3276 Jerome Avenue
Environmental Assessment Statement

CEQR #: 15DCP067X

Prepared for:
Mosholu Petrol Realty, LLC

Prepared by:
Philip Habib & Associates

December 11, 2015

3276 Jerome Avenue
ENVIRONMENTAL ASSESSMENT STATEMENT
CEQR No.: 15DCP067X

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Appendix A: New York City Board of Standards and Appeals Decision

City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

FOR UNLISTED ACTIONS ONLY • *Please fill out and submit to the appropriate agency* (see instructions)

Part I: GENERAL INFORMATION

1. *Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?* ☐ YES ☒ NO

If "yes," **STOP** and **complete the FULL EAS FORM**.

2. *Project Name* 3276 Jerome Avenue EAS

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
15DCP067X	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
160064ZMX	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
New York City Department of City Planning			Mosholu Petrol Realty, LLC		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Robert Dobruskin, AICP, Director, EARD			Jose Montero		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 555 South Columbus Avenue		
CITY New York	STATE NY	ZIP 10271	CITY Mount Vernon	STATE NY	ZIP 10550
TELEPHONE 212-720-3423	EMAIL rdobrus@planning.nyc.gov		TELEPHONE 914-699-9500	EMAIL josem@atlantismgmt.com	

5. *Project Description*

Mosholu Petrol Realty (the "applicant") is seeking approval for a Zoning Map Amendment to rezone an R8 District to a C8-2 District. The proposed rezoning would bring the existing land use into conformance with zoning regulations on a portion of Lots 22, and 55, and all of Lot 82 of Block 3323 (the "rezoning area") in the Norwood neighborhood of The Bronx. The rezoning area is currently zoned R8. Lots 55 and 82 are owned by the applicant, while Lot 22 is privately owned. The proposed action would rezone approximately 4,390 sf of the applicant's property and 495 sf of Lot 22 from R8 to C8-2. Additionally, the proposed rezoning would modify the zoning of Lot 22, which would effectively be split between an C8-2 and a R8 district (collectively, the "proposed action"). The requested rezoning would bring the existing use at the rezoning area into conformance with zoning regulations. No new development is proposed and the proposed action would permit the applicant to continue operating the accessory drive-through use at the rezoning area (refer to Attachment A, "Project Description" for additional details).

Project Location

BOROUGH Bronx	COMMUNITY DISTRICT(S) 7	STREET ADDRESS 3276 Jerome Avenue
TAX BLOCK(S) AND LOT(S) Block 3323, Lots 22, 55 and 82		ZIP CODE 10468

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Project site is bounded between Jerome Avenue to the north and Risse Street to the east.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY	ZONING SECTIONAL MAP NUMBER 1d
C8-2/R8; Speical Grand Concourse Preservation District	

6. *Required Actions or Approvals* (check all that apply)

***City Planning Commission*:** ☒ YES ☐ NO ☒ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☒ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP
☐ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☐ OTHER, explain:	

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Board of Standards and Appeals*:** ☐ YES ☒ NO

☐ VARIANCE (use)

☐ VARIANCE (bulk)

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

☐ LEGISLATION

☐ RULEMAKING

☐ CONSTRUCTION OF PUBLIC FACILITIES

☐ 384(b)(4) APPROVAL

☐ OTHER, explain:

☐ FUNDING OF CONSTRUCTION, specify:

☐ POLICY OR PLAN, specify:

☐ FUNDING OF PROGRAMS, specify:

☐ PERMITS, specify:

Other City Approvals Not Subject to CEQR (check all that apply)

☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)

☐ LANDMARKS PRESERVATION COMMISSION APPROVAL

☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☒ NO If "yes," specify:

7. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

☒ SITE LOCATION MAP ☒ ZONING MAP ☒ SANBORN OR OTHER LAND USE MAP

☒ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)

☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 4,885 sf (total lot area to be rezoned)

Waterbody area (sq. ft) and type: N/A

Roads, buildings, and other paved surfaces (sq. ft.): 4,885 sf

Other, describe (sq. ft.): N/A

8. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): N/A

NUMBER OF BUILDINGS: N/A

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): N/A

HEIGHT OF EACH BUILDING (ft.): N/A

NUMBER OF STORIES OF EACH BUILDING: N/A

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO

If "yes," specify: The total square feet owned or controlled by the applicant: 4,390 sf

The total square feet not owned or controlled by the applicant: 495 sf

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☐ YES ☒ NO

If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)	N/A	7,975 sf	N/A	N/A
Type (*e.g.,* retail, office, school)	units	Convenience/Retail Use		

Does the proposed project increase the population of residents and/or on-site workers? ☐ YES ☒ NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: NUMBER OF ADDITIONAL WORKERS:

Provide a brief explanation of how these numbers were determined:

Does the proposed project create new open space? ☐ YES ☒ NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? ☒ YES ☐ NO

If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly: Under No-Action conditions, existing accessory

retail uses at the rezoning area would be removed and all existing convenience retail uses on the northern portion of the applicant's property (p/o Lot 55) would be removed (for a total net decrease of 7,975 sf of retail uses). Refer to Attachment A, "Project Description" for more details.

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2016

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: N/A (no new development would occur with the proposed action)

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO | IF MULTIPLE PHASES, HOW MANY? N/A

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: N/A

10. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☒ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Transportation/Utility

Figure 1
Land Use

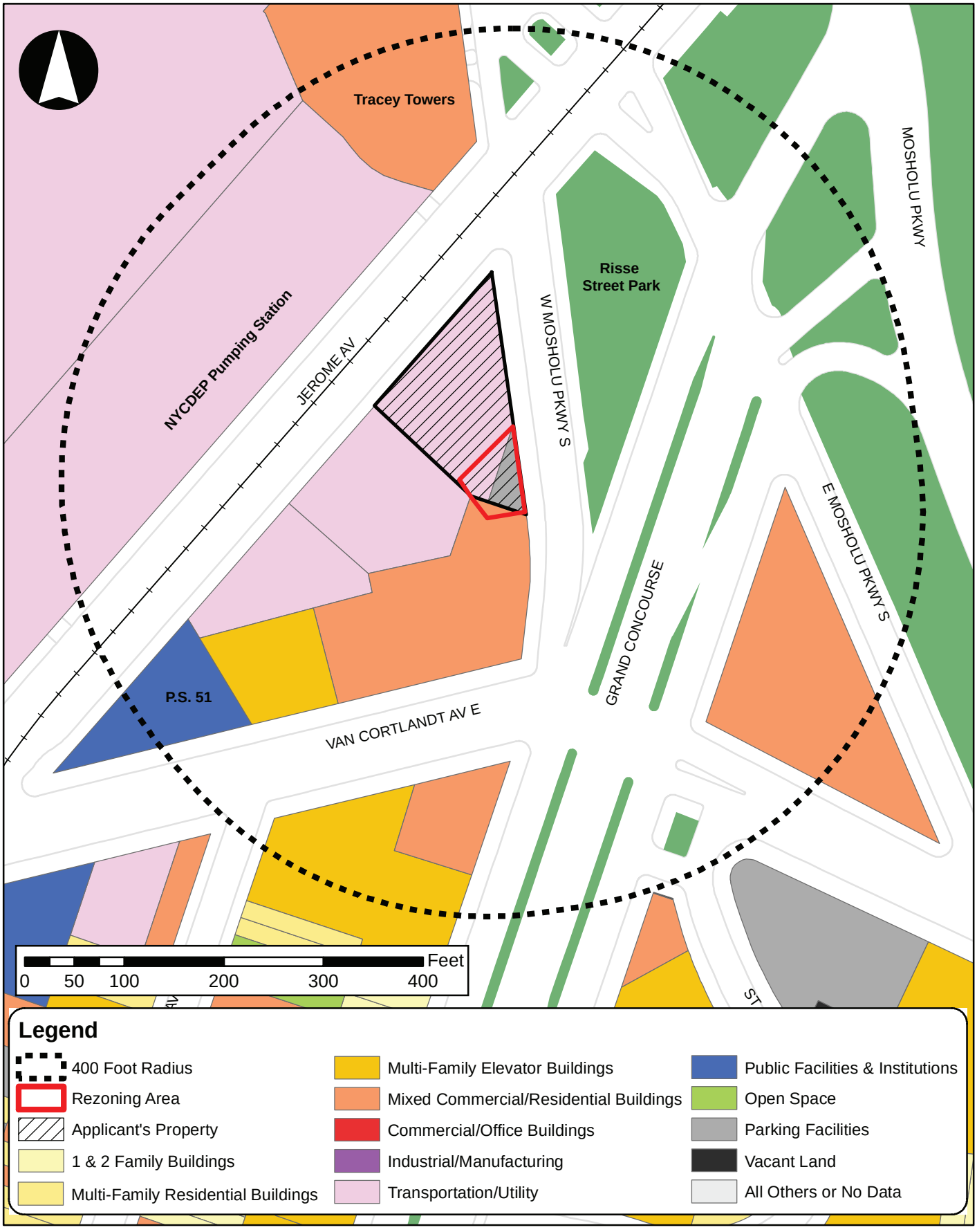
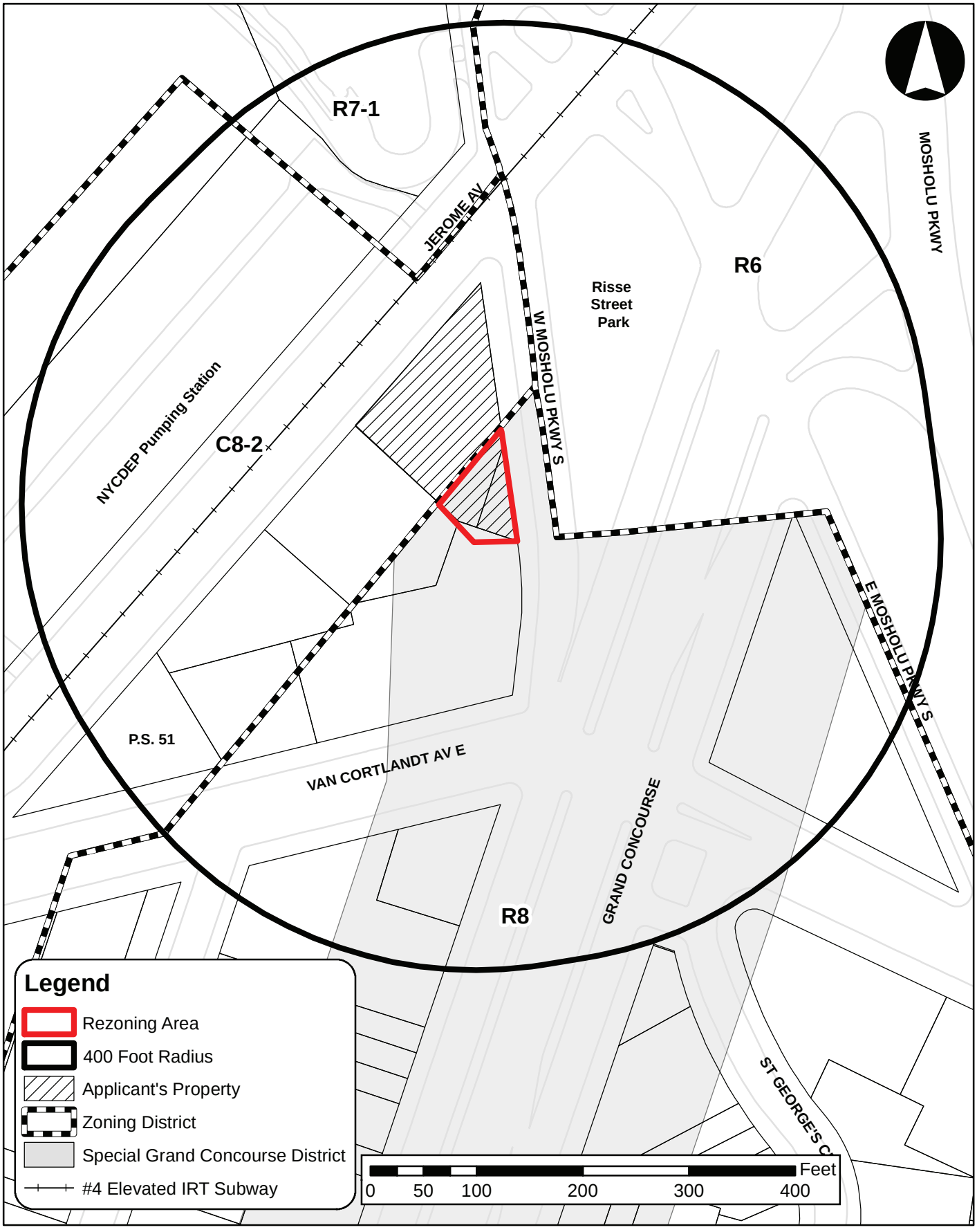
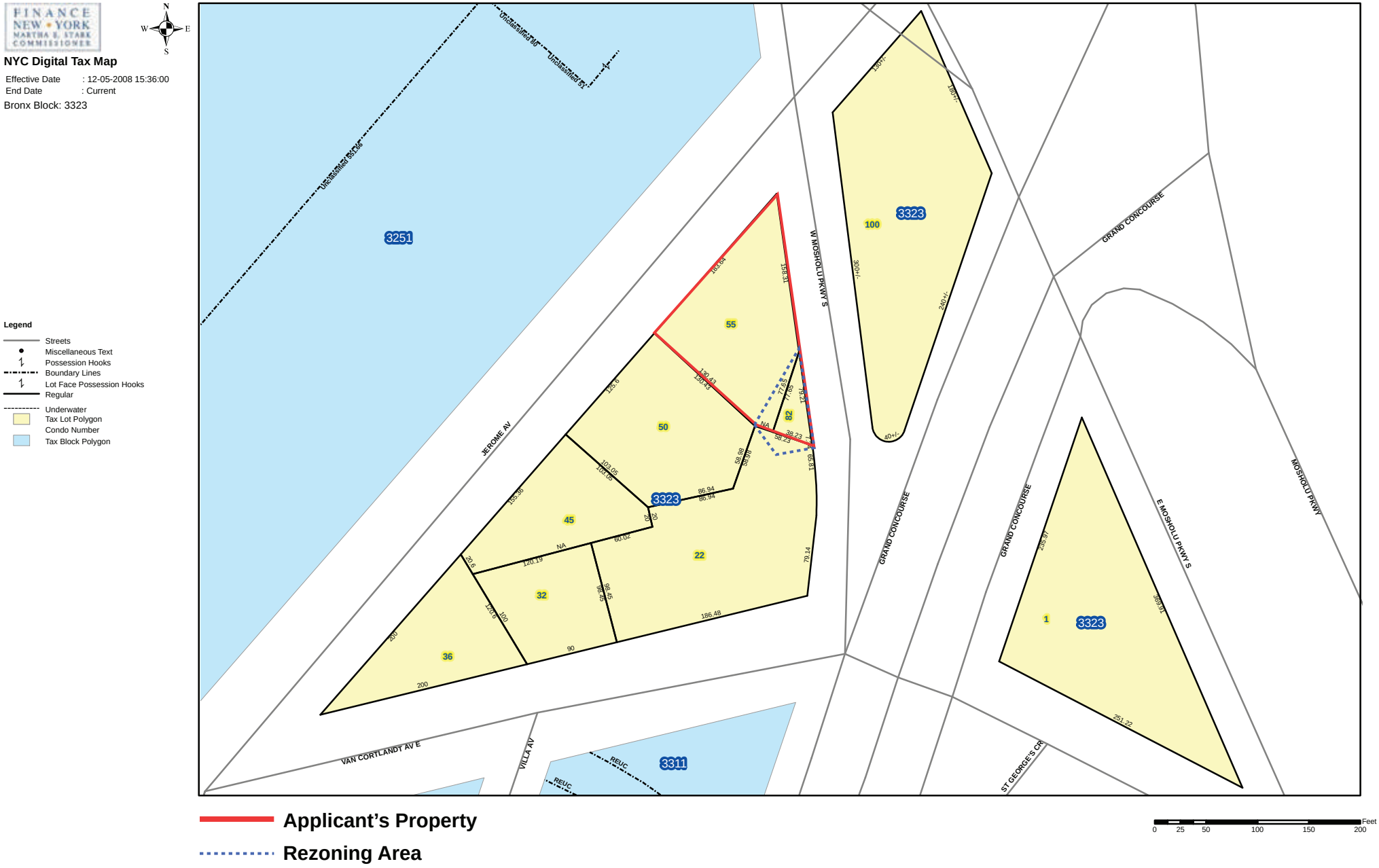


