



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

1. changing from an M1-1 District to an R7A District property bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue, Westchester Avenue, and Blondell Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue, Westchester Avenue, and Blondell Avenue;

Borough of the Bronx, Community District 11, as shown on a diagram (for illustrative purposes only) dated October 15, 2018, and subject to the conditions of CEQR Declaration E-505.

This application (C 170438 ZMX) for a zoning map amendment was filed by Blondell Equities, LLC on May 26, 2017, in conjunction with the related zoning text amendment. This application would facilitate the development of a nine-story mixed-use building with approximately 228 units of affordable housing in the Westchester Square area of the Bronx, Community District 11.

### **RELATED ACTION**

In addition to the zoning map amendment (C 170438 ZMX) that is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application, which are being considered concurrently with this application:

<b>N 170439 ZRX</b>	Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area
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<b>C 170353 MMX</b>	City map amendment to eliminate, discontinue and close Fink Avenue between Blondell and Waters avenues.
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### **BACKGROUND**

This application by Blondell Equities, LLC is seeking a zoning map amendment, text amendment, and City map change to facilitate the development of a nine-story mixed-use building with

approximately 228 units of affordable housing in the Westchester Square neighborhood of the Bronx, Community District 11.

The proposed rezoning area (Block 4133, Lots 1, 2, 8, 10, 61, 62 and 63 and Block 4134, Lots 1 and 14) is generally bounded by an unbuilt portion of Ponton Avenue to the north; New York City Transit (NYCT) train yards to the east, Westchester Avenue to the south, and Blondell Avenue to the west. It is currently zoned M1-1. Blondell Avenue, Fink Avenue and Ponton Avenue are all classified by the Zoning Resolution as narrow streets measuring 60 feet in width. An application (C 110342 MMX) to demap the unbuilt portion Ponton Avenue was approved in January 2014, but was never executed.

The rezoning area is situated in Westchester Square, with Williamsbridge, medical complexes such as Albert Einstein, Montefiore, and Bronx Behavioral Health Center, and the Hutchinson Metro Center to the north. The Blondell Avenue area is generally bound by the Amtrak / Metro-North rail right-of-way to the north, a large NYCT train yard and the Hutchinson River Parkway to the east, a manufacturing district and Westchester Creek to the south, and the Westchester Square area to the west.

The elevated NYCT 6 subway line runs to the south of the rezoning area on Westchester Avenue, with the Westchester Square station located approximately 600 feet from the rezoning area. The area is well-served by several bus routes, including the BX4, 4A, 8, 21, 24, 31, 40, and 42 on Tremont Avenue, Westchester Avenue, Williamsbridge Road, and Eastchester Road.

The area is characterized by a wide variety of land uses, including both single- and multi-family residential, mixed-use, commercial, manufacturing, transportation/utilities, automotive/parking, and several parks and other community facilities. Most of the development of these properties predates the mapping of the underlying M1-1 zoning district.

Existing development within the rezoning area is generally one to two stories in height, consisting of mostly light manufacturing uses including parking, auto repair and storage, warehousing, and

storage. There are several nonconforming residential uses located within the rezoning area as well as some commercial and vacant uses and lots. Due to the historic and present uses in the area, the lots within the rezoning area are most likely contaminated brownfield sites. In addition, due to the proximity to Westchester Creek, the lots sit within the Federal Emergency Management Agency (FEMA) 100 Year Floodplain.

On Block 4133, Lot 1 is developed with a single-story 1,075-square-foot building used for parking/automotive-related use. Lot 2 is a 24,900-square-foot commercial warehouse constructed in 1974. Lot 8 is a cross-shaped, unmapped right-of-way known as Cooper Avenue and Grant Street. Lot 10 is a 4,950-square-foot lot that contains a portion of the mapped but unbuilt Fink Avenue and is developed with a nonconforming and noncomplying 13,230-square-foot, two-story building, constructed in 1934, which has a catering establishment on the ground floor and four residential apartments above. Lot 12 is a 3,000-square-foot lot that is used as an open parking lot and automotive-related use. Lot 61 is an irregular 1,642-square-foot corner lot developed with a 3,040-square-foot, two-story commercial building constructed in 1954. Lot 62 is a 2,500-square-foot lot with a 2,000-square-foot single-story commercial building constructed in 1932. Lot 63 is an 11,646-square-foot irregular lot with a 1,200-square-foot single-story warehouse building constructed in 1952. Block 4134, Lot 14 consists of a portion of the NYCT right-of-way area and train maintenance yard.

The development site, located at 1340–1346 Blondell Avenue (Block 4134, Lot 1), is entirely within the rezoning area. It has approximately 46,380 square feet of lot area, with approximately 155 feet of frontage on the former Ponton Avenue and approximately 205 feet of frontage along Blondell Avenue. It includes a mapped but unbuilt portion of Fink Avenue that is proposed to be demapped under a related application (C 170353 MMX). The development site has a vacant nonconforming residential structure, and is used for active parking and storage uses.

