361 City Island Avenue Rezoning
Bronx Community District 10
November 2, 2020

1. INTRODUCTION

Shar-Jo Rest. Inc., doing business as The Crab Shanty Restaurant (the "Applicant"), the commercial lessee of 361 City Island Avenue requests a zoning map amendment to establish a C1-2 commercial overlay within an existing R3A zoning district to a depth of 120 feet from City Island Avenue on a portion of Block 5633, consisting of part of Lot 120, Lot 122, part of Lot 124, part of Lot 127, and part of Lot 137 (the "Project Area"). The Project Area is located on the northwest corner of the intersection of City Island Avenue and Tier Street in the City Island neighborhood of the Bronx, within Community District 10.

The proposed zoning map amendment will bring historic non-conforming commercial uses, including The Crab Shanty Restaurant located at 361 City Island Avenue (Block 5633, Lot 137) and a commercial parking lot (Block 5633, Lot 122, part of Lot 124, and part of 127), into conformance with the use provisions of the Zoning Resolution.

2. BACKGROUND

The Project Area was initially mapped in 1961 with an R3-2 zoning district. In 1977, the Special City Island District ("CD") was established to protect the existing character of City Island and to help guide its future growth (CP-23258, effective January 20, 1977).

In 2003, the Department of City Planning-initiated City Island Rezoning (C 030467 ZMX, effective September 30, 2003) replaced the R3-2 zoning district with an R3A zoning district. The 2003 City Island Rezoning amended the Special City Island District to facilitate the development of mixed-use buildings with ground floor commercial uses and one or two floors of residences above.

A portion of the Project Area known as and by the street address, 361 City Island Avenue (Block 5633, Lot 137), is occupied by The Crab Shanty Restaurant. It is a legal, non-conforming Use Group 6 eating and drinking establishment use in the current R3A zoning district. The commercial use of the site predated the establishment of the R3-2 zoning district mapped in 1961 and the current R3A zoning district that was mapped at the site in 2003. The current restaurant use is permitted by Department of Buildings Certificate of Occupancy No. 059028 issued April 6, 1990.[1]

The northern portion of the Project Area adjacent to the Crab Shanty is occupied by an unenclosed commercial parking lot on Block 5633, Lot 122, part of Lot 124, and part of 127. In 1992, the Board of Standards and Appeals (the "BSA") granted a variance to allow the non-conforming Use Group 8 public parking lot use on Lots 122, 124, and 127 under BSA Cal. No. 364-91-BZ, approved July 28, 1992. The variance was issued for a ten-year term that lapsed in 2002.

In connection with the BSA approval for the parking lot use, a Driveway Declaration, dated March 8, 1993 was recorded against Lots 122, 124, and 127. The Driveway Declaration establishes a driveway easement and a requirement to provide up to 18 parking spaces on tax lots 122 and 127. While the term of the BSA variance has expired, the Driveway Declaration remains in place requiring that up to 18 spaces "or as many spaces as are required for the [building at 361 City Island Avenue (Block 5633, Lot 137)] at the time of the issuance of a building permit thereof" be provided. The Driveway Declaration may not be modified, amended, or terminated without the prior written consent of the Department of Buildings.

3. DESCRIPTION OF THE SURROUNDING AREA

The Project Area is located in City Island within Bronx Community District 10. Land uses within 600 feet of the Project Area (the "Surrounding Area") include a mix of primarily low-density one- and two-family residential buildings. Mixed-use and commercial buildings are located along City Island Avenue, which is the main corridor through City Island. There is a concentration of

[1] Although the commercial use is permitted, the canvas enclosure over the rear portion of the restaurant's dining area is not shown on the original approved plans underlying Certificate of Occupancy No. 059028.

commercial uses along City Island Avenue in the village core area of City Island between Bay Street and Carroll Street, where there are C1-2 overlays mapped to a depth of 100 feet. There is a large vacant area on Block 5633 to the west of the Project Area. There are also marine-related and commercial uses in the M1-1 zoning district in the Surrounding Area, northwest of the Project Area, a portion of which is located on Block 5634, Lot 47.

Zoning districts within the Surrounding Area include R3A and R3A/C1-2 districts and a small portion of an M1-1 district. The Project Area is located in an R3A zoning district. The Project Area and the Surrounding Area are also located within the Special City Island District and a Lower Density Growth Management Area. In addition, the Surrounding Area is within the Coastal Zone and is subject to the Waterfront Revitalization Program.

