ENVIRONMENTAL ASSESSMENT STATEMENT (EAS)
AND
SUPPLEMENTAL STUDIES TO THE EAS

35 Underhill Avenue Rezoning

35 Underhill Avenue
Brooklyn, NY

Prepared for:
Silvershore Properties 97 LLC
38 East 29th Street
New York, NY, 10016

Prepared by:
AECOM USA, Inc.
125 Broad Street
New York, NY 10004

AECOM Project No. 60539234

October 27th, 2017

City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

FOR UNLISTED ACTIONS ONLY • *Please fill out and submit to the appropriate agency* (see instructions)

Part I: GENERAL INFORMATION

1. *Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?* ☐ YES ☒ NO

If "yes," **STOP** and **complete the FULL EAS FORM**.

2. *Project Name* 35 Underhill Avenue Rezoning

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency) 18DCP041K	BSA REFERENCE NUMBER (if applicable)
ULURP REFERENCE NUMBER (if applicable) 180095ZMK	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY New York City Department of City Planning			NAME OF APPLICANT Kyle Ostroff		
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Frank St. Jacques		
ADDRESS 120 Broadway, 31st FL			ADDRESS 18 East 41st Stree		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10017
TELEPHONE 212-720-3423	EMAIL rdobrus@planning.nyc.gov		TELEPHONE 212-725-2727	EMAIL fstjacques@sheldonlobelpc.com	

5. *Project Description*

The applicant, Silvershore Properties 97 LLC., seeks a zoning map amendment to rezone a portion of Brooklyn Block 1131, Lots 1, 3, 1001-1040 and a sliver of Lot 9 (approx.150 square feet), currently zoned R6B to R6A/C2-4 in the Prospect Heights neighborhood of Brooklyn. The proposed action would facilitate the conversion of a portion of the existing ground floor area that is currently used on Block 1131, Lot 1001-1040 for 15 permitted parking spaces into new commercial space. The proposed commercial use would be partially located within the existing C2-4 overlay and would be conforming with the rezoning. A portion of the proposed commercial uses falls outside the C2-4 overlay, which is the impetus for the rezoning. As the existing buildings on Lot 1001-1040 are fully built and would not be able to accommodate the additional floor area permitted in the current R6B zoning, the applicant's proposed zoning map amendment from R6B to R6A would facilitate the proposed development by raising the maximum FAR from 2.0 to 3.0 on the 3,635 square foot portion of the zoning lot located within the R6B zoning district. The parking requirement in C2-4 (1 space/1,000 sq. ft.) for the proposed new commercial floor area would be waived per ZR § 36-232 ("In Districts with Low Parking Requirements"). No in-ground disturbance would take place as a result of this project. The structure of the commercial development is currently existing and is used as an accessory parking garage.

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 8	STREET ADDRESS 35 Underhill Avenue
TAX BLOCK(S) AND LOT(S) Block 1131, Lots 1, 3, 1001-1040 and p/o Lot 9		ZIP CODE 11238
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The rezoning are is bounded by Underhill Avenue to the west, Dean Street to the south, Washington Avenue to the east, and Pacific Street to the north.		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R6A, R6B, C2-4		ZONING SECTIONAL MAP NUMBER 16C

6. *Required Actions or Approvals* (check all that apply)

City Planning Commission: ☒ YES ☐ NO ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☒ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP

☐ ZONING TEXT AMENDMENT ☐ ACQUISITION—REAL PROPERTY ☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY ☐ DISPOSITION—REAL PROPERTY ☐ FRANCHISE
☐ HOUSING PLAN & PROJECT ☐ OTHER, explain:
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Board of Standards and Appeals*:** ☐ YES ☒ NO
☐ VARIANCE (use)
☐ VARIANCE (bulk)
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)
☐ LEGISLATION ☐ FUNDING OF CONSTRUCTION, specify:
☐ RULEMAKING ☐ POLICY OR PLAN, specify:
☐ CONSTRUCTION OF PUBLIC FACILITIES ☐ FUNDING OF PROGRAMS, specify:
☐ 384(b)(4) APPROVAL ☐ PERMITS, specify:
☐ OTHER, explain:

Other City Approvals Not Subject to CEQR (check all that apply)
☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) ☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☒ NO If "yes," specify:

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

***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 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

☒ SITE LOCATION MAP ☒ ZONING MAP ☒ SANBORN OR OTHER LAND USE MAP
☒ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)
Total directly affected area (sq. ft.): Approx. 16,794 Waterbody area (sq. ft) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.): Approx. 16,794 Other, describe (sq. ft.): 0

8. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)
SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 4,086
NUMBER OF BUILDINGS: 1 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): Approx
HEIGHT OF EACH BUILDING (ft.): Approx. 60 feet NUMBER OF STORIES OF EACH BUILDING: Approx 4-6 floors

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO
If "yes," specify: The total square feet owned or controlled by the applicant: 4,086
The total square feet not owned or controlled by the applicant: 12,708

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 permanent and temporary disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: NA sq. ft. (width x length) VOLUME OF DISTURBANCE: NA cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: NA sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)		4,086		
Type (*e.g.,* retail, office, school)	units	UG6		

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: NA NUMBER OF ADDITIONAL WORKERS: Approx. 12

Provide a brief explanation of how these numbers were determined: 3 workers per 1,000 sq. feet of retail floor area

Does the proposed project create new open space? ☐ YES ☒ NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? ☐ YES ☒ NO

If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly:

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2020

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18months

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO | IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: ULURP, Design and Financing, Construction (restructuring of the Project Site, ie- interior renovations to convert from parking lot to commercial space), Occupancy… (There will be no in-ground disturbance)

10. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Mixed Residential and Commercial

Part II: TECHNICAL ANALYSIS

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, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual 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 means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☐	☒
○ If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(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?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ 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) Indirect Effects		
○ **Child Care Centers:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Libraries:** Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ **Public Schools:** Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	☐	☐
(c) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☐
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒

	YES	NO
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(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?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(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; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☐	☒
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(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 not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	☒
○ If "yes," complete the Jamaica Bay Watershed Form, and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses 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) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☒	☐
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☐	☒
(d) Would 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) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☒	☐
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☐	☒
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	☐	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒

	YES	NO
(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 Wastewater Treatment Plant 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?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 948		
○ Would the proposed project have the potential to generate 100,000 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?	☐	☒
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): 883,801MBtu's		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
○ 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? ***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 peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ 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?	☐	☐
○ 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?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (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) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☒
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) 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) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality;	☐	☒

	YES	NO
Hazardous Materials; Noise?		
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require 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 why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
○ 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 a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☐	☒
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance 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.		

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 the 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 applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	DATE
Max Meltzer	October 27th 2017

SIGNATURE Max Meltzer

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 or 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 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.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
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	☐	☒

2. Are there any aspects of the project relevant to the determination of 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? ☐ YES ☒ NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☐ **Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning
NAME	DATE
Robert Dobruskin, AICP	10/27/2017

SIGNATURE Robert Dobruski

AECOM Environment

Prepared for:
Silvershore Properties 97 LLC
38 E. 29th Street
New York, NY, 10016

Prepared by:
AECOM
125 Broad Street
New York, NY, 10004

35 Underhill Avenue Rezoning

Supplemental Studies to the Environmental Assessment Statement

October 27th, 2017

Proposed Development Site:

35 Underhill Avenue
Brooklyn, NY 11238

Prepared for:

Silvershore Properties 97 LLC
38 East 29th Street
New York, NY, 10016

Prepared by:

AECOM
125 Broad Street
New York, NY, 10004

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Appendix C – New York City Dept. of Environmental Protection Permit (Block 1146, Lot 13)

Appendix D – New York City Dept. of Buildings C/O Permit (Block 1146, Lot 13)

1.0 PROPOSED ACTIONS

The applicant, Silvershore Properties 97 LLC., seeks a zoning map amendment to rezone a portion of Brooklyn Block 1131, Lots 1, 3, 1001-1040 and a sliver of Lot 9 (approx.150 square feet), currently zoned R6B to R6A/C2-4 to facilitate the conversion of a portion of the existing ground floor area that is currently used on Block 1131, Lot 1001-1040 for 15 permitted parking spaces into new commercial space. The proposed commercial use would be located within the existing C2-4 overlay and would be conforming. However, the proposed conversion would result in approximately 4,086 gsf of additional floor area. As the existing buildings On lot 1001-1040 are fully built and would not be able to accommodate the additional floor area permitted in the current R6B zoning, the applicant's proposed zoning map amendment from R6B to R6A would facilitate the proposed development by raising the maximum FAR from 2.0 to 3.0 on the 3,635 square foot portion of the zoning lot located within the R6B zoning district. The parking requirement in C2-4 (1 space/1,000 sq. ft.) for the proposed new commercial floor area would be waived per ZR § 36-232 ("*In Districts with Low Parking Requirements*"). The C2-4 commercial overlay is currently not mapped over the entire Rezoning Area and the proposed action would extend the commercial overlay over the entire Rezoning Area.

1.1 Project Location

The rezoning area is located in the Prospect Heights neighborhood of Brooklyn's Community District 8 and consists of Brooklyn Block 1131, Lots 1, 3, 1001-1040 and a sliver of Lot 9 (Approx. 150 sq. feet). (**Figure 1.2-3**). The proposed development site is located at 35 Underhill Avenue on Block 1131, Lot 1001-1040 (**Figure 1.2-1**). The total lot area is approximately 16,794 square feet (sf), and the site is presently improved with two residential buildings containing 39 total dwelling units. The 4-story building has 97.5' of frontage on Underhill Avenue. The 6-story building has 120 ft. of frontage on Washington Avenue and 115 ft. of frontage on Dean Street. There is a cellar level with 20 parking spaces accessible from Underhill Avenue, which meets the 50 percent residential parking requirement. There are also 15 permitted parking spaces on the ground floor accessible from Dean Street. A key to photographs of the site and surrounding area is shown in **Figure 1.2-4** with the photographs displayed in **Figure 1.2-5**.

The Applicant Site and Project Area was part of The Prospect Heights Rezoning (CEQR # 93DCP037K), a 53-block area in and around the Prospect Heights neighborhood of Brooklyn, encompassing portions of Community District 6 &8, from M1-1 to R7A with a C2-4 overlay, R6B and R6A; from R6 to R6A, R6B, and R7A; from R7-1 to R7A; and from R8 to R8X. The proposal also included rezoning the commercial overlays along Flatbush, Vanderbilt, and Washington Avenues from C1-3 to C1-4 and from C2-3 to C2-4.

This EAS studies the potential for individual and cumulative environmental impacts related to the proposed actions occurring in a study area of approximately 400 feet around the rezoning area. This study area is generally bound by Atlantic Avenue to the north, approximately 225 feet west of Grand Avenue to the east, the midblock point between Underhill Avenue and Vanderbilt Avenue to the west, and the midblock point between Bergen Street and St. Mark's Avenue to the south.

1.2 Proposed Development

The proposed Project Area consists of three tax lots with an area of approximately 21,060 sq. ft. Lot 1 is developed with a 4-story mixed residential and commercial building with a ground floor restaurant use and 10 dwelling units. Lot 3 is developed with a 4-story residential building with 12 dwelling units.

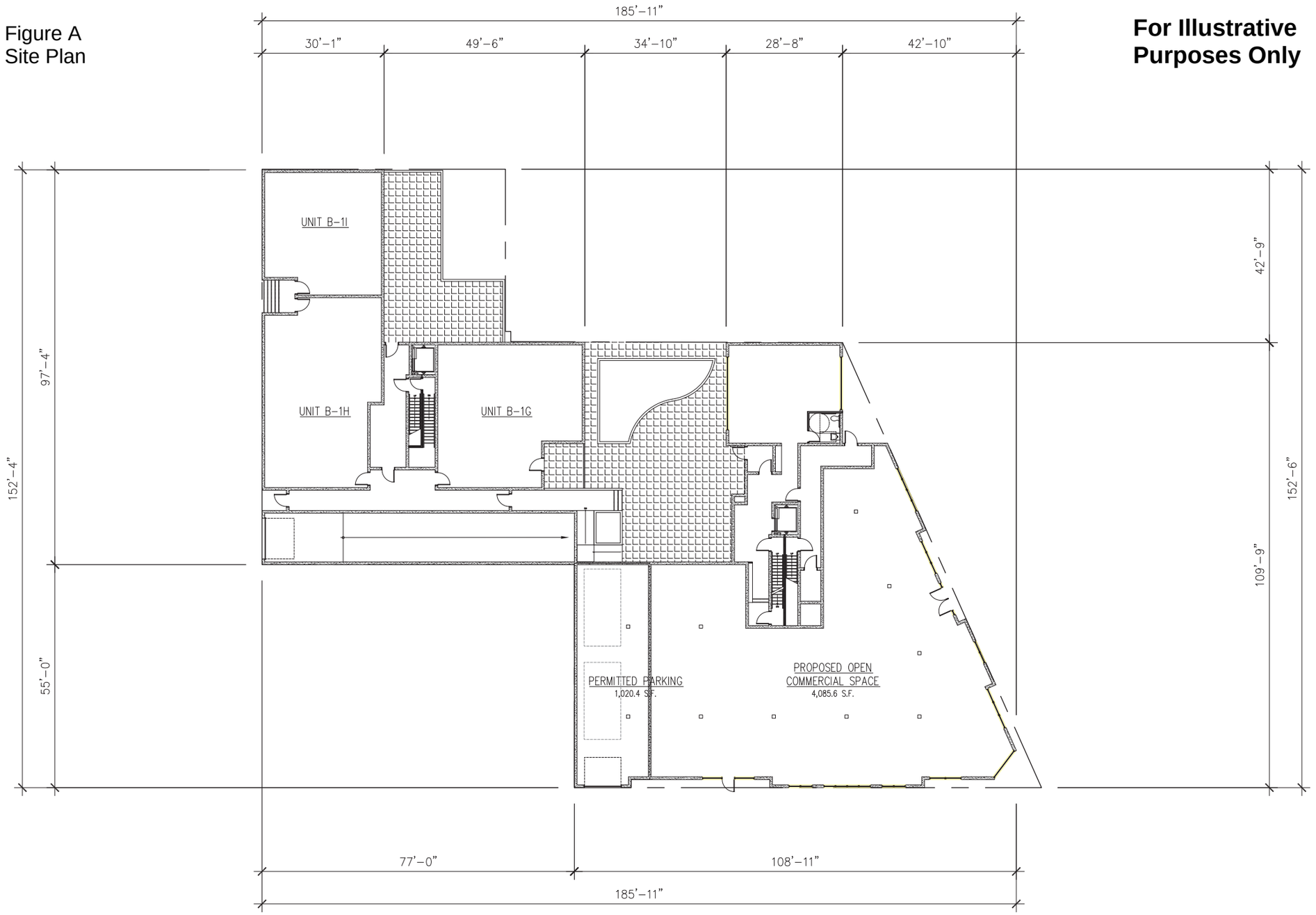
The Proposed Development Site (Lot 1001-1040) an approximately 16,794 sf lot, is improved with two residential buildings containing 39 total dwelling units. The 4-story building has 97.5' of frontage on Underhill Avenue. The 6-story building has 120 ft. of frontage on Washington Avenue and 115 ft. of

frontage on Dean Street. There is a cellar level with 20 parking spaces accessible from Underhill Avenue, which meets the 50 percent residential parking requirement. There are also 15 permitted parking spaces on the ground floor accessible from Dean Street.

The proposed development is a conversion of a portion of the existing ground floor area that is currently used for 15 permitted parking spaces into new commercial space (**Figure A**). The proposed commercial use would be located within the existing C2-4 overlay and would be conforming. However, the proposed conversion would result in approximately 4,086 sq. ft. of additional floor area. The existing buildings are fully built and would not be able to accommodate the additional floor area without an increase in the maximum permitted FAR. The proposed zoning map amendment from R6B to R6A would facilitate the proposed development by raising the maximum FAR from 2.0 to 3.0 on the 3,635 sq. ft. portion of the zoning lot within the R6B district. The parking requirement in C2-4 (1 space/1,000 sq. ft.) for the proposed new commercial floor area would be waived per ZR § 36-232. The proposed zoning map amendment would facilitate this conversion and activate the streetscape along Washington Avenue and Dean Street with new commercial use. The total number of off-street parking spaces would be reduced from 35 to 20.

