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**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the fourth amendment to the Melrose Commons Urban Renewal Plan for the Melrose Commons Urban Renewal Area, Borough of the Bronx, Community District 1.

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This application for the Fourth Amendment to the Melrose Commons Urban Renewal Plan (URP) was filed by the New York City Department of Housing Preservation and Development (HPD) on February 19, 2019. The proposed amendment to the URP would remove a 45-foot height restriction from URP Site 15 by amending Page 8, Section C.3.a.3.a, Building Height Limit, to read, “In R7-2 or R7-A districts, no building will exceed a height of 45 feet above curb level, except for Sites 15, 44, 56 and 64.” The amendment would facilitate the development of a seven-story mixed-use building containing 20 residential units and commercial and community facility space in the Melrose neighborhood of the Bronx, Community District 1.

**RELATED ACTION**

In addition to the amendment to the URP 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 190293 HAX**      Urban Development Action Area Project (UDAAP) designation, project approval and disposition of City owned property to a developer to be selected by HPD.

**BACKGROUND**

HPD and the project sponsor are seeking an amendment to the Melrose Commons URP and UDAAP designation, project approval and disposition of City-owned property to facilitate the construction of a seven-story, 25,502-square-foot mixed-use development containing 20 dwelling

units and 6,649 square feet of ground floor commercial and community facility uses in the Melrose neighborhood of Bronx Community District 1.

The project site is a vacant 4,738-square-foot rectangular parcel at the corner of Courtlandt Avenue and East 157<sup>th</sup> Street (Block 2404, Lots 1 and 2). The site is located at the intersection of Courtlandt Avenue, a wide street (80 feet), and East 157<sup>th</sup> Street, a narrow street (50 feet). It is in the southwest corner of the Melrose Commons Urban Renewal Area (URA), a 33-block area bounded by East 163<sup>rd</sup> Street to the north; Third, St. Ann's and Brook avenues to the east; East 156<sup>th</sup> through East 159<sup>th</sup> streets to the south; and Melrose, Courtlandt, and Park avenues to the west. The Melrose Commons URP was created in 1994 (C 940226 HUX) to advance the revitalization of the neighborhood after a sustained period of disinvestment in the 1970s and 1980s by facilitating new mixed-income residences interspersed with commercial and community facilities, parks, and public spaces. The subject site was designated Site 15 within the URP and limited to residential land use with a height restriction of 45 feet because it has frontage on a narrow residential side street, away from the primary corridors where larger-scale residential development was proposed to be concentrated.

The URP was amended three times between 1994 and 2015. The First Amendment (C 070275 HUX), approved in 2007, removed height restrictions and increased the maximum unit limits on several sites to facilitate the development of Boricua Village and Courtlandt Corners. The Second Amendment (C 110114 HUX) was approved by the City Planning Commission in 2011 and facilitated the development of Courtlandt Crescent through modifications to the URP's street wall requirements and height restrictions for several URA sites. The Third Amendment (C 150153 HUX), approved in 2015, facilitated the development of Melrose Commons North Site C by modifying the land use requirements for URP Site 51.

The site is surrounded by a mix of medium- and high-density residential and commercial buildings. It is adjacent to a row of three-story townhomes constructed through HPD's Partnership Program, and across Courtlandt Avenue from the Jackson Houses, a development of eight buildings containing 868 units operated by the New York City Housing Authority (NYCHA). Morrisania

Air Rights, a three-building, 843-unit development also operated by NYCHA, lies just beyond. NYCHA's Melrose Houses, a development of nine buildings containing 1,023 units, is located southwest of the site. North of the site is a five-story building, built under HPD's Cornerstone Program, that provides 167 low-income residential units plus one superintendent unit. A 12-story senior housing project is located to the east, on Melrose Avenue.

Commercial uses are interspersed throughout the surrounding area. Immediately north of the site is a one-story building containing a laundromat and deli, and there are numerous neighborhood retail establishments including restaurants, pharmacies, and small grocery stores along Melrose and Courtlandt avenues. Some of the community facility uses in the surrounding area include the Morris Heights Health Center and offices for nonprofit organizations.

