



IN THE MATTER OF an application submitted by Westchester Mews LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4b:

1. eliminating from within an existing R5 District a C2-2 District bounded by Westchester Avenue, Olmstead Avenue, a line midway between Westchester Avenue and Newbold Avenue, and a line 450 feet easterly of Pugsley Avenue;
2. changing from an R5 District to an R6 District property bounded by Westchester Avenue, Olmstead Avenue, Newbold Avenue, Pugsley Avenue, a line midway between Westchester Avenue and Newbold Avenue, and a line 450 feet easterly of Pugsley avenue; and
3. establishing within the proposed R6 District a C2-4 District bounded by Westchester Avenue, Olmstead Avenue, a line midway between Westchester Avenue and Newbold Avenue and a line 450 feet easterly of Pugsley Avenue.

Borough of the Bronx, Community District 9, as shown on a diagram (for illustrative purposes only) dated December 12, 2016 and subject to the conditions of CEQR Declaration E- 406.

This application for an amendment of the Zoning Map (C 160326 ZMX) was filed by Westchester Mews LLC on May 9, 2016 to facilitate the development of a mixed-use development containing approximately 206 affordable dwelling units, commercial, and community facility space in the Unionport section of the Bronx, Community District 9.

RELATED ACTIONS

In addition to the zoning map amendment which is the subject of this report (C 160326 ZMX), implementation of the proposed development also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 160327(A) ZRX Zoning text amendment to designate a Mandatory Inclusionary Housing area and to modify the bulk regulations for MIH developments in R6 Districts.

BACKGROUND

The applicant seeks approval of zoning map and zoning text amendments to facilitate construction of a new mixed-use development comprising approximately 206 dwelling units and commercial and community facility space in two buildings to be constructed on a single zoning lot located at 2044 Westchester Avenue and 2035 Newbold Avenue (Block 3805, Lots 123 and 124) in the Unionport neighborhood of the Bronx. To facilitate this new development, the applicant is proposing to rezone the area generally bounded by Westchester Avenue, Olmstead Avenue, Newbold Avenue, and Pugsley Avenue (Block 3805, Lots 11, 30, 34, 41, 43, 55, 56, 69, 71, 72, 73, 75, 76 78, 123 and 124), from R5 and R5/C2-2 zoning districts to R6 and R6/C2-4 zoning districts.

A portion of the area to be rezoned is currently zoned R5/C2-2 (Block 3805 Lots 30, 34, and 41) while the rest of the rezoning area, located on the southern portion of the block (Block 3805, Lots 43, 55, 56, 69, 71, 72, 73, 75, 76 78, 123 and 124), is currently zoned R5. The area currently zoned R5/C2-2 would be changed to an R6/C2-4 zoning district, and the area currently zoned R5 would be changed to an R6 zoning district.

R5 districts allow a residential floor area ratio (FAR) of 1.25, a maximum community facility FAR of 2.0 and a maximum height of 40 feet. The existing C2-2 commercial overlay district permits a wide range of uses from restaurants to funeral homes and repair services. This commercial overlay has a maximum commercial FAR of 2.0 within R5 districts.

The proposed R6 district permits Use Groups 1 through 4, inclusive of residential and community facility uses. The R6 district, utilizing the Mandatory Inclusionary Housing (MIH) provisions, allows a maximum residential FAR of 3.6 and a maximum community facility FAR of 4.8. Accessory parking for the affordable residential units is not required

because the site is located within the Transit Zone. There is a maximum base height of 65 feet and a maximum overall height of 115 feet. The proposed C2-4 commercial overlay district permits a wide range of uses from restaurants to funeral homes and repair services. This commercial overlay has a maximum commercial FAR of 2.0 within R6 districts. The parking requirement is less in the C2-4 commercial overlay.

The proposed development site (Block 3805, Lots 123 and 124) is an approximately 47,000-square-foot vacant L-shaped zoning lot. One side of the site (Block 3805, Lot 123) fronts on Newbold Avenue, and the other side (Block 3805, Lot 124) fronts on Westchester Avenue.