Figure 2

Zoning Map





3276 Jerome Avenue EAS

Figure 3

Tax Map

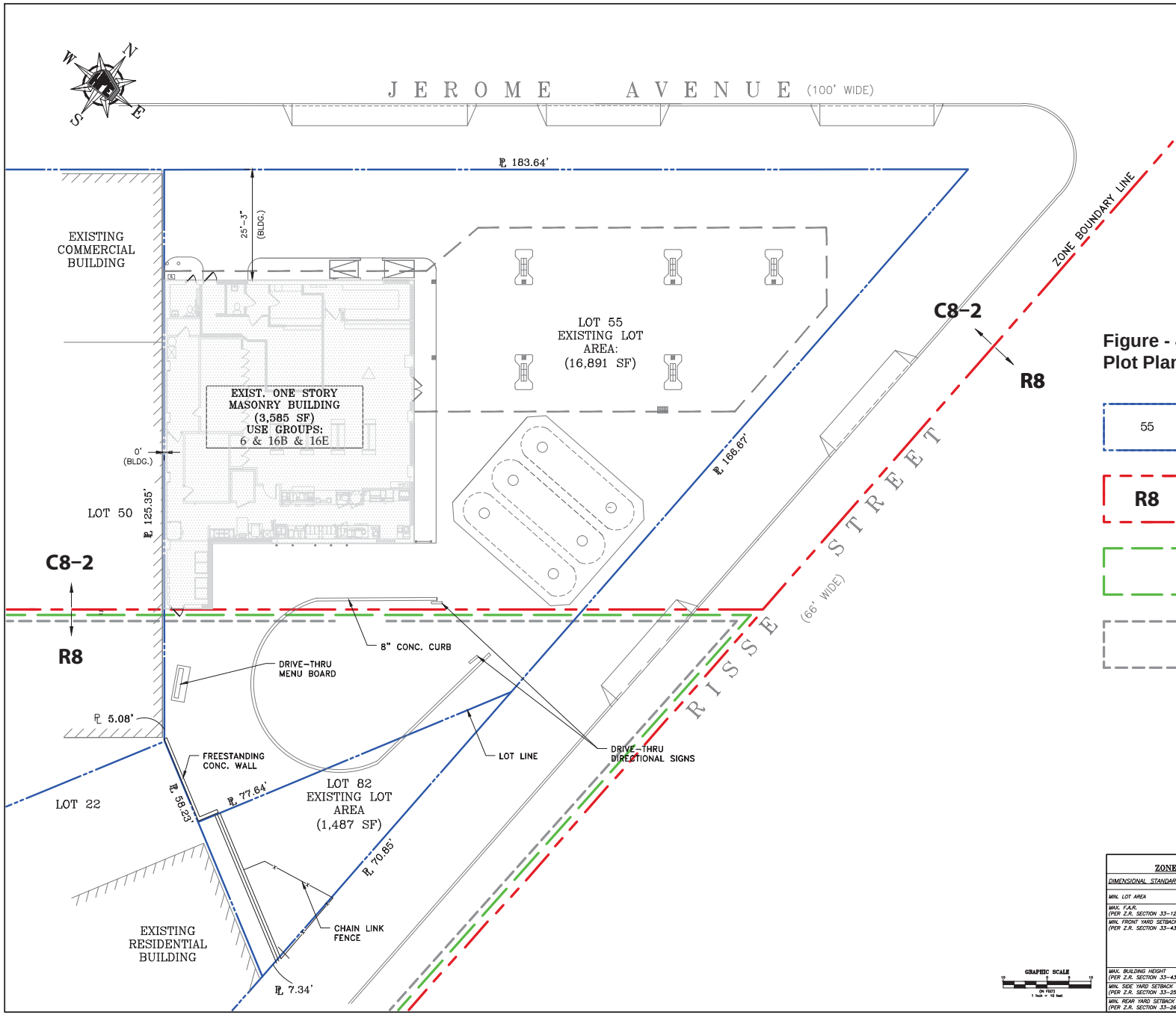


Figure - 4a
Plot Plan Existing Zoning

- 55 — Tax Lot Boundaries
- R8 — Zoning Boundaries
- Special (C) Grand Concourse Preservation District
- Residential Preservation Area Subdistrict

GRAPHIC SCALE (IN FEET) 1 Inch = 10 Feet

LOT 55 BULK DATA
ZONE: C8-2; USE GROUP 16B, 16E

DIMENSIONAL STANDARDS	PERMITTED/ REQUIRED	PROVIDED
MIN. LOT AREA	N/A	16,091 SF
MAX. F.A.R. (PER Z.R. SECTION 33-122)	2.00	0.22
MIN. FRONT YARD SETBACK (PER Z.R. SECTION 33-432(a))	0' (W/ BLDG. HEIGHT <30')	25'-3" (JEROME AVE) 39' (RISSE ST)
MAX. BUILDING HEIGHT (PER Z.R. SECTION 33-432(a))	60'/ 4 STORIES (WITHIN INITIAL 15' SETBACK)	±18'/ 1 STORY
MIN. SIDE YARD SETBACK (PER Z.R. SECTION 33-25)	0' OR 8' IF PROVIDED	0', 25'
MIN. REAR YARD SETBACK (PER Z.R. SECTION 33-26)	20'	N/A (CORNER LOT)

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NEW YORK LICENSE No. 078039

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ADDITIONAL DESIGN PROFESSIONALS:

NOT FOR BIDDING/ CONSTRUCTION

REV NO.	DATE	REVISION
1	5/21/13	PER DRIVE-THRU APPURTENANCES

NYCDOB APPROVAL:

OWNER'S INFORMATION:
MOSHOLU PETROLEUM
555 S. COLUMBUS AVENUE
MOUNT VERNON, NY 10550

SITE DATA:
ATLANTIS MANAGEMENT
3276 JEROME AVE
BRONX, NY 10468
BLOCK: 3323 MAP: 1D
LOT(S): 55 & 82 ZONE: C8-2 + R8

SCALE: 1"=10' HPE #: AMGT07-02
DATE: 1/23/13 DWG #: AMGT07-02-G.01

TITLE:
PLOT PLAN
(OSP)

SHEET NO:
G-100.01
1 OF 1

NYCDOB STICKER

NYCDOB APPLICATION #220175361

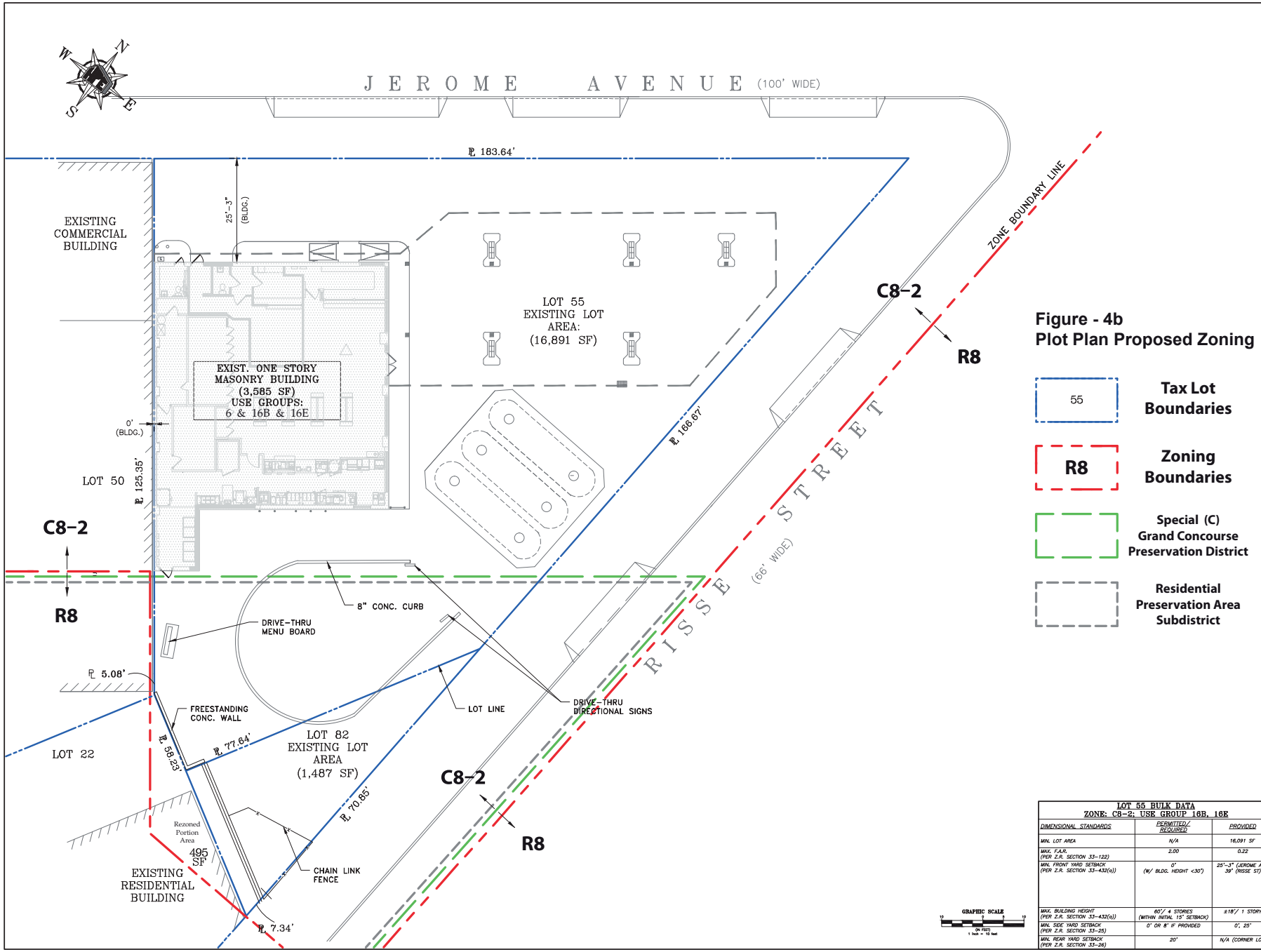


Figure - 4b
Plot Plan Proposed Zoning

- 55 — **Tax Lot Boundaries**
- R8 — **Zoning Boundaries**
- **Special (C) Grand Concourse Preservation District**
- **Residential Preservation Area Subdistrict**

LOT 55 BULK DATA
ZONE: C8-2; USE GROUP 16B, 16E

DIMENSIONAL STANDARDS	PERMITTED/ REQUIRED	PROVIDED
MIN. LOT AREA	N/A	16,091 SF
MAX. F.A.R. (PER Z.R. SECTION 33-122)	2.00	0.22
MIN. FRONT YARD SETBACK (PER Z.R. SECTION 33-432(a))	0' (W/ BLDG. HEIGHT <30')	25'-3" (JEROME AVE) 39' (RISSE ST)
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TITLE:
PLOT PLAN
(OSP)

SHEET NO:
G-100.01
1 OF 1

NYCDOB STICKER

NYCDOB APPLICATION #220175361

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	☒
o If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☐	☒
o If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of 200 or more residential units?	☐	☒
o Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
o Directly displace more than 500 residents?	☐	☒
o Directly displace more than 100 employees?	☐	☒
o Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
o **Child Care Centers:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
o **Libraries:** Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
o **Public Schools:** Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
o **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
o If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	☐	☐
(c) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
o If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☐
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒
5. *SHADOWS*: CEQR Technical Manual Chapter 8		

	YES	NO
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☐	☒
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☐	☒
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☐	☒
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	☒
o If "yes," complete the Jamaica Bay Watershed Form, and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☐	☒
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☐	☒
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☐	☒
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	☐	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒

