624 Morris Avenue, Bronx

March 2021

1. Introduction

624 Morris B, LLC ("the Applicant") seeks a zoning map amendment (the "Proposed Action") from R7-1 to R7-1/C1-4 to legalize commercial use for this segment of Morris Avenue and permit site modifications to the ground floor of 624 Morris Avenue (Block 2411, Lot 1; the "Development Site") in the Melrose area of Bronx Community District #1. In addition to the Development Site, six adjacent lots (Block 2411, Lots 1, 5, 6, 7, 8, 9; the "Project Area") along the eastern side of Morris Avenue between East 153rd and East 151st Street would be included, and not under ownership or control of the Applicant.

Aside from small modifications to the ground floor of the Development Site, no further changes are proposed, and no new floor area would be created as a result of the proposed zoning map amendment.

2. Background

When the current Zoning Resolution ("ZR") went into effect in 1961, the area was zoned R6/C1-4. That was changed to R7-1/C1-4 in 1970 and to R7-1 without a commercial overlay in 1973, although the buildings in the Project Area all had ground floor commercial uses. C1-4 overlays continue to be mapped on the blockfront facing the Project Area on the west side of Morris Avenue and on the blockfront immediately to the south of the Project Area, on the east side of Morris Avenue between East 150th and East 151st Streets.

After the C1-4 overlay was removed in 1973, the existing commercial uses remained as legal nonconforming uses but the commercial uses could not be expanded or extended to other parts of the buildings in which they were located. At that time, the ground floor of 624 Morris Avenue had a small store in the front, which was connected to the shopkeeper's living quarters to the rear of the store. In 1999 the space was converted into a restaurant, illegally extending the commercial use into what had been living quarters. The work was done without an alteration permit from DOB, and a violation was recorded against the property. The violation remains active.

The Project Area was initially included within the Melrose Urban Renewal Area (URA) when it was adopted in 1977. The Project Area was subsequently removed from the URA. The Melrose URA is generally bounded by East 153rd and East 156th Streets on the north, Third Avenue on the east, East 145th, East 148th, and East 149th streets on the south, and Park Avenue and the Grand Concourse in the west, is located in the Melrose section of Community District 1. The most recent amendment to the plan was approved by the City Planning Commission (CPC) in 2004.

The area three blocks to the north was amended in 2007 as part of the Nueva Apartments project (050060 ZMX). This project affected an entire block bounded by East 153rd Street, Morris Avenue and Concourse Village East (Block 2442, Lots 34, 59 and 60) from C8-3 and R6/C2-4 to R7-2/C2-4. This rezoning, in conjunction with three other applications (C 050061 HAX, C 050062 HUX and N 050075 ZAX) was intended to facilitate the development of mixed-use building containing 210 units for low income families and ground-floor retail space on a vacant, approximately 58,397 square foot parcel located within the Melrose URA.

The area two blocks to the south and west of the Project Area was amended in 2009 (090302 ZRX) as part of the Lower Concourse Rezoning, which included zoning text amendments, a zoning map amendment and an amendment to the city map. The affected area generally bounded by the Harlem River to the west, East 149th Street to the north, Morris and Lincoln Avenues to the east, and the Major Deegan Expressway to the south is located in the southwestern corner of the Bronx, Community District 1. The proposal sought to create new housing opportunities, encourage the development of new affordable housing, retain viable light industry, provide new waterfront open space to an underserved community, connect communities to each other and to the waterfront and redevelop vacant land and lofts. The zoning changes included map amendments from R6, C4-4, M1-2 and M2-1 to C4-4, C6-2A, R7-2/C2-4, M1-4/ R8A, M1-4/ R7X, M1-4/ R7A, M1-4/ R6A and M1-4.

The Board of Standards and Appeals (BSA) most recently granted an approval (62-12-BZ) to the south of the Development Site at 618 Morris Avenue (Lot 1), which facilitated a two-story 8,260 square foot commercial building (2.0 FAR). The BSA granted limited relief from the use regulations applicable within an R7-1 district by permitting 1.00 FAR of Use Group 6 retail space to be located within the ground floor.