2035 Newbold Avenue (Block 3805, Lot 123) has a lot area of 29,911 square feet. It is entirely beyond 100 feet from Westchester Avenue, a wide street, and utilizing the MIH provisions, could be developed at an FAR of 3.6, resulting in a maximum allowable 107,679 square feet of floor area. Pursuant to Sections 23-952 and 23-664(c) of the Zoning Resolution, under the Quality Housing Program, the building can rise to a height of 115 feet or 11 stories. Fronting on Newbold Avenue, the applicant is proposing a 10-story (approximately 98-foot-tall) mixed residential and community facility building containing approximately 121 dwelling units with approximately 114,132 square feet of residential floor area, and 1,276 square feet of community facility space on the ground floor. The building would have a 10-foot setback from the lot line on Newbold Avenue, the seventh through ninth floors would be dormered, and at the tenth floor the building would be fully set back approximately 10 feet.

2044 Westchester Avenue (Block 3805, Lot 124) has a lot area of approximately 17,158 square feet and utilizing the MIH provisions under the proposed zoning regulations, could be developed at an FAR of 3.6 resulting in a maximum allowable zoning floor area of 61,768 square feet. Pursuant to Sections 23-952 and 23-664(c) of the Zoning Resolution, under the Quality Housing Program, the building could be built to a height of 115 feet or 11 stories. Fronting on Westchester Avenue, the applicant is proposing to develop an 11-story mixed residential and commercial building (approximately 112-foot tall) containing

82 dwelling units (95,474 square feet of residential floor area), and approximately 5,549 square feet of local retail space on the ground floor with approximately 2,400 square feet of retail storage space in the cellar. The building would be built on the Westchester Avenue property line with a dormer on the seventh through ninth floors and a full 10-foot set back on the tenth and eleventh floors.

Adjacent to the R5/C2-2 rezoning area are a large, seven-story residential building with accessory parking and ground floor retail space; a parking lot; a house of worship; and an electrical supply store. On the southern portion of the block, fronting on Newbold Avenue, in addition to the development site there is a four-story residential building as well as a row of six two-family homes, some three-family homes and a six-story residential building at the corner of Newbold and Olmstead Avenues. These uses all conform and comply with the proposed R6 and R6/C2-4 zoning districts.

The area to the south and east of Block 3805 is generally developed with two-family homes and some four-story multiple dwellings, as well as several houses of worship. The surrounding area contains a mix of local retail and residential development. The Parkchester Planned Urban development is located a few blocks away. In addition, Bruckner Plaza, a large shopping center is located several blocks south of the project site. It is home to two big box stores as well as other commercial uses. The proposed project would create approximately 206 dwelling units including approximately 48 studio units, 65 one-bedroom, 58 two-bedroom, and 35 three-bedroom units. One hundred percent of the units would be affordable to households earning 25 percent to 100 percent of the area median income (AMI). As required by the MIH program, 30 percent of the units would be permanently affordable.

In addition to the proposed zoning map amendment, the applicant proposes a zoning text amendment to modify the bulk regulations for MIH developments in R6 districts and to designate an MIH area in Bronx Community District 9 with Options 1 and 2. The requirements for each option are as follows:

- Option 1: 25 percent of residential floor area must be for affordable housing units for residents with incomes averaging 60 percent AMI, with a minimum of 10 percent of housing to be affordable at 40 percent AMI.
- Option 2: 30 percent of residential floor area must be for affordable housing units for residents with incomes averaging 80 percent AMI. The proposed zoning text amendment (N 160327 ZRX) would also amend Section 23-154(d) of the Zoning Resolution (Inclusionary Housing) to apply the maximum FAR of 3.6 to MIH developments in R6 Districts regardless of their proximity to wide streets.

On January 27, 2017, pursuant to Section 2-06(c)1 of the Uniform Land Use Review Procedure rules, the applicant filed an application (N 160327(A) ZRX) to modify the proposed text amendment. These proposed changes to Section 23-153 of the Zoning Resolution (For Quality Housing buildings) would apply the maximum residential lot coverage of 65 percent to MIH developments in R6 Districts regardless of their proximity to wide streets. The modified application (N 160327(A) ZRX) is under consideration in conjunction with this application.

ENVIRONMENTAL REVIEW

This application (C 160326 ZMX), in conjunction with the related actions (N 160327 ZRX and N 160327(A) 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 17DCP080X. The lead is the City Planning Commission.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement (EAS) issued on December 9, 2016, a Negative Declaration was issued on December 12, 2016.

On March 3, 2017 a Revised Environmental Assessment Statement (EAS) was issued, providing supplemental information related to a modified zoning text amendment (N 160327 (A) ZRX). The Revised EAS concluded that the proposed actions, including the modified zoning text amendment (N 160327 (A) ZRX), would not result in any new or different significant adverse environmental impacts not already identified in the previous Negative Declaration. A Revised Negative Declaration was issued on March 6, 2017. The Revised Negative Declaration reflects the changes to the proposed actions and supersedes the Negative Declaration issue on December 12, 2016.

