



IN THE MATTER OF an application submitted by the Department of Health and Mental Hygiene and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 1235 Zerega Avenue (Block 3831, Lot 40) for a mobile food vendor inspection facility, Borough of the Bronx, Community District 9.

This application was filed on June 18, 2018 by the Department of Health and Mental Hygiene (DOHMH) and the Department of Citywide Administrative Services (DCAS). The requested action would facilitate a new mobile food vendor inspection facility at 1235 Zerega Avenue (Block 3831, Lot 40) in the Zerega neighborhood of Bronx Community District 9.

BACKGROUND

DOHMH and DCAS are seeking site selection and acquisition of property located at 1235 Zerega Avenue to facilitate a new mobile food vendor inspection facility in the Zerega section of Bronx Community District 9. Currently, DOHMH has one citywide facility operating out of Maspeth, Queens for the inspection of mobile food vendor carts and trucks, which it has outgrown. The proposed facility would provide space to conduct pre-operational inspections of mobile food vendor units, including food trucks and carts, prior to the issuance of permits. In selecting the proposed site, DOHMH considered factors such as ease of access for vendors to the site via surrounding road and highway networks sufficient building area and condition and site circulation sufficient for a large inspection space. The availability of neighborhood amenities such as food and shopping for staff were also considered. Past uses of the proposed site include a New York State Emissions Inspection station and an automobile service center.

The proposed site is an approximately 30,000-square-foot, privately owned parcel occupying the entirety of Block 3831, Lot 40. It is bounded on the north by Newbold Avenue, to the east by Zerega Avenue, to the south by Ellis Avenue and to the west by Havemeyer Avenue. The lot contains an approximately 16,000-square-foot vacant one-story structure as well as an

approximately 13,000-square-foot parking lot that would be used as a queuing area for seven food vendors waiting for their inspection times. The parking lot would also contain six spaces for staff parking.

The project site is a split-lot located in an M1-1/R5 zoning district, which allows the proposed use in the M1-1 district but not in the R5 district. The portion of the site that is proposed to be a parking lot is also split between the two zoning districts. Section 77-332 requires, for split-lots, that accessory parking can only be provided within the zoning district that allows the use to which the parking is accessory. Therefore, the parking that is accessory to the mobile food vendor inspection use could not be provided in the R5 zoning district as such use is not allowed in such district. In order to provide accessory parking and access to the facility by the mobile food vending trucks and carts in the R5 district portion of the project site, the applicant has requested and obtained a Mayoral Zoning Override.

The area immediately surrounding the project site contains residential, commercial, community facility and office space uses with accessory parking. Most of the surrounding area is developed with commercial and manufacturing uses including storage facilities, auto repair shops, and commercial office buildings. Transportation routes in the area include the Cross Bronx Expressway to the south and west, the Bruckner Boulevard Expressway to the south, Westchester Avenue to the north, and Castle Hill Avenue to the west. The area is also well served by mass transit: subway service is provided by the No. 6 elevated line, which travels along Westchester Avenue with stops at Castle Hill and Zerega avenues, approximately 1,500 feet to the west and 1,000 feet to the north, respectively. Bus service is provided by the Bx4, Bx22, and the Q-44 Select Bus Service routes.

The proposed facility would have the capacity to inspect up to 75 mobile food vending units daily using eight inspection bays. Twenty seven DOHMH employees would work on site, along with one security guard, who would be stationed at the rear parking gate entry to help guide traffic flow through the existing garage bay door. The facility would be in operation from Monday to Saturday from 8:00 AM to 6:00 PM. The last appointment time to be scheduled for any given inspection would be between 4:30 PM and 4:45 PM. Inspections, which would be by

appointment only, are expected to last approximately 50-75 minutes. Two eight-hour employee shifts, from 7:30 AM to 3:30 PM and from 10:00 AM to 6:00 PM, would cover the facility's operations from Monday through Saturday. The facility would have a 15 year lease with one five year renewal option.

ENVIRONMENTAL REVIEW

This application (C 180460 PCX) 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 Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is DOHMH. A Negative Declaration was issued on June 4, 2018.

UNIFORM LAND USE REVIEW

This application (C 180460 PCX) was certified as complete by the Department of City Planning on June 25, 2018 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).