The existing M1-1 zoning district allows a maximum floor area ratio (FAR) of 1.0 for both commercial and manufacturing uses, and 2.4 for community facility uses. Residential uses are not permitted as-of-right in M1-1 districts. The surrounding area is mapped with an R6 district to the

west and northwest of the rezoning area, with C1-2, C1-4, C2-2, and C2-4 commercial overlay districts mapped along portions of Westchester Avenue, East Tremont Avenue, and Williamsbridge Road. The Westchester Square Business Improvement District is located within the R6 district. To the east, beyond the rail yards, are R5 and R7-1 residential zoning districts.

To facilitate the proposed development, the applicant seeks a zoning map amendment to change the existing M1-1 zoning district to an R7A/C2-4 district, a zoning text amendment to designate an MIH area, and a city map amendment to demap the mapped but unbuilt portion of Fink Avenue that traverses the development site.

The proposed zoning map amendment from M1-1 to R7A/C2-4 would permit residential uses at an increased density of 4.6 FAR under MIH, and 2.0 FAR for commercial uses. R7A is a medium-density zoning district appropriate in areas close to transit. It allows base heights up to 75 feet and maximum heights up to 95 feet. The proposed R7A/C2-4 zoning district would connect to the existing R6/C1-2 district to the west.

The proposed development would consist of a new nine-story, 95-foot-tall mixed-use building with approximately 212,000 square feet of floor area (4.6 FAR) that would set back 15 feet along Blondell Avenue after a base height of approximately 75 feet. The building would include approximately 20,000 square feet of commercial retail and 2,000 square feet of community facility space on the first floor. About 190,000 square feet of residential use would be developed, generating approximately 228 dwelling units, including 48 studio apartments, 80 one-bedroom apartments, 60 two-bedroom apartments, and 40 three-bedroom apartments. There would also be 6,200 square feet of outdoor recreational space.

The proposed development would provide an approximately 40,000-square-foot accessory parking garage with 225 parking spaces in the cellar, including 95 spaces for commercial use, two for community facility use, and 128 for the residential dwelling units. The garage would be accessed via an entrance on Blondell Avenue.

The applicant also proposes a zoning text amendment (170439 ZRX) to designate an MIH area mapped with Option 2. Option 2 requires that 30 percent of residential floor area be devoted to housing units affordable to residents with household incomes at an average of 80 percent of the area median income (AMI). No more than three income bands can be used to average out to the 80 percent, and no income band can exceed 130 percent of the AMI. The applicant intends to seek funding through the Department of Housing Preservation and Development (HPD) and the New York City Housing Development Corporation through the Mix and Match program, a program that funds the new construction of mixed-income multifamily rental projects in which 40 to 60 percent of the units are at rents affordable to households earning up to 60 percent of the AMI and the other 40 to 60 percent of units would have rents affordable to moderate or middle-income households earning up to 130 percent of the AMI. The applicant expects that the project would average 72 percent of the AMI. While the 228-unit proposed development would be 100 percent affordable, the text amendment to designate the rezoning area as an MIH area would require 69 of the units to be permanently affordable housing.

The applicant also seeks a City map amendment (C 170353 MMX) to eliminate, discontinue, and close the portion of Fink Avenue between Blondell Avenue and Waters Avenue, and make adjustments to the related block dimensions and legal grades. This change is necessary to facilitate the proposed development, as this mapped but unbuilt portion of Fink Avenue (Block 4134, portions of Lot 1, former Lots 62 and 63) traverses the development site. Additionally, this action would bring the building on Block 4133, Lot 10, through which the unbuilt portion of Fink Avenue runs, into compliance.

## **ENVIRONMENTAL REVIEW**

This application (C 170438 ZMX), in conjunction with the applications for the related actions (N 170439 ZRX and C 170353 MMX), 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 lead agency is the City Planning Commission. The designated CEQR number is 17DCP194X.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on October 12, 2018. This Negative Declaration included (E) Designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise, (E-505). The requirements of the (E) Designation are described in the Environmental Assessment Statement and Negative Declaration.

### **UNIFORM LAND USE REVIEW**

This application (C 170438 ZMX), in conjunction with the application for the related City map change (C 170353 MMX), was certified as complete by the Department of City Planning on October 15, 2018 and duly referred to Bronx Community Board 11 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 a zoning text amendment (N 170439 ZRX), which was referred in accordance with the procedures for non-ULURP actions.

### **Community Board Public Hearing**

Community Board 11 held a public hearing on this application (C 170438 ZMX) on December 10, 2018, and on December 20, 2018, by a vote of 16 in favor, seven opposed and two abstentions, adopted a resolution recommending disapproval of this application.

Community District 10, which lies across Blondell Avenue from the proposed rezoning, also held a public hearing on this application (C 170438 ZMX) on January 17, 2019 and, on that date disapproved the application by a vote of 12 in favor, 18 opposed and one abstention.

### **Borough President Recommendation**

This application (C 170438 ZMX) was considered by the Bronx Borough President, who held a public hearing on December 27, 2018 and on January 16, 2019, issued a recommendation approving the application with the condition that the applicant provide secondary access to the

parking garage from Cooper Avenue; that the City of New York take over ownership of Cooper and Grant avenues and maintain the roadbeds; that the remainder of Blondell Avenue not be rezoned; and that the applicant explore ground floor space for a charter school.