To avoid the potential for significant adverse impacts related to air quality, noise and hazardous materials, an (E) designation (E-406) has been incorporated into the Proposed Actions, as described below.

The (E) designation requirements related to air quality would apply to the following sites:

Projected Development Sites:

Block 3805, Lots 123 and 124 (Projected Development Site 1)

Block 3805, Lots 30, 34, and 41 (Projected Development Site 2)

Block 3805, Lots 55 and 56 (Projected Development Site 3)

Block 3805, Lots 69, 71, and 72 (Projected Development Site 4)

Block 3805, Lots 73, 75, and 76 (Projected Development Site 5)

The (E) designation text related to air quality is as follows:

Projected Development Sites:

Block 3805, Lots 123 and 124 (Projected Development Site 1)

Any new development on Block 3805, Lots 123 and 124 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts and ensure that the stacks are located at least 118 feet above grade.

Block 3805, Lots 30, 34, and 41 (Projected Development Site 2)

Any new development on Block 3805, Lots 30, 34 and 41 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts and ensure that the stack is located at least 118 feet above grade.

Block 3805, Lots 55 and 56 (Projected Development Site 3)

Any new development on Block 3805, Lots 55, 56 must use natural gas as the type of fuel for heating, ventilating, and air conditioning for the (HVAC) system and

ensure that the stack is located at least 78 feet above the grade and is at least 134 feet from the lot line facing Westchester Avenue, and 58 feet from lot line facing Pugsley Ave to avoid any potential significant adverse air quality impacts.

Block 3805, Lots 69, 71, and 72 (Projected Development Site 4)

Any new development on Block 3805, Lots 69, 71, and 72 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts and ensure that the stack is located at least 78 feet above grade.

Block 3805, Lots 73, 75, and 76 (Projected Development Site 5)

Any new development on Block 3805, Lots 73, 75 and 76 must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water systems to avoid any potential significant adverse air quality impacts and ensure that the stack is located at least 78 feet above grade.

The (E) designation requirements related to noise would apply to the following development sites:

Projected Development Sites:

Block 3805, Lots 124 (p/o Projected Development Site 1)

Block 3805, Lots 30, 34, and 41 (Projected Development Site 2)

The (E) designation text related to noise is as follows:

Projected Development Sites:

Block 3805, Lot 124 (p/o Projected Development Site 1)

To ensure an acceptable interior noise environment, future development at Block 3805 Lot 124 must provide minimum composite building façade attenuation of 42 dBA in order to maintain an interior noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial uses. To achieve 42 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. To maintain a closed window condition in these areas, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building façade(s) must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

Block 3805, Lots 30, 34, and 41 (Projected Development Site 2)

To ensure an acceptable interior noise environment, future development at Block 3805 Lot 30, 34, 41 must provide minimum composite building façade attenuation of 42 dBA on the northerly façade facing Westchester Avenue and easterly façade

facing Olmstead Avenue 100 feet from Westchester Avenue in order to maintain an interior noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial uses. To achieve 42 dBA of building attenuation, special design features that go beyond the normal double-glazed windows are necessary and may include using specially designed windows (i.e., windows with small sizes, windows with air gaps, windows with thicker glazing, etc.), and additional building attenuation. To maintain a closed window condition in these areas, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building façade(s) must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on easterly façade facing Olmstead Avenue exceeding 100 feet to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

The (E) designation requirements related to hazardous materials would apply to the following development sites:

Projected Development Sites:

Block 3805, Lots 123 and 124 (Projected Development Site 1)

Block 3805, Lots 30, 34, and 41 (Projected Development Site 2)

Block 3805, Lots 55 and 56 (Projected Development Site 3)

Block 3805, Lots 69, 71, and 72 (Projected Development Site 4)

Block 3805, Lots 73, 75, and 76 (Projected Development Site 5)

The (E) designation text related to hazardous materials is as follows:

Task 1

The applicant submits to OER, for review and approval, a Phase 1 of the site along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos-containing materials. For all projected and potential development sites where no E-designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

The City Planning Commission has determined that the proposed action will have no significant effect on the environment.