Figure A
Site Plan

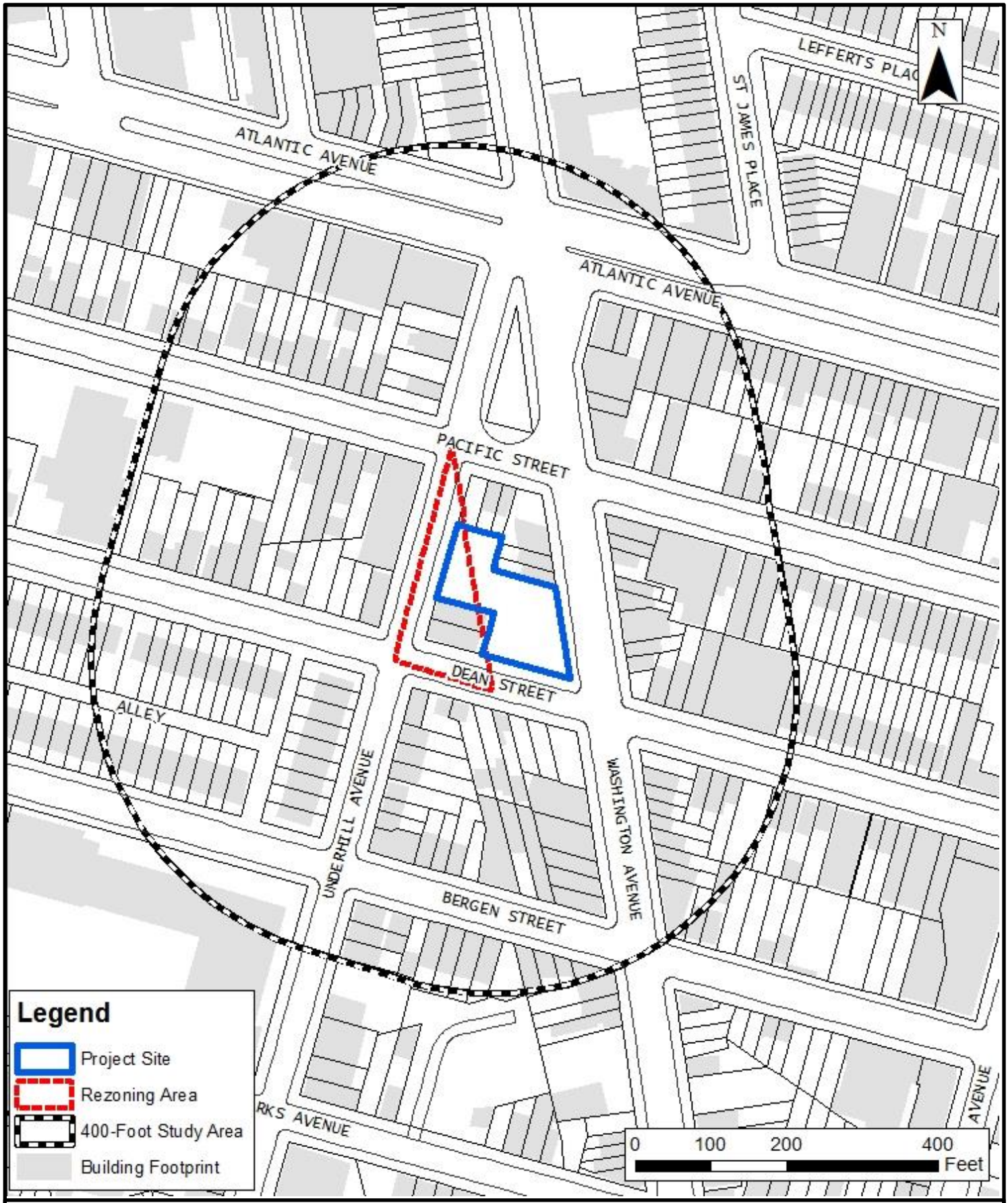
For Illustrative Purposes Only



FIRST FLOOR PLAN
SCALE: 3/32" = 1'–0"

DESIGN DRAWINGS

THESE DRAWINGS ARE FOR THE EXPRESS USE OF T.F. CUSANELLI & FILLETTI ARCHITECTS P.C., NO REUSE OR REPRODUCTION PERMITTED BY LAW. COPYRIGHT © 2016



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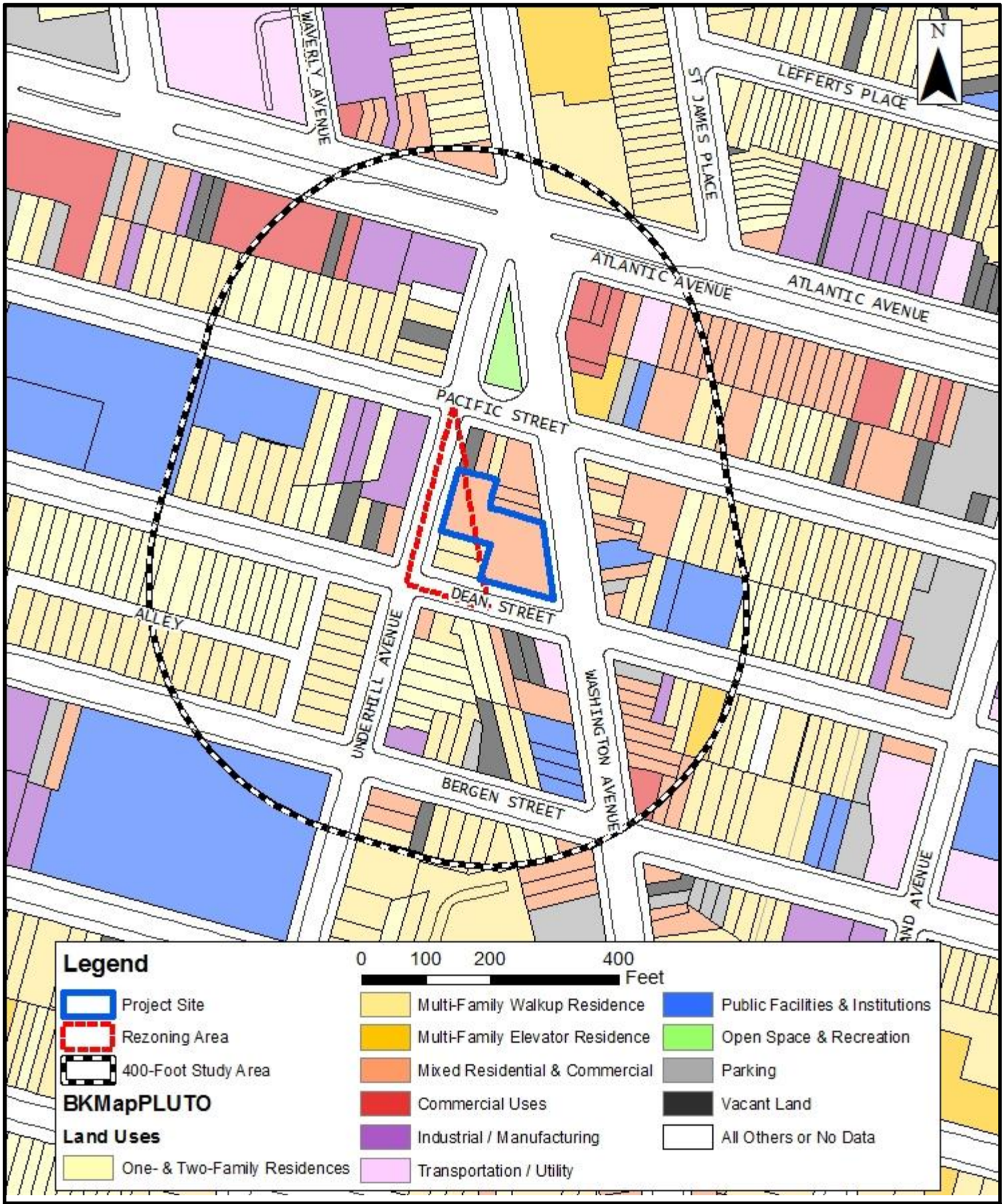
Environmental Assessment Statement
35 Underhill Avenue Rezoning
Brooklyn, NY

Project Site Location

Figure 1.2-1



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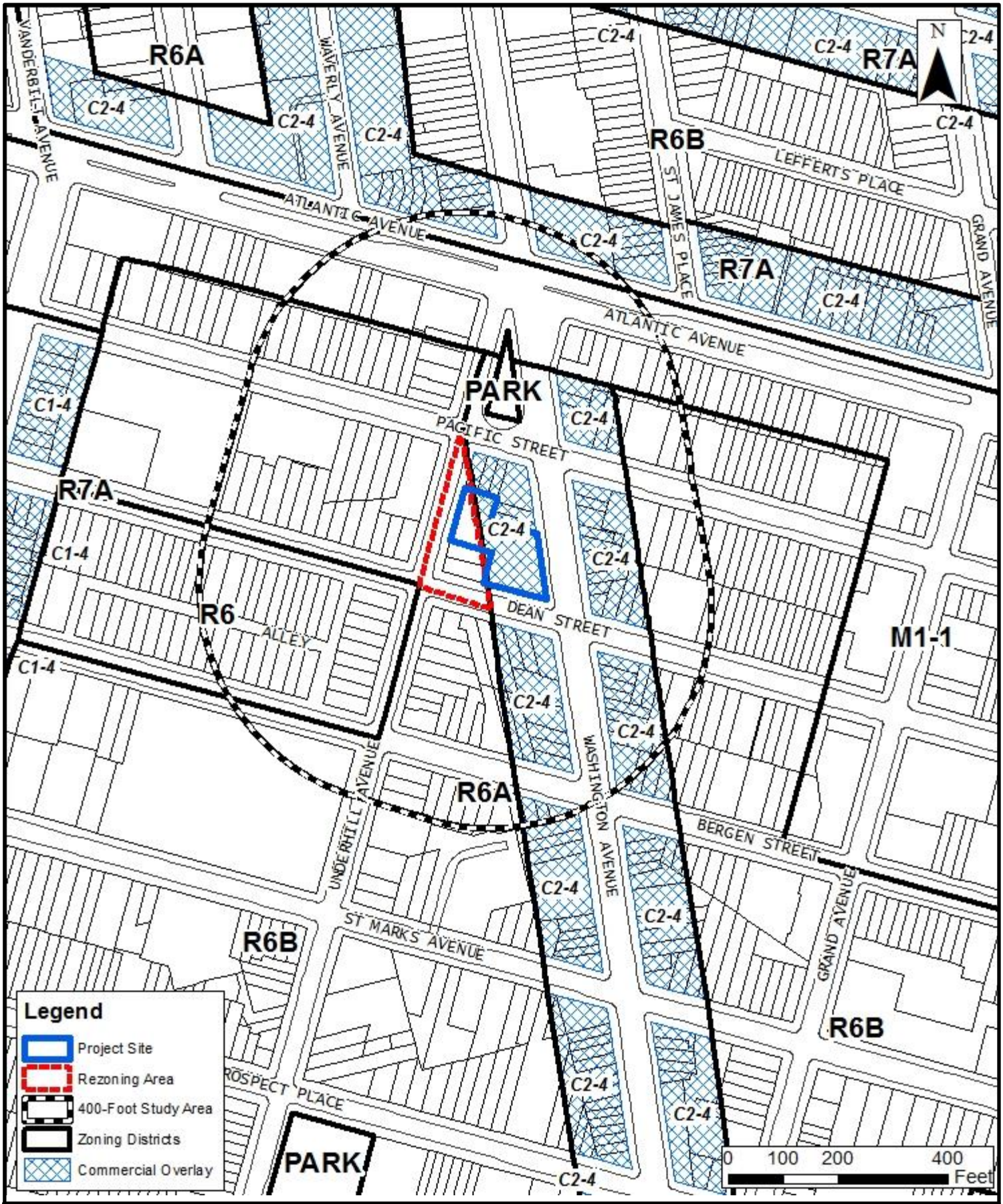
Environmental Assessment Statement
35 Underhill Avenue Rezoning
Brooklyn, NY

Land Use Map

Figure 1.2-1a



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Environmental Assessment Statement
35 Underhill Avenue Rezoning
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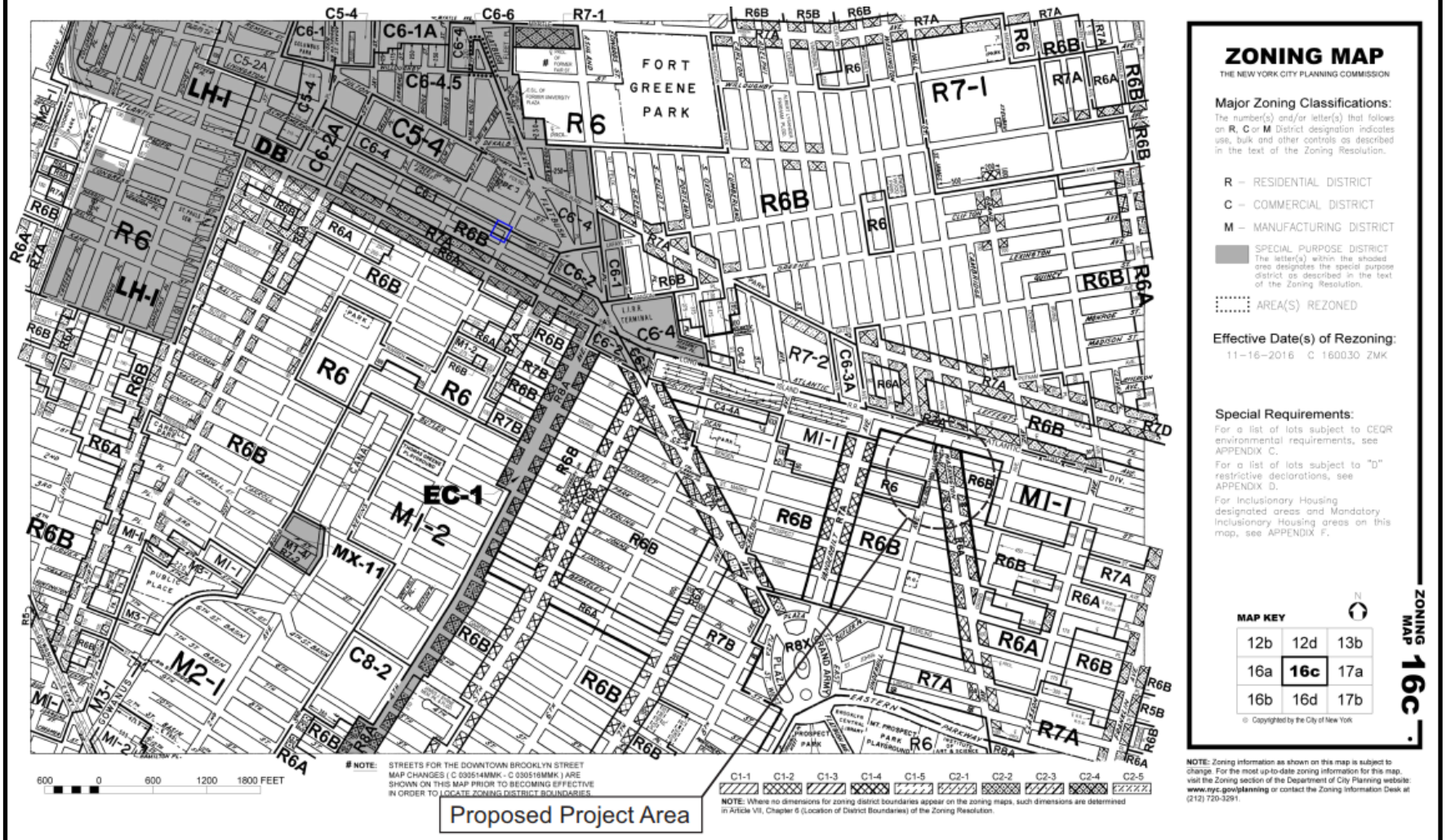
Zoning Map

Figure 1.2-2



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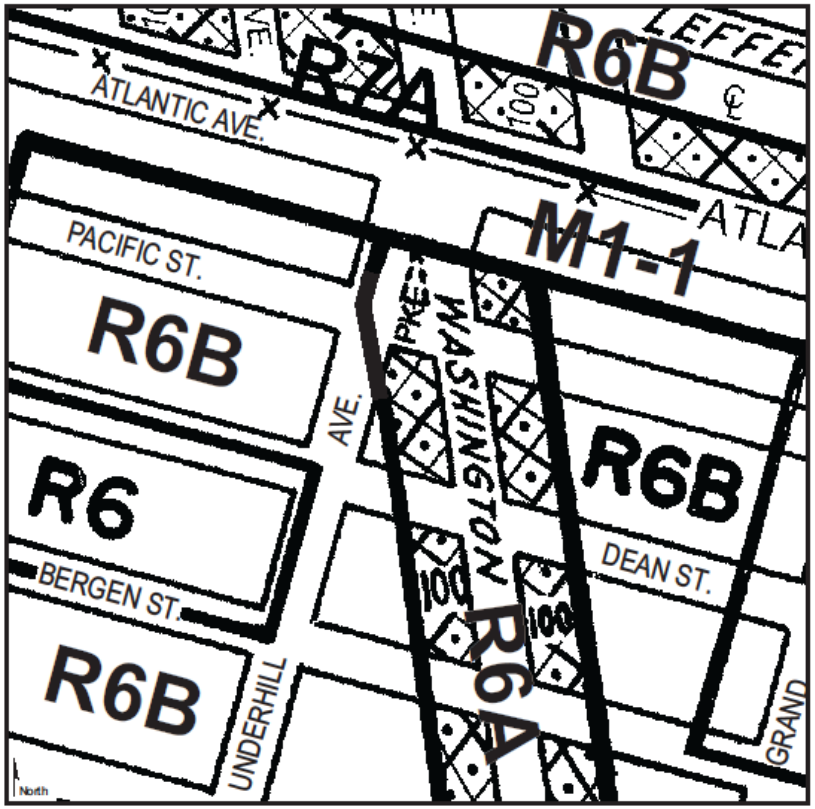
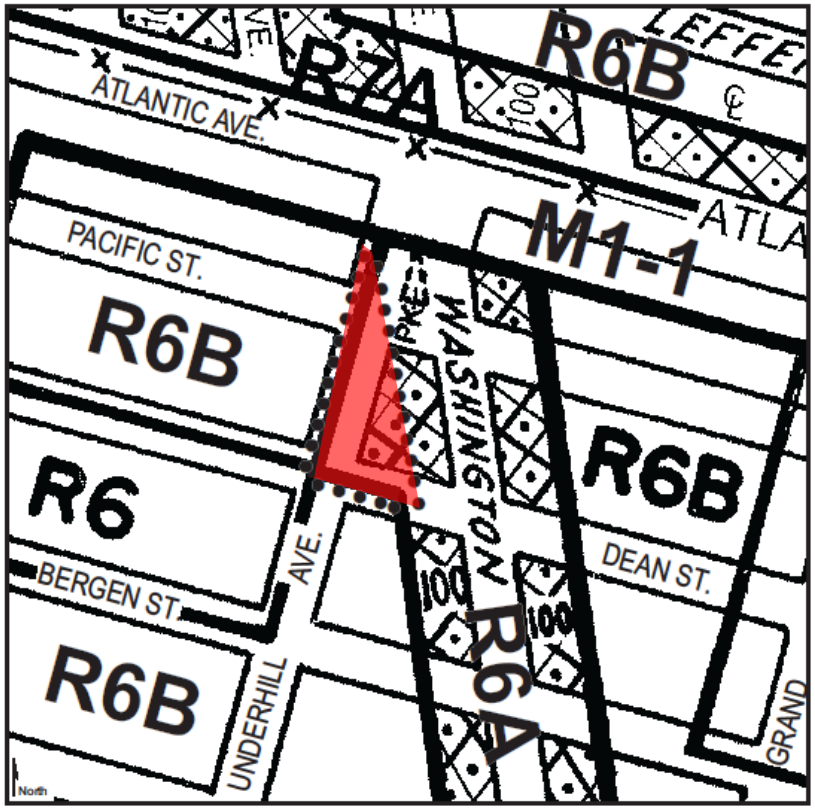
Zoning Sectional Map

Figure 1.2-2a

Zoning Change Map



Current Zoning Map (16c)