### **City Planning Commission Public Hearing**

On, January 9, 2019 (Calendar No. 1), the Commission scheduled January 30, 2019, for a public hearing on this application (C 170439 ZMX). The hearing was duly held on January 30, 2019 (Calendar No. 23). 16 people spoke in favor of the application, including a three-person applicant team, and six people spoke in opposition.

The applicant team, consisting of the applicant, an applicant representative, and the project architect, described the proposed project, the rezoning area, the site design, and the project details. The applicant representative described Blondell Avenue as an underutilized transit-rich portion of the Westchester Square area and explained that, while it may not have been possible when the area was originally zoned M1-1 in 1961, new engineering and building techniques have made it possible to site residential projects adjacent to an active rail yard. The representative also described the conditions of the unmapped but built Cooper and Grant streets. The project architect explained that the first floor of the development would be built at 20 feet above sea level, whereas flood elevation in this area was at 13 feet. He explained that only storage uses would be located below the first floor and that mechanical infrastructure would be located on the first floor and on upper floors. The architect also stated that the building would use durable materials that would age well and that the building would be designed according to Enterprise Green Communities and active design living guidelines.

The project applicant described the State of New York Department of Environmental Conservation Brownfield Cleanup Program process, in which the proposed development would take part. He also stated that the team would work to accommodate school needs in the proposed development and that a homeless shelter was not proposed. He said that the 225-space parking garage was proposed in response to needs raised by the Westchester Square business community. He also described the stanchion for the elevated 6 train that sits in the middle of Cooper Avenue.

Nine union representatives testified in support of the proposed project, citing encouraging conversations with the developer and stating that the proposed development would provide good jobs and be a positive addition to the neighborhood. Some stated concerns that the housing would not be truly affordable to local residents. Some speakers also asked the Commission to encourage the developers to use union labor in the proposed project. A resident of Throggs Neck testified in support of the project, stating that there is high demand for new housing that targets multiple levels of the AMI in the area. A resident of Blondell Avenue testified in support of the project, stating that there were not enough people in the area to support local businesses and that the proposed project would bring needed foot traffic. He also stated that the proposed development would bring needed lighting to make the street feel safer and discourage illegal dumping. Another resident spoke in favor of the proposal, stating that the proposed project area would be great for development and would provide housing for the young people in the area. A local worker testified in support of the project, stating that the development would generate higher foot traffic for businesses in the area where he works.

A union representative spoke in opposition to the proposal, citing that the developer had not committed to providing union jobs for building service workers. A resident of Community District 10 and the Pelham Bay Taxpayers and Civic Association community group spoke in opposition of the proposal, stating that the proposal was not in the right location at the right time given the area's infrastructure and school needs, and that it would cause additional traffic.

A resident of Community District 11 spoke in opposition to the application, stating that the local grade school was at 140 percent capacity; that the Department of Environmental Conservation Phase II findings were not in the EAS; that the developer had not historically supported union labor; that the proposed development would not be affordable to people of the area and that they should lower the AMI bands; and that the development site would not be large enough to accommodate a school. A representative of the Westchester Square-Zerega Improvement Organization, Inc. testified in opposition to the application, citing the disapprovals of Community Boards 10 and 11; the potential dangers of constructing on hazardous sites and in FEMA zones;



the existing traffic issues; the use of taxpayer dollars; and the stable businesses already on Blondell Avenue. She maintained that the area should remain as it is today.

Another representative of the Westchester Square-Zerega Improvement Organization spoke in opposition, describing the possibility of the charter school as infeasible, stating that the BID did not represent the businesses on Blondell Avenue, that the proposed parking facility would cause congestion, and questioning whether the proposed rezoning would be considered spot zoning. A physician who had a practice in the area also spoke in opposition, stating that a previous rezoning in the area kept the proposed rezoning area as M1-1 and that it was ideally suited for M1-1. He described stable businesses on Blondell Avenue and said that the proposed development would impede traffic, including ambulances traveling to local hospitals.

There were no other speakers, and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 170438 ZMX), in conjunction with the related applications for a zoning text amendment (N 170439 ZRX) and City Map change (C 170353 MMX), is appropriate.

The proposed zoning map and text amendments will change the existing M1-1 district to an R7A/C2-4 district, and establish an MIH area coterminous with the proposed R7A/C2-4 district, requiring permanent affordability for a portion of the units in developments within the rezoning area. The requested actions will facilitate the development of a new nine-story mixed-use building with approximately 228 housing units. The project will help address the dire need for more housing in the Bronx and in the City overall, consistent with City objectives for promoting housing production and affordability.

In addition, it will redevelop underutilized sites with excellent transit access. The development site is currently vacant and one other lot within the rezoning area is nonconforming, with a building containing residential units in the mapped but unbuilt portion of Fink Avenue. The

proposed rezoning and City map change eliminating Fink Avenue will bring this lot into conformance and compliance.

The residential densities and building heights permitted by the proposed R7A/C2-4 district are appropriate for this location. There are nonconforming residential uses on Blondell Avenue today and the proposed R7A district will add to and complement the existing residential uses on the street. It is appropriate to locate medium-density zoning districts such as an R7A district in transit-rich areas, as well as along wide, elevated train corridors such as Westchester Avenue and along wide, open rail yards such as the NYCT property directly adjacent to the rezoning area. The proposed C2-4 overlay allows mixed-use buildings with ground floor retail, which will permit commercial uses as an extension of the Westchester Square BID a block away. The C2-4 overlay will also activate the ground floor of the proposed development, creating a more active experience on Blondell Avenue for future and current residents.

