LR 3: Project Description

272 East 151st Street, Bronx, NY

January 29, 2021

Applicant: Our Lady of Pity Apartments LLC
Location: Block 2410, Lots 14, 72 and 77
Bronx, NY
Zoning Map: 6a
Zoning District: R6 & R6/C1-4

1. **Introduction**

Our Lady of Pity Apartments LLC (the "Applicant"), a non-profit organization, proposes to construct two new residential buildings (the "Proposed Development"), located on the block in the Bronx bounded by Morris Avenue, East 151st Street, Courtlandt Avenue, and East 150th Street (Block 2410, Lots 14, 72 and 77; the "Development Site"). The Proposed Development will result in 185,396 square feet of new residential floor area and a total of 205 units, 100% of which will be affordable to low-income individuals and families.

The proposed zoning map change requested herein is necessary to achieve this goal. It covers the Development Site along with the portion of the block extending west to Morris Avenue, which includes properties that are not owned by the Applicant (Lots 1, 3 thru 9; the "Out Parcels"; the Out Parcels and Development Site are, collectively, the "Project Area"). The Proposed Development and the actions sought in this Application are collectively, defined as the "Project." Additionally, as a condition of the rezoning, the Applicant will also seek to amend Appendix F of the Zoning Resolution to map a Mandatory Inclusionary Housing ("MIH") area coincident with the Project Area.

This Application includes the following actions:

- ZM – a Zoning Map Change to rezone the Project Area from an R6 & R6/C1-4 district to an R7A & R7A/C1-4 district; and
- ZR – a Zoning Text Amendment (Appendix F) to map an MIH area over the Project Area.

2. **Background**

A) Previous Land Use Action Approvals

Within a 600 foot radius of the Development Site (the "Surrounding Area"), the predominant zoning, excluding the Development Site, is currently R7 or R7 equivalent. To the west of the Development Site, west of Morris Avenue, a large portion of the Surrounding Area falls within an R7-2 district, rezoned in 1973,[1] with a small C1-4 commercial overlay along Morris Avenue and E. 149th Street. North of E. 153rd Street and west of Morris Avenue is an R7-2/C2-4 district.[2] To the south and east of the Development Site, south of E. 150th Street, there is a C4-4 district (an R7-2 equivalent) that was extended

[1] CP-22202, effective January 11, 1973.
[2] C 050060 ZMX, effective December 15, 2004.

in 2009.[3] To the north of the Development Site, north of E. 151st Street, is located an R7-1 district, which was zoned in 1970.[4] A R7-1/C2-4 district was later added along Courtlandt Avenue in 1971.[5]

Since 1961, the remaining portion of the Surrounding Area, including the Project Area, has been zoned R6 with a small C1-4 commercial overlay along Morris Avenue.

There are no active or expired Urban Renewal Areas in the Project Area. In 2016, the Project Area was designated as a Transit Zone in Appendix I of the Zoning Resolution.[6]

B) Board of Standards and Appeals ("BSA") Resolutions

There is no record of an approved BSA resolution in the Project Area.

C) Landmark Designations

There are no individual landmarks or historic districts identified in the Project Area.

3. Description of the Surrounding Area

A) General Description

Within the Surrounding Area, there are a variety of land use types, includes residential, mixed-used, commercial, and community facility uses. There also are a variety of urban built forms, including, low-, mid- and high-rise buildings with open space.

In the Surrounding Area, there is a wide diversity of building typologies, scales, and uses. Generally, the built form is low-rise 3- to 5-story buildings located within the mid-block along side streets and mid- and high-rise buildings located along the avenues. However, taller buildings are dispersed through the Surrounding Area, including a few mid-rise buildings (up to 8 stories) occur at the mid-block and corners, two 4-story (57 foot tall) educational buildings line the north side of East 151st Street.

Larger residential developments with building heights of 11- and 21-stories are located on the three blocks (Blocks 2338, 2440, and 2441) between Morris Avenue, Park Avenue, East 149th Street and East 153rd Street. Block 2338 is improved with three 11-story buildings and one 21-story building with residential upper floors and commercial retail and community facility ground floor with a total of 520 dwelling units ("DUs"). Block 2440 is improved with two 6-story residential buildings with a total of 120 DUs. Block 2441's southern portion is improved with a 7-story residential building to the south with a total of 216 DUs; its northern portion is under construction for a new 15-story residential building which will have 176 DUs.[7]

B) Current Zoning

The Surrounding Area is comprised of four main zoning districts: (i) 35% is within an R7-2 district, to the west of the Development Site west of Morris Avenue with a small C1-2

