CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION May 9, 2016

Project Identification
CEQR No. 15DCP179M
ULURP No. 160194ZMM
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

1968 Second Avenue Rezoning

The Applicant, 1968 2nd Avenue Realty LLC, requests a zoning map amendment from R7A to R7A/Cl-5, affecting a site located at 1968 Second Avenue (Block 1673, portions of Lots 1 and 6, the "proposed rezoning area") in the East Harlem neighborhood of Manhattan, Community District 11. The proposed rezoning would facilitate a proposal by the applicant to bring an existing, non-complying and non-conforming two-story commercial building on Lot 1 (the "project site") into compliance and conformance with zoning regulations. Additionally, to bring the existing building on Lot 1 into compliance with rear yard regulations applicable to the interior lot portion of the project site, a 500 (25' x 20') gross square foot (gsf) portion of the second floor would be demolished.

The project site is considered a "split" zoning lot - approximately 8,200 square feet (sf) of the lot is zoned R8A/C1-5, and the remaining 2.500 sf of the lot is zoned R7A. The portion of Lot 6 (approximately 3,000 sf) located in the proposed rezoning area is zoned R7A. The proposed rezoning area is located to the east of Second Avenue between East 101st Street and 102nd Street, and the proposed rezoning would extend the existing C1-5 commercial overlay boundary to the south of the affected area from a line parallel to and 100 feet east of Second Avenue, to a line parallel to and 155 feet east of Second Avenue, creating an R7A/C1-5 zoning district. R7A and R8A zoning districts permit residential and community facility uses. C1-5 commercial overlays permit up to 2.0 FAR of Use Group 5 and 6 commercial uses; a 20-foot-deep rear yard is required for a commercial building located on an interior lot, pursuant to New York City Zoning Resolution (ZR) Section 33-261 ("Minimum required rear yards (in commercial districts) beyond one hundred feet of a street line").

A two-story, approximately 30,490 gsf mixed-use building with a mezzanine and cellar occupies the entire project site. The building contains commercial retail and office uses, including a 19,889 gsf supermarket occupying the ground floor and mezzanine; 10,601 gsf of office space on the second floor; and accessory storage space in the cellar. A 7,569 gsf portion of the building is located within the portion of the project site zoned R7A, and is therefore non-conforming. A fully enclosed loading dock serving the supermarket, located off of East 101st Street at the eastern edge of the building and within the R7A residential district, does not comply with ZR Section 36-683 ("Restrictions on location of berths near residence districts"), which requires that a loading dock be at least 30 feet from the nearest boundary of a residential district. Additionally, a 750 gsf (25' x 30') portion of the second floor, located at the rear of the building and within the interior lot portion of the project site, does not comply with rear yard requirements per ZR Section 24-36 ("Minimum required rear yards (in residence districts)"), which requires that a non-residential use in a residential district have a 30-foot-deep rear yard on the interior lot portion of the project site.

Lot 6 is occupied by New York City's Housing Authority's (NYCHA) Metro North Plaza development, which contains three multi-story residential buildings with a total of 268 dwelling units. The portion of Lot 6 to be rezoned is included in the proposed rezoning area to bring the non-complying loading dock into compliance with ZR Section 36-683. The Metro North Plaza development property would otherwise not be affected by the proposed action.

The proposed rezoning, along with building alterations proposed by the Applicant to comply with ZR Section 33-261, would allow the two-story commercial building to continue to occupy the project site. The requested action would end an existing nonconformance involving 7,569 gsf of commercial space (5,046 gsf of retail space and 2,523 gsf of office space) by bringing the current uses into conformance with zoning. The requested action would also bring the existing loading dock into compliance with zoning regulations by expanding the commercial overlay and relocating its boundary away from the loading dock and 30 feet east into the adjacent Lot 6.

Absent the proposed action, the existing commercial building at the project site would be reconfigured and re-tenanted to contain community facility uses. A larger portion of the second floor, measuring 750 gsf (or 25' x 30') and located at the rear of the building, would be demolished, to bring the existing building into compliance with ZR Section 24-36 regulations.

The analysis year for the proposed action is 2017.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated May 6, 2016, prepared in connection with the ULURP Application (No. 160194ZMM). The City Planning Commission has determined that the proposed actions will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that no other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Annabelle Meunier at (212) 720-3426.

Olga Abinader, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: May 6, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: May 9, 2016