3. Description of the Surrounding Area

The Project Area is located in the Melrose area of Bronx Community District 1. The surrounding area is predominantly mixed in use with mid-rise buildings present, as well as older two- to four-story buildings. The surrounding area is generally defined by East 153rd Street to the north, Park Avenue to the west, 149th Street to the south and Courtlandt Avenue to the east. Morris Avenue is a north-south mixed-use neighborhood corridor with 80 feet in width ('wide') while numbered streets (150th and 151st) generally consist of side streets with 50 feet in width ('narrow'). However, East 149th and 153rd Streets are east-west arterials with 80 feet in width ('wide').

Across Morris Avenue from the Project Area, occupying most of Block 2441 is a 7story, 216-unit apartment building constructed during the 1980s. At the north end of the block is a 15-story building completed in 2018, with 176 residential units above a daycare center and medical offices. On the block to the south of the Project Area (Block 2410) mixed-use 3- and 4-story buildings developed during the same period (the 1890s through the early 1930s) and occupy the entire Morris Avenue frontage. Food markets, restaurants, a laundromat, a nail salon, and medical and dental offices occupy the ground floor space. On East 151st Street, a religious school and adjacent house of worship are currently under demolition. Further east are 2- to 4-story residential buildings, one with a ground-floor barbershop, and a small house of worship. On East 150th Street are vacant, overgrown land, residential buildings, and a 2-story warehouse with accessory office space.

To the north of the Project Area on the east side of Morris Avenue is NYCHA's Melrose Houses, a complex of nine 14-story buildings occupying the superblock bounded by Morris and Courtlandt Avenues and by East 153rd and East 156th Streets. On the west side of Morris Avenue is an eight-story mixed-use building constructed in 2006 with residential units above four commercial units (a supermarket, a laundromat, a discount store, and a deli). To the west on East 153rd Street is a house of worship and 8-story senior living center. In the western part of the surrounding area, the lots are mostly assemblages created through urban renewal. A high school abuts the Project Area to its east (Alfred E Smith High School and PS1X Courtlandt School), and a playground associated with the school abuts it to the north (Governor Smith Playground). These uses occupy all of Block 2411, bounded by Morris and Courtlandt Avenues and by East 151st and East 153rd Streets, except for the Project Area (further described below) and the Courtlandt Avenue frontage to the east.

The Project Area is in an R7-1 district that extends east. To the north of East 153rd Street is an R6 district and to the west is an R7-2 district with C1-4 and C2-4 overlays present along Morris Avenue. To the south is another R6 district that extends east from Morris Avenue with C1-4 commercial overlays present along the avenue.

The R7 district permits residential and community facility buildings where quality housing and height factor provisions both apply. This district permits buildings up to 3.44 FAR under height factor regulations or 4.0 FAR under quality housing regulations. Under quality housing

regulations, buildings with 8-stories or 85 feet with a qualifying ground floor are permitted and the sky exposure plane controls the maximum height of height factor buildings, which begins at 60-feet. Parking is required for 60% of dwelling units under height factor regulations and 50% under quality housing regulations. R7/C1-4 and R7/C2-4 districts with commercial overlays permit Use Groups 5-6 (C1-4) and Use Groups 5-9 & 14 (C2-4) at a maximum FAR of 2.0. This generally results in mixed-use buildings with ground floor commercial retail space and residential units contained above. Regulations for residential development in R7-1 and R7-2 districts are essentially R7-2 districts require parking for 50% of dwelling units.

The R6 district is similar to the R7 district but permits less bulk. The R6 district permits residential and community facility buildings where quality housing and height factor provisions both apply. This district permits buildings up to 2.43 FAR under height factor regulations or 3.0 FAR under quality housing regulations. Under quality housing regulations, buildings with 7-stories or 75 feet with a qualifying ground floor are permitted and the sky exposure plane controls the maximum height of height factor buildings, which begins at 60-feet. Parking is required for 70% of dwelling units under height factor regulations and 50% under quality housing regulations. R6/C1-4 districts with commercial overlays permit Use Groups 5-6 (C1-4) at a maximum FAR of 2.0.