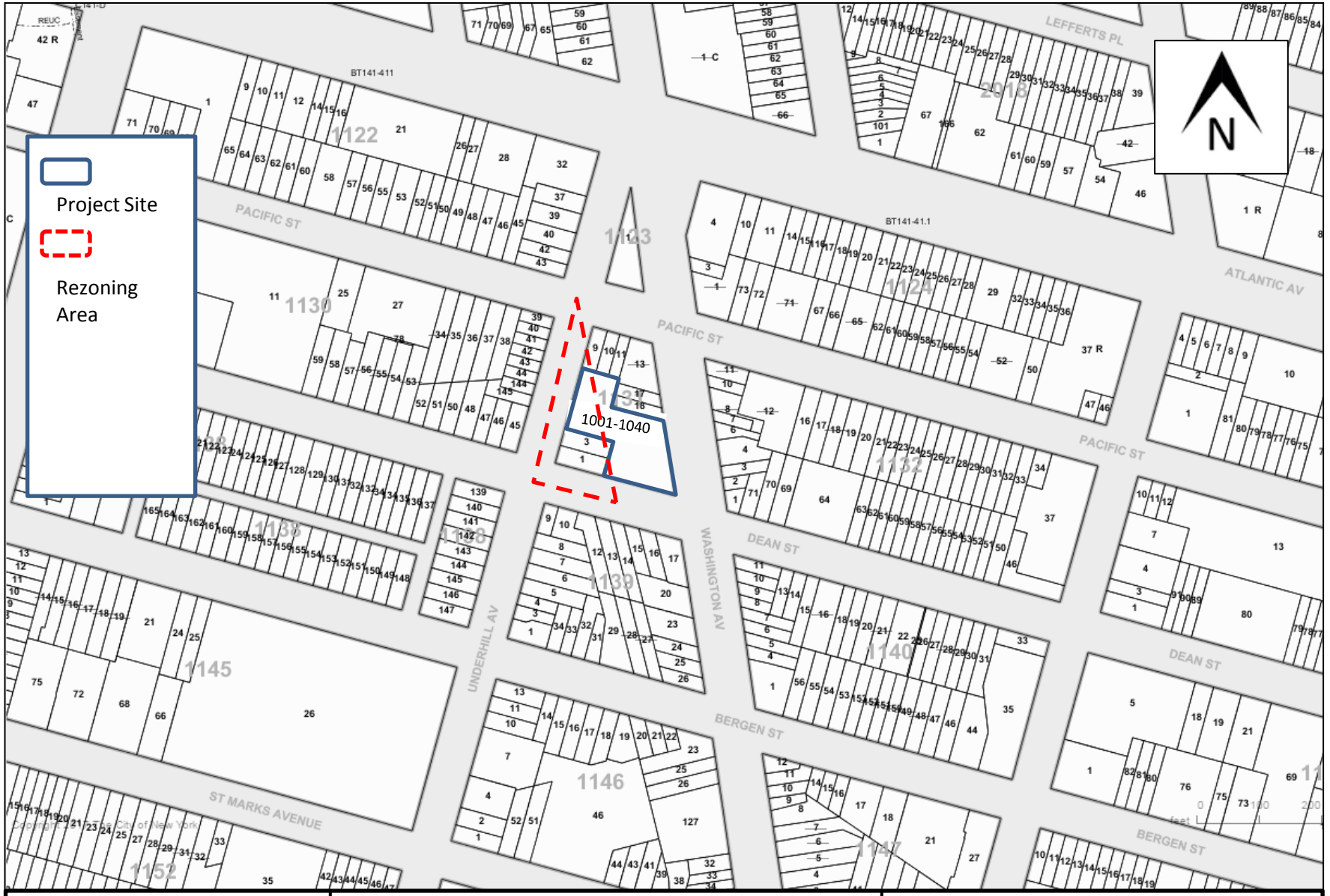


Proposed Zoning Map (16c) - Area being rezoned is outlined with dotted lines

Rezoning from R6B to R6A/C2-4

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

AECOM	**Environmental Assessment Statement** **35 Underhill Avenue Rezoning** **Brooklyn, NY**	**Zoning Change Map** **Figure 1.2-2b**



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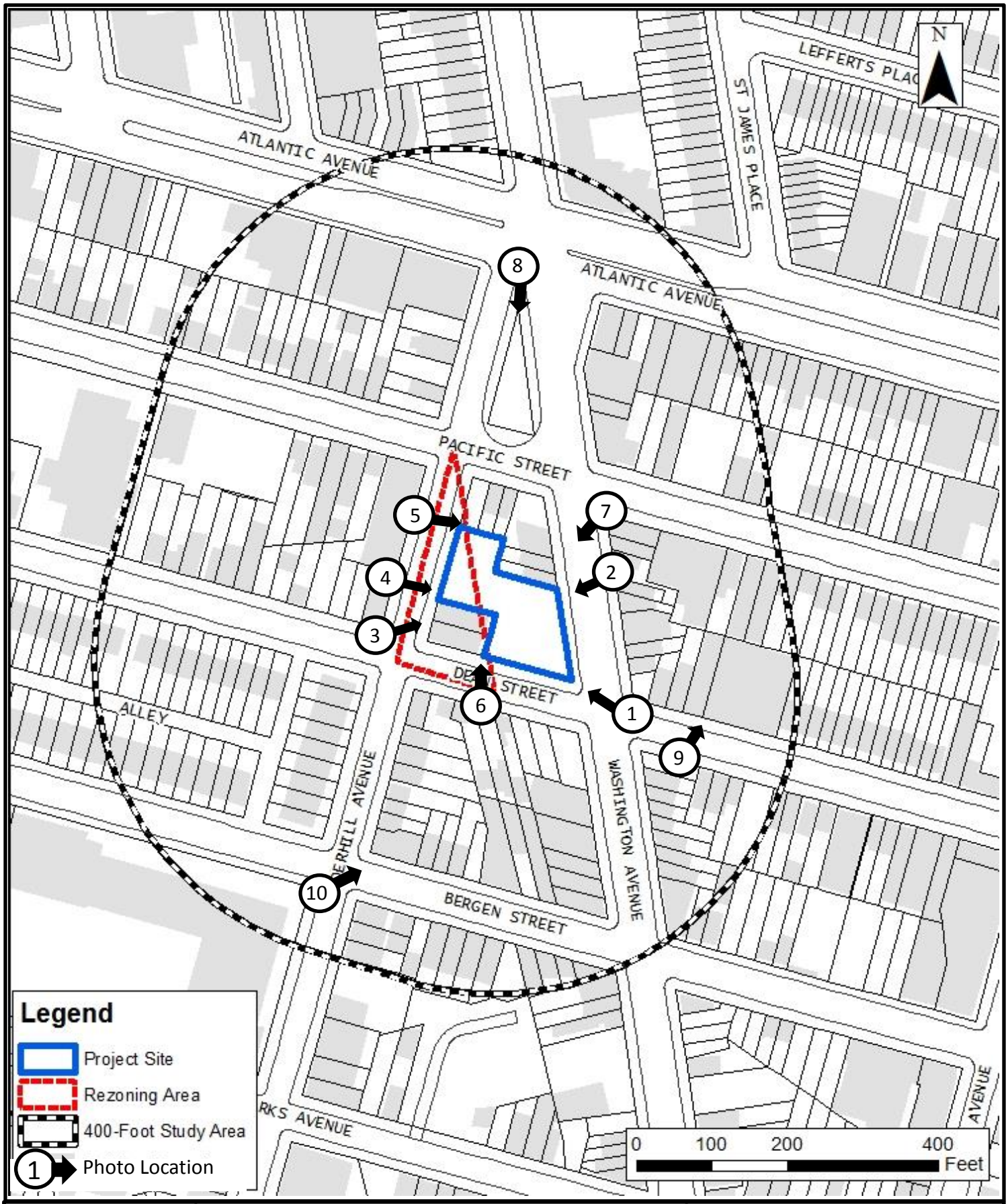
Environmental Assessment Statement
35 Underhill Avenue Rezoning
Brooklyn, NY

Tax Map

Figure 1.2-3



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Environmental Assessment Statement
35 Underhill Avenue Rezoning
Brooklyn, NY

Photograph Location Map

Figure 1.2-4

Figure 1.2-5 Photographs of the Site and Surrounding Area

Photographs taken March 25, 2017.



Photo 1: View of Applicant Site from the corner of Washington Ave. and Dean St. looking west.



Photo 2: View of Applicant Site from Washington Avenue



Photo 3: View of adjacent lots (1 & 3) included in rezoning from the corner of Underhill Ave. and Dean St. looking northeast.



Photo 4: View of Applicant Site from Underhill Ave. looking east.



Photo 5: View of where northern edge of site meets adjacent lots from Underhill Ave. looking east.



Photo 6: View of southern side of site and adjacent lots from Dean St. looking north.



Photo 7: View of neighboring buildings and site from Washington St. looking southwest.



Photo 8: View of Lowry Triangle from Atlantic Ave. looking south.



Photo 9: View of community facility uses near Applicant Site across from Washington Avenue from Dean st. looking north.



Photo 10: View of nearby businesses from Underhill Ave. and Bergen St. looking northeast.

1.3 Purpose and Need

The proposed development is a conversion of a portion of the existing ground floor area that is currently used for 15 permitted parking spaces into new commercial space. The proposed commercial use would be located within the existing C2-4 overlay and would be conforming. However, the proposed conversion would result in approximately 4,086 sq. ft. of additional floor area. The existing buildings are fully built and would not be able to accommodate the additional floor area without an increase in the maximum permitted FAR. The proposed zoning map amendment from R6B to R6A/C2-4 would facilitate the proposed development by raising the maximum FAR from 2.0 to 3.0 on the 3,635 sq. ft. portion of the zoning lot within the R6B district.

1.4 Required Approvals

The proposed zoning map amendment is a discretionary public action which is subject to the City Environmental Quality Review (CEQR) as an Unlisted Action. Through CEQR, agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment. The proposed zoning map and text amendments are also discretionary public actions which are subject to public comment under the Uniform Land Use Review Procedure (ULURP). The ULURP process was established to assure adequate opportunity for public review of proposed actions. ULURP dictates that every project be reviewed at four levels: the Community Board; the Borough President; the City Planning Commission; and, in some cases the City Council. The procedures mandate time limits for each stage to ensure a maximum review period of seven months.

1.5 Analysis Framework (Reasonable Worst Case Development Scenario)

Existing Conditions

The proposed Development Site (Block 1131, Lot 1001-1040) is improved with two residential buildings containing 39 total dwelling units. The 4-story building has 97.5' of frontage on Underhill Avenue. The 6-story building has 120 ft. of frontage on Washington Avenue and 115 ft. of frontage on Dean Street and has a total of approximately 76,981, gross square feet (46,283 zsf) of floor area. There is a cellar level with 20 parking spaces accessible from Underhill Avenue, which meets the 50 percent residential parking requirement. There are also 15 permitted parking spaces on the ground floor accessible from Dean Street.

The remaining properties within the Affected Area are used as in the following manner:

Block 1131, Lot 1 is improved with a four- story commercial and residential building containing a ground floor restaurant (UG 6) and ten dwelling units in the remaining floors (UG 2).

Lot 3 is improved with a four story Use Group 2 residential building with twelve dwelling units.

Lot 9 is a 1,485 sf lot which contains the Art Café and Bar, an outdoor cafe. Lot 9 is included in the analysis framework because a small sliver of Lot 9 does not contain the C2-4 overlay.

Future No-Action Scenario

The proposed development site is located in the Prospect Heights neighborhood of Brooklyn, which is densely developed. While multiple vacant lots were observed within 400 feet of the proposed rezoning area, all lots included in the rezoning boundary are improved. Therefore, as there are no known development plans on any parcels, it is assumed that these conditions would remain consistent with existing conditions under the No-Action scenario.

Under the No-Action scenario, Block 1131, Lots 1 and 3 would remain improved. Lot 1, a 2,118 square foot lot would remain occupied by a mixed-use 7,100 gsf, four-story commercial and residential building containing a ground floor restaurant (UG 6) and ten dwelling units in the remaining floors (UG 2). Lot 3, a 2,118 square foot lot would remain occupied by a 7,237 gsf, four-story residential building with twelve dwelling units. Additionally under the No-Action scenario Lot 9 would continue to operate as an approximately 1,485 sf, Use Group 6 outdoor café.

The proposed Development Site would remain improved with two residential buildings containing 39 total dwelling units. The 4-story building has 97.5' of frontage on Underhill Avenue. The 6-story building has 120 ft. of frontage on Washington Avenue and 115 ft. of frontage on Dean Street. There is a cellar level with 20 parking spaces accessible from Underhill Avenue, which meets the 50 percent residential parking requirement. There are also 15 permitted parking spaces on the ground floor accessible from Dean Street. The building, built in 2005, has a total floor area of approximately 76,981, gross square feet (46,283 zsf).

Future With-Action Scenario

Under the With-Action scenario, the proposed rezoning would amend the zoning map to change the existing R6B district with a C2-4 overlay district to an R6A district with a C2-4 overlay, which would facilitate the applicant's proposed conversion of a portion of the ground floor space on Block 1131 Lot 1001-1040 currently used as permitted parking to be developed with approximately 4,086 gross square feet of commercial floor area. In order to present a conservative assessment, the With-Action scenario assumes that the proposed development site (Block 1131, Lot 1001-1040) would be developed to its maximum allowable floor area. Due to the existing built structure of the building, and layout of the proposed development site, we are analyzing the applicant's proposed development scenario as the Reasonable Worst Case Development Scenario.

Projected Development Sites

Based on an alaysis of the rezoning area, and soft site criteria, Block 1131, Lot 1001-1040 has been identified as the only projected development site.

Table 1 Projected Development under the Proposed Rezoning

Site No.	*Block*	*Lot*	*Lot Area*	*Existing Zoning*	*Existing FAR*	*Proposed Zoning*	*Projected Residential Floor Area (sf)*	*Projected Com Facility Floor Area (sf)*	*Projected Commercial Floor Area (sf)*	*Projected FAR*	*DUs*	*Parking Requirements*	*Height and Floor Count*
1	*1131*	*1001-1040*	16,794	*R6A, R6B, C2-4*	*2.75*	*R6A, C2-4*	*No New Res. Development*	*0*	*4,086*	*2.97*	*No New Res. Units*	*Waived;* ZR § 36-232 ("*In Districts with Low Parking Requirements*")	*4-6 floors*
	Total												

Projected Development Site 1 - Block 1131 Lot 1001-1040

Under the With-Action Scenario, it is assumed that Block 1131, Lot 1001-1040 would be developed to the maximum FAR of 3.0, pursuant to R6A zoning regulations. On a 16,794 square-foot lot, it is assumed that the proposed action would result in the addition of 4,086 gross square feet (4,086 zsf) of commercial floor area. It is assumed that a Use Group 6 retail establishment that serves local shopping needs, such as a food store, a clothing store, a pharmacy, or a dry cleaner's, or some combination of these service establishments would occupy the space. As the building is already fully-built out, it is assumed that the building's exterior design and height would remain unchanged. In the applicant's opinion, the proposed new commercial space would activate the streetscape along Washington Avenue and Dean Street with this new commercial use.

Build Year

Considering the time required for the environmental review and land use approval process, and assuming a construction period of approximately 20-24 months, the build year for the proposed development is 2020.

Sites Where Development Would Not Be Induced or Precluded by the Proposed Actions

Excluded Sites

Block 1131, Lots 1, 3, and 9

The proposed rezoning is not expected to induce new development on Block 1131, Lot 1, a 2,118 square foot lot occupied by a mixed-use 7,100 gsf, four-story commercial and residential building containing a ground floor restaurant (UG 6) and ten apartments in the remaining floors (UG 2). The building was built in 1931 and is not under the applicants' control. As discussed in Chapter 2 of the *CEQR Technical Manual*, residential buildings with six or more units constructed before 1974 are likely to be rent stabilized and difficult to legally demolish due to tenant re-location requirements. As a result, these types of buildings are typically excluded from development scenarios because they are unlikely to be re-developed as a result of a proposed project. Therefore, the building on Lot 1 meets the criteria of a building that is unlikely to be re-developed. Therefore, it is unlikely that any development would be induced at this site under the proposed project.

Additionally, the proposed rezoning is not expected to induce new development on Block 1131, Lot 3, a 2,118 square foot lot occupied by a 7,237 gsf, four-story residential building with twelve dwelling units. The building was built in 1931 and is not under the applicants' control. As discussed in Chapter 2 of the *CEQR Technical Manual*, residential buildings with six or more units constructed before 1974 are likely to be rent stabilized and difficult to legally demolish due to tenant re-location requirements. As a result, these types of buildings are typically excluded from development scenarios because they are unlikely to be re-developed as a result of a proposed project. Therefore, the building on Lot 3 meets the criteria of a building that is unlikely to be re-developed. Therefore, it is unlikely that any development would be induced at this site under the proposed project.

Furthermore, the both lots are already built out to full FAR bulk and capacity. The building on Lot 1 is built at an FAR of 3.35 and the building on Lot 3 is built at an FAR of 3.41. Under the proposed R6A zoning, these buildings would not be able to expand or add any further bulk.

Furthermore, the proposed rezoning is not expected to induce new development on Block 1131, Lot 9, a 1,485 square foot lot occupied by an outdoor café and bar. Only a small portion (approx. 150 sf) of this lot is would be affected by the proposed rezoning, which would change the zoning on the small portion on Lot 9 from R6B to R6A/C2-4. Additionally, most of Lot 9 is already currently zoned R6A/C2-4 (approx. 90 percent). This rezoning would make the entirety of Lot 9 zoned R6A/C2-4. It is reasonable to assume that this action would not induce development on Lot 9, as the proposed action would only affect a sliver (approx. 150 sf) of the Lot and would not allow for a significant increase in allowable buildable FAR on a large portion of the Lot

*DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS *

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type of residential structures	Multi-family residential,	Multi-family residential,	Multi-family residential,	
No. of dwelling units	61 39 (Projected Site 1 Block 1131 Lot 1001-1040) 10 (Block 1131 Lot 1) 12 (Block 1131 Lot 3)	61 39 (Projected Site 1 Block 1131 Lot 1001-1040) 10 (Block 1131 Lot 1) 12 (Block 1131 Lot 3	61 39 (Projected Site 1 Block 1131 Lot 1001-1040) 10 (Block 1131 Lot 1) 12 (Block 1131 Lot 32)	
No. of low- to moderate-income units	Unknown	Unknown	Unknown	
Gross floor area (sq. ft.)	89,200 76,981 (Projected Site 1 Block 1131 Lot 1001-1040) 4,982 (Block 1131 Lot 1) 7,237 (Block 1131 Lot 3)	89,200 76,981 (Projected Site 1 Block 1131 Lot 1001-1040) 4,982 (Block 1131 Lot 1) 7,237 (Block 1131 Lot 3)	85,115 72,896 (Projected Site 1 Block 1131 Lot 1001-1040) 4,982 (Block 1131 Lot 1) 7,237 (Block 1131 Lot 3)	(4,086)- Projected Site 1 Block 1131 Lot 1001-1040
Commercial	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Ground-floor retail	Ground-floor retail	Ground-floor retail	
Gross floor area (sq. ft.)	2,268 2,118 (Block 1131, Lot 1) 150 (Block 1131, Lot 9)	2,268 2,118 (Block 1131, Lot 1) 150 (Block 1131, Lot 9)	6,354 2,118 (Block 1131, Lot 1) 4,086 (Block 1131, Lot 1001-1040) 150 (Block 1131, Lot 9)	4,086 (Block 1131, Lot 1001-1040)
Manufacturing/Industrial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
Other Land Uses	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
PARKING				
Garages	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces	0	0	0	
No. of accessory spaces	35 (Lot 1001-1040) 0 (Lot 1) 0 (Lot 3)	35 (Lot 1001-1040) 0 (Lot 1) 0 (Lot 3)	20 (Lot 1001-1040) 0 (Lot 1) 0 (Lot 3)	(15)
Lots	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
ZONING				
Zoning classification	R6B, R6A, C2-4	R6B, R6A, C2-4	, R6A, C2-4	(R6B)
Maximum amount of floor area that can be developed	2.0 Commercial FAR (C2-4) 3.0 Residential FAR (R6A) 2.0 Residential FAR (R6B)	2.0 Commercial FAR (C2-4) 3.0 Residential FAR (R6A) 2.0 Residential FAR (R6B)	2.0 Commercial FAR (C2-4) 3.0 Residential FAR (R6A)	
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Multi-family residential, commercial, parking facilities, industrial & manufacturing; M1-1, R6B, R6A, C2-4	Multi-family residential, commercial, parking facilities, industrial & manufacturing; M1-1, R6B, R6A, C2-4	Multi-family residential, commercial, parking facilities, industrial & manufacturing; M1-1, R6B, R6A, C2-4	



AECOM

Environmental Assessment Statement
35 Underhill Avenue Rezoning
Brooklyn, NY

NO Action Scenario

Figure 1.2-6



AECOM

Environmental Assessment Statement
35 Underhill Avenue Rezoning
Brooklyn, NY

With-Action Scenario
(Illustrative Purposes Only)

Figure 1.2-7

2.0 ENVIRONMENTAL REVIEW

The following technical sections are provided as supplemental assessments to the Environmental Assessment Statement ("EAS") Short Form Part II: Technical Analyses of the EAS forms a series of technical thresholds for each analysis area in the respective chapter of the *CEQR Technical Manual*. If the proposed project was demonstrated not to meet or exceed the threshold, the 'NO' box in that section was checked; thus additional analyses were not needed. If the proposed project was expected to meet or exceed the threshold, or if this was not able to be determined, the 'YES' box was checked on the EAS Short Form, resulting in a preliminary analysis to determine whether further analyses were needed. For those technical sections, the relevant chapter of the *CEQR Technical Manual* was consulted for guidance on providing additional analyses (and supporting information, if needed) to determine whether detailed analysis was needed.

