



CITY PLANNING COMMISSION

July 23, 2003/Calendar No. 23

C 030333 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, Sections 3d and 6c:

- eliminating from an existing R6 District a C2-4 District bounded by East 164th Street, Third Avenue, East 163rd Street, and a line 100 feet westerly of Third Avenue;
- changing from an R6 District to an R7-2/M1-1 District property bounded by East 164th Street, Third Avenue, East 163rd Street, and a line 100 feet westerly of Third Avenue;
- changing from an M1-1 District to an R7-2/M1-1 District property bounded by a line 175 feet northerly of East 168th Street, a line 120 feet easterly of Third Avenue, East 168th Street, a line 100 feet easterly of Third Avenue, East 166th Street, Franklin Avenue, Third Avenue, East 164th Street, a line 100 feet westerly of Third Avenue, East 163rd Street, Washington Avenue, East 164th Street, a line 250 feet westerly of Washington Avenue, East 165th Street, a line 150 feet westerly of Washington Avenue, a line 100 feet southerly of Gouverneur Place, a line 270 feet westerly of Washington Avenue, a line 100 feet southerly of East 167th Street, a line 165 feet easterly of Washington Avenue, East 167th Street, a line bisecting the angle formed by the intersection of the westerly street line of Third Avenue and the easterly street line of Washington Avenue, East 168th Street, and Third Avenue;
- establishing a Special Mixed Use District (MX-7) within the area bounded by a line 175 feet northerly of East 168th Street, a line 120 feet easterly of Third Avenue, East 168th Street, a line 100 feet easterly of Third Avenue, East 166th Street, Franklin Avenue, Third Avenue, East 163rd Street, Washington Avenue, East 164th Street, a line 250 feet westerly of Washington Avenue, East 165th Street, a line 150 feet westerly of Washington Avenue, a line 100 feet southerly of Gouverneur Place, a line 270 feet westerly of Washington Avenue, a line 100 feet southerly of 167th Street, a line 165 feet easterly of Washington Avenue, East 167th Street, a line bisecting the angle formed by the intersection of the westerly street line of Third Avenue and the easterly street line of Washington Avenue, East 168th Street, and Third Avenue;

as shown on a diagram (for illustrative purposes only) dated March 3, 2003, Borough of the Bronx, Community District 3, and subject to the conditions of CEQR Declaration E-118.

The application for an amendment of the Zoning Map was filed by the Department of City

Planning on February 25, 2003.

RELATED ACTIONS

In addition to the amendment of the Zoning Map, Section No. 3d and 6c, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which is being considered concurrently with this application:

1. N 030334 ZRX **Zoning Text Amendment** (Section 123-90) specifying a Special Mixed Used District – 7: Morrisania, The Bronx.

BACKGROUND

The Department of City Planning has proposed a zoning map amendment for a thirteen-block area in the Morrisania section of Community District 3, The Bronx. The rezoning area, generally located between East 168th Street to the north, East 163th Street to the south, Washington Avenue to the west, and Third Avenue to the east, is proposed to be changed from an M1-1 district to R7-2/M1-1, a special mixed-use district. In addition, the eastern portion of Block 2368 west of Third Avenue from East 164th Street to the north to East 163rd Street to the south, is proposed to be changed from the existing R6/C2-4 zoning district to an R7-2/M1-1 district. A text amendment to ZR Section 123-90 (Special Mixed Use Districts Specified) is also proposed to create a new Special Mixed Use District (MX-7) in Morrisania.

Morrisania was once a vibrant manufacturing center. From the mid-19th century until World War II, this area was home to a variety of industries ranging from breweries to piano manufacturers. Tenements, row houses, and old frame dwellings were located within the community, providing accessible living quarters to factory workers. However, by the 1950's, both the manufacturing and residential components of the community entered a long decline. By the 1980's, a large proportion of both the manufacturing and residential uses of the area had been abandoned or demolished.

Over the last two decades, there have been numerous proposals to revitalize this area. In the mid-1980's, the Morrisania Area was identified as one of the three industrial park development sites proposed for The Bronx. Meanwhile, local community leaders and residents advocated for residential, not industrial, development in this area. This position was clearly articulated in the Community Board's 197-a Plan which was adopted by the City Council in 1992.

