



CITY PLANNING COMMISSION

May 10, 2004/Calendar No. 5

C 040171 ZMK

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 12d and 16c:**

- 1. eliminating from an existing R6 District a C1-3 District bounded by** a line 200 feet northerly of Myrtle Avenue, Prince Street, Myrtle Avenue, a line 100 feet easterly of Prince Street, Fair Street, Fleet Place, a line 85 feet southerly of Fair Street, Prince Street, the westerly centerline prolongation of Fair Street, Flatbush Avenue Extension, and Gold Street;
- 2. changing from an R6 District to an R7-1 District property bounded by** Myrtle Avenue, Ashland Place, the easterly centerline prolongation of former Fair Street, and Fleet Place;
- 3. changing from an R6 District to a C6-4 District property bounded by** a line 200 feet northerly of Myrtle Avenue, Prince Street, Myrtle Avenue, Fleet Place, Willoughby Street, a line midway between Fleet Street and the former Prince Street and its southerly prolongation, a line 85 feet southerly of the former Fair Street, the former Prince Street and its southerly centerline prolongation, the westerly centerline prolongation of the former Fair Street, and Flatbush Avenue Extension;
- 4. changing from a C5-4 District to a C6-4.5 District property bounded by** Willoughby Street, Jay Street, a line 200 feet northeasterly of Fulton Street, Duffield Street, Fulton Street, Smith Street, Livingston Street, and Boerum Place;
- 5. changing from a C6-1 District to a C6-2 District property bounded by:**
 - a. the westerly centerline prolongation of Lafayette Avenue, Flatbush Avenue, State Street, and 3rd Avenue; and
 - b. Atlantic Avenue, 5th Avenue, and Flatbush Avenue;
- 6. changing from a C6-1 District to a C6-4 District property bounded by:**
 - a. Tillary Street, Bridge Street, Johnson Street/Tech Place, and Adams Street;
 - b. Willoughby Street, the easterly street line of the former University Plaza, a line 230 feet northerly of DeKalb Avenue, the northerly centerline prolongation of Hudson Avenue, DeKalb Avenue, a line 250 feet westerly of the westerly street line of Rockwell Place, Fulton Street, Flatbush Avenue Extension, and Fleet Street; and
 - c. Livingston Street, Bond Street, Fulton Street, Flatbush Avenue, the westerly centerline prolongation of Lafayette Avenue, Schermerhorn Street, and Smith Street;
- 7. changing from a C6-1 District to a C6-4.5 District property bounded by** a line 125 feet northerly of Willoughby Street, a line midway between Jay Street and Lawrence

Street, a line 175 feet northerly of Willoughby Street, Lawrence Street, a line 250 feet northerly of Willoughby Street, Duffield Street, Willoughby Street, Gold Street, a line 200 feet northerly of Willoughby Street, Flatbush Avenue Extension, Fulton Street, Duffield Street, a line 200 feet northeasterly of Fulton Street, and Jay Street;

- 8. changing from a C6-1A District to a C6-4 District property bounded by** Johnson Street/Tech Place, the southerly centerline prolongation of Bridge Street, a line 150 feet southerly of Johnson Street/Tech Place, a line 215 feet easterly of Jay Street, a line 360 feet southerly of Johnson Street/Tech Place, and Jay Street;
- 9. changing from a C8-2 District to a C6-4 District property bounded by** the westerly centerline prolongation of the former Fair Street, the former Prince Street and its southerly centerline prolongation, a line 85 feet southerly of the former Fair Street, a line midway between Fleet Street and the former Prince Street and its southerly prolongation, Willoughby Street, Fleet Street, and Flatbush Avenue Extension;
- 10. changing from an M1-1 District to a C6-4 District property bounded by** Tillary Street, Gold Street, a line 225 feet southerly of Tillary Street, Prince Street, a line 200 feet northerly of Myrtle Avenue, and Flatbush Avenue Extension;
- 11. changing from an M1-4 District to a C6-4 District property bounded by** Tillary Street, Prince Street, a line 225 feet southerly of Tillary Street, and Gold Street; and
- 12. establishing a Special Downtown Brooklyn District (DB) bounded by** Myrtle Avenue, Ashland Place, the centerline of the former Fair Street and its easterly prolongation, and the centerline of former Prince Street;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated December 1, 2003, and which includes the CEQR designation E-124.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on November 26, 2003, and revised on April 29, 2004, to create opportunities for new commercial, residential, academic, and cultural development in Downtown Brooklyn.

RELATED ACTIONS

In addition to the amendment of the Zoning Map, which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 030514 MMK Elimination, discontinuance and closing of Pearl Street between Willoughby Street and Fulton Street;
2. C 030515 MMK Elimination, discontinuance and closing of Red Hook Lane between Boerum Place and Fulton Street;
3. C 030516 MMK Widening of Willoughby Street between Albee Square and Flatbush Avenue Extension;
4. C 030517 MMK Elimination, discontinuance and closing of a portion of Fair Street, Prince Street and Flatbush Avenue Extension; establishment and widening of Fleet Place; widening of Myrtle Avenue; modification of a sewer easement at Fleet Place;
5. N 040172 ZRK Amendments of the Zoning Resolution Section 37-03 (Off Street Relocation or Renovation of a Subway Stair), Article VII, Chapter 4 (Special Permits by the City Planning Commission) and Article X, Chapter 1 (Special Downtown Brooklyn District)
6. C 040173 HUK Fifth amendment to the Brooklyn Center Urban Renewal Plan;
7. C 040174 HUK Second amendment to the MetroTech Urban Renewal Plan;
8. C 040175 HUK Tenth amendment to the Atlantic Terminal Urban Renewal Plan;
9. N 040176 HGK Designation of properties in the Brooklyn Center Urban Renewal Plan;
10. C 040177 HDK Disposition of city-owned properties within the Brooklyn Center Urban Renewal Area;
11. C 040178 HDK Disposition of city-owned property within the MetroTech Urban Renewal Area;
12. C 040179 HDK Disposition of city-owned properties within the Atlantic Terminal Urban Renewal Area;
13. C 040180 PPK Disposition of one city-owned property located at 370 Jay Street (Block 140, lot 111), pursuant to zoning;
14. C 040181 ZSK Special Permit for an unattended public parking garage on the southerly side of Willoughby Street between Duffield Street and Gold Street, in a C6-4.5 District;
15. C 040182 ZSK Special Permit for an attended public parking garage with a maximum capacity of 465 spaces on property generally bounded by Fulton Street, Ashland Place, Lafayette Street and Rockwell Place, in a C6-4 District;

16. C 040183 ZSK Special Permit for an attended public parking garage with a maximum capacity of 466 spaces on property bounded by Lafayette Avenue, Ashland Place and Flatbush Avenue, in a C6-1 District;
17. C 040184 ZSK Special Permit for an unattended public parking garage with a maximum capacity of 457 spaces on property bounded by Myrtle Avenue, Fleet Place, Willoughby Street and Flatbush Avenue Extension in a C6-4 District;
18. C 040185 PSK Site selection for property located on block 2110, lot 3, on the block bounded by Flatbush Avenue, Lafayette Avenue and Ashland Place, for use as a public library.
19. M 860689(B)ZSK Modification of a Special Permit to change the allowable floor area of Building D and removing preserved but not built floor area;
20. M 930481(E)ZSK Modification of the MetroTech General Large-Scale Development Special Permit;
21. M 000592(A)ZSK Modification of the MetroTech General Large Scale Development Special Permit to authorize bulk modifications and floor area;

BACKGROUND

Plan Objectives

The proposed actions would facilitate the Downtown Brooklyn Development Plan, a comprehensive development framework that would stimulate new commercial, residential, academic, and cultural development in Downtown Brooklyn. The Plan would promote the growth of Downtown Brooklyn to reinforce its role as a regional central business district; provide viable development sites for future market cycles; retain businesses considering relocating outside of New York City; and capture regional employment growth and strengthen New York City's economic base by attracting new businesses. Major sponsors include the Departments of City Planning and Housing Preservation and Development, the Economic Development Corporation and the Downtown Brooklyn Council, a private business advocacy group.

The proposed actions to facilitate the Plan consist of zoning map and zoning text amendments,

urban renewal plan amendments, including designation of new sites in the Brooklyn Center Urban Renewal Plan, disposition of city-owned property, modification of the MetroTech General Large-Scale Plan, special permits for public parking garages, a site selection for a public library and amendments to the City Map. The proposed changes would facilitate a vibrant central business district with a bustling office core, strengthen connections with, and support the growth of, residential districts, improve the pedestrian and retail environment, support an expanding academic community and an array of cultural facilities in the district and create new open space.

The vision for the Plan builds on the success of previous efforts in Downtown Brooklyn, such as the office and academic MetroTech project, that have retained and attracted important companies in New York City. The more modest rezoning efforts enacted as part of the creation of the first Special Downtown Brooklyn District in 2001 have already facilitated several new construction projects in Downtown Brooklyn. These include new apartment houses on Atlantic Avenue, on Court Street and on Boerum Place.

The proposed changes would allow the redevelopment of open parking lots, underbuilt, dilapidated and vacant properties with new office and residential buildings over ground-floor retail and create new public open spaces. New office buildings envisioned along Willoughby Street, Jay Street and Boerum Place would expand and strengthen the existing office core and add office workers who would, in turn, support local stores and services. The new residential buildings throughout the area would integrate Downtown Brooklyn with the surrounding strong residential neighborhoods with an array of affordable and market-rate housing options.

The public open spaces on Willoughby Street would provide valuable recreational amenities to office workers, visitors and residents by providing a gathering place during and after business hours and as a venue for concerts and other special events. The new public spaces would establish an address for surrounding properties and enhance the pedestrian experience.

The academic institutions of Downtown Brooklyn would be able to expand and new students would support retail establishments and add to after-hours activity. New expanded cultural

facilities would stimulate the growth of arts and culture in Downtown Brooklyn, bring additional activity after business hours, promote tourism, provide gathering places for discussions and serve as an identifier for the area.

Existing urban design controls, such as the requirements for ground-floor retail and glazing, streetwall-continuity, restrictions on curb cuts, and street-tree planting would be adjusted to support Downtown Brooklyn as a central business district for pedestrians. New tower regulations would facilitate the development of economical, state-of-the-art office buildings with large, efficient floor plates on constrained sites typical to Downtown Brooklyn. Along the south side of Willoughby Street, sidewalks would be widened to increase pedestrian circulation space and provide room for streetscape enhancements and amenities. Throughout the District, subway entrances would be relocated into new buildings to increase pedestrian circulation space, add stair capacity, improve their appearance and encourage and facilitate mass transit usage.

Along major traffic and shopping corridors new buildings would be built to the streetline to ensure a uniform building line and frame view corridors. Retail corridors that enliven sidewalks with activity would be strengthened with requirements for ground-floor retail and glazing. Distinctive signs would be permitted and disruptive curb cuts would be prohibited. Security gate transparency would be required along retail corridors and enclosed bicycle parking space would be required in new developments. Additional street trees would provide shade and enhance the attractiveness of downtown to pedestrians and motorists alike.

Taken together, these improvements would strengthen Downtown Brooklyn's ability to compete regionally to attract new businesses as an alternative office location to New Jersey. The Plan would promote jobs coupled with opportunities for new affordable housing in New York City and the new development would generate tax revenues for the city's coffers.

Area and Site Description

Downtown Brooklyn is the economic center of Brooklyn and is New York City's third largest central business district after Midtown and Downtown Manhattan. Due to its proximity to Wall

Street and local and regional mass transit access it occupies a valuable and unique position to accommodate back-offices. The area of the Downtown Brooklyn Development Plan comprises a variety of land uses and building types, including commercial office buildings, courthouses and government buildings, educational facilities/major academic and cultural institutions, residential buildings, and highly active retail stores. MetroTech Center, a 16-acre corporate and academic complex that was built as part of an urban renewal effort by the City, is one of the major components of Downtown Brooklyn. Roughly bounded by Jay and Willoughby Streets, Flatbush Avenue Extension and Johnson Street/ Tech Place, MetroTech is home to Polytechnic University, city government agencies including the New York City Fire Department and 911 headquarters, and major commercial tenants such as Bear Stearns, KeySpan, J.P. Morgan Chase, and Verizon. Located near MetroTech Center are several large buildings including the 376-room Marriott Hotel, the offices of New York City Transit, and the New York State Supreme Court.

Retail activity is concentrated in the southern portion of Downtown Brooklyn, within the Fulton Street Mall corridor. This area contains three- to five-story commercial structures with ground-floor retail uses and several large department stores. To the north and west of Downtown Brooklyn is the core of Brooklyn's Civic Center, with a number of City, State, and Federal institutions, including Brooklyn's Borough Hall and Municipal Building, Brooklyn Criminal Court, Kings County Family Court, the General Post Office, the New York State Supreme Court (Civil Term and Criminal Term), the New York City Housing Court, and the U.S. Federal Courthouse currently being expanded at Cadman Plaza East.

The Plan area contains a number of educational institutions, including Polytechnic University, Long Island University, New York City College of Technology, Brooklyn Law School, George Westinghouse High School, Brooklyn Technical High School, Pacific High School, the Institute of Design and Construction, Career Educational Consultants and the Brooklyn Friends School.

At the southeast corner of Downtown Brooklyn is the Brooklyn Academy of Music (BAM). BAM has been in Brooklyn since 1861, and its facility on Lafayette Avenue and Ashland Place was constructed in 1906. The BAM Local Development Corporation (BAM LDC), established

in 1999, is working to create the mixed-use, multi-cultural BAM Cultural District in the area surrounding BAM.

Downtown Brooklyn also contains residential development and is surrounded by a number of residential neighborhoods. To the west is Brooklyn Heights, to the south is the Boerum Hill neighborhood, to the east is Fort Greene, and to the north is Concord Village and Bridge Plaza.

Downtown Brooklyn is served by the Brooklyn-Queens Expressway, located to the north and west, which provides easy highway access to Long Island, New England, Staten Island and New Jersey. The major roadway through Downtown Brooklyn is Flatbush Avenue and its extension to the Manhattan Bridge, reaching here from southern Brooklyn. The Avenue cuts diagonally through Downtown Brooklyn and separates much of the central business district from the Fort Greene residential neighborhood to the east. Adams Street runs north-south and connects the approach to the Brooklyn Bridge to the north with Atlantic Avenue to the south. Tillary Street is a major east-west street that crosses the approaches to the Brooklyn and Manhattan Bridges and connects with the BQE. Atlantic Avenue is another major east-west roadway to the south of Downtown Brooklyn, separating the Boerum Hill and Cobble Hill neighborhoods and leading from the East River waterfront, through eastern Brooklyn to Queens.

Downtown Brooklyn is extremely well-served by mass transit; 14 different subway lines and over 15 bus lines cross Downtown Brooklyn. Major transit centers are the Borough Hall/ Court Street station complex to the west on the border with Brooklyn Heights, Jay Street/ Borough Hall in the center adjacent to MetroTech, DeKalb Avenue to the east next to Fort Greene and Atlantic Avenue to the south-east at the Flatbush Avenue terminus of the Long Island Railroad. Bus lines travel along the major roads in Downtown Brooklyn, including Flatbush Avenue, Fulton Street, Livingston Street and Court Street.

Background and History

Downtown Brooklyn has been the subject of numerous studies and development/ revitalization plans since the second half of the 20th century. Between 1950 and 1969 approximately 700,000

square feet of court and municipal office space was built in Downtown Brooklyn, while the State and Federal governments added almost 550,000 square-feet, strengthening the area's role as a government center.

Zoning enacted in 1961 did not foresee extensive change to the existing business district, as it was then defined by Court Street, the Civic Center, and Fulton Street's department store corridor. Since that time most commercial redevelopment has required publicly sponsored zoning changes and other government actions, such as urban renewal and direct investment, to facilitate enlargement of the office core on sites that were dominated by lofts, small buildings, and parking lots. In the late 1960s, two urban renewal plans for Downtown Brooklyn were established to revitalize the area: the Atlantic Terminal Urban Renewal Plan (ATURP) and the Brooklyn Center Urban Renewal Plan (BCURP) which are scheduled to expire in 2008 and 2010, respectively.

In 1986, the City proposed development of the MetroTech area through the MetroTech URP, which encompassed the area roughly between Willoughby, Jay, and Tillary Streets and Flatbush Avenue Extension. The MetroTech URP established land use and economic development goals for Downtown Brooklyn that included strengthening the commercial office and retail core of Downtown Brooklyn and enhancing the City's corporate retention programs by supporting commercial and institutional development; developing job-intensive office, research, scientific, and educational activities; and improving the area's traffic circulation system. The MetroTech URP facilitated development of MetroTech, a complex of commercial office, retail, governmental, and educational spaces. MetroTech's urban renewal plan regulations will be in effect until 2026. To date, MetroTech Center has been developed with over 5 million square feet of commercial and municipal office space.

The Special Downtown Brooklyn District (SDBD) was established in 2001 to foster development and strengthen the business core of Downtown Brooklyn. The special district established height limits and other bulk controls designed to permit large commercial buildings appropriate for a downtown business district to be developed as-of-right, and established a

transitional contextual buffer along Schermerhorn Street between Smith Street and Third Avenue, and on Smith Street between Schermerhorn Street and Atlantic Avenue. This effort has resulted in the construction or planning of at least two apartment buildings.

