



Land Use Review Application

New York, NY 10007-1216

Received by Central Intake on September 9, 2014

City Planning will assign and stamp reference numbers here



N150109ZRK

APPLICATION NUMBER

1. APPLICANT AND APPLICANT'S REPRESENTATIVES

APPLICATION NUMBER

Cherry Hill Gourmet Market^L

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) *
1901 Emmons Avenue^L

STREET ADDRESS

Brooklyn^L NY^L 11235^L
CITY STATE ZIP

(718) 616-1900^L ^L
AREA CODE TELEPHONE # FAX#

* List additional applicants below:

^L
CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

^L
CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)
ADDITIONAL APPLICANT REPRESENTATIVE:

^L
NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.)

APPLICATION NUMBER

Richard Lobel^L

APPLICANT'S PRIMARY REPRESENTATIVE

Sheldon Lobel, P.C.^L

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

18 East 41st Street, 5th Floor^L
STREET ADDRESS

New York^L NY^L 10017^L
CITY STATE ZIP

(212) 725-2727^L (212) 725-3910^L
AREA CODE TELEPHONE # FAX#

rlobel@sheldonlobelpc.com

2. SITE DATA

(If the site contains more than one property complete the "LR Item 2. Site Data Attachment Sheet.")

1901 Emmons Avenue^L
STREET ADDRESS

1901 Emmons Avenue, Cherry Hill Gourmet^L
PROJECT NAME (IF ANY)

Entire block bounded by Shore Parkway, East 19th Street, Emmons Avenue, and Ocean Avenue.^L
DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

R5/C2-2, Area B of the Special Sheepshead Bay District (SSBD)^L 29a^L
EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY) ZONING SECTIONAL MAP NO(S)

Block 8775, Lot 41^L Brooklyn^L 15^L
TAX BLOCK AND LOT NUMBER BOROUGH COMM. DIST.

Site located in Area B of the SSBD.^L
URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO YES IF YES, IDENTIFY F. W. I. L. Lundy Brothers I

3. DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

See attached LR Item 3. Description of Proposal.

4. ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

* No supplemental form required

<input type="checkbox"/>	CHANGE IN CITY MAP.....MM	\$	^L
<input type="checkbox"/>	ZONING MAP AMENDMENT.....ZM	\$	^L
<input checked="" type="checkbox"/>	ZONING TEXT AMENDMENT.....ZR	\$	5,445 ^L
<input type="checkbox"/>	ZONING SPECIAL PERMIT.....ZS	\$	^L
<input type="checkbox"/>	ZONING AUTHORIZATION.....ZA	\$	^L
<input type="checkbox"/>	ZONING CERTIFICATION.....ZC	\$	^L
<input type="checkbox"/>	PUBLIC FACILITY, SEL./ACQ.....PF	\$	^L
<input type="checkbox"/>	DISPOSITION OF REAL PROP.....PD	\$	^L
<input type="checkbox"/>	URBAN DEVELOP=MENT ACTION.....HA	\$	^L
<input type="checkbox"/>	URBAN RENEWAL PROJECT.....*	\$	^L
<input type="checkbox"/>	HOUSING PLAN & PROJECT.....*	\$	^L
<input type="checkbox"/>	FRANCHISE.....*	\$	^L
<input type="checkbox"/>	REVOCABLE CONSENT.....*	\$	^L
<input type="checkbox"/>	CONCESSION.....*	\$	^L
<input type="checkbox"/>	LANDFILL.....*	\$	^L
<input type="checkbox"/>	OTHER (Describe)	\$	^L

<input type="checkbox"/>	MODIFICATION	^L	\$	^L
<input type="checkbox"/>	FOLLOW-UP	^L	\$	^L
<input type="checkbox"/>	RENEWAL	^L	\$	^L
<input type="checkbox"/>	OTHER	^L	\$	^L
		APPLICATION NO.		
		APPLICATION NO.		
		SPECIFY		
		TOTAL FEE (For all actions)	\$	5,445 ^L

Make Check or Money Order payable to Department of City Planning

If fee exemption is claimed check box below and explain ^L

Has pre-application meeting been held? NO YES

If yes Brooklyn/Richard Jacobs^L 10/17/13^L
DCP Office/Representative Date of meeting

5. ENVIRONMENTAL REVIEW

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (Discuss with CEQR lead agency before completing)

LEAD AGENCY NYC City Planning Commission¹ CEQR NUMBER 77DCP146K (draft EAS number)¹

TYPE OF CEQR ACTION:

TYPE II Type II category: 1 Date determination was made: 1

TYPE I } Has EAS been filed? Yes No

UNLISTED } If yes, Date EAS filed: 1

Has CEQR determination been made? Yes No

If yes, what was determination? Negative Declaration } Date determination made: 1 (Attach Copy)
 CND
 Positive Declaration

If Positive Declaration, has PDEIS been filed? 1

Has Notice of Completion (NOC) for DEIS been issued? 1 If yes, attach copy.