The proposed zoning text amendment (N 170439 ZRX) is appropriate. Designating an MIH area is consistent with Citywide objectives promoting production of affordable housing. With the proposed MIH Option 2, new developments within the project area will be required to permanently dedicate 30 percent of new residential floor area to affordable housing. This will bring much-needed permanent affordable housing to the community, to the Bronx, and to the City.

The proposed City Map change (C 170353 MMX) to eliminate, discontinue, and close the portion of Fink Avenue between Blondell Avenue and Waters Avenue is appropriate. As this portion of Fink Avenue traverses the development site, its elimination will facilitate the development of affordable housing on the site. This action will also bring the building on Block 4133, Lot 10 into compliance.

The Commission acknowledges the conditions of the Bronx Borough President that the applicant provide secondary access to the parking garage; that the City of New York take over ownership of Cooper and Grant avenues; that the remainder of Blondell Avenue not be rezoned; and that the applicant explore ground floor space for a charter school. While outside of the purview of these

actions, the Commission encourages ongoing conversations between the applicant, the Borough President's office, and the community boards. The Commission is encouraged by the applicant's responsiveness to the community thus far.

The Commission also acknowledges the recommendations to disapprove from Bronx Community Boards 10 and 11 as well as those who testified in opposition of this application and testimony received electronically, citing concerns about local traffic, parking, school overcrowding, use of union labor, level of affordability, remediation of the site, and the scale and appropriateness of the proposed zoning district. Traffic, school seats, and hazardous materials were all analyzed in the EAS, which resulted in a Negative Declaration with (E) designations for hazardous materials, air quality, and noise. In addition, the Commission is encouraged by the applicant's participation in the State of New York Department of Environmental Conservation Brownfield Cleanup Program. While some aspects of the concerns fall outside of the purview of the requested actions, the Commission commends the applicant for working to address concerns raised through the public review process, such as exploring space for a charter school. The Commission encourages the applicant to continue conversations with the community as the details of the project are finalized.

## **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 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. changing from an M1-1 District to an R7A District property bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue, Westchester Avenue, and Blondell Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue, Westchester Avenue, and Blondell Avenue;

Borough of the Bronx, Community District 11, as shown on a diagram (for illustrative purposes only) dated October 15, 2018, and subject to the conditions of the CEQR Declaration E-505.

The above resolution (C 170438 ZMX), duly adopted by the City Planning Commission on February 27, 2019 (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.

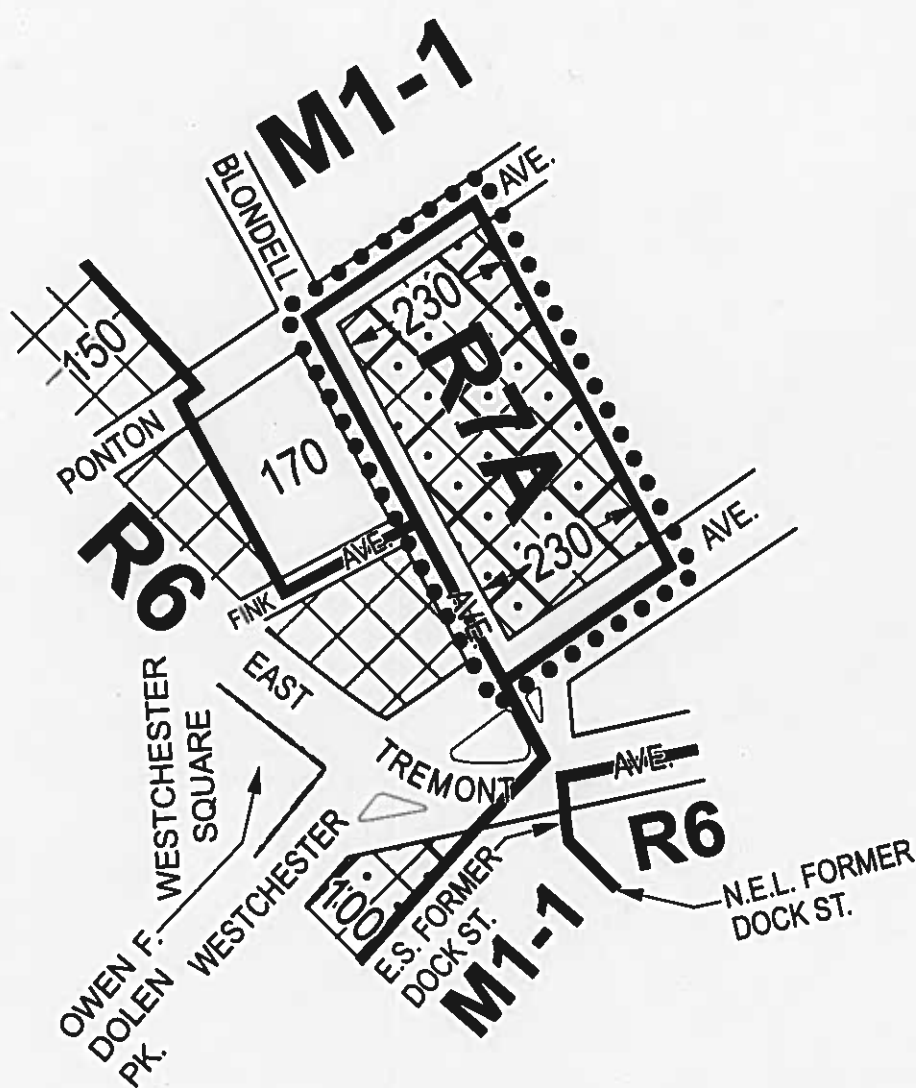
**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*

**ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III, MICHELLE de la UZ,**

**HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ,**

**RAJ RAMPERSHAD**, *Commissioners*



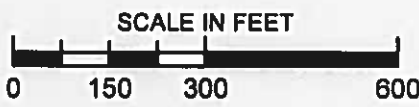
CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
ON SECTIONAL MAP  
**4b**

BOROUGH OF  
**BROOKLYN**






  
S. Lenard, Director  
Technical Review Division



New York, Certification Date  
OCTOBER 15, 2018



**NOTE:**

-  Indicates Zoning District Boundary
-  The area enclosed by the dotted line is proposed to be rezoned by changing an existing M1-1 District to an R7A District, and establishing a C2-4 District within the proposed R7A District.
-  Indicates a C1-2 District
-  Indicates a C1-4 District
-  Indicates a C2-4 District

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.  
THIS DIAGRAM REFLECTS PROPOSED CHANGES IN THE CITY MAP  
PURSUANT TO RELATED MAPPING APPLICATION C 170353 MMX.

Application #: **C 170353 MMX**

CEQR Number: **09DCP008X**

Project Name: **Blondell Commons City Map Change**

Borough(s): **The Bronx**

Community District Number(s): **11**

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](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 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 Blondell Equities LLC pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of Fink Avenue between Blondell Avenue and Waters Avenue; and
- the adjustment of grades necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 11, Borough of The Bronx, in accordance with Map No. 13141 dated December 13, 2017 and signed by the Borough President.

<b>Applicant(s):</b> Blondell Equities LLC 1346 Blondell Avenue Bronx, New York 10461		<b>Applicant's Representative:</b> Eric Palatnick Eric Palatnick P.C. 32 Broadway, Suite 14 New York, New York 10004 212.425.4343	
<b>Recommendation submitted by:</b> Bronx                      Community Board 11			
<b>Date of public hearing:</b> 12/20/18		<b>Location:</b> Jacobi Medical Center	
<b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
<b>Date of Vote:</b> 12/20/18		<b>Location:</b> Jacobi Medical Center	
<b>RECOMMENDATION</b> <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input checked="" type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions			
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>			
<b>Voting</b> # In Favor: 16    # Against: 7    # Abstaining: 2    Total members appointed to the board: 44			
<b>Name of CB/BB officer completing this form</b> Jeremy Wanebe		<b>Title</b> District Manager	<b>Date</b> 12/21/18

Application #: **C 170438 ZMX**

CEQR Number: 17DCP194X

Project Name: **Blondell Commons**

Borough(s): **Bronx**

Community District Number(s): **11**

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

### SUBMISSION INSTRUCTIONS

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  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31<sup>st</sup> 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 Blondell Equities LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4b:

- changing from an M1-1 District to an R7A District property bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue, Westchester Avenue, and Blondell Avenue; and
- establishing within the proposed R7A District a C2-4 District bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue, Westchester Avenue, and Blondell Avenue;

Borough of Bronx, Community District 11, as shown on a diagram (for illustrative purposes only) dated October 15, 2018, and subject to the conditions of CEQR Declaration E-505.

*See preceding document*

#### Applicant(s):

Blondell Equities LLC  
1346 Blondell Avenue  
Bronx, NY 10461

*Same info*

#### Applicant's Representative:

Eric Palatnik, Esq.  
Eric Palatnik, P.C.  
32 Broadway, Suite 114  
New York, NY 10004

#### Recommendation submitted by:

Bronx Community Board 11

Date of public hearing:

Location:

Was a quorum present? YES ☐ NO ☐

A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Date of Vote:

Location:

#### RECOMMENDATION

☐ Approve

☐ Approve With Modifications/Conditions

☐ Disapprove

☐ Disapprove With Modifications/Conditions

**Please attach any further explanation of the recommendation on additional sheets, as necessary.**

#### Voting

# In Favor:      # Against:      # Abstaining:      Total members appointed to the board:

Name of CB/BB officer completing this form

Title

Date



**Ruben Diaz, Jr.**  
Borough President

## **BRONX COMMUNITY BOARD No. 10**

3165 East Tremont Avenue • Bronx, New York 10461

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E-mail: [bx10@cb.nyc.gov](mailto:bx10@cb.nyc.gov)

Facebook.com/BronxCommunityBoard10

Website: [www.nyc.gov/bronxcb10](http://www.nyc.gov/bronxcb10)



**Peter J. Sullivan**  
Chairperson

**Matthew Cruz**  
District Manager

January 22, 2019

Carol J. Samol, AICP  
Bronx Borough Director  
NYC Department of City Planning  
1775 Grand Concourse, Suite 503  
Bronx, NY 10453

### **RE: Blondell Commons**

Dear Director Samol:

I write to you today to inform you and the City Planning Commission of the resolution rendered by Bronx Community Board #10 at the January 17, 2019 Public Hearing in opposition to Uniform Land Use Review Procedure C 170438 ZMX, N 170439 ZRX, and C 170353 MMX which is commonly referred to as Blondell Commons which is located in the Westchester Square section of our community district.