The surrounding area is well served by public transportation with a New York City Transit (NYCT) subway station present at Grand Concourse and 149th Street with 2/4/5 train service. In terms of the bus transit, the Bx32 provides service along Morris Avenue between Kingsbridge and Mott Haven. In addition, the Bx9, Bx19 and Bx99 make stops at Grand Concourse and 149th Street, providing service to Riverdale, Mott Haven, The NY Botanical Garden, Riverbank Park and Woodlawn. The Project Area is also located in the Transit Zone.

4. Description of the Proposed Project Area

The Proposed Project Area consists of seven contiguous lots within a single block (Block 2411, Lots 1, 4, 5, 6, 7, 8, and 9). It is located on the east side of Morris Avenue north of East 151st Street in the Melrose neighborhood of Bronx Community District 1. This includes 175 feet of frontage along Morris Avenue (80 feet, a ‘wide’ street) and 70 feet of frontage along the north side of East 151st Street (50 feet, a ‘narrow’ street). It is currently zoned R7-1, as noted above.

Block 2411, Lot 1 (618 Morris Avenue) is a 4,130 square-foot lot with approximately 59 feet of frontage along Morris Avenue and a depth of approximately 70 feet. As noted above, the parcel is under construction with a two-story 8,260 square foot commercial building (2.0 FAR) facilitated by a BSA approval (62-12-BZ).

Block 2411, Lot 4 (624 Morris Avenue) is the Development Site and is discussed in greater detail below.

Block 2411, Lot 5 (626 Morris Avenue) is a 1,130 square-foot lot with a frontage of approximately 16 feet and a depth of approximately 70 feet. The parcel is improved with a four-story 3,398 square foot building (3.0 FAR) containing ground-floor commercial use and three-stories of residential units above (one per floor).

Block 2411, Lot 6 (628 Morris Avenue) is an 1,826 square-foot lot with frontage of 26 feet and a depth of 70 feet. The parcel is improved with a two-story (and cellar) mixed-use building with 2,754 square feet (1.5 FAR). The ground-floor contains a food store with a residential unit above.

Block 2411, Lot 7 (630 Morris Avenue) is a 1,245 square-foot lot with frontage of 17.5 feet and a depth of 70 feet. The parcel is improved with a four-story (and cellar) mixed-use building with 3,620 square feet (2.91 FAR). The ground-floor contains a beauty salon with residential units on the remaining floors (one per floor).

Block 2411, Lot 8 (632 Morris Avenue) is a 1,263 square-foot lot with frontage of 18 feet and a depth of 70 feet. The parcel is improved with a four-story (and cellar) mixed-use building with 3,600 square feet (2.85 FAR). The ground-floor contains an office use with residential units on the remaining floors (one per floor).

Block 2411, Lot 9 (634 Morris Avenue) is a 1,598 square-foot lot with 23 feet of frontage and a depth of 70 feet. The parcel is improved with a two-story (and cellar) mixed-use building with 1,822 square feet (1.14 FAR). The ground-floor contains a florist with a residential unit on the remaining floor.

5. Description of Proposed Development Site

The Development Site consists of Lot 4 (624 Morris Avenue), which is an interior lot with approximately 1,207 square feet in lot area. The parcel contains approximately 17.25 feet in frontage and 70 feet in depth. The parcel is improved with a four-story (and cellar) 3,657 square foot mixed-use building (3.03 FAR). The building occupies the front 52-foot portion of the lot with an 18-foot rear yard. The ground floor contains an approximately 660 square foot eating and drinking establishment restaurant and the remaining upper floors are residential, with three dwelling units (one per floor).