The Special City Island District zoning regulations either supplement or supersede the underlying R3A zoning district regulations. The Surrounding Area is within the Special City Island District, which encompasses the entire island. It was adopted in 1977 to preserve City Island's nautical heritage and low-rise residential character, as well as the "village" quality of its commercial center on City Island Avenue. Regulations encourage the traditional building form of one or two stories of residences above ground floor stores in the village center, restrict the size and illumination of business signs, and establish landscaping and screening requirements for parking lots. New residential developments on large waterfront lots are required to provide a publicly accessible sitting area next to the shoreline. The only commercial and manufacturing uses permitted are those that reflect the island's nautical flavor or serve the retail needs of residents and visitors. All signs within the Special City Island District attached to the street wall of a building are limited to a vertical dimension of three feet or less and a horizontal dimension of 75 percent or less of the street frontage. Outdoor signs may be illuminated by indirect means only.

Additionally, within the Lower Density Growth Management Area, special regulations supplement or supersede the underlying R3A district regulations. In a Lower Density Growth Management Area, parking requirements are increased to accommodate high auto ownership, higher perimeter walls and increased minimum lot widths are permitted, and there is a required planted buffer between any group parking lot and an adjacent zoning lot.

Approximately one block to the south of the Project Area and within the R3A zoning district, there are several C1-2 commercial overlays mapped along the west and east sides of City Island Avenue between Bay Street and Carroll Street. C1-2 commercial overlays are typically mapped within residential districts with high off-street parking requirements. These overlays are mapped along streets that serve local retail needs and are found widely throughout the City's lower- and medium-density areas and occasionally in higher-density districts. Within the Special City Island District, C1 districts permit all uses permitted in Use Groups 1, 2, 3, 4 and 6 except court houses, electric and gas substations, public utility stations, and telephone exchanges.[2] Commercial uses along City Island Avenue are limited to the ground floor in mixed use buildings within the Special City Island District.

There is an M1-1 zoning district northwest of the Project Area. M1-1 zoning districts permit certain community facility, commercial and industrial uses subject to exceptions in the Special City Island District. New residential use is not permitted within M1 districts. The maximum FAR for permitted manufacturing and commercial uses within M1-1 districts is 1.0 and 2.4 for permitted community facility uses. The maximum base height before setback in within M1-1 districts is 30 feet or two stories, whichever is lower, with building height controlled by a sky exposure plane. Off-street parking for most uses is calculated based on the amount of floor area.

City Island is located outside of the Transit Zone and is automobile-oriented. Bus service accessible from the Surrounding Area includes the Bx29 (City Island/Co-op City Bay Plaza) and the express BxM8 (Pelham Bay, Bronx/Midtown, Manhattan) lines.

There are two parks owned and operated by the Department of Parks and Recreation located just outside of the Surrounding Area. These include Hawkins Park, a 0.14-acre park on City Island Avenue between Fordham Street and Hawkins Street, and the City Island Wetlands, an 8.01-acre park in Eastchester Bay between William Avenue and Bay Street.

[2] Hotel use (Use Group 5) is not permitted in C1-1, C1-2, C1-3, or C1-4 zoning districts.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA

The proposed Project Area consists of a portion of Block 5633, including part of Lot 120, Lot 122, part of Lot 124, part of Lot 127, and part of Lot 137. The Project Area has approximately 100 feet of frontage on City Island Avenue and approximately 120 feet of frontage on Tier Street. The Project Area is approximately 12,000 square feet. It is located within an R3A zoning district within the Special City Island District.

The Project Area is generally bounded by Ditmars Street to the north, Tier Street to the south, City Island Avenue to the east, and Hunter Avenue (mapped, but not built) to the west. City Island Avenue is a wide street at 80-feet with two-way traffic running north and south. The other streets bounding the Project Area are narrow streets. Ditmars Street and Tier Street are both 50-feet wide, narrow streets running east and west. Hunter Avenue is a 50-foot wide, narrow street that runs north and south.

Block 5633, Lot 137 is a 3,300 square foot corner lot improved with a one-story building occupied by The Crab Shanty Restaurant, which was established in 1977. Block 5633, Lot 137 has historically been occupied by non-conforming commercial uses and was initially occupied by a silent movie theater. As noted above, the current restaurant use is permitted by DOB Certificate of Occupancy No. 059028 issued April 6, 1990; however, the rear dining room area of the restaurant enclosed under a canvas roof is not reflected on the DOB-approved plans. Signage at the restaurant is conforming with the provisions of the Special City Island District.

Block 5633, Lot 122, part of Lot 124, and part of Lot 127 are improved with a surface parking lot that was developed pursuant to a BSA variance as a Use Group 8 public parking lot. Block 5633, Lot 122 is a 4,550 square foot interior lot and Block 5633, Lot 124 is an irregularly shaped 6,959 square foot interior lot. Only the easternmost 120 feet of Block 5633, Lot 124 is included in the Project Area. Block 5633, Lot 127 is a 6,165 square foot lot with no street frontage. Only the easternmost, approximately 55 feet of Block 5633, Lot 127 is included in the Project Area.