Community Board Public Hearing

Bronx Community Board 9 held a public hearing on this application (C 180460 PCX) on July 11, 2018, and on that day, by a vote of 6 in favor, none opposed, and none abstaining, adopted a resolution recommending approval of the application with the following conditions:

The applicant should ask the New York City Police Department to assign traffic enforcement agents along Zerega Avenue between the Cross Bronx and Bruckner Boulevard expressways in order to alleviate traffic congestion caused by the replacement of the Unionport Bridge.

Borough President Recommendation

This application (C 180460 PCX) was considered by the Bronx Borough President, who on August 13, 2018, issued a recommendation to approve the application.

City Planning Commission Public Hearing

On August 8, 2018, (Calendar No. 1), the City Planning Commission scheduled August 22, 2018 for a public hearing on this application (C 180460 PCX). The hearing was duly held on August 22, 2018 (Calendar No. 36). Two speakers testified in favor of the application.

A representative from DOHMH, speaking in favor, stated that the agency had been searching for an alternate location for 10 years and that the existing facility, which is located in Maspeth, Queens, is inadequate to handle the inspections because it is less than 10,000 square feet and is shared with the agency's transportation division. She also stated that DOHMH would work closely with the community to allay any concerns about the facility, noting that there would be no queuing of vendor vehicles on the streets.

The second speaker in favor described the inspection program, stating that, in the future, tracking systems would be installed on the carts and trucks to pinpoint their locations and that a letter-grading system, similar to the one currently applied to restaurants, would be established for vendor carts and trucks.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the site selection and acquisition of property for use as a mobile food vendor inspection facility, located at 1235 Zerega Avenue (Block 3831, Lot 40), is appropriate.

The Commission notes that the proposed facility is larger than the existing facility in Maspeth, Queens and will have the capacity to inspect a larger volume of mobile food carts and trucks. The new facility will also improve customer service by providing an enclosed waiting area for the vendors as well as private spaces for interviews. The Commission also notes that the site's proximity to the Bruckner and Cross Bronx expressways provides citywide access for vendors to reach the facility. The site also provides access to public transportation for DOHMH employees via the BX5, BX 22 and the Q-44 Select Bus Service routes and via the No. 6 elevated train line,

which travels along Westchester Avenue with stops at Castle Hill and Zerega avenues, approximately 1,500 feet to the west and 1,000 feet to the north, respectively. The surrounding area provides on-street parking spaces for employee vehicles and the site's proximity to the residential and local retail district allows both vendors and employees an opportunity to patronize local shops and restaurants.

The Commission notes that the Borough President's recommendation states that the applicant has agreed to provide trees and to remove an existing chain link fence in the parking lot and replace it with an alternate barrier.

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 of the New York City Charter, that this application submitted by the Department of Health and Mental Hygiene, pursuant to 197-c of the New York City Charter, for the site selection and acquisition of property located at 1235 Zerega Avenue (Block 3831, Lot 40) for use as a mobile food vendor inspection facility, is approved.

The above resolution (C 180460 PCX), duly adopted by the City Planning Commission on September 26, 2018 (Calendar No. 13), 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, JOSEPH I. DOUEK,
RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT,
ANNA HAYES LEVIN, ORLANDO MARÍN, LARISA ORTIZ**, *Commissioners*

Application #: **C180460 PCX**

CEQR Number: 17DOH002X

Project Name: **Mobile Food Vendor Inspection Facility**

Borough(s): Bronx

Community District Number(s): 9

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 #C100000ZSQ"
 - 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 the Department of Health and Mental Hygiene and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 1235 Zerega Avenue (Block 3831, Lot 40) for a mobile food vendor inspection facility.

