



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

REVISED NEGATIVE DECLARATION
Supersedes Negative Declaration Issued on April 8, 2013

Project Identification

CEQR No. 13DCP111M
ULURP No. N 130233 ZRM
SEQRA Classification: Type 1

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

945 Second Avenue Text Amendment

The applicant, 945 Realty Holdings, LLC., is proposing a zoning text amendment to modify restrictions on second story commercial use within Zoning Resolution 32-421, "Limitations on floors occupied by commercial uses." The proposed action would permit second floor commercial use in certain buildings located in C1 or C2 districts mapped within R9 or R10 districts, or in C1-8, C1-9, C2-7 and C2-8 districts, where such use is an established component of the area's land use pattern. The proposed action would facilitate a proposal by the applicant, the owner of Crave Fishbar, to enlarge its restaurant by occupying the second floor of an existing building located at 945 Second Avenue (Block 1324, Lot 23) in the Turtle Bay neighborhood of Manhattan, Community District 6.

The applicant's restaurant, Crave Fishbar, was located across the street from the project site at 946 Second Avenue until March 2008 when its building at that location was greatly damaged in the collapse of a construction crane and had to be demolished. The applicant purchased 945 Second Avenue in order to relocate the restaurant and subsequently realized that commercial use was prohibited by Section 32-421 above the first floor. The small footprint of 945 Second Avenue means that the restaurant can only occupy 1,400 gross square feet (gsf) on the first floor with 46 seats. The proposed action would permit the applicant's restaurant to expand to the second floor and consist of a total of 2,680 gsf and 74 seats.

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This Revised Negative Declaration has been issued to reflect a clarification, described in a Revised Environmental Assessment Statement (EAS) dated April 15, 2013, regarding the Community Districts affected by the proposed action. The original EAS, dated April 3, 2013, identified the affected Community Districts as Manhattan Community Districts 3, 4, 6-8, 10 and 11. The Revised EAS clarified that Manhattan Community Districts 2 and 5 and Queens Community District 2 would also be affected.

The proposed action is not intended to induce new development but to facilitate the enlargement of the aforementioned existing restaurant. Any potential development would be geographically dispersed and any potential environmental effects would be minimal and diffuse.

The existing building at 945 Second Avenue is located within a C1-9 district and consists of a total of approximately 4,160 gsf, which includes three dwelling units, and a 1,400 gsf restaurant. 945 Second Avenue currently consists of a restaurant on the ground floor, a vacant second story, and three residential units between the third and fourth floors.

Under the current zoning text, new commercial use of the second floor is not permitted within buildings that were constructed prior to September 17, 1970, and are within C1 or C2 districts mapped within R9 or R10 districts, and in C1-8, C1-9, C2-7 and C2-8 districts. The proposed text amendment would permit commercial use on the second floor of any building if such second floor is not occupied by residential or community facility use at the time that this application is referred for public review by the City Planning Commission, and provided that the subject building is located on the same block frontage of at least one other building with a second floor occupied by a use listed in Use Groups 6, 7, 8, 9 or 14. Other regulations governing commercial use, such as commercial floor area, supplemental use regulations, and the regulations of the underlying zoning districts, would not be changed by the text amendment.

The proposed action would facilitate the applicant's proposal by permitting the occupation of the project site's second story with a 1,280 gross square feet restaurant space. Absent the proposed action, the applicant has stated that the second story would be occupied by a residential unit. Additionally, the Department of Buildings has issued building permits to construct a residential penthouse on the building. This development would proceed in the future without the proposed action. The proposed project is expected to be completed by 2013.

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 April 3, 2013 and the Revised EAS dated April 15, 2013, prepared in connection with the ULURP Application (No. N 130233 ZRM). The City Planning Commission has determined that the proposed action 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:

1. The Revised EAS, dated April 15, 2013, analyzed the additional community boards where the text amendment would be applicable and concluded that no sites within the directly affected areas in those community boards would be able to take advantage of the proposed text amendment.
2. No significant effects on the environment that 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 Jonathan Keller at (212) 720-3419.



Robert Dobruskin, Director, AICP
Environmental Assessment & Review Division
Department of City Planning

Date: April 19, 2013

Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: April 22, 2013