If PDEIS has not been filed, has final scope been issued? 1 If yes, date issued: 1

6. COASTAL ZONE MANAGEMENT

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No Yes

7. RELATED ACTIONS BY CITY PLANNING

LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:

APPLICATION NO.	DESCRIPTION/ DISPOSITION/STATUS	CAL. NO.	DATE
<u>1</u>	<u>Special Sheepshead Bay District (ZR Section 94-00)¹</u>	<u>1</u>	<u>10/4/73¹</u>
<u>C 060132 ZMK¹</u>	<u>Sheepshead Bay Rezoning Text Amendment¹</u>	<u>1</u>	<u>01/11/06¹</u>

8. RELATED ACTIONS BY OTHER AGENCIES

LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:

REFERENCE NO.	DESCRIPTION/ DISPOSITION/STATUS	CAL. NO.	DATE
<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>

9. FUTURE ACTIONS REQUIRED

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

1

1

10. APPLICANT
(Attach authorizing resolution(s), if applicable)

Richard Lobel, Esq., Authorized Representative¹ 9/9/14

NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF APPLICANT DATE

Sheldon Lobel, P.C.¹

APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

11. CO-APPLICANTS

(Attach authorizing resolution(s), if applicable)

1 NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

1 CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

1 STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

1 NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

1 CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

1 STREET ADDRESS CITY STATE ZIP TEL.NO. FAX

ADMINISTRATIVE CODE

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE

THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.



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NI 50109ZRK

City Map Change MM

Proposed City Map Change
(Check appropriate boxes)

APPLICATION NO

1. ESTABLISH NEW..... STREET PARK PUBLIC PLACE GRADE

2. ELIMINATE EXISTING..... STREET PARK PUBLIC PLACE GRADE

3. CHANGE EXISTING STREET..... WIDTH ALIGNMENT GRADE

4. EASEMENT
Delineate New..... Remove Existing..... Modify Existing.....

5. RELATED ACQUISITION OR DISPOSITION OF PROPERTY

Zoning Map Change ZM

Proposed Zoning Map Change(s)

APPLICATION NO

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes")

CHANGE #1	FROM:	↓ ----- EXISTING	TO:	↓ ----- PROPOSED
CHANGE #2	FROM:	↓ ----- EXISTING	TO:	↓ ----- PROPOSED
CHA		↓ ----- PROPOSED		↓ ----- PROPOSED
CHA		↓ ----- PROPOSED		↓ ----- PROPOSED
CHA		↓ ----- PROPOSED		↓ ----- PROPOSED



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DEPARTMENT OF CITY PLANNING

N150109ZRK

Zoning Text Amendment ZR

Affected Zoning Resolution (ZR) Sections

APPLICATION NO.

(If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

ZR SECTION NUMBER	ZONING RESOLUTION SECTION TITLE
94-061 [↓]	Uses permitted by right [↓]
↓	↓
↓	↓
↓	↓
↓	↓
↓	↓

**LR ITEM 3: DESCRIPTION OF PROPOSAL
CHERRY HILL GOURMET
1901 EMMONS AVENUE
BROOKLYN, NEW YORK**

INTRODUCTION

The applicant, Cherry Hill Gourmet Market (“Cherry Hill”), is seeking a zoning text amendment from the City Planning Commission to permit food stores with no limitation on floor area or frontage per establishment within Block 8775, Lot 41, which coincides with Area B (the “Project Site”) of the Special Sheepshead Bay District (the “SSBD” or the “District”) prescribed under Zoning Resolution (“ZR”) § 94-061. The proposed text amendment would legalize an existing Use Group (“UG”) 6A food store known as the Cherry Hill Gourmet Market along with an accessory parking lot (the “Proposed Development”), which is located within the existing building (the “Building”) at 1901 Emmons Avenue in Brooklyn Community District 15 within an R5/C2-2 zoning district. The Proposed Development is not permitted as-of-right in Area B of the SSBD. The proposed zoning text amendment would also allow for technical corrections to the language in ZR § 94-061, which pertains to permitted uses in Areas A - H of the SSBD.

