercial districts will allow for higher density office development near Fordham Plaza and Saint Barnabas Hospital and the expansion of retail along Third and East Tremont Avenues, while the proposed contextual residential districts will allow appropriate residential development in the area west of Third Avenue.

The proposed Webster Avenue Rezoning, which would encourage new higher density residential and commercial districts within the Webster Avenue corridor rezoning area and preserve low density development within the residential areas located adjacent to and west of the Webster Avenue corridor, would complement the proposed zoning changes within the neighborhoods of Tremont, East Tremont, and Mount Hope, as a result of the Third Avenue/East Tremont Avenue Rezoning. Therefore, no significant adverse impacts related to zoning are anticipated.

3.1.3 PUBLIC POLICY

The DCP-proposed Third Avenue/East Tremont Avenue Rezoning is intended to strengthen Third Avenue and East Tremont Avenue as commercial corridors and to preserve the existing character of adjacent neighborhoods. While the proposed Webster Avenue Rezoning would directly affect areas north of the Fordham Plaza, for example, the Third Avenue/East Tremont Avenue Rezoning will similarly improve neighborhoods to the south. The proposed Third Avenue/East Tremont Avenue Rezoning would allow for increased office development near Fordham Plaza and Saint Barnabas Hospital, expanded retail development on Third and East Tremont Avenues,

and more opportunities for new market-rate and affordable housing throughout the rezoning area while retaining viable light manufacturing and automotive-related uses. The proposed action is considered compatible with the Third Avenue/East Tremont Avenue Rezoning. Both the proposed rezoning and the proposed Third Avenue/East Tremont Avenue Rezoning would encourage new residential development that includes affordable housing, and increased commercial development, along important transportation corridors in the Bronx.

Therefore, consideration of the Third Avenue/East Tremont Avenue Rezoning with regard to the assessment of land use, zoning and public policy analyses for the proposed Webster Avenue Rezoning would not result in significant adverse impacts or otherwise alter the conclusions presented in the *Webster Avenue Rezoning EAS*.

Waterfront Revitalization Program

The portion of the rezoning area east of Webster Avenue and north of Mosholu Parkway is within New York City's Coastal Zone, as defined by the NYCDCP. As a consequence, an assessment is required to determine whether the proposed action is consistent with the requirements of the New York City WRP.

The federal Coastal Zone Management Act (CZMA) of 1972 (and reauthorized in 1990) was enacted to encourage states to preserve, protect, develop, and where possible, restore or enhance valuable natural coastal resources. The CZMA emphasizes the primacy of State regulation of the Coastal Zone, delegating federal authority to the states and directing states to prepare plans that address local waterfront needs. In response to the CZMA, New York State adopted a Coastal Management Program (CMP) that was designed to balance economic development and preservation with the Coastal Zone by promoting waterfront revitalization and waterfront-oriented uses while protecting fish and wildlife, open space, scenic areas and public access to the shoreline. In addition, the CMP sought to minimize adverse changes to ecological systems, erosion and flood hazards.

The New York State CMP provides for a municipality to adopt a local waterfront revitalization program capable of addressing local waterfront issues, as is the case in New York City. The WRP is the City's principal tool to manage the resources of the Coastal Zone. The WRP was originally adopted in 1982 and approved by the New York State Department of State (NYSDOS) for inclusion in the New York State CMP. The WRP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. NYSDOS administers the program at the State level, and NYCDCP administers the program within the City. The WRP was revised and approved by the City Council in October 1999. In August 2002, NYSDOS and federal entities, including the United States Army Corps of Engineers (USACE) and the United States Fish and Wildlife Service (USFWS), adopted the City's ten WRP policies for the majority of the properties located within its boundaries.

The ten waterfront policies of the current LWRP are designed to effectively realize the City's waterfront planning goals for these areas within the Coastal Zone, addressing the following issues: (1) residential and commercial redevelopment, (2) water-dependent and industrial uses, (3) commercial and recreational boating, (4) coastal ecological systems, (5) water quality, (6) flooding and erosion, (7) solid waste and hazardous substances, (8) public access, (9) scenic resources, and (10) historical and cultural resources. These new policies simplified and clarified the consistency review process without eliminating any policy element required by state and federal law.