Actions Requested

Implementation of the vision for the Plan requires approvals by the City Planning Commission (CPC) of the following applications:

ZONING MAP AMENDMENT (C040171 ZMK)

A. WILLOUGHBY STREET EXPANSION AREA: FROM C6-1 AND C5-4 TO C6-4.5

This area, generally bounded by Willoughby Street and Fulton Street Mall and located just south of MetroTech, would be rezoned from C6-1 and C5-4 to C6-4.5 to increase the FAR from the current 6.0, 6.5 and 10.0 to 12.0 for commercial and community facility buildings. The residential FAR would increase from 3.44 (4.0 with Quality Housing) in the current C6-1 district to 10.0 in the proposed C6-4.5 district and would not change from the current C5-4 district in the proposed C6-4.5 district. The residential FAR in the proposed C6-4.5 district could increase to 12.0 through a plaza bonus or the Inclusionary Housing Program.

The proposed rezonings would provide new commercial opportunities in the area south of Willoughby Street. This area currently contains many underutilized sites including vacant lots, parking lots, commercial buildings with vacant floors above the ground level and some residential buildings. The proposed C6-4.5 zoning district with an FAR of 12 for commercial uses and flexible height and setback regulations, together with the proposed urban renewal designations in this area, would allow for the construction of new, economical office buildings adjacent to MetroTech. Three new office buildings could be located on sites fronting Willoughby Street opposite the Chase Bank building at MetroTech and would surround Willoughby Square, a new public open space above a public parking garage. The current FAR of 6.0 has not attracted new development in the past 40 years because it is insufficient to generate office buildings of sufficient size on the small development sites typical to Downtown

Brooklyn.

B. JAY STREET ACADEMIC AREA: FROM C6-1 AND C6-1A TO C6-4

Two blocks at Tillary, Johnson, Jay and Adams Streets that contain the New York City College of Technology, a Polytechnic University dormitory and Westinghouse High School, currently zoned C6-1, and an approximately one-block portion of Polytechnic's campus at MetroTech, currently zoned C6-1A, are proposed to be rezoned to C6-4. The proposal would increase the current FAR from 3.44 (4.0 with Quality Housing) for residential, 6.00 for commercial and 6.50 for community facility uses to 10.0 for all uses, bonusable to 12.0 through either an urban plaza for all uses or through the Inclusionary Housing Program for residential buildings.

The rezoning would provide opportunities for new mixed-use academic and commercial buildings. The proposed zoning change would allow the NYC College of Technology and Polytechnic University to expand their academic facilities and develop office buildings above or within their campuses. The rezoning of a portion of Polytechnic University's campus would allow a 790,000 square-foot building, envisioned to consist of a base with academic space and a commercial office tower above on a site currently containing the Jacobs Building and a power plant. Such a building would also require the modification of several Special Permits for MetroTech, which are related actions and are discussed below.

C. FLATBUSH AVENUE EXTENSION AREA: FROM M1-1, M1-4, C8-2, C6-1, R6/ C1-3 AND R6 TO C6-4

The blocks along the east side of Flatbush Avenue Extension, from Tillary Street to Fulton Street, currently zoned M1-1, M1-4, C6-1, C8-2, R6/ C1-3 and R6 would be rezoned to C6-4 and the SDBD extended east along Myrtle Avenue from Prince Street to Ashland Place.

The proposal would increase the current FARs from 2.43 (3.0 with Quality Housing) and 3.44 (4.0 with Quality Housing) for residential, from 1.00 and 2.00 for manufacturing, from between 1.00 to 6.00 for commercial, and from between 2.40 to 6.50 for community facility uses to 10.0 for all uses, bonusable to 12.0 through either an urban plaza for all uses or through the

Inclusionary Housing Program for residential buildings.

This area contains a mixture of auto related uses, small stores, residential buildings, several loft buildings, some of which were recently converted to residential use pursuant to BSA variance, a combined Police and Fire Station, a NYC Department of Health facility, a portion of Long Island University (LIU) and an office building occupied by Verizon. Most of the buildings in this area, except for the lofts, LIU's academic facility and the Verizon office building, are one to three stories. Most of the blocks in this area are irregularly shaped as a result of the construction of Flatbush Avenue Extension to the Manhattan Bridge at the beginning of the 20th century. Immediately to the east of this area are the NYCHA Ingersoll Houses, the University Towers middle-income residential complex and the main Long Island University campus. Under the proposed zoning change, these blocks could be redeveloped with higher-density new residential and commercial buildings on underutilized properties and vacant lofts.

The proposed urban renewal and street mapping actions in this area along Flatbush Avenue Extension, between Myrtle Avenue and the newly extended Fleet Place, would create large, economically efficient development sites for new office and apartment buildings. A new public parking garage, which is the subject of a concurrent Special Permit application, would be located within a residential building envisioned on the urban renewal site at Flatbush Avenue Extension and Myrtle Avenue. An office building to the south of this urban renewal site at the corner of Flatbush Avenue Extension and Willoughby Street would complement the office buildings proposed to the west across Flatbush Avenue Extension surrounding Willoughby Square.

The proposed rezoning of this area would reflect current development trends by permitting new residential uses and, together with increasing the commercial FAR to 10.0 and the more flexible height and setback regulations would allow new development to connect Flatbush Avenue Extension to Downtown Brooklyn. Some of the remaining auto-related uses and warehouses would become non-conforming but would be able to continue. Development on both sides of the avenue would establish this area as an important new gateway to Brooklyn.

D. MYRTLE AVENUE AREA: FROM R6 TO R7-1/ C2-4 AND SDBD

The southern block frontage along Myrtle Avenue east of Flatbush Avenue Extension, between the new Fleet Place and Ashland Place is proposed to be rezoned from the current R6 to R7-1/ C2-4 and the SDBD is proposed to be extended east along Myrtle Avenue from Prince Street to Ashland Place.

The proposal would increase the current FARs from 2.43 (3.0 with Quality Housing) to 4.0 for residential uses, would maintain the current FAR of 4.80 for community facility uses, and would allow commercial uses up to an FAR of 2.0.

The area currently contains one-story commercial retail buildings along Myrtle Avenue and is located across from the NYCHA Ingersoll Houses and to the rear of University Towers, a fifteen story residential cooperative apartment complex. This zoning change would encourage and support new mixed-use development east of Flatbush Avenue Extension at the gateway to Fort Greene by providing opportunities for new housing above ground-floor retail.

E. SCHERMERHORN-LIVINGSTON STREETS AREA: FROM C6-1 TO C6-4

Three blocks between Livingston and Schermerhorn Streets, Jay and Nevins Streets, currently zoned C6-1, would be rezoned to C6-4. Three blocks, bounded by Smith, Schermerhorn, Nevins and Livingston Streets, within the proposed rezoning area are also proposed to be included in the proposed expansion of the Schermerhorn Street Height Limitation Area discussed in the related action for amendment to the Zoning Resolution below (N 040172 ZRK).

The proposal would increase the FAR for residential uses from 3.44 (4.0 with Quality Housing) to 10.0, bonusable to 12.0 with the Inclusionary Housing Program. The FAR would increase from 6.0 to 10.0 for commercial uses and from 6.50 to 10.0 for community facility uses. The FAR could be increased up to 12.0 for all uses with an urban plaza.

This area currently contains multi-story office buildings, small three- to four-story commercial buildings with ground-floor retail, a municipal parking garage and parking lots. To the north,

across Livingston Street, are the rear entrances of several large department stores facing Fulton Street Mall and smaller three- to five-story commercial buildings. To the south, across Schermerhorn Street, are several large parking lots, a six-story office building and the low-rise, brownstone Boerum Hill community along State Street. The parking lots are located above the Hoyt-Schermerhorn subway station and are slated to be developed through the Empire State Development Corporation with new residential buildings with ground-floor retail.

F. FULTON STREET MALL AREA: FROM C6-1 TO C6-4

The blocks bounded by Fulton Street, Livingston Street, Bond Street, State Street and Flatbush Avenue would be rezoned from C6-1 to C6-4.

The proposal would increase the FAR for residential uses from 3.44 (4.0 with Quality Housing) to 10.0, bonusable to 12.0 with the Inclusionary Housing Program. The FAR would increase from 6.0 to 10.0 for commercial uses and from 6.50 to 10.0 for community facility uses. The FAR could be increased up to 12.0 for all uses with an urban plaza.

These blocks contain multi-story retail and office buildings fronting on Fulton Street and Flatbush Avenue and mixed-use residential buildings with ground-floor retail on Livingston Street. To the north and west are high-density commercial retail and office buildings and to the south is a park, an office building and a church.

G. FLATBUSH AVENUE TRIANGLE AREA: FROM C6-1 TO C6-2

Two irregular blocks on Flatbush Avenue, one between Schermerhorn and State Streets and one between Atlantic Avenue and Pacific Street, as certified, would be rezoned from C6-1 to C6-2.

The proposal would increase the FAR for residential uses from 3.44 (4.0 with Quality Housing) to 6.02. The FAR would remain the same for commercial and for community facility uses. New buildings developed along Flatbush Avenue between Schermerhorn and State Streets are currently subject to requirements for streetwall continuity and ground-floor retail with transparency and a restriction on new curb cuts.

The block at Schermerhorn Street, adjacent to the Boerum Hill neighborhood and across from the Brooklyn Academy of Music, contains a school, several low-rise retail buildings and an office building of the NYC Human Resources Administration. The block at Atlantic Avenue adjacent to the Prospect Heights neighborhood and opposite the Atlantic Center shopping center, contains a truck rental establishment and a vacant three-story commercial building. Part of this block is also a site in the Atlantic Terminal Urban Renewal Area. Increasing the residential FAR from 3.44 to 6.02 would encourage new residential and commercial development on these blocks and would be a transition between the adjacent higher density zoning districts and the mid-rise residential neighborhoods.

AMENDMENT TO THE SPECIAL DOWNTOWN BROOKLYN DISTRICT OF THE ZONING RESOLUTION (N 040172 ZRK)

The proposed Zoning Text changes would establish special height and setback regulations for towers in higher density commercial districts within the SDBD, similar to those of the Special Lower Manhattan District (SLMD). Other text changes include urban design guidelines along major streets in Downtown Brooklyn, such as requirements for ground floor retail continuity, ground floor glazing, street wall continuity, sidewalk widenings, restrictions on curb cuts, street tree planting requirement, expansion of the Schermerhorn Street Height Limitation Area and subway stair relocation and requirements for off-street bicycle parking as part of new developments within the SDBD. Special height and setback regulations are also proposed for R7-1 districts within the SDBD as is a revised text format for clarity.

HEIGHT AND SETBACK REGULATIONS IN C6-1, C5-4, C6-4 AND C6-4.5 DISTRICTS

The proposed zoning text amendment would change the special height and setback regulations in the SDBD. Currently, buildings within the SDBD in C6-1, C5-4, C6-4 or C6-4.5 districts may be developed under either the “standard” or the “tower” height and setback regulations.

Buildings developed under the “standard” regulations in C6-1, C5-4 and C6-4 districts may have a minimum base of 60 feet and a maximum base of 125 feet along a narrow street and 150 feet along a wide street, with a height limit of 185 feet along a narrow street and 210 feet along a wide street. Under the “tower” regulations, above a base of 85 feet, buildings have to set back

15 feet along a narrow street and 10 feet along a wide street and, above 150 feet, may not cover more than 40 percent of the lot. There is a height limit of 495 feet in C6-1 districts and no height limit in C5-4 and C6-4 districts.

Buildings within the C6-4.5 district could be developed under either the “standard” or the “tower” height and setback regulations. Under the “standard” regulations, buildings would have a minimum base height of 60 feet, a maximum base height of 125 feet along a narrow street or 150 feet along a wide street and a maximum building height of 250 feet.

Under the proposed tower regulations, commercial or community facility buildings within C6-1, C5-4 C6-4, and C6-4.5 districts, would be required to set back a minimum of 20 feet above a base height of 85 feet. Above 150 feet, tower lot coverage would be limited to 65 percent and above 300 feet it would be limited to 50 percent. Developments with residential buildings would be limited to a lot coverage of 40 percent above 150 feet. There would be a height limit of 495 feet in C6-1 districts and no height limit in the C5-4, C6-4 and C6-4.5 districts.

Finally, the text change would correct an ambiguity and clarify that buildings in C5-4 and C6-4 districts are required to provide a minimum base of 60 feet where streetwalls are required.

The proposed “tower” height and setback regulations for the SDBD would be similar to the SLMD. Like Lower Manhattan, Downtown Brooklyn is an older central business district which contains many small, irregularly shaped blocks that are difficult to develop with modern office buildings. The current tower regulations only accommodate economically efficient office tower floors (typically 30,000 square feet minimum) on development sites of 75,000 square feet or more. However, few sites of this size exist or are possible in Downtown Brooklyn due to street configuration limitations and diverse property ownership. Tower office buildings would allow taller development that would provide maximum light and air to Downtown Brooklyn streets.

Downtown Brooklyn contains many pre-1961 zoning office buildings that are tall and have high lot coverage similar to the proposed regulations. The proposed new height and setback

regulations for “towers” would allow additional design flexibility and a building envelope that accommodates new office towers on the 40,000 to 60,000 square foot development sites that are more typical in Downtown Brooklyn. Development sites that would potentially be able to take advantage of these new regulations are concentrated on the south side of Willoughby Street and at Adams Street and the Fulton Street Mall.

WILLOUGHBY SQUARE

New development on Gold Street fronting the proposed Willoughby Square open space would be required to have an 80-foot to 85-foot high base at the street line, and a mandatory setback above the base, to create a uniform presence around this urban space. Chase Bank, north of the proposed Willoughby Square across Willoughby Street, has a base height of 85 feet with a setback. This base requirement is also contained in the urban design controls of the proposed amended Brooklyn Center Urban Renewal Plan for the two urban renewal sites to the south and west of Willoughby Square.

WILLOUGHBY STREET, GOLD STREET TO FLATBUSH AVENUE EXTENSION

New development on the south side of Willoughby Street, between Albee Square West and Flatbush Avenue Extension would be allowed to rise without setback along Willoughby Street and along Flatbush Avenue Extension and Albee Square West. The site is currently occupied by the multi-level parking garage for the adjacent Albee Square Mall. The Mall’s owner envisions replacing the garage with an office tower above retail. There would be a mandatory set-back above a base of between 80 to 85 feet along Albee Square West across from the new Willoughby Square open space. The sheer wall of a building rising without setback at this important intersection would make a dramatic architectural statement and would announce the new entrance to the new business center for pedestrians and vehicles entering Brooklyn from the Manhattan Bridge.

There would be a mandatory five-foot sidewalk widening for new buildings developed along the south side of Willoughby Street between Flatbush Avenue Extension and Adams Street. Existing sidewalks along Willoughby Street are narrow and have few street trees and widening

by five feet would provide additional pedestrian circulation space and room for amenities.

SCHERMERHORN STREET HEIGHT LIMITATION AREA

The extension of the Schermerhorn Street Height Limitation Area within the SDBD, together with the proposed zoning change discussed above, would allow new residential and mixed residential-commercial development in this transitional area between the low- to mid-rise Boerum Hill community to the south and the high-density core of Downtown Brooklyn to the north. The two height limits would encourage economically efficient residential buildings on both sides of the blocks in context with nearby development.

The interior lots on the southern half of the blocks along Schermerhorn Street would be within Area “B”, with a 140-foot height limit and a prohibition of urban plazas. The northern half of the blocks along Livingston Street, and their street ends, would be within a new Area “C” with a height limit of 250 feet. Along Schermerhorn Street buildings would be able to rise to the 140-foot height limit, while buildings along Livingston Street buildings would be able to rise to the maximum 250-foot height limit. Height limits along these blocks were recommended by the adjacent community during the original review of the SDBD in 2001.

MYRTLE AVENUE

The proposed text amendment would establish special bulk, height and setback regulations for the new R7-1 district on Myrtle Avenue. The regulations would require a minimum base height of 40 feet and a maximum base height of 85 feet. Development above the base would be required to set back 10 feet and would have a maximum building height limit of 160 feet. The proposal would increase the current FAR from 2.43 for residential (3.00 with Quality Housing) uses to 4.0 and allow new commercial uses at an FAR of 2.0. The FAR for community facility uses would remain at 4.80 under both the existing and the proposed districts.

The proposed regulations provide the necessary flexibility on these irregularly-shaped lots to encourage new contextual residential development consisting of ground-floor retail, a streetwall and a maximum building height. The new maximum base height would complement the height

of the Ingersoll public housing development across Myrtle Avenue and maximum building height limit would be approximately the same as the adjacent University Towers.

BICYCLE PARKING

A designated area for bicycle parking would be required for new commercial developments or enlargements with a minimum FAR of 5.0. This designated area would have to be provided at a ratio of one square-foot per 1,000 square feet of floor area, but in no event more than 400 square feet. Such a facility would have to be enclosed, accessible and provide secure space for bicycle storage.

SIGNS

New signage regulations would allow banners for theaters to project up to four feet across a street line, provided that such banners are located between 12 and 40 feet above curb level. In addition, non-illuminated, double-faced signs with a maximum surface area would be allowed to project up to forty inches across a street line if located between ten feet above the curb level and below the sill level of the second story window. These regulations would encourage a distinct identity for the business district and prevent excessive signage.

