



**City Environmental Quality Review  
ENVIRONMENTAL ASSESSMENT STATEMENT FULL FORM**

Please fill out, print and submit to the appropriate agency (see instructions)

**PART I: GENERAL INFORMATION**

**PROJECT NAME** 945 2nd Avenue Zoning Text Amendment

**1. Reference Numbers**

CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency) 13DCP111M	BSA REFERENCE NUMBER (If Applicable)
ULURP REFERENCE NUMBER (If Applicable) N130233 ZRM	OTHER REFERENCE NUMBER(S) (If Applicable) (e.g. Legislative Intro, CAPA, etc)

**2a. Lead Agency Information**

NAME OF LEAD AGENCY City Planning Commission		
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin		
ADDRESS 22 Reade Street, 4 North		
CITY New York	STATE NY	ZIP 10007
TELEPHONE 212-720-3423	FAX 212-720-3495	
EMAIL ADDRESS rdobrus@planning.nyc.gov		

**2b. Applicant Information**

NAME OF APPLICANT 945 Realty Holding, LLC		
NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Equity Environmental Engineering		
ADDRESS 227 Route 206, Suite 6		
CITY Flanders	STATE NJ	ZIP 07836
TELEPHONE 973-527-7451	FAX 973-858-0280	
EMAIL ADDRESS jim.heineman@equityenvironmental.com		

**3. Action Classification and Type**

**SEQRA Classification**

UNLISTED  TYPE I; SPECIFY CATEGORY (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 6NYCRR 617.4(b)(9)

**Action Type** (refer to Chapter 2, "Establishing the Analysis Framework" for guidance)

LOCALIZED ACTION, SITE SPECIFIC  LOCALIZED ACTION, SMALL AREA  GENERIC ACTION

**4. Project Description:**

The project sponsor seeks an amendment to the text of Z.R. 32-421, Limitations on floors occupied by commercial uses. Currently, within C1 or C2 districts mapped in an R9 or R10 district, or in C1-8, C1-9, C2-7 or C2-8 districts, commercial use of the second floor is only permitted within buildings constructed after September 17, 1970. Under the proposed text amendment, commercial use would also be permitted within a building whose second floor, at the time the text is referred for consideration, is not occupied by a community facility, dwelling unit, or rooming unit if the building is located on a block front containing other second floor commercial use. The applicant would develop a restaurant occupying the first and second floors of a building at 945 2nd Avenue in Manhattan.

**4a. Project Location: Single Site** (for a project at a single site, complete all the information below)

ADDRESS 945 2nd Avenue, New York NY	NEIGHBORHOOD NAME Turtle Bay	
TAX BLOCK AND LOT Block 1324, Lot 23	BOROUGH Manhattan	COMMUNITY DISTRICT 6
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The west side of 2nd Avenue between 50th Street and 51st Street		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY: C1-9		ZONING SECTIONAL MAP NO: 8d

**4b. Project Location: Multiple Sites** (Provide a description of the size of the project area in both City Blocks and Lots. If the project would apply to the entire city or to areas that are so extensive that a site-specific description is not appropriate or practicable, describe the area of the project, including bounding streets, etc.)

The proposed zoning text would affect all C1 and C2 districts mapped in an R9 or R10 district, as well as all C1-8, C1-9, C2-7, and C2-8 districts. See attached project description.

**5. REQUIRED ACTIONS OR APPROVALS** (check all that apply)

**City Planning Commission:** YES  NO

- |  |   |
|--|---|
| <input type="checkbox"/> CITY MAP AMENDMENT                        | <input type="checkbox"/> ZONING CERTIFICATION             |
| <input type="checkbox"/> ZONING MAP AMENDMENT                      | <input type="checkbox"/> ZONING AUTHORIZATION             |
| <input checked="" type="checkbox"/> ZONING TEXT AMENDMENT          | <input type="checkbox"/> HOUSING PLAN & PROJECT           |
| <input type="checkbox"/> UNIFORM LAND USE REVIEW PROCEDURE (ULURP) | <input type="checkbox"/> SITE SELECTION — PUBLIC FACILITY |
| <input type="checkbox"/> CONCESSION                                | <input type="checkbox"/> FRANCHISE                        |
| <input type="checkbox"/> UDAAP                                     | <input type="checkbox"/> DISPOSITION — REAL PROPERTY      |
| <input type="checkbox"/> REVOCABLE CONSENT                         |   |

ZONING SPECIAL PERMIT, SPECIFY TYPE:

- MODIFICATION OF  
 RENEWAL OF  
 OTHER

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

SPECIAL PERMIT  
EXPIRATION DATE MONTH DAY YEAR

VARIANCE (USE)

VARIANCE (BULK)

SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION

**Department of Environmental Protection:** YES  NO

**Other City Approvals:** YES  NO

- |   |  |
|---|--|
| <input type="checkbox"/> LEGISLATION  | <input type="checkbox"/> RULEMAKING                        |
| <input type="checkbox"/> FUNDING OF CONSTRUCTION; SPECIFY   | <input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES |
| <input type="checkbox"/> POLICY OR PLAN; SPECIFY  | <input type="checkbox"/> FUNDING OF PROGRAMS; SPECIFY      |
| <input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL (not subject to CEQR)                                   | <input type="checkbox"/> PERMITS; SPECIFY:                 |
| <input type="checkbox"/> 384(b)(4) APPROVAL   | <input type="checkbox"/> OTHER; EXPLAIN                    |
| <input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) (not subject to CEQR) |  |

**6. State or Federal Actions/Approvals/Funding:** YES  NO  IF "YES," IDENTIFY

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

**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 11x17 inches in size and must be folded to 8.5 x 11 inches for submission.

- Site location map       Zoning map       Photographs of the project site taken within 6 months of EAS submission and keyed to the site location map
- Sanborn or other land use map       Tax map       For large areas or multiple sites, a GIS shape file that defines the project sites

**PHYSICAL SETTING** (both developed and undeveloped areas)

Total directly affected area (sq. ft.): the zoning text affects multiple sites in Manhattan	Type of waterbody and surface area (sq. ft.):	Roads, building and other paved surfaces (sq. ft.):
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Other, describe (sq. ft.):

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

Size of project to be developed: approx. 1,2800 square feet of existing floor area on the 2nd floor of 945 2nd Avenue (gross sq. ft.)

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

If 'Yes,' identify the total square feet owned or controlled by the applicant : Total square feet of non-applicant owned development:

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 disturbance (if known):

Area: sq. ft. (width x length)      Volume: cubic feet (width x length x depth)

Does the proposed project increase the population of residents and/or on-site workers? YES  NO  Number of additional residents?      Number of additional workers? 20

Provide a brief explanation of how these numbers were determined:

The action would allow the conversion of 1,280 square feet of vacant 2nd floor space to restaurant use. Approximately 20 additional employees.

Does the project create new open space? YES  NO  If Yes: (sq. ft)

Using Table 14-1, estimate the project's projected operational solid waste generation, if applicable: 2,000 (pounds per week)

Using energy modeling or Table 15-1, estimate the project's projected energy use: 259,560,000 (annual BTUs)

**9. Analysis Year** *CEQR Technical Manual Chapter 2*

ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL): 2013	ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 6-9 months of interior renovation work
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WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? YES  NO  IF MULTIPLE PHASES, HOW MANY PHASES:

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: work would consist of interior renovation work

**10. What is the Predominant Land Use in Vicinity of Project?** (Check all that apply)

- RESIDENTIAL       MANUFACTURING       COMMERCIAL       PARK/FOREST/OPEN SPACE       OTHER, Describe:

**DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS**

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	<b>EXISTING CONDITION</b>	<b>NO-ACTION CONDITION</b>	<b>WITH-ACTION CONDITION</b>	<b>INCREMENT</b>
<b>Land Use</b>				
<b>Residential</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
If yes, specify the following				
No. of dwelling units	3 (2 on 3d floor, 1 on 4th)	4(1 on 2d fl, 2 on 3d, 1 on 4)	3 (2 on 3d floor, 1 on 4th)	(1)
No. of low- to moderate income units				
No. of stories				
Gross Floor Area (sq.ft.)				
Describe Type of Residential Structures	upper two floors	upper three floors	upper two floors & penthouse	
<b>Commercial</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
If yes, specify the following:				
Describe type (retail, office, other)	restaurant	restaurant	restaurant	
No. of bldgs	1	1	1	
GFA of each bldg (sq.ft.)	1,400	1,400	2,680	1,280
<b>Manufacturing/Industrial</b>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
If yes, specify the following:				
Type of use				
No. of bldgs				
GFA of each bldg (sq.ft.)				
No. of stories of each bldg				
Height of each bldg				
Open storage area (sq.ft.)				
If any unenclosed activities, specify				
<b>Community Facility</b>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
If yes, specify the following:				
Type				
No. of bldgs				
GFA of each bldg (sq.ft.)				
No. of stories of each bldg				
Height of each bldg				
<b>Vacant Land</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
If yes, describe:	second floor is now vacant			
<b>Publicly Accessible Open Space</b>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
If yes, specify type (mapped City, State, or Federal Parkland, wetland—mapped or otherwise known, other)				
<b>Other Land Use</b>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
If yes, describe				
<b>Parking</b>				
<b>Garages</b>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
<b>Parking (continued)</b>				
<b>Lots</b>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
<b>Other</b> (includes street parking)	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, describe	No change to curbside parking regulations would occur.			
<b>Storage Tanks</b>				
<b>Storage Tanks</b>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
If yes, specify the following:				
Gas/Service stations	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Oil storage facility	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
Other, identify:	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes to any of the above, describe:				
Number of tanks				
Size of tanks				
Location of tanks				
Depth of tanks				
Most recent FDNY inspection date				
<b>Population</b>				
<b>Residents</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
If any, specify number	6	8	6	(2)
Briefly explain how the number of residents was calculated:	assumes 2 residents per dwelling unit			
<b>Businesses</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
If any, specify the following:				
No. and type	restaurant	restaurant	restaurant	
No. and type of workers by business	35	35	55	20
No. and type of non-residents who are not workers	restaurant patrons	restaurant patrons	restaurant patrons	
Briefly explain how the number of businesses was calculated:	Information provided by project sponsor.			
<b>Zoning*</b>				
Zoning classification	C1-9	C1-9	C1-9	
Maximum amount of floor area that can be developed (in terms of bulk)	2.0 FAR C, 10.0 FAR R	no change	no change	
Predominant land use and zoning classifications within a 0.25 mile radius of proposed project	C1-9, R8B	no change	no change	
Attach any additional information as may be needed to describe the project.				
If your project involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include the total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

\*This section should be completed for all projects, except for such projects that would apply to the entire city or to areas that are so extensive that site-specific zoning information is not appropriate or practicable.

