Environmental Assessment Statement
and
Supplemental Report

for

Hamilton's Patio
2826 Fort Hamilton Parkway
Brooklyn, NY

Prepared by:

Compliance Solutions Services, LLC
434 West 20th Street
New York, NY 10011

September 2014

EAS FORM

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* Hamilton's Patio

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
15DCP038K	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY NYC Department of City Planning			NAME OF APPLICANT Lula Enterprises, LLC		
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON John J. Strauss, Compliance Solutions Services, LLC		
ADDRESS 22 Reade Street			ADDRESS 434 West 20th Street, Suite 8		
CITY New York	STATE NY	ZIP 10007	CITY New York	STATE NY	ZIP 10011
TELEPHONE 212-720-3423	EMAIL rdobrus@planning.nyc.gov		TELEPHONE 212-741-3432	EMAIL jstrauss-css@nyc.rr.com	

5. *Project Description*

The Applicant is seeking a zoning map amendment mapping a C2-4 commercial overlay on the Project Site to allow Hamilton's Restaurant to apply for a permit to establish an unenclosed sidewalk café containing approximately 45 seats within the Fort Hamilton Parkway 'front yard' and the East 4th Street 'side yard' areas of Hamilton's Restaurant, which is located on the ground floor of the building on the Site. See attached Project Description.

Project Location

BOROUGH Brooklyn	COMMUNITY DISTRICT(S) 7	STREET ADDRESS 2826 Fort Hamilton Parkway
TAX BLOCK(S) AND LOT(S) Block 5318, Lot 1		ZIP CODE 11218

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Southeast corner of the intersection of Fort Hamilton Parkway and East 4th Street

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY	ZONING SECTIONAL MAP NUMBER
R5/Special Ocean Parkway District (OP)	22c

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
- ☐ RULEMAKING
- ☐ CONSTRUCTION OF PUBLIC FACILITIES
- ☐ 384(b)(4) APPROVAL
- ☐ OTHER, explain:
- ☐ FUNDING OF CONSTRUCTION, specify:
- ☐ POLICY OR PLAN, specify:
- ☐ FUNDING OF PROGRAMS, specify:
- ☒ PERMITS, specify: Department of Consumer Affairs permit for an uneclosed sidewalk café

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.): 5,955
Waterbody area (sq. ft) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.): 5,955
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): N/A
NUMBER OF BUILDINGS: N/A
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): N/A
HEIGHT OF EACH BUILDING (ft.): N/A
NUMBER OF STORIES OF EACH BUILDING: N/A

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: 4,280
The total square feet not owned or controlled by the applicant: 1,675

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: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 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.)	N/A	N/A	N/A	N/A
Type (*e.g.,* retail, office, school)	N/A units	Unenclosed sidewalk cafe	N/A	N/A

Does the proposed project increase the population of residents and/or on-site workers? ☐ YES ☒ NO
If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: NUMBER OF ADDITIONAL WORKERS:
Provide a brief explanation of how these numbers were determined:

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): 2015
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 2
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO IF MULTIPLE PHASES, HOW MANY?
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

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

☒ RESIDENTIAL	☐ MANUFACTURING	☒ COMMERCIAL	☒ PARK/FOREST/OPEN SPACE	☒ OTHER, specify: Community facility

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): N/A		
○ 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): N/A		
(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:		
o Construction activities lasting longer than two years?	☐	☒
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☐	☒
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
o The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
o Closure of a community facility or disruption in its services?	☐	☒
o Activities within 400 feet of a historic or cultural resource?	☐	☒
o Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
o 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
John J Strauss, Compliance Solutions Services, LLC	September 15, 2014

SIGNATURE John J. Strauss

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 Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY NYC Department of City Planning
NAME Olga Abinader	DATE 9/26/14
SIGNATURE Olga Abinader	

PROJECT DESCRIPTION

Hamilton's Patio Project Description

Proposed Action

The Project Site is identified as 2826 Fort Hamilton Parkway (Block 5318, Lot 1) located in the Windsor Terrace neighborhood of Brooklyn Community District 7. The Applicant, Lula Enterprises, LLC, is seeking an amendment to zoning sectional map 22c, to map a C2-4 commercial overlay on two parcels located on the corner of Fort Hamilton Parkway and East 4th Street in Brooklyn. The C2-4 overlay would be applied to two existing commercial uses to allow a preexisting legal non-conforming retail use to be brought into conformance and to allow the Applicant to apply for a permit for a sidewalk café on the Project Site. A Non-Applicant Owned parcel affected by the action, Brooklyn Block 5317, Lot 9, is located directly across the street from the Project Site. These parcels are currently zoned R5 and are located within the Special Ocean Parkway District.

Existing Conditions

The Project Site is identified as 2826 Fort Hamilton Parkway (Block 5318, Lot 1), which is located at the southeast corner of Fort Hamilton Parkway and East 4th Street in the Windsor Terrace neighborhood of Brooklyn. The Project Site consists of approximately 4,280 square feet of land area. The lot has 25.17' of frontage along Fort Hamilton Parkway and 98' of frontage along East 4th Street.

The Project Site is developed with a 3-story 7,350 square foot mixed residential and commercial building containing 8 residential dwelling units and 4 commercial units. The commercial units, totaling 2,250 sf in floor area, include the following:

- Hamilton's Patio - 2 commercial units, 1,300 square feet
- NYC Dept. of Sanitation storage – 1 commercial unit; 350 square feet
- Contractor storage – 1 commercial unit; 350 square feet
- Artist Studio - – 1 commercial unit; 250 square feet

A portion of the ground floor of the building is occupied by Hamilton's Restaurant which took over a 15 year lease from the previous restaurant which occupied the Premises. Hamilton's has approximately 12 years remaining on this lease. The affected portion of the property would be the Fort Hamilton Parkway 'front yard' and the East 4th Street 'side yard' areas of Hamilton's Restaurant, which is located on the ground floor of the building on the Site.

The Non-Applicant Owned Site is identified as 2902 Fort Hamilton Parkway (Block 5317, Lot 9), which is located at the southwest corner of Fort Hamilton Parkway and East 4th Street across East 4th Street from the Project Site. The Non-Applicant Owned Site consists of approximately 1,675 square feet of land area. The lot has 33.83' of frontage along Fort Hamilton Parkway and 99.08' of frontage along East 4th Street.