SECURITY GATES

New security gate regulations for new commercial or community facility buildings would require that at least 75 percent of the area covered by such a gate to be visible when viewed from the street. This would assure that storefronts are transparent, encouraging pedestrian “window shopping” and increasing street safety after business hours with supplemental lighting from the store displays.

GROUND-FLOOR RETAIL

A ground-floor retail requirement would be added to Duffield and Gold Streets to strengthen the connection between Willoughby Street and Fulton Mall. In addition, a ground floor retail requirement would be added to the east side of Flatbush Avenue Extension between Willoughby Street and Myrtle Avenue and would extend along the south side of Myrtle Avenue to Ashland

Place. The new retail requirement would regulate ground floor uses to a depth of 50 feet from the property line and allow public libraries, museums and non-commercial art galleries. New retail would contribute to the development of Flatbush Avenue as a vibrant boulevard entrance to Brooklyn and would strengthen the retail corridor of Myrtle Avenue. The ground-floor retail requirement would be removed from Willoughby Street where Willoughby Square and the Flatbush Avenue Triangle public spaces are proposed.

GROUND-FLOOR TRANSPARENCY

The 50-percent minimum ground floor transparency requirement would be extended to include all storefronts where retail continuity is required. Transparency activates retail corridors and contributes to a vibrant shopping destination. A new transparency requirement along Willoughby, Duffield and Gold Streets would require 70 percent of the ground floor to be glazed, of which not more than 20 percent could be translucent material, to support retail on Willoughby Street. The increased glazing on Duffield and Gold Streets would strengthen the retail connection between Fulton Mall and MetroTech and would ensure that the new buildings create visual interest for pedestrians.

STREETWALL CONTINUITY

As certified, the streetwall continuity requirement would be removed from Willoughby Street and Flatbush Avenue where Willoughby Square and the Flatbush Avenue Triangle public spaces are proposed. The requirement would be added to portions of Gold and Duffield Streets to frame the Willoughby Square open space and to Myrtle Avenue and Willoughby Street on the east side of Flatbush Avenue Extension to enhance these important corridors. In addition the streetwall requirement would be changed from 70 percent, with the remaining 30 percent located within an inner court, to 70 percent with the remaining 30 percent allowed to be open. This would provide greater flexibility for many of the constrained development sites of Downtown Brooklyn.

CURB CUTS

Curb cut restrictions would be added on the east side of Flatbush Avenue to foster pedestrian circulation and prevent interruption of the retail corridor. Curb cut restrictions would be

removed from Willoughby Street between Adams and Jay Streets, and from DeKalb Avenue between Albee Square West and Flatbush Avenue Extension, to provide opportunities for accessory loading areas for the new buildings on possible development sites.

STREET TREES

Street tree planting would be required on the south side of Myrtle Avenue to provide welcome shade and enhance the attractiveness of the retail strip to pedestrians and motorists alike.

SUBWAY STAIRS

On sites over 5,000 square feet, new buildings fronting on an existing subway entrance of either the Jay St-Borough Hall, Court Street, Borough Hall, Lawrence Street, Hoyt Street, DeKalb Avenue, Nevins Street, Hoyt-Schermerhorn Streets, Pacific Street or Atlantic Avenue stations would have to incorporate these entrances into their buildings. Inclusion of subway entrances into the new buildings would decrease sidewalk congestion, aid pedestrian circulation and provide renovated and improved access to subway platforms.

AMENDMENTS TO THE BROOKLYN CENTER, METROTECH AND ATLANTIC CENTER URBAN RENEWAL PLANS

To further the vision of the Downtown Brooklyn Development Plan, the Department of Housing Preservation and Development (HPD) proposes to amend three existing urban renewal plans in Downtown Brooklyn to create sites for new office and residential developments and open space.

AMENDMENT TO THE BROOKLYN CENTER URBAN RENEWAL PLAN (BCURP) (C040173 HUK), DESIGNATION OF ADDITIONAL PROPERTIES (N040176 HGK) AND DISPOSITION OF CITY-OWNED PROPERTY (C040177 HDK)

The proposed actions related to the BCURP, an amendment to the urban renewal plan, designation of additional properties and disposition of city-owned property, as certified, would allow the development of new residential uses, commercial offices, retail space, public open space and public parking facilities in Downtown Brooklyn. The urban renewal plan amendment would, among other changes, expand the urban renewal area by ten blocks, make changes to the

urban renewal plan's land use definitions, extend the duration of the urban renewal plan and make other technical changes. The proposed designation application would designate 59 lots within 14 new urban renewal sites, and the disposition application would dispose of 26 new and previously-designated sites.

The proposed changes to the BCURP are as follows:

EXPAND THE BROOKLYN CENTER URBAN RENEWAL AREA (BCURA)

The 14 newly designated sites are located on eight blocks in Downtown Brooklyn. Four of the blocks are located on Fulton Street east of Boerum Place, three of the blocks are along Willoughby Street between Bridge Street and Flatbush Avenue Extension, and one of the blocks is along Myrtle Avenue and Prince Street. The newly-designated sites contain predominantly poor-condition, vacant and underutilized properties that have been carefully selected to minimize dislocation of residents and businesses and maximize redevelopment potential. As part of the proposed actions, the blocks along Fulton and Willoughby Streets would be rezoned to C6-4.5 and the block along Myrtle Avenue would be rezoned to C6-4 in a related application for an amendment to the zoning map (C040171 ZMK). One of the sites on Willoughby Street and the site along Myrtle Avenue is also be the subject of applications for CPC special permits for public parking garages (C040181 ZSK and C040184 ZSK). Finally, several streets adjacent to the new urban renewal sites along Fulton Street and for the site along Myrtle Avenue are proposed to be closed in three related applications for amendments to the City Map in order to create development assembles (C030514 MMK, C030515 MMK and C030517 MMK).

As part of the vision for the Downtown Brooklyn Development Plan, the proposed actions would allow the development of commercial office buildings surrounding public open spaces on the new urban renewal sites along Willoughby Street, immediately south of the MetroTech office and academic campus. Urban renewal sites 19 and 19A would be the location of the Willoughby Square open space with a below-grade public parking garage. Proposed BCURP design controls would require that buildings on urban renewal sites surrounding Willoughby Square be built at the street line with ground-floor retail and a uniform base height of between 80 to 85 feet. The

nearby Chase Bank building across Willoughby Street from the development sites is built to the street line, contains ground-floor retail and has a base height of approximately 85 feet. It would also face the proposed Willoughby Square public open space.

The new urban renewal sites along Fulton Street could be redeveloped with new commercial office buildings facing Boerum Place and Adams Street where there are already several tall commercial office towers. And the new urban renewal site along Myrtle Avenue east of Flatbush Avenue Extension could be consolidated with two existing urban renewal sites of the BCURP and redeveloped with residential or commercial office buildings with a public parking garage adjacent to the high-rise University Towers residential complex and across Flatbush Avenue Extension from MetroTech.

DELETE SITE 6

This site, which is currently designated for Industrial and Related Use, is developed with the BAM Harvey Lichtenstein theater and other uses and is no longer needed for redevelopment.

CHANGE THE DEFINITION OF COMMERCIAL, PUBLIC SPACE AND INDUSTRIAL AND RELATED USE, AND INSTITUTIONAL/COMMERCIAL USES

The proposed BCURP regulations for 'Residential' would also permit residential and community facility uses in addition to commercial uses. This change would allow flexibility in developing both residential, commercial and community facility buildings on urban renewal sites throughout the BCURP. The definition of Public Space land use would permit below-grade parking and accessory uses. This change would allow the development of the below-ground parking garage under the proposed Willoughby Square open space. Finally, the proposed regulation would delete the Industrial and Related Use, and Institutional/ Commercial uses categories from the BCURP. With the proposed deletion of Site 6, which is designated with this use, there would be no other urban renewal sites with this use designation.

REFLECT THE CHANGES TO THE CITY MAP

The changes to the City Map, proposed under four separate actions, would be reflected in the

revised BCURP maps.

EXTEND THE DURATION OF THE PLAN

The duration of the BCURP is proposed to remain in effect for a period of forty (40) years from the date of the approval of this Fifth Amendment. For any property conveyed by the City prior to June 30, 2003, however, the controls of the Plan would either remain in effect until September 12, 2010, the current expiration date of the Plan, or such other date as may be specified in any agreement between the City and the owner of such property. This change is requested because the BCURP will expire in 2010 and development of these sites is expected to occur beyond 2010.

TECHNICAL CHANGES TO THE BCURP

A number of technical changes to the BCURP are proposed including, adding new site numbers to previously designated Blocks and Lots that had no Site numbers, eliminating outdated Q parcels from the text and maps, updating the Proposed Time Schedule for Effectuation Of Plan, and revising the Plan text to reflect HPD's standard format for urban renewal plans.

DISPOSITION OF SITES

The disposition of 26 Sites in the BCURP, including previously-designated sites and newly-designated sites is proposed. Disposition approval would permit conveyance of the urban renewal sites for redevelopment in accordance with the amended BCURP.

AMENDMENT TO THE METROTECH URBAN RENEWAL PLAN (MTURP) (C040174 HUK) AND DISPOSITION OF CITY-OWNED PROPERTY (C040178 HDK)

The proposed urban renewal plan amendment and disposition would allow the development of public open space on Block 2060, Lot 8, at the southeast corner of Gold Street and Flatbush Avenue Extension.

Block 2060, Lot 8, currently designated as 'Street Widening', is a small triangular city-owned lot used as for parking at the intersection of Gold Street and Flatbush Avenue Extension in a C6-1

zoning district. As certified, it would be rezoned from C6-1 to C6-4.5 in a related amendment to the zoning map (C040171 ZMK). The amendment to the MTURP would change the land use designation for Block 2060, Lot 8, from ‘Street Widening’ to ‘Open Space’ use, assign a new Site number to Block 2060, Lot 8 (Site 11), and eliminate ‘Q’ parcels from text and maps and revise the Plan text to reflect HPD’s standard format for urban renewal plans. The changes to the urban renewal plan and the disposition would permit the creation of new public space along Flatbush Avenue Extension and Gold Street.

AMENDMENT TO THE ATLANTIC TERMINAL URBAN RENEWAL PLAN (ATURP)
(C040175 HUK) AND DISPOSITION OF CITY-OWNED PROPERTY (C040179 HDK)

The proposed urban renewal plan amendment and disposition, as certified, would allow residential development of Site 6A and a public library and other community facility uses with below-grade parking on Site 20.

Urban renewal Site 6A (Block 1118, Lot 6), designated for commercial use, is an irregularly-shaped, city-owned lot, currently used for parking and storage at the intersection of Flatbush and Atlantic Avenues in a C6-1 zoning district. Land uses on the block include a three-story commercial building and an open truck rental lot. As part of the proposed actions, this block is proposed to be rezoned from C6-1 to C6-2 in a related amendment to the zoning map (C040171 ZMK). The land use designation for Site 6A is proposed to be changed from ‘Commercial’ to ‘Residential’. The urban renewal plan changes and the disposition would allow the development of this property with new housing above retail.

Urban renewal Site 20 (Block 2110, Lot 3), is a triangular, city-owned lot, designated for ‘Commercial’ use and limited to an FAR of 0.2, that is currently used as an open parking lot and a garden center. It is bounded by Flatbush and Lafayette Avenues, Ashland and Hanson Places, is across Ashland Place from the Brooklyn Academy of Music (BAM) Opera House, and is in a C6-1 zoning district. The amendment to the ATURP would revise the ‘Commercial’ land use designation to allow community facilities and below-grade parking, and would change the FAR restriction to that permitted pursuant to zoning. As part of the proposed actions, this site is also

the subject of an application for site selection for a new public library for the performing arts (C040185 PSK), as well as an application for a Special Permit for a below-grade public parking garage (C040183 ZSK). The changes to the urban renewal plan and the disposition would permit the construction of a public library on this site with a below-ground public parking garage and a theater, as proposed by the BAM Local Development Corporation as part of its BAM Cultural District.

Other proposed changes to the urban renewal plan include extending the duration of the plan for a period of forty (40) years and revising the plan text to reflect HPD's standard format for urban renewal plans.

DISPOSITION OF CITY-OWNED PROPERTY (C040180 PPK)

370 Jay Street (Block 140, Lot 111) is an "L" shaped lot, approximately 356 feet by 184 feet (42,400 square feet) occupied by an approximately 334,000 square-foot, 13-story office building currently used by the New York City Transit Authority (NYCTA). The property is located in Downtown Brooklyn on the southwest corner of the block bounded by Willoughby, Jay, Adams Street, and Tech Place. The property is zoned C5-4 and is within the Special Downtown Brooklyn District. Some NYCTA employees continue to work in the building, however, relocation is underway and the building is expected to be vacated in the near future.

The buildings directly north of the subject property includes the six-story Brooklyn Marriott Hotel and a 31-story, 395 foot tall office tower occupied by the Kings County District Attorney, the NYC Law Department and the Secret Service. The future site of a 24-story, 282-room expansion of the hotel and 345 Adams Street, a building with court facilities, is located across Pearl Street. Adjoining properties include the Brooklyn Friends School, and two partially vacant, five- and two-story buildings with ground-floor retail uses.

Upon approval, and after the NYCTA has vacated the building, the property is intended to be disposed to the Economic Development Corporation for subsequent disposition to a developer to be selected by EDC.

SPECIAL PERMITS PURSUANT TO SECTION 74-52 (PUBLIC GARAGES OR PUBLIC PARKING LOTS IN HIGH DENSITY CENTRAL AREAS)

Four Special Permits for public parking garages are proposed to replace the public parking spaces displaced as a result of the development projects envisioned by the Plan and to accommodate any need for public parking generated by these developments.

WILLOUGHBY SQUARE (C040181 ZSK)

A 694-space, self-park public parking garage is proposed beneath the new Willoughby Square open space in the Downtown Brooklyn commercial core. The garage would be self-parking on four below-grade levels and would have 35 reservoir spaces, equivalent to five percent of the total parking spaces. Entry to the garage would be via a 30-foot curb cut from Duffield Street with egress via a 30-foot curb cut onto Albee Square West/ Gold Street, which are both 60-foot-wide streets.

The garage would accommodate the parking demand from the displacement of existing parking facilities on proposed development sites, as well as the demand from the new office developments of the Plan. It would be located in the center of the expanded commercial core, surrounded on three sides by new office developments.

FULTON STREET (C040182 ZSK)

A 465-space, fully attended, below-grade public parking garage is proposed at Fulton Street and between Rockwell and Ashland Places. The garage would utilize 184 two-car stackers to provide 465 parking spaces within a single cellar level and a small portion of the ground level. There would be 23 reservoir spaces equal to five percent of the total parking spaces provided. Entry and egress would be via a 30-foot curb cut from Ashland Place, a 60-foot-wide street. The garage would be open 24 hours a day, seven days a week.

It is envisioned by the BAM Local Development Corporation that the garage would be below a new building which would also contain approximately 253,000 square feet of cultural uses,

570,000 square feet of residential uses and 10,000 square feet of retail as part of the BAM Cultural District. The garage would provide 228 required accessory parking spaces, equal to 40 percent of the new building's estimated 570 residential units. An additional 237 public spaces would accommodate the demand from the displacement of the existing 227-space public parking lot on the site.

LAFAYETTE AVENUE (C040183 ZSK)

A 466-space, fully attended, public parking garage is proposed at Lafayette Avenue between Flatbush Avenue and Ashland Place. The garage would utilize 107 two-car stackers to provide 466 parking spaces within two below-grade levels and a small portion of the ground level. The garage would have entry and egress via a 30-foot wide curb cut from Ashland Place, a two-way 60-foot-wide city street, and would be open 24 hours a day, seven days a week.

It is envisioned by the BAM Local Development Corporation that the garage would be below a new 195,000 square foot building which would contain a 140,000 square-foot visual and performing arts library, a 40,000 square-foot theater and 15,000 square feet of retail. The proposed garage would accommodate the demand from the displaced 110-space parking lot as well as the daytime demand from the library and from the general population working or visiting Downtown Brooklyn. It would also serve to satisfy the evening demand generated by the on-site theater as well as cultural events associated with the Brooklyn Academy of Music Local Development Corporation. The site is adjacent to Flatbush Avenue, a major north-south arterial.

FLEET PLACE (C040184 ZSK)

A 457-space, self-park, public parking garage is proposed at Fleet Place between Myrtle Avenue and Willoughby Street. Parking would be located within the cellar, ground level, second and third floors. It is envisioned that a 420,000 square foot building would be constructed above with approximately 300 residential units and 60,000 square feet of retail space. Access to and from the garage would be from Fleet Place via a 30-foot wide curb cut which would be extended, widened and converted to two-way street.

The garage would provide 120 required accessory spaces, equivalent to 40 percent of the new building's residential units. The remaining 337 spaces would be public and would serve to replace an existing 200-space public parking lot on the site and to meet the demand generated by the on-site retail as well as to by other proposed new developments. The garage would have 23 reservoir spaces, equivalent to five percent of the total spaces provided, would be enclosed by retail frontage on Flatbush Avenue Extension and Myrtle Avenue. The Special Permit also seeks to exempt floor area in the garage below 23 feet from the definition of floor area for the site.