## PART II: TECHNICAL ANALYSES

**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, answer the subsequent questions for that technical area and consult the relevant chapter of the CEQR Technical Manual for guidance on providing additional analyses (and attach supporting information, if needed) 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 often only means that more information is required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to either provide additional information to support the Full EAS Form. For example, if a question is answered 'No,' an agency may request a short explanation for this response.

	YES	NO
<b>1. LAND USE, ZONING AND PUBLIC POLICY:</b> <a href="#">CEQR Technical Manual Chapter 4</a>		
(a) Would the proposed project result in a change in land use or zoning that is different from surrounding land uses and/or zoning? Is there the potential to affect an applicable public policy? If "Yes", complete a preliminary assessment and attach.		✓
(b) Is the project a large, publicly sponsored project? If "Yes", complete a PlaNYC assessment and attach.		✓
(c) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? If "Yes", complete the <a href="#">Consistency Assessment Form</a> .		✓
<b>2. SOCIOECONOMIC CONDITIONS:</b> <a href="#">CEQR Technical Manual Chapter 5</a>		
(a) Would the proposed project:		
• Generate a net increase of 200 or more residential units?		✓
• Generate a net increase of 200,000 or more square feet of commercial space?		✓
• Directly displace more than 500 residents?		✓
• Directly displace more than 100 employees?		✓
• Affect conditions in a specific industry?		✓
(b) If 'Yes' to any of the above, attach supporting information to answer the following questions, as appropriate. If 'No' was checked for each category above, the remaining questions in this technical area do not need to be answered.		
<b>(1) Direct Residential Displacement</b>		
• If more than 500 residents would be displaced, would these displaced residents represent more than 5% of the primary study area population?		
• If 'Yes,' is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?		
<b>(2) Indirect Residential Displacement</b>		
• Would the expected average incomes of the new population exceed the average incomes of the study area populations?		
• If 'Yes,' would the population increase represent more than 5% of the primary study area population or otherwise potentially affect real estate market conditions?		
• If 'Yes,' would the study area have a significant number of unprotected rental units?		
Would more than 10 percent of all the housing units be renter-occupied and unprotected?		
Or, would more than 5 percent of all the housing units be renter-occupied and unprotected where no readily observable trend toward increasing rents and new market rate development exists within the study area?		

	YES	NO
<b>(3) Direct Business Displacement</b>		
• Do any of the displaced businesses provide goods or services that otherwise could not be found within the trade area, either under existing conditions or in the future with the proposed project?		
• Do any of the displaced businesses provide goods or services that otherwise could not be found within the trade area, either under existing conditions or in the future with the proposed project?		
• Or, is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?		
<b>(4) Indirect Business Displacement</b>		
• Would the project potentially introduce trends that make it difficult for businesses to remain in the area?		
• Would the project capture the retail sales in a particular category of goods to the extent that the market for such goods would become saturated as a result, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?		
<b>(5) Affects on Industry</b>		
• Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?		
• Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?		
<b>3. COMMUNITY FACILITIES: <a href="#">CEQR Technical Manual Chapter 6</a></b>		
(a) 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) Would the project exceed any of the thresholds outlined in <a href="#">Table 6-1 in Chapter 6</a> ?		✓
(c) If 'No' was checked above, the remaining questions in this technical area do not need to be answered. If 'Yes' was checked, attach supporting information to answer the following, if applicable.		
<b>(1) Child Care Centers</b>		
• Would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?		
• If Yes, would the project increase the collective utilization rate by 5 percent from the No-Action scenario?		
<b>(2) Libraries</b>		
• Would the project increase the study area population by 5 percent from the No-Action levels?		
• If Yes, would the additional population impair the delivery of library services in the study area?		
<b>(3) Public Schools</b>		
• Would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 105 percent?		
• If Yes, would the project increase this collective utilization rate by 5 percent from the No-Action scenario?		
<b>(4) Health Care Facilities</b>		
• Would the project affect the operation of health care facilities in the area?		
<b>(5) Fire and Police Protection</b>		
• Would the project affect the operation of fire or police protection in the area?		
<b>4. OPEN SPACE: <a href="#">CEQR Technical Manual Chapter 7</a></b>		
(a) Would the project change or eliminate existing open space?		✓
(b) Is the project located within an underserved area in the <a href="#">Bronx, Brooklyn, Manhattan, Queens, or Staten Island</a> ?		✓
(c) If 'Yes,' would the proposed project generate more than 50 additional residents or 125 additional employees?		
(d) Is the project located within a well-served area in the <a href="#">Bronx, Brooklyn, Manhattan, Queens, or Staten Island</a> ?		✓
(e) If 'Yes,' would the project generate more than 350 additional residents or 750 additional employees?		
(f) If the project is not located within an underserved or well-served area, would it generate more than 200 additional residents or 500 additional employees?		✓
<b>(g) If 'Yes' to any of the above questions, attach supporting information to answer the following:</b>		
• Does the project result in a decrease in the open space ratio of more than 5%?		
• If the project is within an underserved area, is the decrease in open space between 1% and 5%?		
• If 'Yes,' are there qualitative considerations, such as the quality of open space, that need to be considered?		

	YES	NO
<b>5. SHADOWS: <a href="#">CEQR Technical Manual Chapter 8</a></b>		
(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?		✓
(c) If 'Yes' to either of the above questions, attach supporting information explaining whether the project's shadow reach any sunlight-sensitive resource at any time of the year.		
<b>6. HISTORIC AND CULTURAL RESOURCES: <a href="#">CEQR Technical Manual Chapter 9</a></b>		
(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; is listed or eligible for listing on the New York State or National Register of Historic Places; or is within a designated or eligible New York City, New York State, or National Register Historic District? If "Yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.	✓	
<b>7. URBAN DESIGN AND VISUAL RESOURCES: <a href="#">CEQR Technical Manual Chapter 10</a></b>		
(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 that is not currently allowed by existing zoning?		✓
(c) If "Yes" to either of the above, please provide the information requested in <a href="#">Chapter 10</a> .		
<b>8. NATURAL RESOURCES: <a href="#">CEQR Technical Manual Chapter 11</a></b>		
(a) Is any part of the directly affected area within the Jamaica Bay Watershed? If "Yes", complete the <a href="#">Jamaica Bay Watershed Form</a> .		✓
(b) Does the proposed project site or a site adjacent to the project contain natural resources as defined in <a href="#">Section 100 of Chapter 11</a> ? If "Yes," list the resources: Attach supporting information on whether the proposed project would affect any of these resources.		✓
<b>9. HAZARDOUS MATERIALS: <a href="#">CEQR Technical Manual Chapter 12</a></b>		
(a) Would the proposed project allow commercial or residential use 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) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?		✓
(c) Does the project require soil disturbance in a manufacturing zone or any development on or near a manufacturing zone or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?		✓
(d) Does 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) Does the project result in development where underground and/or aboveground storage tanks (e.g. gas stations) are or were on or near the site?		✓
(f) Does the project result in renovation of interior existing space on a site with potential compromised air quality, vapor intrusion from on-site or off-site sources, asbestos, PCBs or lead-based paint?		✓
(g) Does the project result in development on or near a government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, municipal incinerators, coal gasification or gas storage sites, or railroad tracks and rights-of-way?		✓
(h) Has a Phase I Environmental Site Assessment been performed for the site? If "Yes," were RECs identified? Briefly identify:		✓
(i) Based on a Phase I Assessment, is a Phase II Assessment needed?		
<b>10. WATER AND SEWER INFRASTRUCTURE: <a href="#">CEQR Technical Manual Chapter 13</a></b>		
(a) Would the project result in water demand of more than one million gallons per day?		✓
(b) Is the proposed project located in a combined sewer area and result in at least 1,000 residential units or 250,000 SF or more of commercial space in Manhattan or at least 400 residential units or 150,000 SF or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens?		✓
(c) Is the proposed project located in a <a href="#">separately sewered area</a> and result in the same or greater development than that listed in <a href="#">Table 13-1 in Chapter 13</a> ?		✓
(d) Does the proposed project involve development on a site five acres or larger where the amount of impervious surface would increase?		✓
(e) Would the proposed project involve development on a site one acre or larger where the amount of impervious surface would increase and is located within the <a href="#">Jamaica Bay Watershed</a> or in certain <a href="#">specific drainage areas</a> including: Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek?		✓
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?		✓
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a WWTP 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?		✓
(i) If "Yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
<b>11. SOLID WASTE AND SANITATION SERVICES: <a href="#">CEQR Technical Manual Chapter 14</a></b>		
(a) Would the proposed project have the potential to generate 1000,000 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?		✓