[3] C 090303 ZMX, effective June 30, 2009.
[4] CP-21242, effective July 23, 1970.
[5] CP- 21701, effective October 14, 1971.
[6] N 160049 ZRY, text amendment Zoning for Quality and Affordability.
[7] All existing buildings on these blocks were constructed pursuant to the Melrose Urban Renewal Plan as part of the Melrose Urban Renewal Area.

commercial overlay along Morris Avenue and E. 149th Street; (ii) 30% is within a C4-4 district (an R7-2 equivalent), to the south and east of the Development Site, south of E. 150th Street; (iii) 25% is within an R7-1 district, to the north of the Development Site, north of E. 151st Street; and (iv) the remaining 10% is within an R6 district, located between E. 151st Street and E. 150th Street, with a C1-2 commercial overlay along Morris Avenue.[8] Thus, the Surrounding Area is predominantly zoned as an R7 district. There are no active Urban Renewal Areas, although, most of the Surrounding Area is in the former Melrose Urban Renewal Area, except for a small area on the northeast corner of Lincoln Medical Center.

The predominant R7-2 and R7-1 districts have the same use, bulk and density requirements and only differ slightly in parking requirements.[9] Both districts permit a residential FAR of 3.44[10] and a community facility FAR of 6.50. Commercial uses are not permitted.[11] Within these districts, developments can pursue a Height Factor ("HF") development or a Quality Housing ("QH") development. For HF developments there is a maximum base height of 60 feet or 6 stories, whichever less, then the application of a sky exposure plane (2.7 to 1 for narrow streets and 5.6 to 1 for wide streets).[12] (There is no maximum building height in these districts for HF developments.) For QH developments, absolute envelope controls are imposed; specifically, a minimum base height of 40 feet, a maximum base height of 75 feet, and a maximum building height of 80 feet.[13] [14]

C4-4 districts permit a residential bulk equivalent to an R7-2 district (see above), a community facility FAR of 6.50 and commercial FAR of 3.40. There are no bonuses for plaza or arcades in C4-4 districts. In C4-4 districts, developments are permitted to have maximum base heights of up to 60 feet, then require the application of a sky exposure plane (2.7 to 1 for narrow streets and 5.6 to 1 for wide streets).[15] Tower regulations are not applicable in C4-4 districts.

R6 districts permit a residential FAR of 2.43[16] and community facility FAR of 4.80. Commercial uses are not permitted.[17] In R6 districts, developments can pursue a HF development or a QH development. For HF developments, the maximum base and maximum building heights are similar to those of the R7 districts described above. For QH developments, the absolute envelope controls are imposed; specifically, a minimum base height of 40 feet, a maximum base height of 65 feet (45 feet when beyond 100 feet of a

[8] All percentages are approximate.
[9] R7-1 requires more parking than R7-2 for height factor/open space projects; they have the same parking requirement (50%) for quality housing developments.
[10] For developments volunteering into the Quality Housing Bulk and Program, residential FAR may be increased up to 3.00 within 100 feet of wide streets but decreased to 2.00 for portions beyond 100 feet of a wide street. For developments providing Affordable Independent Residences for Seniors (AIRS), residential FAR may be increased up to 3.90.
[11] Except those portions within the C1-2 commercial overlay, of which, up to 1.0 FAR of commercial use is permitted.
[12] Alternatively, if an alternative setback is provided (15 feet on narrow streets and 10 feet on wide streets) the sky exposure plane becomes more steep; 3.7 to 1 for narrow streets and 7.6 to 1 for wide streets.
[13] The maximum building height may be increased up to 85 feet for developments with qualifying ground floors.
[14] For QH developments providing AIRS, for portions within 100 feet of a wide street the maximum base height can be increased up to 100 feet and the maximum building height can be increased up to 105 feet but in no event taller than 10 stories.
[15] Alternatively, if an alternative setback is provided (15 feet on narrow streets and 10 feet on wide streets) the sky exposure plane becomes more steep; 3.7 to 1 for narrow streets and 7.6 to 1 for wide streets.
[16] For developments volunteering into the Quality Housing Bulk and Program, residential FAR may be increased up to 4.00 within 100 feet of wide streets. For developments providing Affordable Independent Residences for Seniors ("AIRS"), residential FAR may be increased up to 5.01.
[17] Except those portions within the C1-2 commercial overlay, of which, up to 1.0 FAR of commercial use is permitted.

wide street), and a maximum building height of 70 feet (55 feet when beyond 100 feet of a wide street).[18] [19]

The Surrounding Area is not located in an Inclusionary Housing Designated Area ("IHDA"), although there is an IHDA within close proximity. South of the Development Site along Morris Avenue there is an IHDA in the Special Mixed Use District MX-13 (see Appendix F Bronx Community District 1 Map 1). In addition, the FRESH program (Art. VI Chp 3) is applicable in Brooklyn Community District 1.