SITE SELECTION FOR A PUBLIC LIBRARY (C040185 PSK)

Construction of a new 110,000 square-foot, six-story, public library for the performing arts, to be operated by the Brooklyn Public Library, is proposed. The new library would attract students, scholars, artists and the general public from the metropolitan area conducting research on arts-related matters. It would house reading rooms, archives, galleries, media labs, a 300-seat auditorium, a 99-seat performance space and a 24/7 multimedia lounge. The proposed building would be situated above a public parking garage, as proposed in the related application for a special permit for a public parking garage (C040183 ZSK) .

The proposed site (Block 2110, Lot 3) lies within the heart of the BAM Cultural District and the area surrounding the site includes a mix of residential, commercial, cultural and office uses. The site is zoned C6-1 and is designated as a site in the Atlantic Terminal Urban Renewal Plan which currently limits the floor area to 0.2 FAR. The Urban Renewal Plan would be amended to permit floor area pursuant to zoning, to change the commercial land use designation to allow community facilities and to extend the expiration date of the ATURP . The city-owned site is currently paved and used by the Brooklyn Academy of Music as a parking lot and by a commercial garden center. The 30,000 square-foot lot encompasses the entire triangular block bounded by Flatbush Avenue to the west, Lafayette Avenue to the north, and Ashland Place to the east. The library would occupy the southern portion of the lot with the northern portion of the lot developed separately as a performing arts building.

The new library is intended to complement the other cultural uses in the District and is directly

across the street from the Brooklyn Academy of Music Opera House. The Library would serve as a resource for research, exploration and cultural interchange and as a venue for performance, arts education and other arts-related activities. The library has been sited at this location because of its prominence and significance as well as because of its easy access to the nearby transportation hubs. It is intended to have a 24-hour media lounge accessible seven days a week to better serve diverse, multi-cultural constituent groups.

The proposed library is envisioned to be a feature building on Flatbush Avenue and would be a gateway to free arts resources and an incubator for artistic expression. The library's main entrance, lobby, reception, gift shop, and café would be located on the ground floor and is intended to be visible from Flatbush Avenue.

AMENDMENTS TO THE CITY MAP (C030514 MMK, C030515 MMK, C030516 MMK, C030517 MMK)

Four amendments to the City Map are proposed in order to merge several blocks and to create larger and more viable development sites in Downtown Brooklyn. The streets are currently built and improved and are in city ownership. The actions also include the proposed mapping and widening of two streets (Willoughby Street and Fleet Place).

An interagency conference was held on June 6, 2003, and concerns were expressed by DEP, Keyspan, Con Edison and the Metropolitan Transportation Authority. After subsequent meetings and review, the maps were revised to address the concerns and subsequently, no agencies expressed opposition to the proposal.

PEARL STREET (C030514 MMK)

The elimination discontinuance and closing of Pearl Street between Willoughby Street and Jay Street is proposed to create a development assemblage of properties fronting on Willoughby Street. The subject street portion is approximately 105 feet long, 50 feet wide, is not heavily used for vehicular or pedestrian circulation, and terminates in a dead end one block away.

RED HOOK LANE (C030515 MMK)

The elimination discontinuance and closing of Red Hook Lane between Boerum Place and Fulton Street is proposed to create a development assemblage of properties fronting on Boerum Place. The subject portion of the street is approximately 331 feet long, 33 feet wide, is not heavily used for vehicular or pedestrian circulation, and does not continue beyond this one block.

WILLOUGHBY STREET (C030516 MMK)

Willoughby Street is proposed to be widened from 60 feet to 95 feet between Albee Square / Gold Street and Flatbush Avenue to provide space for a landscaped median and facilitate traffic flow. This widening would occur on the south side of the street and would take place concurrently when new development occurs. Willoughby Street would become a main street for new commercial development in this area and around the new Willoughby Square open space. The new median would serve as a visual enhancement to encourage pedestrians to walk along Flatbush Avenue, and as a traffic calming device at the intersection with Flatbush Avenue. In addition, this landscaped gateway to the new development would provide a larger view corridor from Flatbush Avenue to the proposed Willoughby Square public space.

MYRTLE AVENUE, FLEET PLACE, FAIR AND PRINCE STREETS (C030517 MMK)

The elimination discontinuance and closing of Fair Street between Prince Street and Flatbush Avenue and of Prince Street between Flatbush Avenue and Myrtle Avenue is proposed to create an assemblage for commercial and residential development. Fair Street is approximately 170 feet long, 50 feet wide, is not heavily used for vehicular or pedestrian circulation, and does not continue beyond this one block. Prince Street is approximately 400 feet long, 50 feet wide, is used for northbound traffic which would be redirected one block away to Gold Street as part of traffic calming efforts in Downtown Brooklyn .

Fleet Place would be widened from 50 feet to 60 feet and would be extended north to Myrtle Avenue. This widening would occur on the west side of the street to create a more economically efficient development block and would take place concurrently when new development occurs.

The widening would provide space for two-way traffic between Willoughby Street and Myrtle Avenue.

Myrtle Avenue would be widened to 100 feet at Flatbush Avenue Extension and taper to the existing 75-foot width at the extension of Fleet Place on the south side of the street. This widening would provide space for a landscaped median, wider sidewalks and would help create a gateway for the Myrtle Avenue retail strip leading to Fort Greene. These changes would take place with new development on properties facing the new streets. The new landscaped median that would serve as a visual enhancement and would encourage pedestrians to walk along Flatbush Avenue Extension, and as a traffic calming device at the intersection with Flatbush Avenue Extension.

MODIFICATION OF THREE GENERAL LARGE-SCALE DEVELOPMENT SPECIAL PERMITS FOR METROTECH (M930481(E) ZSK, M000592(A) ZSK, M860689(B) ZSK)

The modification of three Special Permits for MetroTech, together with the related rezoning from C6-1A to C6-4 of the northwestern portion of the General Large-Scale Development (“GLSD”) occupied by Polytechnic University, would allow development of a new mixed-use, academic and commercial building by Polytechnic University. The site of the envisioned building is currently occupied by the University’s Jacobs Building and a small power plant. Polytechnic University has proposed to construct a new building on this site with new, upgraded academic space in the base and a commercial office building above. Such a building would be compatible in use to the MetroTech campus, which includes academic and office uses, while revenues from the office component could be used to subsidize the operations of the University.

M930481(E) ZSK:

Modification of the Special Permit to increase the maximum permitted floor area in the GLSD at MetroTech and to allocate the increased floor area and existing excess floor area to Polytechnic University’s Site L and to decrease floor area in Site D by removing unbuilt floor area.

M000592(A) ZSK:

Modification of Special Permit C000592 ZSK to increase the floor area of Building L to 1,067,000 square feet and to modify the building envelope accordingly.

M860689(B) ZSK:

Modification of Special Permit M860689(B) ZSK, to change the allowable floor area in Building D to 97,643 square feet by removing the 106,942 square feet of preserved but not built area.

ENVIRONMENTAL REVIEW

This application (C 040171 ZMK), in conjunction with the applications for the related actions (C 030514 MMK, C 030515 MMK, C 030516 MMK, C 030517 MMK, N 040172 ZRK, C 040173 HUK, C 040174 HUK, C 040175 HUK, N 040176 HGK, C 040177 HDK, C 040178 HDK, C 040179 HDK, C 040180 PPK, C 040181 ZSK, C 040182 ZSK, C 040183 ZSK, C 040184 ZSK, C 040185 PSK, M 930481(E) ZSK, M 000592(A) ZSK and M 860689(B) 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 03DME016K. The lead agency is Office of the Deputy Mayor for Economic Development and Rebuilding.

It was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required for the following reasons:

1. The actions, as proposed, may result in substantial changes related to land use, zoning, and public policy.
2. The actions, as proposed, may result in substantial changes related to socioeconomic conditions.
3. The actions, as proposed, may result in substantial changes related to community facilities and services.
4. The actions, as proposed, may result in substantial changes related to open space and recreational facilities.
5. The actions, as proposed, may result in substantial changes related to historic and archaeological resources.
6. The actions, as proposed, may result in substantial changes related to urban design and visual resources.
7. The actions, as proposed, may result in substantial changes related to neighborhood character.

8. The actions, as proposed, may result in substantial changes related to hazardous materials.
9. The actions, as proposed, may result in substantial changes related to infrastructure.
10. The actions, as proposed, may result in substantial changes related to solid waste and sanitation services.
11. The actions, as proposed, may result in substantial changes related to energy usage.
12. The actions, as proposed, may result in substantial changes related to traffic and parking as well as pedestrian and transit trips.
13. The actions, as proposed, may result in substantial changes related to mobile and stationary source air quality.
14. The actions, as proposed, may result in substantial changes related to noise.
15. The actions, as proposed, may result in substantial changes related to construction activities.
16. The actions, as proposed, may result in substantial changes related to public health.

A Positive Declaration was issued on April 16, 2003, and distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft Environmental Impact Statement (DEIS). A public meeting on the Draft Scope of Work for the DEIS was held on May 20, 2003, and the Final Scope of Work for the DEIS was issued on November 3, 2003.

The lead agency prepared a DEIS and a Notice of Completion for the DEIS was issued on November 28, 2003.

Subsequent to issuance of the Notice of Completion for the DEIS, it was determined that a Draft Supplemental Environmental Impact Statement (DSEIS) should be prepared to account for a potential major mixed-use development in the Atlantic Terminal area – referred to as the Atlantic Yards Arena and Redevelopment project – in the future baseline condition. A Positive Declaration and notice of intent to prepare a DSEIS was issued on January 22, 2004, and distributed, published and filed. A public meeting on the Draft Scope of Work for the DSEIS was held on February 23, 2004, and the Final Scope of Work for the DSEIS was issued on March 5, 2004.

The lead agency prepared a DSEIS and a Notice of Completion for the DSEIS was issued on March 8, 2004.

Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS and the DSEIS on March 24, 2004, in conjunction with the public hearing on the related Uniform Land Use Procedure (ULURP) item (C 040171 ZMK).

The Final Environmental Impact Statement (FEIS), incorporating the Final Supplemental Environmental Impact Statement, was completed, and a Notice of Completion of the FEIS was issued on April 30, 2004. The Notice of Completion for the FEIS identified the following significant adverse impacts and proposed the following mitigation measures:

IMPACTS OF THE PROPOSED PROJECT

HISTORIC RESOURCES

Archaeological Resources

The analysis of archaeological resources determined that 21 lots on four “projected” development sites (sites that are likely to undergo development within a ten-year time frame) and 10 lots on five “potential” development sites (sites that are unlikely to be developed within the ten-year time frame) are considered to be potentially sensitive for 19th century archaeological resources. Individual Stage 1A Archaeological Assessments will be prepared for those lots that are currently City-owned or are acquired by the City, before development of these sites commences. If determined necessary as a result of the Stage 1A Archaeological Assessment, Stage 1B field testing will be undertaken prior to development of these sites. In the event that Stage 1B field testing confirms that there are significant archaeological resources on the lots which cannot be recovered during the testing phase, full archaeological excavation will occur or the development would be redesigned to leave the resources protected in place. Under the revised Brooklyn Center Urban Renewal Plan, each redeveloper will be required to perform all mitigation measures identified in the FEIS, such as future archaeological work, prior to issuance of a certificate of occupancy. With these measures, the proposed actions would not have any significant adverse impacts on the potential archaeological resources of these lots.

Architectural Resources

Three potential architectural resources are located on projected development sites: the Joseph J. Jacobs Building at 305-315 Jay Street on site C, the Board of Education Building at 131 Livingston Street on site M, and 233 Duffield Street on site P. In addition, two potential architectural resources are located on potential development sites: 565-571 Fulton Street, on site R, and 423 Fulton Street on site L. The removal of the buildings for these developments would constitute a significant adverse impact on architectural resources. Measures to mitigate this impact have been developed in consultation with the New York City Landmarks Preservation Commission (LPC). In addition to these direct effects, several of the known and potential architectural resources are located within 90 feet of projected and potential development sites, and, therefore, could be potentially physically affected by ground-borne construction-period

vibrations or other potential construction-related issues. Construction protection plans will be instituted for these developments in order to avoid potential physical impacts on these architectural resources.

Underground Railroad

A thorough documentation study has not uncovered an association of the 227 Duffield Street, 233 Duffield Street, and 436 Gold Street buildings with the Underground Railroad, and there is no evidence to support a determination that these properties are eligible for either National Historic Landmark status or for listing on the National Register of Historic Places in relation to the Underground Railroad.

The owner of 233 Duffield Street has asserted that there were shafts in the 227 and 233 Duffield Street buildings, as well as other buildings on Duffield Street, that linked the building's sub-basements to the surface and to tunnels under the street buildings, but he has also reported that the sub-basements and shafts have been filled and lost. However, the potential existence of these tunnels, without corroborating artifacts, would not necessarily demonstrate a connection to the Underground Railroad.

The existence of tunnels under the street buildings and any potential corroborating artifacts cannot be ascertained without further testing. Therefore, additional work, first in the form of a visual inspection of the interiors of the buildings after condemnation to ascertain the existence of other artifacts and, second, in the form of new continuous soil borings, would need to be undertaken at the sites. Soil borings would be conducted to determine subsurface conditions, such as fill layers, with the locations of borings to be approved by an archaeologist prior to their execution. This testing would be impracticable prior to demolition of these structures and while they are still occupied, and would therefore have to be conducted at the time of site redevelopment. If the soil borings indicate a potential for archeologically sensitive areas, Stage 1B testing would be undertaken in the potentially sensitive areas. The testing phase would first include the preparation of a testing protocol by a professional archaeologist, to be reviewed and approved by LPC prior to implementation. Testing would be conducted by a professional archaeologist, and appropriate research issues would be formulated in the event of a discovery.

Should the Stage 1B testing establish an association of one or all of these buildings with the Underground Railroad, and the National Park Service criteria for eligibility of Underground Railroad properties for National Historic Landmark designation or for listing in the National Register of Historic Places are met, the redevelopment of these sites pursuant to the proposed actions would constitute a significant adverse impact to archaeological resources. As required under the revised BCURP, measures to partially mitigate the elimination of these resources would be developed in consultation with LPC and performed prior to issuance of a certificate of occupancy to the redeveloper.

HAZARDOUS MATERIALS

Potential contaminants were identified at or close to all of the projected and potential development lots. Specifically, potential hazardous materials impacts were identified for all projected and potential development lots that comprise the Downtown Brooklyn Development sites.

Given this, procedures to reduce the potential for unnecessary and unacceptable exposure to these contaminants were developed. Prior to construction, further investigation will be performed on each development site to determine the presence and nature of contaminants of concern and the proper remedial and/or health and safety measures that would be employed during redevelopment.

For lots that are not City-owned or intended for City ownership, an E-designation will be used to ensure that the further investigation (and, where necessary, remediation) will be performed. The following lots are not City-owned and are receiving an (E) designation for hazardous materials:

<u>Block</u>	<u>Lots</u>
128	1, 26
131	1
133	1, 5, 13, 15
134	1, 5, 38, 41, 30
142	1
149	1, 49
152	37
160	18, 29
161	18
164	1, 13, 29, 31, 42, 43, 44
165	17, 18, 19, 58, 29
174	9, 13, 18, 23, 24
2049	8, 2
2061	1
2093	1

For City-owned sites or sites that are proposed for City ownership, E-designations will not be placed on development lots. Instead, since development of these sites would occur through disposition to a private entity, a similar mechanism to ensure that further investigative and/or remedial activities, as well as health and safety measures, prior to and/or during construction will be required under the City's contract of sale with the private entity selected to develop the site. The following lots are City-owned and would be subject to this mechanism:

<u>Block</u>	<u>Lots</u>
2060	8, 22, 23, 24, 25, 26, 27, 32, 122
2061	1
2062	1, 5, 6, 17, 18, 19, 21, 23, 24, 103
2106	4, 5, 6, 7, 9, 16, 19, 24, 26, 29, 35, 40
2107	2, 15, 24, 30, 36, 40, 41
2108	1
2110	3
144	1
145	8, 10, 13, 14, 15, 16, 18, 19, 20, 21, 22, 26, 32
146	2, 7, 11, 12, 13, 14, 15, 16, 17, 18, 23, 29, 34, 35, 36, 37, 41, 42, 43, 46, 47, 48, 50, 51, 52

149	14, 15, 17, 19, 22, 23, 24, 25, 26, 28, 30, 31, 32, 33, 34, 50
150	1, 6, 10, 11, 19
153	3, 14, 15
154	1, 5, 11, 12, 36, 37, 38, 39, 40
161	27, 30, 33
167	15, 16, 26, 27, 28, 36

This mechanism and the E-designation mechanism will reduce or avoid the potential that significant adverse impacts would result from the proposed actions on all development sites.

TRAFFIC

Projected developments would result in a net increase of 865 inbound and 242 outbound vehicle trips in the AM peak hour (auto, taxi and truck), 402 inbound and 416 outbound vehicle trips in the midday, and 278 inbound and 1,016 outbound vehicle trips in the PM peak hour. This new demand, and the effects of street system changes related to the proposed actions, would combine to result in significant traffic impacts at 29 signalized intersections in one or more peak periods.