The goals of the proposed rezoning are to encourage new residential and economic development; bring existing residential uses into conformance; and stabilize the mixed-use character of an area that has experienced disinvestment in past decades. The proposed MX (R7-2/M1-1) mixed-use district would allow new residential development and community facility uses and continue to permit commercial and manufacturing uses. The proposed district would bring existing residential uses into conformance, stabilize and preserve the existing mixed-use residential and manufacturing character of the area, and facilitate new residential and commercial development.

It would also support Community Board #3's 197-a Plan in their primary goals to increase housing production and foster economic development opportunities.

The Morrisania rezoning area is currently zoned for light manufacturing uses but contains a mix of residential, commercial, and community facility uses interspersed among various assemblages of vacant property. Specifically, these land uses include small retail and light manufacturing establishments, automotive-related businesses, small homes and apartment buildings and houses of worship. There is a substantial amount of open vehicle storage, and a number of city and privately-owned vacant lots. Most of the existing residential buildings are located in the northern portion of the rezoning area.

Immediately south of the Morrisania rezoning area is the Melrose Commons Urban Renewal Area (URA), approved by the City Planning Commission and the City Council in 1994 (C 940226 HAX). This 33-block URA contained a concentration of vacant land and abandoned residential buildings. Plans call for the development of 1,470 low and moderate-income units, 80 rehabilitated units of housing, and commercial and community facility uses. More than 500 housing units have been built or are in the construction process. The area north of Morrisania is residential and is characterized by mid-to high-rise New York City Housing Authority (NYCHA) buildings, including the Butler-Webster Houses. Immediately west of the rezoning area is a manufacturing area, and further to the west the area is residential in character with mid-rise to high-rise residential buildings. The area to the east of the rezoning is residential and contains NYCHA's McKinley Houses and Woodstock Terraces, a Mitchell-Lama project.

The project area is well-served by local bus lines. The Bx6 provides local crosstown service along 161st Street; Bx55, Bx15 buses run along the Third Avenue corridor, and Bx21 services the Boston Road and Morris Park areas. The Bruckner Expressway, located at Hunts Point, is approximately one mile east of the rezoning area along East 163rd Street, and the Cross Bronx Expressway is located approximately 1.25 miles north of the project area along Third Avenue.

Existing Zoning

Most of the Morrisania rezoning area is currently zoned M1-1, except for one block-front on Third Avenue which is currently zoned R6/C2-4. M1-1 is a light manufacturing district with a permitted FAR of 1.0 and allows light manufacturing uses (Use Groups 16 and 17), and a range of commercial and community facility uses (Use Groups 4 - 14). General services and manufacturing uses listed in Use Groups 16 and 17 including such uses as warehousing, printing plants and wholesale establishments, are permitted. Although the permitted maximum floor area ratio (FAR) for commercial uses is 1.0, food stores, including supermarkets, grocery stores, or delicatessens, are limited to 10,000 square feet. Residential uses are not permitted in M1-1 districts. R6 districts are medium density residential districts with a maximum FAR of 2.43. The C2-4 commercial overlay permits a range of commercial uses (Use Groups 1-7, 8-9, and 14).

Currently, less than 24% of lots are developed with a manufacturing or commercial use. Approximately 21% of lots contain residential, mixed-use or community facility uses which are not permitted in an M1-1 district. More than half of the rezoning area is vacant or underutilized. Over the years, there has been limited new commercial and manufacturing development. Several

existing residential units became vacant and have not been re-occupied since they are not a permitted use in the existing M1-1 zone.

PROPOSED ZONING MAP AMENDMENT (C 030333 ZMX)

Most of the Morrisania area rezoning is currently zoned M1-1, except for one blockfront on Third Avenue which is currently zoned R6/C2-4. The proposal would rezone this entire area to a mixed-use MX(M1-1/R7-2) district.

M1-1 to MX (M1-1/R7-2)

All or portions of thirteen blocks in Morrisania generally located between East 168th Street to the north, East 163th Street to the south, Washington Avenue to the west, and Third Avenue to the east are proposed to be rezoned from M1-1 to MX(M-1/R7-2).

This area is zoned for light manufacturing uses but the area contains a mix of residential, commercial, and community facility uses interspersed among various assemblages of vacant and city-owned property. Specifically, these land uses include small retail and light manufacturing establishments, automotive-related businesses, small homes and apartment buildings and houses of worship. There is a substantial amount of open vehicle storage, and a number of city and privately-owned vacant lots. Most of the existing residential buildings are located in the northern portion of the rezoning area.