The Non-Applicant Owned Site is developed with a 3-story 4,515 square foot mixed residential and commercial building containing 4 residential dwelling units and 1 commercial unit. A portion of the ground floor of the building is occupied by Jaya Yoga East yoga studio which has owned the entire building since 2010. The potentially affected portion of the property would be the Fort Hamilton Parkway 'front yard' and the East 4th Street 'side yard' areas of the Jaya Yoga East yoga studio, which is located on the ground floor of the building on the Site.

Both the Project Site and the Non-Applicant Owned Site are located within an R5 zoning district within the Special Ocean Parkway District (OP). The R5 zoning district allows all housing types including detached, semi-detached, attached, and multi-family residences (Use Groups 1 & 2) as well as community facility uses (Use Groups 3 & 4). The maximum FAR for all housing types is 1.25 with a community facility FAR of 2.0, and the maximum street wall and total building heights are 30 and 40 feet, respectively. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight foot wide side yard. Apartment houses need two side yards, each at least eight feet wide. Off-street parking is required for 85% of the dwelling units in a building.

The Special Ocean Parkway District (OP), encompassing a band of blocks east and west of the Parkway between Prospect Park and Brighton Beach, enhances the qualities of this broad landscaped road designated a scenic landmark. All new developments fronting on Ocean Parkway are required to have a 30-foot-deep landscaped front yard unobstructed by porches, canopies or stairs. Only driveways or walkways may be paved. Accessory off-street parking must be completely enclosed and any new community facility development or enlargement is limited to the residential bulk regulations of the underlying zoning district, except by City Planning Commission certification. The district also preserves the character of the large, detached and semi-detached, one- and two-family homes in the areas east and west of the Parkway.

Project Description

The proposed mapping of the C2-4 commercial overlay on the Project Site, Brooklyn Block 5318, Lot 1, would allow the Applicant to apply for an unenclosed sidewalk café in the Fort Hamilton Parkway 'front yard' and the East 4th Street 'side yard' areas of Hamilton's Restaurant by the Project Build Year of 2015. The café would include approximately 45 seats. No other changes would occur to the existing 3-story 7,350 square foot mixed residential and commercial building containing 8 residential dwelling units and 4 commercial units, including Hamilton's Restaurant, on the property as further explained below. The mapping of the C2-4 overlay would make the existing legal nonconforming spaces in the building conforming pursuant to zoning and it is therefore more likely that each of the existing commercial uses would remain in the building.

- Hamilton's Patio – 12 years remaining on lease and plans to remain as evidenced by subject application.

- NYC Dept. of Sanitation – has occupied space for approximately 30 years renewing each lease for a period of 10 years; current lease renews in 2015 and is expected to remain.

- Contractor storage – has occupied space for 2 years of current 5 year lease; has been a good tenant and landlord expects lease will be renewed at the end of its current term.

- Artist Studio - has occupied space for 2 years starting with 1 year lease and has been renting month to month since.

The C2-4 commercial overlay zoning to be mapped on the Project Site would permit a maximum commercial FAR of 1.0 within the R5 zoning district in which it would be mapped. The first floor of the building contains approximately 2,450 square feet of floor area which would be permitted on the 4,280 square foot Site as it would represent an FAR of 0.57. No enlargement of the building would be permitted as the existing 7,350 square foot building

exceeds the permitted residential FAR nor would conversion to community facility use be likely given the long term occupancy of the building by residential and commercial uses.

The proposed mapping of the C2-4 commercial overlay on the Non-Applicant Owned Site, Brooklyn Block 5317, Lot 9, would make the existing legal nonconforming spaces in the building conforming pursuant to zoning. It is not anticipated that Jaya Yoga would establish a sidewalk café as it does not have kitchen facilities and it does not currently serve food nor does it plan to serve food in the future.

Jaya Yoga owns the building in which it is located and has successfully operated out of this space since 2010. This is the yoga studio's second location in the neighborhood. They opened their first studio in Park Slope in 2000 and are invested in and committed to the neighborhood. Jaya Yoga is also aware and supportive of the proposed zoning map change.

No other changes would occur to the existing 3-story 4,515 square foot mixed residential and commercial building containing 4 residential dwelling units and 1 commercial unit, including Jaya Yoga, on the property. The C2-4 commercial overlay zoning to be mapped on the Non-Applicant Owned Site would permit a maximum commercial FAR of 1.0 within the R5 zoning district in which it would be mapped. The first floor of the building contains approximately 1,505 square feet of floor area which would be permitted on the 1,675 square foot Site as it would represent an FAR of 0.90. No enlargement of the building would be permitted as the existing 4,515 square foot building exceeds the permitted residential and community facility FAR nor would conversion to community facility use be likely given the long term occupancy of the building by residential and commercial uses.

Based on an estimated 12-month approval process and a 2-month construction period, the Build Year is assumed to be 2015.

Purpose and Need

Approval of the proposed zoning map amendment would enable the establishment of the proposed sidewalk café for Hamilton's Restaurant. The existing commercial use (restaurant) is permitted by the June 19, 1926 Certificate of Occupancy which states "One bldg. store & 9-family tenement". Subsequent approvals were issued by the NYC Department of Buildings in June 2012 for the renovation of the Use Group 6 eating and drinking place and in June 2013 for the modification of the restaurant's existing kitchen fire suppression system. However, a commercial use is not allowed as-of-right under the existing R5/OP zoning mapped on the property. The mapping of the proposed C2-4 commercial overlay would bring the Project Site into conformance with zoning as well as allow for the establishment of the proposed sidewalk café. Zoning Resolution (ZR) Section (§) 14-44 permits unenclosed and enclosed sidewalk cafes in the Ocean Parkway Special District (except along Ocean Parkway itself).

The proposed action would facilitate the provision of a sidewalk café which, the Applicant believes, is a neighborhood amenity that is not widely available in the surrounding area. The proposed zoning map amendment would not increase the allowable FAR or change the location or type of development allowed and would not induce new development.