Public open space in the surrounding area consists of several community gardens, the Flynn Playground, and the Melrose Playground. P.S. 29, the Melrose School, is located to the immediate southeast. Access to the 2 and 5 subway lines is available at the Third Avenue-149<sup>th</sup> Street Station, a 10-minute walk to the south from the site. The Melrose Station of the Metro-North's Harlem Line is a seven-minute walk to the north. Other transit options include the Bx6 and Bx6 SBS bus routes along East 161<sup>st</sup> Street, and the Bx41 and Bx41 SBS bus routes along Melrose Avenue.

The site would be developed with a seven-story mixed-use building containing residential, commercial, and community facility space. The ground floor commercial space would be located on Courtlandt Avenue, and the community facility space would have an entry on East 157<sup>th</sup> Street and one entry on Courtlandt Avenue. The residential lobby entrance would be on Courtlandt Avenue.

The proposed 25,502-square-foot building would rise to a height of approximately 75 feet and would have a total floor area ratio (FAR) of 5.38. It would include 20 affordable dwelling units totaling 18,853 square feet on the second through seventh floors; community facility uses in the cellar, first and second floors totaling 4,845 square feet; and commercial uses totaling 1,804 square feet on the ground floor. Units would be targeted to residents with incomes between 30 and 80 percent of the area median income (AMI), with financing to be provided by HPD's Neighborhood

Construction Program. On-site open space would include a 641-square-foot recreational terrace at the back of the second-floor roof. Thirteen bicycle parking spaces would be located within the building and no vehicular parking spaces would be provided.

The site is in an R7-2 zoning district that extends to Park Avenue to the west, mid-block between East 160<sup>th</sup> Street and 161<sup>st</sup> Street to the north, just past Melrose Avenue to the east, and East 157<sup>th</sup> Street to the south. R7-2 districts permit medium-density residential development up to a maximum FAR of 3.44 and community facility uses up to a maximum FAR of 4.8. These districts have a commercial equivalent of C4-4. Higher-density R8 and R8A districts are mapped north and west of the site, and there is a lower-density R6 district to the south.

To facilitate the proposed development, HPD requests the Fourth Amendment to the Melrose Commons URP (C 190292 HUX), which would require a single substantive change: the Urban Design Controls in Section C.3.a would be amended to remove the existing 45-foot height limit for URP Site 15, allowing it to fully use the height permitted by its R7-2 zoning designation. The specific page of the URP affected by the amendment is Page 8; on the amended Page 8, Section C.3.a.3.a, Building Height Limit, shall read “In R7-2 or R7A districts, no building will exceed a height of 45 feet above curb level, except for Sites 15, 44, 56 and 64.”

HPD also requests (C 190293 HAX) UDAAP designation, project approval and disposition of City-owned property to the project sponsor.

## **ENVIRONMENTAL REVIEW**

This application (C 190292 HUX) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 19HPD016X. The lead agency is HPD.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on February 20, 2019.

### **UNIFORM LAND USE REVIEW PROCEDURE**

This application (C 190292 HUX), in conjunction with the related application (C 190293 HAX), was certified as complete by the Department of City Planning on February 25, 2019, and was duly referred to Bronx 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 on March 28, 2019, and on that date, by a vote of 28 in favor, none opposed, and with no abstentions, recommended approval of the application with the following conditions:

1. “That the firm Infinite Horizons LLC make its best effort to lease up the building commercial space to a firm that will not duplicate retail businesses in the immediate area. Do not lease the retail space to any provider of drug treatment services or mental health services.”
2. “Seek to maximize local employment opportunities in the area of project construction.”
3. “Implement appropriate security measures as outlined in the project’s development plan.”
4. “Upon construction start provide and submit quarterly written updates to the board as to project construction status and building lease up”.

### **Borough President Recommendation**

The Borough President held a public hearing on this application on April 9, 2019 and issued a recommendation approving the application on April 30, 2019.

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

On April 24, 2019, (Calendar No. 1), the City Planning Commission scheduled May 8, 2019 for a public hearing on this application (C 190292 HAX). The hearing was duly held on May 8,

2019 (Calendar No. 13). Four speakers testified in favor of the application and none in opposition.

An applicant team including two HPD representatives, one representative of the project sponsor, and one member of the architect team appeared in favor of the application. An HPD representative provided background on the history of the URA, HPD's Minority and Women-owned Business Enterprise Building Opportunity Request for Proposals process, the selection of a sponsor for the project, and the proposed amendment to the URP to facilitate the proposed project. Information was also provided regarding the proposed disposition.

