



IN THE MATTER OF an application submitted by 1968 Second Avenue Realty LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b, by establishing within an existing R7A District a C1-5 District bounded by a line 100 feet easterly of Second Avenue, a line midway between East 101st Street and East 102nd Street, a line 155 feet easterly of Second Avenue, and East 101st Street, Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated May 9, 2016.

This application for an amendment of the Zoning Map was filed by 1968 Second Avenue Realty LLC on February 12, 2016 to rezone a portion of one block (Block 1673, part of Lot 1 and part of Lot 6) from R7A to R7A/C1-5 to facilitate the conformance and compliance of an existing loading dock within a two-story commercial building, in East Harlem, Manhattan Community District 11.

BACKGROUND

The applicant is proposing to extend an existing C1-5 zoning district on Second Avenue approximately 55 feet on East 101st Street to facilitate the legalization of an existing loading dock and second story offices accessory to an existing supermarket located at 1968 Second Avenue (Block 1673, Lot 1) in Manhattan.

1968 Second Avenue is located on the east side of Second Avenue between East 101st and East 102nd streets. It is a 10,740 square foot corner lot with approximately 75 feet of frontage along Second Avenue and 125 feet of frontage along East 101st Street. Most of the lot (8,217 square feet) is within an R8A/C1-5 zoning district, which extends 100 feet deep into the block from the Second Avenue frontage and allows the supermarket use as-of-right. A portion of the lot (2,523 square feet) located along East 101st Street is within an R7A district mapped in the mid-block, beginning 100 feet from the intersection. Supermarkets are not permitted in R7A zoning districts. The proposed zoning change would extend the C1-5 district 55-feet into the R7A portion of Lot 1 and also cover a portion of Lot 6, creating an R7A/C1-5 zoning district.

The supermarket at 1968 Second Avenue (Block 1673, Lot 1) was built in or around 1994. At that time, the building was constructed to cover the entire area of Lot 1, including the portion within the R7A district, which was developed with 4,996 square feet of supermarket space, including a loading dock, and 2,498 square feet of office space at the second floor. The loading dock was constructed adjacent to the lot line. Since loading docks must be set back a minimum of 30 feet from residential district boundaries, pursuant to Section 36-683 of the Zoning Resolution, the existing loading dock is non-conforming. The current owner didn't own the property at the time of the building construction. He purchased the building as it existed in 2005.

The applicant is therefore seeking to extend the existing C1-5 overlay approximately 55 feet to cover the 25-foot portion of Lot 1 not currently within a commercial district, and to extend the overlay 30 feet onto Lot 6, so that the existing loading dock can be brought into conformance. Lot 1 is completely occupied by 1968 Second Avenue, a two-story commercial building with a mezzanine and cellar with a 10,740 square foot footprint and contains approximately 29,990 square feet of floor area. Lot 6 occupies most of Block 1673, except for the western portion along Second Avenue, and is occupied by New York City Housing Authority (NYCHA) Metro North Plaza development, which contains 268 residential units. The portion of Lot 6 to be rezoned is undeveloped open space.

Adjoining the supermarket to the north along Second Avenue is a one-story retail building and five-story and four-story mixed residential and commercial buildings with small ground floor retail establishments.

The project area is surrounded by several high-rise New York City Housing Authority (NYCHA) developments, including the Washington Houses to the west and the Metro North Plaza Houses to the east. The area is primarily zoned as a medium density area with R7-2, R7A and R8A zoning districts. East Harlem in Community District 11 is also a designated FRESH area, reflecting the shortage of stores serving fresh meats, dairy and produce.

ENVIRONMENTAL REVIEW

This application (C 160194 ZMM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Adjoining the Order No. 91 of 1977. The designated CEQR number is 15DCP179M. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action in the Environmental Assessment Statement (EAS), a Negative Declaration was issued on May 9, 2016.

UNIFORM LAND USE REVIEW

This application (C 160194 ZMM) was certified as complete by the Department of City Planning on May 9, 2016 and was duly referred to Community Board 11 and the Borough President, in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Review

Community Board 11 held a public hearing on the application (C 160194 ZMM) on July 19, 2016 and by a vote 37 in favor, 0 opposed and 1 abstention voted to approve the project.

Borough President Recommendation

This application (C 160194 ZMM) was considered by the Manhattan Borough President, who issued a recommendation approving the application on August 17, 2016.

City Planning Commission Hearing

On August 10, 2016 (Calendar No. 8), the Commission scheduled August 24, 2016 for a public hearing on the application. The hearing was duly held on August 24, 2016

(Calendar No. 20). There were two speakers in favor of the application and no speakers opposed.

The applicant's attorney spoke in favor of the application, stating that the action would bring the existing loading dock into compliance with the zoning regulations by relocating the boundary of the commercial overlay 30 feet beyond the loading dock so that the existing loading dock location complies with zoning. The other speaker, representing the Manhattan Borough President's office, also spoke in favor of the application, reiterating the Borough President's recommendation in favor of the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this proposed amendment to the Zoning Map (C 160194 ZMM) is appropriate.

The proposed zoning map change would extend an existing C1-5 commercial overlay to a depth of 155 feet and would facilitate the legalization of the existing supermarket. The existing supermarket is in an area developed with high-rise and medium density development with no other supermarkets existing in the immediate vicinity. The proposed zoning map amendment would bring the supermarket into conformance and compliance by extending the commercial overlay from 100 feet to 155 feet.

The Commission believes that the proposed zoning change will allow the current supermarket to remain in an area that is surrounded by high-rise public and private housing and where this supermarket is needed very much. The extension of the C1-5 commercial overlay would allow

the loading dock the required 30 feet distance needed from a residential district, bringing the off-street loading dock for the supermarket into conformance. That 30-foot distance is part of a larger lot occupied by New York City Housing Authority housing, therefore the Commission believes that the proposed zoning change would not induce new development on that property which is not owned by the applicant.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, that the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6b, by establishing within an existing R7A District a C1-5 District bounded by a line 100 feet easterly of Second Avenue, a line midway between East 101st Street and East 102nd Street, a line 155 feet easterly of Second Avenue, and East 101st Street, Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated May 9, 2016.

The above resolution (C 160194 ZMM), duly adopted by the City Planning Commission on September 21, 2016 (Calendar No. 19), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, ESQ., Vice Chairman
RAYANN BESSER, ALFRED C. CERULLO, III,
MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, CHERYL COHEN EFFRON,
HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ, Commissioners