Required Approvals

The proposed action requires the approval of a zoning map amendment to zoning sectional map 22c, to map a C2-4 commercial overlay on two parcels located on the corner of Fort Hamilton Parkway and East 4th Street in Brooklyn. The granting of the zoning map amendment is a discretionary action that is subject to both the Uniform Land Use Review Procedure (ULURP) as well as the City Environmental Quality Review (CEQR). ULURP is a process that allows public review of the proposed action at four levels: the Community Board; the Borough President; the City Planning Commission; and, if applicable, the City Council. CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment.

SUPPLEMENTAL REPORT

EAS ATTACHMENT

HAMILTON'S PATIO

ENVIRONMENTAL ASSESSMENT STATEMENT

INTRODUCTION

The proposed zoning map amendment is intended, to bring two commercial uses into conformance with existing zoning and to allow the Applicant to apply for an unenclosed 45-seat sidewalk café adjacent to their restaurant, Hamilton's Patio. The environmental review analyzes the potential effects of the proposed zoning map amendment for both the Applicant and Non-Applicant Owned Sites where applicable.

The proposed zoning map amendment would map a C2-4 overlay on the two existing mixed-use buildings with ground floor commercial space. The C2-4 overlay would allow the preexisting legal non-conforming retail uses to be brought into conformance and to allow the Applicant to apply for a permit for a sidewalk café on the Project Site.

The proposed action would not induce new development since the both properties are legal non-conforming uses with Certificate of Occupancies allowing for commercial uses. Additionally, as discussed below, the proposed actions would not increase the allowable FAR and would not create new floor area. Therefore, the proposed zoning map amendment would not result in new or increased development in the rezoning area, nor would it affect the type, amount or location of future development. The likely effects of the proposed sidewalk café text amendments would be limited to what the Applicant believes would be an enhanced street life (discussed further in "Urban Design and Visual Resources") along the Project Sites streetfront.

Consequently, the proposed action does not raise the potential to meet or exceed thresholds for potential environmental impacts for any of the impact categories in the *CEQR Manual*. Analyses were not required for the following CEQR categories: Socioeconomic Conditions, Community Facilities and Services, Open Space, Shadows, Historic Resources, Natural Resources, Hazardous Materials, Waterfront Revitalization Program, Infrastructure, Solid Waste and Sanitation Services, Energy, Traffic and Parking, Transit and Pedestrians, Air Quality, Noise, Construction Impacts, Neighborhood Character and Public Health. The proposed project has no potential to result in significant adverse impacts related to these categories.

However, because the proposed action would affect zoning and the streetscape, analyses were conducted for the following categories: Land Use, Zoning and Public Policy, and Urban Design/Visual Resources. These analyses are discussed further below. The section numbers below correspond to the relevant chapters of the 2014 *CEQR Technical Manual.*

4. LAND USE, ZONING, AND PUBLIC POLICY

EXISTING CONDITIONS

Land Use

Project Area

The Project Area consists of both the Project Site and the Non-Applicant Owned Site as further discussed below.

The Project Site is identified as 2826 Fort Hamilton Parkway (Block 5318, Lot 1), which is located at the southeast corner of Fort Hamilton Parkway and East 4th Street in the Windsor Terrace neighborhood of Brooklyn. The Project Site consists of approximately 4,280 square feet of land area. The lot has 25.17' of frontage along Fort Hamilton Parkway and 98' of frontage along East 4th Street.

The Project Site is developed with a 3-story 7,350 square foot mixed residential and commercial building containing 8 residential dwelling units and 4 commercial units. The commercial units, totaling 2,250 square feet in floor area, include the following:

- Hamilton's Patio - 2 commercial units, 1,300 square feet
- NYC Dept. of Sanitation storage – 1 commercial unit; 350 square feet
- Contractor storage – 1 commercial unit; 350 square feet
- Artist Studio - – 1 commercial unit; 250 square feet

A portion of the ground floor of the building is occupied by Hamilton's Restaurant which took over a 15 year lease from the previous restaurant which occupied the premises. Hamilton's has approximately 12 years remaining on this lease.

The Non-Applicant Owned Site is identified as 2902 Fort Hamilton Parkway (Block 5317, Lot 9), which is located at the southwest corner of Fort Hamilton Parkway and East 4th Street across East 4th Street from the Project Site. The Non-Applicant Owned Site consists of approximately 1,675 square feet of land area. The lot has 33.83' of frontage along Fort Hamilton Parkway and 99.08' of frontage along East 4th Street.

The Non-Applicant Owned Site is developed with a 3-story 4,515 square foot mixed residential and commercial building containing 4 residential dwelling units and 1 commercial unit. A portion of the ground floor of the building is occupied by Jaya Yoga East yoga studio which has owned the entire building since 2010.

Study Area

The primary study area extends approximately 400 feet in all directions from the Project Site. The study area is roughly bounded by an area between Fort Hamilton Parkway and Greenwood Avenue on the north, an area between Caton Avenue and Albemarle Road on the south, Ocean Parkway to the east, and an area between East 2nd and East 3rd Streets to the west. In order to assess existing land use conditions for the proposed development, a parcel by parcel inventory was undertaken within the 400-foot radius study area surrounding the site. The inventory included a survey of ground floor uses and upper floors.

The area surrounding the Project Site can be characterized as a residential neighborhood primarily developed with one-, two-, three-, and multi-family dwellings, scattered commercial uses, a number of community facility uses, and one open space area as further discussed below.

Properties bordering and directly across the street from the Project Site and the Non-Applicant Owned Site include the following:

- 2822 Fort Hamilton Parkway is a two-story two-family dwelling adjoining the Project Site to the east.

- The NYC Department of Parks and Recreation (DPR) owned East 4th Street community garden borders the Project Site to the south.

- The Roman Catholic Church of the Immaculate Heart of Mary at 2819 Fort Hamilton Parkway is located across Fort Hamilton Parkway from the Project Site to the north.

- 2906 Fort Hamilton Parkway is a three-story, five-family dwelling adjoining the Non-Applicant Owned Site to the west.

- Three 3-story mixed residential and commercial buildings lie across Fort Hamilton Parkway from the Non-Applicant Owned Site to the north (2903, 2905, 2907 Fort Hamilton Parkway). Each building contains a ground floor commercial use and two residential units above.