A 'YES' answer was provided in the following technical analyses areas on the EAS Short Form:

- Land Use, Zoning and Public Policy
- Hazardous Materials
- Air Quality
- Noise
- Neighborhood Character
- Construction

In the following technical sections, where a preliminary or more detailed assessment was necessary, the discussion is divided into Existing Conditions, the Future No-Action Conditions (the Future Without the Proposed Actions), and the Future With-Action Conditions (the Future With the Proposed Actions).

2.1 LAND USE, ZONING AND PUBLIC POLICY

The *CEQR Technical Manual* recommends procedures for analysis of land use, zoning and public policy to ascertain the impacts of a project on the surrounding area. Land use, zoning and public policy are described in detail below.

2.1.1 Land Use

The *CEQR Technical Manual* defines land use as the activity that is occurring on the land and within the structures that occupy it. Types of land use can include single- and multi-family residential, commercial (retail and office), community facility/institutional and industrial/manufacturing uses, as well as vacant land and public parks (open recreational space). The 2014 *CEQR Technical Manual* recommends that a proposed action be assessed in relation to land use, zoning, and public policy. For each of these areas, a determination is made of the potential for significant impact by the proposed action. If the action does have a potentially significant impact, appropriate analytical steps are taken to evaluate the nature of the impact, possible alternatives and possible mitigation.

Existing Conditions

The *CEQR Technical Manual* recommends a land use; zoning and public policy study area extending 400 feet from the site of a proposed action. In this case, the study area is generally bound by Atlantic Avenue to the north, approximately 225 feet west of Grand Avenue to the east, the midblock point between Underhill

Avenue and Vanderbilt Avenue to the west, and the midblock point between Bergen Street and St. Mark's Avenue to the south. (**Figure 1.2-1**).

A field survey was undertaken to determine the existing land use patterns and neighborhood characteristics of the study area. Land use in the area immediately surrounding the project area is a mix of single- and multi-family residential buildings, mixed residential and commercial buildings, industrial and manufacturing uses, and public facilities and institutions. The commercial uses are comprised of local retail uses including delis, beauty salons and several grocery stores. The prevailing built form of the area is a mix of low to mid-rise buildings.

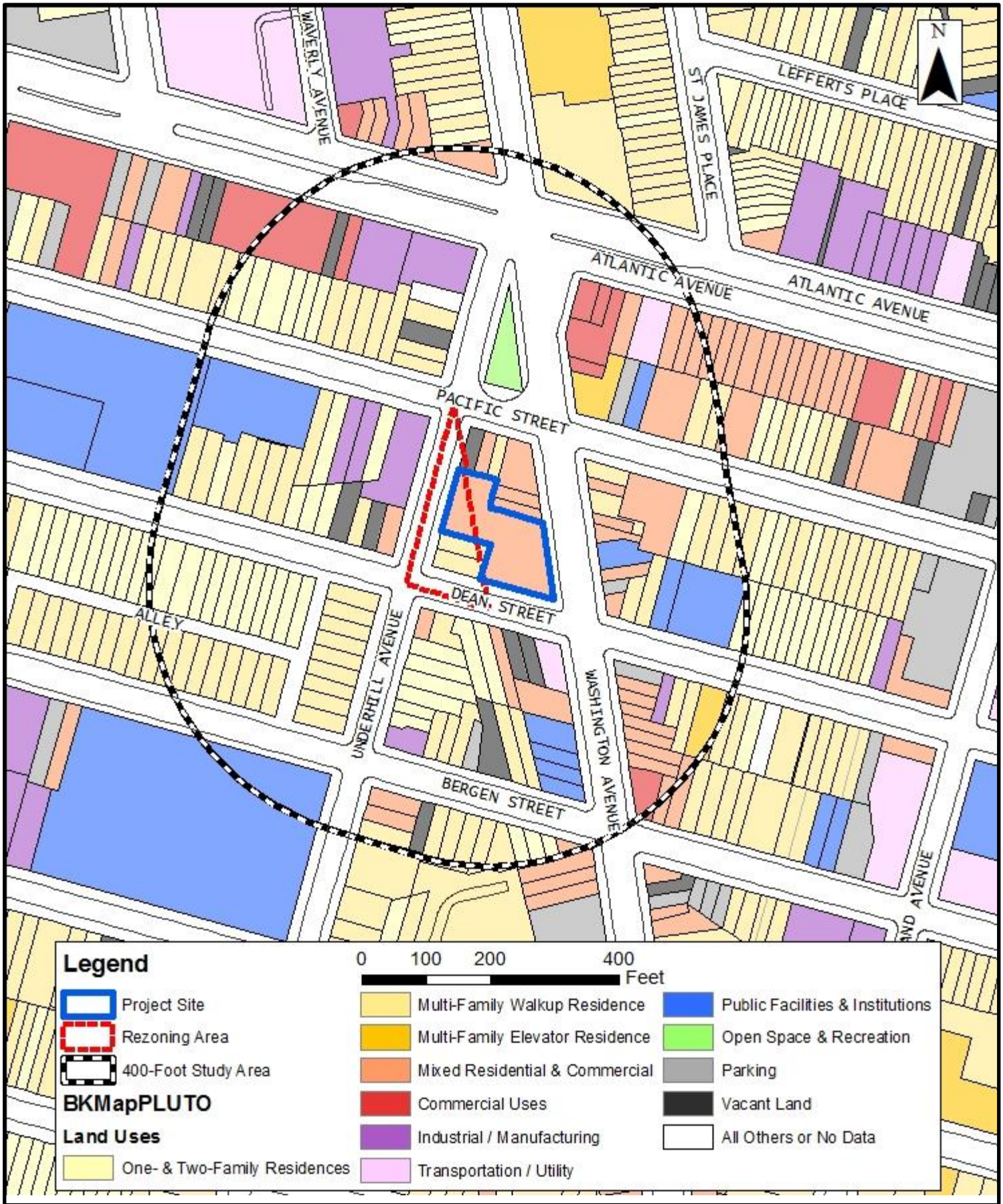
The proposed rezoning area consists of Block 1131, Lots 1, 3, 1001-1040, and a sliver of Lot 9 (approx. 150 sq. ft) (see **Figure 1.2-1**). The properties within the proposed rezoning area are used as follows:

The proposed Development Site (Block 1131, Lot 1001-1040) is improved with two residential buildings containing 39 total dwelling units. The 4-story building has 97.5' of frontage on Underhill Avenue. The 6-story building has 120 ft. of frontage on Washington Avenue and 115 ft. of frontage on Dean Street and has a total of approximately 76,981,gross square feet (46,283 zsf) of floor area. There is a cellar level with 20 parking spaces accessible from Underhill Avenue, which meets the 50 percent residential parking requirement. There are also 15 permitted parking spaces on the ground floor accessible from Dean Street.

The remaining properties within the Affected Area are used as follows. Block 1131, Lot 1 is improved with a four-story commercial and residential building containing a ground floor restaurant (UG 6) and ten apartments in the remaining floors (UG 2). Lot 3 is improved with a four story Use Group 2 residential building with twelve dwelling units. Lot 9 is a 1,485 sf lot which contains the Art Café and Bar, an outdoor cafe.

The surrounding study area consists mainly of multi-family residential buildings and mixed commercial and residential buildings. The mixed residential and commercial uses are clustered along Washington Avenue. These buildings contain local retail uses including delis, beauty salons and several grocery stores. Residential uses are located on Bergen Street, Dean Street, and Pacific Street, as well as on Underhill Avenue south of the project site. An old industrial and manufacturing building is located directly across the street from the project site on Underhill Avenue; however that building is being replaced with a new residential building. (**Figure 2.1-1a**) No large-scale retail uses are located in the project area or its immediate vicinity.

Several public facilities and institutions are located in the vicinity of the study area. The Teunis G. Bergen Elementary School, also known as P.S. 9, is located at 80 Underhill Avenue. St. Joseph's Roman Catholic Church is located at 856 Pacific Street (Block 1130, Lot 11 and 27) and includes a large surface parking lot. The Jesus the Good Shepard Episcopal Church is located at 599 Washington Avenue (Block 1132, Lot 4). The Little Mission Church of God is located at 923 Pacific Street (Block 1124, Lot 72). The Nigerian American Muslim Integrated Community Center is located at 801 Dean Street (Block 1132, Lot 64). The United Zion Church is located at 799 Dean Street (Block 1132, Lot 69). The Beulah Church of the Nazarene is located at 650 Washington Avenue (Block 1139, Lot 23). The Hope City Empowerment Center is located at 654 Washington Avenue (Block 1139, Lot 24).



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Environmental Assessment Statement
35 Underhill Avenue Rezoning
Brooklyn, NY

Land Use Map

Figure 2.2-1



AECOM

Environmental Assessment Statement
35 Underhill Avenue Rezoning
Brooklyn, NY

New Residential
Development Across Underhill Avenue

Figure 2.1-1a

There are several vacant lots in the study area, including Lots 37 and 40 on Block 1122, Lots 46 and 48 on Block 1130, Lot 73 on Block 1124, and Lots 15, 16, 29, 31 and a vacant building on Lot 26 on Block 1139.

The mix of land use observed in the study area generally reflects the distribution of land use observed throughout Brooklyn CD 8, which is summarized in **Table 2.** The most prominent land use within Brooklyn CD 8 is multi-family residential, followed by one- to two- family residential and public facilities and institutions uses.

Table 2 2014 Land Use Distribution - Brooklyn Community District 8

LAND USE	PERCENT OF TOTAL
Residential Uses	
1-2 Family	19.3
Multi-Family	43.2
Mixed Residential/Commercial	8.1
Subtotal of Residential Uses	*70.6*
Non-Residential Uses	
Commercial/Office	2.7
Industrial	3.5
Transportation/Utility	2.4
Institutions	10.2
Open Space/Recreation	5.4
Parking Facilities	2.4
Vacant Land	2.5
Miscellaneous	0.4
Subtotal of Non-Residential Uses	*29.4*
TOTAL	**100.0**

Source: *Community District Profiles, New York City Department of City Planning.*
Note: Percentages may not add up to 100.0 percent due to rounding.

Future No-Action Scenario

The proposed development sites are located in a densely developed neighborhood. While several vacant lots were observed within 400 feet of the proposed rezoning area, all lots located in the proposed rezoning area are improved. Therefore, as there are no known development plans on any of these parcels, it is assumed that future no-action conditions would remain consistent with existing conditions.

Under the Future No-Action Scenario, the Proposed Development Site would remain improved (Block 1131, Lot 1001-1040) with two residential buildings containing 39 total dwelling units. The 4-story building would continue to have 97.5' of frontage on Underhill Avenue. The 6-story building would continue to have 120 ft. of frontage on Washington Avenue and 115 ft. of frontage on Dean Street and would

continue to have a combined total of approximately 76,981,6 gross square feet (46,283 zsf) of floor area. There would continue to be cellar level parking with 20 parking spaces accessible from Underhill Avenue, and also 15 permitted parking spaces on the ground floor accessible from Dean Street.

The remaining properties within the Affected Area would also remain unchanged in the Future No-Action Scenario. Block 1131, Lot 1 is improved with a four-story commercial and residential building containing a ground floor restaurant (UG 6) and ten apartments in the remaining floors (UG 2). Lot 3 is improved with a four story Use Group 2 residential building with twelve dwelling units. Lot 9 is a 1,485 sf lot which contains the Art Café and Bar, an outdoor cafe.

Future With-Action Scenario

Under the Future With-Action scenario, the proposed rezoning would amend the zoning map to rezone a portion of Brooklyn Block 1131, Lots 1, 3, 1001-1040 and a sliver of Lot 9 (approx.150 square feet), currently zoned R6B and R6A/C2-4 to entirely R6A/C2-4 which would facilitate the Applicant's proposed development of 4,086 gsf of commercial floor area on Block 1131, Lot 1001-1040, whgich is currently occupied by 15 accesory parking spaces.

2.1.2 Zoning

The *New York City Zoning Resolution* dictates the use, density and bulk of developments within New York City. Additionally, the Zoning Resolution provides required and permitted accessory parking regulations. The City has three basic zoning district classifications – residential (R), commercial (C), and manufacturing (M). These classifications are further divided into low-, medium-, and high-density districts.

Existing Conditions

Zoning designations within and around the study area are depicted in **Figure 2.1-2** while **Table 3a** summarizes use, floor area and parking requirements for the zoning districts in the study area.

The proposed development site is located within parts of an R6B, and R6A/C2-4 zoning district. The R6A/C2-4 district is generally mapped along Washington Avenue with the overlay extending 100 feet on the eastern and western sides of Washington Avenue. The northern boundary of the R6A/C2-4 district is the mid-block point between Atlantic Avenue and Pacific Street and the southern boundary is the mid-block point between Sterling Place and St. John's Place. Residential uses (UGs 1 and 2) as well as community facility uses (UGs 3 and 4) are allowed as-of-right in R6A. The built floor area ratio (FAR) for R6A zoning districts is 3.0 for residential uses in non-MIH areas (3.6 for residential uses with MIH bonus) and 3.0 for community facilities. Building heights within R6A zoning districts are permitted up to 70 feet, though height may increase 5 feet with a qualifying ground floor. The minimum and maximum base height of the building must be between 40 and 60 feet. Furthermore, parking is required for 50 percent of all dwelling units.

Within R6A zoning districts, a C2-4 commercial overlay allows for up to a commercial FAR of up to 2.0 and allows for Use Groups 4-9 and 14. C2-4 parking requirements vary by use.

The blocks to the west of the rezoning area are located within an R6 district. This district is generally bound by Underhill Avenue to the east, Bergen Street to the south, Dean Street to the north, and Vanderbilt Avenue to the west. Residential uses (UGs 1 and 2) as well as community facility uses (UGs 3 and 4) are allowed as-of-right in R6 zoning districts. The built floor area ratio (FAR) for R6 districts ranges from 0.78 to 3.0 with the optional Quality Housing Regulations (QHR) for residential use. The FAR for community facilities in R6

zoning districts is 4.8. Building heights within R6 districts are governed by sky exposure planes and parking is required for 70 percent of all dwelling units (50 percent for QHR).

The rezoning area, including a portion of the proposed Project Site (Block 1131, Lot 1001-1040) as well as portions of Lots 1, 3, and 9, and the area located directly west and directly south of the rezoning area are located within an R6B zoning district. This R6B zoning district is generally mapped along the midblock point between Atlantic Avenue and Pacific Street to the north, Vanderbilt Avenue to the west, 100 feet west of Washington Avenue to the east, and Sterling Place to the south. R6B is a residential distort which allows UG's 1-4 and has a maximum FAR of 2.0 (2.2 with MIH bonus) and a 2.0 FAR for community facility uses. Parking is required for 50 percent of dwelling units.

An M1-1 district is mapped to the north of the rezoning area with a small portion of the project study area falling within the M1-1 district. The M1-1 district is generally mapped along Atlantic Avenue to the north, and the midblock point between Atlantic Avenue and Pacific Street to the south. M1-1 district runs east to west along Atlantic Avenue for over a half mile in each direction from the Project Site and extends to 5th Avenue to the west and Nostrand Avenue to the east. M1-1 distrcts are manufacturing districts which allow for UG's 4-14, 16, and 17 and have 1.0 FAR for manufacturing uses, 1.0 FAR for commercial uses, and 2.4 FAR for community facility uses. Required parking varies by use in M1-1 districts.

Previous Land Use Actions within Surrounding Area

Prospect Heights Rezoning (C 930430 ZMK): The proposed Project Area was included within the boundaries of the DCP-initiated Prospect Heights Rezoning in 1994, which established contextual zoning districts in a 53-block portion in the western part of Community District 8 and a portion of Community District 6. The Prospect Heights Rezoning replaced the previous M1-1 zoning district with the existing R6B and R6A/C2-4 districts. As part of the area-wide rezoning, an "E"-designation (E-51) related to hazardous materials (Underground Storage Tank Gasoline Protocol) was placed on the project site.

Amendment to the Crown Heights Urban Renewal Plan (C 920292 HUK): In 1992, an amendment to the Crown Heights Urban Renewal Plan was approved that facilitated the development of mixed-income homes on block 1138, one block southwest of the project area.