BACKGROUND

The Special Sheepshead Bay District, as outlined in Zoning Resolution Article IX, Chapter IV, was established in 1973 to promote and strengthen the unique character of the District as a prime location for waterfront-related commercial and recreational development and to help attract a useful cluster of shops, restaurants, and related activities, and to encourage improvements to the District. The SSBD regulations seek to encourage housing with appropriate amenities in areas suitable for residential development, improve vehicular and pedestrian circulation patterns, provide an incentive for redevelopment consistent with the Comprehensive Plan of the City of New York, and promote the most desirable use of land in the area, thereby conserving the value of land.

The SSBD encompasses an approximate 20-block area, which extends along Emmons Avenue and is bounded by Knapp Street to the east and Sheepshead Bay Road to the west. The SSBD has eight subdistricts (Areas A - H) with regulations governing development and permitted uses for each area.

As noted above, the Project Site is located within Area B of the SSBD. The geographical limits for Area B are coincident with the limits of the Project Site (Block 8775, Lot 41).

Historically, the Building in the Project Site was the site of the original F.W.I.L. Lundy Brothers Restaurant Building (“Lundy’s”) which was designed and built in 1934. The Spanish Colonial Revival-style Building, thought to be the largest restaurant in the country at its completion, was erected by Frederick Lundy at the time when the federal government was investing in the Sheepshead Bay waterfront. Known for its excellent seafood, Lundy’s became a major Brooklyn institution that served as many as a million meals a year and is remembered fondly by thousands of New Yorkers. The restaurant boomed during the 1950s, serving 15,000 people on holidays such as Mother’s Day, 10,000 people on a typical Sunday, and 2,000 people on a weekday.

The restaurant was operated by Frederick William Irving Lundy, the original owner, until his death in 1977. Thereafter, his family continued to operate the restaurant for approximately two years. In 1981 the restaurant, together with about fourteen acres of nearby real estate were sold. Following the closure of the restaurant, the landmarked building was the subject of weathering and vandalism.

The building was designated as an exterior New York City Landmark (LPC) on March 3, 1992. According to LPC’S *Guide to New York City Landmarks*, the original occupant of the building, Lundy’s, was one of New York’s best-loved seafood palaces. After the restaurant was closed in or around 1978, Lundy’s Management Corp. secured a 49-year lease in March of 1994 from the owners of the landmark building, Sheepshead Restaurant Associates, Inc. After securing the

lease in 1994, Lundy's Management Corp. subleased the 1st floor space to TAM Restaurant Group, which operates the Central Park Boat House Café, among other restaurants in the City. Despite their 5 million dollar investment in the property and reopening of a restaurant called Lundy's in 1996, the restaurant was forced to close in 2004. In subsequent years other restaurants subleased the space, but each failed to stay in business.

In 2007, the Cherry Hill section of the Building was subleased to Cherry Hill Gourmet Market, which is currently a tenant at the Project Site. Currently, the Building in the Project Site is known as the Lundy's Landing Shopping Center and contains several other eating and drinking establishments, a café, offices, and local retail businesses. No changes to the Building are proposed under the instant application, which solely seeks the legalization of the Proposed Development.

DESCRIPTION OF SURROUNDING AREA

As discussed above, the Project Site is located in Sheepshead Bay within Community District 15 in the Borough of Brooklyn. The Project Site is located on Emmons Avenue adjacent to Sheepshead Bay.

Land Uses

The land use in the area within 600 feet of the Project Site (the "Surrounding Area") is predominantly commercial in nature. The Project Site (Block 8775) is occupied entirely by commercial uses.

Blocks 8773, 8775, 8778, and part of 8779, all of which are within the SSBD, fall within 600 feet of the Project Site, and maintain frontages along Emmons Avenue and Shore Parkway, are occupied entirely by commercial uses. The adjacent block to the west of the Project Site, Block 8773 (Area A), is improved with a UG 6 eating and drinking establishment and an accessory parking lot. The adjacent block to the east of the Project Site, Block 8778 (Area C), is improved with two 1- and 2-story buildings containing various UG 6 eating and drinking establishments. Lastly, the portion of Block 8779 (Area D) located within the 600 foot buffer is improved with the 3-story BSA-approved (BSA Cal. No. 552-91-BZ, Vol. II, adopted July 1995) Seaport Plaza building, which contains various UG 6 eating and drinking establishments, UG 10 retail clothing stores, and an accessory parking garage for 182 cars.