Most of the remainder of Block 5318, the block on which the Project Site is located, is developed with two- and three-story one- and two-family attached residences. A one-story building housing the Windsor Terrace branch public library is located at the corner of Fort Hamilton Parkway and East 5th Street. A large vacant lot is located at the corner of Caton Avenue and East 5th Street.

Most of the remainder of Block 5317, the block on which the Non-Applicant Owned Site is located, is developed with two-story attached single-family dwellings in the southern half of the block along Caton Avenue and small two- to three-story semi-detached multi-family residences along Fort Hamilton Parkway. One of these residences also contains a ground floor commercial use. The mid-block area of Block 5317 is developed with a six-story, 71 unit multi-family dwelling.

The 400-foot radius project study area contains eight other blocks which are described below proceeding in a clockwise fashion from the northwest corner of the study area.

- The 400-foot radius portion of Block 5281 bounded by East 2nd and East 3rd Streets and Fort Hamilton Parkway is developed with two-story, one- and two-family attached dwellings along the East 2nd and East 3rd Street frontages of the block. Development along the block's Fort Hamilton Parkway frontage consists of small three- to four-story attached mixed residential and commercial buildings. Commercial uses are located on the ground floors of these buildings with residences located above.

- The 400-foot radius portion of Block 5282 bounded by East 3rd and East 4th Streets and Fort Hamilton Parkway is developed with two to three-story, attached one- and two-family dwellings along the East 3rd and East 4th Street frontages of the block. Development along the

block's Fort Hamilton Parkway frontage consists of a mixture of three-story, two- to three-family attached dwellings and small three-story mixed residential and commercial attached buildings. Commercial uses are located on the ground floors of these buildings with residences located above.

- The 400-foot radius portion of Block 5283 bounded by East 4th and East 5th Streets and Fort Hamilton Parkway is developed with two to three-story, two-family and small multi-family attached and semi-detached dwellings along the East 4th and East 5th Street frontages of the block. This development is located behind the Roman Catholic Church of the Immaculate Heart of Mary which occupies the entire Fort Hamilton Parkway frontage of the block.

- The entirety of Block 5274 bounded by East 5th Street, Fort Hamilton Parkway, and the Prospect Expressway is occupied by the DPR owned Greenwood Playground.

- Block 5319 bounded by East 5th Street, Fort Hamilton Parkway, the Prospect Expressway, and Caton Avenue is developed with detached and semi-detached, two to three-story, two-family and small multi-family dwellings and a six-story multi-family dwelling containing 103 apartment units. The four-story Public School 130 occupies the northern end of the block fronting on Fort Hamilton Parkway.

- The 400-foot radius portion of Block 5327 bounded by East 4th and East 5th Streets and Canton Avenue is developed with two-story, two- to three-family attached dwellings.

- The 400-foot radius portion of Block 5326 bounded by East 3rd and East 4th Streets and Canton Avenue is developed with two-story, one- and two-family attached dwellings.

- Block 5316 bounded by East 2nd and East 3rd Streets, Caton Avenue, and Fort Hamilton Parkway is developed with the four-story Roman Catholic Church of the Immaculate Heart of Mary school.

ZONING

Project Area

Both the Project Site and the Non-Applicant Owned Site are located within an R5 zoning district within the Special Ocean Parkway District (OP). The R5 zoning district allows all housing types including detached, semi-detached, attached, and multi-family residences (Use Groups 1 & 2) as well as community facility uses (Use Groups 3 & 4). The maximum FAR for all housing types is 1.25 with a community facility FAR of 2.0, and the maximum street wall and total building heights are 30 and 40 feet, respectively. Detached houses must have two side yards that total at least 13 feet, each with a minimum width of five feet. Semi-detached houses need one eight foot wide side yard. Apartment houses need two side yards, each at least eight feet wide. Off-street parking is required for 85% of the dwelling units in a building.

The Special Ocean Parkway District (OP), encompassing a band of blocks east and west of the Parkway between Prospect Park and Brighton Beach, enhances the qualities of this broad landscaped road designated a scenic landmark. All new developments fronting on Ocean Parkway are required to have a 30-foot-deep landscaped front yard unobstructed by porches, canopies or stairs. Only driveways or walkways may be paved. Accessory off-street parking must be completely enclosed and any new community facility development or enlargement is

limited to the residential bulk regulations of the underlying zoning district, except by City Planning Commission certification. The district also preserves the character of the large, detached and semi-detached, one- and two-family homes in the areas east and west of the Parkway.

Study Area

Most of the area within 400 feet of the project site shares the property's R5 zoning. The area south of Fort Hamilton Parkway is also located within the OP Special District. Therefore, the zoning use and bulk provisions relevant to the project site also apply to this portion of the project study area.

Other zoning districts located within 400 feet of the site include an R6 district mapped over the northeastern corner of the Project Site block, Block 5318; an R7A district mapped along both sides of the Prospect Expressway/Ocean Parkway; and two C1-3 commercial overlays mapped over the underlying R5 zoning along the Fort Hamilton Parkway frontages of Blocks 5281 and 5282 between East 2nd and East 4th Streets.

The R6 zoning district is appropriate for medium density housing with typical building heights ranging from three- to twelve-stories. The R6 zone is common in built-up areas of all the boroughs except Staten Island. The district allows a residential FAR ranging from 0.78 to 2.43 and a community facility FAR of 4.8. Parking is required for 70 percent of the dwelling units in this zone. Quality Housing Program is optional in R6 districts and permits an FAR of up to 3.0 on wide streets outside the Manhattan core. In addition, parking is required for only 50 percent of the dwelling units in a Quality Housing development.

The R7A zoning district is a contextual zoning district that requires development to be in accordance with Quality Housing standards. The district typically produces high lot coverage seven- and eight-story apartment buildings, blending with existing buildings in many established neighborhoods. The maximum residential and community facility FAR in the R7A zone is 4.0 with a maximum lot coverage of 65% on interior/through lots and 80% on corner lots. Parking is required for 50% of the dwelling units.

