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October 15, 2018 / Calendar No. 2

C 180390 HAX

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**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 599 Courtlandt Avenue (Block 2410, Lot 43) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate a four-story building with approximately eight affordable residential units and commercial space, Borough of the Bronx, Community District 1.

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This application (C 180390 HAX) was filed on May 25, 2018 by HPD. The applicant requests an Urban Development Action Area designation and project approval, and disposition of City-owned property at 599 Courtlandt Avenue (Block 2410, Lot 43), Borough of the Bronx, Community District 1.

Approval of three separate matters is required:

- 1) The designation of property located at 599 Courtlandt Avenue (Block 2410; Lot 43) as an Urban Development Action Area;
- 2) An Urban Development Action Area Project (UDAAP); for such area; and
- 3) The disposition of such property to a developer selected by HPD.

Approval of this application would facilitate the development of a four-story mixed-use building containing affordable dwelling units and commercial space. HPD states in its application that:

The Project Area consists of underutilized vacant property that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The Project Area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

**RELATED ACTION:**

In addition to the proposed UDAAP designation, project approval and disposition of City-owned property (C 180390 HAX) 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 is being considered concurrently with this application:

**C 180391 PQX**                      Acquisition of privately-owned property.

**BACKGROUND**

HPD seeks UDAAP designation, project approval, and disposition of privately-owned property located at 599 Courtlandt Avenue. The property is located in an R6/C2-4 zoning district in the Melrose section of Bronx Community District 1. The action would facilitate the construction of a four-story mixed-use building containing approximately eight affordable dwelling units and commercial space.

The development site was the subject of a previous disposition action approved by the City Council on August 12, 2004 and by the Mayor on September 8, 2004. In 2005, the project area was conveyed to a private developer to facilitate development of a new residential building with ground floor commercial space, restricted to no more than four dwelling units. The instability of an abandoned house of worship adjacent to the project site prevented the construction of the approved development. Subsequently, the developer determined that the project was no longer feasible, as approved, and decided not to build. The developer is now interested in constructing a larger building pursuant to the existing zoning. The requested actions are necessary to remove the prior restriction on the number of residential units.

The proposed building would have a total floor area of approximately 8,630 square feet, including approximately 5,646 square feet of residential floor area (eight affordable units) and approximately 750 square feet of ground floor commercial space. It would have a maximum height of 42 feet and a total floor area ratio (FAR) of 2.13.

The site is located on the east side of Courtlandt Avenue, between East 150<sup>th</sup> and East 151<sup>st</sup> streets. It is currently vacant and fenced, and has a lot area of approximately 2,900 square feet. The surrounding area is predominantly residential, with an institutional use adjacent to the development site and commercial uses on Courtlandt Avenue. The area is developed with building forms ranging from one-story commercial buildings to multi-story apartment buildings. Most residential uses are three- to five-story multifamily buildings.

The area is well served by public transportation, with access to the No. 2 and 5 subway trains at East 149<sup>th</sup> Street and Third Avenue. The BX41, BX41SBS, and the BX32 bus lines have stops near the project site.

In addition to the requested UDAAP designation, project approval and disposition of City-owned property, HPD requests the acquisition of 599 Courtlandt Avenue in order for the City to have the authority via the Uniform Land Use Review Procedure (ULURP) to re-acquire and to dispose of this property to a third party who would subsequently convey it to the owner at the closing.

## **ENVIRONMENTAL REVIEW**

This application (C 180390 HAX), in conjunction with the application for the related action (180391 PQX) 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 New York City Environmental Quality Review

(CEQR) Rules of Procedure of 1991 and Executive Order 91 of 1977. The lead agency is HPD. The designated CEQR number is 18HPD085X.

After a study of the potential environmental impacts of the proposed actions, a Negative Declaration was issued on June 1, 2018.

### **UNIFORM LAND USE REVIEW**

This application (C180390 HAX) , along with the application for the related action (C 180391 PQX), was certified as complete by the Department of City Planning on June 11, 2018, and was duly referred to Community Board 1 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**

Community Board 1 held a public hearing on this application (C 180390 HAX) on June 27, 2018, and on that date, by a vote of 26 in favor, none opposed and two abstentions, adopted a resolution recommending approval of this application with the following conditions:

The applicant should hire locally and notify the community board regarding the number and title of jobs being provided to the community.

### **Borough President Recommendation**

This application (C 180390 HAX), and the related disposition application (C 180391 PQX), were considered by the Bronx Borough President, who issued a recommendation approving the application on August 13, 2018 with the following conditions:

1. Access to the trash room must be from within the building; and
2. The proposed chain link fence should be replaced by an alternate fence.