	YES	NO
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): N/A		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): N/A		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	☐	☐
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☐	☒
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☐	☐
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☒
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☐	☒
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☐	☒
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☐	☒

	YES	NO
preliminary analysis, if necessary.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☒	☐
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. Proposed project would result in a rezoning; refer to Attachment B, "Supplemental Screening" for more details.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	☐	☒
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☐	☒
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
o The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
o Closure of a community facility or disruption in its services?	☐	☒
o Activities within 400 feet of a historic or cultural resource?	☐	☒
o Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	DATE
Jose Montero, Mosholu Petrol Realty, LLC	December 11, 2015

SIGNATURE

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☐

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ ☒

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
Deputy Director	New York City Department of City Planning
NAME	DATE
Olga Abinader	December 14, 2015

SIGNATURE



ATTACHMENT A

I. INTRODUCTION

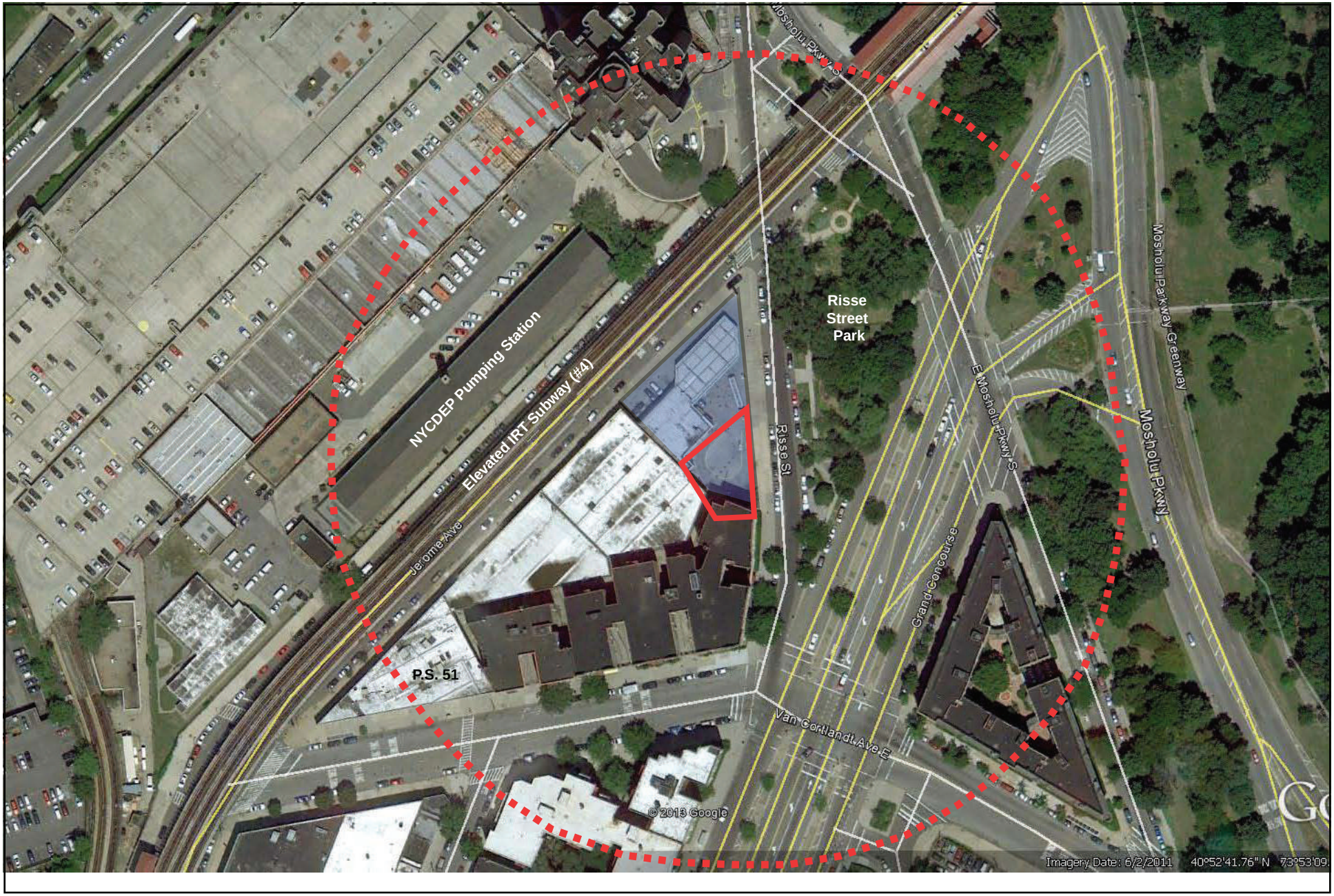
The applicant, Mosholu Petrol Realty, LLC, is seeking a zoning map amendment (the "proposed action") to rezone a portion of a block (Block 3323, Lot 82, p/o Lots 55 and 22), from R8 to C8-2. The proposed action would facilitate a proposal by the applicant to legalize an existing non-conforming commercial drive-through (Use Group 6) located at 3276 Jerome Avenue, Block 3323, Lot 82 and p/o Lot 55 (refer to Figure A-1). The proposed rezoning area is located within the Bedford Park neighborhood of Bronx Community District 7; portions of the rezoning area fall within the Special Grand Concourse Preservation District (C) and Residential Preservation Area Subdistrict.

The non-conforming use is accessory to an existing, conforming fast food establishment and gas station located in a C8-2 zoning district. Under the proposed rezoning, the fast food establishment drive-through would become a conforming use. The proposed rezoning area includes a small portion of Lot 22, which is developed with a residential building Due to the small size of the area within Lot 22 proposed to be rezoned to C8-2, the residential building would remain a conforming use. The existing and proposed zoning districts are shown in Figure A-4.

The proposed action would facilitate a proposal by the applicant to bring approximately 4,390 sf of existing accessory drive-through and refuse storage at the rezoning area into conformance with zoning regulations. The existing uses are accessory to an as-of-right, British Petroleum gasoline station on the northern portion of Lot 55.

An approximately 495 sf portion of Lot 22, which is developed with a residential building not controlled by the applicant, is included in the rezoning area in order to comply with the New York City Department of City Planning (NYCDCP) standards for zoning district boundary lines. In addition to the action requiring City Planning Commission approval, the applicant seeks to merge Lots 55 and 82 to form one zoning lot. This merger would allow the applicant to rezone the property pursuant to ZR Article VII: Administration, Chapter 7 – Special Provisions for Zoning Lots Divided by District Boundaries. The proposed action would result in the mapping of a split lot (Lot 22) between a C8-2 and a R8 district with less than 25 feet of overlap into the respective zoning districts. As shown in Figure A-2, the rezoning site occupies a portion of the block bounded by Jerome Avenue to the north, Risse Street to the east, and Van Cortlandt Avenue East to the south.

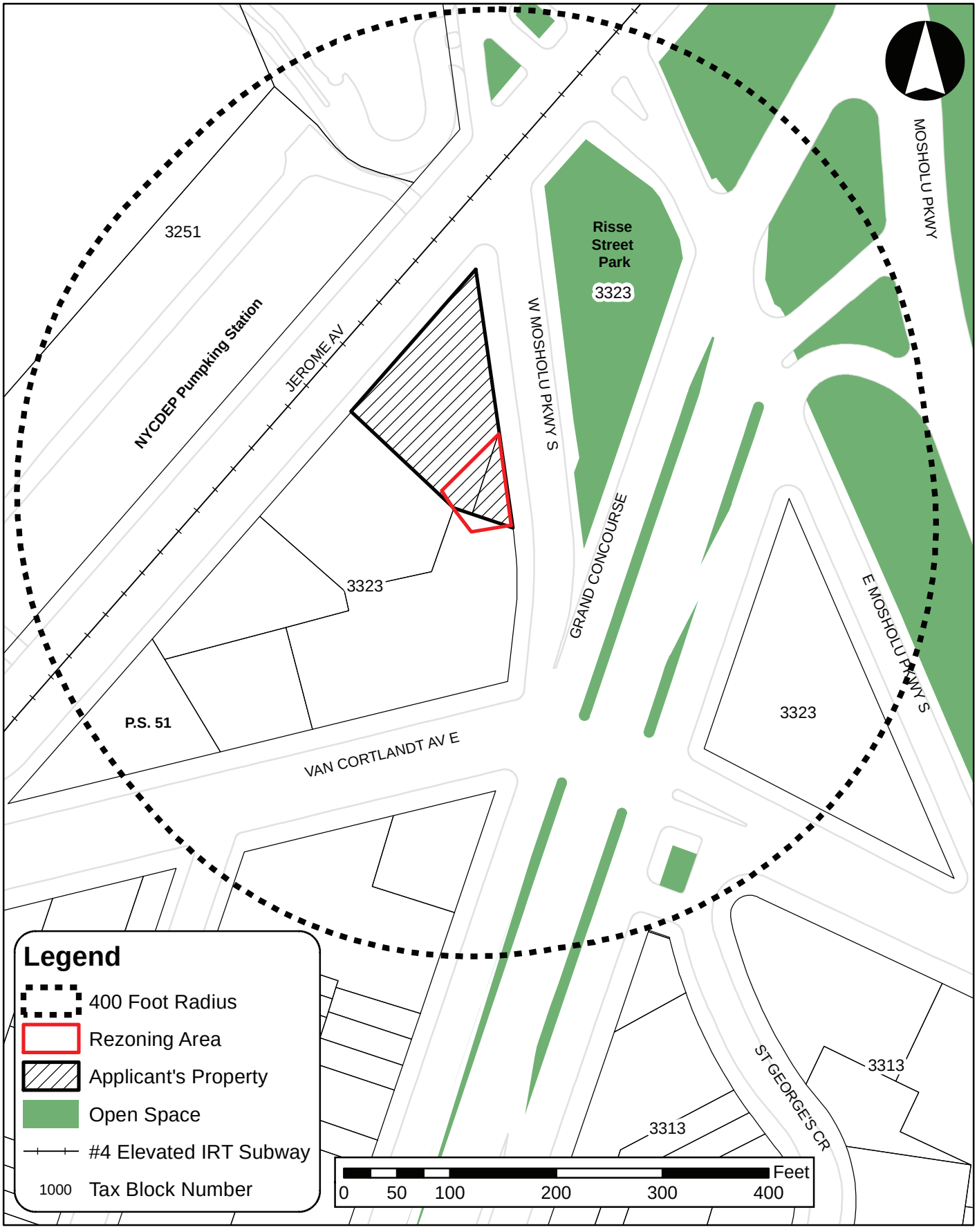
The adoption of the proposed rezoning is expected to be completed in 2016. Therefore, the analysis year for the proposed action is 2016.



400-Foot Radius Rezoning Area Applicant's Property

3276 Jerome Avenue EAS

Figure A-1
Aerial Map


3251
NYCDEP Pumpking Station
JEROME AV
Risse Street Park
3323
W MOSHOLU PKWY S
MOSHOLU PKWY
GRAND CONCOURSE
E MOSHOLU PKWY S
3323
3323
P.S. 51
VAN CORTLANDT AV E
ST GEORGE'S CR
3313
3313
Legend
400 Foot Radius
Rezoning Area
Applicant's Property
Open Space
#4 Elevated IRT Subway
1000 Tax Block Number
0 50 100 200 300 400 Feet

II. BACKGROUND

The rezoning area consists of three separate zoning lots (Lot 82, p/o Lots 22 and 55,). The northern portion of Lot 55 is occupied by a gasoline station which has been in operation since the early 1950's pursuant to a variance granted by the New York City Board of Standards and Appeals (BSA)[1]. Currently, Lot 55 is occupied by a 3,585 sf 1-story masonry building which contains a register for the gasoline attendant, a convenience store and a Dunkin Donuts'.

Both the gasoline station and the convenience retail establishments are conforming land uses under C8-2 zoning regulations. The BSA variance granted in 1952 permitted "in a residence and business use district, the erection and maintenance of a gasoline service station" on the northern portion of Lot 55, Lot 55 was authorized to be developed with a Use Group 16B auto service station/accessories sales and a Use Group 16B auto repair business. The BSA variance did not extend these uses to the southern portion of Lot 55 and Lot 82; the owner was required to landscape the residentially-zoned portion of the property, and to provide tables and benches for use by residents of the adjacent apartment building.

In 1961, a C8 zoning district was mapped on the majority of Lot 55, making the portion of the service station located therein an as-of-right use. Concurrently, Lot 82 and the eastern edge of Lot 55 were mapped with an R8 district, which does not permit commercial uses, including auto service stations and repair shops or accessory uses; however, the variance was still in effect to allow such use over the portion that it covered. When the variance expired in 1968, any commercial uses located within the R8 district portion would be rendered an illegal use.

The 1952 BSA variance was never renewed. In 1999, a BSA application (#41-99-BZ) sought approval of a UG 6 retail store/donut shop. The application was subsequently withdrawn, but the gas station and retail use continued to operate to the current day. The southern portion of Lot 55 and Lot 82 remained vacant until 2007, when an auto drive-through was built for donut shop customers. The applicant and current owner had purchased the site in 2007 and filed modification plans to the site in 2013, at which time the expired BSA variance and subsequent illegal use were recognized. The Department of Buildings issued a violation for an illegal use within a residential district in 2013, and thus the applicant is seeking the rezoning to bring the entire use into conformance.

The applicant is also in the process of submitting a request to the BSA relinquishing the 1952 BSA variance and thus the landscaping requirement for the residentially zoned portion of the lot, which was never fulfilled.

[1] 332-32-BZ (Granted in 1952) permitted the erection and maintenance of a gasoline service station in a residence and business use district.