UNIFORM LAND USE REVIEW PROCEDURE

This application (C 160326 ZMX) was certified as complete by the Department of City Planning on December 12, 2016, and was duly referred to Bronx Community Board 9 and the Bronx Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for the zoning text amendment (N 160327 ZRX), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 9 held a public hearing on this application on January 19, 2017 , and on that date, by a vote of 19 in favor, 5 opposed and with three abstentions, adopted a resolution recommending approval with the following modifications:

1. Contribute \$5,000.00 to the Virginia Park & Hugh J. Grant Circle Park community group for startup costs, counseled with the New York City Parks Department, Partnership for Parks – City Parks Foundation and Bronx Community Board 9.
2. Contribute \$3,000.00 yearly to the Virginia Park & Hugh J. Grant Circle Park community group for 60 years, to assist with operating costs and programming.
3. Contribute \$1,000.00 yearly to a local youth community-policing event for 60 years.
4. Collaborate with the independent non-profit, United Hispanic Construction Workers (UHCW) to facilitate and ensure that up to 25% of the construction work forces of these developments are residents in our Community Bard’s zip codes and The Bronx. (Zip codes: 10473, 10472, 10462, 10460).

Borough President Recommendation

This application was considered by the Bronx Borough President, who held a public hearing on this application on February 1, 2017 and issued a recommendation on March 3, 2017, approving the application.

City Planning Commission Public Hearing

On February 22, 2017 (Calendar No. 9), the City Planning Commission scheduled March 8, 2017 for a public hearing on this application (C 160326 ZMX). The hearing was duly held on March 8, 2016 (Calendar No. 19).

The applicant team, consisting of two representatives, testified in favor of the application and described the project to the Commission. One of the representatives also stated that he is now looking only at Option 1 for the development and that financing for the proposed development is expected to be in place in June 2017, with construction most likely taking 24 months. He also stated that he that he is trying to attract a supermarket to occupy the proposed commercial space along Westchester Avenue.

The applicant testified that there is an ornamental fence surrounding the Park West development parking lot along Newbold Avenue and stated that a similar fence will be extended to the proposed development.

CONSIDERATION

The Commission believes that this application (C 160326 ZMX) for an amendment of the zoning map, in conjunction with the related application for the proposed zoning text amendment (N 160327(A) ZRX), is appropriate.

The proposed project would create approximately 206 dwelling units including 48 studio units, 65 one-bedroom, 58 two-bedroom, and 35 three-bedroom units. One hundred percent of the units would be affordable to households earning 25 percent to 100 percent of AMI. As required by the MIH program, 30 percent of the units would be permanently affordable. These units would help address the need for more housing in the Bronx and the City as a whole.

This mixed-use development with commercial and community facility space will put this currently vacant property to productive use that will reinforce existing residential land uses within the rezoning area.

The Commission notes that accessory parking is not required based on the project's level of affordability and the development site's location in the Transit Zone. The site is well served by public transit, including the Parkchester station for the 6 subway line which is

approximately one and a half blocks away. The Bx 4, Bx 22 and Bx 5 bus routes also serve the area.

The Commission is pleased that the applicant is endeavoring to attract the type of commercial use or specific tenants that will meet the needs of area residents.

The Commission notes the conditions of Community Board 9's favorable recommendation, but believes that those do not relate to the proposed land use actions and are therefore outside of the scope of this application.

The proposed zoning text amendment (N 160327(A) ZRX) is appropriate. It will facilitate MIH developments in R6 districts, and the designation of an MIH area in the rezoned area will ensure permanent affordability for a portion of the units on the development site.

The proposed text amendment will establish a maximum FAR of 3.6 and maximum lot coverage of 65 percent for MIH developments in R6 districts. This is consistent with the FAR available to Affordable Independent Residences for Seniors (AIRS) in R6 districts today, and also matches the height and setback limits applicable to MIH developments in non-contextual R6 districts. It is also consistent with the maximum lot coverage currently available to Inclusionary Housing developments at this FAR.

The Commission notes that the applicant submitted a letter dated March 9, 2017, stating that the Environmental Impact Statement did not require an analysis of vibration impacts on the proposed development from the elevated rail line along Westchester Avenue. In addition, the Commission is pleased that the applicant will be providing a metal fence similar to the one that is currently around the Park West parking lot, which fronts on Newbold Avenue.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment.