Applicant(s): Department of Health and Mental Hygiene 42-09 28th Street, 16th Floor CN8 Long Island City, NY 11101 Dept. of Administrative Services (DCAS) - 1 Centre St., NY, NY 10007		Applicant's Representative: Sally Yap (DOHMH) 347-396-6473 Christian Grove (DCAS) 212-386-0613
Recommendation submitted by: Bronx CB9 Executive / Land + Zoning Committee		
Date of public hearing: 7-11-18		Location: 1967 Turnbull Ave, Bx NY, 10473
Was a quorum present? 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>
Date of Vote: 7-11-18		Location: 1967 Turnbull Ave, Bx 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: 6 # Against: 0 # Abstaining: 0 Total members appointed to the board: 6 (Committee)		
Name of CB/BB officer completing this form  WILLIAM RIVERA District Manager Bronx CB9 City of New York	Title DISTRICT MANAGER	Date 7-12-18



COMMUNITY BOARD NUMBER 9

CITY OF NEW YORK

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RUBEN DIAZ JR.
BRONX BOROUGH PRESIDENT

NICHOLAS HIMIDIAN JR.
CHAIRPERSON

WILLIAM RIVERA
DISTRICT MANAGER



July 12, 2018

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

REF: CB Recommendation # C180460 PCX - Mobile Food Vendor Inspection Facility

To whom it may concern:

I am writing to notify your office, that on July 11, 2018, Bronx Community Board 9's Executive Committee voted to approve the of above mentioned recommendation with the condition listed below, in pursuant to the Uniform Land use Review Procedure.

Modifications/Conditions:

We request the applicant, the NYC Department of Mental Health & Mental Hygiene, assist Bronx Community Board 9, to petition, the New York City Police Department, to implement Traffic Enforcement Agents at the intersections of Zerega Avenue, between Bruckner Boulevard & the Cross Bronx Expressway.

As a result of the Union-port Bridge replacement project, these intersections are gridlocked during rush hour traffic and on occasion the entire day. NYPD Traffic Enforcement Agents were budgeted and planned for the duration of this 5 year construction project on both side of the Union-port Bridge. Yet, the project has started months ago and we have not been allocated these assured resources.

The absence of these much needed traffic agents has exacerbated congestion on both sides of the Union-port Bridge. The proposed site for this facility is located at 1235 Zerega Avenue, Bronx NY. Therefore, the applicant is not only a city agency but a stakeholder of our community and we believe they should assist us with this matter.

Thank You,

William Rivera
District Manager

CC:

Senator Luis Sepulveda, 32nd District
Council Member Ruben Diaz Sr, 18th District
Bronx Borough Commissioner Nivardo Lopez, NYC Department of Transportation
Bronx Borough Director Joshua Cortes, NYC Mayor's Community Assistant Unit
Chairman Nicholas Himidian, Bronx Community Board 9
District Manager Matthew Cruz, Bronx Community Board 10
Land, Zoning, Planning, & Economic Development Committee, Bronx Community Board 9
Senior Planner Manny Lagares, NYC Department of City Planning

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Bruckner
Castle Hill
Clason Point
Harding Park
Parkchester
Soundview
Unionport
Shorehaven
Zerega

**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 180460 PCX

DOCKET DESCRIPTION

PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 9

BOROUGH: BRONX

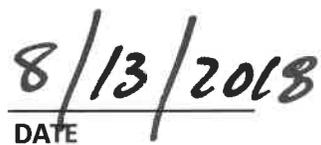
RECOMMENDATION

- 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 180460 PCX
Mobile Food Vendor Inspection Facility

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Health and Mental Hygiene and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 1235 Zerega Avenue (Block 3831, Lot 40) for a mobile food vendor inspection facility.

BACKGROUND

Approving this application will facilitate the leasing of a privately owned site for a period of twenty years. The building site includes a vacant, one-story industrial building located at 1235 Zerega Avenue, (Block 3831, Lot 40). It is located on the northwest corner of Zerega Avenue at Ellis Avenue. This location was formally occupied by an automotive parts facility. This site is located in Bronx Community District #9. It is partially zoned M1-1 and R5.

In addition to site selection, the Department of Health and Mental Hygiene (the applicant) is seeking a Mayoral Zoning Override. Currently, 9,078 square feet of the accessory parking lot is in the R5 District. Zoning Resolution (ZR) 77-332 mandates that off street parking and loading for a particular use where a split zoning is in place, only allows for that function within the area of the lot allowing for that function. Given that the building is located within an M1-1 zone, but a portion of the parking lot is within the R5 zone, a Mayoral Override to ZR 77-332 is required if the parking lot's anticipated function will conform with zoning. This parking lot will be used as an access point for food carts and trucks as they access the building.

