



CITY PLANNING COMMISSION

December 4, 2002/Calendar No. 17

C 020597 PPK

IN THE MATTER OF an application submitted by the Department of Business Services, pursuant to Section 197-c of the New York City Charter, for disposition to the Economic Development Corporation of one (1) city-owned property located at 2777 Flatbush Avenue (Block 8591, part of lots 980 & 175) pursuant to zoning, Borough of Brooklyn, Community District 18.

The application for the disposition of city-owned property was filed by the Department of Business Services on May 7, 2002.

BACKGROUND

The Department of Business Services proposes the disposition of one (1) city-owned property pursuant to zoning, in Community District 18, Brooklyn.

2777 Flatbush Avenue (Block 8591, part of Lots 980 & 175) is an approximately 60 foot by 950 foot irregularly shaped portion of two lots. It is an approximately 54,000 square foot property with a restaurant and parking lot located on Flatbush Avenue in a C3 zoning district. The property is adjacent to the Kings Plaza Shopping Center to the north, a tract of city-owned property containing the Mariner's Marina and a Toys R Us to the south, and Mill Basin to the east. The surrounding area includes the Mill Basin and Flatlands residential communities to the east and north, Marine Park to the west, and the Belt Parkway and Gateway National Recreation Area to the south.

The subject property is currently developed with Nick's Lobster, which includes a restaurant,

storage building and parking lot. Upon disposition approval, the Department of Business Services intends to dispose of the subject property to the Economic Development Corporation (EDC). EDC intends to enter into a ten year, long-term lease with the current tenant. The restaurant is not a permitted use in a C3 district, except by a Board of Standards and Appeals special permit. To bring the business into conformance, Nick's Lobster will apply for a Board of Standards and Appeals special permit to allow for an eating and drinking establishment with a capacity of less than 200 people.

ENVIRONMENTAL REVIEW

This application (C 020597 PPK) 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. This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 020597 PPK) was certified as complete by the Department of City Planning on August 19, 2002, and was duly referred to Community Board 18 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 18 held a public hearing on this application on September 18, 2002, and on September 18, 2002, by a vote of 34 to 0 with 0 abstentions, adopted a resolution recommending approval of the following application with the following conditions:

Community Board #18 recommends approval.... subject to the submission to the Board of Standards & Appeals for the Variance, and that the Department of Business Services present the negotiated lease to the Board for advice and comment. The Board urges the Department of Business Services to enter into a lease agreement that would provide for not less than twenty (20) years of tenancy by Nick's Lobster Restaurant with a ten (10) year option for renewal at an agreed upon rental.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on October 23, 2002, approving the application with the following comments:

The Borough President encourages the disposition of the above-mentioned property to NYC EDC in order to facilitate a long-term lease agreement with the current retail tenant, Nick's Lobster. The Borough President concurs with Community Board 18's recommendation.

City Planning Commission Public Hearing

On October 16, 2002 (Calendar No. 3), the City Planning Commission scheduled November 6, 2002, for a public hearing on this application (C 020597 PPK). The hearing was duly held on November 6, 2002 (Calendar No. 5). There were two speakers in favor of the application and none in opposition.

A representative of EDC presented the project to the Commission and described investments being made by the city to this and adjacent properties. An attorney representing Nick's Lobster, described Nick's intention to make improvements to the property and remain as a viable business.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the disposition of this city-owned property is appropriate.

The disposition of this property will allow a viable business to continue operating and make improvements to their establishment. Nick's Lobster has long been a friendly neighbor and is a well-respected community business. This project conforms to EDC's plans for improvements to the waterfront properties along Flatbush Avenue, south of Kings Plaza. The City has funded the replacement of bulkhead with rip rap on the site and has constructed a new parking lot. In response to the Community Board and Borough President's recommendations regarding a longer lease, EDC is considering extending the lease with Nick's Lobster restaurant to twenty years.