	YES	NO
<b>12. ENERGY:</b> <a href="#">CEQR Technical Manual Chapter 15</a>		
(a) Would the proposed project affect the transmission or generation of energy?		✓
<b>13. TRANSPORTATION:</b> <a href="#">CEQR Technical Manual Chapter 16</a>		
(a) Would the proposed project exceed any threshold identified in <a href="#">Table 16-1 in Chapter 16</a> ?		✓
(b) If "Yes," conduct the screening analyses, attach appropriate back up data as needed for each stage, and answer the following questions:		
(1) 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? <i>**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 peakhour. See <a href="#">Subsection 313 in Chapter 16</a> for more information.</i>		
(2) 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?		
(3) 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?		
<b>14. AIR QUALITY:</b> <a href="#">CEQR Technical Manual Chapter 17</a>		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in <a href="#">Section 210 in Chapter 17</a> ?		✓
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in <a href="#">Section 220 in Chapter 17</a> ? If "Yes," would the proposed project exceed the thresholds in the <a href="#">Figure 17-3, Stationary Source Screen Graph</a> ? (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) designations or a Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?		✓
(f) If "Yes," conduct the appropriate analyses and attach any supporting documentation.		
<b>15. GREENHOUSE GAS EMISSIONS:</b> <a href="#">CEQR Technical Manual Chapter 18</a>		
(a) Is the proposed project a city capital project, a power plant, or would fundamentally change the City's solid waste management system?		✓
(b) If "Yes," would the proposed project require a GHG emissions assessment based on the guidance in <a href="#">Chapter 18</a> ?		
(c) If "Yes," attach supporting documentation to answer the following: Would the project be consistent with the City's GHG reduction goal?		
<b>16. NOISE:</b> <a href="#">CEQR Technical Manual Chapter 19</a>		
(a) Would the proposed project generate or reroute vehicular traffic?		✓
(b) Would the proposed project introduce new or additional receptors (see <a href="#">Section 124 in Chapter 19</a> ) 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-designations or a Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?		✓
(e) If "Yes," conduct the appropriate analyses and attach any supporting documentation.		
<b>17. PUBLIC HEALTH:</b> <a href="#">CEQR Technical Manual Chapter 20</a>		
(a) Would the proposed project warrant a public health assessment based upon the guidance in <a href="#">Chapter 20</a> ?		✓
<b>18. NEIGHBORHOOD CHARACTER:</b> <a href="#">CEQR Technical Manual Chapter 21</a>		
(a) Based upon the analyses conducted for the following technical areas, check Yes if any of the following technical areas required 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 here why or why not an assessment of neighborhood character is warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
The projected development site is not within a historic district and is not an individual landmark. The proposed zoning text would affect zoning districts that include areas within NYC historic districts, as well as individual landmarks. The proposed action would affect the allowable location of commercial use in buildings built prior to 1970. Any facade modifications associated with new commercial occupancy of second floor space within a landmark structure or district would require a Certificate of No Effect from the Landmarks Preservation Commission, ensuring no adverse effects to Historic and Cultural Resources.		



	YES	NO
<b>19. CONSTRUCTION IMPACTS:</b> <u>CEQR Technical Manual Chapter 22</u> Would the project's construction activities involve (check all that apply):		
• Construction activities lasting longer than two years;		✓
• Construction activities within a Central Business District or along an arterial or major thoroughfare;		✓
• Require closing, narrowing, or otherwise impeding traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc);		✓
• Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out;		✓
• The operation of several pieces of diesel equipment in a single location at peak construction;		✓
• Closure of community facilities or disruption in its service;		✓
• Activities within 400 feet of a historic or cultural resource; or		✓
• Disturbance of a site containing natural resources.		✓

If any boxes are checked, explain why or why not a preliminary construction assessment is warranted based on the guidance of 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.

Development resulting from the proposed action would consist of commercial occupancy of currently vacant second floor space in pre-1970 buildings within the affected zoning districts on block fronts where second floor commercial uses currently exist. No new construction, other than interior renovations, would occur. Such construction activity would not affect the surrounding area or land uses.

## 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 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

Environmental Consultant

of

945 Realty Holdings, LLC

APPLICANT/SPONSOR

NAME THE ENTITY OR OWNER

the entity which seeks the permits, approvals, funding or other governmental action described in this EAS.

Check if prepared by:  APPLICANT/REPRESENTATIVE OR  LEAD AGENCY REPRESENTATIVE (FOR CITY-SPONSORED PROJECTS)

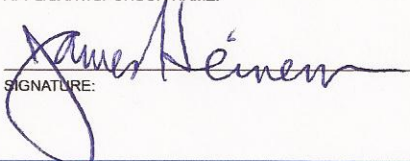
James Heineman

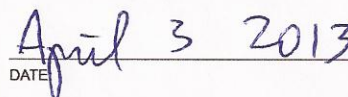
APPLICANT/SPONSOR NAME:

LEAD AGENCY REPRESENTATIVE NAME:

SIGNATURE:

DATE:





**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 of 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 effect on the environment. 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.	Potential Significant Adverse Impact	
	YES	NO
<b>IMPACT CATEGORY</b>		
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 Impacts		✓
2. Are there any aspects of the project relevant to the determination 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, explain them and state where, as a result of them, the project may have a significant impact on the environment.		✓

**3. LEAD AGENCY'S CERTIFICATION**

Director, Environmental Review and Assessment Division

NYC Department of City Planning

TITLE

LEAD AGENCY

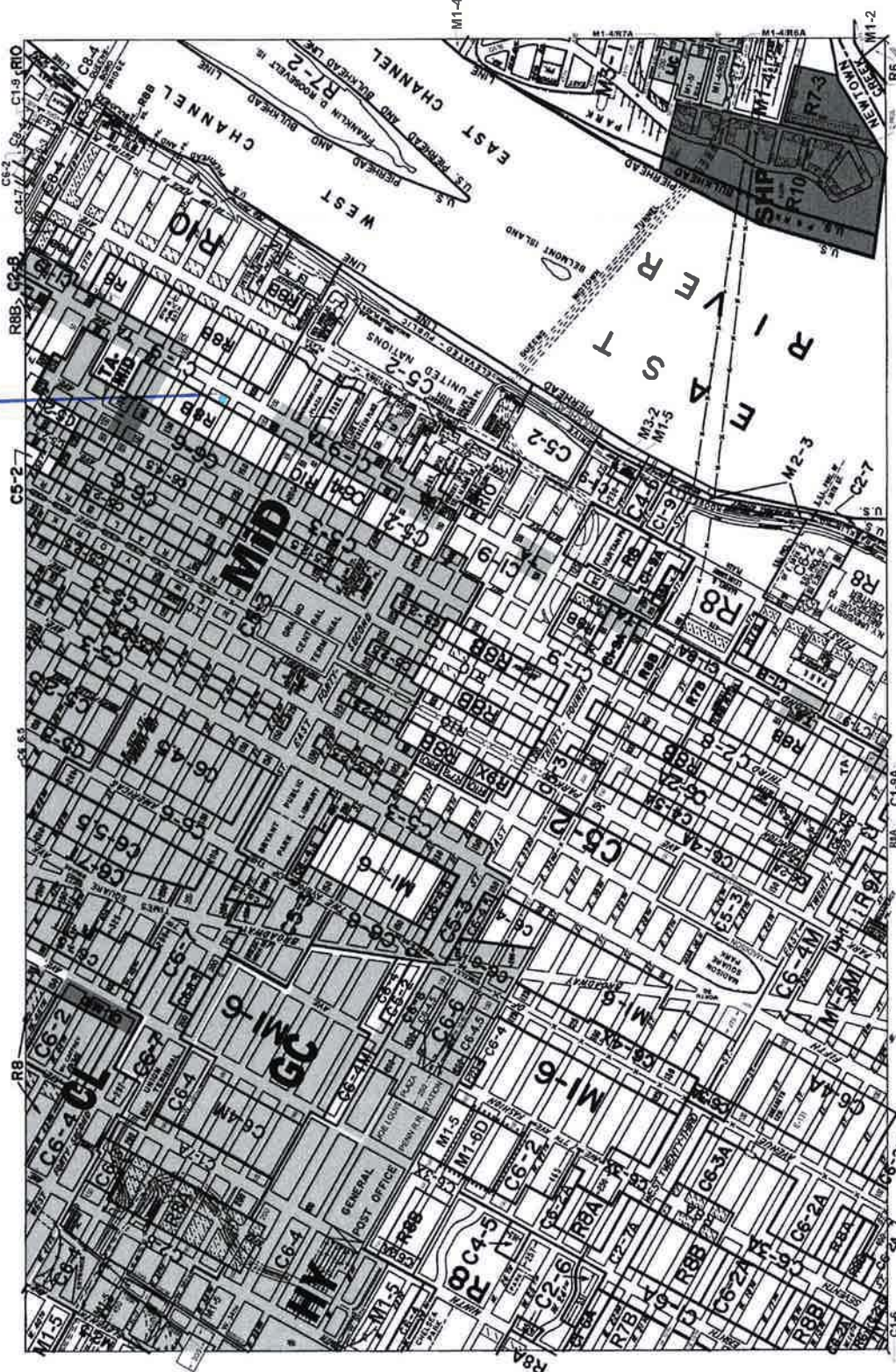
Robert Dobruskin

*Robert Dobruskin*

NAME

SIGNATURE

PROMISES



# ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

**Major Zoning Classifications:**  
 The numbers, and/or letters, that follow are R, C, M, P, and S. Designation indicates use, but not other, controls or department in the text of the Zoning Ordinance.

- R - RESIDENTIAL DISTRICT
  - C - COMMERCIAL DISTRICT
  - M - MANUFACTURING DISTRICT
- SPECIAL PURPOSES DISTRICTS:  
 The suffix with the subject matter is identified in the City of New York Zoning Ordinance.
- APPLICABLE
  - APPLICABLE
  - APPLICABLE
  - APPLICABLE

**Effective Date(s) of Rezoning:**  
 US 2011 10/20/11, 10/20/11, 10/20/11

**Special Requirements:**  
 For a full list of lots subject to floor area ratio, lot coverage, and other requirements, see the City of New York Zoning Ordinance, Section 24-207. For a full list of lots subject to floor area ratio, lot coverage, and other requirements, see the City of New York Zoning Ordinance, Section 24-207. For a full list of lots subject to floor area ratio, lot coverage, and other requirements, see the City of New York Zoning Ordinance, Section 24-207.