TRANSIT AND PEDESTRIANS

The proposed actions would generate a net total of 6,013 inbound and 691 outbound trips by subway in the AM peak hour, and 1,163 inbound and 7,408 outbound in the PM peak hour. Trips by local bus would total 546 inbound and 83 outbound in the AM peak hour and 211 inbound and 782 outbound in the PM. Trips by walking only, bicycle or other non-vehicular modes would total 1,360 inbound and 623 outbound in the AM peak hour, and 1,780 inbound and 2,753 outbound in the PM. The additional subway demand would significantly impact two street stairs at the Jay Street-Borough Hall subway station in one or both peak periods. Bus trips generated by projected development would result in a significant PM peak hour impact to NYC Transit's B25 bus route in the peak eastbound direction. Pedestrian trips en route to and from projected development sites would impact one crosswalk on Jay Street at Willoughby Street and one crosswalk on Albee Square West/Gold Street at Willoughby Street.

AIR QUALITY

The analysis showed that the maximum predicted carbon monoxide (CO) and particulate matter (PM10 and PM25) concentrations from mobile sources would be lower than the corresponding ambient air standards, with the development of the projected development sites under the proposed actions. The cumulative parking garage analysis also determined that the project's public parking facilities would not result in any significant adverse air quality impacts. Thus, the proposed actions would not have significant adverse air quality impacts from mobile source emissions. A stationary source screening analysis and subsequent detailed dispersion modeling determined that there would be no potential significant adverse air quality impacts from emission of nitrogen dioxide (NO2), sulfur dioxide (SO2) and PM10, from the proposed HVAC systems of the projected development sites. With respect to PM2.5, an E-designation has been placed on projected development site BB (Block 165, Lot 29), which stipulates that any new residential and/or commercial development on the above-referenced property must ensure that the heating, ventilation, and air conditioning stack(s) is located at least 115 feet from the lot line facing Hoyt Street and parallel with Schermerhorn Street to avoid any potential significant air quality

impacts. In addition, there would be no significant adverse air quality impacts from industrial facilities on the proposed developments sites.

NOISE

Noise monitoring at a receptor location at Duffield Street between Willoughby and Fulton Streets determined that noise increases at the site as a result of the proposed project would be greater than 3 dBA and therefore perceptible. Based upon CEQR noise impact criteria, this would constitute a significant noise impact. There is no feasible mitigation to eliminate this impact at this site during the AM period, and thus it would constitute an unmitigated project impact.

In addition, as part of the development that would occur with the proposed actions, a 1.15-acre public space, Willoughby Square, is proposed to be built over the below-grade public parking facility at the Duffield Street site. Based upon the analysis results, noise levels of approximately 69 to 73 dBA would be expected at this new public space. These noise levels would be higher than those generally recommended for outdoor activities, but would be comparable to levels in existing parks in New York City which are adjacent to moderately to heavily trafficked streets and roadways. There are no feasible mitigation measures to reduce noise levels within an urban public space such as this to within recommended levels for this type of use.

Based upon the L10(1) values measured at the analysis sites, a maximum of 40 dBA of building attenuation would be required to achieve interior noise levels of 45dBA or lower as recommended in the CEQR Technical Manual. The provision of sufficient building attenuation will be mandated by placing “E” designations on projected and potential development sites. The following lots are receiving an (E) designation for noise:

<u>Block</u>	<u>Lots</u>
128	1, 26
131	1
133	1, 5, 13, 15
134	1, 5, 30, 38, 41
142	1
144	1
145	8, 10, 13-16, 18-22, 26, 32
146	2, 7, 11-18, 23, 29, 34-37, 41-43, 46-52
149	1, 14, 15, 17, 19, 22, 26, 28, 30-34, 49, 50
150	1, 6, 10, 11, 19
152	37
153	3, 14, 15
154	1, 5, 11, 12, 36-40
160	18, 29
161	27, 30, 33
164	1, 13, 29, 31, 42-44
165	17-19, 29, 58
167	15, 16, 26, 28, 36, 42

174	9, 13, 18, 23, 24
2049	2, 8
2060	22-27, 32, 122
2061	1
2062	1, 5, 6, 17-19, 21, 23, 24, 103
2093	1
2110	3

In addition, mechanical equipment such as heating, ventilation, and air conditioning (HVAC), and elevator motors would utilize sufficient noise reduction devices to comply with applicable noise regulations and standards. With the attenuation measures in place, the proposed actions would not result in any significant interior noise impacts.

MITIGATION

HISTORIC RESOURCES

Architectural Resources

Three potential architectural resources would be directly affected by the development of projected development sites pursuant to the proposed actions. These are the Joseph J. Jacobs Building (site C), the Board of Education Building at 131 Livingston Street (site M), and 233 Duffield Street (site P). In addition, two other potential architectural resources would be directly affected by the development of potential development sites: 565-571 Fulton Street (site R), and 423 Fulton Street (site L). The removal of the buildings for these developments would constitute a significant adverse impact on architectural resources.

Measures to mitigate the impact on these buildings have been developed in consultation with LPC, which has indicated that data recovery (i.e., recordation to the standards of the Historic American Building Survey [HABS]) will be sufficient mitigation for the Joseph J. Jacobs Building and the 423 Fulton Street building. The scopes of work for all HABS-level documentation will be provided to LPC for review and approval prior to the start of demolition of these buildings. Under the revised Brooklyn Center Urban Renewal Plan, each redeveloper would be required to perform all mitigation measures identified in the FEIS, such as HABS-level documentation, prior to issuance of a certificate of occupancy. HABS-level documentation will be provided for the 565-571 Fulton Street, Board of Education (131 Livingston Street), and 233 Duffield Street buildings; however, these buildings are considered to be rarer resources, and therefore further consideration was given of possible measures to mitigate this impact. For the Joseph J. Jacobs Building, which is not located within the revised BCURP, Polytechnic University, the property owner, will execute a restrictive declaration requiring that HABS-level documentation be prepared prior to demolition of the building.

It is unlikely that the projected development of sites M and P and the potential development of site R could be relocated to other sites within the project area. The screening criteria for commercial development, which were developed in consultation with DCP, were considered for all of the parcels affected by the proposed actions in order to determine a site's attractiveness for commercial use, its bulk, and its development timeframe. Sites M, P, and R met all of the criteria

for commercial development, where other blocks and lots within the project area did not. Therefore, it is reasonable to assume that the development projected to occur on these sites could not occur on other sites within the project area. Further, it is not considered feasible to include the 131 Livingston Street, 233 Duffield Street, and 565-571 Fulton Street buildings within the developments projected for sites M, P, and R. Site R was previously designated as an urban renewal site in 1970 as part of the BCURP and the proposed actions would not alter the status of the site in the BCURP. It is possible that the façades of the 575-571 Fulton Street and 131 Livingston Street buildings could be preserved in place and incorporated into the façade of a modern office building; however, this would affect the structure and character of the resources.

Commitment for mitigation beyond the HABS-standard recordation of the buildings is not possible given that neither the development program nor the project developers are known. However, for 131 Livingston Street and 575-571 Fulton Street, it is possible that once a developer has been identified, there may be the potential to preserve architectural elements of the buildings' façades as part of the proposed developments.

Archaeological Resources

LPC has determined that there are 31 lots that are considered to be potentially sensitive for 19th century archaeological resources. These lots are:

<u>Block</u>	<u>Lots</u>
133	5
145	13, 14, 15, 18, 19, 20
146	12, 13, 14, 15, 29, 37, 41, 42, 43, 46, 47, 48, 49
164	1, 29
165	58
2049	2 (329-333 Gold Street and 104-112 Prince Street only)
2061	1
2062	1, 17, 18, 19, 21, 24

Individual Stage 1A Archaeological Assessments will be prepared for those lots which are currently City-owned or would be acquired by the City, before development of these sites would commence. If determined necessary as a result of the Stage 1A Archaeological Assessment, Stage 1B field testing will be undertaken prior to development of these sites. In the event that Stage 1B field testing confirms that there are significant archaeological resources on the lots which cannot be recovered during the testing phase, full archaeological excavation will occur, or the development will be redesigned to leave the resources protected in place. All archaeological work will be completed under LPC review and adhere to the standards set forth in the 2001 CEQR Technical Manual and the Archaeological Guidelines for work in New York City. Under the revised BCURP, each redeveloper would be required to perform all mitigation measures identified in the FEIS, such as future archaeological work, prior to issuance of a certificate of occupancy. With these measures, the proposed actions will not result in any significant adverse impacts on archaeological resources on these lots.

For the lots which are not now and would not become City-owned (Block 165, Lot 58 and Block 164, Lots 1 and 29), a mechanism does not exist to ensure that Stage 1A Archaeological Assessments (and, if necessary, archaeological field testing) would be undertaken prior to development. Therefore, the potential loss of archaeological resources on these lots pursuant to their development is considered a potential unmitigated, significant adverse impact.

Underground Railroad

During the public comment period for the DEIS/DSEIS, several property owners of 227 Duffield Street (Block 146, Lot 15), 233 Duffield Street (Block 146, Lot 12) and 436 Gold Street (Block 146, Lot 51) came forward to claim that their buildings were utilized for Underground Railroad activities. An exhaustive documentation study has not uncovered an association with the Underground Railroad for the buildings, and there is no evidence to support a determination that these properties are eligible for either National Historic Landmark status or for listing on the National Register of Historic Places in relation to the Underground Railroad. The owner of 233 Duffield Street has asserted that there were shafts in the 227 and 233 Duffield Street buildings, as well as other buildings on Duffield Street, that linked the buildings' sub-basements to the surface and to tunnels under the street buildings, but he has also reported that the sub-basements and shafts have been filled and lost. However, the potential existence of these tunnels, without corroborating artifacts, would not necessarily demonstrate a connection to the Underground Railroad.

The existence of tunnels under the street buildings and any potential corroborating artifacts cannot be ascertained without further testing. Therefore, additional work, first in the form of a visual inspection of the interiors of the buildings after condemnation to ascertain the existence of other artifacts and, second, in the form of new continuous soil borings, would need to be undertaken at the sites. Soil borings will be conducted to determine subsurface conditions, such as fill layers, with the locations of borings to be approved by an archaeologist prior to their execution. This testing would be impracticable prior to demolition of these structures and while they are still occupied, and would therefore have to be conducted at the time of site redevelopment. If the soil borings indicate a potential for archeologically sensitive areas, Stage 1B testing will be undertaken in the potentially sensitive areas. The testing phase will first include the preparation of a testing protocol by a professional archaeologist, to be reviewed and approved by LPC prior to implementation. Testing will be conducted by a professional archaeologist, and appropriate research issues will be formulated in the event of a discovery.

Should the Stage 1B testing indicate that an association of one or all of these buildings with the Underground Railroad is established, and the National Park Service criteria for eligibility of Underground Railroad properties for National Historic Landmark designation or for listing in the National Register of Historic Places are met, the redevelopment of these sites pursuant to the proposed actions would constitute a significant adverse impact to archaeological resources. As required under the revised Brooklyn Center Urban Renewal Plan, measures to partially mitigate the elimination of these resources will, if required, be developed in consultation with LPC and performed prior to issuance of a certificate of occupancy to the redeveloper. Partial mitigation measures would involve HABS-level documentation and/or an exhibit in an appropriate location.

As previously described, 233 Duffield Street also has been identified by LPC as a potential architectural resource, and therefore HABS-level documentation will be provided to mitigate its loss.

TRAFFIC

Demand from projected development sites and the effects of street system changes related to the proposed actions would combine to result in significant traffic impacts at 29 signalized intersections in one or more peak periods. To address these impacts, a mitigation plan for the Downtown Brooklyn street network was developed. As demonstrated below, the proposed traffic mitigation plan would fully address all impacts at 17 intersections in the AM peak hour, 17 in the midday and 21 in the PM peak hour. Eighteen out of 29 intersections impacted by the proposed actions would no longer be impacted with implementation of the proposed mitigation plan.

However, unmitigable impacts would remain in one or more peak periods at a total of eleven intersections. The intersection of Adams Street and Tillary Street would have four unmitigated impacts in the AM peak period and two each in the midday and PM peak periods. The intersection of Atlantic Avenue and Bond Street would have one unmitigated impact in the midday peak period, while the intersection of Atlantic and Flatbush Avenues would have one unmitigated impact in the PM. The intersection of Atlantic and Fourth Avenues would have one unmitigated impact in the AM peak period, as would the intersection of Atlantic Avenue and Smith Street. The intersection of Flatbush Avenue and Fulton Street would have two unmitigated impacts in the PM, as would the intersection of Flatbush Avenue/Hanson Place/Fourth Avenue. The Flatbush Avenue and Livingston Street intersection would have one unmitigated impact in the AM, and the intersection of Flatbush and Myrtle Avenues would have four unmitigated impacts in the AM and two in the PM. The intersection of Flatbush Avenue and Tillary Street would have one unmitigated impact in the AM, two in the midday and three in the PM peak hour. Lastly, the intersection of Flatbush Avenue with Schermerhorn Street and Lafayette Avenue would have three unmitigated impacts in the PM peak period.

Summary of Mitigated Traffic Impacts				
Intersections		AM	MD	PM
Atlantic Avenue and	Flatbush Avenue	X	X	U
	Fourth Avenue	U	X	X
	Bond Street	X	U	
	Hoyt Street	X	X	X
	Smith Street	U		X
	Boerum Place	X		X
Flatbush Avenue and	Tillary Street	U	U	U
	Myrtle Avenue	U	X	U
	Willoughby Street	X	X	X
	DeKalb Avenue	X		X
	Fulton Street	X	X	U
	Livingston Street	U		X
	Schermerhorn Street/Lafayette	X	X	U

Summary of Mitigated Traffic Impacts				
Intersections		AM	MD	PM
	Fourth Avenue/Hanson Place			U
Jay Street and	Tech Place			X
Livingston Street and	Bond Street	X	X	X
	Hoyt Street		X	X
	Smith Street		X	X
	Boerum Place	X	X	X
Myrtle Avenue and	Prince Street	X	X	X
	Ashland Place	X	X	X
Schermerhorn Street and	Bond Street	X		X
	Hoyt Street			X
	Smith Street	X	X	X
Tillary Street and	Adams Street	U	U	U
	Jay Street	X	X	X
Willoughby Street and	Albee Square West/Gold Street			X
	Bridge Street	X	X	X
	Jay Street	X	X	X
Notes:				
X: All impacts fully mitigated.				
U: One or more unmitigated impacts in the peak period.				

TRANSIT AND PEDESTRIANS

Subway Service

Transit demand from projected development sites would significantly impact two street stairs at the Jay Street-Borough Hall subway station in one or both peak periods. At Stair S3, at the northwest corner of Jay and Fulton Streets, a one-foot widening would restore this stair to LOS C in the PM peak hour, comparable the No Build condition and below NYC Transit’s minimum standard of 10 persons per foot-width per minute (PFM). However, while such mitigation is feasible, it would not be practical to undertake for this moderate level of impact. (Stair S3 would operate at a functional LOS D in the PM). In addition, urban renewal changes for the project would also allow for the creation of a transit plaza at Jay Street between Willoughby and Fulton Streets that would potentially include a new subway entrance/exit to the Jay Street-Borough Hall station. A new subway entrance/exit located within this plaza would fully address the PM peak hour impact to Stair S3. Therefore, pending the implementation of a new transit plaza, the proposed actions’ impact to Stair S3 would remain unmitigated.

To mitigate the AM and PM peak hour impacts to Stair S4 on the northeast corner of Jay and Willoughby Streets, it is proposed to double the width of this stair from its current five feet to ten feet in width. To accommodate this widened stairway and provide sufficient sidewalk space for pedestrians, an eight-foot-wide sidewalk extension or “neckdown” would be installed within the curb lane along the east sidewalk on Jay Street adjacent to the stair. The proposed neckdown, along with a similar installation along the east sidewalk on Jay Street south of Willoughby Street

(to channel traffic), would not adversely impact traffic flow conditions.

With the proposed widening, Stair S4 would operate at LOS C (8.26 PFM) in the AM peak period, comparable to the No Build condition and below NYC Transit's minimum standard of 10 PFM. In the PM peak period, this stair would also operate at an acceptable LOS C (9.01 PFM). The proposed five-foot widening would therefore return this stair to a functional level of operation in both peak periods, fully mitigating the project's impacts.

If, after further detailed engineering, widening of Stair S4 proves to be impractical due to the presence of utilities or other physical constraints, an alternative mitigation scheme will be explored. Under this alternative, a second 5-foot-wide stair would be constructed adjacent to the building line immediately to the north of Stair S4. This stair would face northward and share a common landing with Stair S4 in a "T"-shaped configuration. The two 5-foot-wide stairs would function as a combined system with a capacity similar to that achieved by widening Stair S4 to 10 feet. Consequently, this alternative mitigation measure would similarly address the project's AM and PM peak hour impacts to Stair S4. Construction of this new stair would likely not require extension of the adjacent sidewalk, but such an extension (or neckdown) may still be considered for implementation for the purposes of enhancing pedestrian safety at this intersection.

Local Bus Service

Project demand would significantly impact eastbound B25 service in the PM peak hour. As standard practice, New York City Transit routinely conducts ridership counts and adjusts bus service frequency to meet its service criteria, within fiscal and operating constraints. Therefore, no mitigation is proposed for the impact to eastbound B25 service.

Pedestrians

Project demand would significantly impact the north crosswalk on Jay Street at Willoughby Street in the PM peak hour and the south crosswalk on Albee Square West at Willoughby Street in both the AM and PM peak hours. These crosswalk impacts would all be fully mitigated by widening each crosswalk by from 0.5 to four feet.

