



CITY PLANNING COMMISSION

May 12, 2010/Calendar No. 7

C 090471 ZSK

IN THE MATTER OF an application submitted by Integral Electrical Power & Control Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 94-063 of the Zoning Resolution to allow an eating or drinking establishment without restrictions on entertainment or dancing, on a portion of the ground floor and 2nd floor of an existing 2-story building on property located at 2001 Emmons Avenue, (Block 8778, Lot 52) in an R5/C2-2 District within the Special Sheepshead Bay District (Subdistrict C), Community District 15, Borough of Brooklyn.

The application for the special permit was filed by Integral Electrical Power and Control Corporation on June 12, 2008 in order to allow the operation of an eating and drinking establishment without restrictions on entertainment and dancing in Subdistrict C of the Special Sheepshead Bay District (SDBD) of Community District 15, Brooklyn.

BACKGROUND

The applicant, Integral Electrical Power and Control Corporation, is seeking the grant of a special permit pursuant to Section 94-063 of the Zoning Resolution to permit the operation of an eating or drinking establishment without restrictions on entertainment or dancing on a portion of the ground floor and on the 2nd floor of an existing two-story building located at 2001 Emmons Avenue (Block 8778, Lot 52) in Brooklyn. The building is currently occupied as a restaurant operated by the applicants as the Baku Palace. The block containing the subject property is bounded by Ocean Avenue to the west, Shore Parkway to the north, Emmons Avenue to the south, and East 21st Street to the east and is in a R5/C2-2 zoning district within the SDBD; the remainder of the block is occupied by restaurants as well as an attended parking lot, which is accessible from the Shore Parkway Service Road.

The site is located across Emmons Avenue from the Sheepshead Bay marina to the south. The former Lundy's restaurant, a New York City Landmarks Preservation Commission designated landmark, is across Ocean Avenue to the west of the site, and a shopping center anchored by a Loehmann's department store is located on the block to the east. The site is separated from nearby residential uses by Shore Parkway to the north.

The Baku Palace is a 7,500 square-foot two-story restaurant that specializes in Azerbaijani cuisine and which occasionally hosts special events, such as weddings and anniversary parties, on the first and second floor dining rooms. The SDBD currently allows eating or drinking establishments without restrictions to size, however it limits entertainment to the playing of musical instruments without dancing. Pursuant to Section 94-063 of the SDBD (Uses permitted by special permit), the City Planning Commission may allow eating or drinking establishments without restrictions on entertainment and dancing. In order to grant the special permit, the Commission must find that the use so located as to not impair the character of the surrounding area and that the principal vehicular access for such use is not located on Emmons Avenue, Sheephead Bay Road, Ocean Avenue, or Bedford Avenue. The requested special permit would allow for dancing at this establishment without restriction on a portion of the ground floor and the second floor.

ENVIRONMENTAL REVIEW

This application (C 090471 ZSK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality

Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DCP079K. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 14, 2009.

UNIFORM LAND USE REVIEW

This application (C 090471 ZSK) was certified as complete by the Department of City Planning on December 14, 2009, and was duly referred to Community Board 15 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 15 held a public hearing on this application on January 26, 2010, and, on that date, by a vote of 24 to 5 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on February 23, 2010 approving the application.

City Planning Commission Public Hearing

On March 24, 2010 (Calendar No. 1), the City Planning Commission scheduled April 14, 2010, for a public hearing on this application (C 090471 ZSK). The hearing was duly held on April 14, 2010 (Calendar No. 16). There was one speaker in favor of the application and no speakers in opposition.

A representative of the applicant spoke in favor of the application and described the operation of the existing restaurant and explained the need for the special permit.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

The proposed special permit would facilitate the Baku Palace to allow dancing. These activities would be consistent with and complement the character of the surrounding area, a popular destination for entertainment where many other eating and drinking places are located, and would not impair the future development of the area.

The grant of the proposed special permit is not expected to increase the number of events or attendance at such events held at the restaurant, but would permit dancing and musical entertainment to enhance the already permitted uses at this location. Therefore, the grant of this special permit is not expected to generate additional street traffic or to create undue congestion on local streets. Furthermore, the vehicular entrance to the valet parking facility for the restaurant, is located on the Shore Parkway Access Road.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Sections 94-063 of the Zoning Resolution:

- (a) the use is so located as not to impair the character of

the surrounding area or its future development or cause any environmental hazards;

- (b) the principal vehicular access for such use is not located on Emmons Avenue, Sheepshead Bay Road, Ocean Avenue or Bedford Avenue, except where no access is available from another street, and that such use will not cause undue congestion in local streets;
- (c) not applicable
- (d) not applicable

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application by Integral Electrical Power & Control Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 94-063 of the Zoning Resolution to allow an eating or drinking establishment without restrictions on entertainment or dancing, on a portion of the ground floor and 2nd floor of an existing 2-story building on property located at 2001 Emmons Avenue, (Block 8778, Lot 52) in an R5/C2-2 District within the Special Sheepshead Bay District (Subdistrict C), Community District 15, Borough of Brooklyn, is approved, subject to the following conditions:

1. That the property that is the subject of this application (C 090471 ZSK) shall be operated

in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by WYS Design Partnership, P.C., filed with this application and incorporated in this resolution:

| <u>Drawing No.</u> | <u>Drawing Title</u> | <u>Latest Revision Date</u> |
|--------------------|--|-----------------------------|
| SP-1 | Special Permit Site Plan & Zoning Calculations | 04/06/2009 |
| SP-2 | Special Permit Site Plan | 04/06/2009 |
| SP-4 | First Floor Plan | 04/06/2009 |

3. Such development shall conform to all applicable provisions of the Zoning Resolution, except for modifications specifically granted in this resolution and shown on the plans listed above which has been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
4. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
5. All leases, subleases or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Upon failure of any part having any right, title or interest in this property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party, to observe any of the covenants, restrictions, agreements, term or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of

revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 090471 ZSK), duly adopted by the City Planning Commission on May 14, 2010 (Calendar No. 7), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BE TTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners.