815 Hutchinson River Parkway

November 2023

1. Introduction

The applicant, MD Hutch Owner LLC, ("the Applicant"), seeks a zoning map amendment (the "Proposed Action") to facilitate the new larger retail establishment in an existing commercial shopping center located at 815 Hutchinson River Parkway (Block 5559, Lot 7501) in the Ferry Point area of Bronx Community District 10 (the "Development Site").

The Proposed Action is sought to facilitate the conversion of portions of an existing commercial shopping center located on the Site, which is currently prohibited from providing individual retail establishments that exceed 10,000 zoning square feet (zsf). No new development is proposed with the Proposed Action but several establishments on the Development Site would be converted from Use Group 6 general retail use to Use Group 10 large retail use, in approximately 49,560 square feet.

Despite the heavily commercial nature of the Development Site, which consists of a large commercial center adjacent the Hutchinson River Parkway, the property is zoned as a manufacturing district. As such, the Proposed Action would better reflect the pre-existing commercial nature of this area and enable the Development Site to tenant vacant spaces with new large-format commercial establishments to service the surrounding residential communities.

2. Background

The Site has historically been zoned M1-2 since in the inception of the 1961 Zoning Resolution ("ZR"), when the area was more industrial/manufacturing in nature with warehouse uses lining Westchester Creek. The parcel was vacant until it was improved with a shopping center in 2013, which is permitted as-of-right in the M1-2 zoning district.

The area immediately to the south of the Development Site was amended in 1987 as part of the Brush Avenue Rezoning. Originally, the area was zoned R4, and the area bound by Brush Avenue, Jay Place, the Hutchinson River Expressway, and the former boundary of Ferry Point Park was amended to M1-1. In addition to the map amendment, portions of the Hutchinson River Parkway

were removed from the City Map and city-owned parcels were acquired to facilitate the future development of industrial uses.

To the northeast, the City Planning Commission (CPC) approved an areawide rezoning of Throngs Neck in 2004 (040479 ZMX, N 040480 ZRX, N 040481 ZRY, and N 040482 ZRX). This rezoning affected a 242-block area in the Throgs Neck Area and created a series of zoning text amendments specific to the Throgs Neck Area, as well as citywide. Primarily, the areawide rezoning created a mixture of R4-1, R4A, R3-2, R3-1, R3A and C3A districts. The rezoning was sought to address inconsistencies between the built character of the area and the building type and density permitted by the previous zoning districts, and enable more parking to be provided, given the automobile-centric nature of the surrounding area and distance from mass transit.

Subsequently in 2006, the area between the Development Site and the Brush Avenue Rezoning of 1987 was amended from R4 to R4A (060109 ZMX), as a follow-up to the Throgs Neck Area Rezoning and Text Amendments. The Ferry Point area study was undertaken at the request of Community Board 10 and the Ferry Point Civic Association to extend the protection of the Lower Density Growth Management (LDGM) regulations and contextual zoning to this area. The proposal amended three blocks bound by Wenner Place to the north, the Hutchinson River Parkway to the east, Jay Place to the south, and Brush Avenue to the west. The rezoning was intended to recognize existing residential development on the blocks and prevent the replacement of sound detached homes with rows of attached housing.

Since that time, no further private or areawide zoning actions have been sought in this area.

3. Description of the Surrounding Area

The Ferry Point area is a small neighborhood situated to the south of a major confluence of regional limited access highways, with the Cross Bronx Expressway, Hutchinson River Parkway, and the Bruckner Expressway intersecting. To the west is Westchester Creek and to the east is St. Raymond's Cemetery, which is a large historic cemetery encompassing several acres. Further east of that area is the residential core of Throgs Neck. The area immediately to the south is a cluster of residential homes facilitated by the Brush Avenue Rezoning referenced above. Further south of that area is a series of single-story warehouses lining Westchester Creek in an M1-1 district (Block 5560). The block to the north consists of a campus for the Bronx Catholic School and Monsignor Scanlan High School. Further north is a Home Depot retail establishment.

The underlying Development Site is zoned M1-2, while further north is an R4 and east is a district with small areas zoned R4/C2-1, which coincides with the Home Depot. To the west is an M1-2 district that lines Westchester Creek and further south along the creek is an M1-1 district. Immediately south between the M1-1 district and the Development Site is a small R4A district that

coincides with the Brush Avenue Rezoning. The residential districts immediately to the east (R4 and R4A) are in the Lower Density Growth Management Area (LDGMA).

The R4 district is a general residence district that primarily permits contextual two- to three-story residential buildings at a maximum FAR of 0.75, with an attic allowance of 20%. Front yards of 10 feet and rear yards 30 feet are required, with side yards of at least 8 feet. The maximum building height is 35 feet, and 1.5 parking space is required per dwelling unit. The C2-1 zoning district is a commercial district that allows for a wide variety of commercial uses (Use Groups 6-9) such as local retail, funeral homes, and repair services. Within lower density residential zoning districts (R1 through R5) the maximum FAR of 1.0. Parking requirements vary by use.

The R4A district permits only detached single- and two-family residences with a maximum FAR of 0.75 FAR with an attic allowance of 0.15. The minimum lot size is 2,850 square feet for detached one-family homes and to 3,135 square feet for detached two-family homes. The minimum lot width is 30 feet for one-family homes and 33 feet for two-family homes. The minimum front yard is 10 feet, and the maximum building height is 35 feet with a maximum perimeter wall height at 26 feet. Parking requirements include 1.5 parking spaces per dwelling unit.

