

Note.—This resolution is final but subject to formal revision before publication in the Bulletin. Please notify the General Counsel of any typographical or other formal errors so that corrections may be made before the Bulletin is published.

CORRECTION: This resolution adopted on January 28, 2020, under Calendar No. 2018-191-BZ, is hereby corrected to read as follows:

BOARD OF STANDARDS AND APPEALS

MEETING OF: January 28, 2020
CALENDAR NO.: 2018-191-BZ
PREMISES: 215 North 10th Street, Brooklyn
Block 2299, Lot 21

ACTION OF BOARD — Application granted on condition.

THE VOTE —

Affirmative: Chair Perlmutter, Vice-Chair Chanda,
Commissioner Ottley-Brown, Commissioner Sheta, and
Commissioner Scibetta.....5
Negative:.....0
Absent:.....0

THE RESOLUTION —

The decision of the Department of Buildings (“DOB”), dated November 19, 2018, acting on New Building Application No. 321383551, reads in pertinent part:

“The proposed number of parking spaces is less than the amount of parking required, contrary to 44-21.”

This is an application under Z.R. §§ 73-44 and 73-03 to permit, in an M1-2/R6A zoning district, and in the Special Mixed Use (MX-8) zoning district, a reduction in the number of accessory off-street parking spaces required for commercial office building (Use Group 6B) use in parking requirement category B1 (Use Group 6, 7, 8, 9, 10, 11, 14, 16), contrary to Z.R. § 44-21.

A public hearing was held on this application on September 17, 2019, after due notice by publication in *The City Record*, with continued hearings on November 26, 2019, and January 28, 2020, and then to decision on January 28, 2020. Vice-Chair Chanda, Commissioner Ottley-Brown and Commissioner Sheta performed inspections of the site and surrounding neighborhood. Community Board 1, Brooklyn, recommends approval of this application.

The Premises are located on the northwest corner of North 10th Street and Roebing Street, in an M1-2/R6A zoning district, and in the Special Mixed Use (MX-8) District, in Brooklyn. The Premises have approximately 180 feet of frontage along North 10th Street, 100 feet of

frontage along Roebling Street, 18,000 square feet of lot area and is under construction of a proposed six-story plus cellar mixed-use residential and commercial office building that will contain approximately 30,898 square feet of Use Group 6B commercial office floor area.

The Board notes that its determination herein is also subject to and guided by, inter alia, Z.R. §§ 73-01 through 73-04. As a threshold matter, the Board notes that the site is within the boundaries of a designated area in which the subject special permit is available. Pursuant to Z.R. § 73-44, the Board may reduce the required parking for commercial office building (Use Group 6B) use in parking requirement category B1 (Use Group 6, 7, 8, 9, 10, 11, 14, 16) at the Premises from one space per 300 square feet of floor area to one space per 600 square feet of floor area provided that the Board finds that such occupancy is contemplated in good faith.

The applicant submitted an affidavit stating that the building will be occupied by commercial office building (Use Group 6B) use in parking requirement category B1 (Use Group 6, 7, 8, 9, 10, 11, 14, 16). The applicant further states that any certificate of occupancy for the building will state that no subsequent certificate of occupancy may be issued if commercial office building (Use Group 6B) use in parking requirement category B1 (Use Group 6, 7, 8, 9, 10, 11, 14, 16) is changed to a use listed in parking category B unless additional accessory off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius. The Board finds the affidavit credible and that the applicant has submitted sufficient evidence of good faith in maintaining the proposed Use Group 6 commercial office use. Further, the Board states that the retail space is not eligible for a parking reduction, there must be no retail space on the site and the entire commercial use must be designated as Use Group 6B office space.

Over the course of hearings, the Board raised concerns regarding the use of overhead vehicle lifts in the cellar of the proposed building and whether the loading and unloading areas in relation to the valet fostered effective circulation. In response to the Board's comments at hearing, the applicant submitted an operational plan and revised drawings to show short-, medium-, and long-term parking areas, designated loading areas with striping and signage, and documentation demonstrating the specifications of the vehicle lifts.

By letter dated November 25, 2019, the Fire Department ("FDNY") stated that, after consultation with members in the Fire Department's Technology Management Unit ("TMU"), it is FDNY's position that plans of the proposed "Clearspan Electric Auto Lift" be filed for review; a concern of TMU is clearance of sprinkler lines around the proposed auto lift (stackers), firefighter access to automobiles, and ingress and egress from the parking garage; the applicant must request a letter of no objection to the installation of the proposed auto lift stackers by submitting signed and sealed plans and a completed TM-1 to the FDNY Bureau of Fire Prevention, TMU for plan review. By

letter dated January 26, 2020, FDNY states that plans for the “Clearspan Electric Auto Lift” are being reviewed by TMU for compliance with the original objection and FDNY is confident that the plans address concerns regarding firefighting operations at these premises; FDNY has no objection to the application. The Board finds that, under the conditions and safeguards imposed, any hazard or disadvantage to the community at large due to the proposed modification of parking regulations is outweighed by the advantages to be derived by the community and finds no adverse effect on the privacy, quiet, light and air in the neighborhood. The proposed modification of parking regulations will not interfere with any pending public improvement project.