AIR QUALITY

Under the 2013 build condition, with the development of the projected sites, impacts on carbon monoxide (CO) would be well below ambient air quality standards and the City's de minimis criteria. The proposed traffic mitigation measures, which include new roadway configurations and volume diversions, were evaluated to determine the potential effects on air quality in the study area. Because the proposed mitigation measures seek to avoid or reduce the levels of congestion and delays at an intersection, an overall improvement in traffic conditions is expected for the study area as compared to the Build condition. Based on the traffic mitigation analysis presented above, the proposed changes in volume, levels of service, and delays through the network would result in similar, if not lower, predicted CO concentrations under the build with

mitigation condition. Similarly, the build with mitigation scenario would not alter the conclusions of no significant impact on inhalable particulate (PM10 and PM2.5) levels. The proposed traffic mitigation measures would not affect the stationary or industrial source analyses, which determined that there would be no significant air quality impacts resulting from the proposed actions.

NOISE

At the noise receptor located at Duffield Street between Willoughby and Fulton Streets, future noise levels with the proposed actions would increase by up to 3.4 dBA compared to future noise levels without the proposed actions during the AM peak period. Increases of this magnitude would be perceptible and, based upon CEQR noise impact criteria, would constitute a significant noise impact. This impact would occur because of the relatively low volumes at this location without the proposed actions, and the number of vehicles (particularly trucks) generated by the development expected on this street and in the surrounding area. While no residences would be impacted with the proposed actions, the increase in noise levels during the AM peak period would exceed the CEQR impact criteria and thus, the project would have a significant noise impacts at this location. There is no feasible mitigation to eliminate this impact at this site during this time period, and thus it constitutes a significant adverse project impact.

ALTERNATIVES

Four alternatives were examined with the goal of avoiding or reducing project-related significant adverse impacts: the No Action Alternative, the No Unmitigated Impacts Alternative, the Modified BCURP Alternative and the Brooklyn-Queens Expressway (BQE) Ramp Alternative.

Under the No Action Alternative, which analyzes future conditions without the proposed actions, certain project impacts would be reduced or avoided; however the objective of facilitating new development would not be achieved.

The No Unmitigated Impacts Alternative finds that projected development anticipated under the proposed project would need to be reduced by 95% to avoid impacts. As with the No Action Alternative, the No Unmitigated Impact Alternative would not achieve the objective of facilitating future development.

The Modified BCURP Alternative considers the project in the absence of new Urban Renewal site designations. This alternative would limit certain project impacts but would not allow for the creation of new public spaces through Urban Renewal; would not achieve the objectives of the Urban Renewal Plan; and would not facilitate future development.

The BQE Ramp Alternative examines future traffic conditions with the inclusion of a new ramp to Navy Street from the westbound Brooklyn-Queens Expressway. This alternative would help to reduce or avoid traffic impacts along Flatbush Avenue by diverting traffic exiting the BQE and heading southbound onto Navy Street/Ashland Place. This alternative requires further review and investigation in coordination with the State Department of Transportation, which has jurisdiction over the BQE.

UNIFORM LAND USE REVIEW

This application (C 040171 ZMK), in conjunction with the applications for the related actions (C 030514 MMK, C 030515 MMK, C 030516 MMK, C 030517 MMK, C 040173 HUK, C 040174 HUK, C 040175 HUK, C 040177 HDK, C 040178 HDK, C 040179 HDK, C 040180 PPK, C 040181 ZSK, C 040182 ZSK, C 040183 ZSK, C 040184 ZSK and C 040185 PSK), was certified as complete by the Department of City Planning on December 1, 2003, and was duly referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related non-ULURP applications (N 040172 ZRK and N 040176 HGK) and modification of previously granted Special Permits (M 930481(E) ZSK, M 000592(A) ZSK, M 860689(B) ZSK), which was sent to the Community Board and the Borough President for information and review.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on January 21, 2004, and on February 3, 2004, voted with 19 in favor, 17 opposed and 3 abstentions, to approve certain applications and disapprove others. Because this vote did not receive the necessary majority, the recommendation was not adopted.

On February 18, 2004, Community Board 2 issued a letter explaining its review of the subject applications and urging the City to consider the Land Use Committee's report.

The Land Use Committee's "Action Report" included the following recommendations:

1. The Land Use Committee recommends approval of the "Zoning Amendments" [applications 040171 ZMK and N040172 ZRK] and the "Modification of the MetroTech General Large Scale Plan" [applications M930481(E) ZSK, M000592(A) ZSK and M860689(B) ZSK] with the following conditions:

TRANSPORTATION

- A. Study the traffic and transportation impacts of full build-out on every site identified in the Downtown Brooklyn Plan and project assumptions for a period of 25 years

MASS TRANSIT

- B. Secure funding in the 2005-09 Metropolitan Transit Authority Capital Plan, now being finalized, for the following projects:
 - i. Increase the subway car fleet by servicing and rebuilding an additional 200 cars (over the 53 already programmed) on the B Division (lettered lines)
 - ii. Construct a new train tunnel for use of Long Island Railroad shared service and extend the Second Avenue subway line to Brooklyn
 - iii. Optimize bus circulation in Downtown Brooklyn for subway transfers, bus stops and layover areas, potentially including bus lanes, pre-boarding fare collection, and bus priority signal systems
 - iv. Build a transit hub at the base of the building at Willoughby, Adams and Fulton streets, with bus platforms and subsurface connections between the Jay Street and Borough Hall subway stations
 - v. Restore the F express subway line, extend the V local subway line into Brooklyn and extend and increase service frequency on the G subway line
 - vi. Rebuild the narrow stairways and platform of the Lawrence Street station as part of the planned connection with the Jay Street station
 - vii. Renovate and re-open the Myrtle Avenue subway station, south of the Manhattan Bridge

PARKING

- C. Extend the “no authorized permit” zone to the limits of the Primary Study Area of the Downtown Brooklyn Traffic Calming Project
- D. Make provision for off-street parking for agency personnel
- E. Eliminate all on-street designated spaces for agency personnel parking
- F. Institute a resident permit parking program in the adjacent residential communities
- G. Install muni-meters with provision of longer (two-four hour) parking
- H. Vigorously enforce parking regulations in the downtown core (including the aforementioned recommended permit regulations, double parking, standing at bus stops and fire hydrants, meter ‘hogging,’ etc.) by means of a separate, designated NYPD precinct

HOUSING AND BUILDING STANDARDS

- I. Incorporate the 50-30-20 affordable housing ratio into all future housing
- J. Require participation in the Quality Housing Program for residential construction
- K. Apply same ‘green building’ standards, meeting the LEED standards, as in the Lower Manhattan Development Plan
- L. Establish a building height limit of 250’, unless otherwise set lower, for the area bounded by Boerum Place, Fulton Street, Flatbush Avenue and Livingston Street

PARK AND OPEN SPACE

- M. Fund the maintenance and upkeep of the existing parks in Community District 2; explore the establishment of an endowment
- N. Fund the development of the planned South Oxford Park and recreation center
- O. Fund the park and open space projects listed in Community Board 2’s register of Capital

Budget Priorities

- P. Plant trees wherever possible, in containers (using the ‘Verizon model’) and in the ground, throughout the community district

HISTORIC PRESERVATION

- Q. Review the following buildings as possible landmarks:

375 Fulton Street	25 Elm Place (Loesser’s Dept. Store)
418-34 Fulton Street (Abraham & Straus)	370 Jay Street (Board of Trans. Bldg.)
446 Fulton Street (Liebmann Bros. Bldg.)	105 Johnson Street (Westinghouse H.S.)
456 Fulton Street (Namm’s)	131 Livingston Street (Bd. of Educ.)
505 Fulton Street (Offerman Building)	308-10 Livingston Street
532-40 Fulton Street, aka 2-12 Nevins Street and 2-4-6 Flatbush Avenue	15 Willoughby Street, aka 345 Adams Street (Brooklyn Edison)
567-69-71 Fulton Street	81 Willoughby Street (NY&NJ Tel. Co.)
233 Duffield Street	101 Willoughby Street

2. The Land Use Committee recommends disapproval of the “Urban Renewal Plan Amendments” [applications 040173 HUK, 040174 HUK and 040175 HUK], the “Designation of Sites in the Brooklyn Center Urban Renewal Plan” [application N040176 HGK] and the “Disposition of City-Owned Property” [applications 040177 HDK, 040178 HDK, 040179 HDK and 040180 PPK], except for those portions of applications 040175 HUK and 040179 HDK as pertain to the development of the public library.
3. The Land Use Committee recommends disapproval of the “Special Permits pursuant to Section 74-52 of the Zoning Resolution” [applications 040181 ZSK, 040182 ZSK, 040183 ZSK and 040184 ZSK].
4. The Land Use Committee recommends approval of the “Site Selection for a Public Library” [application 040185 PSK] without conditions.
5. The Land Use Committee recommends approval of applications 030514 MMK, 030516 MMK and 030517 MMK, “Amendments to the City Map.” The Land Use Committee recommends disapproval of application 030515 MMK, the fourth of the “Amendments to the City Map,” for the “Elimination, discontinuance and closing of Red Hook Lane between Boerum Place and Willoughby Street.”

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on March 10, 2004.

The Borough President's recommendation included the following conditions:

TRANSPORTATION AND PARKING

Transportation

- 1) Management, public participation and implementation
 - a) Establish a new city public/private partnership, the Downtown Brooklyn Transportation Management Agency (TMA) with the following responsibilities:
 - (1) address current and future traffic, parking and mass transportation issues;
 - (2) include a process for community-based involvement, inclusive of designated members of neighborhood organizations, as a means to obtain guidance and advice in the identification of problems and opportunities, planning and implementation; and, prepare and implement a traffic/transportation management strategy through operational and capital improvements.
 - b) The TMA shall be comprised of appointments by the mayor from all appropriate agencies of cities; appropriate divisions of the MTA; the Brooklyn Borough President's Office; affected members of the City Council; and, chairpersons of Community Boards 2, 6 and 8.
 - c) The TMA governing body shall establish a task force comprised of neighborhood community organizations and business organizations.
 - d) The City shall provide the initial \$500,000 in funding for the establishment and operation of the TMA as a line item in the City's FY05 expense budget, with funds made available as of July 1, 2004. Such funds may be replaced or supplemented through Federal and State funding sources. The Mayor and the City Council shall allocate \$2 million in the FY 05 budget (Capital and/or Expense) in order to immediately implement specific measures noted below under the "Traffic Calming" heading. Additional funds for implementation shall be allocated in subsequent years based on analysis conducted by the TMA.
- 2) Tasks under the purview of the TMA should include but not be limited to:
 - a) Traffic Analysis

Undertake a comprehensive area-wide traffic analysis according to a scope of work developed in consultation with public participation, with commitments to update bi-annually, recommend mitigation and develop implementation strategy in consultation with the public.
 - b) Public Transit

Establish a jitney/bus loop by providing funding for such service via issuing a contract at up to \$2 million per year or allocating \$2 million for direct purchase of equipment, with sufficient number of vehicles (utilizing low or zero emission vehicles) and personnel to operate such loop/route as an integrated feeder-distribution system serving the ferry service at Fulton Landing and subsequent ferry stops and other area destinations or attractions.
 - c) Traffic Calming
 - i. Expedite implementation of traffic calming measures as noted above to advance specific Downtown Brooklyn Traffic Calming Study measures to be implemented

- now. Implement in phases the remaining mitigation measures in subsequent fiscal years. Prioritization of specific improvements should be developed based on the incidence of safety deficiencies or concerns and identification of traffic mitigation measures. Consultation in developing priorities shall include the Brooklyn Borough President's Office, affected City Council Members and Community Boards 2, 6 and 8 and the TMA.
- ii. Accelerate the reconstruction of Tillary Street from FY09 to FY06.
 - iii. Upgrade the crosswalks at the intersection of Adams Street with Tillary Street, consistent with the Downtown Brooklyn Traffic Calming Project's recommendations.
- d) City vehicles/parking permits
Extend the "no authorized permit" zone for the area including the primary study area of the Downtown Brooklyn Traffic Calming Project, the Downtown Brooklyn waterfront area and Prospect Heights.
- e) Resident and Commuter Parking
- i. Implementation of permit parking programs to address both commuters and city vehicles/parking permits.
 - ii. Coordinate with the Downtown Brooklyn Council's parking assessment and develop "next steps" and anticipated timeline towards implementation of results for an area consisting of the primary study area of the Downtown Brooklyn Traffic Calming Project, the Downtown Brooklyn waterfront area and Prospect Heights, with allowances for specific duration parking by visitors and patrons of area retail and service businesses.
- f) Traffic circulation
- i. Evaluate City Department of Transportation's city-wide Truck Route Management and Community Impact Reduction study with consideration of implementing signage alternatives, including time of day prohibition, location and use of loading bays and vehicle size limitation as a means to further control truck traffic in Downtown Brooklyn.
 - ii. Analyze on an annual basis, the appropriateness of "pedestrian only" street signage/classification for Willoughby Street for specified weekday hours, between Duffield and Jay Streets and implement as warranted.
- g) Enforcement
- i. Provide adequate staffing for the enforcement of parking and traffic regulations in Downtown Brooklyn.
 - ii. Provide additional signage to supplement enhanced traffic enforcement within one year of the effective date of the land use actions.

Transit

1) Ferry Service

Issue RFP's, starting in 2005, bi-annually, to solicit interest of ferry operators to initiate waterborne routes between the Downtown Brooklyn waterfront with Staten Island, New Jersey Breezy Point or other Rockaway locations, and other Brooklyn locations such as the Greenpoint-Williamsburg waterfront.

2) Coordinate strategy for advocating for MTA commitments as a means to improve transit in and out of Brooklyn by the following (Mayor and City Council standing united with the

Borough President at the MTA's June hearing on the MTA's Five Year Capital Plan):

- a) Operations Improvements
 - i. Increase the number of subway cars and trains serving Downtown Brooklyn.
 - ii. Extend Second Avenue subway service into Downtown Brooklyn and to maximize service to Brooklyn riders.
 - iii. Restore IRT 5 midday service through Downtown Brooklyn.
 - iv. Program turnstiles to facilitate free Metro Card transfers at Downtown Brooklyn stations.
- b) Infrastructure Improvements
 - i. Expedite the repair of the Bergen Street station infrastructure and then extend the V service into Brooklyn and restore the Culver line Express service.
 - ii. Re-prioritize its subway station modernization program to accelerate work sooner in terms of upgrading the entrances to the Hoyt-Schermerhorn station.
 - iii. Investigate the physical feasibility of constructing a new Brooklyn bound Lawrence Street station platform as a means to provide additional platform capacity and circulation and stairwell capacity.
 - iv. Investigate the physical feasibility of constructing subsurface connections between: the Brooklyn bound IRT 4/5 Borough Hall station with the Jay Street Borough Hall station; IRT Hoyt Street Station with IND Hoyt-Schermerhorn station; and, BMT Dekalb Avenue station with IRT Nevins Street station.
 - v. Provide Lower Manhattan/Long Island Rail Road/JFK travel needs by a rail tunnel from Brooklyn to Manhattan in a manner that does not compromise existing subway service and actually adds service in Brooklyn.
- c) Bus Service
Provide additional express or limited-stop bus service from underserved Brooklyn communities to Downtown Brooklyn.

Agency Parking

- 1) Provide a list of the agencies will be relinquishing dedicated curb side spaces, noting the number of spaces relinquished, the precise location, the proposed curb side replacement signage for each location and the effective date of the change.
- 2) Provide letters written to chief operating officers of those establishments with underutilized private parking facilities at MetroTech, urging them to negotiate with the City to make a specified number of parking spaces available to the City agencies.

Commuter, Visitor and Resident Parking

- 1) Propose to Community Board 2 and the Brooklyn Heights Association a change of alternate side of the street parking regulations from: "No Parking 8AM - 6PM" and "Parking Only 8AM - 6PM" to: "...7AM -7PM."
- 2) Commit to a schedule to replace meters with muni-meters in Downtown Brooklyn, Brooklyn Heights, Boerum Hill and adjacent sections of Fort Greene.
- 3) Remove afternoon parking restrictions along both sides of Atlantic Avenue from Fourth Avenue to Hicks Street.
- 4) Provide funding commitments in a timely manner for the public parking garages beneath the BAMLDC sites for the Brooklyn Public Library and for the "north" site.