EXISTING CONDITIONS

Land Use

Rezoning Area

The southern portion of Lot 55 and the entirety of Lot 82 comprise a 4,390 sf undeveloped, but paved area currently used as an accessory drive-through (refer to Figure A-3 for site photos) to the gasoline station and convenience retail use on the applicant's property. Egress to the gasoline station is provided by curb cuts along both Jerome Avenue and Risse Street. An existing 8-foot concrete curb on the southern portion of Lot 55 guides vehicles through the drive-through. A refuse area that contains waste receptacles is currently located at the southeast corner of Lot 82. The 495 sf portion of adjacent Lot 22 that is included in the rezoning area is occupied by a 6-story mixed commercial and residential building with frontage on both Van Cortlandt Avenue East and Risse Street. The rezoning area also includes a portion of adjacent Lot 22, which is fully occupied by a 6-story mixed-use building. The building is 105,000 gsf and has a total of 81 dwelling units with ground floor retail uses, including a barber shop and a food market.

The rezoning area is located on a portion of Block 3323 in the Bedford Park area of The Bronx. The subject block is bounded by Van Cortlandt Avenue East to the south, Risse Street to the east, and Jerome Avenue to the north. In total, the rezoning area encompasses approximately 4,885 sf and has approximately 184 feet of frontage on the south side of Jerome Avenue (refer to the tax map in Figure 3 of the EAS Form).

Surrounding Area

The land uses on the subject block include a few auto repair service centers along Jerome Avenue. The only institutional use, P.S. 51 (the Bronx New School) is southwest of the rezoning area. The southeast side of the subject block is occupied by two, 6-story multi-family residential buildings located along Risse Street. Directly across from the rezoning area is Risse Street Park, a 0.81 acre open space under the jurisdiction of the New York City Department of Parks and Recreation (NYCDPR). The park is also serves as the location for the Risse Street Community Garden (refer to Figure A-3 for photos).

Mixed commercial and residential multi-family buildings, open space and transportation/utility uses are predominant in the surrounding area (refer to Figure 1 in the EAS Form). Northeast of the rezoning area is a section of Mosholu Parkway, an approximately 81 acre landscaped highway that connects the Bronx Park to Van Cortlandt Park. The subject portion that is within a 400-foot radius of the rezoning area is comprised of grassy lawn areas and trees for passive recreation. To the northwest of the rezoning area are the Tracey Towers: two, 41-story Mitchell Lama residential buildings with a total of 871 dwelling units. Directly west of the rezoning area is a New York City Department of Environmental Protection (NYCDEP) pumping station (3201 Jerome Avenue). Land uses to the southeast of the rezoning are typically comprised of multifamily residential buildings.



1 The rezoning area from the north side of Jerome Avenue.



2 Existing accessory drive-through and stroage uses at the rezoning area (Lot 82).



3 Existing mixed-use building on Risse Street (Lot 22).



4 The Risse Street Community Garden northeast of the rezoning area.



5 Elevated IRT Subway Tracks over Jerome Avnue. .



6 Auto repair stations west of the rezoning area on Jerome Avenue.



7 Typical residential uses to southeast of the rezoning area.



8 Entrance to NYCDEP pumping station on Jerome Avenue.

The rezoning area is well-served by public transit. Subway access is provided at the Mosholu Parkway IRT Station (4 Line), which is approximately 0.10 miles away from the rezoning area. Moreover, the MTA Bx1, Bx2, Bx10, and the Bx28, bus lines provide additional service in the immediate surrounding area. The Bx10 runs northbound and southbound on Jerome Avenue, while the Bx1 and Bx2 lines provide service along Grand Concourse. The Bx23 line provides east and westbound service on Mosholu Parkway.

Zoning

Rezoning Area

The rezoning area is mapped within an R8 residential district along Grand Concourse. Additionally, the rezoning area is within the Special Grand Concourse Preservation District, which is further described below (refer to Figure A-4). R8 residential zoning districts are typically characterized by mid-rise buildings ranging from 8-to10-stories to much taller buildings with setbacks on large zoning lots. Buildings within R8 districts cannot penetrate the sky exposure plan, which begins 30 feet above the street line. The maximum allowable FAR in an R8 district is 6.02[2] for residential uses and 6.5 for community facility uses. The Quality Housing Regulations are optional and there are no building height regulations within R8 districts.

The Surrounding Area

Other zoning districts within a 400-foot radius of the rezoning area include a C8-2 commercial district to the north, a R6 residential district to the northeast, and a R7-1 residential district to the northwest (refer to Figure A-4). C8-2 commercial districts act as a bridge between commercial and manufacturing uses, and are generally characterized by gas stations, automobile showrooms and repair shops, and car washes. No residential uses are permitted in C8-2 districts. Typically, C8-2 districts are mapped along major traffic arteries, such as Boston Road and Jerome Avenue in the Bronx, or Coney Island Avenue in Brooklyn. C8-2 districts have a maximum floor area ratio (FAR) of 2.0 for commercial uses.

R6 residential districts are generally mapped in medium-density areas in Brooklyn, Queens and the Bronx and permit an FAR range of 0.78-2.43[3]. Standard height factor regulations in this district allow for small-scale multifamily buildings, while the optional Quality Housing Regulations permit taller buildings. R7-1 residential districts are characterized by medium-density apartment buildings typically mapped in most areas of the Bronx and the Upper West Side in Manhattan and have a maximum permitted FAR of 4.0 for residential uses[4].

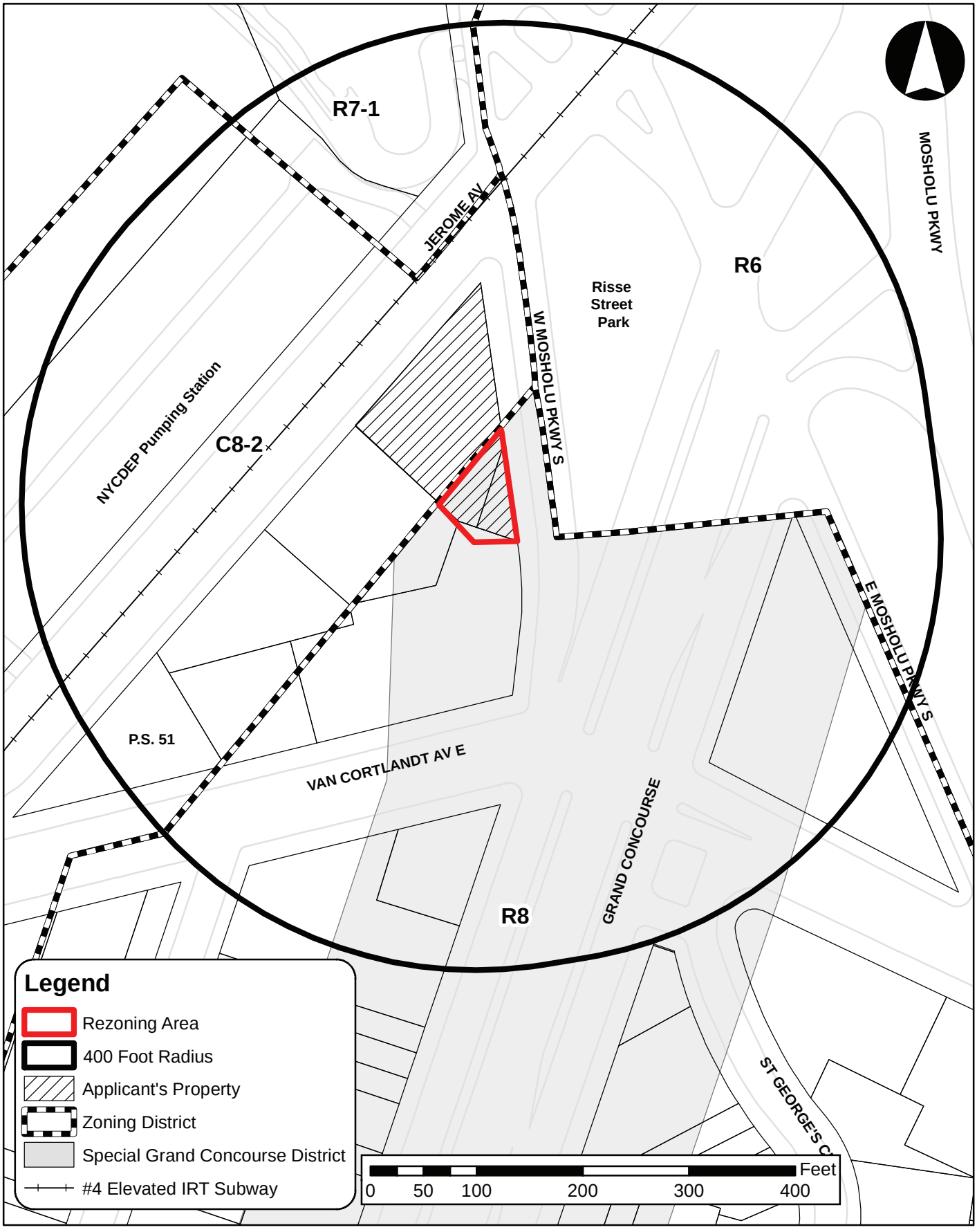
Special Grand Concourse Preservation District (C)

The New York City Council adopted the Special Grand Concourse District (C) in 1989 which extends along the majority of the boulevard starting from East 151st Street to Mosholu Parkway. The district was established to preserve the art deco composition and scale of the existing

[2] FAR for residential uses range from 0.94 – 6.02; Maximum FAR of 7.0 is permitted in R8 districts outside the Manhattan Core under the Quality Housing Program.
[3] FAR for residential uses range from 2.2 to 3.0 under the Quality Housing Program.
[4] FAR for residential uses range from 0.87 – 3.44; FAR of 4.0 is permitted outside the Manhattan Core under the Quality Housing Program.

Figure A-4

Existing Zoning



apartment buildings which align the thoroughfare and includes a Residential Preservation Area and three commercial areas where retail uses do not conflict with the district's overall residential nature. The goals of the Special Grand Concourse district include: protecting the existing scale, form of development and residential character; encouraging of new development that would keep with the scale and character of the area and provide for street wall continuity and bulk regulations; limiting ground floor retail and commercial uses to certain specified locations and regulating the location of retail and commercial signage and; promoting the most desirable use of land in the area to conserve the value of land and buildings, thereby protecting the City's tax revenues[5]. The (C) District specifies that C8 zoning districts located within the (C) District are not subject to the regulations imposed on commercial uses in other sub-areas of the District.

III. DESCRIPTION OF THE PROPOSED ACTION

The proposed action would require a Zoning Map Amendment that would affect a portion of one City Tax Block. The 4,885 sf rezoning area includes two tax lots owned by the applicant, as well as an approximately 495 sf portion of adjacent Lot 22 on Block 3323. The applicant is proposing to rezone this area from an R8 residential district to a C8-2 commercial district (mapped beyond 100 feet of the existing C8-2 district). The proposed action would bring the existing drive-through on the applicant's property into conformance with current zoning regulations and no new development is anticipated with the proposed action (refer to Figure A-5). This action requires Uniform Land Use Review Procedure (ULURP) approval[6].

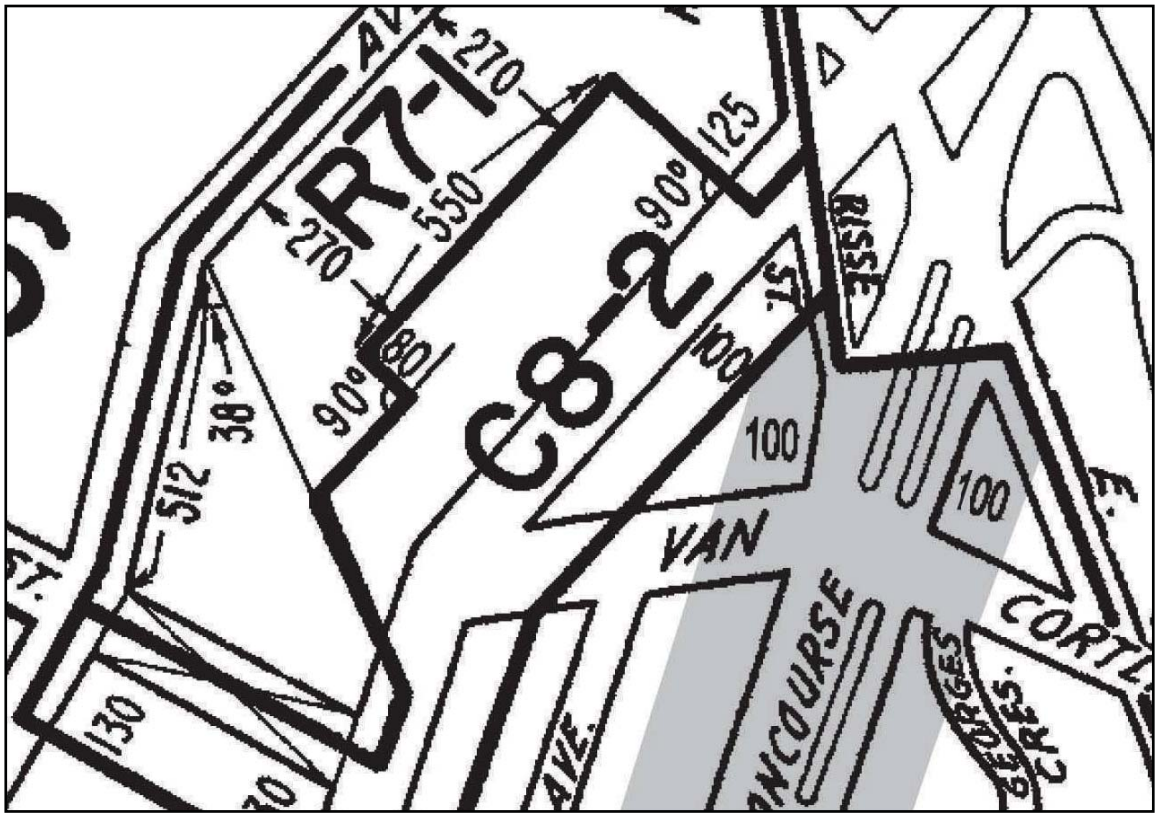
A portion of adjacent Lot 22 would also be included in within the rezoning area boundary. In order to facilitate the proposed action, the applicant would merge Lots 55 and 82 to form one zoning lot. Therefore, the applicant would be allowed to rezone his property pursuant to ZR Article VII: Administration, Chapter 7 – Special Provisions for Zoning Lots Divided by District Boundaries. The proposed action would result in the mapping of a split lot (Lot 22) between a C8-2 and a R8 district with less than 25 feet of overlap into the respective zoning districts. As Lot 22 was developed before December 15, 1961, and would be divided by a boundary between zoning districts in which different uses are permitted, the use regulations applicable to the district in which more than 50 percent of lot area of the zoning lot would apply to the entire zoning lot.