RESOLUTION

RESOLVED, by the City Planning Commission pursuant to Section 197-c of the New York City Charter, that the disposition to the Economic Development Corporation of one (1) city-owned property pursuant to zoning, located at 2777 Flatbush Avenue (Block 8591, part of lots 980 &

175), Borough of Brooklyn, Community District 18, proposed in an application by the Department of Business Services, dated May 7, 2002, is approved.

The above resolution (C 020597 PPK), duly adopted by the City Planning Commission on December 4, 2002 (Calendar No. 17), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice-Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.
RICHARD W. EADDY, JANE D. GOL, WILLIAM J. GRINKER, JOHN MEROLO,
KAREN A. PHILLIPS, JOSEPH B. ROSE, DOLLY WILLIAMS, Commissioners

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION # 020597 PPK

DESCRIPTION Disposition of property at 2777 Flatbush Avenue to the NYC Economic Development Corporation.

COMMUNITY DISTRICT NO. 18

BOROUGH OF BROOKLYN

DEPARTMENT OF CITY PLANNING

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITIONS

OCT 20 2002

BROOKLYN OFFICE

J65

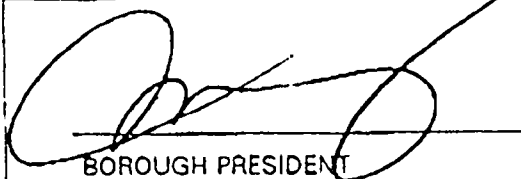
EXPLANATION OF RECOMMENDATION - MODIFICATIONS/CONDITIONS

On September 17, 2002, the Borough President held a public hearing on this application. A representative of EDC and a representative of the current tenant presented the application. There were no other speakers.

The Borough President encourages the disposition of the above-mentioned property to NYC EDC in order to facilitate a long-term lease agreement with the current retail tenant, Nick's Lobster. The Borough President concurs with Community Board 18's recommendation.

- RECOMMENDATION ATTACHED
- RECOMMENDATION TO FOLLOW

CITY PLANNING COMMISSION
2002 OCT 22 PM 5:37
DEPT. OF CITY PLANNING


BOROUGH PRESIDENT

October 23, 2002

DATE

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 020597 PPK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Business Services, pursuant to Section 197-c of the New York City Charter, for disposition to the Economic Development Corporation of one (1) city-owned property located at 2777 Flatbush Avenue (Block 8591, part of lots 980 & 175), pursuant to zoning.

DEPARTMENT OF CITY PLANNING

SEP 30, 02

BROOKLYN OFFICE

124

COMMUNITY BOARD NO. 18

BOROUGH Brooklyn

BOROUGH BOARD 1

DATE OF PUBLIC HEARING 9/18/02

LOCATION Kings Plaza Comty. Rm. Flatbush Ave. & Ave. v Brooklyn, New York 11234

WAS QUORUM PRESENT? YES NO

(A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE 9/18/02

LOCATION Same as above

RECOMMENDATION

- APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)
Community Board #18 recommends approval of the Application received from the Department of Business Services, pursuant to Section 197-c of the N.Y.C. Charter, for disposition to the Economic Development Corporation of the property located at 2777 Flatbush Avenue d/b/a Nick's Lobster Restaurant, Block 8591, part of Lots 980 and 175 subject to the resubmission by the Board of Standards & Appeals for the Variance, and that the Department of Business Services present the negotiated lease to the Board for advice and comment. The Board urges the Department of Business Services to enter into a lease agreement that would provide for not less than twenty (20) years of tenancy by Nick's Lobster Restaurant with a ten (10) year option for renewal at an agreed upon rental.

CITY PLANNING COMMISSION
SEP 24 PM 2:02
P.T. OF CITY PLANNING

VOTING

IN FAVOR 34 AGAINST - 0 - ABSTAINING - 0 -

TOTAL MEMBERS APPOINTED TO BOARD 49

Dorothy Turano
COMMUNITY/BOROUGH BOARD OFFICER
Dorothy Turano
September 20, 2002

District Manager

DATE

TITLE