DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Carl Weisbrod, *Director*
Department of City Planning

September 15, 2014

Nilda Mesa
Mayor's Office of Environmental Coordination
100 Gold Street - 2nd Floor
New York, NY 10038

NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW

Re: **Hamilton's Patio**
CEQR No. 15DCP038K
ULURP No. 150076ZMK
Staten Island, Community District 3
SEQR Classification: Unlisted

The above-referenced application involves a discretionary action subject to City Planning Commission (CPC) approval. This action is subject to review under the City Environmental Quality Review (CEQR), Executive Order No. 91, and the State Environmental Quality Review Act (SEQRA), 6 NYCRR 617.

Pursuant to Sections 5.03 and 5.05 of the Rules of Procedure for City Environmental Quality Review (CEQR) as adopted June 26, 1991, the Department of City Planning, acting on behalf of the City Planning Commission, is assuming lead agency status for this application and is initiating the CEQR review.

The applicant, Lula Enterprises, LLC, is seeking a zoning map amendment to map a C2-4 commercial overlay on portions of two city blocks currently zoned R5. The proposed action would bring two legal non-conforming mixed-use commercial buildings into conformance with zoning regulations and facilitate a proposal by the applicant to apply for a Department of Consumer Affairs (DCA) permit for an unenclosed 45-seat sidewalk café adjacent to their restaurant, Hamilton's Patio (the Project Site). The proposed C2-4 commercial overlay would be mapped on either side of East 4th Street and Fort Hamilton Parkway, which includes the applicant's restaurant located at 2826 Fort Hamilton Parkway (Block 5318, Lot 1) and a non-applicant owned site located at 2902 Fort Hamilton Parkway (Block 5317, Lot 9). The project site is located within the Special Ocean Parkway District in the Windsor Terrace neighborhood of Brooklyn, Community District 7.

Currently, the project site is developed with a 3-story 7,350 gross square foot (gsf) mixed-use residential and commercial building containing 8 residential dwelling units and 2,250 gsf of commercial space, which includes the 1,300 gsf Hamilton's Patio restaurant, a 350 gsf New

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York City Department of Sanitation (DSNY) storage space, a 350 gsf of contractor storage space and a 250 gsf artist studio space. Hamilton's Patio has approximately 12 years remaining on a 15 year lease that it took over from the previous owner. The non-applicant owned site located at the southwest corner of Fort Hamilton Parkway and East 4th Street is developed with a 3-story 4,515 gsf mixed residential and commercial building containing 4 residential dwelling units and 1,505 gsf of commercial space which is occupied by Jaya Yoga East.

R5 zoning districts allow all housing types at a maximum floor area ratio (FAR) of 1.25. The maximum building height is 40 feet with a maximum perimeter wall height of 35 feet. Community facilities are permitted at maximum FAR of 2.0. C2-4 commercial overlay districts allow for a variety of commercial uses (Use Group 5–9 and 14) with a maximum FAR of 1.0 when mapped inside an R5 district.

Under the proposed action, both the Project Site at 2826 Fort Hamilton Parkway and the non-applicant owned site at 2902 Fort Hamilton Parkway would become conforming with zoning regulations and the applicant would apply for a permit from the Department of Consumer Affairs (DCA) permit for a 45 seat unenclosed sidewalk café on the Project Site.

The proposed project is expected to be completed by 2015. Absent the proposed action, the applicant would not be allowed to apply for a permit for an unenclosed sidewalk café and has stated that the project site would remain in its current condition.

An Environmental Assessment Statement is attached. Please contact Jonathan Keller of the Department of City Planning at (212) 720-3419 if you have any questions regarding the application.

Sincerely,

Olga Abinader, Deputy Director
Environmental Assessment and Review Division
New York City Department of City Planning

cc: Robert Dobruskin, Winston Von Engel, Aline Fader, Anna Slatinsky, Jonathan Keller, Susan Wong, Pat Bussey