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

On August 22, 2018 (Calendar No. 2), the Commission scheduled September 5, 2018 for a

public hearing on this application (C 180390 HAX). The hearing was duly held on September 5, 2018 (Calendar No. 15) in conjunction with the hearing for the related action (C 180391 PQX). There were two speakers in favor of the application and none in opposition. A representative for HPD spoke in favor of the proposed project, summarizing the proposal and providing a brief history of the site and how the previous approval restricted its development. The developer followed with more details about the proposal and how it would fit with the neighborhood context.

### **CONSIDERATION**

The Commission believes that this application for UDAAP designation, project approval and disposition of City-owned property (C 180390 HAX), in conjunction with the related acquisition application (C 180391 PQX), is appropriate.

The proposed project will improve a vacant lot with a new 100 percent affordable mixed-use building with ground floor commercial space. The income levels for the eight residential units will be assured in a regulatory agreement to be signed at the project's closing. The site had been previously conveyed for development through HPD's New Foundations Homeownership Program, but a restriction limiting residential development to no more than four units ultimately made development of the site infeasible, and the site has remained vacant for over a decade. This application will facilitate the disposition of the property to a developer to construct an affordable mixed-use building with ground floor commercial space, as well as eliminate the prior restriction on the number of housing units that could be built on the site as-of-right. The proposed project will return the existing vacant lot to productive use and provide much-needed affordable housing in the neighborhood.

The Commission notes that the City of New York has the authority to acquire and to dispose of property via ULURP and will reacquire the project site from the owner. At closing, the City will dispose of the property to a third party, who will subsequently sell it back to the developer, allowing him to construct the four-story development with eight residential units and ground floor commercial space on the site. The Commission therefore finds that this application for UDAAP designation, project approval and disposition of City-owned property (C 180390 HAX),

in conjunction with the related acquisition application (C 180391 PQX), is appropriate.

**RESOLUTION**

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

**WHEREAS**, the Department of Housing Preservation and Development has recommended the designation of property located at 599 Courtlandt Avenue (Block 2410, Lot 43) in Community District 1, Borough of the Bronx, as an Urban Development action Area; and

**WHEREAS**, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

**THEREFORE**, be it further **RESOLVED**, that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matter pursuant to the Urban Development Action Area Act:

- a) The designation of property located at 599 Courtlandt Avenue (Block 2410, Lot 43) as an Urban Development Action Area; and
- b) An Urban Development Action Area Project for such area; and

**BE IT FURTHER RESOLVED**, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in the report, the application of the Department of Housing Preservation and Development, for the disposition of city-owned property located at 599 Courtlandt Avenue (Block 2410, Lot 43) in Community District 1, Borough of the Bronx, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 180390 HAX).

The above resolution (C 180390 HAX), duly adopted by the City Planning Commission on October 15, 2018 (Calendar No. 2), is filed with the Office of the Speaker, City Council, and the

Borough President in accordance with the requirement of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

**ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,**

**MICHELLE R. de la UZ, JOSEPH I. DOUEK,**

**RICHARD W. EADDY, ANNA HAYES LEVIN,**

**ORLANDO MARÍN, LARISA ORTIZ**, *Commissioners*





# BRONX COMMUNITY BOARD #1

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**CEDRIC L. LOFTIN**  
DISTRICT MANAGER

June 27, 2018

## **Conditions/Modifications to the 599 Courtlandt Avenue Project**

Bronx Community Board One recommendation

### Conditions

1. Hiring workers from the Community Board One District.
2. Notify Community Board One how many jobs in each category and their titles, and how many hired from the community for these jobs.
3. Notify Community Board One with listing of persons hired from the community for the 599 Courtlandt Avenue Project after first stage work of excavation and pile work. Provide written report to the Board by the end of the 4<sup>th</sup> Quarter December 2018 and monthly thereafter until the project is completed.

**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 NOS: C 180390 HAX, C 180391 PQX

PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. 1

BOROUGH: BRONX

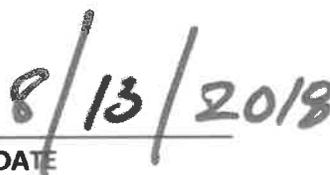
**RECOMMENDATION**

- 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

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**BRONX BOROUGH PRESIDENT'S RECOMMENDATION  
ULURP APPLICATION NO: C 180390 HAX, C 180391 PQX  
599 COURTLANDT**

**DOCKET DESCRIPTION**

**C 180390 HAX**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

1. Pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) The designation of property located at 599 Courtlandt Avenue (Block 2410, Lot 43) as an Urban Development Action Area;
  - b) An Urban Development Action Area Project for such area; and
2. Pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

To facilitate a four-story building with approximately eight affordable units, and commercial space in Borough of The Bronx, Community District #1.