RESOLVED, by the City Planning Commission, pursuant to Section 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, Section No. 4b:

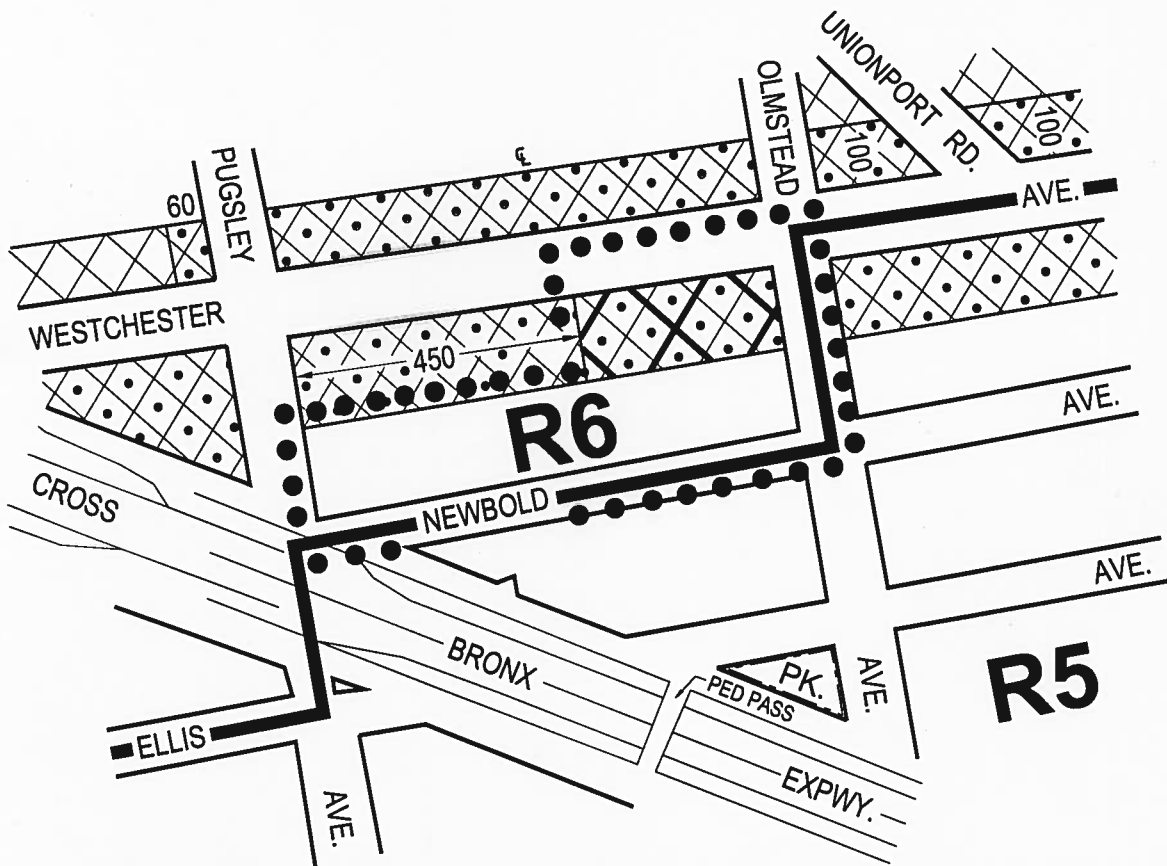
1. eliminating from within an existing R5 District a C2-2 District bounded by Westchester Avenue, Olmstead Avenue, a line midway between Westchester Avenue and Newbold Avenue, and a line 450 feet easterly of Pugsley Avenue;
2. changing from an R5 District to an R6 District property bounded by Westchester Avenue, Olmstead Avenue, Newbold Avenue, Pugsley Avenue, a line midway between Westchester Avenue and Newbold Avenue, and a line 450 feet easterly of Pugsley Avenue; and
3. establishing within the proposed R6 District a C2-4 District bounded by Westchester Avenue, Olmstead Avenue, a line midway between Westchester Avenue and Newbold Avenue and a line 450 feet easterly of Pugsley Avenue.

Borough of the Bronx, Community District 9, as shown on a diagram (for illustrative purposes only) dated December 12, 2016 and subject to the conditions of CEQR Declaration E- 406.

The above resolution (C 160326 ZMX), duly adopted by the City Planning Commission on April 5, 2017 (Calendar No. 10), 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.