Firstly, I thank your agency for adhering to the New York City Charter which paved the way for Bronx Community Board #10 to render an opinion on a project our community feels strongly will impact it. As you know, Westchester Square is shared by Bronx Community Boards #10 and #11.

However, Community Board #10 represents the majority of the neighborhood. For this reason, we felt compelled to hold a public hearing and relay the determination to you.

With that said, Bronx Community Board #10 voted to oppose the Blondell Commons project. The majority of Board Members cited the following reasons:

- The project is much too tall and dense for the area
- The future of Blondell Avenue and what this development will bring over-crowding at current zoned public school and much larger issue of lack of adequate local infrastructure
- Not enough outreach done to businesses and property owners
- Concerns of how successful remediation efforts will be at the site
- The narrowness of Blondell Avenue
- Fear of site becoming homeless housing
- Is the current amount of parking spaces enough
- Bronx Community Board #11 voted in opposition.

Aside from these reasons, Bronx Community Board #10 is particularly concerned with the lack of outreach by the Department of City Planning and the applicant to the surrounding community. If we, as a Community Board, are to make informed decisions then we certainly need to hear from adjacent property owners and not just applicant. As always, we stand ready to assist in any future outreach effort. Please see the official resolution below:

**“Resolved** at the recommendation of Bronx Community Board #10 that the following ULURP matters be forwarded to the Full Board for approval:

C 170438 ZMX PUBLIC HEARING: IN THE MATTER OF an application submitted by Blondell Equities LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4b: 1. changing from an M1-1 District to an R7A District property bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue, Westchester Avenue, and Blondell Avenue; and 2. establishing within the proposed R7A District a C2-4 District bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue, Westchester Avenue, and Blondell Avenue;



N 170439 ZRX PUBLIC HEARING: IN THE MATTER OF an application submitted by Blondell Equities LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area;

C 170353 MMX PUBLIC HEARING: IN THE MATTER OF an application submitted by Blondell Equities LLC pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving: • the elimination, discontinuance and closing of Fink Avenue between Blondell Avenue and Waters Avenue; and • the adjustment of grades necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 13141 dated December 13, 2017 and signed by the Borough President.”

A motion to accept the Resolution was made by Mr. Bieder, seconded by Mr. Accomando and voted on as follows: (12) twelve in favor, (18) against, (1) abstention. **The Resolution did not pass.**

Sincerely,

A handwritten signature in dark ink, appearing to read "Peter Sullivan", with a long horizontal flourish extending to the right.

Peter Sullivan  
Chairperson, CB #10

C: T. Lucania, Office of Bronx Borough President

**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.

**APPLICATIONS NO: C 170353 MMX, C 170438 ZMX-Blondell Commons**

**DOCKET DESCRPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION**

**COMMUNITY BOARD NO. # 11**

**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**

**1/16/2019**

**DATE**

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION  
ULURP APPLICATION NOS: C 170353 MMX, C170438 ZMX  
BLONDELL COMMONS**

**DOCKET DESCRIPTION**

**C 170353 MMX:**

**IN THE MATTER OF** an application submitted by Blondell Equities LLC pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- The elimination, discontinuance and closing of Fink Avenue between Blondell Avenue and Waters Avenue; and
- The adjustment of grades necessitated thereby;

Including authorization for any acquisition or disposition of real property related thereto, in Community District #11, Borough of The Bronx, in accordance with Map No. 13141 dated December 13, 2017 and signed by the Borough President.

**C 170438 ZMX:**

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

1. Changing from an M1-1 District to an R7A District property bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue Westchester Avenue, and Blondell Avenue; and
2. Establishing within the proposed R7A District a C2-4 District bounded by Ponton Avenue, a line 230 feet northeasterly of Blondell Avenue, Westchester Avenue and Blondell Avenue;

Borough of The Bronx, Community District #11, as shown on a diagram (for illustrative purposes only) dated October 15, 2018, and subject to the condition of CEQR Declaration E-505.

**BACKGROUND**

Approving these applications will:

1. Demap and close Fink Avenue, between Blondell Avenue and Waters Avenue
2. Amend the Zoning Map by eliminating an M1-1 District and establish an R7A District while also establishing a C2-4 commercial overlay within the R7A District.

This “rezoning area” is composed of ten properties, the overall boundaries of which are Ponton Avenue to the north, Blondell Avenue to the west, Westchester Avenue to the south and a line 230 feet east of Westchester Avenue. These boundaries include Block 4133, Lots 1, 2, 8, 10, 12, 61-63 and Block 4134, Lot 1 and Lot 14. The specific locations include:

Block 4133, Lot 1: Is composed of 5,750 square feet; a single story building offering 1,075 square feet is on this lot.