Thus, pursuant to ZR §77-11, an exemption for use and bulk regulations would apply to Lot 22, even though a 495 sf portion of this lot would be rezoned as part of the proposed action. R8 zoning regulations would still be permitted across this zoning lot as there would less than 25 feet of overlap between the C8-2 and R8 zoning districts.

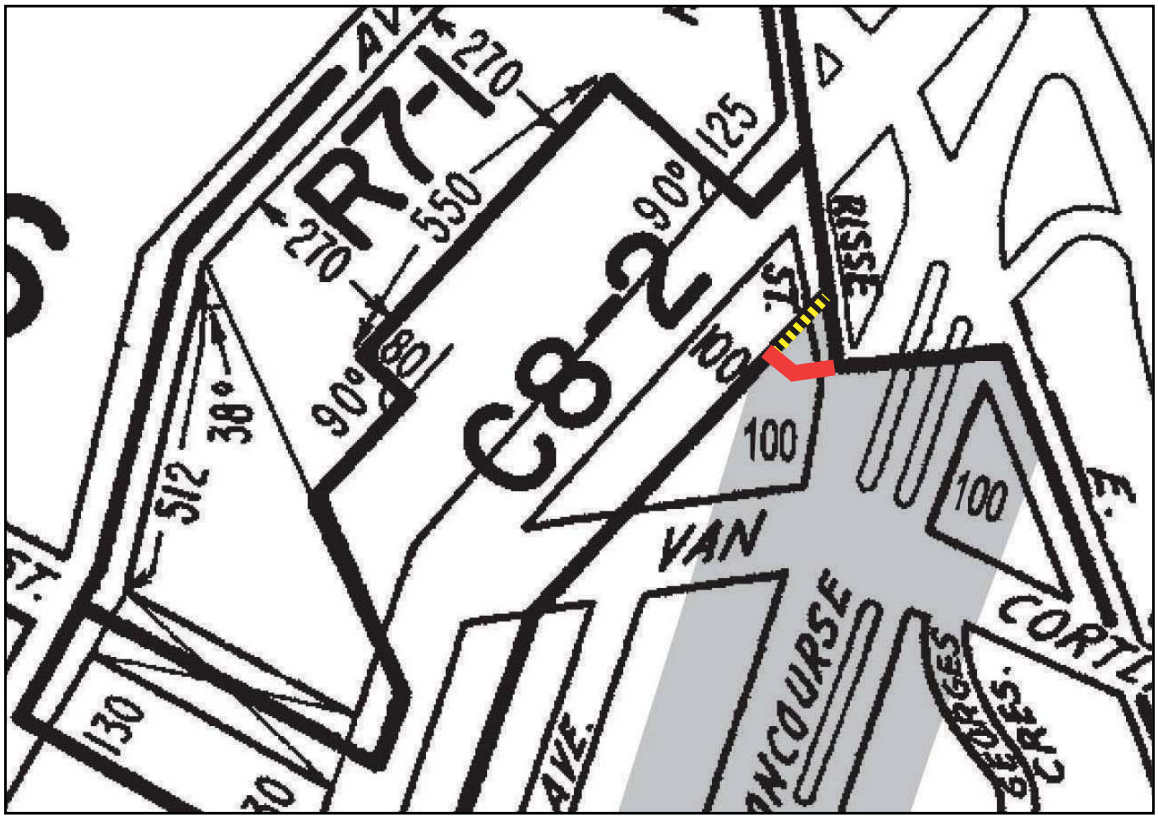
IV. PROJECT PURPOSE AND NEED

The proposed rezoning would enable the applicant to continue operating an existing accessory drive-through and maintain the refuse area on the project site. These uses are accessory to the

[5] New York Zoning Resolution: Article XII - Special Purpose District, Chapter 2: Special Grand Concourse Preservation District.
[6] Proposed alterations or changes in the City Map are subject to Sections 197-c (ULURP), 198 and 199 of the New York City Charter.



Existing Zoning



Proposed Zoning

Existing Boundary to be Modified

Proposed Boundary

gasoline service station and retail use on the applicants' property and would be brought into conformance with zoning regulations with the implementation of the proposed action. The Special Grand Concourse Preservation District (C) acknowledges and seeks to preserve existing commercial uses developed prior to the establishment of the (C) District, and also specifies that C8 zoning districts located within the (C) District are not subject to the regulations imposed on commercial uses in other sub-areas of the District. The proposed rezoning would legalize and bring into conformance an existing accessory commercial use, and would not introduce a use that the (C) District precludes. The surrounding area is fully developed with commercial, residential and transportation uses. The proposed rezoning would thus be consistent with existing land uses in the area.

V. DEVELOPMENT SCENARIO

In order to assess the potential effects of the proposed actions, a reasonable worst-case development scenario (RWCDS) for both the future "No-Action" and "With-Action conditions will be analyzed for an analysis year of 2016. The future With-Action scenario identifies the amount, type and location of development that is expected to occur by 2016 as a result of the proposed actions. The future No-Action condition identifies similar development projections for 2016 absent the proposed action. The incremental difference between the No-Action and With-Action scenarios serves as the basis for analysis throughout the document as noted below.

Future No-Action Conditions

Rezoning Area (Block 3323, p/o Lots 22 and 55, Lot 82)

Without the proposed action, the rezoning area would continue to be mapped within an R8 residential zoning district. The existing accessory drive-through and storage spaces would be removed as they would be nonconforming uses to the underlying zoning designation. Pursuant to the BSA decision on the applicant's property, the applicant would be required to create a passive open space area on R8 zoned portion of the rezoning area. This open space would contain benches for recreation in conjunction with the adjacent mixed-use building on Lot 22. Additionally, pursuant to the BSA decision, the existing convenience retail use would be removed from the northern portion of Lot 55 of the applicant's property, as the decision only permits transportation uses on this portion of the applicant's property. The applicant would be allowed to continue operating the gasoline station on the property with other accessory transportation uses. These uses could include a car wash, an auto repair service station, storage and office uses. In absence of the proposed rezoning, no change in the maximum allowable FAR would occur. While the existing building on Lot 55 does not exceed the maximum allowable FAR in a C8-2 district, no new development would occur as the remainder of the zoning lot is occupied by gasoline pump stations and underground fuel tanks.

The portion of Lot 22 that is part of the rezoning area would remain privately owned by and retain its current R8 zoning designation, and no new development would occur on the site. It should be noted that the existing six-story building on Lot 22 would remain under both No-Action and With-Action conditions.

Future With-Action Condition

Rezoning Area (Block 3323, p/o Lots 22, 55, and Lot 82)

In the future with the proposed action, the proposed rezoning would permit the approximately 4,390 sf of existing accessory drive-through and storage uses on the applicant's property to remain at the rezoning site. These uses would become conforming uses under C8-2 zoning regulations. No new development would result with the proposed action as compared to existing conditions. The BSA variance restricting uses on the property to automotive retail and accessory uses would no longer apply due to the merging of Lot 55 and Lot 82 and the rezoning of the Lots from R-8 to C8-2. As shown in Table A-1 below, there would be a 7,975 sf increment in retail uses at the rezoning area between the No-Action and the With-Action scenarios as the rezoning would also permit the 3,585 sf convenience retail uses to remain on the applicant's property. Moreover, as discussed above, the zoning of Lot 22 would be modified to be split between a C8-2 and an R8 district. The provisions of ZR §77-11 would allow for the continued application of R8 zoning regulations across all of Lot 22 as there would less than 25 feet of overlap between the newly expanded C8-2 district and the existing R8 zoning district. No new development would result on Lot 22 as it is fully developed with a 6-story mixed-use building.

Table A-1
Comparison of No-Action and With-Action Developments on the Rezoning Area

	No-Action Scenario(sf)	With-Action Scenario (sf)	Increment (sf)
Residential	N/A*	N/A*	No Increment
Local Retail	0	7,975	+ 7,975
Community Facilities	0	0	No Increment
TOTAL USES	0	7,975	7,975 of Retail Use

*Note: While 4,390 sf of the applicant's property is currently zoned R8, this portion of the rezoning area would not be developed under the No-Action scenario. Under With-Action conditions, residential uses would not be permitted under C8-2 zoning regulations.

Proposed RWCDS

The rezoning area is considered a projected development site, as it has a specific development plan (the applicant's proposed rezoning) that would be complete by 2016. As discussed above, no other site within the area to be rezoned has been identified as a projected or a potential development site. Therefore, for CEQR analysis purposes, the RWCDS for the EAS would analyze the inclusion of retail uses at the rezoning area, which would be permitted at the under the proposed C8-2 zoning designation.

The No-Action condition differs from the existing conditions, and the incremental (net) change that would result from the proposed action compared to the No-Action scenario would be an increase of 7,975 sf of local retail space. Under No-Action conditions, all existing retail uses would be removed from the applicant's property, and a publicly accessible open space would be provided in the R8 zoned portion of the rezoning area.

VI. REQUIRED ACTIONS AND REVIEW PROCEDURES

The proposed action requires approval of a discretionary action from the New York City Planning Commission (CPC) of an amendment of the zoning map. This discretionary public action is subject to both the Uniform Land Use Review Procedure (ULURP), as well as the City Environmental Quality Review (CEQR). ULURP is a process that allows public review of proposed actions at four levels: the Community Board; the Borough President; the City Planning Commission; and if applicable, the City Council. The procedure mandates time limits for each stage to ensure a maximum review period of seven months once the application is certified as complete and review under ULURP commences. CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment using screening thresholds and technical guidance provided in the *2014 CEQR Technical Manual*.

ATTACHMENT B

I. INTRODUCTION

This Environmental Assessment Statement (EAS) has been prepared in accordance with the guidelines and methodologies presented in the *2014 City Environmental Quality Review (CEQR) Technical Manual*. For each technical area, thresholds are defined which, if met or exceeded, require that a detailed technical analysis be undertaken. Using these guidelines, preliminary analyses were conducted for all aspects of the proposed action to determine whether detailed analysis of any technical area would be appropriate. For the proposed action, detailed assessments are required in the areas of Land Use, Zoning and Public Policy (Attachment C). For those technical areas that warranted a "yes" answer in Part II of the EAS Form, a supplemental screening is provided in this attachment. The technical area discussed is Neighborhood Character. The remaining technical areas detailed in the *2014 CEQR Technical Manual* were not deemed to require a supplemental screening because they do not trigger *CEQR* thresholds and/or are unlikely to result in significant impacts (see Part II of the EAS Form).

As detailed in Attachment A, "Project Description", this application is requesting the approval from the City Planning Commission (CPC) for a Zoning Map Amendment to the change zoning of a portion of Lots 22 and 55, and all of Lot 82 (the "rezoning area") from an R8 residential district to a C8-2 commercial district. The proposed rezoning would also modify the zoning of Lot 22 to be effectively split between a C8-2 and a R8 district (collectively, the "proposed action"). The proposed action would bring existing land uses into compliance at the rezoning area. Lots 55 and Lot 82 on Bronx Block 3323 are owned by the applicant, and are occupied by an accessory drive-through, which is not compliant with existing R8 zoning regulations (refer to Figure A-1 in Attachment A, "Project Description"). Lot 22 is currently occupied by a 6-story mixed-use building and is privately owned.

II. LAND USE, ZONING AND PUBLIC POLICY

According to the *2014 CEQR Technical Manual*, a detailed assessment of land use and zoning is appropriate if an action would result in a significant change in land use or would substantially affect regulations or policies governing land use. An assessment of zoning is typically performed in conjunction with a land use analysis when the action would change the zoning on the site or result in the loss of a particular use.

The proposed action would bring existing accessory uses into compliance with underlying zoning regulations. As the proposed action requires a zoning map change to rezone a portion of Lots 22, 55 and all of Lot 82 from R8 to C8-2, a detailed assessment of the proposed action's effect on land use, zoning and public policy is provided in Attachment C, "Land Use, Zoning and Public Policy." As shown in the attachment, the proposed zoning change is expected to be consistent with the existing zoning in the surrounding area. The rezoning area is located adjacent to auto body repair shops to the west along Jerome Avenue, a New York City Department of

Environmental Protection (NYCDEP) pumping station and New York City Transit (NYCT) Subway Yard are located to the northwest of the area. Additionally, there are clusters of multi-family residential buildings and mixed-use buildings to the north and west of the rezoning area.

As presented in Attachment C, the proposed rezoning would be compatible with the surrounding land uses in the Norwood neighborhood. The proposed action would not directly displace any existing land uses so as to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with existing and anticipated land uses, zoning, or public policy in the study area. The Special Grand Concourse Preservation District (C) acknowledges and seeks to preserve existing commercial uses developed prior to the establishment of the (C) District, and also specifies that C8 zoning districts located within the (C) District are not subject to the regulations imposed on commercial uses in other sub-areas of the District. The proposed rezoning would legalize and bring into conformance an existing accessory commercial use, and would not introduce a use that the (C) District precludes. The proposed rezoning is expected to retain existing uses in the area and would bring these uses into conformance with zoning regulations.

The proposed actions would continue to provide retail services in an area that is well-served by public transit as the rezoning area is within close proximity to both rail and bus service. Moreover, the rezoning site is not located with the New York City Coastal Zone Boundary and is not included as part of any applicable public policy. Additionally the rezoning area is not included in any 197-a plan or an Urban Renewal Area (URA). Therefore, the proposed action is not expected to result in any significant adverse impacts to any public policies.

As presented in more detail in Attachment C, the proposed action is not expected to adversely affect land use, zoning, or public policies.