The C1-3 district is designed to accommodate the retail and personal service shops needed in residential neighborhoods. The maximum commercial FAR for a C1-3 overlay in the R5 zone is 1.0. Residential uses are permitted within these overlays with residential bulk being governed by the provisions of the surrounding residential zone. Parking requirements vary by use within the C1-3 zone with one parking space required for each 400 square feet of general retail floor area. All sidewalk cafes are permitted within the C1-3 commercial overlays mapped along the Fort Hamilton Parkway frontages of Blocks 5281 and 5282 between East 2nd and East 4th Streets.

PUBLIC POLICY

No public policies are applicable to the Project Area or the surrounding 400-foot project study area. No designated Historic Districts or individually designated historic resources are located within the Project Area or the surrounding study area and these areas therefore are not subject to New York City and New York State landmarks preservation regulations. The Project Area and the surrounding study area not located within the City's Coastal Zone Boundary and are therefore not subject to the provisions of the New York City Waterfront Revitalization Program. The Project Area and the surrounding study area are not covered by any 197-a or other community plans, and are not within an urban renewal area and are therefore not subject to the

provisions of an urban renewal plan. No other public policy documents would apply to the Project Area or the project study area.

THE FUTURE WITHOUT THE PROJECT

Land Use

Project Area

Absent the proposed action, the Applicant has stated that the Project Site would remain in its current condition. Therefore, the existing 3-story 7,350 square foot mixed residential and commercial building containing 8 residential dwelling units and 4 commercial units, including Hamilton's Restaurant, would remain on the property as further explained below. The Fort Hamilton Parkway 'front yard' and the East 4th Street 'side yard' areas of Hamilton's Restaurant would remain in their condition and would not include a sidewalk café.

- Hamilton's Patio – 12 years remaining on lease and plans to remain as evidenced by subject application.

- NYC Dept. of Sanitation – has occupied space for approximately 30 years renewing each lease for a period of 10 years; current lease renews in 2015 and is expected to remain.

- Contractor storage – has occupied space for 2 years of current 5 year lease; has been a good tenant and landlord expects lease will be renewed at the end of its current term.

- Artist Studio - has occupied space for 2 years starting with 1 year lease and has been renting month to month since.

Absent the proposed action, it is assumed that the Non-Applicant Owned Site would remain in its current condition. The existing 3-story 4,515 square foot mixed residential and commercial building containing 4 residential dwelling units and 1 commercial unit, including the Jaya Yoga East yoga studio, would remain on the property. The Fort Hamilton Parkway 'front yard' and the East 4th Street 'side yard' areas of Jaya Yoga would remain in their condition and would not include a sidewalk café.

Study Area

Based on a review of DCP's Land Use and CEQR Application Tracking System (LUCATS), no additional projects are anticipated to be completed by the project build year of 2015 within 400 feet of the project site. Surrounding land uses within the immediate study area are expected to remain largely unchanged by the project build year. Few undeveloped parcels remain within the project study area. Therefore, no significant new development or redevelopment in the area would be expected.

Zoning and Public Policy

The R5 zoning mapped on the Project Site permits a maximum residential FAR of 1.25 or 5,350 square feet on the 4,280 square feet lot. The existing 7,350 square feet building exceeds the permitted residential FAR. Although a community facility FAR of 2.0 is permitted on the Project Site allowing a building size of up to 8,560 square feet, the building has a long term history of residential occupancy with legal nonconforming commercial use on the ground floor. The enlargement and conversion of the building to community facility use is not likely to occur.

The R5 zoning mapped on the Non-Applicant Owned Site permits a maximum residential FAR of 1.25 or 2,093 square feet and a community facility FAR of 2.0 or 3,350 square feet on the 1,675 square feet lot. The existing 4,515 square feet building exceeds the permitted residential and community facility FAR. The building has a long term history of residential occupancy with legal nonconforming commercial use on the ground floor. The conversion of the building to community facility use would not be likely to occur.

Based on a review of the DCP website, no changes are anticipated to the zoning districts and zoning regulations or to any public policy documents relating to the Project Area or the surrounding study area in the near future.

THE FUTURE WITH THE PROJECT

Land Use

Project Area

The Applicant is seeking a zoning map amendment to allow Hamilton's Restaurant to apply for a permit to establish an unenclosed sidewalk café containing approximately 45 seats within the Fort Hamilton Parkway 'front yard' and the East 4th Street 'side yard' areas of Hamilton's Restaurant, which is located on the ground floor of the building on the site.

The proposed mapping of the C2-4 commercial overlay on the Project Site would allow the Applicant to apply for an unenclosed sidewalk café in the Fort Hamilton Parkway 'front yard' and the East 4th Street 'side yard' areas of Hamilton's Restaurant by the Project Build Year of 2015. The café would include approximately 45 seats. No other changes would occur to the existing 3-story 7,350 square foot mixed residential and commercial building containing 8 residential dwelling units and 4 commercial units, including Hamilton's Restaurant, on the property as further explained below. The mapping of the C2-4 overlay would make the existing legal nonconforming spaces in the building conforming pursuant to zoning and it is therefore more likely that each of the existing commercial uses would remain in the building.

- Hamilton's Patio – 12 years remaining on lease and plans to remain as evidenced by subject application.

- NYC Dept. of Sanitation – has occupied space for approximately 30 years renewing each lease for a period of 10 years; current lease renews in 2015 and is expected to remain.

- Contractor storage – has occupied space for 2 years of current 5 year lease; has been a good tenant and landlord expects lease will be renewed at the end of its current term.

- Artist Studio - has occupied space for 2 years starting with 1 year lease and has been renting month to month since.

The proposed mapping of the C2-4 commercial overlay on the Non-Applicant Owned Site would make the existing legal nonconforming spaces in the building conforming pursuant to zoning. It is not anticipated that Jaya Yoga would establish a sidewalk café as it does not have kitchen facilities and it does not currently serve food nor does it plan to serve food in the future. Jaya Yoga owns the building in which it is located and has successfully operated out of this space since 2010. This is the yoga studio's second location in the neighborhood. They opened their first studio in Park Slope in 2000 and are invested in and committed to the neighborhood. Jaya Yoga is also aware and supportive of the proposed zoning map change. No other changes are expected to occur to the existing 3-story 4,515 square foot mixed residential and commercial

building containing 4 residential dwelling units and 1 commercial unit, including Jaya Yoga, on the property.