Block 4133, Lot 2: Is composed of 11,250 square feet. A warehouse composed of 24,900 square feet is on this lot.

Block 4133, Lot 8: This lot is utilized as a street right-of-way known as Cooper Avenue and Grant Street. The paved portion of this dead-end stub is used for parking. This street area is to be eliminated as part of the proposed demapping application.

Block 4133, Lot 10: Is composed of 4,950 square feet. A legally non-conforming, noncomplying two-story mixed use building composed of 13,230 square feet is located on this lot.

Block 4133, Lot 12: Is composed of 3,000 square feet. This Lot is vacant used as an off-street parking lot.

Block 4133, Lot 61: Is composed of 1,642 square feet with a two-story commercial building totaling 3,400 square feet.

Block 4133, Lot 62: Is composed of 2,500 square feet. A single story building measuring 2,000 square feet is located on this lot.

Block 4133, Lot 63: Is composed of 11,646 square feet. A single story warehouse composed of 1,200 square feet is located on this lot.

Block 4134, Lot 1: This lot consists of former lots (1, 2, 4, 62, 63 and 70) This combined lot is composed of 46,380 square feet and accommodates a building consisting of 6,210 gross square feet of floor area.

Block 4134, Lot 14: This lot accommodates a New York City Transit Authority right-of-way and maintenance yard.

The “development site” which are those lots on which the applicant proposes to construct a residential building with retail access, includes Block 4133, Lot 12 and Block 4134, Lot 1. This site is bounded by Ponton Avenue to the north, Blondell Avenue on the west, privately owned right-of-ways known as Grant Street and Cooper Avenue. (Block 4133, lot 8) to the south, and on the east is the New York City Transit Authority train yard. It is proposed that this development site would be merged into a zoning lot known as 1340-1346 Blondell Avenue. It

will consist of 46,380 square feet of lot area, with approximately 155 feet of frontage on Ponton Avenue and 205 feet of frontage on Blondell Avenue. This site includes a one-story industrial building and two small accessory structures. Blondell, Fink (which will be demapped) and Ponton Avenue are all a maximum of sixty feet wide, classifying them as “narrow streets.”

The applicant is proposing to construct a 9-story mixed use building composed of 211,500 square feet with a total unit count of 228 dwelling units. This building will offer:

51 Studio units:	450 gross square feet
80, 1-bedroom units:	620 gross square feet
57, 2-bedroom units:	870 gross square feet
40, 3-bedroom units:	1,200 gross square feet

Income distribution for this development include;

69 units:	30% AMI
69 units:	60% AMI
17 units:	90% AMI
73 units:	120% AMI

On-site amenities include

- On-site parking able to accommodate 225 vehicles (cellar level)
- On-site parking for 114 bicycles
- Community facility space compose of 2,024 square feet
- Interior recreation room on 2<sup>nd</sup> story composed of 3,407 square feet
- Interior recreation room on 3<sup>rd</sup> story composed of 2,250 square feet
- Outdoor passive recreation area composed of 3,000 square feet
- Laundry room facilities composed of 1,157 square feet

This proposed development will satisfy Enterprise Green Communities requirements.

Retail/commercial space consisting of 19,668 square feet will be accessible via Blondell Avenue. The applicant intends to lease this space as one retail venue. There will no off-street provision made for deliveries.

Total development cost for this project is \$115 million.

Existing development of the surrounding community is typified by one-story industrial type buildings, many of which offer a variety of services for mechanical and auto functions. Residential development includes one and two story homes, some of which include two residences, with a handful of four to six-story apartment buildings peppered throughout the neighborhood. Retail activity is located on Westchester Avenue, on Williamsbridge Road and on East Tremont Avenue. Mass transportation via the #6 train is available at the Westchester Square station approximately three blocks southeast of the proposed development site. Bus transit operates on East Tremont Avenue and on Williamsbridge Road, with numerous routes

terminating at Westchester Square. These include the, BX4, BX4A BX 8, BX21, BX24, BX31, BX 40, and BX 42. The site is also readily accessible to the Hutchison River Parkway three blocks northeast at Waters Place off of Westchester Avenue.

## **ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION**

These applications were reviewed pursuant to CEQR and SEQR and both received a Negative Declaration. The City Planning Commission certified both applications as complete on October 15, 2018.

## **BRONX COMMUNITY BOARD PUBLIC HEARING**

A public hearing was called to order by Bronx Community Board #11 on December 20, 2018. A vote recommending these applications be disapproved was, seven in favor of approving this application, 16 recommending this application be disapproved, and two abstaining.

## **BOROUGH PRESIDENT'S PUBLIC HEARING**

The Bronx Borough President convened a public hearing on December 27, 2018, to consider these applications. Representatives of the applicant were present and spoke in favor of these applications. Ten members of the public were also in attendance. All those speaking spoke against approving these applications. Written testimony was also submitted, all of which are in opposition to approving these applications. All those wishing to testify did so and the hearing was closed.