VI. NEIGHBORHOOD CHARACTER

According to the *2014 CEQR Technical Manual*, an assessment of neighborhood character may be appropriate if a proposed action could result in adverse impacts to land use, urban design and visual resources, open space, shadows, historic resources, socioeconomic conditions, traffic or noise within the neighborhood. It is also possible that several moderate changes in the elements that contribute to neighborhood character, while not significant adverse impacts by themselves, could lead to a significant impact on neighborhood character.

The proposed action would not adversely affect any component of the surrounding area's neighborhood character. The proposed rezoning would not conflict with the surrounding land uses and activities, nor would it significantly impact land use patterns. The existing uses at the rezoning area would be brought into conformance with all applicable C8-2 zoning regulations, and no new development would result with the proposed action. The proposed action is expected to maintain the existing streetwall along Grand Concourse, as well as preserve the mixed commercial and residential character of the area.

Moreover, as discussed in Attachment C, the proposed action is not expected to result in any significant adverse impacts on the technical areas relating to neighborhood character, including

land use, open space, shadows, urban design and visual resources, or noise; nor would it result in a combination of moderate effects to several elements that cumulatively may affect neighborhood character. Therefore, pursuant to CEQR guidelines, the proposed actions and the resultant development would not result in any significant adverse impacts to neighborhood character.

ATTACHMENT C

I. INTRODUCTION

Under the *2014 CEQR Technical Manual* guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a proposed project, and determines whether that proposed project is compatible with those conditions or may affect them. Similarly, the analysis considers the project's compliance with, and effect on, the area's zoning and other applicable public policies.

The proposal involves a discretionary action: a Zoning Map Amendment to rezone the southern portion of Lot 55 and the entirety of Lot 82, both of which are owned by the applicant, and as well as a 495 sf portion of Lot 22, an adjoining lot (the "rezoning area") on Bronx Block 3323. Additionally, the zoning amendment would also result in the modification to the zoning of adjoining Lot 22, which would effectively become split between an C8-2 and a R8 district (collectively, the "proposed action")[1]. The proposed action would bring approximately 4,390 square feet (sf) of existing accessory drive-through uses at the rezoning area into conformance with zoning regulations, Furthermore, the applicant would be permitted to continue operating a convenience retail store (Dunkin' Donuts), which would allow for a total of approximately 7,975 sf of retail uses on the applicant's property. No new development would result from the proposed action as compared to existing conditions.

The area to be rezoned from R8 to C8-2 comprises 4,885 sf and is located on a block generally bounded by Van Cortlandt Avenue East to the south, Jerome Avenue to the west, Risse Street to the north, and Grand Concourse to the east. The rezoning area is currently occupied by a gasoline station and accessory drive-through on the northern portion of Lot 55 which is not part of the rezoning area (refer to Figures A-1 and A-3 in Attachment A, "Project Description" for site photos). These uses are nonconforming uses within an R8 zoning district. The rezoning area also includes a portion of adjacent Lot 22, which is fully occupied by a 6-story mixed-use building.

Under the guidelines set forth in the *2014 CEQR Technical Manual*, a preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. *CEQR* also requires a detailed assessment of land use conditions if a detailed assessment has been deemed appropriate for other technical areas. Since the proposed action involves a zoning map amendment, a detailed land use and zoning assessment has been conducted. The detailed assessment discusses existing and future conditions with and without the proposed action in the 2016 analysis year for a primary study area, and a secondary, 400-foot study area surrounding the rezoning area.

[1] In order to facilitate the proposed action, the applicant would merge Lots 55 and 82 to form one zoning lot. Therefore, the applicant would be allowed to rezone his property pursuant to ZR Article VII: Administration, Chapter 7 – Special Provisions for Zoning Lots Divided by District Boundaries.

As discussed in Attachment A, "Project Description," there are no other projected or potential development sites in the rezoning area. In order to assess the potential effects of the proposed actions, a reasonable worst-case development scenario (RWCDS) for both the future "No-Action" and "With-Action conditions were analyzed for an analysis year of 2016. The future With-Action scenario identifies the amount, type and location of development that is expected to occur by 2016 as a result of the proposed actions. The future No-Action condition identifies similar development projections for 2016 absent the proposed action. The incremental difference between the No-Action and With- Action scenarios serves as the basis for analysis throughout the document as noted below.

II. METHODOLOGY

Existing land uses were identified by field surveys conducted in June of 2013. New York City Zoning Maps and the Zoning Resolution of the City of New York were consulted to describe existing zoning districts in the study areas, and provided the basis for the zoning evaluation of the Future No-Action and Future With-Action Conditions. Research was conducted to identify relevant public policy documents, recognized by the New York City Department of City Planning (DCP) and other city agencies.

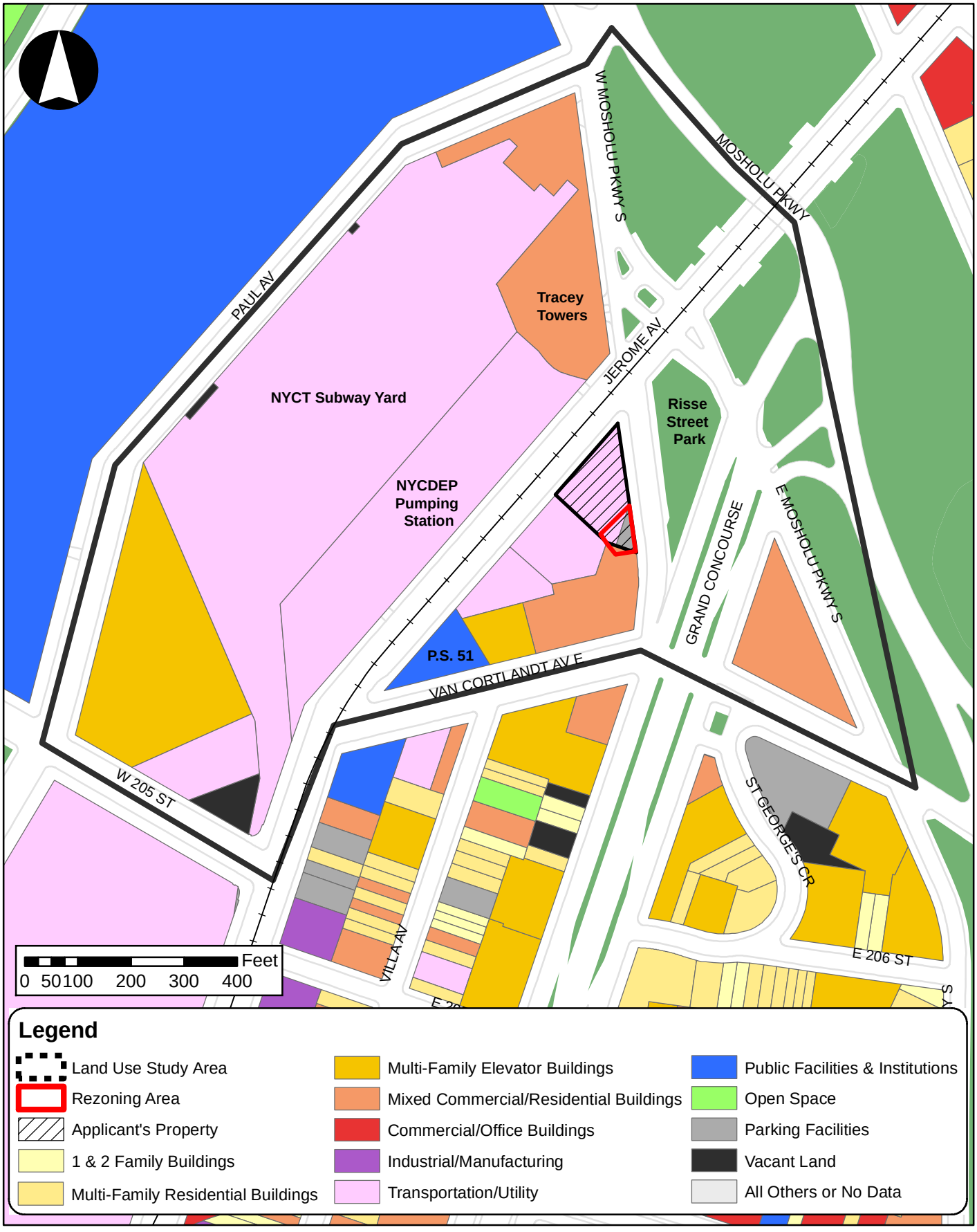
Land use, zoning, and public policy are addressed and analyzed for two geographical areas for the proposed action: (1) rezoning area (which includes the development site), and (2) a secondary study area. For the purpose of this assessment, the secondary study area extends an approximate 400-foot radius from the boundary of the rezoning area and encompasses areas that have the potential to experience indirect impacts as a result of the proposed action. The secondary study area is roughly bounded by Mosholu Parkway to the north, Grand Concourse to the east, Van Cortlandt Avenue East to the south, and Paul Avenue to the west (refer to Figure C-1).

III. PRELIMINARY ASSESSMENT

Land Use and Zoning

A preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. Since the proposed action includes a zoning map change, a detailed assessment of land use and zoning is warranted and provided in Section IV below. The information that would typically be included in a preliminary assessment (e.g., physical setting, present land use, zoning information, etc.) has been incorporated into the detailed assessment in Section IV below. As discussed in the detailed assessment, the proposed action is not expected to adversely affect land use or zoning.

Figure C-1
Land Use



Public Policy

An assessment of public policy should accompany an assessment of land use and zoning. According to the *2014 CEQR Technical Manual*, a project that would be located within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, requires an analysis of public policy. A preliminary assessment of public policy should identify and describe any public policies, including formal plans or published reports, which pertain to the study area. If the proposed projects could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary. As the proposed action would not alter or conflict with any existing public policies that pertain to the rezoning area and study area, a detailed assessment of public policies is not warranted.

Moreover, the rezoning area is not governed by a designated in-place industrial park or Industrial Business Zone (IBZ), and does not fall within the coastal boundary area that is governed by the City's Waterfront Revitalization Program (WRP). In addition, the proposed action would not involve the siting of any public facilities (Fair Share). Furthermore, the rezoning area is not located within an Urban Renewal Area (URA) and there are no public policies which could be affected by the proposed rezoning.

Assessment

The proposed action would allow the applicant to continue operating an existing accessory drive-through and maintain refuse storage uses at the rezoning area. These uses are accessory to the gasoline station on the northern portion of the applicant's property. The proposed rezoning would also modify the zoning of adjacent Lot 22, which would be split between an R8 residential district and a C8-2 commercial district. Pursuant to ZR § 77-11, an exemption for use and bulk regulations would be applicable to this zoning lot as there would be less than 25 feet of overlap into the respective zoning districts. Lot 22 was developed on or before December 15, 1961, and would be divided by a boundary between districts where different uses are permitted as a result of the proposed zoning. Thus, the existing R8 zoning district regulations would continue to apply to Lot 22 as more than 50 percent of the zoning lot would still be within the residential zone. The proposed rezoning would not result in any changes to land uses, or introduce new land uses that would be substantially different from surrounding uses. Therefore, the proposed action would not result in any adverse land use impacts.

No significant adverse public policy impacts or inconsistencies are expected to result from the proposed action. Therefore, the proposed action would not require further analysis of public policy.

IV. DETAILED ASSESSMENT

Existing Conditions

Land Use

Rezoning Area

The area proposed to be rezoned encompasses approximately 4,885sf and is located in the Bedford Park area of Bronx Community District 7. It includes the southern portion of the applicant's property (p/o Lot 55, Lot 82), and a portion of Lot 22, which is privately owned, located on Block 3323 and has frontage on Jerome Avenue and Risse Street. The rezoning area is a paved, but undeveloped parcel, currently used for storage and a drive-through which are accessory uses to a gasoline station located on the northern portion of Lot 55. An 8-foot concrete curb on the rezoning area guides vehicles through the drive-through, and garbage dumpsters are located in the southwest corner of Lot 82. The portion of Lot 22 that is included in the rezoning area is currently occupied by a 6-story mixed commercial and residential building. The existing mixed-use development on Lot 22 is 105,000 and has a total of 81 dwelling units with ground floor retail uses, including a barber shop and a food market. All the retail uses are along Van Cortlandt Avenue East, south of the rezoning area.

Study Area

Land uses in the study area are primarily transportation and utility uses (refer to Figure C-1). Transportation uses are predominantly located along Paul and Jerome Avenues between Mosholu Parkway and West 205th Street. These uses include a New York City Department of Environmental Protection (NYCDEP) pumping station (3201 Jerome Avenue) and the New York City Transit (NYCT) Jerome Avenue Subway Yard facility (3191 Jerome Avenue), both on Block 3251. Adjacent to the applicant's property are parking garage facilities and two auto-repair service garages located along Jerome Avenue.

Other land uses that are predominant in the study area include open space and mixed commercial and residential uses. Mosholu Parkway, located to the east of the rezoning area, is an approximately 81-acre landscaped highway that connects the Bronx Park to Van Cortlandt Park. The portion of the highway that is within the study area is mainly comprised of grassy lawn areas and trees for passive recreation. Directly across the street from the rezoning area is Risse Street park, a 0.81 acre publicly-accessible open space. Several benches are located near the park's frontage along Jerome Avenue. The park also serves as the location for the Risse Street Community Garden, which contains planting beds, walking paths, benches and trees. Both Mosholu Parkway and Risse Street Park are under the jurisdiction of the New York City Department of Parks and Recreation (NYCDPR).

A cluster of mixed commercial and residential buildings are located in the southeastern portion of the study area along Grand Concourse between Mosholu Parkway and Van Cortlandt Avenue East. These buildings are mainly multi-family residential buildings with ground floor retail consisting of local services (i.e., barber shops, medical care) and food markets. These buildings range in height from 5-6 stories and are located on the north side of Van Cortlandt Avenue East.

High-density residential buildings are located to the west of the rezoning area along Paul Avenue and include the Tracey Towers housing complex, comprised of two, 41-story Mitchell Lama residential buildings containing a total of 871 dwelling units. A 21-story residential building at 3400 Paul Avenue with approximately 352 dwelling units is located southwest of the rezoning area. The remainder of the study area contains one public facility, Public School 51 (aka the Bronx New School), which has frontage on both Jerome and Van Cortlandt Avenues.