As noted above, the commercial use on the ground floor dates from at least 1973 when a small store was present, which was connected to a shopkeeper's living quarters in the rear of the store. In 1999, the space was converted into a restaurant, extending the commercial use into what was once the living quarters on the floor. The work was performed without an alteration permit from the Department of Buildings and a violation was recorded against the property. As such, the commercial use is currently nonconforming.

6. Description of Proposed Development

The Proposed Actions are not intended to facilitate new development. Instead, the nonconforming commercial use occupying the ground floor of the Development Site (an eating and drinking establishment) would become a conforming use. The existing restaurant space would undergo renovations and the restaurant would remain. There would be no increase in floor area, no horizontal or vertical enlargement of the building, and no ground disturbance.

7. Actions Necessary to Facilitate the Project

The Proposed Action consist of a zoning map amendment to zoning sectional map 6a, which would extend a C1-4 commercial overlay within part of an existing R7-1 district northward across East 151st Street and would encompass Block 2411, Lots 1, 4, 5, 6, 7, 8, and 9. The proposed district would extend 175 feet along the east side of Morris Avenue, to a depth of 70 feet.

The proposed zoning map amendment would map a C1-4 overlay over the Project Area but would not change the underlying R7-1 district. This would allow local retail uses, which are not permitted today at an FAR of 2.0 or limited or limited to the first floor when combined with residential uses. No changes to the permitted size and scale of the residential development is proposed.

The proposed extension of the commercial overlay would enable the existing commercial use on the Development Site to operate legally, in a space where eating and drinking establishments have existed since 1999 and where commercial uses have existed since at least 1973. In addition to the Development Site, six additional commercial uses would become legal conforming uses (Block 2411, Lots 1, 5, 6, 7, 8, and 9), all of which are located at the ground floor level, except for Lot 1 which contains two-stories of commercial use.

As such, the Proposed Action would serve to more accurately reflect the predominantly mixed-use character of this segment of Morris Avenue. Commercial uses have occupied the ground

floors of the buildings within the Rezoning Area since before a C1-4 commercial overlay was removed in 1973 and even before the current Zoning Resolution was enacted in 1961. Moreover, the Rezoning Area is an appropriate location for a commercial overlay, given the two-way heavily trafficked nature of Morris Avenue (a wide avenue), with retail uses at the ground floor on the full length of the subject block and the block directly to the south. The proposed C1-4 commercial overlay is also appropriate for this location, as all the existing commercial overlays in the surrounding area consist of C1-4 overlays, which are present on the west side of Morris Avenue between East 149th Street and East 153rd Street, as well as on the east side of Morris Avenue between East 150th Street and East 151st Street.

As noted above, the R7-1/C1-4 district permits mixed-use buildings up to 4.0 FAR, with the C1-4 commercial overlay intended for areas in close proximity to transit, such as the Rezoning Area. This district permits buildings up to 3.44 FAR under height factor regulations or 4.0 FAR under quality housing regulations. Under quality housing regulations, buildings with 8-stories or 85 feet with a qualifying ground floor are permitted and the sky exposure plane controls the maximum height of height factor buildings, which begins at 60-feet. Parking is required for 60% of dwelling units under height factor regulations and 50% under quality housing regulations. R7/C1-4 districts permit local commercial uses at the ground floor level where residences are present above for a maximum of 2.0 FAR for commercial use (Use Groups 5 & 6). For commercial uses, parking varies by use with up to 40 spaces waived, given transit access.

8. Conclusion

The Proposed Action would result in the restoration of a commercial overlay along Morris Avenue, a pre-existing mixed-use corridor with commercial uses present for decades. The Proposed Action is not intended to induce new development but would legalize pre-existing commercial uses along the east side of Morris Avenue between East 151st and 153rd Street, more accurately reflecting the existing character of this block and overall reducing the degree of nonconformance with zoning in this area.

The proposed C1-4 district is appropriate for this location and would be consistent with pre-existing C1-4 commercial overlays in the immediate area, which are generally intended to permit local retail along mixed-use corridors in close proximity to transit. As such, the Project Area is located on a wide roadway and is in close proximity to transit, making the Proposed Action appropriate for this area.