# ZONING MAP 8d

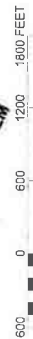
MAP KEY

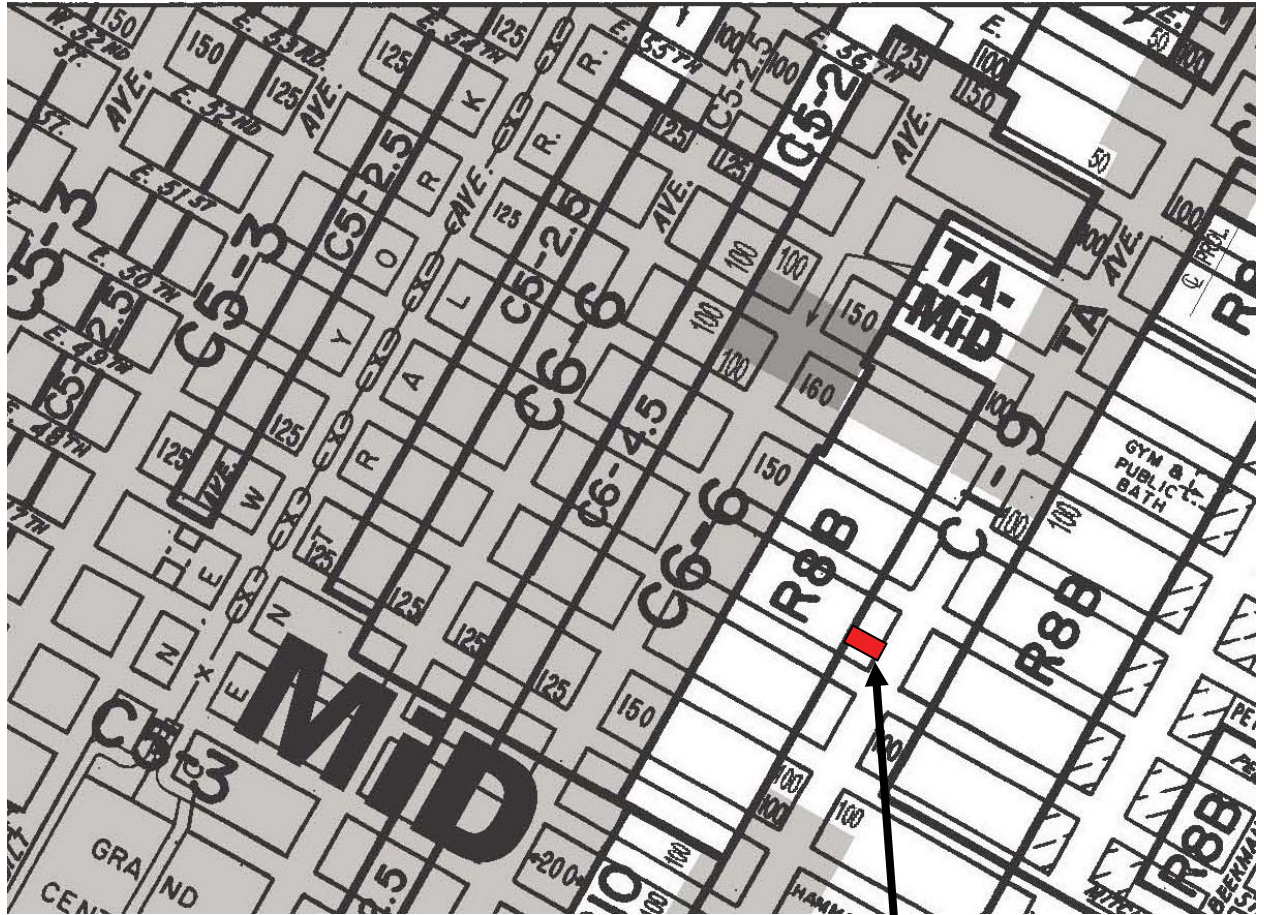
8a	8c	9a
8b	8d	9b
12a	12c	13a

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, please visit the City of New York Zoning Information Desk at [www.nyc.gov/planning](http://www.nyc.gov/planning) or contact the Zoning Information Desk at (212) 720-9391.

- C1-1
  - C1-2
  - C1-3
  - C1-4
  - C1-5
  - C2-1
  - C2-2
  - C2-3
  - C2-4
  - C2-5
- NOTE: For a full list of lots subject to floor area ratio, lot coverage, and other requirements, see the City of New York Zoning Ordinance, Section 24-207. For a full list of lots subject to floor area ratio, lot coverage, and other requirements, see the City of New York Zoning Ordinance, Section 24-207.

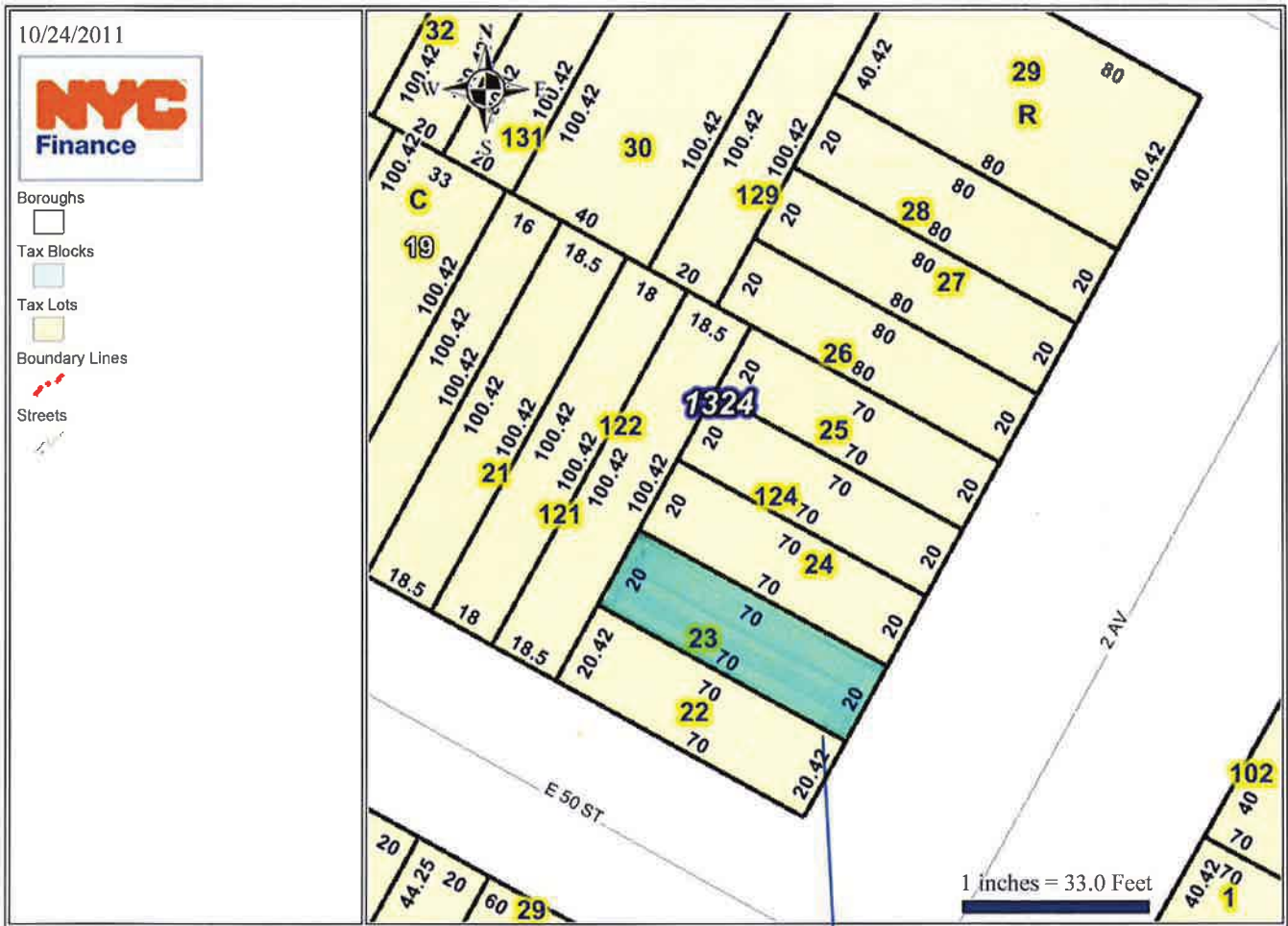
# NOTE: STREETS FOR THE STREET MAP CHANGE CHANGE MAP ARE SHOWN ON THE MAP TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.





Zoning Sectional 8b Detail

subject site



premises



1. 945 2<sup>nd</sup> Avenue – ground floor restaurant



2: View of 945 2<sup>nd</sup> Avenue (center) from across 2<sup>nd</sup> Avenue



3: 945 2<sup>nd</sup> Avenue



4: Second floor commercial uses – subject block front



5. Subject block front of 2<sup>nd</sup> Avenue looking south from 51<sup>st</sup> Street



# 0. Project Description

## 0.1 Proposed Action

The project sponsor, 945 Realty Holdings LLC, seeks an amendment to the text of Z.R. 32-421, Limitations on floors occupied by commercial uses. Currently, within C1 or C2 districts mapped in an R9 or R10 district, or in C1-8, C1-9, C2-7 or C2-8 districts, commercial use of the second floor is only permitted within buildings constructed after September 17, 1970. Under the proposed text amendment, commercial use would also be permitted within a building constructed prior to September 17, 1970, whose second floor, at the time the text is referred for consideration, is not occupied by a community facility, dwelling unit, or rooming unit, if second floor space in at least one other building on the same block frontage is occupied by a use listed in Use Groups 6, 7, 8, 9, or 14. Other regulations governing commercial use, including limitations on commercial floor area, and the use regulations of the zoning district, would not be altered. The applicant currently operates a restaurant, Crave Fishbar, on the first floor of 945 2<sup>nd</sup> Avenue. Under the proposed zoning text amendment, this restaurant would occupy 1,280 square feet of floor area on the second floor as well.