Block 5633, Lot 120 is a 3,873 square foot interior lot improved with a 1.5-story one-family residence. Only a small, approximately 1.5-foot strip of the southernmost portion of Block 5633, Lot 120 is included in the Project Area.

5. DESCRIPTION OF THE PROPOSED PROJECT

The proposed zoning map amendment would bring longstanding non-conforming commercial uses, including the restaurant use and parking use into conformance with the use provisions of the Zoning Resolution. No new development is proposed by the Applicant, the commercial lessee and owner of The Crab Shanty Restaurant. The Applicant needs to obtain an updated Certificate of Occupancy for the Crab Shanty to reflect existing conditions, which is necessary to obtain a Place of Assembly Certificate of Operation and Place of Assembly permit for the restaurant. In addition, the Applicant intends to reclassify the parking use on Block 5633, Lots 122 and part of 124 as accessory parking with 19 spaces for the restaurant use pursuant to ZR § 112-112.

6. ACTION NECESSARY TO FACILITATE THE PROJECT

The action necessary to facilitate the proposed project is a zoning map amendment to establish a C1-2 commercial overlay within the existing R3A zoning district. No new development is proposed in connection with the zoning map amendment. The zoning map amendment is necessary to for the Applicant to update the Certificate of Occupancy for the Crab Shanty to reflect existing conditions and to reclassify the parking use on Block 5633, Lots 122 and part of 124 as accessory parking for the restaurant use. The zoning district boundary for the C1-2 overlay is proposed to include only the longstanding non-conforming commercial uses within the Project Area.

Within the Special City Island District, the proposed C1-2 overlay permits local retail and service establishments in Use Group 6 with certain exceptions and additional uses.[3] The proposed C1-2 commercial overlay is consistent with the existing C1-2 overlays within the R3A zoning district along both sides of City Island Avenue between Bay Street and Carroll Street. Within R3A/C1-2

[3] Pursuant to ZR § 112-071, additional permitted uses are: custom manufacturing and sale of jewelry, ceramics, art and needlework, limited to 10,000 square feet per establishment. In addition, hotel use (Use Group 5) is not permitted in C1-2 zoning districts pursuant to ZR § 32-14.

zoning district, the maximum FAR for commercial uses is generally 1.0. However, the ground floor commercial floor area in mixed commercial and residential buildings in C1, C2, and C3 districts in the Special City Island District fronting City Island Avenue is excluded from the floor area calculations.[4]

Accessory commercial parking is required within the Special City Island District at one space per every 150 square feet of total existing and new floor area (including cellar space not used for storage) pursuant to ZR § 112-112. A waiver of up to 15 spaces is available for restaurants that front City Island Avenue pursuant to ZR § 112-112. The Crab Shanty Restaurant did not initially have a parking requirement. However, updating the Certificate of Occupancy for the Crab Shanty to reflect existing conditions will result in a recalculation of the required parking. Block 5633, Lots 122 and part of 124 will provide accessory parking with 19 spaces for the restaurant use.

The proposed rezoning would reinforce existing land use patterns along this portion of City Island Avenue, where commercial uses have been located for decades. Absent the proposed rezoning, the Crab Shanty would be permitted to continue as a non-conforming commercial use subject to the discontinuance provisions. The parking lot use would not be permitted to continue without a discretionary land use action because the term of the BSA variance has lapsed. The proposed C1-2 overlay reflects the historic and existing use conditions in the area. Moreover, it would allow the Applicant to obtain an updated Certificate of Occupancy and Place of Assembly approvals for the Crab Shanty. The Crab Shanty Restaurant, which has served the community for over 40 years, contributes to the unique character of City Island. As accessory parking for the Crab Shanty, the parking lot allows the restaurant to facilitate customer-parking demand and minimize impact on local street parking resources.

7. CONCLUSION

The proposed zoning map amendment to establish a C1-2 commercial overlay within the existing R3A zoning district mapped at the Project Area is appropriate due to the historic commercial use of the site and existing land use patterns along this portion of City Island Avenue. The proposed rezoning will bring both longstanding commercial uses into conformance and is consistent with the goals of the Special City Island District.

[4] In C1, C2 and C3 Districts, for buildings containing residences with frontage on City Island Avenue, not more than one story of commercial use may be provided in such buildings and such story shall be excluded from the definition of floor area pursuant to ZR § 112-102.