Table 3a Summary of Existing Zoning Regulations

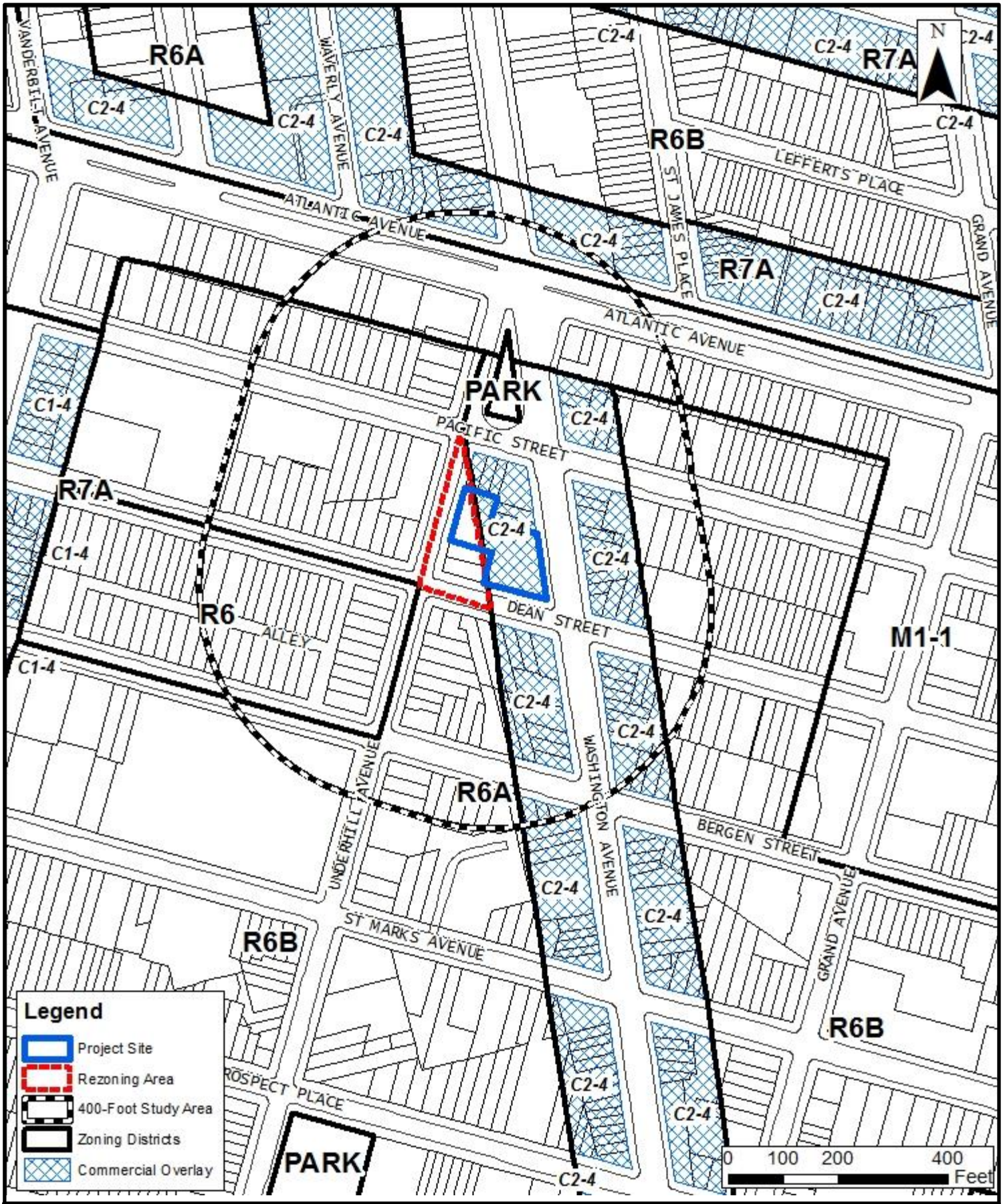
Zoning District	Type and Use Group (UG)	Floor Area Ratio (FAR)	Parking (Required Spaces)
R6A	Residential UGs 1 - 4	3.0 FAR for Residential (3.6 FAR MIH) 3.0 FAR for Community Facility	50 percent of dwelling units
R6B	Residential UGs 1 - 4	2.0 FAR for Residential (2.2 FAR MIH) 2.0 FAR for Community Facility	50 percent of dwelling units
R6	Residential UGs 1 - 4	0.78 - 2.43 FAR for Residential (3.0 under R6 QH) 4.8 FAR for Community Facility	70 percent of dwelling units (50% if zoning lot is 10,000 square feet or less; waived if 5 or fewer spaces required)
C2-4	Commercial Overlay UGs 1 - 9 & 14	2.0 FAR – Commercial in R6	Required- Parking Varies by Use
M1-1	Manufacturing UGs 4 - 14, 16 & 17	1.0 FAR for Manufacturing 1.0 FAR for Commercial 2.4 FAR for Community Facility	Required- Parking Varies by Use

Source: New York City Zoning Resolution, May 2017.

The study area is also located within an area designated for the FRESH Program (zoning discretionary tax incentives area).

Future No-Action Scenario

In the Future No-Action Scenario, zoning changes are not expected to occur on the project site or in the surrounding study area. The project site would remain zoned in both the R6B and R6A/C2-4 zoning districts.



AECOM

Environmental Assessment Statement
35 Underhill Avenue Rezoning
Brooklyn, NY

Zoning Map

Figure 2.1-2

Future With-Action Scenario

In the Future With- Action scenario, the applicant would rezone a portion of Brooklyn Block 1131, Lots 1, 3, 1001-1040 and a sliver of Lot 9 (approx.150 square feet), currently zoned R6B to R6A/C2-4 to facilitate the conversion of a portion of the existing ground floor area that is currently used on Block 1131, Lot 1001-1040 for 15 permitted parking spaces into new commercial space. The proposed commercial use would be located within the existing C2-4 overlay and would be conforming. However, the proposed conversion would result in approximately 4,086 gsf (4,086 zsf) of additional floor area. As the existing buildings on Lot 1001-1040 are fully built and would not be able to accommodate the additional floor area permitted in the current R6B zoning, the applicant's proposed zoning map amendment from R6B to R6A would facilitate the proposed development by raising the maximum FAR from 2.0 to 3.0 on the 3,635 square foot portion of the zoning lot located within the R6B zoning district.

Absent the proposed actions, the applicant would be unable to convert a portion of Lot 1001-1040 currently zoned R6B into new commercial floor area under the existing floor area and lot coverage requirements of an R6B district. The proposed actions would therefore not have a significant impact on the extent of conformity within the current surrounding area and it would not adversely affect the viability of conforming uses on nearby properties. Therefore, significant impacts to zoning are not anticipated and further zoning analysis is not warranted. **Table 3B** summarizes the Future With-Action zoning regulations.

Table 3b Summary of Future With-Action Zoning Regulations

Zoning District	Type and Use Group (UG)	Floor Area Ratio (FAR)	Parking (Required Spaces)
R6A	Residential UGs 1 - 4	3.0 FAR for Residential 3.0 FAR for Community Facility	50 percent of dwelling units
R6B	Residential UGs 1 - 4	2.0 FAR for Residential 2.0 FAR for Community Facility	50 percent of dwelling units
R6	Residential UGs 1 - 4	0.78 - 2.43 FAR for Residential (3.0 under R6 QH) 4.8 FAR for Community Facility	70 percent of dwelling units (50% if zoning lot is 10,000 square feet or less; waived if 5 or fewer spaces required)
C2-4	Commercial Overlay UGs 1 - 9 & 14	2.0 FAR – Commercial in R6	Required- Parking Varies by Use
M1-1	Manufacturing UGs 4 - 14, 16 & 17	1.0 FAR for Manufacturing 1.0 FAR for Commercial 2.4 FAR for Community Facility	Required- Parking Varies by Use

Source: New York City Zoning Resolution, May 2017.

2.1.3 Public Policy

The project site is not part of, or subject to, an Urban Renewal Plan (URP), adopted community 197-a Plan, Solid Waste Management Plan, Business Improvement District (BID), Industrial Business Zone (IBZ), or the New York City Landmarks Law. The proposed action is also not a large publically sponsored project, and as such, consistency with the City's *PlaNYC 2030* for sustainability is not warranted. In addition, the rezoning area is not located in the Coastal Management Zone; therefore a consistency review is not warranted.

Waterfront Revitalization Program

The rezoning area is not located within New York City's designated coastal zone boundary and therefore is not subject to review for its consistency with the City's Waterfront Revitalization Program.

2.2 HAZARDOUS MATERIALS

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi-volatile organic compounds (VOCs and SVOCs), methane, polychlorinated biphenyls (PCBs), and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the *CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: a) hazardous materials exist on a site; and b) action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

The Project Site (Block 1131, Lot 1001-1040) has an existing E-Designation (E-51) relating to hazardous materials that preclude the potential for significant adverse impacts stemming from its inclusion in the 1993 Prospect Heights Rezoning.

While the applicant's proposal (and Reasonable Worse Case Development Scenario) does not call for any excavation, digging, or soil disturbance on the site, a discussion of the existing "E" designation (E-51) on the Project Site and Statement of No Significant Effect from 1993 is provided below.

2.2.1 Prospect Heights Rezoning

The Prospect Heights Rezoning (CEQR # 93DCP037K) was a 53-block area in and around the Prospect Heights neighborhood of Brooklyn, encompassing portions of Community District 6 &8, from M1-1 to R7A with a C2-4 overlay, R6B and R6A; from R6 to R6A, R6B, and R7A; from R7-1 to R7A; and from R8 to R8X. The proposal also included rezoning the commercial overlays along Flatbush, Vanderbilt, and Washington Avenues from C1-3 to C1-4 and from C2-3 to C2-4.

To address potential hazardous materials concern, the Project Site Block 1131, Lot 1001-1040 (formerly Lot 22) included an "E" Designation on the zoning map under the 1993 Prospect Heights Rezoning.

The text was the "E" designation, which would be applicable still today, which was assigned as E-51 to preclude the potential for significant adverse impacts, is as follows:

Due to the presence and the potential presence of underground storage tanks containing petroleum projects or past or present on-site use of petroleum products there is potential for contamination of the soil and groundwater by existing or past leaks from such tanks. To determine if the contamination exists on-site and to determine and perform any appropriate remediation, the following tasks must be undertaken by the fee owners of the lots restricted by the "E" designation prior to any demolition or excavation of the site for development.

<u>Task 1</u>

The fee owner of the lot(s) restricted by the "E" designation must submit to the New York City Department of Environmental Protection (DEP) for review and approval, a soil gas, soil and groundwater testing protocol including a description of methods and a site map with all sampling locations clearly and preciously represented. No sampling program should begin until all written approval of a protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination and the condition of the remainder

of the site. The characterization should be complete enough to determine what remediation strategy (If any) is necessary after review of sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.
Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be made by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by the DEP.

2.2.2 Conclusion

STATEMENT OF NO SIGNIFICANT EFFECT- Negative Declaration (5.27.1993)

The Environmental Assessment and review Division of the Department of City Planning, on behalf of the City Planning Commission, completed its review of EAS for the Prospect Heights Rezoning and issued a Statement of No Significant Effect. The "E" designation was necessary due to the presence and potential presence of underground storage tanks or past or present on-site use of petroleum products on 11 lots within the proposed rezoning area (including applicant lot, Block 1131, Lot 1001-1040, former Lot 22).

With the aforementioned "E" designation for the Project Sit in place, and the fact that the project does not call for any ground excavation, digging, or soil disturbance, significant adverse impacts related to hazardous materials are not expected and no further analysis is required.

2.3 AIR QUALITY

When assessing the potential for air quality significant impacts, the *CEQR Technical Manual* seeks to determine a proposed action's effect on ambient air quality, or the quality of the surrounding air. Ambient air can be affected by motor vehicles, referred to as "mobile sources," or by fixed facilities, referred to as "stationary sources." This can occur during operation and/or construction of a project being proposed. The pollutants of most concern are carbon monoxide, lead, nitrogen dioxide, ozone, relatively coarse inhalable particulates (PM_{10}), fine particulate matter ($PM_{2.5}$), and sulfur dioxide.

The *CEQR Technical Manual* generally recommends an assessment of the potential impact of mobile sources on air quality when an action increases traffic or causes a redistribution of traffic flows, creates any other mobile sources of pollutants (such as diesel train usage), or adds new uses near mobile sources (e.g., roadways, parking lots, garages). The *CEQR Technical Manual* generally recommends assessments when new stationary sources of pollutants are created, when a new use might be affected by existing stationary sources, or when stationary sources are added near existing sources and the combined dispersion of emissions would impact surrounding areas.

2.3.1 Mobile Sources

According to the *CEQR Technical Manual*, projects, whether site-specific or generic, have the potential to result in significant adverse mobile source air quality impacts when they may increase or cause a redistribution of traffic, create any other mobile sources of pollutants (such as diesel trains, helicopters etc.), or add new uses near mobile sources (roadways, garages, parking lots, etc.). Automobiles and vehicular traffic in general are typically considered mobile sources of air pollutants. Changes in local traffic volumes, traffic patterns, or the types of vehicles moving through a given area could result in significant adverse air quality impacts.

The Future-With Action Scenario involves the conversion of a portion of the existing ground floor area that is currently used for 15 permitted parking spaces into new commercial space (**Figure A**). The proposed commercial use would be located within the existing C2-4 overlay and would be conforming and the proposed conversion would result in approximately 4,086 sq. ft. of additional floor area on Brooklyn Block 1131, Lots 1001-1040. No additional development is expected to occur as a result of the proposed action. The proposed action is not expected to exceed the 170-peak-hour-trip CEQR preliminary screening threshold for an air quality mobile source assessment. Therefore, no further assessment of mobile source air quality is warranted and significant adverse impacts on air quality generated by mobile sources are not expected as a result of the proposed action.

2.3.2 Stationary Sources

According to the *CEQR Technical Manual*, projects may result in stationary source air quality impacts when one or more of the following occurs:

- Certain new uses near existing (or planned future) emissions stacks are introduced that may affect the use
- New sensitive uses are located near a large emission source
- New sensitive uses created within 400 feet of manufacturing or processing facilities
- New uses created within 400 feet of a stack associated with commercial, institutional, or residential developments (and the height of the new structures would be similar to or greater than the height of the emission stack)

According to the *CEQR Technical Manual*, some instances in which projects may result in stationary source air quality impacts include certain new uses near existing (or planned future) emissions stacks are introduced that may affect the use; when new sensitive uses are located near a large emission source; when new sensitive uses created within 400 feet of manufacturing or processing facilities; or when new uses are created within 400 feet of a stack associated with commercial, institutional, or residential developments (and the height of the new structures would be similar to or greater than the height of the emission stack), among other instances. As the proposed rezoning in the With-Action Scenario would introduce approximately 4,086 gsf of commercial floor space on the project site, and would not result in any new sensitive receptors being introduced to the site, it is reasonable to assume that a stationary source analysis is not warranted. Furthermore, no manufacturing or processing facilities were noted within 400 feet of the rezoning area during a recent field inspection. Additionally, a search for large and major sources was completed and none were found in the area around the project site.

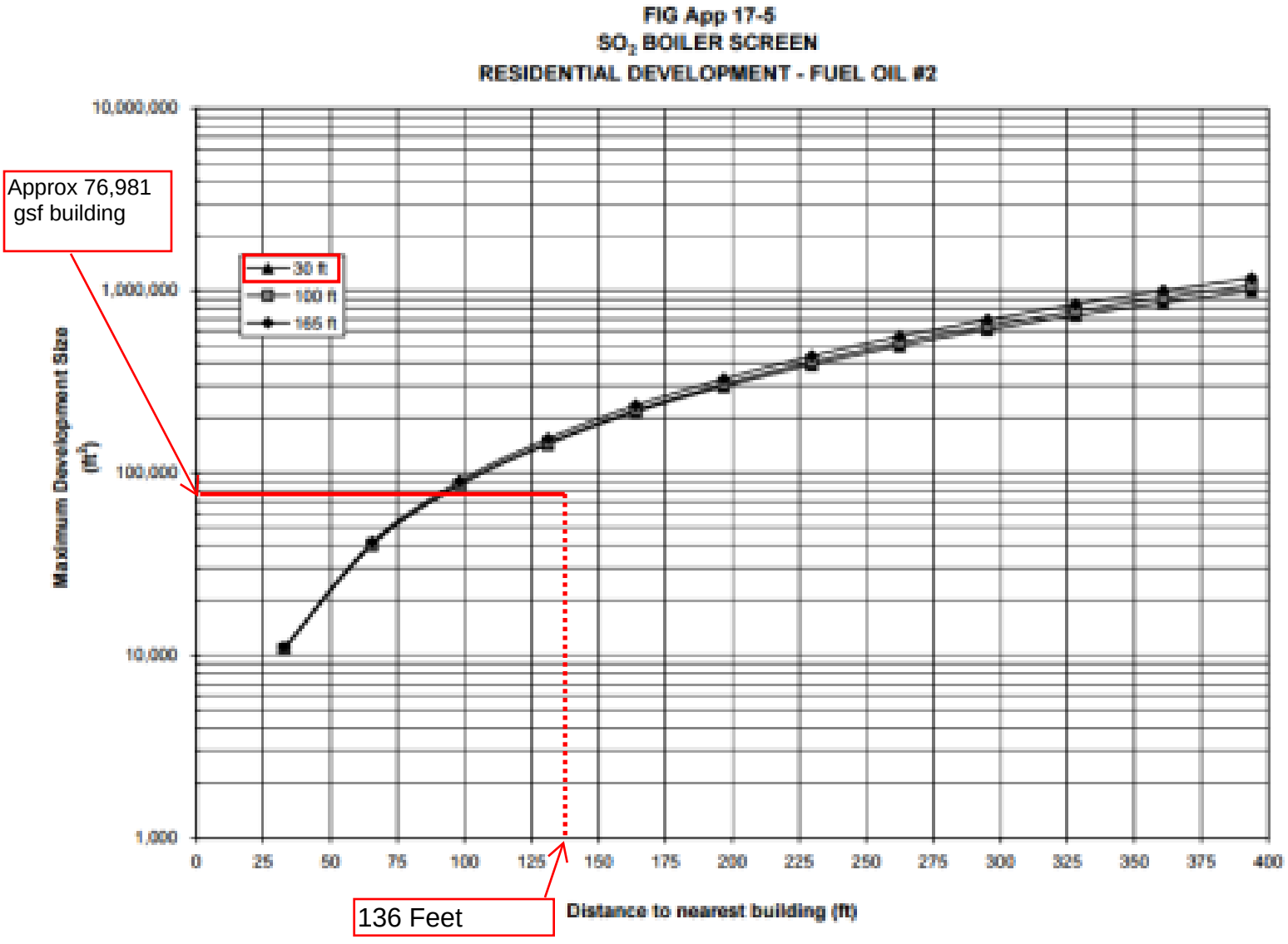
HVAC and Hot Water Boiler Emissions Screening

Impacts from boiler emissions at the projected development sites are a function of fuel oil type, stack height, minimum distance from the source to the nearest building, and square footage of the development. For each building, site stack height and development size are plotted on the appropriate graph, provided in the *CEQR Technical Manual*. Buildings for which no boiler information was found are assumed to use Fuel Oil #2. Furthermore, while different screening graphs are used for residential and non-residential buildings, for the purposes of this analysis the residential screening graph has been used, which presents a more conservative screening analysis.

