



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

Project Identification

CEQR No. 18DCP008M

ULURP No. 180023ZSM

SEQRA Classification: Type I

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:

350 East 88th Street

The Applicant, Advantage Testing Inc., is seeking a Special Permit pursuant to New York City Zoning Resolution (ZR) Section 74-711 (“Landmark preservation in all districts”) to modify the use regulations of ZR Section 22-10 (“Uses permitted as-of-right”) to allow a for-profit educational tutoring and test preparation use (Use Group 6B, Commercial educational use) and to modify the bulk regulations of ZR Section 23-47 (“Minimum required rear yards”) to waive the 30-foot rear yard requirement (collectively, the “Proposed Action”). The Proposed Action would facilitate a proposal by the Applicant to re-occupy a vacant 17,993 gross square foot (gsf) four-story building with an 18,657 gsf for-profit educational tutoring and test preparation service and enclose an existing rear terrace. The Project Site is located at 350 East 88th Street (Block 1550, Lot 31, the Applicant-owned “Project Site”), in an R8B Zoning District within the Upper East Side neighborhood of Manhattan Community District 8.

The Applicant plans to merge the zoning lot, which contains the Project Site, with the adjacent New York City Landmarks Preservation Commission (LPC) landmarked property of the Rectory of the Church of the Holy Trinity (“Rectory Building”), located on a separate zoning lot at 332 East 88th Street (Block 1550, Lot 34), also within an R8B District.

In conjunction with the Proposed Action, LPC issued a Certificate of No Effect, approving proposed restorative work on the Rectory Building (Lot 34) and Modification of Use, to allow UG 6B, on the

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Project Site (Lot 31), on July 14, 2017. Upon approval of the Special Permit, the Applicant will record a Restrictive Declaration with LPC requiring the owner and any successor in interest to provide for the continuing maintenance of the Rectory Building, resulting in its preservation.

The Project Site contains 5,035 sf of lot area and is occupied by a 70 foot tall building formerly used as a pre-school, but is currently vacant. The building has two terraces toward the rear of the building, including a 1,178 gsf second floor terrace and 192 gsf fourth floor terrace. 951 gsf of the exterior second floor rear terrace is within the required rear yard, and is a legal non-compliance. The Rectory Building (Lot 34), which is located adjacent to the Project Site, contains three floors and is 45 feet tall. It contains approximately 4,514 gsf of floor area. The underlying R8B Zoning District permits Use Groups 1-4, a maximum residential FAR of 4.0 and a maximum community facility FAR of 5.1. A maximum building height of 75 feet is permitted.

As a result of the Proposed Action, the existing building on the Project Site would be renovated and reoccupied with an 18,657 gsf for-profit educational tutoring and test preparation service (UG 6B). The Applicant intends to enclose the rear terrace. 951 gsf of the 1,178 gsf second floor terrace is located within the required 30-foot rear yard. The Applicant seeks to waive the 30-foot requirement, thereby facilitating the terrace enclosure and increasing the floor area of the building from 17,993 gsf to 18,657 gsf, an increment of 664 gsf.

Absent the Proposed Action, the analysis framework for the EAS indicates that the Project Site would be sold to another party for occupancy as a permitted community facility similar to the non-profit pre-school which previously occupied the building.

The proposed project is expected to be completed by 2018.

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 August 18, 2017, prepared in connection with the ULURP Application (No. 180023ZSM). 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. A detailed historic and cultural resources assessment was conducted to identify the potential for impacts to architectural and archaeological resources on the Project Site and on the adjacent Rectory Building. The analysis concluded that there is no potential for significant

adverse impacts to historic and cultural resources as the exterior alterations on the Project Site would be minor and in keeping with the surroundings and the proposed restorative work to the Rectory Building would return the Rectory closer to its original appearance, reinforcing the architectural and historic character of the building.

2. A construction assessment was conducted to identify the potential for construction related impacts on the Project Site and on the adjacent Rectory Building. It was found that construction of the proposed Rear Terrace enclosure and the replacement of existing HVAC equipment on the Project Site would not result in any such impacts. LPC-approved construction procedures would be followed to protect the Rectory Building from damage from vibration, subsidence, dewatering, or falling objects as part of the proposed repairs to the building as well as from work conducted on the adjacent Rhinelander Building. Construction procedures would also comply with the NYC Department of Buildings Memorandum Technical Policy and Procedure Notice # 10/88 (TPPN # 10/88) and with the site safety requirements of the 2008 NYC Building Code, as amended, which stipulate that certain procedures be followed for the avoidance of damage to historic and other structures resulting from construction. Based on the nature of the alterations and conformance with the above policies, no significant adverse construction related impacts are anticipated.
3. 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 Samuel Nourieli at (212) 720-3425.

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

Date: September 1, 2017

Marisa Lago, Chair
City Planning Commission

Date: September 5, 2017