Zoning

Rezoning Area

The rezoning area is located within an R8 zoning district (refer to Figure C-2). R8 districts are residential zoning districts that permit residential development with a Floor Area Ratio (FAR) ranging from 0.94 to 6.02, with open space ratios ranging from 5.9 to 11.9. The optional Quality Housing regulations in R8 districts allow higher lot coverage with residential buildings set at or near the street line. Pursuant to R8 quality housing regulations, the maximum FAR is 6.02[2] in the Manhattan core and the base height before setback is 60 to 80 feet with a maximum building height of 105 feet. Community facilities are allowed up to an FAR of 6.5. Typically, R8 districts produce mid-rise apartment buildings to much taller, narrower buildings that are set back from the street on large zoning lots. R8 districts allow Use Groups 1 to 4 as-of-right.

Study Area

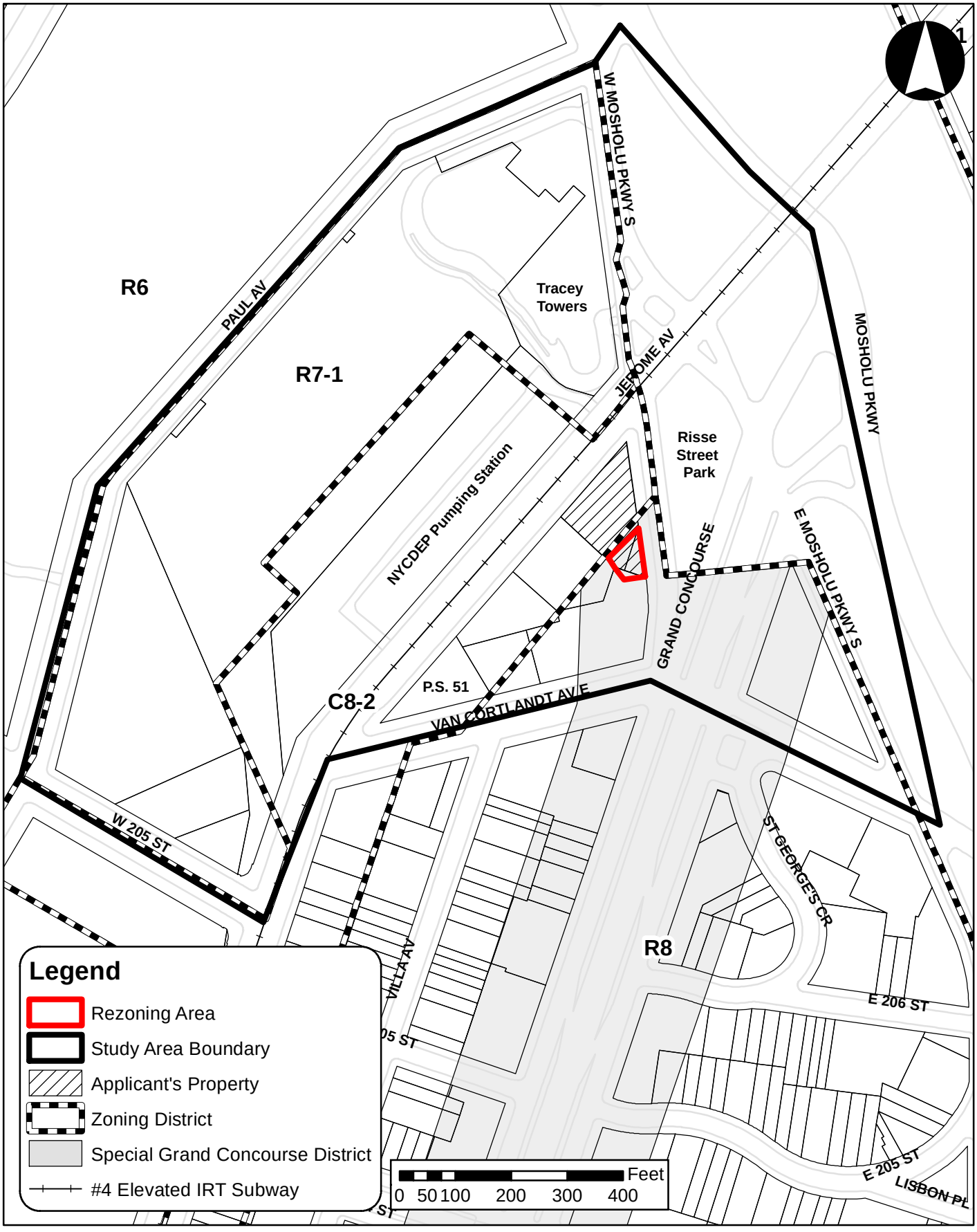
The study area is comprised of four different zoning districts and also includes a portion of the Special Grand Concourse Preservation District (refer to Figure C-2). The northwest portion of the study area extending from West 205 Street to Mosholu Parkway is mapped with an R7-1 residential zoning district and a C8-2 commercial zoning district. R7-1 residential districts are characterized by medium-density apartment buildings typically mapped in most areas of the Bronx and the Upper West Side in Manhattan and have a maximum permitted FAR of 4.0 for residential uses[3]. C8-2 commercial districts act as a bridge between commercial and manufacturing uses, including gas stations, automobile showrooms and repair shops, and car washes. No residential uses are permitted in C8-2 districts. Typically, C8-2 districts are mapped along major traffic arteries, such as Boston Road and Jerome Avenue in the Bronx, or Coney Island Avenue in Brooklyn. C8-2 districts have a maximum floor area ratio (FAR) of 2.0 for commercial uses.

The southern portion of the study area is mapped with an R8 residential zoning district and is also within the Special Grand Concourse Preservation District. The New York City Council adopted the Special Grand Concourse District in 1989, which extends along the majority of the boulevard starting from East 151st Street to Mosholu Parkway. The district was established to preserve the art deco composition and scale of the existing apartment buildings which align the thoroughfare. The district includes a Residential Preservation Area and three commercial areas which serve to preserve the district's overall residential nature. The goals of the Special Grand Concourse Preservation district include: protecting the existing scale, form of development and

[2] Maximum permitted FAR for residential uses is 7.2 under the Inclusionary Housing Designated Area Bonus.
[3] FAR for residential uses range from 0.87 – 3.44; FAR of 4.0 is permitted outside the Manhattan Core under the Quality Housing Program.

Figure C-2

Existing Zoning Districts



residential character; encouraging of new development that would keep with the scale and character of the area and provide for street wall continuity and bulk regulations; limiting ground floor retail and commercial uses to certain specified locations and regulating the location of retail and commercial signage and; promoting the most desirable use of land in the area to conserve the value of land and buildings, thereby protecting the City's tax revenues[4].

The eastern portion of the study area is mapped with an R6 residential district between Mosholu Parkway and Paul Avenue. R6 residential districts are generally mapped in medium-density areas in Brooklyn, Queens and the Bronx and permit an FAR range of 0.78-2.43[5]. Standard height factor regulations in this district allow for small-scale multifamily buildings, while the optional Quality Housing Regulations permit taller residential buildings.

Future without the Proposed Action

This section describes conditions that are expected to exist in the proposed rezoning's build year (2016) absent the proposed action.

Land Use

Rezoning Area

In the 2016 future without the proposed action, the rezoning area would continue to be mapped within an R8 residential zoning district. The existing accessory drive-through and refuse areas would be removed as they would be nonconforming uses to the underlying zoning designation. Pursuant to a New York City Board of Standards and Appeals (BSA) decision[6], the applicant would be required to create a passive open space area on the rezoning area. This open space would contain benches for recreation in conjunction with the adjacent mixed-use building on Lot 22. Additionally, pursuant to the BSA decision, the existing convenience retail use would be removed from the northern portion of Lot 55 of the applicant's property, as the decision only allows transportation uses on this portion of the applicant's property. The applicant would be permitted to continue operating the gasoline station on his property with 3,585 sf of accessory transportation uses. Allowable uses include a car wash, an auto repair service station, storage and office uses. In absence of the proposed rezoning, no change in the maximum allowable FAR would occur. While the existing building on Lot 55 does not exceed the maximum allowable FAR in a C8-2 district, no new development would occur as the remainder of the zoning lot is occupied by gasoline pump stations and underground fuel tanks.

The portion of Lot 22 that is part of the rezoning area would remain privately owned by and retain its current R8 zoning designation, and no new development would occur on the site. It should be noted that the existing 6-story building on Lot 22 would remain under both No-Action and With-Action conditions.

[4] New York Zoning Resolution: Article XII - Special Purpose District, Chapter 2: Special Grand Concourse Preservation District.
[5] FAR for residential uses range from 2.2 to 3.0 under the Quality Housing Program.
[6] 332-32-BZ

Study Area

It is expected that no substantial land use changes would occur in the study area. The study area would continue to exhibit a mix of predominantly transportation and residential uses. There are no known development projects within the study area and the area is fully developed.

Zoning

No changes to zoning are currently anticipated in the rezoning area and it would retain its existing split C8-2/R8 zoning designation. In addition, there are no known zoning proposals for the study area expected in 2016.

Future with the Proposed Action

The proposed Zoning Map Amendment would rezone a 4,885 sf portion of Block 3323 from an existing R8 residential district, to a C8-2 commercial district and would be mapped at a depth of approximately 100 feet from the west side of Risse Street (refer to Figure C-3). Thus, the proposed rezoning would regularize the zoning over the applicant's property and bring existing land uses into compliance with zoning regulations.

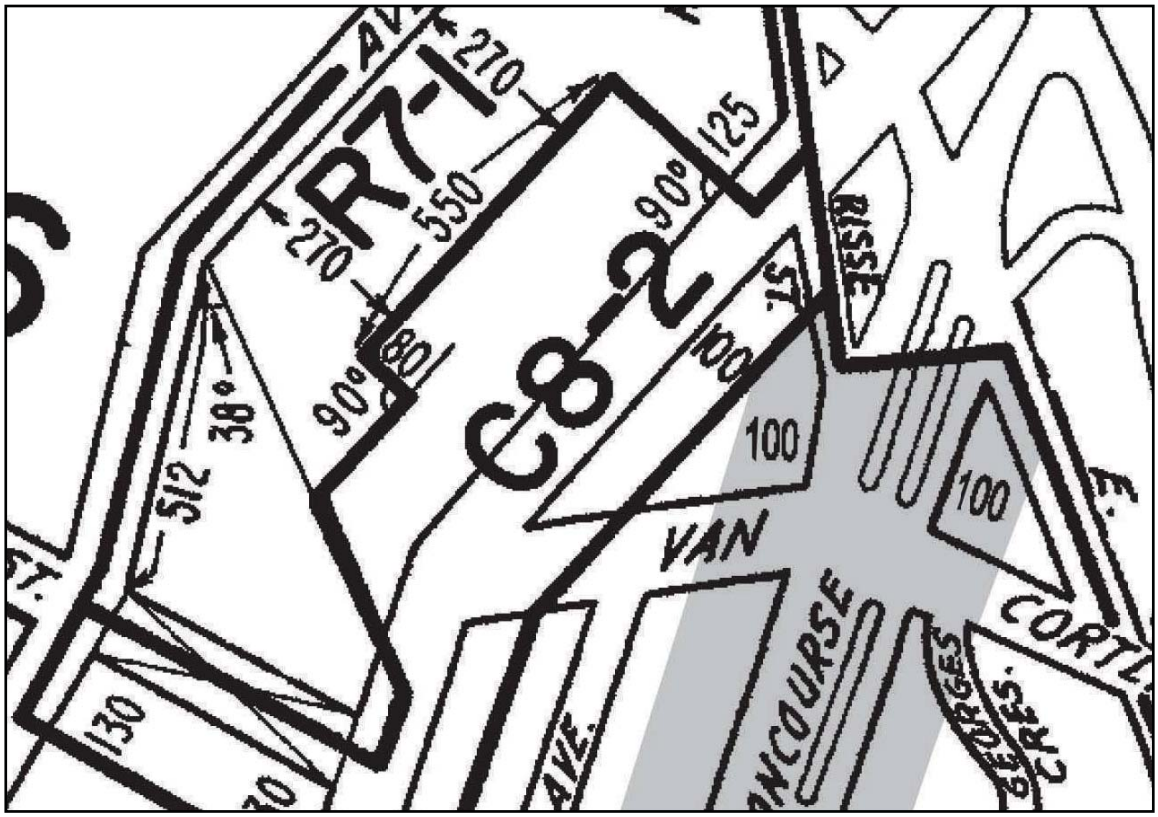
Land Use

Rezoning Area

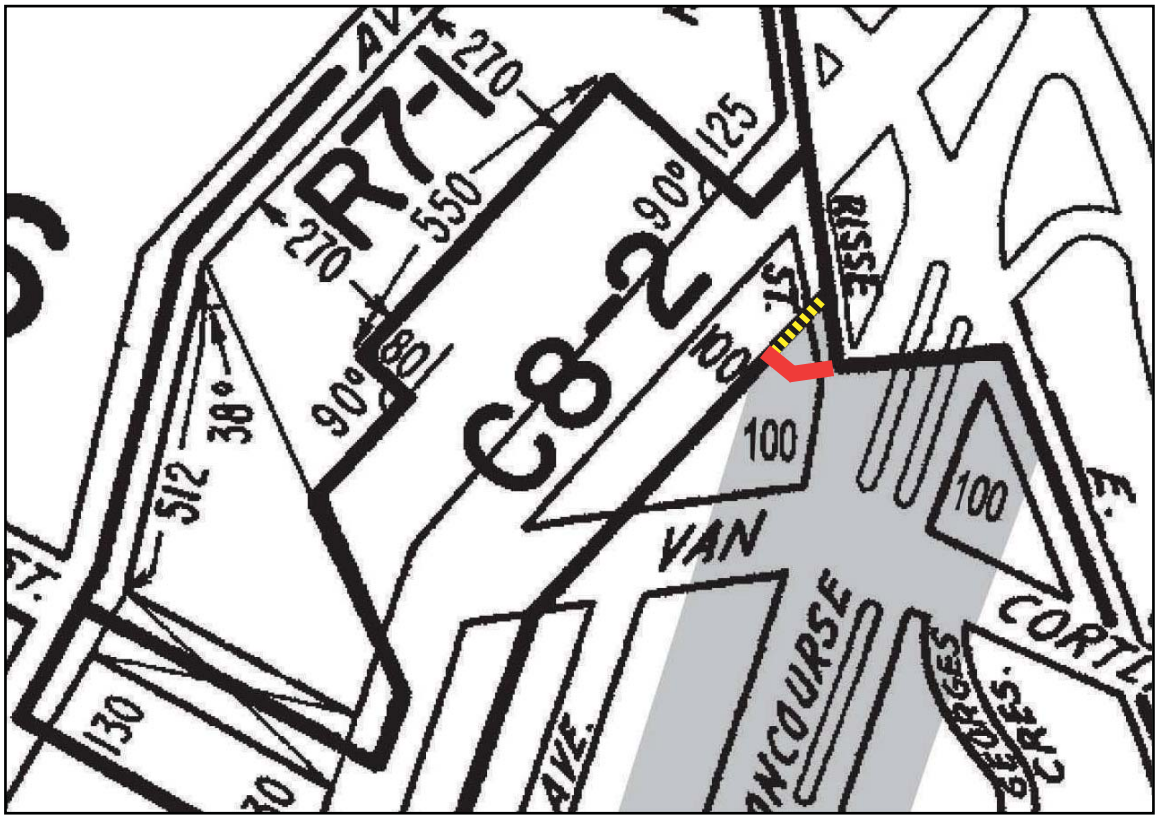
The proposed action would bring the existing 4,390 sf of existing accessory drive-through and storage uses at the rezoning area into conformance with C8-2 zoning regulations and remain on this portion of the applicant's property. Additionally, the proposed rezoning would permit the 3,858 sf of convenience retail uses to remain on the northern portion of Lot 55, for a total increment of 7,975 sf in retail uses. No new development would result with the proposed action.