Parking Accommodations for Bicycles

- 1) Provide specific capacity for bicycle parking spaces.¹

EMPLOYMENT²

- 1) Developers shall be required to:
 - a) Maximize participation of minority and women contractors and consultants, and Brooklyn material suppliers;
 - b) Consult the Downtown Brooklyn Advisory and Oversight Committee in order to coordinate with its job training and counseling initiatives with construction unions towards implementing strategies to enroll local residents in construction trade programs;
 - c) Consult with the Downtown Brooklyn Council in order to coordinate job training and counseling initiatives as a means to maximize local hiring for permanent job placements; and,
 - d) Provide notice of opportunities for construction and permanent jobs to appropriate NYCHA staff affiliated with Farragut, Gowanus, Ingersol, Walt Whitman and Wyckoff Houses and to City one stop centers;

ARTS AND CULTURE AND EDUCATION

- 1) The disposition of 370 Jay Street for the reuse of the building or redevelopment of the site should include requirements for such arts, cultural or educational uses that serve as community resource by providing opportunities to: establish live/work space for artisans, artists and performing artists: incubator space for emerging Brooklyn artistic and cultural companies including: studio space, rehearsal space and live performance theater space (up to 300 seats); education and cultural facilities; and/or, business or research incubator under university or educational institution sponsorship.³
- 2) The reuse or redevelopment of current or future Brooklyn Center Urban Renewal Plan sites developed with commercial use shall, where practicable: incorporate arts, cultural or educational facilities in an assessable area of the redevelopment site.⁴

AFFORDABLE HOUSING

- 1) For any Brooklyn Center Urban Renewal Plan (Plan) sites developed with residential use or mixed-use projects that include residential uses, not less than 20 percent of the units per development shall be affordable to Brooklyn residents⁵, through modifying requirements for

¹ Conditions for Special Permits for Public Parking Garages (040181 ZSK; 040182 ZSK; 040183 ZSK; 040184 ZSK)

² Condition the disposition of city-owned property with standards for (040177 HDK; 040178 HDK; 040179 HDK; 040180 PPK)

³ Condition redevelopment subject to the disposition of 370 Jay Street, Block 140, Lot 111 (040180 PPK)

⁴ Condition the disposition of city-owned properties (040177 HDK; 040178 HDK; 040179 HDK)

⁵Affordable Housing: For non-subsidized developments, developers could chose to internally cross subsidize such units, for households earning up to 120% of New York City Area Median Income or any equivalent combination of less units affordable to a lower percentage of City AMI or more units to a higher percentage of City AMI as deemed equivalent by HPD. For where units are subsidized through government programs, developers should also consider establishing a condominium consisting of rentals to permit use of the city's housing programs, such as the New Housing Opportunities Program (NewHOP),

urban renewal sites designated in the Plan, whether previously established or to be created as part of this amendment.⁶

- 2) Apply the ten percent of the proceeds from the sale of 110 Livingston Street, as identified by Mayor Bloomberg for affordable housing, in its entirety to housing sites in the Downtown Brooklyn area. Such funds could expedite the acquisition of Brooklyn Center Urban Renewal Plan Sites 11 and 21, along Myrtle Avenue between Flatbush Avenue and Ashland and possibly afford those with lower incomes a greater opportunity of securing the anticipated affordable apartments.
- 3) Give priority to 50 percent of all affordable units in all City-funded projects within the plan be targeted for occupancy by residents of Community District 2.
- 4) Provide financing for the cooperative apartments proposed to be developed under the Cornerstone Project at Atlantic Avenue between South Portland and South Oxford streets.

OPEN SPACE, ENVIRONMENT and AMENITIES

Redevelopment and Development of Area Parks and Open Space

- 1) Rehabilitate Walt Whitman and S. Parks Cadman Plaza parks; McLaughlin Park; Fort Greene Park, 16 Sycamores Park and neighborhood school yards and playgrounds; and, develop the South Oxford Park/Recreation Center. The aforementioned parks and/or open spaces shall be funded in increments over the next ten years, starting with \$6 million in FY 05 and FY06, OR,
Redirect the funds that would have otherwise been used for acquiring, demolishing and paying for moving and other expenses the building of the Institute of Design and Construction, located at 141 Willoughby Street.⁷

Willoughby Square

Public participation for the design of Willoughby Square shall be done in full consultation with Community Board 2; local elected officials and the MetroTech BID, commencing with the development a scope of design work.⁸

Quality Housing Program

The extension of the Brooklyn Center Urban Renewal Plan, site designations of both previously- and newly-designated sites, acquisition and disposition, for sites to be developed with housing, shall require compliance with the Zoning Resolution's Quality Housing Program amenities.⁹

Streetscapes

the 80/20 and Mixed-Income (NewHop 80/20 and 50/30/20) programs, and the Low-Income affordable Market-Place Program (LAMP) or subsequent programs that may be developed in the future.

⁶ Condition for all designated sites in the Brooklyn Center Urban Renewal Plan developed with residential use and the disposition of designated sites (040173 HUK; 040176 HGK; 040177 HDK)

⁷ Condition for the site designation and acquisition of the Institute of Design and Construction, Block 2060, Lot 1 (040173 HUK; 040176 HGK; 040177 HDK)

⁸ Condition the site designation and acquisition for Willoughby Square (010176 HGK; 040177 HDK)

⁹ Condition the extension and site acquisitions of the Brooklyn Center Urban Renewal Plan and the disposition of designated sites (040173 HUK; 040176 HGK; 040177 HDK)

Make improvements to promote the pedestrian connections between Boerum Hill and Downtown Brooklyn along Bond, Hoyt, Nevin, Schermerhorn and Livingston Streets such as street trees, etc.

Building Design and Heights

- 1) Require developers to establish in conjunction with the Borough President's Office, a community advisory task force for the purposes of reviewing building design, renewable construction (LEEDS and WTC Sustainable Design Guidelines) standards, energy efficiency, site plan and use.¹⁰
- 2) To assist in determining whether height restrictions should be mandated, prepare renderings of the site as would be viewed from Joralemon Street at Brooklyn Borough Hall and from the south west corner of the intersection of Boerum Place with Schermerhorn Street. Renderings should depict full build-out based on the tower bulk option and the standard option (that restrict height to a maximum of 250 feet).¹¹

Air Quality

For all new public parking garages, incorporate state-of-the-art technology to achieve emission standards that do not pose a health risk to the adjacent residential and business population.¹²

HISTORIC PRESERVATION

- 1) 131 Livingston Street to require that the building's façade be maintained and integrated into the design and construction of the redevelopment site.¹³
- 2) Red Hook Lane to be acknowledged by on site historical markers.¹⁴
- 3) 227, 231, 233 and 235 Duffield Street and 436 Albee Square West, to require best efforts relocate the buildings on nearby properties (Bridge Plaza area as an example) and disposing of property to the owner at the time of acquisition or for 233 Duffield Street to incorporate the structure into the redevelopment or alternatively, site the building in the Willoughby Square public open space for use as a public amenity.¹⁵
- 4) 370 Jay Street, including the below grade subway renovation, to require in tact removal of mosaics, tile work, etc. that would be identified by a historic preservation expert provided at the redeveloper's expense. Such elements could be incorporated into the redesign of the property or subway station or offered to the New York City Transit Museum, Brooklyn Historical society, Brooklyn Museum of Art or other worthy public institution.¹⁶
- 5) If the Jacobs Building of Polytechnic University is demolished, require the salvaging of architecturally significant façade ornaments as identified by a historic preservation expert

¹⁰ condition the disposition of city-owned properties (040177 HDK; 040180 PPK)

¹¹ Condition designation, acquisition and disposition of Sites 14, 14A, 15, 15A & 15B located along Boerum Place between Fulton and Livingston Streets (040176 HGK; 040177 HDK)

¹² Conditions for Special Permits for Public Parking Garages (040181 ZSK; 040182 ZSK; 040183 ZSK; 040184 ZSK)

¹³ Disposition conditions (040177 HDK)

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Disposition conditions (040180 HDK)

provided at the developer's expense.¹⁷

- 6) Department of City Planning to commit to a study of a zoning text change amendment to allow the liberal transfer of development rights of historical quality buildings¹⁸ as a means to encourage that such buildings be preserved and restored.
- 7) Landmarks Preservation Commission commit to a study of historical structures¹⁹ in the vicinity of the Fulton Street Mall for the purpose of designating individual structures as landmarks and whether any segment of the area is worthy for Historic District designation.

URBAN RENEWAL PLAN MODIFICATIONS AND ACQUISITION

- 1) Urban Renewal Plan Modifications
 - a) Urban renewal process proceeding with dignity and respect by providing those subject to displacement and/or acquisition adequate access to agency staff and agency consultants as a means of maximizing access to information.²⁰
 - b) For both the Atlantic Terminal and MetroTech Urban Renewal Plans: eliminate the proposal to extend the duration of time beyond the stated expiration date.
 - c) Consider whether the Institute of Design and Construction should still be designated for acquisition based on the corresponding recommendation under Open Space section.²¹
 - d) In order to facilitate the development of Long Island University classroom space, remove Block 161, Lots 27 and 33 from the plan.²²
- 2) Acquisition²³
 - a) For property owners on the site of the Willoughby Square parking garage the City's share its preliminary estimates for acquisition of affected properties.
 - b) If acquiring Brooklyn USA, Block 146, Lot 2, work closely with the owners to result in a seamless transition to a nearby equivalent location.
 - c) Allow owner-occupants of residential or commercial properties being acquired to remain in their properties on a month-to-month rental basis until the city or selected developer is ready to start construction.

City Planning Commission Public Hearing

On March 10 (Calendar No. 6), the City Planning Commission scheduled March 24, 2004, for a public hearing on this application (C 040171 ZMK). The hearing was duly held on March 24,

¹⁷ MetroTech Large Scale Plan Special Permit conditions (M000592(A) ZSK)

¹⁸ 376 Fulton Street; former Abraham & Strauss Department Store, 418-434 Fulton Street; Liebmann Brothers Building, 446 Fulton Street; Namm's, 456 Fulton Street; Offerman Building, 505 Fulton Street; 532-540 Fulton Street; 567,569, 571 Fulton Street; 233 Duffield Street; Loesser's Department Store, 25 Elm Street & 229 Livingston Street; Board of Education Offices, 131 Livingston; 308, 310 Livingston Street; Brooklyn Edison Company, 15 Willoughby Street & 345 Adams Street; New York and New Jersey Telephone Company, 81 Willoughby Street; New York Telephone Company 101 Willoughby Street

¹⁹ Ibid

²⁰ Condition Urban Renewal Plan modifications (040173 HUK; 040174 HUK; 040175 HUK)

²¹ Condition Urban Renewal Plan modifications (040174 HUK; 040175 HUK)

²² Condition Urban Renewal Plan modifications (040173 HUK)

²³ Acquisition (040173 HUK)

2004 (Calendar No. 11), in conjunction with the public hearings on the applications for the related actions (N 040172 ZRK, C 040173 HUK, C 040174 HUK, C 040175 HUK, N 040176 HGK, C 040177 HDK, C 040178 HDK, C 040179 HDK, C 040180 PPK, C 040181 ZSK, C 040182 ZSK, C 040183 ZSK, C 040184 ZSK, and C 040185 PSK.

There were 25 speakers in favor of the applications and 33 speakers in opposition.

Speakers in favor included representatives of the applicants from the Economic Development Corporation, the Department of Housing Preservation and Development, Polytechnic University, and the Brooklyn Academy of Music Local Development Corporation. Also speaking in favor were the Council Member from the 33rd Council District, the Commissioner of the Department of Small Business Services, representatives of Community Board 2, several local universities, the Downtown Brooklyn Council, the Brooklyn Chamber of Commerce, other community organizations and a local developer.

The speakers described the necessity for a comprehensive approach to the expansion of Downtown Brooklyn and how the proposed Plan's actions would accomplish that goal. They testified that the proposed actions would allow the development of new commercial office and residential buildings with new public open spaces. The new development would reinforce Downtown Brooklyn's role as a regional business district and improve New York City's competitiveness in the region. The Council Member from the 33rd district expressed his general support for the Plan but also asked that additional commitments be made by the city to address transportation issues and improve local parks in Downtown Brooklyn.

A local property owner explained how the proposed zoning and street mapping actions would benefit his proposal for a new office building with ground-floor retail. Representatives from the Brooklyn Academy of Music LDC described how the proposed urban renewal plan changes and special permits for public parking garages would allow the development of additional cultural space, housing and accessory parking. Speakers from the City's Department of Housing Preservation and Development explained the extent of the relocation benefits available to

affected property owners and tenants affected by the proposed urban renewal actions. A representative of an urban renewal assistance organization hired by the city described the range of benefits his group would be providing to all affected by urban renewal.

Many of the speakers in favor stated that the proposed Plan, through its provision of construction and retail employment opportunities, would aid in the long-term growth and stability of Downtown Brooklyn and its surrounding communities. They cited the city's commitment to increase employment opportunities for women and minority-owned businesses and to assisting small businesses affected by the proposed urban renewal actions.

Speakers also testified about the various transportation improvement initiatives underway in Downtown Brooklyn as a result of this Plan. Several speakers emphasized that the proposed Plan would benefit the entire city by generating new tax revenues. Some noted the need for additional commitment to this area and its surroundings through the provision of affordable housing and improvements to local parks. Several representatives touted the benefits of the proposed Plan's actions for the future expansion plans of their institutions. Several speakers in favor also voiced concerns about the proposed extension of the duration of the urban renewal plans. The representative of Brooklyn Law School stated her support of the Plan but asked that the urban renewal plan controls for the newly-designated sites that include one of the school's properties be revised to reserve space for a post-graduate institution at that location.

Speakers in opposition included area residents, community advocates, representatives of local community organizations and property owners affected by the proposed condemnations. Many of the speakers in opposition were in favor of expanding the Downtown Brooklyn central business district but expressed concern regarding the size of the proposed Plan and the proposed urban renewal actions, such as the use of eminent domain and the proposed extension of the duration of the urban renewal plans. Three homeowners affected by the proposed urban renewal actions stated that they believed their properties had a role in the Underground Railroad. Representatives of a local business school, the Institute of Design and Construction, expressed opposition to the proposed urban renewal taking of the school and its rezoning. The owner of a

technology company on a previously-designated site of the BCURP expressed his concern that the proposed extension of the duration of the urban renewal plan would negatively affect his business. Local merchants worried over the potential loss of their businesses and two attorneys representing Asian businesses in Downtown Brooklyn voiced concern about the impact of the urban renewal plan actions on their clients's stores.

Several speakers questioned the ability of the existing street and transit network to handle additional vehicular and passenger volume. They further advocated for additional traffic measures and restrictions on commuter and public agency parking in Downtown Brooklyn and surrounding communities. Others supported height limits for buildings in Downtown Brooklyn, and the preservation of historic buildings.

A number of speakers in opposition also spoke against the proposed Atlantic Yards project, a separate project proposed by a private developer to be developed through the Empire State Development Corporation at Flatbush and Atlantic Avenues, but which is not part of these actions.

The Council Member for the 35th District also spoke on the merits of the proposed Plan and her concerns but did not indicate a preference in support or opposition. The Council Member voiced her issues with some of the proposed zoning actions as they related to building heights and a block that overlapped with the separate Atlantic Yards arena project.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map (C 040171 ZMK), as revised, in conjunction with the related applications for amendments to the Zoning Resolution, as revised, (N 040172 ZRK), amendments to the City Map (C 030514 MMK, C 030515 MMK, C 030516 MMK, C 030517 MMK), amendments to the Brooklyn Center, Atlantic Terminal and MetroTech Urban Renewal Plans, as revised, (C 040173 HUK, C 040174 HUK, C 040175

HUK), designation of properties in the Brooklyn Center Urban Renewal Plan, as revised, (N 040176 HGK), disposition of city-owned property, as revised, (C 040177 HDK, C 040178 HDK, C 040179 HDK, C 040180 PPK), Special Permits for public parking garages (C 040181 ZSK, C 040182 ZSK, C 040183 ZSK, C 040184 ZSK), Site Selection for a public library (C 040185 PSK), and modification of previously granted Special Permits for the MetroTech General Large-Scale Plan (M 930481(E) ZSK, M 000592(A) ZSK, M 860689(B) ZSK), are appropriate.

The Commission is very pleased that it is considering a comprehensive development effort for Downtown Brooklyn that coordinates zoning map and text changes, urban renewal and other land use actions. These actions will facilitate new commercial, residential, academic and cultural development and open space in Downtown Brooklyn and reinforce its role as New York City's third-largest central business district. The actions will provide viable development sites, capture regional employment growth and strengthen the City's economic base by attracting new businesses and by retaining businesses considering relocation outside of New York City.

The Commission is further pleased that the Plan meaningfully recognizes both sides of Flatbush Avenue Extension as an important gateway to the borough by creating new development opportunities and with streetscape improvements. No significant new development has occurred on the east side of Flatbush Avenue Extension since the construction of the Manhattan Bridge and the extension of Flatbush Avenue in the early 1900's. The proposed actions would support positive land use trends in this area between Tillary and Willoughby Streets across from MetroTech by facilitating new residential construction. The Plan also reaches east along Myrtle Avenue towards Fort Greene by extending the Special Downtown Brooklyn District to encourage new contextual, mixed-use residential development with neighborhood retail adjacent to the NYCHA Ingersoll Houses and the University Towers housing complex.

The Commission notes that this Plan builds on the success of MetroTech and the Special Downtown Brooklyn District, originally approved by the Commission in 2001. MetroTech created a core of new, state-of-the art office and academic buildings that the Plan now seeks to expand and the Special District facilitated new residential construction that the proposed actions

further encourage.

The Commission believes that the proposed actions address critical shortfalls in the zoning regulations in Downtown Brooklyn that have prevented development of the remaining blocks of underutilized and dilapidated buildings and open areas. The proposed actions would foster new office buildings along Willoughby Street, Jay Street and Boerum Place that would expand and strengthen the office core and add office workers who would, in turn, support local stores and services. The new residential buildings throughout the area would integrate Downtown Brooklyn with the surrounding, strong residential neighborhoods through an array of affordable and market-rate housing options.

A new public open space on Willoughby Street would provide a valuable amenity to office workers, visitors and residents alike by providing a gathering place during and after business hours and as a venue for concerts and other special events. The new public space would establish an address for surrounding properties and enhance the pedestrian experience.