## **BRONX BOROUGH PRESIDENT'S RECOMMENDATION**

The anticipated development initiating this rezoning would provide much-needed affordable housing with retail. While the design and program of this building are well thought out and meet many of my requirements for support, there are some concerns that I will address later in my recommendation. I am pleased to see that the building's exterior features a variation of brick textures and colors. As this would be the first residential development to be constructed within the proposed R7A zone, it is critical that this building set a standard which future development will emulate. Based on what was presented at my public hearing, this building meets that standard.

The location of the proposed rezoning is adjacent to a transit hub at Westchester Square, which provides access to the IRT 6 train and eight bus connections. It is also a few blocks from the Hutchison River Parkway, providing significant highway access. The fact that approximately 43% of the total number of units to be constructed will offer two and three bedroom options, does much to satisfy my condition that families are accommodated. The inclusion of ample space for passive recreation is to be commended. The provision of approximately 19,668 square feet for commercial or community use will provide ambient light to encourage pedestrian activity along Blondell Avenue thereby making this community more desirable and safe.

The project provides 225 parking spaces, which is significantly more than zoning requires. This was offered to satisfy the needs of the Westchester Square Business Improvement District and neighborhood residents. East Bronx communities often note that proposed developments do not provide sufficient parking, given available resources and the general low-density nature of the surrounding neighborhoods. While I believe this is a transit-oriented area that does not require significant amounts of parking, I understand both the BID and community desires as it relates to the need for parking options.

Ironically, the parking and its accessibility has become a point of contention. Blondell Avenue is a 60-foot wide, northwest-bound, one-way street. Testimony provided by community residents noted that while most of Blondell Avenue is industrial in character, it is utilized as a pass-through around the busy intersection of Westchester Square itself, as well as East Tremont Avenue and Williamsbridge Road. This may be something not readily picked up by the Environmental Assessment Statement (EAS), but I believe must be considered more carefully. In the current proposal, Blondell Avenue is the only in-out access point for the garage. This potentially creates a bottleneck on Blondell Avenue with cars utilizing it as a bypass route.

By way of addressing these concerns, I believe there is an existing option to alleviate traffic for the garage. There are two unmapped streets that run through the proposed rezoned area, Cooper and Fink (formerly known as Grant Street) Avenues. Both are narrow, 40-foot wide side streets that in reality are a zoning lot known as Block 4133, Lot 8. After extensive searches, it was found that no entity, public nor private, own this lot, and has by default been used as streets. The New York City Department of Transportation (NYCDOT) even has installed street signs for each.

It must be noted that the Fink Avenue, formerly known as Grant Street, that is part of Block 4133, Lot 8 is different than the paper street demapping of Fink Avenue proposed as a part of this rezoning. What is officially proposed in this rezoning is the demapping of a theoretical Fink Avenue that was never built out, but remained on the City map.

After the hearing, my office discussed the possibility of utilizing Cooper Avenue for alternate access to the parking garage with the applicant. The applicant has agreed to provide secondary entrance and exit access via Cooper Avenue. While I find this to be a satisfactory solution, there are two main obstacles in achieving this. First, there is an elevated train stanchion located at the primary access point to Cooper Avenue at Westchester Avenue. Traffic calming and safety measures would need to be implemented to assure that the stanchion is not impacted. Second, as there is no indication of ownership of Block 4133, Lot 8, and as it is currently utilized as Cooper and Fink (formerly known as Grant Street) Avenues, that New York City take over ownership by adverse possession and maintain the roadbed. NYCDOT already acknowledges both roadways with street signs. It provides benefit to multiple parties that the City officially designate them City streets.

Once these concerns are rectified, an access plan can be created that could make Cooper Avenue a two-way street in its entirety, with parking on one side of the street, or that Cooper Avenue can provide northwest-bound, one-way access up to Fink (formerly known as Grant Street) Avenue,

then two-way access in and out of the garage thereon. This second option would have those entering the garage drive down Cooper Avenue, and those exiting the garage turning onto Fink (formerly known as Grant Street) Avenue to connect to either Blondell or East Tremont Avenues. This proposal will disperse traffic flow throughout the immediate six-block area.

My other concern is that I wish to be assured that this will be the extent of rezoning along Blondell Avenue. The rest of Blondell Avenue is industrial and automotive in character, and I believe it should remain that way. My reason for considering this proposal is its immediate proximity to Westchester Square train station and bus routes. I believe it is appropriate to provide this kind of housing within reasonable walking distance to the station. Furthermore, future considerations should respect the surrounding character of already existing residential side streets. The Westchester Square rezoning adopted in 2006 aimed to do this. Development in neighborhoods like this should only occur at transit-rich nodes, where medium-density is appropriate in an otherwise low-density area.

Two other concerns raised by the community were related to the retail use provided. There is concern that this space may result in unwelcome truck traffic for deliveries along a narrow street. Furthermore, a concern was raised regarding school capacity in the surrounding area. The 19,668 square feet for retail is not sufficient for consideration of a public school, but could be utilized for a small charter school. I have spoken with the applicants about this option, and they intend to investigate this as a viable option. I am having them work with my office's Department of Education and Youth to assure an adequate tenant is found.

Finally, at my public hearing there were comments offered pertaining to the likelihood that this site is heavily polluted. The applicant has informed me that this site has been included in the New York State Brownfield Remediation Program, which would assure that any contaminants will be safely removed from the site.

I recommend approval of these applications with conditions as included herein.