**C 180391 PQX**

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 599 Courtlandt Avenue (Block 2410, Lot 43) to facilitate an affordable housing development.

**BACKGROUND**

Approving these applications will facilitate construction of a low-rise, 4-story residential building which will offer 8-units of affordable housing and commercial space. The site is currently vacant and consists of 2,900 square feet. Offering 29 feet of frontage on the west side of Courtlandt Avenue, it is between East 150<sup>th</sup> Street on the south and East 151<sup>st</sup> Street on the north. It is zoned R6/C2-4 and is located in Bronx Community District #1.

The proposed building will total 8,631 square feet. This includes a total of 7,878 square feet for residential units and interior common areas, plus 753 square feet of retail space. Residential units include:

<b>Type of Unit</b>	<b>Number of Units</b>	<b>Average Gross Square Footage</b>
Studios	5	450 gross square feet
1-Bedroom	2	631 gross square feet
2-Bedrooms	0	0
3-Bedrooms	1	1,047 gross square feet, plus 280 square feet for exterior terrace

There is no superintendent's unit provided as this building will not be maintained by a fulltime super.

Affordable rents will range from 60% of Area Median Income (AMI), to 100% of AMI. This includes:

<b>Type of Unit</b>	<b>60% of AMI</b>	<b>80% of AMI</b>	<b>100% of AMI</b>
Studios	0	2	3
1-Bedroom	1	1	0
2-Bedrooms	0	0	0
3-Bedrooms	0	0	1

No elevator service is to be provided, however an ADA compliant residential unit will be located on the building's first floor. Located to the rear of the building will be an exterior garden composed of 800 square feet. Chain link fencing will be used to define this garden area. A refuse room will be provided accessible from Courtlandt Avenue. No access from within the building will be available to this room

Residential development within the surrounding community is typified by low-rise buildings. A mid-rise building offering medical care which includes a methadone clinic is located on the same block as is the proposed residential building this application is considering. This medical facility also owns a vacant lot which borders the southern boundary of the proposed 599 Courtlandt Avenue. The Bronx Documentary Center is located at the intersection of Courtlandt Avenue at East 151<sup>st</sup> Street. Retail development is found on Melrose Avenue and on East 149<sup>th</sup> Street, both of which approximate one block from the proposed development. Subway access via the #2 and #5 trains is located on East 149<sup>th</sup> Street, while bus transit operates on Melrose Avenue and East 149<sup>th</sup> Street.

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## **ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION**

These applications have been reviewed pursuant to SEQR and CEQR and received a Negative Declaration. The City Planning Commission certified these applications as complete on June 11, 2018.

## **BRONX COMMUNITY DISTRICT PUBLIC HEARING**

Bronx Community District #1 held a public hearing on these applications on June 27, 2018. A vote recommending approval of these applications was 26 in favor, zero opposed and two abstaining.

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

A public hearing was convened by the Bronx Borough President on August 2, 2018. Representatives of the applicant were present and spoke in favor of these applications. No other members of the public were in attendance and the hearing was closed.

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

The development these applications will facilitate is noteworthy if only because of its modest size. To be sure, constructing a low-rise, 8-unit residential building which compliments the "built profile" of the surrounding community is entirely appropriate. So too, inclusion of a retail shop is a throwback to a time when a merchant conducted business downstairs and lived upstairs.

Nonetheless, there are two concerns which must be resolved if this project is to gain my unqualified support:

- 1) Access to the "trash-room" *must* be made from within the building. The current design which would require residents to exit the building onto the street, open a separate door from the street in order to access this facility is entirely not acceptable. In addition to the inconvenience, the current plan poses a security risk to residents as they enter or leave the room. So too, making certain the door to this room properly closes and is secure, especially during the winter when snow and ice may accumulate, only adds to the concerns residents need not be burdened with. So too, by providing a doorway into the trash room from the street, this will only encourage rodent infestation, especially if the door is not entirely sealed when closed.
- 2) The inclusion of chain link fencing has never been acceptable by my administration. As noted at my public hearing, I vigorously oppose installation of such fencing.

I recommend approval with the aforementioned conditions.