## 0.2 Purpose and Need

The project sponsor owns a building at 945 2<sup>nd</sup> Avenue, within a C1-9 zoning district. Although 2.0 FAR of commercial development is permitted in this district, the location restriction of Z.R. 32-421 prohibits achievement of this allowable FAR in older buildings. The proposed zoning text modification would allow 2<sup>nd</sup> floor commercial occupancy of buildings built prior to September 1970 on the same basis as newer buildings, subject to zoning limitations on commercial floor area, and the proposed text's limitations on occupancy at the time the text is referred for consideration and the presence on the same block frontage of at least one other building containing second floor space occupied by a Use Group 6, 7, 8, 9 or 14 use. Therefore it would facilitate commercial development at the density permitted by the underlying zoning without regard to the age of the building in areas where second floor commercial use is an established component of the area's land use pattern.

In order to prevent displacement of existing residential or community facility uses, commercial use would be permitted only in space that was not occupied by residential or community facility uses at the time the zoning text is referred for consideration.

The project sponsor is the owner of Crave Ceviche Bar ("Crave"), a restaurant that operated at 946 2<sup>nd</sup> Avenue from August 2007 until March 15, 2008, when a construction crane collapse at 303 East 51<sup>st</sup> Street destroyed the building that housed the restaurant. Subsequently the project sponsor purchased 945 2<sup>nd</sup> Avenue, across the street from their former location, with the intention of re-opening their restaurant. This building was vacant at the time of their purchase. The building has been renovated and the first floor is occupied by Crave Fishbar. The upper two floors are occupied by residential uses, and the second floor is vacant pending consideration of the proposed zoning text amendment. There are two residential units on the third floor, and one unit on the fourth floor.

Due to the building's small footprint, operation of an economically viable restaurant would require occupancy of the first and second floors. Such a building use would be consistent with surrounding buildings on Second Avenue, all of which contain restaurants, most of which occupy two stories. It is believed that these second floor spaces have been in commercial use since prior to September 1970, and therefore are legal non-conforming (grandfathered) uses under existing zoning.

### 0.3 Affected Area

The proposed zoning text amendment would allow commercial uses to occupy second floor space of pre-1970 buildings within the affected zoning districts: C1 or C2 districts mapped in an R9 or R10 district, or in C1-8, C1-9, C2-7 or C2-8 districts. These districts are widely mapped in higher density areas of Manhattan, primarily along the avenues. Current regulations restrict commercial use to below the level of the second floor for buildings built prior to September 1970. The proposed text would remove this restriction based on the building's age. However, the zoning text only permits such commercial occupancy where the floor area in question was not occupied by a residential or community facility use at the time of the zoning text amendment's referral for consideration. Essentially, only vacant space would change use under the zoning text, since residential and community facility space could not be changed to commercial use, and space in commercial use would not experience any change as a result of the text.

#### 0.3.1 Framework for the Analysis

The proposed zoning text amendment would affect sites located in C1 and C2 zoning districts mapped within R9 or R10 districts, or in C1-8, C1-9, C2-7, or C2-8 districts, which are widely mapped in higher density areas of Manhattan. In order to determine the potential for the proposed action to result in significant adverse impacts to the environment, a reasonable worst case scenario (RWCDS) was developed. An assessment was conducted to determine the potential universe of sites that could be affected. Because the zoning text would affect a wide geographic area, assessment of prototypical development under the proposed action was conducted. For a zoning text amendment affecting a broad area, where most sites are not under the control of the project sponsor, a ten-year analysis period (2023) is considered the time frame in which the effects of the proposed action would be fully realized.

##### 0.3.1.1 Development Site Criteria

To determine the potential effects of the proposed zoning text, an assessment of the affected sites was conducted. Sites that could potentially be affected are those occupied by buildings constructed prior to 1970 that are at least partially within the affected zoning districts. Based on the City's PLUTO database of real property information, it was determined that there are approximately 2,150 properties containing pre-1970 buildings that are at least partially within one of the affected C1 or C2 zoning districts. These sites are predominantly within Manhattan Community Districts 6, 7, and 8, with small numbers in Community Districts 3, 4, 10 and 11. This is the universe of sites that could be affected by the proposed text, if they meet the other criteria, specifically that they have second floor space that is not occupied by residential or community facility use at the time the proposed zoning text is referred for consideration, and are located on a block frontage where at least one other building contains second floor commercial use. These sites are identified on the following maps: Zoning Text Amendment Base Map;

Zoning Text Amendment Map-Midtown East; Zoning Text Amendment Map-Midtown West; Zoning Text Amendment Map-Upper East Side; and Zoning Text Amendment Map-Upper West Side.

### 0.3.1.2 Projected Development and Likely Effects

In order to assess the potential effects of the proposed actions, a reasonable worst-case development scenario (RWCDS) was established for both the current (Future “No-Action”) and proposed (Future “With-Action”) conditions, assuming a 2023 build year. The incremental difference between the Future No-Action and Future With-Action conditions will serve as the basis for the impact analyses of the Environmental Assessment Statement.

At this time there is a single property where new development under the proposed action is anticipated – the project sponsor’s building at 945 2nd Avenue. This property was identified as the only projected development site. It is possible that over time, other affected sites may experience new commercial development, but the small development anticipated for 945 2nd Avenue, and the environmental effects of that development, would be typical of development that could occur under the proposed action. Moreover, any potential development would be geographically dispersed and any potential environmental effects would be minimal and diffuse. Below is an examination and analysis of the applicability of the text amendment to other properties.

For an area-wide text amendment, new development can be expected to occur on selected, rather than all, sites within the area affected by the text amendment. The first step in establishing the development scenario was to identify those sites where new development could be reasonably expected to occur. Using MapPluto data, it was determined that 2,150 lots could potential be affected by the zoning text amendment. Next, a randomly generated, representative sample of 120 sites was produced and a field investigation was performed in order to ascertain the applicability of the zoning text amendment to the total number of lots. The 120 sample sites are identified on the following map: Zoning Text Amendment Basemap 120 Site Sample. The results of the field investigation conducted between September 24 and September 26, 2012 are presented below and were used to produce a reasonable estimate of the potential development that could occur from the proposed action.

Ninety-eight of the 120 sites had residential use of the second floor, which would exclude them from using the second floor as a commercial use under the text amendment. Fifteen of the sites had the second floor in commercial use, with one of the spaces appearing to be unoccupied. One site was occupied by a one-story building. Two sites had construction activity, and two sites could not be determined. In one case, access was blocked due to UN security measures, and in the other case a building directory was not visible from the street, and there were no other indications as to 2nd floor occupancy. Based on this analysis, it appears that between two and three of the 120 sites could reasonably have the potential to take advantage of the proposed text. Applying this ratio to the total universe of approximately 2,150 pre-1970 buildings that are at least partially within the affected zoning districts indicates that there could be between 40 and 60 sites with pre-1970 buildings that have second floor space that meets the conversion criteria. The field investigation also noted that twenty-four of the sites (20%) are located on a block frontage with another building containing second floor commercial use and therefore would be permitted

to take advantage of the proposed text. Based on this, it is assumed that 20% of the 40 to 60 sites citywide with convertible second floor space would be on block fronts where conversion is permitted. Therefore it is expected that between 8 and 12 sites citywide would be eligible to take advantage of the proposed text.

Based on the results of this field survey, it is expected that only a fraction of these sites would be likely to take advantage of the proposed zoning text in the foreseeable future. In many cases the rent for second floor residential or community facility space would be greater than could be achieved for commercial use. In other cases, the building layout may not be conducive to second floor commercial occupancy if there is no reasonable way of providing customer access to second floor space.

#### 0.3.1.3 Development Scenario Without the Proposed Action

Without the proposed zoning text amendment, second floor space on pre-1970 buildings within the affected zoning districts would be limited to residential and community facility uses. It is believed that approximately eight to twelve sites within the affected area would become eligible for new commercial use under the proposed action. Without the proposed action, these spaces would either remain vacant or be occupied by a permitted residential or community facility use. The proposed development site, 945 Second Avenue, now contains a first floor restaurant, Crave Fishbar, and residential uses on the third and fourth floors. The second floor is currently unoccupied. In the future without the proposed action, the upper three floors would be occupied by four residential dwelling units – one on the second floor, two on the third floor, and one on the fourth floor and penthouse level. The Department of Buildings has approved plans to construct a partial penthouse level on the building. This development would proceed in the future without the proposed action.

#### 0.3.1.4 Development Scenario Under the Proposed Action

As discussed earlier, it is expected that eight to twelve sites citywide would be able to take advantage of the proposed zoning text. The actual number of properties where owners would take advantage of the new text would depend on the building's location and configuration, and whether second floor space could command a higher rent for residential or commercial use.

For a zoning text amendment affecting a wide geographic area, a ten-year build out analysis (2023) is considered the length of time during which the zoning texts effects will be realized. At this time there is a single property where new development under the proposed action is anticipated – the project sponsor's building at 945 2<sup>nd</sup> Avenue. It is possible that over time, other affected sites may experience new commercial development, but the development anticipated for 945 2<sup>nd</sup> Avenue, and the environmental effects of that development, would be typical of development that could occur under the proposed action.