The representative of the sponsor provided a summary of the proposed building's program, including unit sizes, affordability, and AMI targets; details as to the relationship of parties within the applicant team to one another as it relates to the proposed project's ownership structure; and the selection criteria for the potential ground floor tenants for the community facility and commercial spaces.

The architect provided a summary of the proposed uses and amenities on each floor of the building, as well as information on materials to be used for the proposed building's cladding, the proposed roof-mounted solar installation, and the applicant's intention to use active design guidelines and adhere to Enterprise Green Communities standards.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the proposed Fourth Amendment to the Melrose Commons URP (C 190292 HUX), in conjunction with the related application for UDAAP designation, project approval, and disposition of City-owned property (C 190293 HAX), is appropriate.

It will facilitate the development of 20 units of affordable housing, 1,804 square feet of ground floor commercial space, and 4,845 square feet of community facility space. The proposed project will create much-needed affordable housing for low- and moderate-income households and

provide new space for commercial and community facility uses along Courtlandt Avenue and East 157<sup>th</sup> Street.

As one of the few remaining development sites within the URA, the proposed mixed-use development on Site 15 will strengthen the residential neighborhood and foster more activity on the adjoining streets, enhancing the safety of the area. In addition, the proposed retail and community facility components of the project will serve the needs of the residents of the proposed buildings as well as those in the neighborhood.

The Commission recognizes that the 45-foot height restriction that currently encumbers the property (URP Site 15) was removed from other sites in the URA through prior amendments to the URP, that one of the lots within the development site has frontage on Courtlandt Avenue, a wide street that has, over time, seen development of greater intensity than was originally contemplated within the 1994 URP, and that the subject site represents one of the last remaining vacant parcels within the URP.

The proposed UDAAP designation, project approval and disposition of City-owned property (C 190293 HAX) is appropriate. It will facilitate the development of vacant City-owned land and eliminate a blighting influence on the neighborhood. The project site has been vacant for many decades. The project will facilitate the redevelopment of this transit-accessible site and provide new high-quality affordable housing as envisioned in the URP.

The Commission acknowledges the project sponsor's plans to provide appropriate security measures at the site in accordance with the request of Community Board 1 and notes that the other recommendations issued by Community Board 1 are outside the scope of this application and not within the purview of the City Planning Commission.

**RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the actions described herein would have no significant impact on the environment; and

**RESOLVED**, that the City Planning Commission finds that the proposed Fourth Amended Melrose Commons Urban Renewal Plan is an appropriate plan for the area involved, complies with provisions of Article 15 of the General Municipal Law and conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives; and

**RESOLVED**, that the City Planning Commission, pursuant to Section 197-c of the New York City Charter and Section 505, Article 15 of the General Municipal Law, and after due consideration of the appropriateness of this action, certifies its unqualified approval of the Fourth Amended Urban Renewal Plan for the Melrose Commons Urban Renewal Area, Community Districts 1 and 3, Borough of the Bronx.

**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 this report, the application of the Department of Housing Preservation and Development for the Fourth Amendment of the Melrose Commons Urban Renewal Plan is approved (C 190292 HUX).

The above resolution (C 190292 HUX), duly adopted by the City Planning Commission on June 3, 2019 (Calendar No. 6), 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 R. de la UZ, JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*



# BRONX COMMUNITY BOARD #1

3024 THIRD AVENUE

BRONX, NEW YORK 10455

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DISTRICT MANAGER

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Pages Including Cover Sheet: *(5)*

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Sender's Firm: Bronx Community Board #1

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CHAIRPERSON

**CEDRIC L. LOFTIN**  
DISTRICT MANAGER

March 29, 2019

NYC Planning  
Department of City Planning City of New York  
Bronx Community Board One Recommendation

Pursuant to the Uniform Land Use Review Procedure Application # C190293 HAX CEQR Number  
19HPD16X

Pursuant to the Uniform Land Use Review Procedure Application # C 190292 HUX CEQR Number  
19HPD016X

**Applicant:**

Department of housing Preservation and Development  
100 Gold Street  
New York, NY 10028

**Applicant's Representative:**

Ms. Theresa Arroyo

Dear Ms. Arroyo, This notification of modifications and conditions is submitted with respect to the aforementioned application approved by Bronx Community Board One at its March 28, 2019 full board meeting. The modification points as to the application were discussed and approved by the board's economic development –land use & housing committee meeting on March 13, 2019 and the full board on March 28, 2019.

