

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 200088ZMX
C7 BAYCHESTER AVENUE REZONING**

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 4a, by changing from a C7 District to a C8-2 District, property bounded by a line 175 feet northwesterly of Bartow Avenue, Asch Loop, Bartow Avenue and Baychester Avenue, Borough of The Bronx, Community District #10, as shown a on a diagram (for illustrative purposes only) dated September 23, 2019.

BACKGROUND

Approval of this application will amend the Zoning Map by removing an existing C7 designation and establishing a C8-2 on Block 5141, Lots 101, 102 and the southernmost portion of Lot 110. Lot 101 is composed of 21, 025 square feet, Lot 102, 25,065 square feet and the portion of Lot 110 to be rezoned from C7 to R8-2 measures approximately 3,885 square feet. The remaining portion of Lot 110 is zoned R6. Boundaries include Bartow Avenue on the south, Baychester Avenue to the west and Asch Loop on the east. To the north is Lot 110. It is composed of 58,525 square feet of unimproved property. Pending approval of this Zoning Map change, the portion of Lot 110 remaining R6 will measure 54,640 square feet. Aldrich Street defines the northern boundary of Lot 110. A fire house is located adjacent to the northern boundary of Lot 102. This fire house is located on the west side of Asch Loop on Lot 103. This lot is not included or part of this application.

Existing development of Block 5141, Lots 101 and 102 includes:

- Lot 101 located on the northeast corner of Baychester Avenue and Bartow Avenue:
 - Sherwin Williams Paint Store
 - Drug Box Pharmacy
 - 7/11
 - Off-street parking for 25 vehicles
- Located on Lot 101, at the northeast corner of Baychester Avenue and Bartow Avenue is a three-sided, LED- illuminated advertisement sign. The dimensions of this sign include:
 - A mounting pole measuring 51 feet in height. Mounted to this pole is:
 - Each of three sides measuring 31 feet in width
 - Each of three sides measuring nine feet in height yielding a gross height of 60 feet

This sign is specifically designed to be visible from the New England Thruway.

These retail outlets are located in a one-story building utilizing a floor area ratio (FAR) of 0.47 out of a maximum allowable FAR of 2.0.

- Lot 102 located on the northwest corner of Asch Loop and Bartow Avenue:
 - Men's Wearhouse
 - Apple Bank
 - Off-street parking for 35 vehicles

- Located on Lot 102 on the north side of Bartow Avenue is a two-sided, LED-illuminated advertisement sign. The dimension of this sign include:
 - A mounting pole measuring 14 feet in height Mounted to this pole is:
 - Each of two sides measuring 11 feet in width
 - Each of two sides measuring 16 feet in height yielding a gross height of 30 feetThis sign is specifically designed to be visible from Bartow Avenue

These retail outlets are located in a two-story building utilizing an FAR approximately .53 out of a maximum allowable FAR of 2.0.

C7 Districts allow for (among other uses), large amusement parks, boating facilities, sports stadiums, ice skating rinks and miniature golf courses (Use Groups 12-14). Owing to this history, Freedomland occupied much of the property on which Co-op City now stands. Since that time however, zoning on adjacent properties have been adopted, including:

- C4-3: Located on the south side of Bartow Avenue
- M1-1: Located on the east side of Baychester Avenue and east of Interstate 95 up to the west side of Gun Hill Road
- R6: Located on adjacent lots on Block 5141

C8-2 Districts allow for a wider range of commercial uses (Use Groups 4-14, and 16). Among these allowed uses are auto related uses, slaughterhouses, pet and human crematoriums blacksmith shops, animal hospitals or kennels, and woodworking shops.

Allowable requirements in C7 and C8-2 Districts include:

C7: Maximum FAR: 2.0
C8-2 Maximum FAR: 2.0

Residential equivalent C7: None
Residential equivalent C8-2: None

Community Facilities C7: None
Community Facilities C8-2: Yes: FAR 4.8

Parking Requirements C7: Generally 1-space for every 400 square feet*

Parking Requirements:C8-2: Generally one space for every 400 square feet*
*This may vary depending on permitted use

Signage Rules in C7: No restriction on size or height, non-illuminated or illuminated
Signage Rules in C8-2 Restrictions are imposed pertaining to the size, height of advertising and accessory signs
(Zoning Resolution 32-641, 32-642, 32-645, 32-65

Residential development in the surrounding neighborhood located east of the New England Thruway (Interstate 95) is dominated by Co-op City. This Mitchell-Lama development includes approximately 15,000 residential units that accommodate approximately 50,000 residents. Co-op City is located north and east of the area that this application is considering. Residential development west of Interstate 95 includes one and two family homes and low-rise and mid-rise buildings.