The eastern portion of Block 8771, directly west of the SSBD boundary, is improved with commercial and residential buildings ranging between 1- to 7-stories. The intersection formed by Emmons Avenue and Sheepshead Bay Road is improved with a 6-story mixed residential and commercial building. The buildings fronting on Sheepshead Bay Road contain commercial, one- and two-family residential, multi-family residential, and mixed commercial and residential uses. The buildings fronting on Shore Parkway contain 1- and 2-family residential and mixed commercial and residential uses.

Located southeast of the Project Site, Sheepshead Bay Piers (Block 8813) is a 160 acre pier operated by the NYC Department of Parks and Recreation. Sheepshead Bay's ten fixed piers offer yearly and transient dockage for commercial charter vessels, along with passenger loading and unloading. The commercial vessels include dinner and special events cruises as well as charter fishing and diving trips. Sheepshead Bay Piers also provides a dock and dine for recreational boaters. The pier is also used for recreational fishing.

The blocks located north of the Project Site and north of the Belt Parkway (Blocks 8772, 8774, 8776, and 8777), are improved primarily with commercial and residential uses. Block 8774, directly north of the Project Site, is a 107,360 square foot block improved with a UG 6 supermarket, bank, and retail store, with an accessory parking area. Block 8772 contains multi-family and 1- and 2-family residential buildings, ranging between 1 to 4 stories and fronting on East 19th Street. Every lot within Block 8772 with frontage along Shore Parkway and Sheepshead Bay Road contains commercial uses. Block 8776 is divided between one, two, and multi-family residential uses and a public facility (the Maimonides Medical Center's Sheepshead Bay Multi-Specialty Practice, a non-commercial community center). Block 8777 is improved with one, two, and multi-family residential buildings.

Emmons Avenue and Shore Parkway, which carry eastbound and westbound traffic, and Ocean Avenue, which carries southbound and northbound traffic, are wide streets and busy commercial thoroughfares. The Belt Parkway runs directly above Shore Parkway.

Other notable land uses and programs within the Surrounding Area include designated landmarks, the Brooklyn Coastal Zone Boundary, and the FRESH Program. As discussed above, the Building in the Project Site is the site of the original 1934 F.W.I.L. Lundy Brothers Restaurant Building. The Brooklyn Coastal Zone Boundary is bounded by Emmons Avenue to the south and Shore Parkway to the north. The entire area south of Shore Parkway, within the Surrounding Area, is within the Brooklyn Coastal Zone Boundary. The FRESH Program, specifically offering discretionary tax incentives, covers the entire Surrounding Area.

The area surrounding the Project Site is well-served by public transportation, with BM3, B4, and B49 bus lines running along Emmons Avenue, Ocean Avenue, East 19th Street, and Sheepshead Bay Road. The Sheepshead Bay subway stop, serving the B and Q lines, is located northwest of the Project Site.

Zoning

The Surrounding Area is zoned C2-2/R5, R6, C2-2/R6, R4, C1-2/R4 and C2-2/R4, as shown on the Area Map submitted with this application. The C2-2/R5 zoning district is located within Area B of the SSBD.

The Special Sheepshead Bay District is located in the Sheepshead Bay and Plumb Beach neighborhoods in south Brooklyn, within Community District 5. The SSBD encompasses an approximate 20-block area, which extends along Emmons Avenue and is bounded by Knapp Street to the east and Sheepshead Bay Road to the west. The SSBD has eight subdistricts (Areas A - H) with regulations governing development and permitted uses for each area. The R5/C2-2 zoning district covers the entire SSBD, which permits low-density residential development and a range of retail, service, community facility, and office uses.

The SSBD was established in 1973 by the City Planning Commission in order to promote and strengthen the unique character of the waterfront area as a prime location for water-related commercial and recreational development. The SSBD was also established to encourage housing development in suitable areas, the provision of open space and other amenities as part of that development, and improvements in vehicular and pedestrian circulations throughout the district.

In areas A, B, C, D and E of the SSBD, commercial uses are generally limited to those listed in Use Group SB and those listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, 9 and 14, except for uses permitted under Section 94-063 (Uses permitted by special permit). Use Group SB uses do not include food stores, and are further limited to a maximum floor area of 3,500 square feet per establishment and to a maximum frontage per establishment at ground floor level of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue.