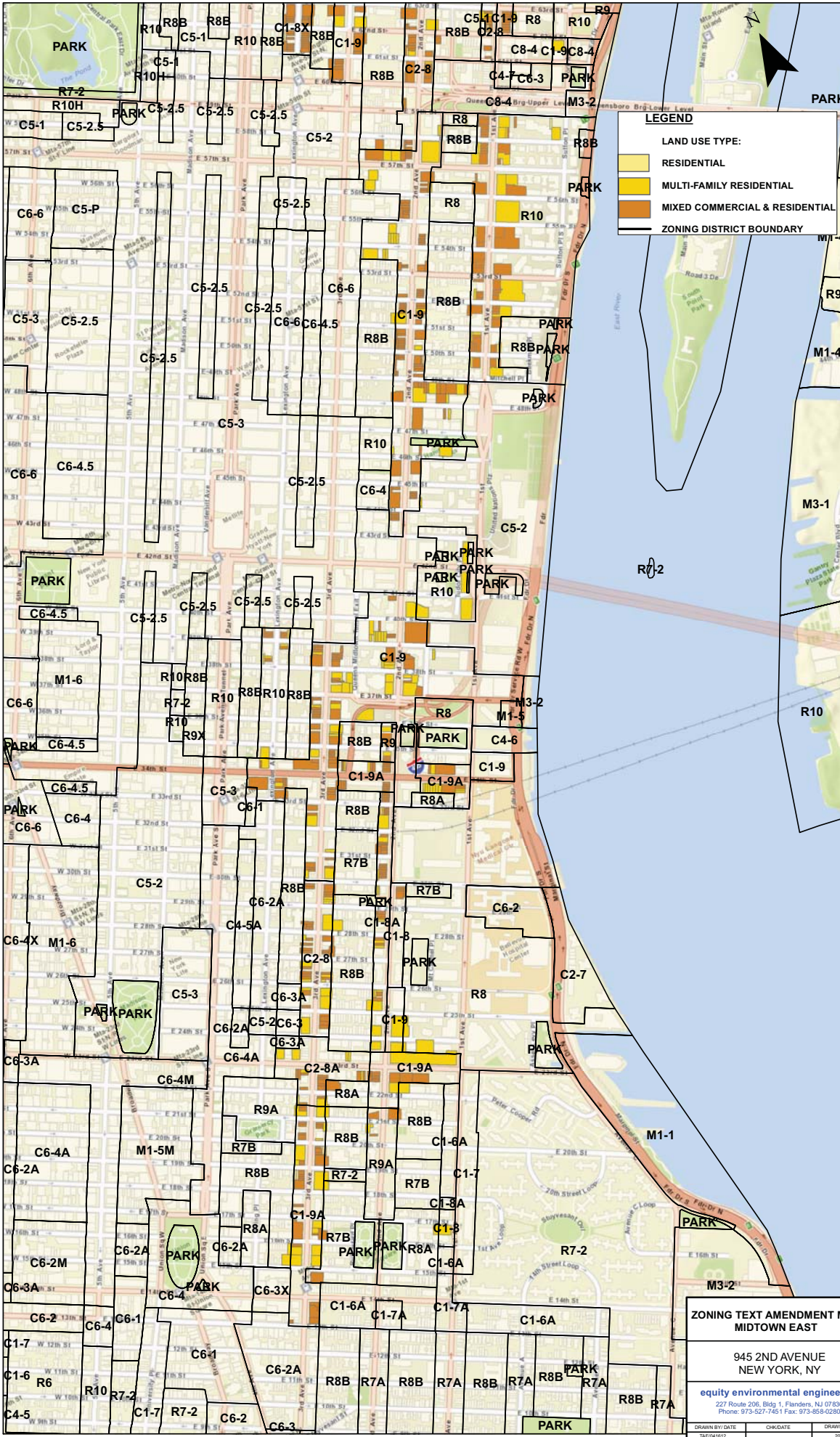
Given the small number of affected sites, and the wide geographic area affected by the site, it is likely that any potential development that could occur as a result of the proposed action would be widely dispersed,

and there would not be any cumulative effects of multiple developments under the proposed action occurring in close proximity to one another.

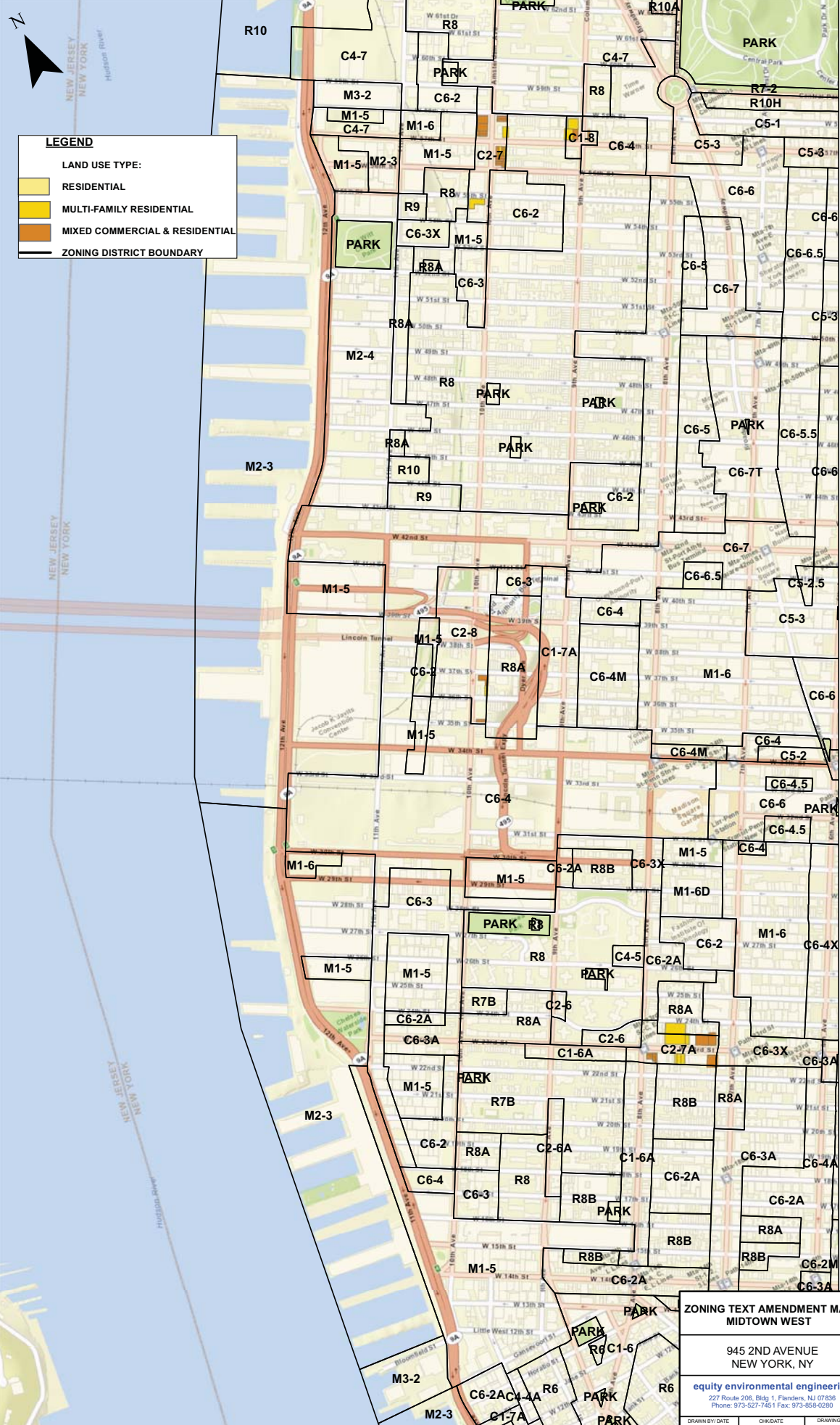
945 2<sup>nd</sup> Avenue (Block 132, Lot 23) is a 1,400-square foot property occupied by a four-story brick building. The building has a total zoning floor area of 4,040 square feet. The first floor of the building is currently occupied by a restaurant, Crave Fishbar, while the second floor is vacant and the upper two floors are occupied by residential uses. Under the proposed action, the building's second floor would be occupied by an expansion of the restaurant, which would add 1,280 gross square feet to the restaurant. Total restaurant area would be 2,680 square feet of floor area (1.9 FAR). Similar to existing and no-build conditions the third floor would contain two residential units, and a single residential unit would occupy the fourth floor and a new 700-square foot penthouse level. Total residential floor area would be 2,059 square feet (1.5 FAR). Total zoning floor area would be 4,739 square feet (3.4 FAR)

	First Floor	Second Floor	Third Floor	Fourth Floor
Existing Use	Restaurant (1,400 sq. ft)	Vacant	Residential (two dwelling units)	Residential (one dwelling unit)
Future No-Action	Restaurant (1,400 sq. ft)	Residential (one dwelling unit)	Residential (two dwelling units)	Residential (one dwelling unit)
Future With-Action	Restaurant (1,400 sq. ft)	Restaurant (1,280 sq. ft)	Residential (two dwelling units)	Residential (one dwelling unit)

# ZONING TEXT AMENDMENT MAP-MIDTOWN EAST



# ZONING TEXT AMENDMENT MAP-MIDTOWN WEST



**LEGEND**

LAND USE TYPE:

- RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- MIXED COMMERCIAL & RESIDENTIAL
- ZONING DISTRICT BOUNDARY

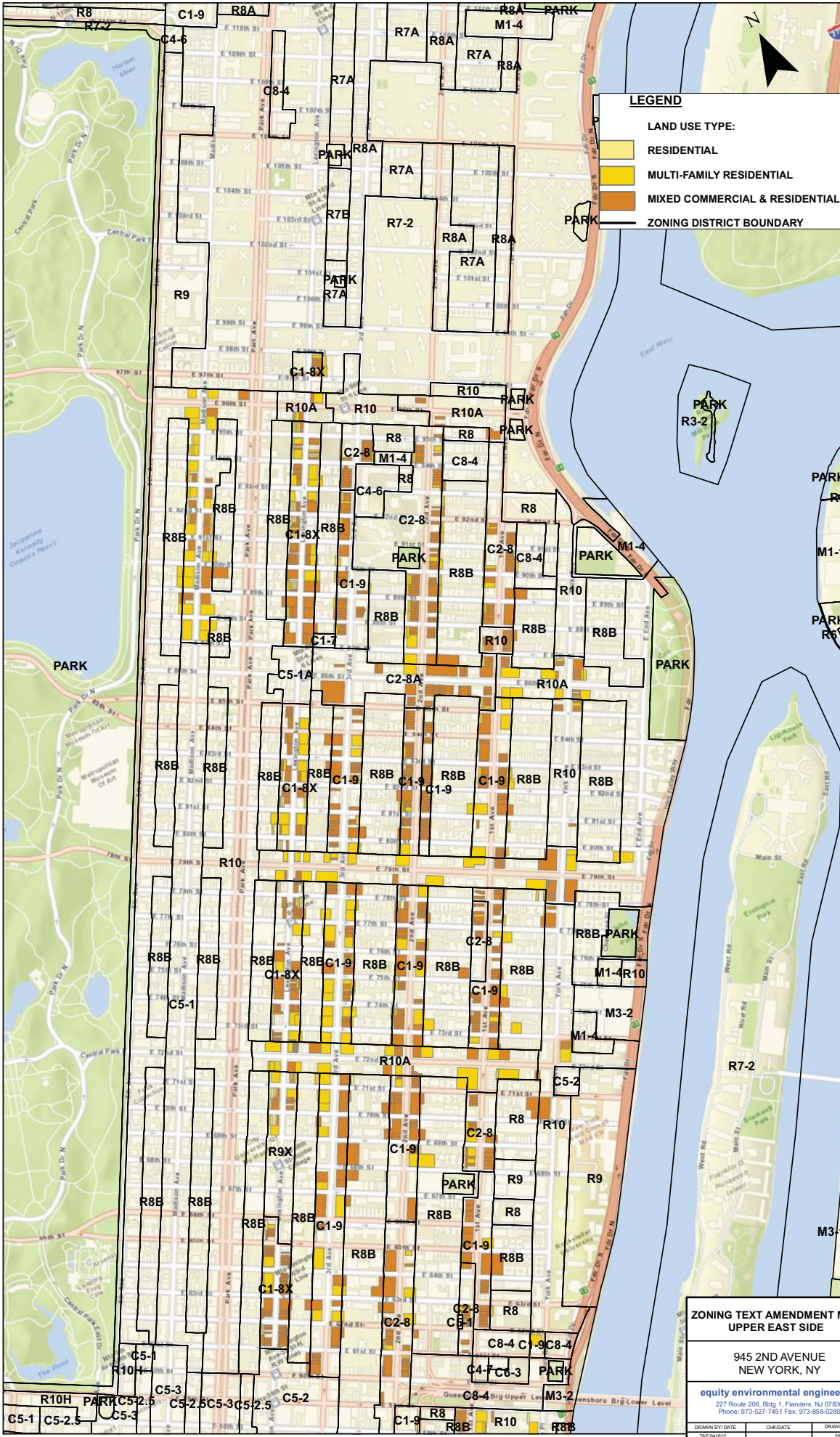
**ZONING TEXT AMENDMENT MAP  
MIDTOWN WEST**

945 2ND AVENUE  
NEW YORK, NY

**equity environmental engineering**  
227 Route 206, Bldg 1, Flinders, NJ 07836  
Phone: 973-527-7451 Fax: 973-859-0290

DRAWN BY DATE	CHKDATE	DRAWING NUMBER
TAP/06/12		20/0024

# ZONING TEXT AMENDMENT MAP-UPPER EAST SIDE



**LEGEND**

LAND USE TYPE:

- RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- MIXED COMMERCIAL & RESIDENTIAL
- ZONING DISTRICT BOUNDARY

ZONING TEXT AMENDMENT MAP  
UPPER EAST SIDE

945 2ND AVENUE  
NEW YORK, NY

equity environmental engineering  
227 Route 206, Bldg 1, Flinders, NJ 07836  
Phone: 973-527-7451 Fax: 973-858-0290

DRAWN BY DATE	CHKDATE	DRAWING NUMBER
TAP/06/12		20/0024



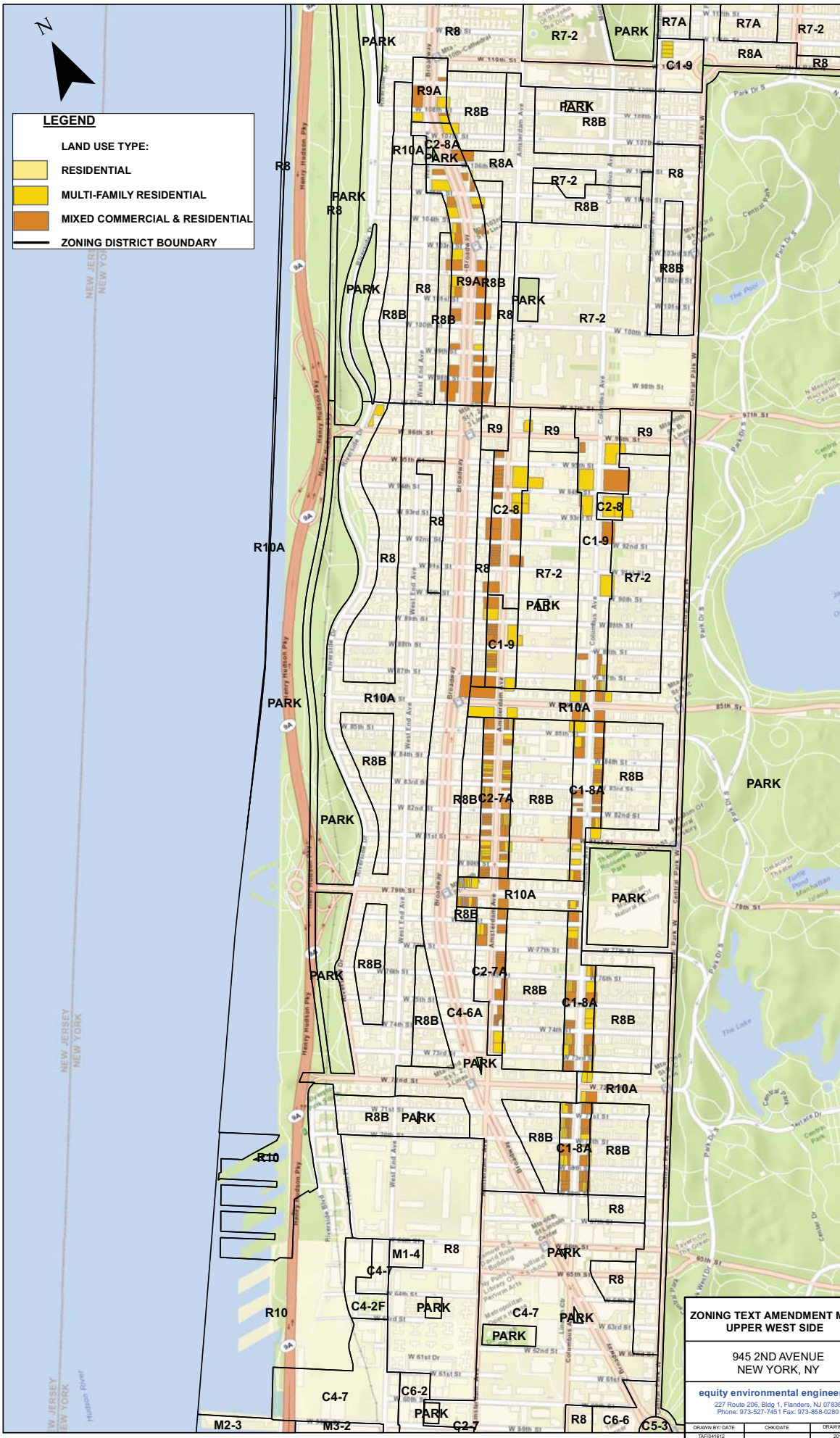
# ZONING TEXT AMENDMENT MAP-UPPER WEST SIDE



**LEGEND**

LAND USE TYPE:

- RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- MIXED COMMERCIAL & RESIDENTIAL
- ZONING DISTRICT BOUNDARY

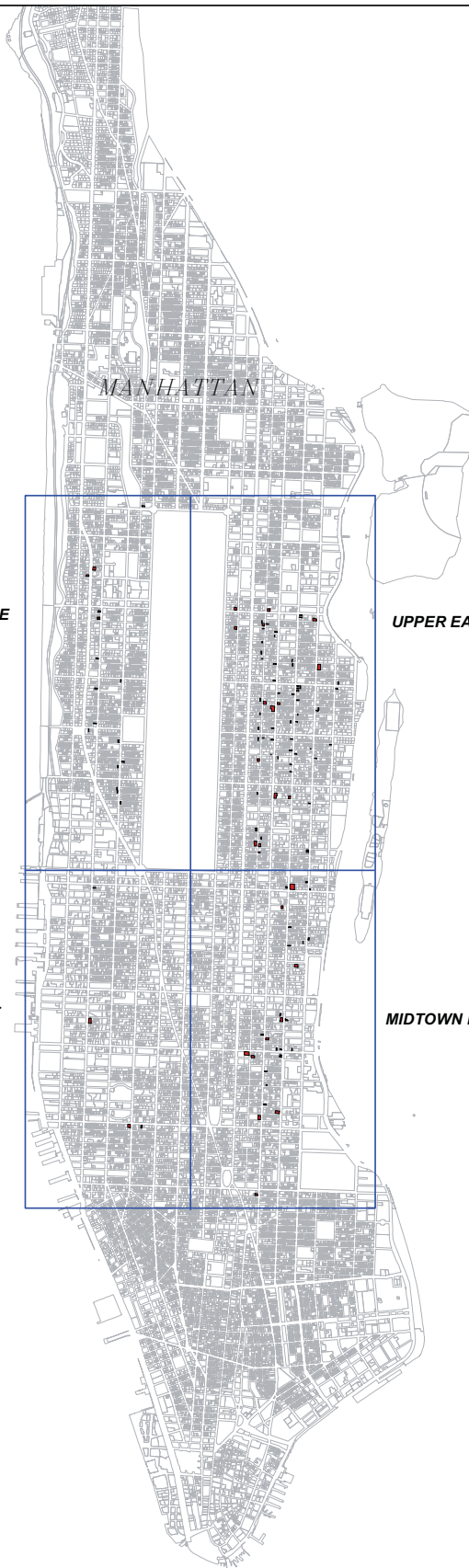


**ZONING TEXT AMENDMENT MAP  
UPPER WEST SIDE**

945 2ND AVENUE  
NEW YORK, NY

equity environmental engineering  
227 Route 206, Bldg 1, Flinders, NJ 07836  
Phone: 973-527-7451 Fax: 973-858-0280