The modifications are as follows.

1. That the firm Infinite Horizons LLC make its best effort to lease up the building commercial space to a firm that will not duplicate retail businesses in the immediate area. Do not lease the retail space to any provider of drug treatment services, or mental health services
2. Seek to maximize local employment opportunities in the area of project construction.



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CHAIRPERSON



**CEDRIC L. LOFTIN**  
DISTRICT MANAGER

NYC Planning  
Department of City Planning  
Bronx Community Board One Recommendation  
March 29, 2019  
Pg. 2

3. Implement appropriate security measures as outlined in the project's development plan.
4. Upon construction start provide and submit quarterly written updates to the board as to project construction status and building lease up.



**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 190292 HUX, C 190293, HAX**

**DOCKET DESCRIPTION**

**PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION**

**COMMUNITY BOARD NO. 1**

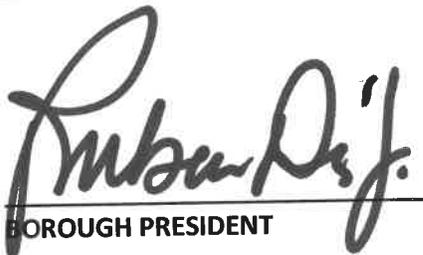
**BOROUGH: BRONX**

**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**

**4/30/2019**  
**DATE**

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION  
ULURP APPLICATION NOS: C 190292 HUX, C 190293 HAX  
784 Courtlandt Avenue**

**DOCKET DESCRIPTION**

**C 190292 HUX: IN THE MATTER OF AN APPLICATION** submitted by the Department of Housing Preservation and Development (HPD), pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter, for the fourth amendment to the Melrose Commons Urban Renewal Plan for the Melrose Commons Urban Renewal Area, Borough of The Bronx, Community District #1.

**C 190293 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 359 East 157<sup>th</sup> Street and 784 Courtlandt Avenue (Block 2404, Lots 1 and 2) 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 properties to a developer to be selected by HPD;

To facilitate construction of a building containing approximately 20 affordable housing units, commercial and community facility space, Borough of The Bronx, Community District #1

**BACKGROUND**

Approving these applications will facilitate development of a seven story mixed use building to be located on the northeast corner of Courtlandt Avenue at East 157<sup>th</sup> Street. This development known as 784 Courtlandt Avenue (Block 2402, Lots 1 and 2, is composed of 4,738 square feet of vacant property). It is bounded by East 158<sup>th</sup> Street to the north, Melrose Avenue to the east, Courtlandt Avenue to the west and East 157<sup>th</sup> Street on the south. The site is zoned R7-2/C1-4 in Bronx Community District #1. This site is referred to as Site 15 in Melrose Commons Urban Renewal Plan. Those to whom this site was awarded satisfy Minority Business Enterprise (MBE) qualifications as mandated by HPD's Request for Proposal (RFP).

Pursuant to the development of the proposed building, an amendment to the Melrose Commons Urban Renewal Plan is sought (ULURP Application 190292 HUX). This amendment would remove the height restriction of 45-feet on Block 2402, Lot 1. The boundaries of Lot 1 extend 92 feet east from Courtlandt Avenue, on East 157<sup>th</sup> Street, and approximately 25-feet north on Courtlandt Avenue. The proposed building will rise approximate 75-feet along East 157<sup>th</sup> Street.

Residential access and access to the retail venue will be at separate locations on Courtlandt Avenue. Residential access will be at the building's northern most point. Access to the retail location will be at the building's southern end nearest to East 157<sup>th</sup> Street. Access to the community facility will be located directly on East 157<sup>th</sup> Street.