The R4 zoning district permits a variety of housing types, including low-rise attached houses, small multi-family apartment houses, and 1- and 2-family detached and semi-detached buildings. The maximum FAR of 0.75, along with the maximum attic allowance of 20% typically produces 3-story buildings.

The R5 zoning district permits a variety of residential developments at a higher density than permitted in R4 districts. R5 zoning districts are widely mapped in Brooklyn, Queens, and the Bronx and provide a transition between lower- and higher-density neighborhoods. The maximum FAR is 1.25, which typically produces three- and four-story attached houses and small apartment buildings.

The R6 zoning district permits residential developments ranging in character from neighborhoods with a diverse mix of uses and bulk, to large-scale "tower in the park" developments. R6 zoning districts, which are widely mapped in Brooklyn, Queens, and the Bronx, are typically found in built-up, medium-density areas. Developers building within R6 zoning districts may choose between two sets of bulk regulations: standard height factor regulations or optional Quality Housing regulations. Buildings developed pursuant to height factor regulations are often tall buildings set back from the street and surrounded by on-site

parking and open space. The FAR in R6 districts ranges from 0.78 (for a single-story building) to 2.43 at a typical height of 13 stories. Optional Quality Housing regulations produce high lot coverage buildings built fully to or near the street line. Height limitations aim to ensure compatibility with older buildings in the neighborhood. The optional Quality Housing regulations permit a maximum FAR of 3.0 on a wide street; the maximum base height before setback is 60 feet, and the maximum building height is 70 feet. On a narrow street, the maximum FAR is 2.2; the maximum base height before setback is 45 feet with a maximum building height of 55 feet.

C2-2 and C1-2 commercial zoning districts are commercial overlays mapped within residential districts. These districts serve local retail needs and are most-commonly found throughout the city's lower- and medium-density areas. The retail uses typically found within these districts include neighborhood grocery stores, restaurants, and beauty parlors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services. In mixed buildings, commercial uses are limited to 1- or 2-stories and must always be located on a lower story than any residential uses in the building. The maximum permitted commercial FAR is 1.0 when commercial overlays are mapped in R1 through R5 zoning districts. However, when mapped in R6 through R10 zoning districts, the maximum permitted commercial FAR is 2.0.

DESCRIPTION OF THE PROPOSED PROJECT SITE

The Project Site is known as 1901 Emmons Avenue (Block 8775, Lot 41) and encompasses the entire 43,450 square foot block. The Project Site is located within an R5/C2-2 zoning district in Area B of the Special Sheepshead Bay District. The Project Site is bounded by Emmons Avenue to the south (approximately 251 feet of frontage), Ocean Avenue to the east (approximately 160 feet of frontage), Shore Parkway to the north (approximately 253 feet of frontage), and East 19th Street to the west (approximately 184 feet of frontage). The Ocean Avenue Pedestrian Bridge is located on the south side of Emmons Avenue, across the street from the Project Site, and provides pedestrian access over Sheepshead Bay, thereby connecting the Sheepshead Bay and Manhattan Beach neighborhoods.

The Building in the Project Site is known as the Lundy's Landing Shopping Center and contains the Proposed Development (the applicant's Cherry Hill Gourmet Market), as well as several other eating and drinking establishments, a café, offices, and local retail businesses. As will be discussed further below, Cherry Hill Gourmet Market opened in 2007 and consists of the subject UG 6 food store, which does not comply with uses permitted as-of-right under ZR § 94-061 for Area B of the SSBD. The accessory eating and drinking establishments and office space uses at the Project Site are compliant and permitted as-of-right.

The Building is 3-stories, 42 feet in height, and contains 51,924 gross square feet of floor area (including the cellar). The Building is overbuilt at 50,636 zoning square feet and an FAR of 1.165 relative to the maximum permitted commercial bulk of 43,450 zoning square feet and an FAR of 1.0. The Project Site also contains 41 unenclosed parking spaces.

The Building's cellar is 1,288 square feet and has a walk-in refrigerator, toilets, and mechanical room for the Cherry Hill Gourmet Market.

The Building's first floor has 25,821 square feet of gross floor area, 14,230 square feet of which is occupied by the UG 6 Cherry Hill Gourmet Market food store. The first floor is also occupied by UG 6 eating and drinking establishments (Masal Café and Momoyama) and a UG 6 retail establishment.