C) Transportation

The Surrounding Area is wholly within a Transit Zone and is served with mass transit, including bus and commuter rail lines, both of which connect to subway lines just beyond the Surrounding Area. Various bus lines are within one block of the Development Site, including the BX 32 running north along Morris Avenue, and the BX 2 and BX 19 running east/west along East 149th Street. The Metro North Rail runs beneath Park Avenue with the closest station, Melrose Station, approximately four blocks northwest of the Development Site.

There are no major thoroughfares or arterial highways in the Surrounding Area. There are three major urban corridors with high vehicular/pedestrian traffic: East 149th Street running east/west one block south of the Development Site; Morris Avenue, running north/south one block west of the Development Site; and Park Avenue, running north/south two blocks west of the Development Site.

D) Educational and Major Institutions

There are several schools in the Surrounding Area. Four schools are located on the block directly north of the Development Site. Three of the schools, the Bronx Haven High School, Alfred E. Smith High School and Bronx Design and Construction Academy share one building across the street. PS 1x (the Courtlandt School) is in its own structure on East 152nd Street. All four schools share an exterior playground (Governor Smith Playground) which includes a football field, three tennis courts, 6 paddle ball courts and toddler playground equipment directly across the street from the Development Site. PS 18 (John Peter Zenger Elementary School) is located two blocks south of the Development Site at the corner of East 148th Street and Morris Avenue.

There are two daycare centers. The Brightstone Academy, east of the Development Site, and the Philip H. Michaels Child Development Center, one block northeast of the Development Site.

There is one health facility. Lincoln Medical Center is located one block southwest of the Development Site. It was founded in 1839 and today has an in-patient capacity of over 350 beds. In 2013, the New York Times reported Lincoln Medical Center to be the busiest single-site emergency room in New York City and the third busiest in the nation.

[18] The maximum building height may be increased up to 75 feet for developments within 100 feet of a wide street and with qualifying ground floors.
[19] For QH developments providing AIRS, for portions within 100 feet of a wide street the maximum base height can be increased up to 80 feet and the maximum building height can be increased up to 85 feet but in no event taller than 8 stories.

E) Cultural Institutions, Open Space and Parks

There are two active houses of worship. The Greater Universal Baptist Church is located one block northwest of the Development Site located on East 151st Street, west of Morris Avenue and the Impacto Evangelistico is east of, and on the same block as, the Development Site.

There is one small child and family health and wellness facility, the Bronx Child and Family Mental Health Center. It is located on the northwest corner of E 150th Street and Courtlandt Avenue, east of the Development Site. It provides individual and family psychotherapy services, both short- and long-term treatment, for young adults, adolescents, and children.

Aside from a few vacant/unimproved lots, they are few open spaces in the Surrounding Area. The only public open space is Governor Smith Playground, a 3.5-acre exterior recreation yard and playground for both Bronx Haven and Alfred E. Smith high schools, across the street and north of the Development Site. This open space is the largest both in the Surrounding Area and within a half-mile of the development Site, east of Grand Concourse. It supports the general public and the adjacent schools, as mentioned above.[20]

P.S. 18 John Peter Zenger Elementary School's playground is located two blocks south of the Development Site. These areas are open to the public after school hours and before sundown, as well as during the summer months. There are other private open spaces that are part of the larger site plans for the affordable housing developments west of Morris Avenue (pursuant to the MURP) and the NYCHA campuses to the north and south (Melrose and Patterson Houses).

F) Adjacent Recent and New Developments[21]

Within the Surrounding Area there are four new, as-of-right buildings under construction or approved by DOB, including a two-family dwelling, and three mixed-use residential buildings. The two-family building is located at 319 E. 150th Street. Two new 15-story mixed use buildings are located at 655 Morris Avenue and 2980 Park Avenue, respectively. An 8-story mixed use building is proposed at 290 East 149th Street.

4. Description of the Development Site

The Development Site is 70 feet east of Morris Avenue. It is comprised of Lot 14, a through lot, and Lots 72 and 77, both interior lots, with a total lot area of 40,795 square feet ("s.f."). It is an irregularly shaped through lot with 200 feet of frontage along East 150th Street (a narrow street) and 150 feet of frontage along East 151st Street (a narrow street) and has a depth of 236 feet 9 inches. The Development Site is unimproved and vacant.