The project is classified as an Unlisted action pursuant to 6 NYCRR, Part 617.2. The Board has conducted an environmental review of the proposed action and has documented relevant information about the project in the Final Environmental Assessment Statement CEQR No. 19BSA063K, received January 9, 2020. The EAS documents that the project as proposed would not have significant adverse impacts on Land Use, Zoning and Public Policy; Socioeconomic Conditions; Community Facilities; Open Space; Shadows; Historic and Cultural Resources; Urban Design; Natural Resources; Infrastructure; Solid Waste and Sanitation Services; Energy; Transportation; Air Quality; Greenhouse Gas Emissions; Noise; Public Health; Neighborhood Character; or Construction Impacts. An (E) designation (E-138) was placed on the site for hazardous materials in connection with the 2005 Greenpoint-Williamsburg FEIS. With regards to hazardous materials, the (E) designation requires two tasks: 1) that the applicant submit to the New York City Office of Environmental Remediation (“OER”), for review and approval, a 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 OER; the number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e. petroleum based contamination and non-petroleum based contamination) and the remainder of the site’s condition; the characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data; guidelines and criteria for selecting sampling locations and collecting samples will be provided by OER upon request, and 2) a written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval; after receiving such test results, a determination will be made by OER if the results indicate that remediation is necessary; if OER determines that no remediation is necessary, written notice shall be given by OER; if remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval; the applicant must complete such remediation as determined necessary by OER; the

applicant should then provide proper documentation that the work has been satisfactorily completed; an OER-approved construction-related health and safety plan will be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater; the Plan will be submitted to OER for review and approval prior to implementation. By correspondence dated November 25, 2019, the Department of City Planning represents that the proposed project will not substantially hinder the achievement of any Waterfront Revitalization Program (“WRP”) policy and determines that the project is consistent with WRP policies. The Board has determined that the proposed action will not have a significant adverse impact on the environment and that no other significant effects upon the environment that would require an Environmental Impact Statement are foreseeable.

The Board finds that the evidence in the record supports the findings required to be made under Z.R. §§ 73-44 and 73-03 and that the applicant has substantiated a basis to warrant exercise of discretion.

Therefore, it is Resolved, that the Board of Standards and Appeals does hereby *issue* a Negative Declaration prepared in accordance with Article 8 of the New York State Environmental Conservation Law and 6 NYCRR Part 617, the Rules of Procedure for City Environmental Quality Review and Executive Order No. 91 of 1997, as amended, and makes each and every one of the required findings under Z.R. §§ 73-44 and 73-03 to *permit*, in an M1-2/R6A zoning district, and in the Special Mixed Use (MX-8) zoning district, a reduction in the number of accessory off-street parking spaces required for commercial office building (Use Group 6B) use in parking requirement category B1 (Use Group 6, 7, 8, 9, 10, 11, 14, 16), contrary to Z.R. § 44-21; *on condition* that all work and site conditions shall conform to drawings filed with this application marked “Received January 28, 2020”-Nineteen (19) sheets; and *on further condition*

THAT 67 parking spaces (51 spaces for office use, 16 for residential use) shall be provided on site, as shown on the BSA-approved plans;

THAT patrons entering the garage shall be greeted by a valet then instructed to park and exit their vehicle within the approximately 800 square foot (~20’ wide x ~40’ deep) unloading zone just inside the garage entrance, which shall be maintained marked with reflective striping for visual prominence;

THAT no patrons are allowed outside of the unloading zone;

THAT when the garage is busy with inbound traffic, the valets shall move the cars from the unloading zone and temporarily park the cars in the first available space in order to make room for more inbound patrons, and once the garage activity has slowed down, the valets shall reposition cars that were temporarily parked during the busy period to a position that corresponds with the patron’s stated exit date and time;

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THAT the valet shall categorize patrons into one of three categories of parkers, as short-, medium-, and long-term;

THAT the certificate of occupancy issued for the building within which the commercial office building (Use Group 6B) use in parking requirement category B1 (Use Group 6, 7, 8, 9, 10, 11, 14, 16) is located shall state that no certificate shall thereafter be issued if the Use Group 6 offices are changed to a use listed in parking category B unless additional accessory off-street parking spaces sufficient to meet such requirements are provided on the site or within the permitted off-site radius;

THAT the above conditions shall appear on the certificate of occupancy;

THAT a certificate of occupancy, also indicating this approval and calendar number (“BSA Cal. No. 2018-191-BZ”), shall be obtained within four (4) years and an additional six months, in light of the current state of emergency declared to exist within the City of New York resulting from an outbreak of novel coronavirus disease, by October 24, 2024;

THAT this approval is limited to the relief granted by the Board in response to objections cited and filed by the Department of Buildings;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plans or configurations not related to the relief granted.

Adopted by the Board of Standards and Appeals, January 28, 2020.

CERTIFICATION

***This copy of the Resolution
dated January 28, 2020
is hereby filed by
the Board of Standards and Appeals
dated May 29, 2020***



***Carlo Costanza
Executive Director***