These graphs indicate the minimum distance between subject buildings (i.e., a projected development site) and surrounding buildings (with operable windows, balconies, etc.) of a similar or greater height needed to avoid a potential air quality impact. The screening results for each projected development are shown below in **Figures 2-3.1.**

As demonstrated, this required distance for each projected development site is beyond the minimum distance needed to avoid the potential for a significant adverse air quality impact related to each building's boiler emissions. Therefore, significant adverse impacts regarding stationary air quality sources are not expected, and further stationary source air quality analyses are not warranted. **(See below).** An HVAC System Air Quality Assessment was performed and the results are also discussed in the end of the analysis chapter.

Figure 2.3-1 Air Quality Screening Graph (Block 1131, Block 1001-1040)



A review of the surrounding area indicates that the nearest building occupied with sensitive receptors and operable windows (taller than the six-story, approx. 63 foot-tall, subject building) is the 7-story multi-family residential building located at 904 Pacific Street (Brooklyn Block 1132, Lot 7503), east of this projected development site. The emission stack on the roof of this projected site is located approximately 136 feet east of this six-story residential building. This distance is well beyond the minimum distance of 85 feet needed to avoid the potential for a significant adverse air quality impact related to its boiler emissions, and therefore the impact from this projected development site does not warrant further analyses.

2.3.3 Air Toxics

A search of DEP permits within 400-feet of the project area was conducted and one permit was found. However, this permit expired on April 17th, 2012.

Block 1146, Lot 13

A permit to operate an auto body shop at 716 Bergen Street (Block 1146, lot 13, Application # PB041705) had previously been issued at this address. However, this permit expired in April of 2012 and no permits have existed on this lot since. The applicant submitted a permit on February 8th of 2017 but the New York City Department of Environmental Protection "disapproved "of the permit. The applicant has yet to respond to DEP's disapproval. A Department of Buildings Certificate of Occupancy indicates that the auto body shop is allowed to have spray booth (none was visible on site visit). (See **Appendix C and D**) This auto body shop is located within 400-feet of the rezoning area. However, this auto body shop is located more than 400 - feet away from the project site. The auto body shop is located less than 400 feet away from Lots 1 and 3 on Block 1131, which are included in the rezoning area. However, as this assessment mentions;

- The proposed rezoning is not expected to induce new development on Block 1131, Lot 1, a 2,118 square foot lot occupied by a mixed-use 7,100 gsf, four-story commercial and residential building containing a ground floor restaurant (UG 6) and ten apartments in the remaining floors (UG 2). The building was built in 1931 and is not under the applicants' control. As discussed in Chapter 2 of the *CEQR Technical Manual*, residential buildings with six or more units constructed before 1974 are likely to be rent stabilized and difficult to legally demolish due to tenant re-location requirements. As a result, these types of buildings are typically excluded from development scenarios because they are unlikely to be re-developed as a result of a proposed project. Therefore, the building on Lot 1 meets the criteria of a building that is unlikely to be re-developed. Therefore, it is unlikely that any development would be induced at this site under the proposed project.

- Additionally, the proposed rezoning is not expected to induce new development on Block 1131, Lot 3, a 2,118 square foot lot occupied by a 7,237 gsf, four-story residential building with twelve dwelling units. The building was built in 1931 and is not under the applicants' control. As discussed in Chapter 2 of the *CEQR Technical Manual*, residential buildings with six or more units constructed before 1974 are likely to be rent stabilized and difficult to legally demolish due to tenant re-location requirements. As a result, these types of buildings are typically excluded from development scenarios because they are unlikely to be re-developed as a result of a proposed project. Therefore, the building on Lot 3 meets the criteria of a building that is unlikely to be re-developed. Therefore, it is unlikely that any development would be induced at this site under the proposed project.

Furthermore, the both lots are already built out to full FAR bulk and capacity. The building on Lot 1 is built at an FAR of 3.35 and the building on Lot 3 is built at an FAR of 3.41. Under the proposed R6A zoning, these buildings would not be able to expand or add any further bulk.

As both lots 1 and 3 are no-build sites in the Future With-Action scenario, and the project site (Block 1131, Lot 1001-1040) is over 400 feet away (approx. 415 feet) from the subject auto body shop, it is reasonable to assume that no further analysis related to air toxics is needed and no significant adverse impacts related to air quality would occur in the Future With-Action scenario.

2.4 NOISE

Noise is defined as any unwanted sound, and sound is defined as any air pressure variation that the human ear can detect. Human beings can detect a large range of sound pressures ranging from 20 to 20 million micropascals, but only those air-pressure variations occurring within a particular set of frequencies are experienced as sound. Air-pressure changes that occur between 20 and 20,000 times a second, stated as units of Hertz (Hz), are registered as sound. In terms of hearing, humans are less sensitive to low frequencies (<250 Hz) than mid-frequencies (500-1,000 Hz). Humans are most sensitive to frequencies in the 1,000 to 5,000 Hz range. Since ambient noise contains many different frequencies all mixed together, measures of human response to noise assign more weight to frequencies in this range. This is known as the A-weighted sound level. Noise is measured in sound pressure level (SPL), which is converted to a decibel scale. The decibel is a relative measure of the sound level pressure with respect to a standardized reference quantity. Decibels on the A-weighted scale are termed "dB(A)." The A-weighted scale is used for evaluating the effects of noise in the environment because it most closely approximates the response of the human ear. On this scale, the threshold of discomfort is 120 dB(A), and the threshold of pain is about 140 dB(A). **Table 4** shows the range of noise levels for a variety of indoor and outdoor noise levels. Because the scale is logarithmic, a relative increase of 10 decibels represents a sound pressure level that is 10 times higher. However, humans do not perceive a 10 dB(A) increase as 10 times louder; they perceive it as twice as loud. The following are typical human perceptions of dB(A) relative to changes in noise level:

- 3 dB(A) change is the threshold of change detectable by the human ear;
- 5 dB(A) change is readily noticeable; and
- 10 dB(A) increase is perceived as a doubling of the noise level.

As a change in land use may result in a change in type and intensity of noise perceived by residents, patrons and employees of a neighborhood, the *CEQR Technical Manual* recommends an analysis of two principal types of noise sources: mobile sources; and stationary sources. Both types of noise sources are examined in the following sections.

Table 4 Sound Pressure Level & Loudness of Typical Noises in Indoor & Outdoor Environments

Noise Level dB(A)	Subjective Impression	Typical Sources		Relative Loudness (Human Response)
		Outdoor	Indoor	
120-130	Uncomfortably Loud	Air raid siren at 50 feet (threshold of pain)	Oxygen torch	32 times as loud
110-120	Uncomfortably Loud	Turbo-fan aircraft at take-off power at 200 feet	Riveting machine Rock band	16 times as loud
100-110	Uncomfortably Loud	Jackhammer at 3 feet		8 times as loud
90-100	Very Loud	Gas lawn mower at 3 feet Subway train at 30 feet Train whistle at crossing Wood chipper shredding trees Chain saw cutting trees at 10 feet	Newspaper press	4 times as loud
80-90	Very Loud	Passing freight train at 30 feet Steamroller at 30 feet Leaf blower at 5 feet Power lawn mower at 5 feet	Food blender Milling machine Garbage disposal Crowd noise at sports event	2 times as loud
70-80	Moderately Loud	NJ Turnpike at 50 feet Truck idling at 30 feet Traffic in downtown urban area	Loud stereo Vacuum cleaner Food blender	Reference loudness (70 dB(A))
60-70	Moderately Loud	Residential air conditioner at 100 feet Gas lawn mower at 100 feet Waves breaking on beach at 65 feet	Cash register Dishwasher Theater lobby Normal speech at 3 feet	2 times as loud
50-60	Quiet	Large transformers at 100 feet Traffic in suburban area	Living room with TV on Classroom Business office Dehumidifier Normal speech at 10 feet	1/4 as loud
40-50	Quiet	Bird calls Trees rustling Crickets Water flowing in brook	Folding clothes Using computer	1/8 as loud
30-40	Very quiet		Walking on carpet Clock ticking in adjacent room	1/16 as loud
20-30	Very quiet		Bedroom at night	1/32 as loud
10-20	Extremely quiet		Broadcast and recording studio	
0-10	Threshold of Hearing			

Sources: Noise Assessment Guidelines Technical Background, by Theodore J. Schultz, Bolt Beranek and Newman, Inc., prepared for the US Department of Housing and Urban Development, Office of Research and Technology, Washington, D.C., undated; Sandstone Environmental Associates, Inc.; Highway Noise Fundamentals, prepared by the Federal Highway Administration, US Department of Transportation, September 1980; Handbook of Environmental Acoustics, by James P. Cowan, Van Nostrand Reinhold, 1994.

2.4.1 Mobile Sources

Mobile noise sources are those which move in relation to receptors. The mobile source screening analysis addresses potential noise impacts associated with vehicular traffic generated by the proposed action.

As the proposed action would generate or reroute vehicular traffic due to the change in use at 35 Underhill Avenue from an accessory parking lot to ground floor commercial development, a qualitative analysis related to potential noise impacts was done.

The With-Action scenario would result in approximately 4,086 gsf of UG 6 retail floor area. The project is not expected to cross any thresholds which would require a noise analysis. Additionally, as the project would only result in a worse case development scenario of approximately 4,086 gsf of UG6 commercial floor area, no transportation thresholds are exceeded and no studies or analysis with regards to transportation are required. The project will be introducing new sensitive receptors near a heavily trafficked thoroughfare. However, since the existing windows would remain and they are similar to the ones provided for the rest of the building with residential use, no new noise assessment is required. No impacts related to noise with regards to mobile sources are expected to result from this project.

2.4.2 Stationary Sources

The *CEQR Technical Manual* states that based upon previous studies, unless existing ambient noise levels are very low and/or stationary source levels are very high (and there are no structures that provide shielding), it is unusual for stationary sources to have significant impacts at distances beyond 1,500 feet. A detailed analysis may be appropriate if the proposed project would: cause a substantial stationary source (i.e., unenclosed mechanical equipment for manufacturing or building ventilation purposes, playground, etc.) to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor; or introduce a receptor in an area with high ambient noise levels resulting from stationary sources, such as unenclosed manufacturing activities or other loud uses. Machinery, mechanical equipment, heating, ventilating and air-conditioning units, loudspeakers, new loading docks, and other noise associated with building structures may also be considered in a stationary source noise analysis. Impacts may occur when a stationary noise source is near a sensitive receptor, and is unenclosed.

No unenclosed stationary noise sources of concern were observed during field inspection. As the project site is not subject to high ambient noise levels from any nearby stationary source, no stationary source noise impacts from surrounding uses are anticipated. Additionally, as the proposed project would not introduce a new stationary noise source, no significant adverse stationary source impacts are anticipated as a result of the proposed action, and no further analysis is warranted.

2.5 NEIGHBORHOOD CHARACTER

As defined by the *CEQR Technical Manual*, neighborhood character is considered to be an amalgam of the various elements that give a neighborhood its distinct personality. The elements, when applicable, typically include land use, socioeconomic conditions, open space and shadows, historic and cultural resources, urban design and visual resources, transportation, and noise, as well as any other physical or social characteristics that help to define a community. Not all of these elements affect neighborhood character in all cases; a neighborhood usually draws its distinctive character from a few defining features.

If a project has the potential to result in any significant adverse impacts on any of the above technical areas, a preliminary assessment of neighborhood character may be appropriate. A significant impact identified in one of these technical areas is not automatically equivalent to a significant impact on neighborhood character; rather, it serves as an indication that neighborhood character should be examined.

In addition, depending on the project, a combination of moderate changes in several of these technical areas may potentially have a significant effect on neighborhood character. As stated in the *CEQR Technical Manual*, a "moderate" effect is generally defined as an effect considered reasonably close to the significant adverse impact threshold for a particular technical analysis area. When considered together, there are elements that may have the potential to significantly affect neighborhood character. Moderate effects on several elements may affect defining features of a neighborhood and, in turn, a pedestrian's overall experience. If it is determined that two or more categories may have potential "moderate effects" on the environment, CEQR states that an assessment should be conducted to determine if the proposed project result in a combination of moderate effects to several elements that cumulatively may affect neighborhood character. If a project would result in only slight effects in several analysis categories, then further analysis is generally not needed.

This chapter reviews the defining features of the neighborhood and examines the proposed action's potential to affect the neighborhood character of the surrounding study area. The study area is generally coterminous with the study area used for the land use and zoning analysis in Chapter 2.1. The impact analysis of neighborhood character that follows below focuses on changes to the technical areas listed above that exceeded CEQR preliminary screening thresholds that were assessed in this EAS Short Form.

The assessment begins with a review of existing conditions and the neighborhood of the study area. The information is drawn from the preceding sections of this EAS, but is presented in a more integrated way. While the other sections present all relevant details about particular aspects of the environmental setting, the discussion for neighborhood character focuses on a limited number of important features that gives the neighborhood its own sense of place and that distinguish them from other parts of the city. A concise discussion of the changes anticipated by the 2020 analysis year under the Future No-Action Condition is then included. A brief overview of the Proposed Action is then presented, along with an analysis of whether any anticipated significant adverse impacts and moderate adverse effects, regarding the relevant technical CEQR assessment categories for neighborhood character, would adversely affect any of the defining features.

2.5.1 Existing Conditions

Land Use, Zoning and Public Policy

Land uses throughout the study area include a mix of residential, commercial, mixed residential and commercial and public facility and institutional uses. The residential housing stock of the study area is primarily made up of one and two family homes and two – to four story multi-family residences. These are generally found along Pacific Street, Dean Street, Bergen Street and Underhill Avenue within the study area. Mixed commercial and residential uses are located throughout the study area as well. A number of vacant lots can also be found throughout the study area.

The rezoning area includes Lots with frontage on Underhill Avenue, Washington Avenue and Dean Street. A study area was made extending 400 feet from the rezoning area in all directions. The study area is generally bound by Atlantic Avenue to the north, approximately 225 feet west of Grand Avenue to the east, the midblock point between Underhill Avenue and Vanderbilt Avenue to the west, and the midblock point between Bergen Street and St. Mark's Avenue to the south.

In the northern portion of the study area along the southern portion of Atlantic Avenue, there is a great mix of uses, including, industrial and manufacturing uses, commercial uses, and mixed residential and commercial uses. Along Pacific Street, there is a mix of one and two family and multi-family walk up residences, as well as

some mixed residential and commercial uses just east of Washington Avenue. Lowry Triangle, a small .11 acre park is located just north of the project site, at the intersection of Pacific Street, and Washington Avenue.

The eastern western and southern portions of the study area contain a mix of residential, mixed residential and commercial, and public facility and institutional uses. The residential uses are located primary along Bergen Street and Dean Street, to the west of Underhill Avenue and to the east of Washington Avenue. Mixed residential and commercial uses are located along Washington Avenue and Underhill Avenue. A number of religious institutions are located within this portion of the study area. There is a school (the Teunis G. Bergen Elementary School aka P.S. 9) located in the southern portion of the study area.

The proposed development site is located within parts of an R6B, and R6A/C2-4 zoning district. The R6A/C2-4 district is generally mapped along Washington Avenue with the overlay extending 100 feet on the eastern and western sides of Washington Avenue. The northern boundary of the R6A/C2-4 district is the mid-block point between Atlantic Avenue and Pacific Street and the southern boundary is the mid-block point between Sterling Place and St. John's Place. Residential uses (UGs 1 and 2) as well as community facility uses (UGs 3 and 4) are allowed as-of-right in R6A. The built floor area ratio (FAR) for R6A zoning districts is 3.6 for residential uses with MIH bonus and 3.0 for community facilities. Building heights within R6A zoning districts are permitted up to 85 feet and parking is required for 50 percent of all dwelling units.
Within R6A zoning districts, a C2-4 commercial overlay allows for up to a commercial FAR of up to 2.0 and allows for Use Groups 4-9 and 14. C2-4 parking requirements vary by use.

The blocks to the west of the rezoning area are located within an R6 district. This district is generally bound by Underhill Avenue to the east, Bergen Street to the south, Dean Street to the north, and Vanderbilt Avenue to the west. Residential uses (UGs 1 and 2) as well as community facility uses (UGs 3 and 4) are allowed as-of-right in R6 zoning districts. The built floor area ratio (FAR) for R6 districts ranges from 0.78 to 3.0 with the optional Quality Housing Regulations (QHR) for residential use. The FAR for community facilities in R6 zoning districts is 4.8. Building heights within R6 districts are governed by sky exposure planes and parking is required for 70 percent of all dwelling units (50 percent for QHR).

A portion of the rezoning area, including a portion of the proposed Project Site (Block 1131, Lot 1001-1040) as well as portions of Lots 1, 3, and 9, and the area located directly west and directly south of the rezoning area are located within an R6B zoning district. This R6B zoning district is generally mapped along the midblock point between Atlantic Avenue and Pacific Street to the north, Vanderbilt Avenue to the west, 100 feet west of Washington Avenue to the east, and Sterling Place to the south. R6B is a residential district which allows UG's 1-4 and has a maximum FAR of 2.0 (2.2 with MIH bonus) and a 2.0 FAR for community facility uses. Parking is required for 50 percent of dwelling units.

An M1-1 district is mapped to the north of the rezoning area with a small portion of the project study area falling within the M1-1 district. The M1-1 district is generally mapped along Atlantic Avenue to the north, and the midblock point between Atlantic Avenue and Pacific Street to the south. M1-1 district runs east to west along Atlantic Avenue for over a half mile in each direction from the Project Site and extends to 5th Avenue to the west and Nostrand Avenue to the east. M1-1 distrcts are manufacturing districts which allow for UG's 4-14, 16, and 17 and have 1.0 FAR for manufacturing uses, 1.0 FAR for commercial uses, and 2.4 FAR for community facility uses. Required parking varies by use in M1-1 districts.

Transportation

Atlantic Avenue, in the northern portion of the study area, is classified as a Principal Arterial other by the New York State Department of Transportation. Washington Avenue is classified as a Minor Arterial. Underhill Avenue, Dean Street, and Bergen Street are all classified as Major Collectors. All other streets

in the study area are classified as local streets. Atlantic Avenue is also classified as a "through Truck Route" by the New York City Department of Transportation.
The project area is well serve by public transit as the MTA's "A" and C'' subway lines stop at the Clinton-Washington Aves station approximately one-fifth of a mile northwest of the project site and provide service into lower, midtown and upper Manhattan as well as service going east to Brooklyn and into southeastern Queens. The MTA's B45 and B65 buses also stop adjacent to the project site and provide local bus service to neighboring sections of Brooklyn.

Urban Design and Visual Resources

The architecture throughout the study area is eclectic, with no unity of form to tie the built form together visually. The area is characterized by a mix of one- and two-family residential, multi-family residential, commercial and isolated public facility and institutional uses. Several vacant lots also exist within the study area. The commercial uses are comprised of bodegas, delis, and other local retail. The prevailing built form in the area is a mix of low- to mid-rise residential and small apartment buildings. Most buildings in the study area are arranged regular (parallel) with respect to their lot placement and many of the residential and mixed-use buildings are often attached to one another, as opposed to free-standing detached buildings.