Study Area

The neighborhood surrounding the Project Area consists of a stable mixture of one-, two-, and multi-family residences, local commercial retail uses, a playground, and community facilities including a church, a public library, and both a public school and a parochial school. No significant changes have occurred to these uses or the buildings in which they are located within recent years.

The proposed action would facilitate the provision of a sidewalk café which, the Applicant believes, is a neighborhood amenity that is not widely available in the surrounding area and it would support the surrounding residential population. The especially wide sidewalk on Fort Hamilton Parkway makes this a particularly suitable location for such a use. In addition, sidewalk cafes are already allowed across from the Project Site and the Non-Applicant Owned Site within the C1-3 commercial overlays mapped along the Fort Hamilton Parkway frontages of Blocks 5281 and 5282 between East 2nd and East 4th Streets. In fact, there are several existing businesses with outside seating areas on the sidewalk in this area, and a new sidewalk café on the Project Site would therefore be compatible with the existing character of the area.

No adverse impact to land use patterns in the area is expected to arise as a result of the proposed project, and further assessment of land use is not warranted.

Zoning

Project Area

The Applicant is seeking an amendment to zoning sectional map 22c, to map a C2-4 commercial overlay on two parcels located on the corner of Fort Hamilton Parkway and East 4th Street in Brooklyn. The C2-4 overlay would be applied to two existing commercial uses to allow a pre-existing legal non-conforming retail use to be brought into conformance and to allow the Applicant to apply for a sidewalk café on the Project Site. The Non-Applicant Owned parcel affected by the action is located directly across the street from the Project Site.

Approval of the proposed zoning map amendment would enable the establishment of the proposed sidewalk café for Hamilton's Restaurant. The existing commercial use (restaurant) is permitted by the June 19, 1926 Certificate of Occupancy which states "One bldg. store & 9-family tenement". Subsequent approvals were issued by the NYC Department of Buildings in June 2012 for the renovation of the Use Group 6 eating and drinking place and in June 2013 for the modification of the restaurant's existing kitchen fire suppression system. However, a commercial use is not allowed as-of-right under the existing R5/OP zoning mapped on the property. The mapping of the proposed C2-4 commercial overlay would bring the project site into conformance with zoning as well as allow for the establishment of the proposed sidewalk café. Zoning Resolution (ZR) Section (§) 14-44 permits unenclosed and enclosed sidewalk cafes in the Ocean Parkway Special District (except along Ocean Parkway itself).

The C2-4 commercial overlay zoning to be mapped on the Project Site would permit a maximum commercial FAR of 1.0 within the R5 zoning district in which it would be mapped. The first floor of the building contains approximately 2,450 square feet of floor area which would be permitted on the 4,280 square feet site as it would represent an FAR of 0.57. As

discussed under the No-Action Scenario above, no enlargement of the building would be permitted as the existing 7,350 square feet building exceeds the permitted residential FAR nor would conversion to community facility use be likely given the long term occupancy of the building by residential and commercial uses.

The C2-4 commercial overlay zoning to be mapped on the Non-Applicant Owned Site would permit a maximum commercial FAR of 1.0 within the R5 zoning district in which it would be mapped. The first floor of the building contains approximately 1,505 square feet of floor area which would be permitted on the 1,675 square feet site as it would represent an FAR of 0.90. As discussed under the No-Action Scenario above, no enlargement of the building would be permitted as the existing 4,515 square feet building exceeds the permitted residential and community facility FAR nor would conversion to community facility use be likely given the long term occupancy of the building by residential and commercial uses.

Study Area

The proposed zoning map amendment would not increase the allowable FAR or change the location or type of development allowed and would not induce new development either on the Project Site or the Non-Applicant Owned Site and would therefore have no effects on zoning in the surrounding 400-foot radius project study area.

Potentially significant adverse impacts related to zoning are not expected to occur as a result of the proposed action, and further assessment of zoning is not warranted.

Public Policy

No adverse impacts to public policies would occur as a result of the proposed action as no public policies are applicable to the Project Area or the surrounding 400-foot project study area.

No potentially significant adverse impacts related to public policy are anticipated to occur as a result of the proposed action, and further assessment of public policy is not warranted.

10. URBAN DESIGN AND VISUAL RESOURCES

Introduction

An assessment of urban design is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. A preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following:

1. Projects that permit the modification of yard, height, and setback requirements;
2. Projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project.

As defined in the *City Environmental Quality Review (CEQR) Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space. A visual resource can include views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings, and natural resources. Since the proposed action could result in the potential for a pedestrian to observe, from the street level, a physical alteration beyond what

is allowed by existing zoning, a preliminary assessment of urban design and visual resources is warranted.

Per the *CEQR Technical Manual*, the following analysis focuses on where the proposed action would be most likely to influence the built environment. This analysis addresses the urban design and visual resources of the study area for existing conditions, the future without the Proposed Action (the No-Action condition) and the future with the Proposed Action (With-Action condition) in the 2015 analysis year when the full build-out pursuant to the proposed action is expected to be completed.

Methodology

As defined in the *CEQR Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space and this analysis considers the effects of the proposed action on the experience of a pedestrian in the study area. Generally, the preliminary assessment focuses on those project elements that have the potential to alter the built environment, or urban design, of the project area, which is collectively formed by the following components:

- Street Pattern and Streetscape—the arrangement and orientation of streets define location, flow of activity, street views, and create blocks on which buildings and open spaces are arranged. Other elements including sidewalks, plantings, street lights, curb cuts, and street furniture also contribute to an area's streetscape.

- Buildings—building size, shape, setbacks, pedestrian and vehicular entrances, lot coverage and orientation to the street are important urban design components that define the appearance of the built environment.

- Open Space—open space includes public and private areas that do not include structures, including parks and other landscaped areas, cemeteries, and parking lots.

- Natural Features—natural features include vegetation, and geologic and aquatic features that are natural to the area.

- View Corridors and Visual Resources—visual resources include significant natural or built features, including important views corridors, public parks, landmarks structures or districts, or otherwise distinct buildings.

However, the rezoning area does not have natural features, built or natural visual resources, according to the definitions in the *CEQR Technical Manual*. Moreover, the proposed action would not affect the street hierarchy, reconfigure blocks, directly affect open space or induce new development. Therefore, this section will analyze the urban design characteristics of the study areas streetscape.