DRAWN BY DATE	CHKDATE	DRAWING NUMBER
TAF041612		201002



UPPER WEST SIDE

UPPER EAST SIDE

MIDTOWN WEST

MIDTOWN EAST



**LEGEND**

 CRAVE\_120 SITES

**ZONING TEXT AMENDMENT  
BASEMAP**

945 2ND AVENUE  
NEW YORK, NY

**equity environmental engineering**

227 Route 206, Bldg 1, Flanders, NJ 07836

Phone: 973-527-7451 Fax: 973-858-0290

DRAWN BY/DATE	CHK/DATE	DRAWING NUMBER
TAP/GH/12		2012024

# 1 Land Use, Zoning, and Public Policy

The *CEQR Technical Manual* identifies the following conditions as warranting further assessment of Land Use, Zoning, and Public Policy:

- 1) The project would result in a change in land use or zoning that is different from surrounding land uses and/or zoning, or has the potential to affect an applicable public policy.
- 2) The project is a large, publicly sponsored project.
- 3) Any part of the directly affected area is within the City's Waterfront Revitalization Program boundaries.

The proposed zoning text amendment would not result in a significant change of land use. It would not change the types of uses permitted in the affected zoning districts. It would not increase the permitted floor area for any use within those districts, or affect building bulk or envelope. It would allow second floor commercial use on pre-1970 buildings, as long as the second floor space is not currently in residential or community facility use.

The proposed text amendment would remove an existing distinction between pre- and post-1970 buildings relating to the permitted location of commercial space. Therefore it would allow for more consistency in land use patterns between older and newer buildings.

Because the proposed text amendment would only be applicable to second floor space not occupied by residential or community facility uses at the time of the text's referral, it would not result in any changes in land use. Only second floor space that is currently vacant would be affected, so no change in use from residential or community facility to commercial would occur.

Based on a sampling of properties that could potentially be affected by the proposed text, it is estimated that approximately 40 properties citywide would be eligible to develop new commercial use under the proposed text. At this time, the only known development site under the proposed text amendment is 945 2<sup>nd</sup> Avenue, which is owned by the project sponsor. Under the development scenario, approximately 1,280 square feet of second floor space that is currently vacant would be converted to commercial use, as part of a 2,680-square foot restaurant occupying the first and second floors. Commercial development of this size, in an area characterized by first and second floor commercial uses, would not result in changes to land use, zoning, and public policy.

To the extent that other affected properties take advantage of the proposed zoning text to reactivate vacant second floor space for commercial use, such development would be consistent with the zoning district's use and bulk regulations, and would not result in changes in land use patterns.

Because the proposed action would not result in a change in land use, would not affect any applicable public policy, and is not located within the Coastal Management Zone, the proposed action would not result in significant adverse impacts related to land use, zoning, and public policy.

## 6. Historic and Cultural Resources

According to the CEQR Technical Manual, a historic resources assessment is required if there is the potential to affect either archaeological or architectural resources. Actions that could affect archaeological resources and that typically require an assessment are those that involve in-ground disturbance or excavation. Actions that trigger an architectural resources assessment include new construction, demolition, or significant alteration to any building, structure, or object; a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; construction, including but not limited to, excavation, vibration, subsidence, dewatering, and the possibility of falling objects; additions to or significant removal, grading, or replanting of significant historic landscape features; screening or elimination of publicly accessible views; and the introduction of significant new shadows or significant lengthening of the duration of existing shadows over a historic landscape or on a historic structure with sunlight-dependent features.

The projected development site at 945 Second Avenue is not an individual landmark or within a historic district nor would the proposed project involve subsurface disturbance. However, the proposed zoning text would apply to zoning districts that may contain sites that may be individual landmarks or within a historic district.

### Archaeological Resources

The soft sites discussed above that could be affected by the proposed action would not have the potential to affect archaeological resources. The proposed action would allow a vacant second story to be converted to a commercial use and would not induce any subsurface disturbance. Therefore, the proposed action would not have any significant adverse impacts on archaeological resources, and no further analysis is required.

### Architectural Resources

The proposed action is not intended to induce new development other than to facilitate the conversion of a vacant second story to a commercial use at 945 2<sup>nd</sup> Avenue. The proposed text would affect the permitted second floor uses in pre-1970 buildings on block fronts where another building contains second floor commercial use. While some of the aforementioned “soft sites” are within an historic district they would not have the potential to adversely impact a historic resource since 1) the proposed action would only allow second story use conversions, which typically only include interior work and 2) any Department of Building permit for a property that is landmarked or within an historic district would need to be reviewed by the Landmarks Preservation Commission and received a Certificate of No Effect, thereby insuring that any potential development would not result in adverse impacts related to Historic and Cultural Resources.

Therefore, the proposed action would not have any significant adverse impacts on architectural resources, and no further analysis is required.

## 14. Air Quality

Pursuant to Section 17-210 of the 2012 CEQR Technical Manual, the proposed zoning text amendment, which would permit commercial occupancy of existing second floor space in pre-1970 buildings within certain zoning districts subject to certain limitations, does not have the potential for significant adverse air quality impacts from mobile sources. Specifically, development under the proposed action would not generate or divert a significant number of peak hour auto trips or diesel vehicle trips, nor would it result in new sensitive land uses in proximity to atypical (not at grade) roadways, or adjacent to large parking facilities. The proposed text amendment would allow currently vacant space to be occupied by commercial uses, as well as by residential or community facility uses, which are currently permitted to occupy second floor space in pre-1970 buildings, within the affected zoning districts.

Pursuant to Section 17-220 of the 2012 CEQR Technical Manual, projects may result in potential significant adverse impacts related to stationary sources, and therefore require stationary source analysis, if they are potential emission sources or would result in the location of new uses such as residences schools, hospitals, or parks, in proximity to manufacturing or processing facilities or odor-producing facilities.

The proposed zoning text amendment would allow commercial uses to occupy second floor space in pre-1970 buildings within the affected zoning district if such space is not occupied by a residential or community facility use at the time of the text's referral, and at least one other building on the same block frontage contains second floor commercial use. Under a no-action condition, this second floor space could be occupied by residential or community facility uses. The action would not result in the creation of any new floor area, and therefore would not result in any increase in HVAC emissions. The proposed text amendment would affect sites within local commercial C1 and C2 zoning districts, and therefore would not result in new development in proximity to industrial emission sources. The commercial uses that would be permitted under the proposed action are not considered sensitive land uses, unlike the residential and community facility uses that could occupy the affected floor area under a no-action condition.

Therefore the proposed action does not have the potential for significant adverse impacts related to air quality, and no further assessment is warranted.

## 16. Noise

The purpose of a noise analysis is to determine both (1) a proposed action's potential effects on sensitive noise receptors, including the effects on the level of noise inside residential, commercial, and institutional facilities (if applicable) and (2) the effects of ambient noise levels on new sensitive uses introduced by the proposed action. The principal types of noise sources affecting the New York City environment are mobile sources (primarily motor vehicles), stationary sources (typically machinery or mechanical equipment associated with manufacturing operations or building heating, ventilating and air conditioning systems or above-grade subways) and construction noise.

### Mobile Source Screening

The 2012 CEQR Technical Manual states that if a proposed action would increase noise passenger car equivalent (Noise PCE) values by 100 percent or more, then a detailed analysis is generally performed. The proposed action would allow currently vacant space to be occupied by commercial uses, as well as by residential or community facility uses, which are currently permitted to occupy second floor space in pre-1970 buildings within the affected zoning districts.

The sites that would be affected by the proposed text amendment are located on avenue locations in Manhattan where there is substantial vehicular traffic. The affected C1 and C2 zoning districts allow local commercial uses, which are not expected to generate significant vehicular traffic as compared to no-action occupancy of the affected space for residential or community facility uses. The proposed action would allow the occupancy of 1,280 square feet of second floor area at 945 2<sup>nd</sup> Avenue by a restaurant use. This enlargement, in a higher-density area where most travel is by foot or mass transit, would result in an insignificant increase in vehicular traffic. Therefore, the Proposed Project would not result in the doubling of Noise PCE values at any receptor location around the site, and thus the proposed action would not result in any significant adverse mobile source noise impacts and a detailed mobile source analysis is not warranted.

### Stationary Source Screening

The proposed actions would allow commercial use on the second floor of an existing building and would therefore not be considered a new sensitive receptor. Therefore, the proposed action would not introduce any stationary noise sources and a detailed analysis is not warranted.

### Sensitive Receptor Analysis

According to the 2012 CEQR Technical Manual, detailed noise analysis may be warranted if a sensitive receptor screening determines that a proposed action would introduce a new noise-sensitive location, known as a receptor, in an area with high ambient noise levels, which typically include those sites near highly-trafficked thoroughfares, airports, rail, or other loud activities. Receptors are defined as an area where human activity may be adversely affected when noise levels exceed predefined thresholds of acceptability or when noise levels increase by an amount exceeding a predefined threshold of change. The proposed actions would allow commercial use on the second floor of an existing building and would therefore not be considered a new sensitive receptor. As the proposed action would not introduce a new receptor, a detailed noise analysis is not warranted.