Moreover, as discussed above, the zoning of Lot 22 would be modified to be split between a C8-2 and an R8 district under With-Action conditions. The provisions, however, of ZR § 77-11 would allow for the continued application of R8 zoning regulations across all of Lot 22 as there would less than 25 feet of overlap between the newly expanded C8-2 district and the existing R8 zoning district. No new development would result on Lot 22 as it is fully developed with a 6-story, mixed-use building.

The proposed rezoning would bring existing the retail accessory uses in compliance with zoning regulations and allow the applicant to continue operating a gasoline state with an accessory drive-through. The proposed action would not generate any new land uses in the rezoning area that would be incompatible with the surrounding area, nor would they displace land uses in such a way as to adversely affect surrounding land uses. Therefore, the proposed rezoning would support land use trends in the rezoning area. No significant adverse land uses impacts are expected as a result of the proposed action.



Existing Zoning



Proposed Zoning

Existing Boundary to be Modified

Proposed Boundary

Study Area

Outside of the rezoning area, the study area would not undergo any development as a result of the proposed action. The proposed action would have no direct effect on land uses in the study area. As noted above, blocks immediately surrounding the rezoning area primarily support a mix of transportation and residential uses. The proposed rezoning would not introduce new land uses that would be incompatible with their surroundings. No adverse land use impacts in the study area are anticipated with the proposed rezoning.

Zoning

As described above, the proposed action would include a Zoning Map Amendment that would affect a portion of Zoning Lots 55 and 22, and all of Lot 82 (the rezoning area) on Bronx Block 3323. The proposed zoning map change would extend an existing C8-2 commercial district boundary from to 100 feet west of Risse Avenue, south of the block centerline. The proposed rezoning would affect an area of approximately 4,885 sf that is located on a portion of Block 3323. Figure C-3 shows the existing and the proposed zoning.

Table C-1, below, provides a comparison of the floor area permitted under the existing and proposed zoning districts. It should be noted that under both No-Action and With-Action conditions, no new development would result.

Table C-1
Comparison of Maximum Allowable Floor Area under Existing and Proposed Zoning

	Existing Zoning: C8-2 and R8		**Proposed Zoning: C8-2**	
Land Use	**Max Floor Area (zsf)**	**FAR**	**Max. Floor Area**	**FAR**
Residential	26,427	6.02	N/A*	N/A*
Local Retail	27,976	2.0	36,756	2.0
Comm. Facility	67,142	4.8	88,214	4.8
Non-Applicant Owned Property				
	Existing Zoning: R8		**Proposed Zoning: C8-2 and R8**	
Residential	2,980	6.02	R8 zoning regulations would be applicable to the property pursuant to ZR § 77-11 under with Action conditions.	
Local Retail	N/A**	N/A**		

* Residential uses are not permitted in C8-2 districts.
** Commercial uses are not permitted in R8 districts.

As detailed in Table C-1 above, under the existing C8-2 zoning, the maximum allowable floor area on the northern portion of the applicant's property, which is comprised of a total of approximately 13,988 sf portion of Lot 55 is 27,976 zoning square feet (zsf) for commercial uses and 67,142 zsf for community facility uses. The southern portion of Lot 55 and adjacent Lot 82 which comprise of a total 4,390 sf provides a maximum allowable floor area of 26,427 zsf of floor area for residential use under the existing R8 zoning regulations. As illustrated in Table C-1, pursuant to ZR § 77-22, the proposed zoning map change would allow for a maximum floor area of 36,756 zsf for commercial use, and 88,214 zsf of community facility use on the applicant's property.

Additionally, to comply with the New York City Department of City Planning (NYCDCP) standards for zoning district boundaries, a 495 sf portion of Lot 22 would be included in the rezoning area. As discussed above, the proposed rezoning would modify the zoning of this lot to be split between a C8-3 and a R8 district. Pursuant to ZR §77-11, the existing R8 zoning regulations would still be permitted across the entire zoning lot as there would be less than 25 of overlap between the two districts. The Special Grand Concourse Preservation District (C) acknowledges and seeks to preserve existing commercial uses developed prior to the establishment of the (C) District, and also specifies that C8 zoning districts located within the (C) District are not subject to the regulations imposed on commercial uses in other sub-areas of the District. The proposed rezoning would legalize and bring into conformance an existing accessory commercial use, would not affect the residential character of the (C) district, and would not introduce a use that the (C) District precludes. The proposed zoning change would be compatible with existing zoning and therefore would not impact any existing developments. Therefore no significant adverse zoning impacts would occur.

V. CONCLUSION

Land Use

The proposed action would not result in any change of land use at the rezoning area or in the study area. While no change in land use would result from the proposed action, the proposed rezoning would regularize the zoning on the applicant's property and bring existing accessory uses into conformance with zoning regulations. Furthermore, the proposed action would be consistent with existing land use patterns in both the rezoning area and the surrounding neighborhood. Accordingly, the proposed action would not result in significant adverse land use impacts.

Zoning

The proposed action would bring existing nonconforming land uses into compliance with current zoning regulations and is not expected to result in any significant adverse impact to zoning.

Public Policy

The rezoning area is not governed by any public policy and therefore, the proposed action is not expected to result in any significant adverse impacts to public policies.

APPENDIX A
NEW YORK CITY BOARD OF STANDARDS AND APPEALS DECISION

332-32-BZ—Vol. III

APPLICANT—S. J. Kessler and Sons, for Leo Nadel, owner.

SUBJECT—Application, February 19, 1952, reopened March 11, 1952 as Vol. III—re Application (decision of the borough superintendent) under sections 7e, 7f, 7h and 7i of the zoning resolution, to permit in a residence and business use district, the erection and maintenance of a gasoline service station, lubritorium, car washing, motor vehicle repairs, storage and sale of accessories; and to permit the parking and storage of motor vehicles on unbuilt upon portion of plot.

PREMISES AFFECTED—3276 Jerome avenue and 3255 Grand concourse, southwest corner (Block 3323, Lots 55 and 64), Borough of The Bronx.

APPEARANCES—

For Applicant: Melvin E. Kessler.

For Opposition: None.

For Administration: Samuel L. Becker, Dep't of Housing and Buildings.

ACTION OF BOARD—Application granted on condition.

THE VOTE—

Affirmative: Chairman Murdock, Commissioner Kleinert and Deputy Chief Quinee	3
Negative	0
Absent: Commissioner Keating	1

THE RESOLUTION—

WHEREAS, this application was reopened as Vol. III on March 11, 1952 subject to regular procedure, to consider a new proposal; and

WHEREAS, a public hearing was held on this application on February 17, 1953 after due notice by publication in the Bulletin; laid over to March 24, 1953, for inspection and decision without further argument; then to April 14, 1953, for applicant to submit revised plans showing entrances to the gas station from Jerome avenue and with proper protection along the extension of the Grand concourse except for one entrance near Jerome avenue; then to April 21, 1953, for applicant to file further revised plans; to April 28, 1953, for applicant to submit revised plans; and

WHEREAS, the district maps accompanying the zoning resolution show that the site is in residence and business use, B area, class 1¼ height districts; Jerome avenue is in residence, business and unrestricted use, B area, class 1¼ height districts; Grand concourse is in a residence use, B and D area and class 1¼ height district; and

WHEREAS, the decision of the borough superintendent, dated January 21, 1953 acting on amendment to N.B. Applic. 1470-51, reads:

> "1. In a Residence and Business use districts the proposed 'Gasoline Station, Lubritorium, Office, Storage, Salesroom, Car Washing, Auto Repairs, Parking of more than five (5) Motor Vehicles' is contrary to Art. 2, Sections 3 and 7, subdivisions 29, 46 and 52 of the zoning resolution."

and

WHEREAS, the applicant states that the premises consist of a plot, 183.64 ft. and 158.31 ft. frontage by 130.43 ft. in depth, irregular, presently vacant; that it is proposed to erect an accessory building 60 ft. by 28 ft., one story, 14 ft. in height, of class 3 construction, to be used as an auto wash, lubritorium, motor vehicle repairs, storage and office; that it is further proposed to install two curb cuts on Jerome avenue and two on Grand concourse, and to install eight 550-gallon gasoline tanks and six dispensing pumps; and

WHEREAS, the applicant contends that for 100 ft. of its depth along Jerome avenue, the property is in a business zone, the balance of the plot being designated as residential use; that the parcel has been vacant and unproductive for a good many years; that the shape of the plot, its proximity to great vehicular traffic, the undesirability of developing the parcel for average use coupled with the fact that the Board had previously granted non-conforming use for the plot, makes it most usable for the specific purpose requested; that there is no intention of placing any portion of the service station on the residential part of the lot; that the residential area will be converted into a planted seating area to be used in conjunction with the adjoining apartment structure and this landscaped area will be totally separated from the gas station by a permanent barrier; that the character of the building itself will be colonial in scope to fit in more closely with the overall picture of the area; that the service station will be of the first quality and will in no way adversely affect the area; and

WHEREAS, all previously adopted resolutions have expired by limitation within the terms of Section 22A; and

WHEREAS, the premises and the surrounding area were inspected by a committee of the Board; and

WHEREAS, the Board found that this was an appropriate case in which to exercise discretion to grant under Section 7, Subdivisions f, h and i, of the zoning resolution.

Resolved, that the Board of Standards and Appeals does hereby *make a variation* in the application of the use district regulations of the zoning resolution and that the application be and it hereby is *granted* under Section 7, subdivision f, for a term of fifteen (15) years, to permit the premises to be occupied as a gasoline service station, substantially as proposed and as indicated on plans filed with this application marked "Received February 19, 1952," 4 sheets, as amended by revised plan marked "Received April 24, 1953," 2 sheets, *on condition* that the premises shall be leveled substantially to the grade of the surrounding streets and shall be arranged and constructed as shown on such plans, including the revised plan above cited; that the accessory building shall be of the arrangement and design as indicated on such revised plans, and in all other respects shall comply with all laws, rules and regulations applicable thereto, and shall have no cellar under such building; that the gasoline pumps shall be erected not nearer than 15 ft. to the street building line of Jerome avenue and Grand concourse and shall be of the low type of approved make; that under section 7i, there may be repairing of motor vehicles with hand tools only and carried on only within the accessory building; that under section 7h, for a term of fifteen years there may be parking of cars waiting service; that the number of gasoline storage tanks shall not exceed eight (8) 550 gallon tanks; that the space where proposed for a seating park to the east shall be separated from the balance of the gas station and not used in connection therewith, and protected by a wall as shown on such revised plans and suitably landscaped and paved with seating benches for the use of the adjoining neighbors and with a gate in the

fence to Grand Concourse where shown; that the balance of the premises where not occupied by the sitting park and by the accessory building and pumps shall be paved with concrete or asphaltic pavement; that there shall be erected within the building line at intersection of Grand Concourse and Jerome avenue a block of concrete extending for at least 5 ft. along either street line and not less than 12 inches in height; that the curb cuts shall be restricted to two curb cuts, each 25 ft. in width to Jerome avenue, located where shown and one toward the westerly lot line to Grand Concourse extension not over 20 ft. in width; that along the balance of the front and between such curb cuts and the sitting park there shall be erected a brick masonry and steel fence not less than 5 ft. in height of the design as indicated; that such portable fire fighting appliances shall be maintained as the fire commissioner shall direct; that the sidewalk and curbing around the premises shall be reconstructed or repaired to the satisfaction of the borough president; that signs shall be restricted to a permanent sign attached to the facade of the accessory building and the illuminated globes of the pumps, excluding all roof signs and all temporary signs but permitting the erection within the building line near the intersection of a post standard for supporting a sign which may be illuminated, advertising only the brand of gasoline on sale and permitting such sign to extend beyond the building line for a distance of not more than 4 ft.; that with the permission of the adjoining owner the garage wall to the south shall be painted; that all permits shall be obtained and all work completed within the requirements of section 22A of the zoning resolution.

A true copy of resolution adopted by the Board of Standards and Appeals April 28, 1953.

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Copies Sent
To Applicant
Fire Com'r.
Borough Supt.

Chairman.

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