The proposed inspection facility will operate Monday-Saturday from 8:00 a.m.-6:00 p.m. The final inspection appointment time would be scheduled for 4:45-4:30 p.m. All inspections are scheduled in advance. Consequently, delays, vehicular congestion and the need to wait indefinitely is minimized. Each inspection will approximate 50-75 minutes. During the spring and summer seasons which represents the peak season for inspections, this facility will be able to accommodate 75 inspections a day. Approximately 27 employees will be affiliated with this facility. As inspections will take place off site as well, it is not anticipated that the full number of employees will be present on site. A security guard will also be stationed on the premises. Employees will work eight hour shifts: 7:30 a.m.-3:30 p.m. and 10:00 a.m.-6:00 p.m.

Key factors associated with the 1235 Zerega Avenue site include:

- 1) Project site includes approximately 29,500 square feet of property
- 2) The existing building offers 16,260 gross square feet of interior space
- 3) Interior inspection space will approximate 12,180 square feet
- 4) The building will provide 4,080 square feet for administrative functions
- 5) The exterior off-street parking lot approximates 13,350 square feet.

- 6) Seven off-street spaces are for the public, six for employees
- 7) Eight interior inspection bays will be provided
- 8) The convenient location of this site with easy access to interstates and parkways
- 9) The overall condition of the building and its ability to accommodate the anticipated use is considered by the applicant to be “ideal.”

The corner location of this site will allow for all vehicles to enter the facility via Ellis Avenue and depart via Zerega Avenue. Consequently, vehicles will maintain a uniform direction, thereby eliminating time consuming congestion prompted by vehicles having to back up in order to depart following inspection.

Residential development in the adjacent community is located on both the north and south sides of Ellis Avenue. This development is typified by two-story, attached one-family homes. A chain link fence located on the property identified for the inspection facility defines the western and northern boundary lines of the site. Non-residential development is located on Zerega Avenue and is typified by one-story industrial type buildings. YAI, an organization that addresses the needs of those with mental and/development disabilities is located at 1241 Zerega Avenue. This building is adjacent to northern property line of the proposed inspection facility. Offices for Bronx Community School District #8 and a Department of Education Welcome Center are located at 1230 Zerega Avenue, which is situated on the northeast corner of Zerega and Ellis Avenues. The intersection of Zerega and Ellis Avenue is signalized.

Retail activity is situated on Westchester Avenue, approximately ¼ mile from the Zerega Avenue location. Access to the #6 subway which operates on Westchester Avenue is found at the Zerega Avenue station, approximately ¼ mile from the proposed inspection facility. Bus transportation via the Bx4, Bx22 and Q-44 SBS are also found within a ½ mile radius of the site.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application was reviewed pursuant to SEQRA and CEQR. It received a Negative Declaration. The City Planning Commission certified this application as complete on June 25, 2018.

BRONX COMMUNITY DISTRICT PUBLIC HEARING

Bronx Community Board #9's held a public hearing on this application on July 11, 2018. Given that the full board was not present, this matter was reviewed by the Land and Zoning Committee and the Executive Committee of Bronx Community Board #9. A vote recommending approval of this application was, six in favor, zero opposed and zero abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

A public hearing was convened by the Bronx Borough President on August 8, 2018. Representatives of the applicant were present and spoke in favor of this application. No other members of the public were in attendance and the hearing was closed.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

This application pertains to the relocation of a mobile food vendor inspection facility, which is currently located in Queens, to a vacant industrial-type building on Zerega Avenue in The Bronx. Needless to say, I am pleased to see the reuse of a vacant building, but I am especially pleased to note that approximately 27 employees earning living wages will now be working in my borough.

At my public hearing it was noted that this facility will operate Monday through Saturday, with employees arriving as early as 6:00 a.m. Given the presence of nearby residences, I appreciate the willingness of the applicant to install trees which will reduce the impact of both noise and vehicular activity on the adjacent community. So too, the removal of all chain link fencing and replacing it with more an alternative type of barrier has been agreed to. I acknowledge that during the cold weather season it is likely that the full compliment of days and hours of operation will likely be reduced and as such the impact of this plant on the adjacent neighborhood will be lessened.

I recommend approval of this application.