The Building's second floor has 22,009 square feet of gross floor area, 6,416 square feet of which is occupied by the Cherry Hill Gourmet Market. The second floor also contains 12,871 square feet of UG 6 office space (5,557 square feet of which is vacant), and a 707 square foot UG 6 beauty salon.

The Building's third floor has 2,806 square feet of gross floor area, and is occupied only by a 2,583 square foot UG 6 office space.

The geographical limits of Area B of the SSBD are coincident with the geographic limits of the Project Site (Block 8775, Lot 41).

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development is located within the Building in the Project Site and has approximately 86 feet of frontage along Emmons Avenue, 104 feet of frontage along Ocean Avenue, and 190 feet of frontage along Shore Parkway. The frontages along Emmons Avenue, Ocean Avenue, and Shore Parkway are used by Cherry Hill Gourmet Market as a 1,998 square foot UG 6 sidewalk café. The Cherry Hill Gourmet Market accessory eating and drinking establishment has over 150 seats, where waiter service is available (approximately 50 seats are indoors and approximately 100 seats are outdoors on both the Ocean Avenue and Emmons Avenue frontages at the Proposed Development).

In total, the Proposed Development has 21,934 gross square feet of floor area within the Building. Cherry Hill Gourmet Market occupies the entirety of the Building's cellar level (1,288 gross square feet), 14,230 gross square feet of the Building's first floor (approximately 55.1%), and 6,416 square feet of the Building's second floor (approximately 29.2%). In terms of zoning floor area, The Proposed Development occupies 20,646 square feet in total, with 14,230 square feet on the first floor and 6,416 square feet on the second story.

DESCRIPTION OF THE PROPOSED PROJECT

The proposed text amendment to ZR § 94-061 would modify the permitted uses to allow a food store use in Area B of the Special Sheepshead Bay District, with no limitation on floor area or frontage per establishment. The proposed text amendment would (1) facilitate the legalization of the existing 21,934 gross square foot food store at the Project Site, Cherry Hill Gourmet Market, which is not currently permitted as-of-right in Area B of the SSBD due to use and store size limitations, and (2) allow for technical corrections to the language in ZR § 94-061, which pertain to permitted uses in Areas A - H of the SSBD. The proposed text amendment would not alter or enlarge the existing 3-story Building in the Project Site. No new development is proposed.

ACTION NECESSARY TO FACILITATE THE PROPOSAL

To facilitate the proposed modification of permitted uses as-of-right in Area B of the Special Sheepshead District in order to permit food stores with no limitation on floor area or frontage per establishment, a zoning text amendment from the City Planning Commission of the Special Sheepshead Bay District regulations (Article IX, Chapter 4, Section 94-061) is required.

The effect of the proposed text change would be to legalize and allow the continued operation of the Cherry Hill Gourmet Market food store within the existing Building at the Project Site, where such use is not currently permitted as-of-right due to the special zoning requirements within Area B.

Cherry Hill Gourmet Market currently provides high quality specialty foods and serves shoppers from local neighborhoods, as well as shoppers from nearby neighborhoods and outside areas. The proposed legalization of the Proposed Development would serve to maintain the existing functions and conditions in the Project Site. Although the proposed text amendment would permit a food store use anywhere in Area B of the SSBD (Block 8775, Lot 41), no major expansion of Cherry Hill Gourmet Market is proposed or anticipated. It is unlikely that any of the other existing eating and drinking establishments or occupied office uses in the Building would be converted to a food store if the text amendment is approved.

The proposed text amendment and continued occupancy of the subject 21,934 gross square feet of floor area within the existing Building at the Project Site by Cherry Hill Gourmet Market food store, would serve to promote and strengthen the unique character of the Special Sheepshead Bay District and Surrounding Area. As stated in Article IX, Chapter 4, the goals of the SSBD are to promote and strengthen the unique character of the District as a prime location for waterfront-related commercial and recreational development and to help attract a useful cluster of shops, restaurants, related activities, and encourage improvements to the District. The adaptive reuse and preservation of the historic Lundy's restaurant building in the Project Site, in which the

Proposed Development is located, meets the goals of the SSBD. Cherry Hill Gourmet Market makes productive use of a portion of the Building which would likely otherwise remain vacant.