There are few streetscape elements present within the study area and little in the way of visual interest. A small 0.11 acre park (Lowry Triangle) is located at the intersection of Pacific Street and Washington Avenue just north of the rezoning area an provides a number of benches for sitting.

2.5.2 Future No-Action Scenario

In the Future No-Action Scenario, the proposed actions would not occur, and it is expected that the existing uses within the rezoning area would remain in their current form.

Significant changes to the study area are not expected by the analysis year of 2020. In the Future No-Action Scenario, it is expected that while tenants within surrounding area buildings may change, the overall use of these buildings would remain the same, and any physical changes would comply with designated zoning regulations and other surrounding districts.

2.5.3 Future With-Action Scenario

The elements that comprise neighborhood character are reviewed individually below, with a following supporting and cumulative conclusion.

Land Use, Zoning and Public Policy

According to the *CEQR Technical Manual*, development resulting from a proposed action could alter neighborhood character if it introduces new land uses, conflicts with land use policy or other public plans for the area, changes land use character, or generates significant land use impacts.

In the Future With- Action scenario, the applicant would rezone a portion of Brooklyn Block 1131, Lots 1, 3, 1001-1040 and a sliver of Lot 9 (approx.150 square feet), currently zoned R6B and R6A/C2-4 to entirely R6A/C2-4 to facilitate the conversion of a portion of the existing ground floor area that is currently used on Block 1131, Lot 1001-1040 for 15 permitted parking spaces into new commercial space. The proposed commercial use would be located within the existing C2-4 overlay and would be conforming. However, the proposed conversion would result in approximately 4,086 gsf (4,086 zsf) of additional floor area. As the existing buildings On lot 1001-1040 are fully built and would not be able to accommodate the additional floor area permitted in the current R6B zoning, the applicant's proposed zoning map

amendment from R6B to R6A would facilitate the proposed development by raising the maximum FAR from 2.0 to 3.0 on the 3,635 square foot portion of the zoning lot located within the R6B zoning district.

Recent years have seen residential development in the general area. The proposed actions would reinforce this trend toward a more active residential mixed-use neighborhood, which is common in the residential areas east of the rezoning area. Additionally, Washington Avenue is a local retail corridor and the proposed use would support this existing character. The proposed actions are therefore not expected to have any adverse impact on surrounding land use.

Urban Design and Visual Resources

According to the *CEQR Technical Manual*, in developed areas, urban design changes have the potential to affect neighborhood character by introducing substantially different building bulk, form, size, scale, or arrangement. Urban design changes may also affect block forms, street patterns, or street hierarchies, as well as streetscape elements such as street walls, landscaping, curb cuts, and loading docks. Visual resource changes could affect neighborhood character if they directly alter key visual features such as unique and important public view corridors and vistas, or block public visual access to such features.

The proposed actions would not diminish or disturb the existing aesthetic continuity, pedestrian features of the community or neighborhood, and as the proposed actions would not block any view corridors or views to/from any natural areas with rare or defining features, nor would the proposed actions impact an historical or culturally sensitive community features, the proposed actions are not expected to result in any significant adverse urban design. Visual resource changes would also not occur, as the proposed actions would not directly alter any key visual features, such as unique and important public view corridors and vistas, or block public visual access to such features.

Transportation

The proposed actions would not lead to an increase of 50 or more vehicle trips at any one intersection in the vicinity of the proposed development sites. Therefore, the proposed actions would not lead to any significant adverse traffic impacts. Additionally, the proposed actions would not lead to an increase of 200 or more transit trips. Therefore, the proposed actions would not lead to any significant adverse subway or bus impacts.

Conclusions

Of the relevant technical areas specified in the *CEQR Technical Manual* that comprise neighborhood character, the proposed actions would not cause significant adverse impacts with regard to any of them. Moderate adverse effects that would potentially impact such a defining feature, either singly or in combination, have also not been identified for more than one technical area. Therefore, as the proposed actions would not have a significant adverse neighborhood character impact and would not result in a significant adverse impact to a defining feature of the neighborhood, further analysis is not necessary.

2.6 CONSTRUCTION

Construction, although temporary, can result in disruptive and noticeable effects on a proposed action area. A determination of the significance of construction and the need for mitigation is based on the duration and magnitude of these effects. Construction is typically of greatest importance when it could affect traffic conditions, archaeological resources, the integrity of historic resources, community noise patterns and air quality conditions. All analyses were undertaken in accordance with the guidelines contained in the *CEQR Technical Manual*.

The duration of construction on the applicant's site is expected to last approximately 18 months.

As construction induced by the proposed actions would be gradual, taking place over a four-year period, potential impacts would be minimal and, as discussed below, not expected to have any significant adverse impacts. The following is a brief discussion of the effects associated with construction related activities on traffic, air quality, noise, historical resources and hazardous materials resulting from the construction of the projected development sites.

Effect of Construction on Traffic

The proposed actions would result in new commercial floor area, over a three-year period, on one projected development site. This new commercial floor area would replace accessory parking uses on the site. During construction, the sites would generate trips from workers traveling to and from the construction sites, and from the movement of materials and equipment.

Given typical construction hours of 7:00 AM to 4:00 PM, worker trips would be concentrated in off-peak hours typically before both the AM and PM peak commuter periods. Truck movements typically would be spread throughout the day on weekdays, and would generally occur between the hours of 7:00 AM and 4:30 PM. Traffic generated by construction workers and construction truck traffic would not represent a substantial increment during the area's peak travel periods.

Construction activities may result in short-term disruption of both traffic and pedestrian movements at the development sites. This would occur primarily due to the temporary loss of curbside lanes from the staging of equipment and the movement of materials to and from the site. Additionally, construction would result in the temporary closing of sidewalks adjacent to the site at times. These conditions would not lead to significant adverse effects on traffic and transportation conditions.

Effect of Construction on Air Quality

Possible impacts on local air quality during construction induced by the proposed actions include fugitive dust (particulate) emission from land clearing operation and demolition as well as mobile source emissions (hydrocarbons, nitrogen oxide, and carbon monoxide) generated by construction equipment.

Fugitive dust emissions from land clearing operations can occur from hauling, dumping, spreading, grading, compaction, wind erosion, and traffic over unpaved areas. Actual quantities of emissions depend on the extent and nature of the clearing operations, the type of equipment employed, the speed at which construction vehicles are operated, and the type of fugitive dust control methods employed. Much of the fugitive dust generated by construction activities would be of a short-term duration and relatively contained within a proposed site, not significantly impacting nearby buildings or residents. All appropriate fugitive dust control measures – including watering of exposed areas and dust covers for trucks – would be employed during construction of the development sites. Therefore, the fugitive source emissions generated by the proposed actions would not be significant.

Mobile source emissions may result from the operation of construction equipment, trucks delivering materials and removing debris, workers' private vehicles, or occasional disruptions in traffic near the construction site. As the number of construction-related vehicle trips generated by the proposed actions would be relatively small and the emissions from such vehicles as well as construction equipment would occur over a four-year period and be dispersed throughout the proposed rezoning area, the mobile

source emissions generated by the proposed actions would not be significant. Overall, the proposed actions would not have the potential to result in significant adverse air quality impacts.

Effect of Construction on Noise

Noise and vibration from construction equipment operation and noise from construction workers' vehicles and delivery vehicles traveling to and from the construction sites can affect community noise levels. The level of impact of these noise sources depends on the noise characteristics of the equipment and activities involved the construction schedule, and the location of potentially sensitive noise receptors.

Noise and vibration levels at a given location are dependent on the kind and number of pieces of construction equipment being operated, as well as the distance of the location from the construction site and the types of structures, if any, between the location and the noise source. Noise levels caused by construction activities can vary widely, depending on the phase of construction (e.g. demolition, land clearing and excavation, foundation, erection of structure, construction of exterior walls) and the specific task being undertaken.

Construction noise associated with the proposed actions is expected to be similar to noise generated by other residential construction projects in the city. Increased noise level caused by construction activities can be expected to be more significant during early excavation phases of construction and would be of relatively short duration. Increases in noise levels caused by delivery trucks and other construction vehicles would not be significant.

Construction noise is regulated by the *New York City Noise Control Code* and by the Environmental Protection Agency noise emission standards for construction equipment. These local and federal requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise emissions standards; that, except under exceptional circumstances, construction activities be limited to weekdays between the hours of 7:00 AM and 6:00 PM; and that construction material be handled and transported in such a manner as not to create unnecessary noise. In addition, whenever possible, appropriate low noise emission level equipment and operational procedures can be utilized to minimize noise and its effect on adjacent uses.

Thus, while there may be short periods of time when noise is greater than the Noise Control Code, these regulations would be followed in such a matter that no significant adverse noise impacts would be expected to result from the proposed actions.

Effect of Construction on Historic Resources

In order to determine whether the projected development has the potential to affect nearby off-site historic or architectural resources, the study area was screened for historic and architectural resources. No historic or architectural resources were identified within the 400-foot study area. Therefore, adverse construction-related impacts are not expected to any historic resource in the vicinity of the rezoning area.

Effect of Construction on Hazardous Materials

The proposed actions would result in new commercial floor area in the rezoning where the Project Site has an existing "E" designation on it from the 1993 Prospect Heights Rezoning. As such, a hazardous materials assessment was undertaken, as presented in Section 2.2 above. A Statement of No Significant Effect was issued by the Department of City Planning and the City Planning Commission in regards to the

1993 rezoning and it was determined that the action would have no significant effect on the quality of the environment.

Additionally, the proposed project and reasonable worst case development scenario do not call for in ground excavation, digging, or soil disturbance on the project site or within the rezoning area. Therefore, adverse construction-related impacts are not expected on hazardous materials. Lastly, all construction related materials are expected to be removed in accordance with environmental regulations and no significant adverse impacts are expected.

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Conclusion

Construction-related activities are not expected to have any significant adverse impacts on traffic, air quality, noise, historic resources, or hazardous materials conditions as a result of the proposed actions.

Appendices

Appendix A- Applicant Plans



ILLUSTRATIVE DRAWING

PROPOSED

35 UNDERHILL AVE. RE-ZONING

35 UNDERHILL AVE.
BROOKLYN , NY 11238

DESIGN DRAWINGS

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PROPOSED :
35 UNDERHILL AVE. RE-ZONING
35 UNDERHILL AVE.
BROOKLYN , NY 11238

REVISIONS

NO.	DESCRIPTION	DATE
1	DESIGN DRAWINGS	06.07.17
2	DESIGN DRAWINGS	07.17.17
3	DESIGN DRAWINGS	09.05.17
4	DESIGN DRAWINGS	09.22.17
5	REVISED AS PER DOF COMMENTS	10.25.17

NO.	TO WHOM:	DATE

ISSUES

DRAWN BY:	JOB NO.
NP	1665NJ
CHECKED BY:	DATE:
VF	09.25.16

DWG. TITLE :

PERSPECTIVE RENDERING

A-1

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ILLUSTRATIVE DRAWING

DESIGN DRAWINGS

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REVISIONS

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1	DESIGN DRAWINGS	06.07.17
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CHECKED BY:	DATE:
VF	09.25.16

DWG. TITLE :

PERSPECTIVE RENDERING

A-1.1

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ZONING CALCULATIONS

PREMISE: 35 UNDERHILL AVE.
BLOCK: 1131
LOT: 7501

MAP NO.: 16C
ZONE(S): R6A/C2-4
LOT AREA: 16,741.37 SF

AREAS AND LOT COVERAGE

LOT COVERAGE

TOTAL LOT AREA:	16,794.37

FLOOR AREA RATIO (F.A.R.)

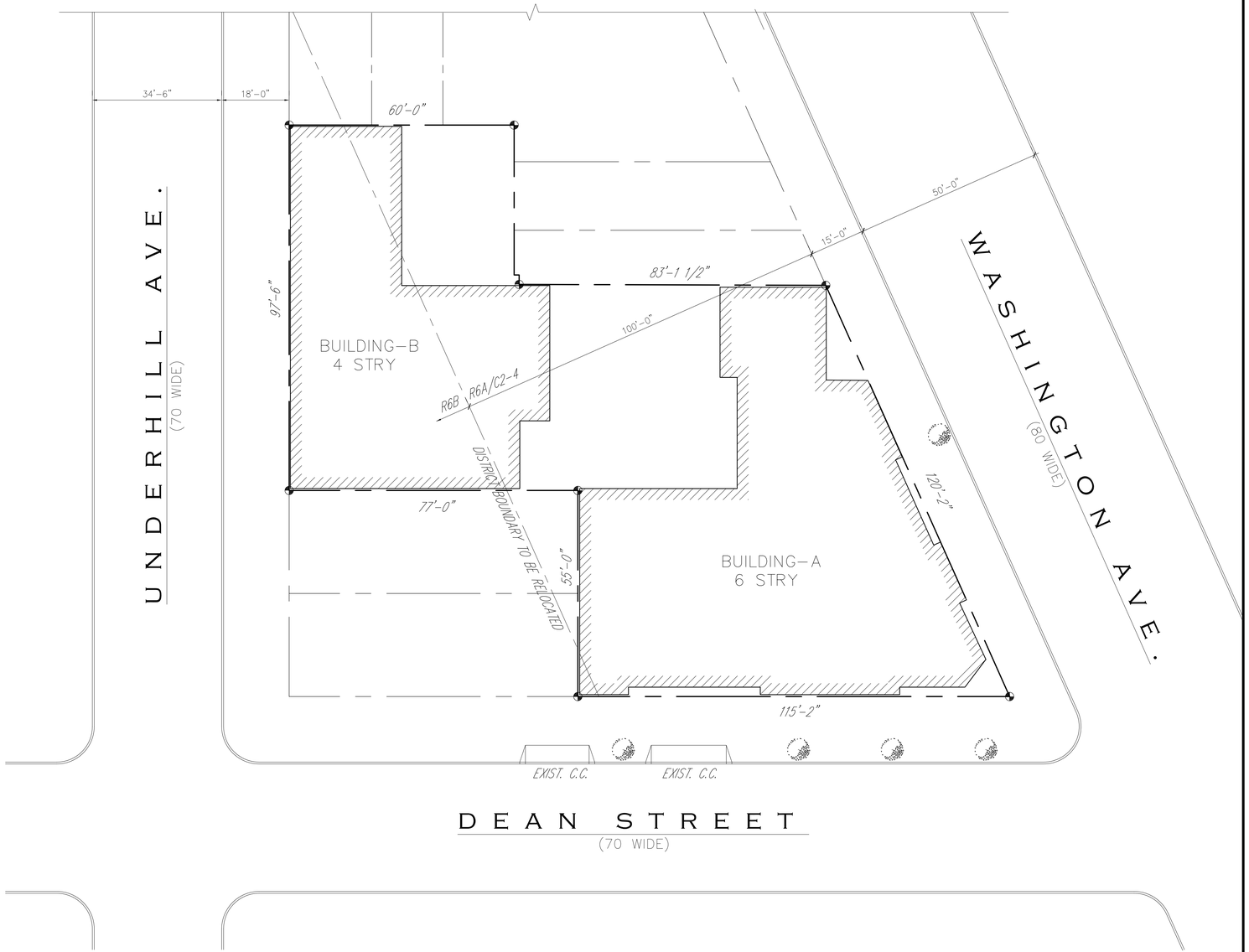
	MAX F.A.R.	MAX S.F.	PROPOSED SF	PROPOSED F.A.R.
COMMERCIAL USE	2.00	33,588.74	4,085.60	0.24
RESIDENTIAL USE (R6A)	3.00	50,383.11	46,283.00	2.75
MAX ALLOWABLE F.A.R.	3.00	50,383.11	50,368.60	3.00

FLOOR AREA BREAKDOWN

	BLDG FOOTPRINT	DEDUCTIONS	COMM. USE	RES. USE	TOTAL Z.F.A.
CELLAR	15,909.60	15,909.60	0.00	0.00	0.00
1ST FLOOR	12,566.70	4,159.50	4,085.60	4,321.60	8,407.20
2ND FLOOR	11,682.50	1,671.90	0.00	10,010.60	10,010.60
3RD FLOOR	12,185.40	1,591.10	0.00	10,594.30	10,594.30
4TH FLOOR	11,499.40	1,595.40	0.00	9,904.00	9,904.00
5TH FLOOR	7,474.30	864.40	0.00	6,609.90	6,609.90
6TH FLOOR	5,663.50	820.90	0.00	4,842.60	4,842.60
	76,981.40	26,612.80	4,085.60	46,283.00	50,368.60

TOTAL ZONING FLOOR AREA		
PROPOSED SF		50,368.60
MAX ALLOWABLE		50,383.11
AVAILABLE		14.51

	REQUIRED	PROPOSED
YARDS & SETBACKS		
SEC. 23-541: REAR YARD	0' WITHIN 100' OF A CORNER	0'
SEC. 23-471: REAR YARD	30' BEYOND 100' OF A STREET LINE	30'
SEC. 23-462(c): SIDE YARDS	0' OR 8'	0'
HEIGHT AND SETBACKS		
SEC. 23-633: MIN. BASE. MAX. BASE MAX. BLDG. HEIGHT	40' MIN BASE	
ZONE R6A	65' MAX BASE 85' MAX BLDG. HT.	65' 65'



PLOT PLAN
SCALE: 1/16" = 1-0'

DESIGN DRAWINGS

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T.F. CUSANELLI & FILLETTI
ARCHITECTS, P.C.
143 TERRACE STREET
HAWORTH N.J. 07641
201-384-9555
N.J. R.A. LIC # 07976, 16378

PROPOSED :
35 UNDERHILL AVE. RE-ZONING
35 UNDERHILL AVE.
BROOKLYN, NY 11238

REVISIONS

NO.	DESCRIPTION	DATE
1	DESIGN DRAWINGS	06.07.17
2	DESIGN DRAWINGS	07.17.17
3	DESIGN DRAWINGS	09.05.17
4	DESIGN DRAWINGS	09.22.17
5	REVISED AS PER DOP COMMENTS	10.25.17