R6/C2-4 to MX (M1-1/R7-2)

The eastern portion of Block 2368 located west of Third Avenue from East 164th Street to the north to East 163rd Street to the south, is proposed to be changed to MX(M1-1/R7-2) from an R6/C2-4 overlay district. This area contains commercial (two restaurants), residential and community facility uses (day care and house of worship).

The proposed MX(M1-1/R7-2) mixed-use district would permit the coexistence of manufacturing, commercial, residential and community facility uses. It allows for new residential development, while allowing existing manufacturing and commercial uses to remain and grow and would also bring existing residential uses into conformance.

In the proposed MX(M1-1/R7-2) mixed-use district, residential uses would be governed by residence district regulations (R7-2) which allows a maximum FAR of 3.4. Manufacturing and commercial uses would generally be subject to manufacturing district regulations (M1-1) which allows a maximum FAR of 1.0. The maximum FAR for community facility uses would be governed by Section 24-11, which allows a maximum FAR of 6.5 for R7-2 zoning districts. For parking regulations, community facilities would be subject to the underlying residential zoning district regulations. Uses in Use Group 18 would not be permitted in the proposed mixed-use district with the exception of breweries with less than 10,000 square feet of floor area.

PROPOSED ZONING TEXT AMENDMENT (N 030334 ZRX)

In conjunction with the proposed Zoning Map amendment, the Department of City Planning is

proposing a zoning text amendment for an addition to Section 123-90 (Special Mixed Use Districts) in order to establish a Special Mixed Use Zoning District (MX-7) in Morrisania, The Bronx.

ENVIRONMENTAL REVIEW

This application (C 030333 ZMX), in conjunction with the application for the related action (N 030334 ZRX), 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 03DCP046X. 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 March 3, 2003 which includes (E) designation (E-18) for hazardous materials on Block 2369, Lots 1, 2, 53, 54, 90, 153, 12, 13, 14, 16, 32, 34, 36, 37; Block 2370, Lots 34, 35, 36, 25, 26, 47, 49, 50, 52; Block 2371, Lots 9, 10, 11, 19,39, 41, 42, 43, 45, 46, 61, 64; Block 2372, Lots 27, 30, 31, 32, 41, 47, 48; Block 2386, Lots 43; Block 2387, Lots 32, 34, 35, 36, 51; Block 2388, Lots 57, 58, 59, 61, 63, 64, 65, 67, 87, p.o. 16, 17, 18, 19, 20; and Block 2609, Lots 1, 2, 4, 15, 22, 24, 26, 20 .

UNIFORM LAND USE REVIEW

This application (C 030333 ZMX) was certified as complete by the Department of City Planning

on March 3, 2003, and was duly referred to Community Board 3 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related non-ULURP text change application (N 030334 ZRX), which was sent to Community Board 3 and the Borough President for information and review.

Community Board Public Hearing

Community Board 3 held a public hearing on this application in conjunction with related application (N 030334 ZRX) on April 29, 2003, and on that date, by a vote of 21 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 030333 ZMX), in conjunction with the related application (N 030334 ZRX), was considered by the Borough President, who issued a recommendation on June 4, 2003 approving the application.

City Planning Commission Public Hearing

On June 4, 2003 (Calendar No. 1), the City Planning Commission scheduled June 18, 2003, for a public hearing on this application (C 030333 ZMX) and the related action (N 030334 ZRX).

The hearing was duly held on June 18, 2003 (Calendar No. 5), in conjunction with the public hearing on the related application.

There were two speakers in favor of the applications and none in opposition. In addition, written testimony was submitted by the Real Estate Board of New York (REBNY) in support of this application.

Those speaking in favor of the applications included a representative of The Bronx Borough President's Office and a representative of Community Board 3. Both speakers cited that the range of land uses allowed in the mixed-use district is consistent with the area's existing mixed use character and would address the need for new housing in this section of The Bronx.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map (C 030333 ZMX), in conjunction with the related amendment of the Zoning Resolution (N 030334 ZRX), is appropriate.