A detailed assessment of urban design and visual resources is not necessary for many projects. A preliminary screen looks for whether a project would have substantially different built form or setbacks than exist in an area and whether substantial new, aboveground construction would occur in an area that has important views, natural resources or landmark structures.

Study Area

As described above, the proposed action would bring two legal non-conforming buildings into conformance and facilitate the Applicant's application for and intent to establish a 45-seat sidewalk café on the Project Site. It would also permit the establishment of a sidewalk café on the Non-Applicant Owned Site, although as described above, it is not believed that a sidewalk café would be developed in the future on this Site. The proposed action would not increase the allowable FAR or change the location or type of development allowed on either the Project Site or the Non-Applicant Owned Site and would not induce new development in terms of building floor area on either Site. Therefore, relative to the urban design items listed above, the proposed action would not modify yard, height, or setback requirements on either the Project Site or the Non-Applicant Owned Site. It would also not result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project on either Site.

Pedestrians would notice a change to the Fort Hamilton Parkway 'front yard' and the East 4th Street 'side yard' areas of Hamilton's Restaurant, which is located on the ground floor of the building on the Project Site. These areas currently present the appearance of an extension of the sidewalks adjacent to the Site, although the area along Fort Hamilton Parkway is fenced but not in use. With the proposed action, these 'yard' areas would contain tables and seating for approximately 45 persons. The action would result in an improvement to the appearance of affected 'yard' areas adjacent to Hamilton's Restaurant which are now just bare concrete. As stated above, the proposed action is not anticipated to result in the establishment of a sidewalk café on the Non-Applicant Owned Site. Therefore, no change would occur to the appearance of the Fort Hamilton Parkway 'front yard' or the East 4th Street 'side yard' areas of the Jaya Yoga East yoga studio, which is located on the ground floor of the building on the Non-Applicant Owned Site.

As the aforementioned changes in pedestrian experience would not constitute a physical alteration to yards, height, setbacks, or floor area beyond that allowed by existing zoning, the proposed action would not result in an urban design impact. In addition, the proposed action would not result in the obstruction of publicly accessible views to visual resources that are not allowed by the existing zoning of the property. There are no visual resources as defined by CEQR within the vicinity of the Project Area.

Based on the above, the proposed action would not result in significant adverse impacts to urban design or visual resources and further analysis is not warranted.

APPENDIX

Hamilton's Patio

List of Figures and Drawings

1. Tax Map

2. Site Location (w/photo view locations)

   - Photos 1-18

3. Land Use

4. Zoning

2826 Fort Hamilton Parkway, Brooklyn

Tax Map

Legend

(#) - Lot Numbers

- Block Numbers

..... - 400 Foot Radius



North

0 20 50 100

Urban Cartographics

107-14 Queens Boulevard No. 3 Forest Hills, NY 11375

718.427.5299 urbancartographics@gmail.com www.urbancartographics.com

2826 Fort Hamilton Parkway, Brooklyn

Site Location Map



North

Urban Cartographics 107-14 Queens Boulevard No. 3 Forest Hills, NY 11375 718.427.5299 urbancartographics@gmail.com www.urbancartographics.com



1. View of Fort Hamilton Parkway, facing west.



2. View of the Site, facing southwest along Fort Hamilton Parkway.



3. Sidewalk along south side of Fort Hamilton Parkway (Site at left).





4. View of the Site from Fort Hamilton Parkway, facing south.



5. View of East 4th Street facing south (Site at left).



6. View of the Site from Fort Hamilton Parkway, facing southeast.





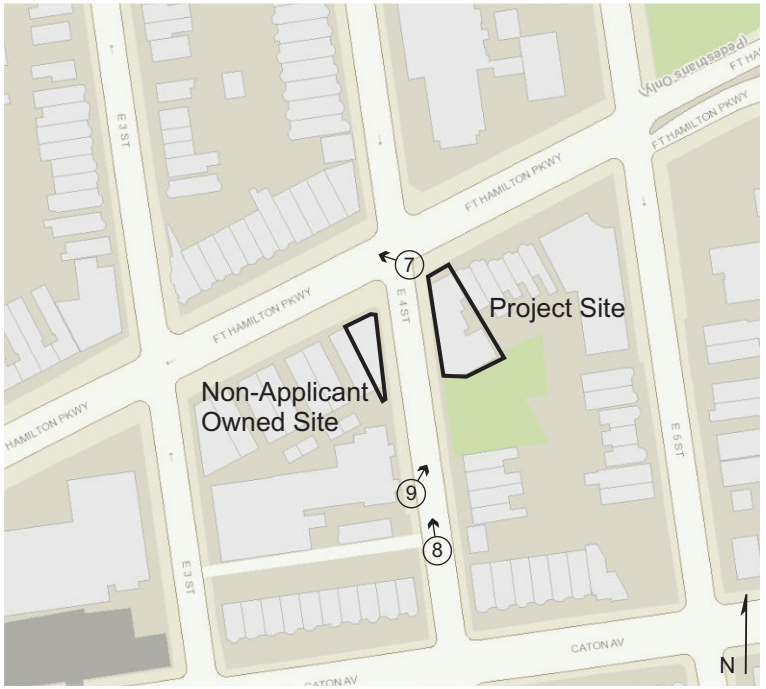
7. View of Fort Hamilton Parkway, facing northwest.