The following policies are included in the LWRP:

- Support and facilitate residential and commercial redevelopment in appropriate coastal zone areas;
- Support water-dependent and industrial uses in New York City coastal areas that are well suited to their continued operation;
- Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers;
- Protect and restore the quality and function of ecological systems within the New York Coastal area;
- Minimize loss of life, structures and natural resources caused by flooding and erosion;
- Minimize environmental degradation from solid waste and hazardous substances;
- Provide public access to and along New York City's coastal waters;
- Protect scenic resources that contribute to the visual quality of New York City; and,
- Protect, preserve and enhance resources significant to the historical, archaeological and cultural legacy of the New York City coastal area.

A proposed action that is subject to CEQR and is located within the designated boundaries of the New York City Coastal Zone must be assessed for its consistency with the City LWRP. This chapter describes existing conditions and conditions in the future (2020) without and with the proposed action for the portion of the rezoning area within the Coastal Zone and evaluates the consistency of the proposed action with the LWRP.

Existing Waterfront Conditions

As shown on Figure 3.1-1, the portion of the rezoning area within the Coastal Zone lies east of Webster Avenue and north of Mosholu Parkway.

One and two family homes, commercial and office buildings, transportation and utilities, parking facilities and vacant land characterize the coastal zone area in the rezoning area. The area is primarily zoned C8-2, a heavy-commercial district. Typical uses include automotive service shops and light industrial facilities that are not waterfront dependent or related to the waterfront. There are no waterfront properties or

significant natural or topographic features within the portion of the rezoning area located in the Coastal Zone.

Future Waterfront Conditions without the Proposed Action

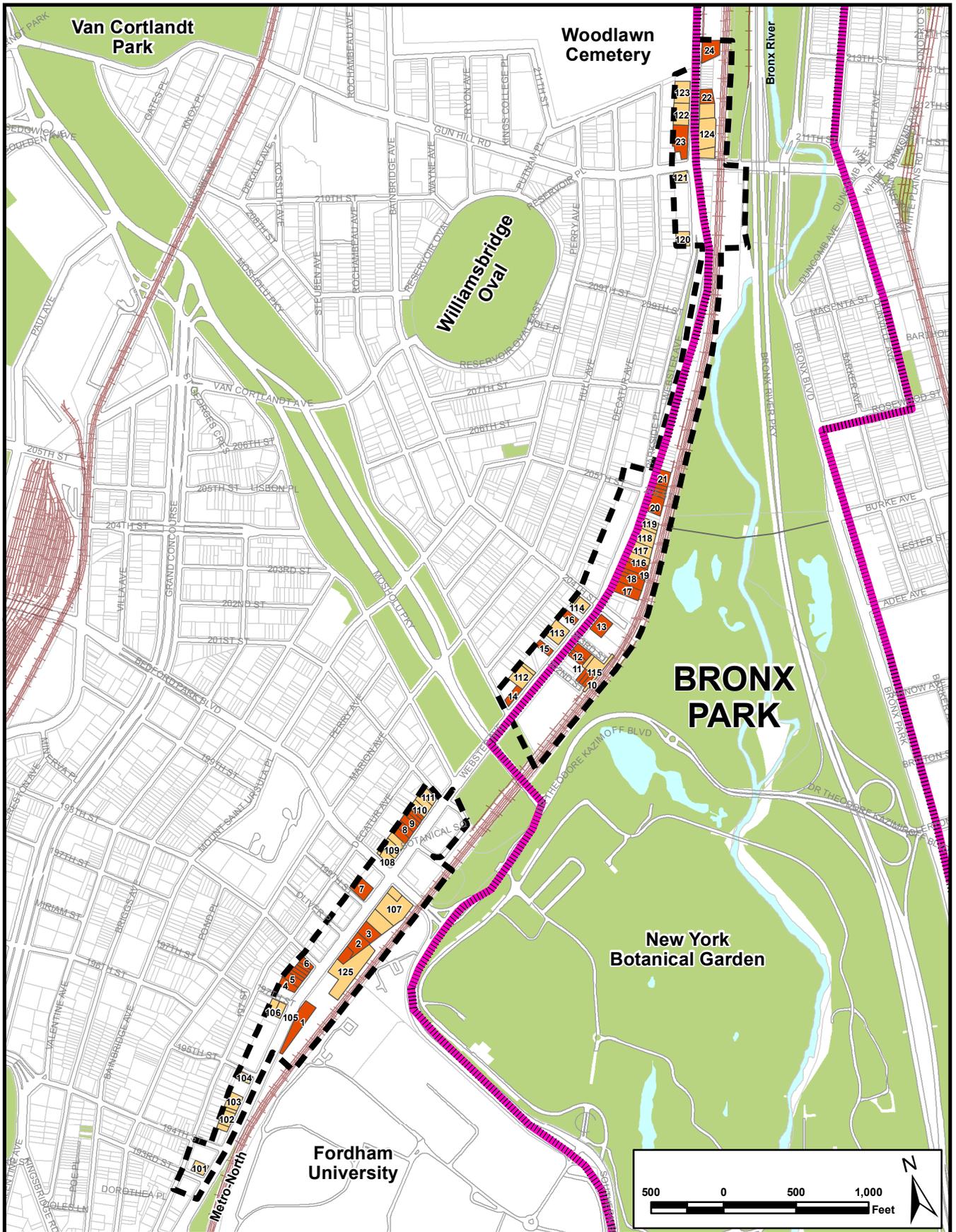
In the future without the proposed action, existing zoning would remain in place and the coastal zone area would remain substantially the same in terms of its physical character and structural conditions.