This rezoning action represents a comprehensive zoning strategy to provide opportunities for new residential development and help preserve the mixed use character in this area of Morrisania. A mixed use district would better reflect the existing context, allow new residential development at a scale and density appropriate for the area, and continue to permit a wide range of commercial and light industrial uses. The Commission notes that the proposed MX (R7-2/M1-1) designation and the related text amendment (N 030334 ZRX) would permit existing uses to

remain and provide opportunities for residential conversions and new residential development.

The Commission also notes that there has been both public and private investments in and around the rezoning area. The New York City Economic Development Corporation (EDC) has issued several Requests for Proposals to promote development on city-owned sites. The Commission notes that recently a proposal for a residential building (105 units) with ground floor retail use received a variance from the Board of Standards and Appeals. This building is currently in the construction process. In addition, the Commission recently adopted a zoning map change from M1-1 to C4-4 (C 030213 ZMX) to permit a new supermarket and neighborhood retail space, on a block immediately southwest of the rezoning area. The proposed rezoning would strengthen these public and private initiatives and provide opportunities for enhanced development.

The Mayor's Plan for *New York City's 21st Century Neighborhoods*, highlights Morrisania as a neighborhood where rezoning would be a catalyst for increased housing development and economic vitality. Morrisania is located immediately north of the Melrose Commons Urban Renewal Area. The Melrose Commons Urban Renewal Plan calls for the development of 1,500 low- and moderate-income housing units, commercial/office and community facility space, and new parks and open space. More than 500 housing units have been built or are in the construction process. The City is working to realize commercial and residential development on several City-owned parcels within the Bronxchester Urban Renewal Area at the HUB, the commercial downtown of The Bronx, located south of Melrose Commons along Third Avenue.

The Commission recognizes that the Morrisania rezoning is an important component in revitalizing Third Avenue as a residential and commercial corridor.

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, Sections 3d and 6c:

- 1) eliminating from an existing R6 District a C2-4 District bounded by East 164th Street, Third Avenue, East 163rd Street, and a line 100 feet westerly of Third Avenue;
- 2) changing from an R6 District to an R7-2/M1-1 District property bounded by East 164th Street, Third Avenue, East 163rd Street, and a line 100 feet westerly of Third Avenue;
- 3) changing from an M1-1 District to an R7-2/M1-1 District property bounded by a line 175 feet northerly of East 168th Street, a line 120 feet easterly of Third Avenue, East 168th Street, a line 100 feet easterly of Third Avenue, East 166th Street, Franklin Avenue, Third Avenue, East 164th Street, a line 100 feet westerly of Third Avenue, East 163rd Street, Washington Avenue, East 164th Street, a line 250 feet westerly of Washington Avenue, East 165th Street, a line 150 feet westerly of Washington Avenue, a line 100 feet southerly of Gouverneur Place, a line 270 feet westerly of Washington Avenue, a line 100 feet southerly of East 167th Street, a line 165 feet easterly of Washington Avenue, East 167th Street, a line bisecting the angle formed by the intersection of the westerly street line of Third Avenue and the easterly street line of Washington Avenue, East 168th Street, and Third Avenue;
- 4) establishing a Special Mixed Use District (MX-7) within the area bounded by a line 175

feet northerly of East 168th Street, a line 120 feet easterly of Third Avenue, East 168th Street, a line 100 feet easterly of Third Avenue, East 166th Street, Franklin Avenue, Third Avenue, East 163rd Street, Washington Avenue, East 164th Street, a line 250 feet westerly of Washington Avenue, East 165th Street, a line 150 feet westerly of Washington Avenue, a line 100 feet southerly of Gouverneur Place, a line 270 feet westerly of Washington Avenue, a line 100 feet southerly of 167th Street, a line 165 feet easterly of Washington Avenue, East 167th Street, a line bisecting the angle formed by the intersection of the westerly street line of Third Avenue and the easterly street line of Washington Avenue, East 168th Street, and Third Avenue;

as shown on a diagram (for illustrative purposes only) dated March 3, 2003, Borough of the Bronx, Community District 3, and subject to the conditions of CEQR Declaration E-118.

The above resolution (C 030333 ZMX), duly adopted by the City Planning Commission on July 23, 2003 (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, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY, ALEXANDER GARVIN,
JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS,
JOSEPH B. ROSE, DOLLY WILLIAMS, Commissioners