MARISA LAGO, *Chairperson*

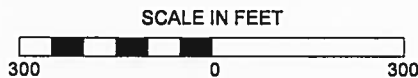
**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON,
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ,**
Commissioners








CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
4b
 BOROUGH OF
BRONX

New York, Certification Date
 DECEMBER 12, 2016

S. Lenard
 S. Lenard, Director
 Technical Review Division



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by eliminating a C2-2 District from within an existing R5 District, by changing an R5 District to an R6 District, and by establishing a C2-4 District within the proposed R6 District.
-  Indicates a C1-2 District.
-  Indicates a C2-2 District.
-  Indicates a C2-4 District.

Application #: **C 160326 ZMX**

Project Name: **Westchester Mews**

CEQR Number: 17DCP080X

Borough(s): **Bronx**

Community District Number(s): **09**

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C10000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by Westchester Mews LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4b:

- changing from an R5 District to an R6 District property bounded by Westchester Avenue, Olmstead Avenue, Newbold Avenue, Pugsley Avenue, a line midway between Westchester Avenue and Newbold Avenue, a line perpendicular to the southerly street line of Westchester Avenue originating at a point 450 feet easterly of Pugsley Avenue; and
- changing from an C2-2 District within an R5 District to a C2-4 District within an R6 District on property bounded by Westchester Avenue, Olmstead Avenue, a line midway between Westchester Avenue and Newbold Avenue and a line perpendicular to the southerly street line of Westchester Avenue originating at a point 450 feet easterly of Pugsley Avenue.

Borough of the Bronx, Community District 9, as shown on a diagram (for illustrative purposes only) dated December 12, 2016.

Applicant(s): Westchester Mews LLC 456 E. 173rd Street Bronx, New York 10457		Applicant's Representative: Mario Procida Procida Companies 456 E. 173rd Street Bronx, New York 10457	
Recommendation submitted by:			
Date of public hearing: 01/09/17		Location: CB9 OFFICE, 1967 TURNBULL AVE BRONX NY 10473	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>	
Date of Vote: 01/19/17		Location: CB9 General Meeting Kips Bay Boys + Girls 1950 Randall Ave, Bronx NY 10473	
RECOMMENDATION			
<input type="checkbox"/> Approve		<input checked="" type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove		<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting			
# In Favor: 19		# Against: 5	
# Abstaining: 3		Total members appointed to the board: 32	
Name of CB/BB officer completing this form William Rivera		Title District Manager	Date 02/03/17



COMMUNITY BOARD NUMBER 9

1967 TURNBULL AVENUE
BRONX, NEW YORK 10473



TEL. (718) 823-3034
BX09@cb.nyc.gov

FAX. (718) 823-6461
www.nyc.gov/bxcb9

RUBEN DIAZ JR.
BRONX BOROUGH PRESIDENT

February 21, 2017

NICHOLAS HIMIDIAN JR.
CHAIRPERSON

WILLIAM RIVERA
DISTRICT MANAGER



New York City Department of Planning
Calendar Office
120 Broadway, 31st Floor
New York NY 10271

SERVING

BRONX RIVER

CASTLE HILL/
ZEREGA

CLASON POINT

HARDING PARK

PARKCHESTER

PARK STRATTON

SOUNDVIEW/
BRUCKNER

UNIONPORT

REF: CB Recommendation #C160326 ZMX

To whom it may concern:

I am writing to notify your office, that on January 19, 2017, the Community Board voted to approve the of above mentioned recommendation with the modifications and conditions listed below, in pursuant to the Uniform Land use Review Procedure. (Community/Borough Board Recommendation form attached)

Modifications/Conditions: The applicant, Westchester Mews LLC is requested to

Contribute \$5,000.00 to the Virginia Park & Hugh J. Grant Circle Park community group for startup costs, counseled with the New York City Parks Department, Partnership for Parks – City Parks Foundation and Bronx Community Board 9.

(This community park group is in the process of being officially formed, due to the announcement of the NYC Parks - Parks Without Border re-construction grant award for these parks. The formation of this group is expected to be completed this year.)

Contribute \$3,000.00 yearly to the Virginia Park & Hugh J. Grant Circle Park community group for 60 years, to assist with operating costs and programming.

Contribute \$1000.00 yearly to the closest neighboring school for 60 years, to assist with a specific program or need.

Contribute \$1,000.00 yearly to a local youth community-policing event for 60 years.

Collaborate with the independent non-profit, United Hispanic Construction Workers (UHCW) to facilitate and ensure that up to 25% of the construction work forces of these developments are residents in our Community Board's zip codes and The Bronx. (Zip codes: 10473, 10472, 10462, 10460)

If you have any questions please feel free to contact our office.