The proposed text amendment and continued occupancy of Cherry Hill Gourmet Market food store is an appropriate action within the SSBD area. Absent the proposed text amendment, Area B of the SSBD would be underutilized since the existing space in the Building exceeds the floor-plate size of contemporary restaurants and other permitted uses on the Project Site. The Building has a history of long term vacancies, and, since 1934, previously sat unoccupied for approximately 20 years. Occupancy of the Project Site by a food store use is consistent with the City's objectives and is far superior to a vacant space.

No other changes would occur to Area B of the SSBD, or to any other areas within the general SSBD boundary, as a result of the proposed text amendment.

CONCLUSION

As stated above, the requested zoning text amendment to ZR § 94-061, which would modify the permitted uses in Area B of the Special Sheepshead Bay District, is required in order to permit the continued occupancy by Cherry Hill Gourmet Market food store, the Proposed Development, within the Project Site. The proposed text amendment would (1) facilitate the legalization of the existing 21,934 gross square foot food store, Cherry Hill Gourmet Market, in the Project Site, which is not currently permitted as-of-right in Area B of the SSBD, and (2) allow for technical corrections to the language in ZR § 94-061, which pertains to permitted uses in Areas A - H of the SSBD.

The proposed zoning text amendment is consistent with the existing land use in the Surrounding Area, which primarily include local retail service establishments. The food store use is also consistent with the uses permitted within the underlying commercial district at the Project Site, as well as the surrounding commercial zoning districts.

The proposed action will result in the legalization and continued operation of the Cherry Hill Gourmet Market food store located within Area B of the SSBD. Cherry Hill is a great resource for neighborhood patrons and a positive use of a once long-vacant landmarked building. Such productive use of the Building in the Project Site (1) promotes public health through the healthy foods sold at Cherry Hill, (2) promotes safety in that Cherry Hill fills what would likely otherwise be a largely vacant and stagnant building, and (3) facilitates economic development in that Cherry Hill is a thriving business within the neighborhood that attracts customers to the area. Overall, the proposed action to legalize the Cherry Hill Gourmet Market food store within Area B of the SSBD would undoubtedly have a positive impact on the community.

GARY H. SILVER ARCHITECTS
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LANDSCAPE ARCHITECT:

ACOUSTICAL CONSULTANT:

OWNER:

ISSUE:

CITY PLANNING REVIEW

FOR ILLUSTRATIVE
PURPOSES ONLY

PROJECT:

1901 EMMONS AVE
BROOKLYN, NY

SHEET TITLE:

COVER SHEET

SEAL & SIGNATURE:



Date: 02/20/2014

Project No. 1459.00

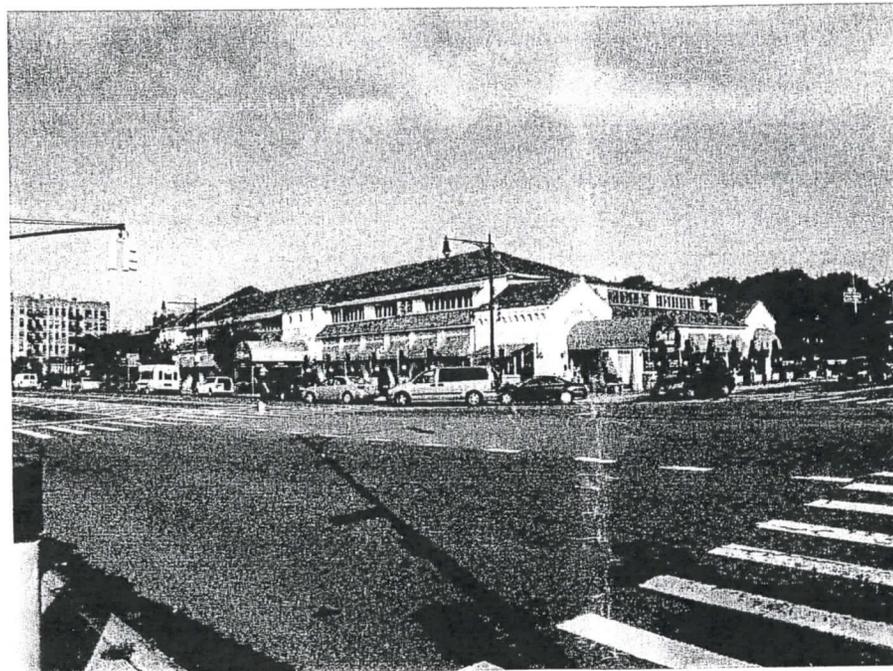
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