The M1-1 and M1-2 districts allow for a variety of light manufacturing uses such as repair shops, wholesale service and storage facilities, as well as heavier industrial uses subject to stringent performance standards (Use Groups 6-14 & 16-17). However, food stores (Use Group 6A) and most retail establishments over 10,000 square feet (Use Group 10A) are not permitted as-of-right in M1 districts and require a special permit from the CPC. For the M1-1 district, the bulk parameters of the district allow for buildings up to 1.0 FAR, built to the front and side lot lines, with a 20-foot rear yard. For the M1-2 district, the bulk parameters of the district allow for buildings up to 2.0 FAR. Building heights for M1-1 and M1-2 districts are governed by a sky exposure plane. Off-street parking and loading facilities requirements also vary in either district according to the type and size of the use on the property. Setbacks of 20 feet are required on narrow streets and 15 feet on wide streets.

The area is in a Coastal Zone but is located outside a flood hazard area. The surrounding area is in a FRESH district, which makes developments qualify for tax incentives for the provision a FRESH use.

In terms of transit access, the closest subway is located approximately 2 miles to the north at Middletown Road and the Hutchinson River Parkway, with 6 train access. However, the Project Area is served by New York City Transit (NYCT) bus service with the Q44-SBS and Q50 lines making stops at Hutchinson Parkway and Lafayette Avenue, providing service between the Bronx Zoo, Co-op City, as well as Downtown Jamaica and Flushing in Queens.

4. Description of Proposed Development Site

Development Site consists of a single large irregular-shaped lot (Block 5559, Lot 7501) bound by Lafayette Avenue in the north, Brush Avenue in the west, Wenner Place in the south and the Hutchinson River Parkway service road in the east. In total, the parcel contains approximately 343,891 square feet of lot area (7.89 acres). The parcel is currently developed with a two-story (and cellar) commercial building containing approximately 254,235 square feet (0.73 FAR) that rises approximately 37 feet in height. The building currently contains 875 parking spaces and 3 loading berths, which are split between the first and second floor. Most recently, the tenants included a Target (the anchor tenant), Petco, Applebee's, Chipotle, T.J. Maxx, Party City, Five Guys, Starbucks, and other smaller miscellaneous retail outlets (check cashing, beauty supply and liquor store). The Target and TJ Maxx establishments are all larger than 10,000 square feet and would not be permitted in an M1-1 zoning district but due to their location in the cellar, the square footage of those two buildings is not counted toward the zoning calculations, except to provide for parking.

5. Description of Proposed Development

No new development is proposed as part of the Proposed Action. The proposed zoning map amendment is primarily sought to permit Use Group 10 within existing spaces in the building. The 254,235 square feet of commercial space on the building's two floors would comprise a mix of Use Group 6 and 10 retail uses. This would include 29 retail establishments, In total, the building would provide 875 off-street parking spaces between both floors and three loading bays.

As noted above, no new construction would be associated with the Proposed Action but would facilitate the as-of-right conversation of existing commercial spaces throughout the building. Specifically, a spaces for a Petco establishment (10,400 sf), a TJ Maxx (28,400 sf), a Party City (10,760) and the existing Target (162,820 sf) would exceed 10,000 square feet, classifying the uses as Use Group 10. It should be noted the TJ Maxx and Target are located below grade and are permitted as-of-right under the current zoning. The building would remain with a maximum height of approximately 37 feet. The building would contain storage (3,186 square feet) and office space (36,518 square feet), accessory to the retail establishments. Approximately 19,480 square feet would be dedicated to a receiving area for loading.

6. Actions Necessary to Facilitate the Project

The Proposed Action consists of a zoning map amendment from M1-2 to C8-3 for Block 5559, Lot 7501, which is bound by Lafayette Avenue in the north, Brush Avenue in the west, Wenner Place in the south and the Hutchinson River Parkway service road in the east.

The proposed C8-3 district is a general commercial district with the same bulk regulations of the underlying M1-2 district. The C8-1 is a general commercial district that permits a wide range of commercial uses not generally suitable adjacent residential districts (Use Groups 4-14 & 16). The C8-3 district permits a commercial FAR of 2.0 and Parking requirements vary by use with retail uses generally requiring one space per 300 sf. Overall height is controlled by the sky exposure plane, consistent with the underlying M1-2 district. The district is intended as a bridge between commercial and manufacturing uses where large amounts of land are required. In terms of permitted uses, the C8 district continues to permit many of the same uses as the M1-2 district but with less restrictions for commercial uses, such as larger retail establishments (Use Group 10). Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car washes—although all commercial uses (except large, open amusements) as well as certain community facilities are permitted in C8 districts.

The proposed C8-3 district is appropriate for this area, to recognize this pre-existing commercial nature of this area. With the current economic conditions, larger commercial buildings require flexibility to maintain active commercial uses within the building. Given the 254,235 square feet of commercial retail space present in the existing building, great flexibility for the size of commercial establishments - above or below 10,000 square feet in size - is necessary to maintain the viability of this commercial center.

As such, the proposed C8-3 general commercial district would provide this flexibility, while also providing a more appropriate zoning district for this area. The district is appropriate for this area, given the commercial nature and large size of the Project Area, as well as the location along the Hutchinson River Parkway, near limited access freeways and longstanding residential communities that require such services. Moreover, it is believed the Development Site is more appropriate for a C8 district compared to the different character of the warehouses to the south, which line Westchester Creek away from the Hutchinson River Parkway - and are more appropriate for a manufacturing district.

7. Conclusion

A zoning map amendment is sought to amend a M1-2 district to C8-3 to recognize the pre-existing commercial character of the Project Area. The Proposed Action is not intended to facilitate new development but would enable the Development Site to legally tenant large-format commercial

spaces further discretionary review – an unpredictable and time-consuming process for a large-commercial center with numerous establishments.