Retail development includes the Bartow Mall and the Bay Plaza Shopping Center. These locations offer a wide range of commercial venues, including those that rely on a regional customer base. The New England Thruway is located to the west of Bartow Avenue, which serves as a service road for the Interstate. West of Interstate 95 commercial development includes additional retail locations and auto-related venues

Public transportation via bus includes the Bx12, SBSBx12, Bx23, Bx30, Bx38, Q50 and the BxM7 express bus to Manhattan. There is no subway access available within a ½ mile of the Bartow Avenue, Baychester Avenue intersection.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application has been reviewed pursuant to SEQR and CEQR and received a Negative Declaration. This application was certified as complete by the Planning Commission on September 23, 2019.

BRONX COMMUNITY BOARD PUBLIC HEARING

A public hearing was called by Bronx Community Board #10 on October 17, 2019. A vote recommending approval of this application was 25 in favor, four against and one abstention.

BOROUGH PRESIDENT'S PUBLIC HEARING

A public hearing was convened by the Bronx Borough President on November 14, 2019. Those representing the applicant spoke in favor of this application. One member of the public was in attendance and he spoke in opposition to the approval of this application. No other members of the public were present and the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

This Zoning Map amendment eliminating the current C7 District and adopting a C8-2 District is timely. The area this application is considering will never be developed as an amusement park or any of the other use groups a C7 designation is mapped to facilitate. The fact is, this C7 zone is the last remaining "holdover" from when the founders of the Freedomland Amusement Park believed that what Walt Disney had built in Orange County, California, could be duplicated in Bronx County, New York. Unlike California however, outdoor amusement parks in The Bronx must close for the winter. Add to this the fact that as Freedomland sought to become a regional destination it faced stiff competition from the New York World's Fair. Ultimately, the amusement park site in the northeast Bronx would give way to Co-op City and the C7 designation that made Freedomland possible would be amended throughout the area to facilitate this massive Mitchell-Lama community. Only on Block 5141, Lots 101 and 102 and a modest portion of Lot 110 would a zoning change not be adopted. Approving this application will rectify this omission.

My endorsement of this zoning change takes into account the existing built profile of the area, what percentage of the existing development would comply with the proposed zoning, whether the location is well served by public transportation and if the sites being rezoned are well suited for residential development. Given these parameters I recognize that the sites' proximity to Interstate 95, coupled with the existing development on Block 5141, Lots 101 and 102, favor adopting the proposed C8-2. It also must be noted that all existing uses now in place would fully comply with the new zone.

At my public hearing opposition to this application was expressed by Mr. Rod Saunders, 2nd Vice President of the Riverbay Corporation Board of Directors, which is the managing arm of Co-op City. Key to Mr. Saunders concerns was the fact that a small portion of Lot 110 is included in this zoning change and that the far larger section of this lot is zoned R6. As the owner of Lot 110, Riverbay objected to this change noting that C8-2 precludes Riverbay from ever developing any of these lots for residential use. Mr. Saunders also voiced concern that C8-2 allows as-of-right development to include slaughterhouses and crematoriums. Given the built profile of this area and market demand, it is highly unlikely that such uses would be sited here. I also believe that as these lots are across from the New England Thruway (I-95), such a zoning designation is appropriate. To address Riverbay's concern over Lot 110, they are not precluded from developing residential on this lot, only the portion that would be rezoned to C8-2 from the existing C7. The New York City Department of City Planning could have rezoned this sliver to R6 as part of this rezoning, which would bring it into compliance with the rest of the lot. The Department's preference for "straight line" zoning boundaries is arbitrarily applied, and should be reconsidered for consistency in future applications. Finally, while this rezoning still allows signs and billboards on these properties to exist, it places greater controls over their size and scope, which helps minimize distracting hazards such signs may induce on drivers.

I concur with Bronx Community Board #10 and recommend approval of this application.