5. Description of the Out Parcels

The Out Parcels are Lots 1, 3 thru 9 along Morris Avenue between East 150th Street and

[20] The next largest open space of comparable size and program is Patterson Playground, located three blocks south of the Development Site and beyond the Surrounding Area. This open space was cleared as part of the Melrose Urban Renewal Plan.
[21] Building characteristics of the developments have been extracted from documents available on the Department of Building's website.

East 151st Street. Lot 1 is improved with a 4-story building. The other lots are improved with 3-story buildings. All lots appear to be slightly underbuilt from the permitted floor area under the current R6/C1-4 regulations. All lots are mixed-use with residential upper floors and ground floor community facility uses or retail, including: a medical office, a dental office, a hair and nail supply, two delis, a pharmacy, three restaurants, and laundromat. The oldest building is located on Lot 5, constructed in 1899, and the newest building is located on Lot 8, constructed in 1932. None of the existing structures are eligible for listing on the National or State Historic Register or are individually LPC designated landmarks.

6. Description of Proposed Development

A) The Association of New York Catholic Homes

The mission of the Association of New York Catholic Homes ("ANYCH") is to create opportunities for the development of new affordable housing within the New York Archdiocese. ANYCH aims to provide affordable housing on the Development Site for local and other New York City individuals and families, regardless of their religious affiliation.

B) Proposed Development

The Applicant proposes two new 9-story residential buildings for affordable housing, one along East 150th Street and the other along East 151st Street. The buildings will reach a total height of 95 feet above grade. The Proposed Development will provide open space at grade between the two buildings in the middle of the Development Site, serving as a rear yard equivalent for the through lot. This space will provide active recreational space and play areas for the residents of the buildings and their children.

The Proposed Development will have a total FAR of 4.54 (185,396 s.f.) with approximately 205 dwelling units, all of which will be affordable. As a result of the mapping of a Mandatory Inclusionary Housing designated area over the Project Area, a percentage of these dwelling units will serve to comply with MIH requirements; they will be affordable in perpetuity. The Proposed Development is within the transit zone; therefore, no parking is required and none will be provided.

The proposed zoning district will be an R7A district, a contextual district, which imposes street wall location, mandatory setbacks, and maximum heights. The proposed rezoning area will connect of the R7 density districts to the north (R7-1) with the R7 density district to the south (C4-4 (R7-2 Equivalent)).

7. Actions Necessary to Facilitate the Project

To realize the program for the Proposed Development, this Application seeks:

I. A change to Zoning Map 6a, rezoning the Project Area, within 100 feet of Morris Avenue between East 152st Street and East 150th Street, from a R6/C1-4 to a R7A/C1-4 zoning district and, beyond 100 feet of Morris Avenue, from a R6 to a R7A zoning district. The proposed rezoning is necessary to further ANYCH's goal of providing affordable housing in New York City. In order to overcome the high cost and scarcity of developable land, ANYCH seeks to provide the proposed quantity of affordable housing by rezoning to a district that permits greater bulk and density for the Development Site. The increase in bulk and density would

facilitate the Proposed Development's affordable dwelling unit density. The Development Site is within a Transit Zone, close to a well-connected mass transit corridor, which further justifies an increase in bulk and density. This increase would be consistent with the maximum building height for inclusionary housing buildings in the adjacent R7-1, R7-2 and C4-4 zoning districts.

II. The Applicant also seeks a text amendment of Appendix F of the Zoning Resolution to classify the Project Area as an MIH designated area. The MIH program requires permanently affordable housing within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped "Mandatory Inclusionary Housing Areas" (MIHAs). The proposed action includes a zoning text amendment to establish an MIHA that covers the entire Project Area. Within this MIHA, all developments, enlargements and conversions that provide residential floor area will have to comply with the MIH program requirements of either Option 1 or Option 2, described below:

- Option One: 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI. As part of the 25 percent set-aside, 10 percent of residential floor area shall be provided for households at 40 percent AMI.
- Option Two: 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.

8. Conclusion

In conclusion, the Proposed Development will result in two 9-story buildings with a total of 185,396 s.f. and 205 dwelling units, facilitated through the rezoning of an R6 district to an R7A district, as contemplated by this Application and the proposed text amendment of Appendix F classifies the Project Area as a MIH designated area. The Proposed Development will be consistent with the character of the Surrounding Area and will enable the Applicant to implement its vital mission of providing affordable housing for families. This Application is therefore worthy of the City Planning Commission's consideration and approval.