Highlights of the proposed development include:

- Total Development Cost is \$12 million
- Total building square footage is 30,240 square feet
- Seven story residential building offering 18,853 square feet of residential space
- Commercial/retail space:
  - 1,804 square feet on 1<sup>st</sup> floor
  - 600 square feet for storage on cellar level
- Community facility space composed of 4,767 square feet
  - 1,974 square feet on 1<sup>st</sup> floor
  - 2,793 square feet on 2<sup>nd</sup> floor
- Rear outdoor passive recreation space composed of 641 square feet
- Indoor recreation space composed of 625 square feet
- Laundry room compose of 132 square feet
- Bicycle storage for 3-bicycles

Unit Distribution includes:

- 4 one-bedroom units: approximately 588 gross square feet, Floors 4-7
- 11 two-bedroom units: approximately 795 gross square feet, Floors 3-7  
approximately 784 gross square feet, Floor 2
- 5 three-bedroom units: approximately 1,103 gross square feet, Floors 4-7  
approximately 1,129 gross square feet, Floor 2

The affordability of this development includes:

- 2 units at 30% of Area Median Income (AMI)
- 2 units at 50% of AMI
- 12 units at 60% of AMI
- 4 units at 80% of AMI

This building will not employ an on-site superintendent.

This development will satisfy Enterprise Green standards. Pursuant to this designation, an array of solar panels will be installed on the building's roof, which in turn will reduce energy consumption made necessary to illuminate the building's commons areas.

Residential development of the surrounding community is dominated by the Jackson Houses. This development consists of seven, 16-story buildings and includes 868 dwelling units. Jackson Houses is operated by the New York City Housing Authority. Jackson Houses are located on the west side of Courtlandt Avenue, from East 158<sup>th</sup> Street, south to East 156<sup>th</sup> Street. Three-family homes and low rise five-story buildings typify residential development on the east side of Courtlandt Avenue and that which is located on both the east and west sides of Courtlandt Avenue north of East 158<sup>th</sup> Street. M.S. 29 is located on the southeast corner of Courtlandt Avenue at East 157<sup>th</sup> Street. Retail activity is available on Melrose Avenue, one block east of the site and on the east side of Courtlandt Avenue, immediately north of the development site. No subway access is found within a five block radius of the site. Bus transportation via the BX41 and the SBS-BX 41 operate on Melrose Avenue. Additional bus transport operates on East 161<sup>st</sup> Street offering the BX6 and SBS-BX 6. The Melrose Station of Metro North Commuter Railroad is located on Park Avenue at East 162<sup>nd</sup> Street, five blocks north of the development site.

#### **ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION**

These applications have been reviewed pursuant to CEQR and SEQR and received a Negative Declaration. The City Planning Commission certified these applications as complete on February 5, 2019.

#### **BRONX COMMUNITY BOARD PUBLIC HEARING**

A public hearing on these applications was held on March 29, 2019. A vote recommending these applications be approved with modifications was unanimous, 28 in favor, zero opposed and zero abstaining.

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

A public hearing was convened by the Bronx Borough President on April 9, 2019. Representatives of the applicant were present and spoke in favor of this application. There being no other members of the public present, the hearing was closed.

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

Approximately twenty years ago much of what we now refer to as Melrose Commons was composed of vacant lots and poorly maintained residences. Today this is a thriving community and as I review the details of this proposal I realize that this very modest size site is perhaps one of the few remaining vacant lots.

At the outset I want to commend those associated with this proposal for allocating 80% of the overall number of units as two and three bedrooms. Given that only 20 units will be constructed, this observation takes on more relevance. Still, as is so often the challenge, the overall size of each one and two-bedroom unit are below my minimum square footage requirements.

An additional observation worth noting about 784 Courtlandt Avenue is indeed its modest size. Offering a total of 20-units will allow every resident the opportunity to know just about everyone else living under a shared roof. Residents will become neighbors and neighbors will become friends, and while possible anywhere, it is so much more probable here. Consequently, I urge the developers of this building to do what they can to make this unique place even more special. Common areas need to be designed and furnished akin to what one would find in a home rather than in an institution. This “little building” needs to shine and it is precisely because of its small size that it will.

It is also vital that the commercial tenant and community facility allow for ample ambient light especially along East 157<sup>th</sup> Street. This must be achieved by maintaining glazing for more than 50 percent of the streetwall and making certain that storefront type windows not be entirely “blacked-out” or “papered-over.” As emphasized at my public hearing, this will encourage pedestrian activity, attract customers and offer everyone a much greater sense of security.

I recommend approval of this application.