Future Waterfront Conditions with the Proposed Action

The NYCDCP is proposing a zoning map amendment affecting the Bedford Park and Norwood communities. The areas affected by the proposed action include all or portions of approximately 80 blocks, generally bounded by East Gun Hill Road to the north, East Fordham Road to the south, the Metro-North Railroad Harlem Line to the east, and Valentine and Rochambeau Avenues to the west. Eleven projected development sites and six potential development sites are located within the portion of the rezoning area that is within the Coastal Zone.

Proposed zoning changes within the Coastal Zone include a change from C8-2 and R7-1 to R7D/C2-4 portions of 5 blocks generally located along the east side of Webster Avenue, north of Bedford Park Boulevard and south of East 205th Street. Existing C8-2 zoning will remain along the east side of Webster Avenue, north of approximately East 206th Street and south of approximately East 210th Street (approximating the length of Parkside Place, which runs parallel and west of Webster Avenue). These changes would result in a change in permitted uses and would facilitate new residential development along the corridor. The R7D/C2-4 district would permit, as-of-right, medium-density residential buildings, with first-floor commercial uses mandatory in all new development.

The proposed rezoning would also include a zoning text amendment to establish the Inclusionary Housing Program in proposed R7D districts (as well as C4-5D districts, though no C4-5D districts are proposed for the portion of the rezoning area within the Coastal Zone). The R7D/C2-4 district permits residential, commercial and community facility development with a maximum Floor Area Ratio (FAR) of 4.20, 2.00 and 4.20 respectively. With the New York City Department of Housing, Preservation and Development's (HPD) Inclusionary Housing program being applied to this area, the maximum residential FAR in the R7D district can be increased to a maximum of 5.60, given that the affordable housing requirements are met by the developer. New development must be built with a contextual envelope, requiring a 60 to 85 street wall before an allowable setback and having a maximum building height of 100 ft.



Legend

-  Webster Avenue Rezoning Area
-  Projected Development Sites
-  Potential Development Sites
-  Coastal Zone Boundary

Source: NYC Department of City Planning MapPLUTO 2009; NYS Coastal Atlas

Figure 3.1-1: Coastal Zone

Webster Avenue Rezoning

NYC Department of City Planning

In addition, the proposed action would include a change from C8-2 to C4-4 portions of four blocks generally located along Webster Avenue north of East 210th Street and south of East 211th Street. This change would result in a change in permitted uses and would facilitate new commercial development along the corridor, while also permitting residential uses. This area is characterized by one- to three- story structures and numerous unbuilt lots. The C4-4 district will permit commercial and residential development, but will limit the commercial use types, again precluding the semi-industrial uses that commonly exist along the corridor. The C4-4 district permits commercial development at a maximum FAR of 4.00. Residential and community facility development is also permitted at a maximum FAR of 4.00 (under Quality Housing rules) and 6.50, respectively.

Consistency with the LWRP Policies

In accordance with the guidelines of the *CEQR Technical Manual*, a preliminary evaluation of the proposed action's potential for inconsistency with the City LWRP policies has been undertaken. The preliminary evaluation requires completion of the NYSDOS CMP Federal Consistency Assessment Form (CAF), which was developed by NYCDP to help applicants identify which LWRP policies apply to a specific action. Screening questions included in the CAF are designed to screen out those policies that would have no bearing on a consistency determination for a proposed action.