NO.	TO WHOM:	DATE

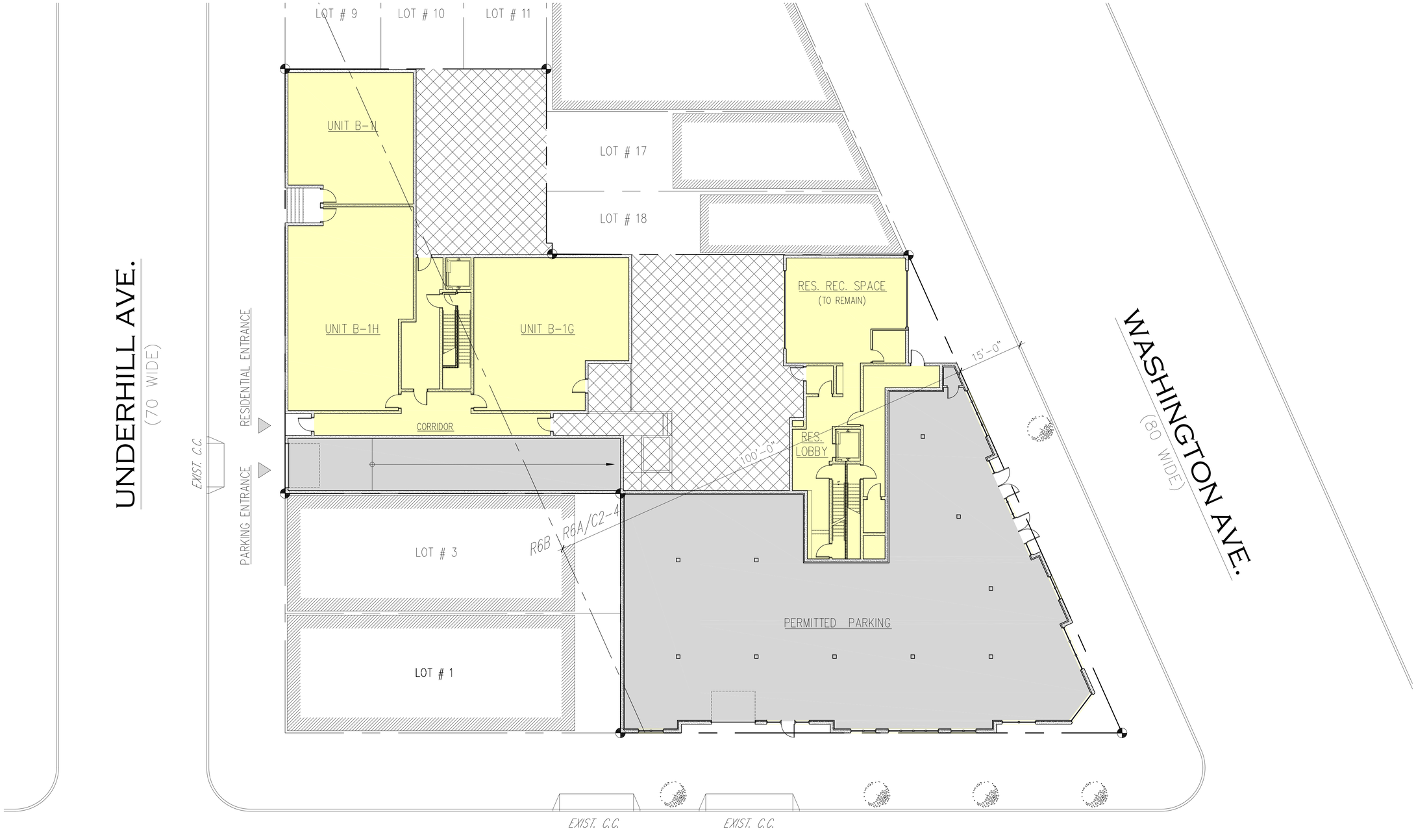
ISSUES

DRAWN BY:	JOB NO.
NP	1665NJ
CHECKED BY:	DATE:
VF	09.25.16

DWG. TITLE :
PLOT PLAN, ZONING CALCULATIONS

A-2

Z:\Clients\1665nj-Ostroff - (35 Underhill Avenue)\Existing Conditions\1665nj EC.dwg 10/25/2017 2:25 PM



EXISTING FIRST FLOOR SITE PLAN
SCALE: 3/32" = 1'-0"

DESIGN DRAWINGS

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BROOKLYN , NY 11238

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NO.	TO WHOM:	DATE

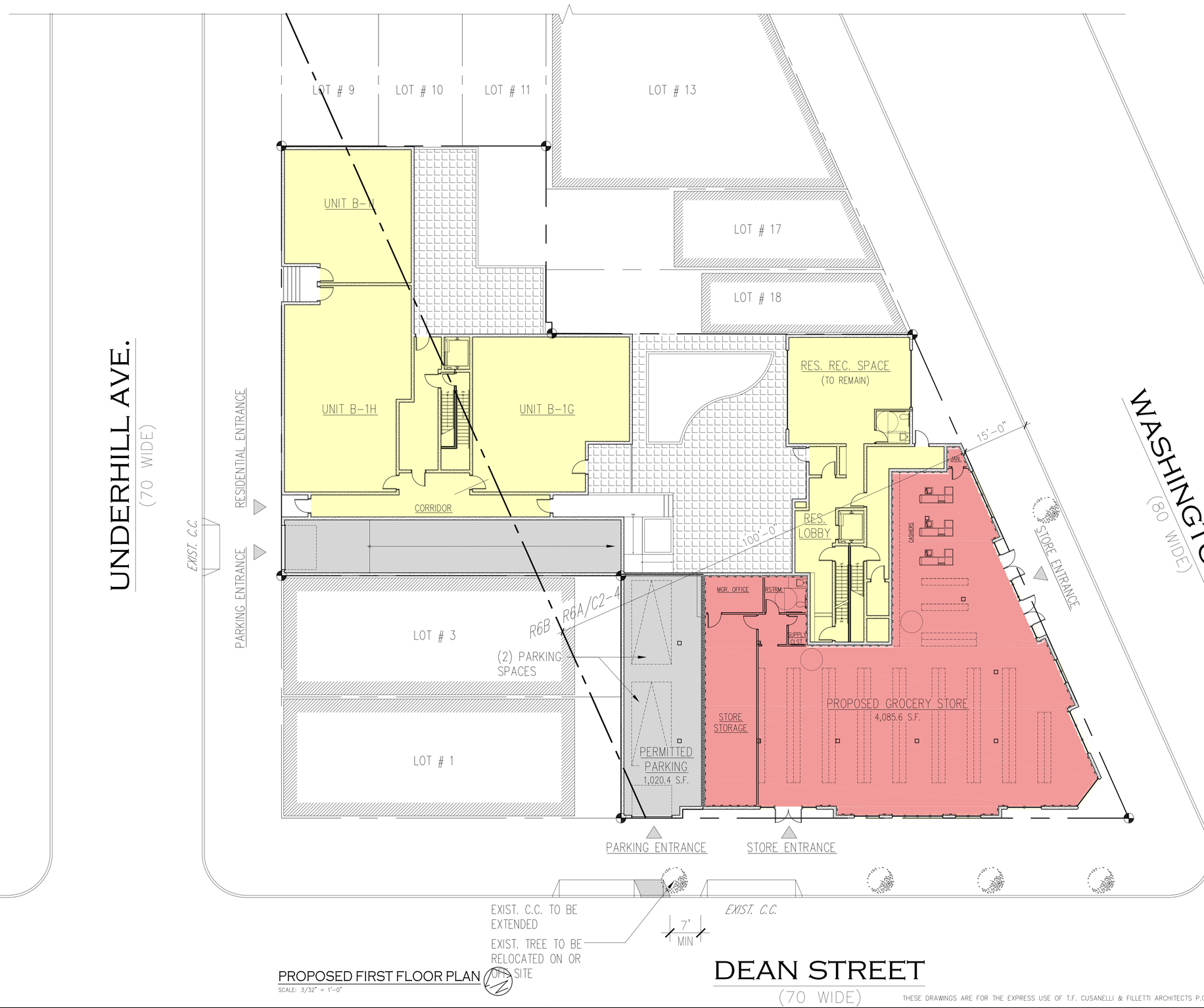
ISSUES

DRAWN BY:	JOB NO.
NP	1665NJ
CHECKED BY:	DATE:
VF	09.25.16

DWG. TITLE :
EXISTING FIRST FLOOR/ SITE PLAN

A-3

Z:\Clients\1665nj-Ostroff - (35 Underhill Avenue)\Existing Conditions\1665nj EC.dwg 10/25/2017 2:25 PM



PROPOSED FIRST FLOOR PLAN
SCALE: 3/32" = 1'-0"

DESIGN DRAWINGS

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35 UNDERHILL AVE. RE-ZONING
35 UNDERHILL AVE.
BROOKLYN, NY 11238

REVISIONS

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5	REVISED AS PER DOP COMMENTS	10.25.17

NO.	TO WHOM:	DATE

ISSUES

DRAWN BY:	JOB NO.
NP	1665NJ
CHECKED BY:	DATE:
VF	09.25.16

DWG. TITLE :
PROPOSED FIRST FLOOR / SITE PLAN

A-4

Z:\Clients\1665nj-Ostroff - (35 Underhill Avenue)\Existing Conditions\1665nj EC.dwg 10/25/2017 2:25 PM



UNDERHILL AVE. ELEVATION (BLDG B)

SCALE: 1/8" = 1'-0"



DEAN ST. ELEVATION (BLDG A)

SCALE: 1/8" = 1'-0"



WASHINGTON AVE. ELEVATION (BLDG A)

SCALE: 1/8" = 1'-0"

DESIGN DRAWINGS

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35 UNDERHILL AVE. RE-ZONING
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BROOKLYN, NY 11238

REVISIONS

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NO.	TO WHOM:	DATE

ISSUES

DRAWN BY:	JOB NO.
NP	1665NJ
CHECKED BY:	DATE:
VF	09.25.16

DWG. TITLE :

EXTERIOR ELEVATIONS

A-5

Z:\Clients\1665nj-Dataoff - (35 Underhill Avenue)\Existing Conditions\1665nj EC.dwg 10/25/2017 2:25 PM

Appendix B- Statement of No Significant Effect (93DCP037K)

E51

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW

Richard L. Schaffer
Director, Department of City Planning
Rosina K. Abramson
Executive Director, Department of City Planning

NEGATIVE DECLARATION

Proposal No. 93-DCP-037K Date Sent: 5/27/93

Name, Description and Location of Proposal:
Prospect Heights Rezoning: The proposed rezoning of a 53-block area in and around the Prospect Heights neighborhood of Brooklyn, Community Districts 8 and 6, from M1-1 to R7A with a C2-4 overlay, R6B and R6A; from R6 to R6A, R6B, and R7A; from R7-1 to R7A; and from R8 to R8X. The proposal also includes rezoning the commercial overlays along Flatbush, Vanderbilt, and Washington Avenues from C1-3 to C1-4 and from C2-3 to C2-4.

To address potential hazardous materials concern, the project would include an "E" designation on the zoning map for the following block and lots: Block 1127, Lot 1, Block 1121, Lot 47, Block 1122, Lot 71, Block 1129, Lots 46 and 50, Block 1139, Lots 15-17, Block 1131, Lot 22, Block 1140, Lot 48, Block 1146, Lot 127.

The text of the "E" designation would be as follows:

Due to the presence and potential presence of underground storage tanks containing petroleum products or past or present on-site use of petroleum products there is potential for contamination of the soil and groundwater by existing or past leakage from such tanks. To determine if contamination exists on-site and to determine and perform any appropriate remediation, the following tasks must be undertaken by the fee owners of the lots restricted by the "E" designation prior to any demolition or excavation of the site for development.

Task 1

The fee owner of the lot(s) restricted by the "E" designation must submit to the new York City Department of Environmental Protection (DEP) for review and approval, a soil gas, soil and groundwater testing protocol including a description of methods, and a site map with all sampling locations clearly and precisely represented. No sampling program should begin until written approval of a protocol is received from DEP. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination and the condition of the remainder of the site. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for choosing sampling sites and performing sampling will be provided by DEP upon request.

Task 2

A written report with findings and a summary of the data must be presented to DEP after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be made by DEP if the results indicate that remediation is necessary.

If DEP determines that no remediation is necessary, written notice shall be given by the DEP.

If remediation is necessary according to the test results, a proposed remediation plan must be submitted to DEP for review and approval. The applicant must perform such remediation as determined necessary by DEP. After completion of said remediation, the fee owner of the lots restricted by "E" designation should provide proof that the work has been satisfactorily completed.

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. The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

SUPPORTING STATEMENTS: The above determination is based on an environmental

assessment which finds that:

1) The above"E" designation is necessary due to the presence and potential presence of underground storage tanks or past or present on-site use of petroleum products on 11 lots within the proposed rezoning area. There is the potential for soil and underwater contamination from existing or past leaking from such tanks or past or present on-site use of petroleum products and a determination is necessary to conclude if such contamination exists and to perform necessary remediation.

2) No other significant effects that would require the preparation of an Environmental Impact Statement are foreseeable.

Annette M. Barbaccia
Director
Environmental Assessment and Review Division
Department of City Planning

5/24/98
Date

Richard L. Schaffer, Chairman
City Planning Commisssion

5/27/98
Date

93-DCP-037K

Richard Schaffer
Gail Benjamin
William Valletta
Doug Brooks
Eric Kober
Karen Johnson
Lawrence Parnes
Lance Michaels
Wilbur Woods
Jackie Esquirol
Marilyn Mammano
Gina Santucci
Alphonso Wright
Craig Hammerman
Howard Golden
Sean Spear
Glen Price
Pat Bussey

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW

Richard L. Schaffer
Director, Department of City Planning

Rosina K. Abramson
Executive Director, Department of City Planning

MEMORANDUM

TO: Howard Golden, Larry Parnes, Sean Spear, Eric Kober, Tom Wargo, Gail Benjamin, Lance Michaels, Doug Brooks, Larry Parnes, Marilyn Mammano, William Valletta, Glen Price, Wilbur Woods, Jackie Esquirol, Gina Santucci, Alphonso Wright, Craig Hammerman

FROM: Annette Barbaccia
Jed Candreva

DATE: June 17, 1993

RE: CEQR No. 93-DCP-037K
ULURP No. 930430 ZMK
Prospect Heights Rezoning

In order to remain consistent with policy and procedure, attached please find EARD's recommendation for a Negative Declaration for the proposed Prospect Heights rezoning.

The proposed rezoning will be brought to Review Session on June 28, 1993 for certification. In accordance with the new CEQR rules, if the action is deemed complete by the Commission, the Negative Declaration will be signed by Chairman Schaffer and appropriately distributed.

AB/JC/lr #16-53

c: Marianne Paciulli

Annette M. Barbaccia, *Director*
Jeremiah H. Candreva, *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
FAX (212) 720-3495

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW

Richard L. Schaffer
Director, Department of City Planning

Rosina K. Abramson
Executive Director, Department of City Planning

NEGATIVE DECLARATION

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Annette M. Barbaccia, *Director*
Jeremiah H. Candreva, *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
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2) No other significant effects that would require the preparation of an Environmental Impact Statement are foreseeable.

Annette M. Barbaccia
Director
Environmental Assessment and Review Division
Department of City Planning

6/17/93
Date

Richard L. Schaffer, Chairman
City Planning Commisssion

Date

Appendix C-New York City Dept. of Environmental Protection

Permit (Block 1146, Lot 13)

Environmental Protection

Register with CATS
Login into CATS

NYC.gov always open

NYC DEP CATS Information

PREMISES: 716 BERGEN STREET BROOKLYN BIN: 378992 BLOCK: 01146 LOT: 0013				
Owner: BERGEN AUTOBODY	**Application #:** PB041705	**Type:** CERTIFICATE TO OPERATE - INDUSTRIAL	**Expiration Date:** 4/17/2012	
Business Type: AUTOBODYMISCELLANEOUS	**Request Type:** Industrial Request Renewal CO	**Status:** DISAPPROVED - APPLICANT TO RESPOND	**Submitted Date:** 2/8/2017	**Decision Date:** NA
Boiler Make / Model: CUSTM /	**Fuel Type 1:** NA	**Fuel Type 2:** NA	**Heat Input (Million BTU/Hr.):** NA	
Burner Make / Model: NA	**Number of Identical Units:**			
	AKA : 714 BERGEN STREET BROOKLYN | 67 UNDERHILL AVENUE BROOKLYN			

Appendix D-New York City Dept. of Buildings C/O (Block 1146, Lot 13)

THE CITY OF NEW YORK

DEPARTMENT OF BUILDINGS

CERTIFICATE OF OCCUPANCY

BOROUGH BROOKLYN **DATE:** JAN 29 1998 **NO.** 3P0002401

ZONING DISTRICT R-6

This certificate supersedes C.O. NO

THIS CERTIFIES that the new—altered—existing—building—premises located at Block 1146 Lot 13

67 Underhill Avenue

CONFORMS SUBSTANTIALLY TO THE APPROVED PLANS AND SPECIFICATIONS AND TO THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES, AND REGULATIONS FOR THE USES AND OCCUPANCIES SPECIFIED HEREIN.

PERMISSIBLE USE AND OCCUPANCY

STORY	LIVE LOAD LBS. PER SQ. FT.	MAXIMUM NO. OF PERSONS PERMITTED	ZONING DWELLING OR ROOMING UNITS	BUILDING CODE HABITABLE ROOMS	ZONING USE GROUP	BUILDING CODE OCCUPANCY GROUP	DESCRIPTION OF USE
Cellar	O.G.	-	-	-	-	-	Ordinary Use/Boiler meter/Open cellar & Storage.
First fl.	80	-	½	1	6,2	RES/COM	Store & ½ part of Class "A" aptmnt.
	O.G.	4		-	16	COM	Storage garage for more than five(5) cars & auto repairs w/accessory use of arc welding, acetylene torch & spray painting.
Second fl.	40	-	½	3	2	RES	(½) part of Class "A" apartment
Third fl.	40	-	1	3	2	RES	One (1) Class "A" apartment

NOTE: Part of rusidential area on 1st floor (entrance & foyer) used in conjunction with (2nd) floor as a duplex apartment.

Less than (2) quarts of paint sprayed per day & not more than (20) gallons stored on premises.

M1 performance standards to be complied with.

OPEN SPACE USES (SPECIFY—PARKING SPACES, LOADING BERTHS, OTHER USES, NONE)

NO CHANGES OF USE OR OCCUPANCY SHALL BE MADE UNLESS A NEW AMENDED CERTIFICATE OF OCCUPANCY IS OBTAINED

THIS CERTIFICATE OF OCCUPANCY IS ISSUED SUBJECT TO FURTHER LIMITATIONS, CONDITIONS AND SPECIFICATIONS NOTED ON THE REVERSE SIDE.

B-2

BOROUGH SUPERINTENDENT

COMMISSIONER Austin Shaw, R.A.

☐ ORIGINAL ☐ OFFICE COPY - DEPARTMENT OF BUILDINGS ☐ COPY

C.S.F. D.O.B. 03/10/03

THE CITY OF NEW YORK

DEPARTMENT OF BUILDINGS

CERTIFICATE OF OCCUPANCY

BOROUGH BROOKLYN DATE: JAN 29 1998 NO. 3P0002401

This certificate supersedes C.O. NO ZONING DISTRICT R-6

THIS CERTIFIES that the new—altered—existing—building—premises located at Block 1146 Lot 13

67 Underhill Avenue

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PERMISSIBLE USE AND OCCUPANCY

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Cellar	O.G.	-	-	-	-	-	Ordinary Use/Boiler meter/Open cellar & Storage.
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B-2

BOROUGH SUPERINTENDENT COMMISSIONER Austin Adam, R.A.

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C.S.F. D.O.B. 03/10/03

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