8. View of East 4th Street, facing north (Site at right).



9. View of the Site from East 4th Street, facing northeast.





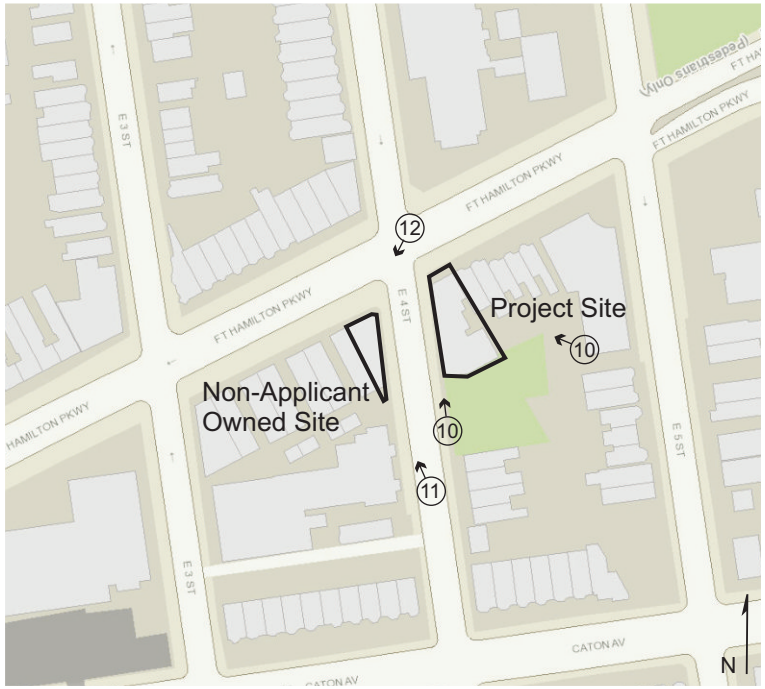
10. View of sidewalk along East 4th Street facing north (Site at right).



11. View of retail store, facing northwest along East 4th Street.



12. View of retail store, facing southwest along Fort Hamilton Parkway.





13. View of retail site along Fort Hamilton Parkway, facing south.



14. View of retail site along Fort Hamilton Parkway, facing southeast.



15. View of Fort Hamilton Parkway, facing east.





16. View of Fort Hamilton Parkway at East 4th Street, facing northeast.



17. View of Fort Hamilton Parkway between East 3rd Street and East 4th Street, facing northwest.



18. View of sidewalk along the south side of Fort Hamilton Parkway, facing west.



2826 Fort Hamilton Parkway, Brooklyn

Land Use Map



Land Uses

- One and Two-Family Homes
- Multiple Dwelling
- Commercial
- Mixed Use (Residential-Commercial)
- Manufacturing
- Open Space / Park Land
- Institutional / Community Facility
- Parking / Automotive

Legend

- (#) - Lot Numbers (within radius)
- ### - Block Numbers
- I, II, III - Story Height
- MD - Multiple Dwelling
- D - Dwelling
- R - Retail
- G - Garage
- C - Commercial
- I - Industrial
- M - Manufacturing
- W - Warehouse
- V - Vacant
- CF - Community Facility

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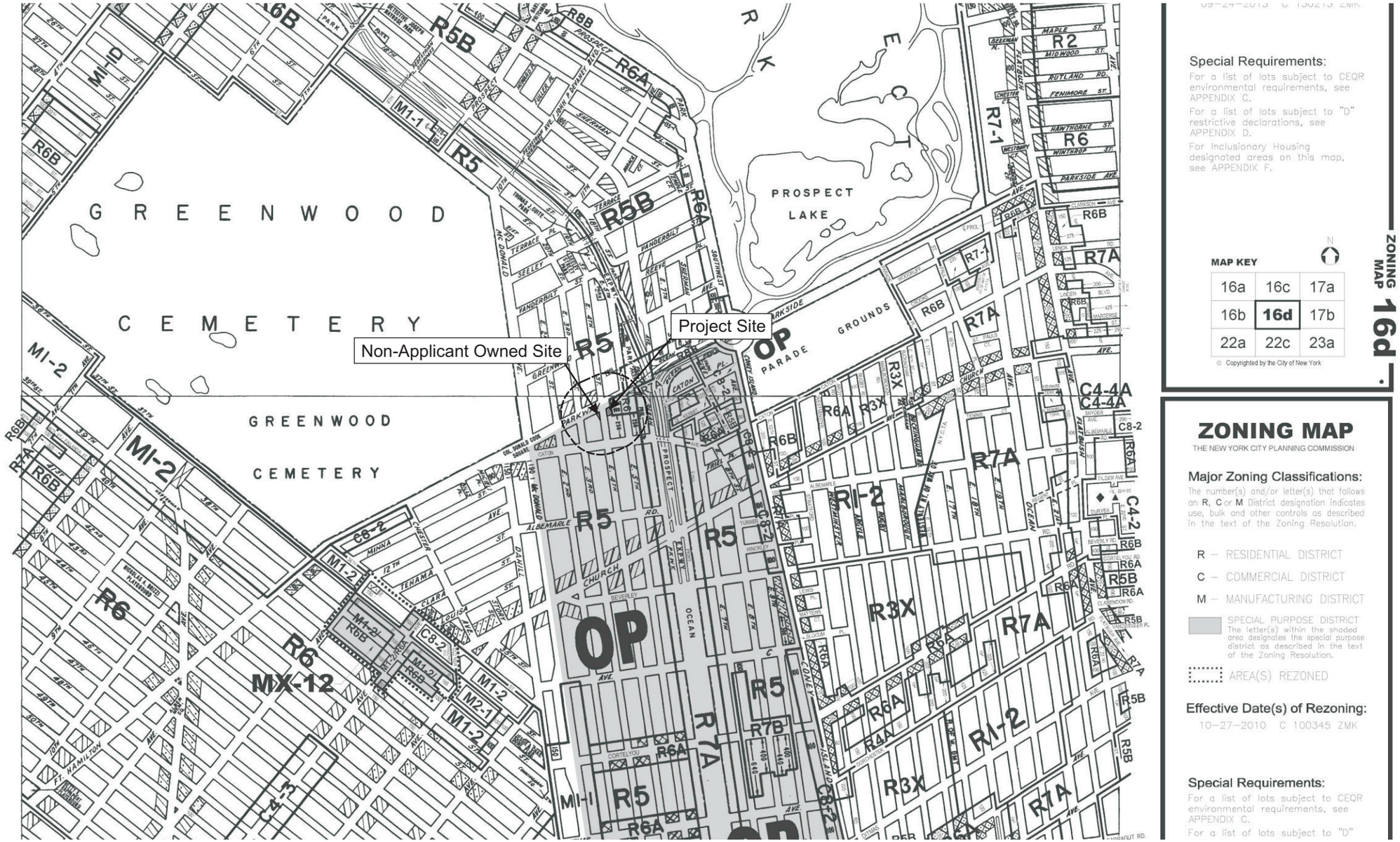
2826 Fort Hamilton Parkway, Brooklyn



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