For any questions that warrant a "yes" answer or for which an answer is ambiguous, an explanation must be prepared to assess the consistency of the proposed action with the noted policy or policies.

A CAF was prepared for the proposed action, (See Appendix A E) on the basis of which the following policies were identified for which a consistency determination is required: Policies 1.1, 1.2, 8, and 10. An evaluation of the consistency of the proposed action with these policies is provided in the following discussion.

POLICY 1

Support and facilitate commercial and residential development in areas well-suited to such development.

Policy 1.1: Encourage commercial and residential development in appropriate coastal zone areas.

A principal goal of the proposed action is to provide opportunities for new residential and commercial development. To this end, the zoning changes would result in a change in permitted uses and would facilitate new commercial development along the corridor, while also permitting residential uses. As a consequence of the proposed zoning, additional development is anticipated to occur.

It is appropriate to encourage commercial and residential development within this portion of the Coastal Zone because it would provide for more compatible land use with the adjacent coastal zone feature (The New York Botanical Garden and Bronx River). Existing C8 automotive-related uses are not water-dependent, and the proposed rezoning is neither within a Special Natural Waterfront Area nor a Significant Maritime and Industrial Area that would seek to retain waterfront industrial uses. The area does not contain significant natural features that would be compromised by the additional development. The proposed action would be consistent with this policy.

Policy 1.2: Encourage non-industrial development that enlivens the waterfront and attracts the public.

The proposed action is intended to convert Webster Avenue into a vibrant, inviting and walkable residential corridor. In addition, the proposed action would address the desires of local residents, who have expressed the need to rezone the area to create a stronger connection between the residential neighborhoods and area's parks and institutions. The proposed action would be consistent with this policy since it would increase these connections.

POLICY 8

Provide public access to and along New York City's coastal waters.

Policy 8.1: Preserve, protect and maintain existing physical visual and recreational access to the waterfront.

As discussed under Policy 1.2, the proposed action would not alter existing connections and access to the waterfront and would be consistent with this goal.

Policy 8.2: Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

One objective of the proposed action is to shape Webster Avenue into a vibrant, inviting and walkable residential and commercial corridor. Additionally, Webster Avenue is adjacent to the Bronx Park. The proposed action would promote public access to the area and would not affect current access to the park. The proposed action would be fully compatible with this policy.

Policy 8.3: Provide visual access to coastal lands, waters and open space where physically practical.

As discussed in Chapter 3.7, new development along Webster Avenue has a maximum building height of 100 feet and would not have a significant adverse effect on views of waters and open space. According to the *Webster Avenue Rezoning EAS* Chapter 3.7, "Urban Design and Visual Resources," there are no identified views to water from public vantage point in the rezoning area. As such, the zoning amendment is designed

to stimulate development that would have minimal visual intrusiveness. The proposed action is fully compatible with this policy.

Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

As discussed in the *Webster Avenue Rezoning EAS* Chapter 3.4, “Open Space,” the proposed action would not have a significant adverse effect on any public open space or recreational facility. The proposed action would be consistent with this policy.

Policy 8.5: Preserve the public interest in and use of lands and waters held in public trust by the State and the City.

The proposed action would not result in a significant adverse impact on any water body or publicly held land held in the public trust by the State and the City. Therefore, the proposed action would be consistent with this policy.

POLICY 10

Protect, preserve and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

Policy 10.1: Retain and preserve designated historic resources and enhance resources significant to the coastal culture of New York City.

As discussed in the *Webster Avenue Rezoning EAS* Chapter 3.6, “Historic Resources,” two landmarks exist adjacent to the rezoning area, the New York Botanical Gardens and 52nd Police Precinct Station House. Additionally, as documented in Chapter 3.6, the proposed action would not result in a significant adverse effect on either historic resource. Consequently, the proposed action would be consistent with this policy.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

As discussed in the *Webster Avenue Rezoning EAS* Chapter 3.6, “Historic Resources,” there are no known archaeological resources or artifacts within the rezoning area. Consequently, the proposed action would not result in any significant adverse effect on significant archaeological resources and artifacts and would be consistent with this policy.

Based on this assessment, the proposed action would be consistent with the policies of the New York City Waterfront Revitalization Program.