Thank You,

William Rivera
District Manager

CC: Chairman Nicholas Himidian, Bronx Community Board 9
Land, Zoning, Planning, & Economic Development Committee, Bronx Community Board 9
Manny Lagares, NYC Department of City Planning.
Local Elected Officials

**BOROUGH PRESIDENT
RECOMMENDATION**

**CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
Fax # (212)720-3356**

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION # C 160326 ZMX-Westchester Mews

DOCKET DESCRIPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 9

BOROUGH: BRONX

RECOMMENDATION

- APPROVE**
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)**
- DISAPPROVE**

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary): PLEASE SEE ATTACHMENT FOR THE BOROUGH PRESIDENT'S RECOMMENDATION


BOROUGH PRESIDENT


DATE

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 160326 ZMX
Westchester Mews**

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Westchester Mews LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 4b:

1. Changing from an R5 District to an R6 District property bounded by Westchester Avenue, Olmstead Avenue, new bold Avenue, Pugsley Avenue, a line midway between Westchester Avenue and Newbold Avenue, a line perpendicular to the southerly street line of Westchester Avenue originating at a point 450 feet easterly of Pugsley Avenue; and
2. Changing from an C2-2 District within an R5 District to a C2-4 District within an R6 District on property bounded by Westchester Avenue, Olmstead Avenue, a line midway between Westchester Avenue and Newbold Avenue and a line perpendicular to the southerly street line of Westchester Avenue originating at a point 450 feet easterly of Pugsley Avenue.

Borough of The Bronx, Community District #9, as shown on a diagram (for illustrative purposes only) dated December 12, 2016.

BACKGROUND

The Project Area

Approval of this application will amend the Zoning Map by changing an existing R5 District located on Block 3805, to R6. Also proposed is to change an existing R5/C2-2 to R6/C2-4. The specific Block and Lots known as the Proposed Project Area include:

Block 3805, Lots: 69, 71, 72, 73, 75, and 76, from R5 to R6

Block 3805, Lots: 30, 34, and 41, from R5/C2-2, to R6/C2-4

Block 3805, Lots: 11, 43, 55, 56, 78, 123, and 124, portions of these lots would be rezoned from R5/C2-2 to R6/C2-4.

This project is subject to Mandatory Inclusionary Housing mandates (MIH).

The Development Site

Adoption of the proposed zoning changes will facilitate construction of two residential buildings, Building A and Building B. Together, this development will be known as Westchester Mews. These proposed buildings will be constructed on Block 3805, Lot 123 and Lot 124, “the development site.” It consists of 47,060 square feet, approximately 1.08 acres. The site is currently vacant. The two proposed buildings will be constructed under the Quality Housing Program. This project will meet Enterprise Green requirements.

Building A:

2044 Westchester Avenue (Block 3805, Lot 124)

This site is located on the east side of Westchester Avenue, midblock, between Pugsley Avenue on the south and Olmstead Avenue on the north. The site is composed of 17,158 square feet, offering 134.08 feet of frontage on Westchester Avenue. The proposed mixed residential/commercial building will rise 11-stories and offer 82 residential units. Specific measurements and unit counts include:

- 87,000 gross square feet-residential floor area
 - 8,000 gross square feet-commercial floor area
- 95,000 gross square feet-TOTAL

Residential units include:

Studios:	13	Measuring approximately 350 square feet
1 Bedroom:	32	Measuring approximately 500 square feet
2 Bedrooms:	22	Measuring approximately 650 square feet
<u>3 Bedrooms:</u>	<u>15</u>	Measuring approximately 850 square feet
Total:	82	

No on-site vehicular parking will be provided. Interior parking for 51 bicycles will be provided.

Given Building A’s proximity to the elevated subway that is in place on Westchester Avenue, the required sound mitigation measures to reduce the noise associated with passing trains are being installed.

Building B

2044 Newbold Avenue (Block 3805, Lot 123)

This site is located on the west side of Newbold Avenue, midblock between Pugsley Avenue on the south and Olmstead Avenue on the north. The site is composed of 29,911 square feet, with 200 feet of frontage on Newbold Avenue. The proposed building will rise 10-stories and will include 124 residential units. Specific measurements include:

- 114,132 gross square feet of residential floor area
 - 1,319 gross square feet of community use facility floor area
- 115,451 gross square feet-TOTAL

Residential units include:

Studios:	35	Measuring approximately 350 square feet
1 Bedroom:	33	Measuring approximately 500 square feet
2 Bedrooms:	36	Measuring approximately 650 square feet
<u>3 Bedrooms:</u>	<u>20</u>	Measuring approximately 850 square feet
Total:	124	

No on site vehicular parking will be provided. Interior parking for approximately 63 bicycles will be provided.

