CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

October 30, 2017

Project Identification
CEQR No. 18DCP041K
ULURP No. 180095ZMK
SEQRA Classification: Unlisted

Lead Agency
City Planning Commission
120 Broadway
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

35 Underhill Avenue
The Applicant, Silvershore Properties 97 LLC., is seeking a zoning map amendment to rezone a portion of a block (Brooklyn Block 1131, Lots 1, 3, 1001-1040 and Lot 9 (the Rezoning Area)), currently zoned R6B to R6A/C2-4 in the Prospect Heights neighborhood, Brooklyn Community District 8 at 35 Underhill Avenue. The proposed rezoning would extend the R6A/C2-4 zoning district onto a portion of the zoning lot currently within a R6B district in order to generate additional floor area and facilitate a proposal by the Applicant to convert a 4,086 sf portion of the ground floor space within an existing building (Block 1131, Lots 1001-1040, the Project Site) currently used for 15 permitted parking spaces into new 4,086 gross square feet (gsf) of commercial space. The rezoning area is generally bounded by Dean Street to the south, Underhill Avenue to the west, and Washington Avenue to the east.

The Project Site (Block 1131, Lot 1001-1040) is an irregularly shaped lot; a 3,635 sf portion of the Project Site is located within an R6B zoning district (to be rezoned pursuant to the proposed action); a 13,159 sf portion of the Project Site is mapped within an R6A/C2-4 zoning district, and will remain unchanged. Currently, the Project Site is developed with a 4-story, 13 dwelling unit (DU) 17,921 gsf residential building fronting Underhill Avenue; and a 6-story, 26 dwelling unit (DU) 59,057 gsf residential building containing 15 permitted accessory parking spaces on the ground floor of the building and accessed via an existing curb cut located along Dean Street. This existing 6-story residential building contains frontages on Washington Avenue and Dean Street. A cellar level underneath both buildings within the Project Site contains 20 parking spaces accessible from Underhill Avenue, in addition to the 15-space parking area located along the ground floor of the 6-story residential building. The cellar level parking meets the 50 percent residential parking requirement for the existing residential uses, as per ZR 25-23 (Requirements Where Group Parking Facilities Are Provided). Under the proposed rezoning, the 13 DU in the 4-story building, the 26 DU in the 6-story building, and the cellar level parking would remain unchanged. Both parking areas are accessory uses that are exempt from floor area.

The proposed zoning map amendment would rezone a portion of the Project Site (Block 1131, Lots 1001-1040) and additional properties not under the Applicant's control (Block 1131, Lots 1 and 3, and a 150 sf sliver of Lot 9) from R6B to R6A/C2-4, increasing the overall maximum allowable FAR from 2.0 to 3.0. The two existing buildings on the Project Site are fully built to the maximum allowable FAR in the current R6B and R6A/C2-4 split zoning.

The remaining properties within the Rezoning Area include Block 1131, Lots 1 and 3, and a 150 sf portion of Lot 9. The proposed rezoning is not expected to induce new development on Lots 1, 3, and 9. Lot 1 is improved with a 4-story commercial and residential building containing a ground floor restaurant, Use Group (UG) 6, and 10 DU on the remaining floors (UG 2) with a built FAR of 3.35. Lot 3 is improved with a 4-story residential building (UG 2) with 12 dwelling units and a built FAR of 3.42. Lots 1 and 3 are overbuilt under the current zoning and will remain non-complying under the proposed zoning map change. As such, it is not expected that the proposed increase in FAR will induce any new development, enlargement, or further change of use. Lot 9 is a 1,485 sf lot, the majority of which is zoned with a C2-4 overlay, containing an outdoor café. Lot 9 is not a projected development site; a sliver of the lot (150 sf) is located within the proposed rezoning area, and the proposed action would bring the entirety of Lot 9 into conformance with zoning.

Absent the proposed rezoning, provision of additional commercial floor area is not permitted. While commercial is a permitted use under the existing C2-4 overlay mapped over a large portion of the site, converting the ground floor parking area would generate additional floor area which cannot be accommodated due to the Project Site's existing built FAR of approximately 2.75. The proposed rezoning would increase the permitted FAR from 2.75 to 3.0 on the entire site and facilitate the use-conversion of the 15-space parking area (which does not account for FAR) into a new 4,086 sf commercial space.

The parking requirement in the C2-4 district (1 space/1,000 sf) would remain the same for the proposed new commercial floor area and would be waived per ZR 36-232 ("In Districts with Low Parking Requirements"). The C2-4 district is currently already mapped over the portion of the site where the proposed commercial space will be located.

Absent the proposed action, it is anticipated that the Project Site would remain in its existing condition.

The analysis year for the proposed action is 2020.

Statement of No Significant Effect:
The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated October 27, 2017, prepared in connection with the ULURP Application (180095ZMK). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:
The above determination is based on an environmental assessment which finds that no significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Rupsha Ghosh at (212) 720-3524.

Robert Dobruskin

Date: October 27, 2017

Robert Dobruskin, AICP, Director
Environmental Assessment and Review Division
New York City Department of City Planning

Marisa Lago

Date: October 30, 2017

Marisa Lago, Chair
City Planning Commission