The total number of residential units making up the Westchester Mews development is 206 units. A percentage breakdown of this total include:

- 23.41% studio units
- 31.71% 1-bedroom units
- 27.80 % 2-bedroom units
- 17.07 % 3-bedroom units

Unit affordability (Area Median Income-AMI) for Westchester Mews includes

- 16% Our Space
- 35% at 60% of AMI
- 49% at 80% of AMI

The two residential buildings will share a common exterior courtyard designed for passive recreation. This space will be composed of 1,500 square feet. A community room in each building will also be provided.

Development of the surrounding community includes low rise commercial buildings on Westchester Avenue. Residential development includes two-family homes and mid-rise residential buildings. Retail activity, access to the #6-Train and various bus routes are in place on Westchester Avenue. Vehicular access to the Cross Bronx Expressway is also available within a one mile radius of the Westchester Mews site.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application has been reviewed pursuant to SEQR and CEQR and received a Negative Declaration, meaning the proposed development will have no impact on the surrounding environment. The City Planning Commission certified this application as complete on December 12, 2016.

BRONX COMMUNITY BOARD HEARING

A meeting was called by Bronx Community District #9 on January 19, 2017. A vote recommending approval of this application was 19 in favor, five opposed, and three abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

A public hearing was convened by the Bronx Borough President on February 1, 2017. Speakers representing the applicant were present and spoke in favor of this application. A representative of Local 32BJ was also present and submitted written testimony, which is attached to this recommendation.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

The approval of this application will achieve two very important objectives:

- 1) Development of a vacant lot which will yield over 200 affordable residential units
- 2) The rezoning of property that will facilitate higher density residential development in an area well served by mass transit.

I acknowledge that building affordable housing as represented here by the Westchester Mews proposal is critical for our city. As I have also noted, making certain that what is constructed will be able to accommodate growing families; this too must never be compromised. As such, I must vigorously object to the very modest size of what will be provided to such families at Westchester Mews. Indeed, a three-bedroom unit measuring approximately 850 square feet is simply too small. I would recommend that the Department of Housing Preservation and

Development (HPD) revise its standards and by so doing, establish increased minimum unit measurements that will prevent overcrowding and thereby allow for what must be the inclusion of a person's "private space" within a multi-bedroom unit. To ignore the essentiality of such space is to create housing which, over time will be considered sub-standard. I will continue to speak out about this matter, as for the sake of economics and demand we are now, in my judgement, compromising on the living standards of what is being built.

I recommend approval of this application, noting that for this project, my observations cannot be imposed upon the applicant.



**Testimony of Bryant Brown, SEIU 32BJ
Testifying in Opposition Westchester Mews,
Borough President Hearing
February 1, 2017**

Good morning, my name is Bryant Brown, and I am here today testifying on behalf of my union. 32BJ is the largest property service workers union in the country. 32BJ represents 70,000 building service workers in New York City. Over 4,000 of us live in Community District 9 and over 33,000 of us work in residential buildings like the one Procida is proposing to develop. I am here to tell you just how important it is that Procida commit to creating high quality jobs at Westchester Mews.

Westchester Mews is going to create badly needed affordable housing in the Bronx. My union and I understand how important this is. Many of us have struggled to stay in New York City as rents have risen. But we also know we need good jobs just as much as we need housing. We cannot build our way out of the affordable housing crisis. As long as there are working people earning too little to afford the rising housing costs, families are going to continue to get priced out of their homes.

Building service jobs can be jobs that pay \$10 an hour with no benefits, or they can be good quality jobs that pay wages that allow people to afford to put a roof over their head, save for retirement and access health benefits. My union brothers and sisters and I have been able to stay in the city and support our families because we are lucky to have these kinds of jobs. We need to make sure that Westchester Mews is creating good jobs, not poverty jobs, for Bronx residents.

This is why I am calling on the borough president and councilmember Anabelle Palma to ensure that Procida commits to creating high quality, family sustaining jobs at Westchester Mews and in all of its upcoming developments across the City.

Thank you.