The academic institutions of Downtown Brooklyn would be able to expand and new students would support retail establishments and add to after-hours activity. New expanded cultural facilities that bring additional activity after business hours would promote tourism, allow for the exchange of ideas, provide gathering places for discussions and serve as an identifier for the area.

Existing urban design controls, such as the requirements for ground-floor retail and glazing, streetwall continuity, restrictions on curb cuts, and street tree plantings would be adjusted to support Downtown Brooklyn as a pleasant central business district with a human dimension. New tower regulations would facilitate the development of economical, state-of-the-art office buildings with large, efficient floor plates on constrained sites typical to Downtown Brooklyn. Along the south side of Willoughby Street, sidewalks would be widened to increase pedestrian circulation space and provide room for streetscape enhancements and amenities. Throughout the District, subway entrances would be relocated into new buildings to improve their appearance,

encourage and facilitate mass transit usage, add stair capacity as well increase pedestrian circulation space.

Along major traffic and shopping corridors new buildings would be built to the streetline to ensure a uniform building line and frame view corridors. Retail corridors that enliven sidewalks with activity would be strengthened with requirements for ground-floor retail, glazing and would permit distinctive signs and prohibit disruptive curb cuts. Security gate transparency would be required along retail corridors and enclosed bicycle parking space would be required in new developments. Additional street trees would provide shade and enhance the attractiveness of Downtown Brooklyn to pedestrians and motorists alike.

The Commission believes that these improvements would allow Downtown Brooklyn to be able to compete regionally to attract new businesses and as an alternative office location. It would provide jobs coupled with opportunities for new affordable housing in New York City and bring tax revenues to the city.

The Commission notes that the City has appointed a Downtown Brooklyn Transportation Coordinator, working out of the office of the Department of Transportation's (DOT) Borough Commissioner, to solely address transportation issues in Downtown Brooklyn. The Coordinator is in the process of developing a Transportation Blueprint for Downtown Brooklyn and the surrounding neighborhoods that will look at a wide range of transportation improvements. DOT is also reviewing the locations of government agency parking permit areas in Downtown Brooklyn in order to reduce their number and to increase public curb-side parking.

Furthermore, the Commission notes that the Downtown Brooklyn Council, a private business advocacy group that is a major sponsor of this Plan, is investigating the establishment of a Transportation Management Association (TMA) in Downtown Brooklyn. The TMA would work in partnership between the City and the private business community in Downtown Brooklyn to develop initiatives to encourage mass transit use and lessen the impact of vehicular traffic of office tenants and retail businesses. The Council is also currently studying existing

parking patterns in Downtown Brooklyn in preparation for an evaluation of the efficacy of instituting a pilot residential parking permit program by DOT.

The Commission concurs that mass transit improvements are key to a successful central business district. For that reason, the City has had ongoing discussions with the Metropolitan Transportation Authority (MTA) about improvements to the transit infrastructure and transit service in Downtown Brooklyn. The Commission notes that the MTA is currently rehabilitating the DeKalb Avenue and Atlantic Avenue/ Pacific Street stations with expanded and improved stairwells, elevators and escalators. The MTA is also planning major construction to connect the IND's Jay Street station of the A, C and F trains with the BMT's Lawrence Street station of the M and R trains. This connection would create a major interchange between these two heavily used stations and allow riders easy transfer between train lines.

In addition, the Commission notes that the proposed actions for this Plan include new zoning regulations that require subway entrances to be relocated from the sidewalks into new buildings. This requirement would encourage mass transit use, add stair capacity and increase pedestrian circulation space. This Plan also foresees a new integrated Transit Center at the intersection of Jay and Willoughby Streets, steps away from MetroTech and the new Willoughby Square office cluster, with new expanded and attractive entrances to the Jay Street and Lawrence Street subway stations below. It would be located in the base of a new commercial building and would be a signature transit gateway to the office core of Downtown Brooklyn.

The Commission notes that the Plan is expected to generate more than 18,000 permanent jobs and over 8,000 construction jobs. The Department of Small Business Services (DSBS) is in the process of opening the Brooklyn Workforce1 Career Center in Downtown Brooklyn, which will provide access to occupational skills training and job placement. Also, the Downtown Brooklyn Council has partnered with the Brooklyn Borough President's office to create the Downtown Brooklyn Workforce Development Committee. The Committee's goal is to create a process to connect local residents, job training and placement organizations and downtown businesses.

The Commission further notes that EDC and the Downtown Brooklyn Council, together with DSBS, have been working with the Downtown Brooklyn Advisory and Oversight Committee (DBAOC) to create a plan for improving minority and women-owned business (MWBE) access to the contracting and development opportunities created by this Plan. The Committee was created during the construction of MetroTech in the 1980's and includes representatives of major stakeholders in Downtown Brooklyn including developers and elected officials. The Commission notes that the Committee's president testified at the public hearing and stated that the Committee had been remarkably successful in connecting qualified workers with job opportunities during the building of MetroTech and since in Downtown Brooklyn.

The Commission notes that the list, submitted by local community organizations, of 16 historic buildings believed threatened by the proposed actions, includes four buildings which are unaffected by the proposed actions, eight that are within proposed rezoning areas but are not development sites because they are either fully built-out to the proposed zoning density or are on lots that are too small to likely be redeveloped. However, four buildings are located within proposed development sites; of these, three are on urban renewal sites and one is subject to disposition. The Commission notes that the Landmarks Preservation Commission (LPC) has carefully reviewed these buildings and has identified two of them to be architecturally significant and established a protocol for their recordation if and when they are to be redeveloped. In addition, the Fulton Mall Improvement Association has begun a master planning effort focused on streetscape improvements including facade restorations of historic buildings.

ZONING MAP AMENDMENT (C 040171 ZMK)

The Commission believes that the this amendment to the Zoning Map, as revised, is appropriate to encourage new commercial office and residential construction in and surrounding Downtown Brooklyn.

A. WILLOUGHBY STREET EXPANSION AREA: FROM C6-1 AND C5-4 TO C6-4.5

The proposed rezoning to C6-4.5, together with the more flexible height and setback regulations and urban renewal designations proposed in concurrent applications, would facilitate the

construction of new commercial office buildings in this area along Willoughby Street and immediately adjacent to MetroTech. The area currently contains many underutilized sites, including vacant lots, open parking lots and commercial buildings with vacant floors above the ground level. The Commission notes that the existing zoning regulations have not attracted any new development in the past 40 years because the existing density and the height and setback regulations are not suitable to generate modern office buildings of sufficient size on the smaller development sites typical to Downtown Brooklyn.

The proposed zoning district would facilitate the extension of the MetroTech office core south into the core of Downtown Brooklyn. The proposed C6-4.5 zoning district with an FAR of 12 for commercial uses would provide the appropriate and critically necessary density to allow for the construction of new, economical office buildings. As part of this Plan, three new office buildings are proposed to be located in a cluster surrounding Willoughby Square, the new public open space above a public parking garage along Willoughby Street. The new buildings would be consistent with the form and height of the Chase Bank building at MetroTech north of Willoughby Street. These new office buildings and the new open space would be the centerpiece of a new, expanded and resurgent Downtown Brooklyn central business district.

The Commission notes that, in response to testimony received at its public hearing from the Institute of Design and Construction, the Department of City Planning revised the application and removed the rezoning from C6-1 to C6-4.5 of Block 2060. This site is currently occupied by the Institute which intends to remain at this location in its current building.

The Commission believes that imposing a building height limit of 250 feet within the area bounded by Boerum Place, Fulton Street, Flatbush Avenue and Livingston Street would unduly inhibit design flexibility. The sizes of development sites in Downtown Brooklyn constrain new, modern and efficient office building construction. The proposed new height and setback regulations address this deficiency with the option of either a ‘standard’ building envelope, with a height limit of 250 feet, and a ‘tower’ building with a maximum base height and no height limit. The ‘tower’ option allows buildings to have a shorter base with a slender tower. A height

limit would result in lower, broader buildings that would block more sunlight at the ground level. Furthermore, Boerum Place and the surrounding area already contains tall office towers such as the 440-foot tall Renaissance Plaza hotel and office building and the 473-foot tall court house at 330 Jay Street.

B. JAY STREET ACADEMIC AREA: FROM C6-1 AND C6-1A TO C6-4

The proposed rezoning to C6-4 with an FAR of 10 for commercial and community facility uses, together with the more flexible height and setback regulations proposed in a concurrent application, would allow the New York City College of Technology and Polytechnic University in this area to expand their academic facilities and develop revenue-producing office buildings as part of their campuses. This area along Tillary and Jay Streets, between the Brooklyn and Manhattan Bridges, contains the two universities, Westinghouse High School and Polytechnic University's portion of the MetroTech office and academic campus. The students attending both institutions activate this area during and after business hours, enhancing the area's vitality and attraction to office workers and visitors.

The Commission believes that the proposed rezoning is appropriate and would result in new office and academic buildings that would be in context with MetroTech and with other office buildings along Jay Street, including the new court house at 330 Jay Street and the Renaissance Plaza hotel and office building. The zoning change would facilitate the academic expansion plans of these important universities.

C. FLATBUSH AVENUE EXTENSION AREA: FROM M1-1, M1-4, C8-2, C6-1, R6/ C1-3 AND R6 TO C6-4

The proposed rezoning to C6-4 with an FAR of 10.0 for commercial, community facility and residential uses of this area west of Flatbush Avenue Extension would allow new apartment building construction on underutilized sites and conversion of vacant, former industrial loft buildings to residential use. This area, just west of MetroTech and east of the NYCHA Ingersoll Houses, contains many vacant lots, automotive uses and old commercial buildings. Two of the

loft buildings in this area have already been converted to residential use pursuant to BSA variances.

The Commission believes that rezoning of this area would reflect and support current land use trends by permitting new residential uses and would connect this area across Flatbush Avenue Extension to Downtown Brooklyn. Buildings flanking both sides of the avenue would announce this area as an important new gateway to Brooklyn while permitting new, complementing residential development adjacent to the NYCHA homes.

D. MYRTLE AVENUE AREA: FROM R6 TO R7-1/ C2-4 IN THE SDBD

The proposed extension of the SDBD east along Myrtle Avenue to Ashland Place and rezoning to R7-1/C2-4 with an FAR of 4.0 for residential uses and 2.0 for commercial uses, together with the more flexible height and setback regulations and requirements for ground-floor retail and streetwalls proposed in the related zoning text amendment would encourage new apartment building construction above ground-floor retail. This area is located at the gateway to the Fort Greene neighborhood between the NYCHA Ingersoll Houses and University Towers, a mid-rise cooperative housing development.

The Commission believes that the rezoning of this area would also encourage new residential development in context with the surrounding uses. The zoning text changes proposed concurrently for this area would assure that buildings would be built along the streetline and would be limited in height. The Commission notes that Ingersoll Houses across Myrtle Avenue are approximately 60 feet tall, while University Towers, to the south, are approximately 160 feet tall. The proposed height and setback regulations for this R7-1 zoning district would result in a building with a maximum base height of 85 feet and a maximum building height of 160 feet and thus would form an appropriate transition between both housing developments.

E. SCHERMERHORN-LIVINGSTON STREETS AREA: FROM C6-1 TO C6-4

The proposed rezoning to C6-4 with an FAR of 10.0, together with the proposed extension of the Schermerhorn Street Height Limitation Area over a portion of this area, would encourage

apartment building construction at an appropriate scale in this transitional area between the commercial core of Downtown Brooklyn and the residential neighborhood of Boerum Hill. This area currently contains mid-rise buildings and open parking lots. New housing development is under way across Schermerhorn Street on the long-vacant sites above the Hoyt-Schermerhorn subway station under the auspices of HPD and the Empire State Development Corporation.

The Commission believes that the proposed rezoning would encourage new residential development in context with the surrounding uses and support current land use trends. The extension of the Height Limitation Area proposed concurrently for this area would assure that the building would transition in height between the mid- and high-rise commercial core and the low-rise residential neighborhoods to the south.

F. FULTON STREET MALL AREA: FROM C6-1 TO C6-4

The proposed rezoning to C6-4 with an FAR of 10.0 of these blocks between the Fulton Street Mall and Livingston Street includes high-density commercial buildings. The Commission believes that rezoning this area is would more accurately reflect the existing built form and neighborhood character.

G. FLATBUSH AVENUE TRIANGLE AREA: FROM C6-1 TO C6-2

The proposed rezoning to C6-2 would increase the residential FAR to 6.02 to encourage apartment building construction with ground-floor retail on this triangular block between 3rd and Flatbush Avenues.

The Commission notes that, in response to testimony received during the public review process, the Department of City Planning revised this application and removed the proposed rezoning from C6-1 to C6-2 of Block 1118, bounded by Atlantic, Flatbush and Fifth Avenues.

AMENDMENT TO THE ZONING RESOLUTION (N 040172 ZRK)

The Commission believes that the amendments proposed to the Special Downtown Brooklyn District in this amendment to the Zoning Resolution are necessary to facilitate the objectives of

the Downtown Brooklyn Plan.

The proposed changes in this application would amend the height and setback regulations for commercial office towers in Downtown Brooklyn's medium and high-density commercial districts and for residential buildings in R7-1 districts. The proposal would make adjustments to existing urban design regulations in Downtown Brooklyn including requirements for ground-floor retail continuity, ground-floor glazing, street wall continuity, street-tree planting and restrictions on curb cuts. New requirements for sidewalk widenings, subway stair relocation and off-street bicycle parking are proposed, as is an expansion of the Schermerhorn Street Height Limitation Area. Together these proposed changes would facilitate efficient new office towers, new appropriately-scaled residential buildings and an enhanced pedestrian experience.

The Commission notes that, in response to testimony received at its public hearing, the Department of City Planning revised this application to retain the ground-floor retail requirement and curb cut restriction along Willoughby Street and the streetwall requirement along Willoughby Street and Flatbush Avenue Extension. These urban design controls had initially been proposed to be removed as part of the proposal to develop this block as open space. This site is currently occupied by the Institute of Design and Construction which intends to remain at this location in their current building.

HEIGHT AND SETBACK REGULATIONS IN C6-1, C5-4, C6-4 AND C6-4.5 DISTRICTS

The Commission notes that, like Lower Manhattan, Downtown Brooklyn is an older central business district that contains many small, irregularly-shaped blocks that are difficult to develop with modern office buildings. Current tower regulations accommodate economically efficient office tower floors on only very few sites in Downtown Brooklyn due to street configurations and diverse property ownership.

The proposed height and setback regulations for commercial and community facility buildings in medium and high-density commercial districts in Downtown Brooklyn would be similar to those of Lower Manhattan. The regulations require a minimum set back at or below a base height and

restrict tower lot coverage above 150 feet to 65 percent and above 300 feet to 50 percent. Residential buildings would be limited to a lot coverage of 40 percent above 150 feet. The proposed regulations would allow greater design flexibility and a building envelope that would accommodate new office towers. Buildings currently in Downtown Brooklyn are tall and have high lot coverage similar to the proposed regulations. Furthermore, tower office buildings would allow more light and air on streets than standard-sized buildings.

WILLOUGHBY SQUARE

The Commission believes that the proposed regulations requiring an 80-foot to 85-foot high streetwall on Gold Street fronting the new Willoughby Square open space would strengthen the identity of this important new public space through a uniform building base height.

WILLOUGHBY STREET, GOLD STREET TO FLATBUSH AVENUE EXTENSION

The proposed new regulations would allow a new development along Willoughby Street, between Flatbush Avenue Extension and Albee Square West, to rise without setback from the street line. The Commission believes that such a building at this important intersection would make a dramatic architectural statement and would announce the new entrance to the new business center for pedestrians and vehicles entering Brooklyn from the Manhattan Bridge.

On the south side of Willoughby Street between Duffield and Adams Streets, the proposed mandatory five-foot sidewalk widening for new buildings would provide additional pedestrian circulation space and room for street amenities.

SCHERMERHORN STREET HEIGHT LIMITATION AREA

The Commission believes that the extension of the Schermerhorn Street Height Limitation Area, together with the proposed zoning change discussed above, would encourage new residential and mixed residential-commercial development and provide an appropriate transition between the low- to mid-rise Boerum Hill community to the south and the high-density core of Downtown Brooklyn to the north. The two different height limits would encourage economically efficient residential buildings on both sides of the blocks.

MYRTLE AVENUE

The proposed height and setback and bulk regulations for the R7-1 district proposed along Myrtle Avenue, together with the requirements for street tree planting, ground-floor retail and street wall continuity, would encourage new, pedestrian-friendly, mixed-use apartment house construction east of Flatbush Avenue Extension at the gateway to Fort Greene. The Commission believes that the proposed higher FAR and height limit of 160 feet would result in an appropriate building form that would be in context with the surrounding community and would strengthen the mixed-use character of Myrtle Avenue, an important major street for Fort Greene.

BICYCLE PARKING

The Commission believes that requiring a designated area for bicycle parking for new commercial developments or enlargements with a minimum floor area ratio of 5.0 is appropriate. Such a facility would have to be enclosed, accessible and provide secure space for bicycle storage thus encouraging alternative means of travel.

SIGNS

The Commission believes that new signage regulations to allow banners for theaters would increase the vibrant multi-cultural nature of the district. Allowing non-illuminated, double faced signs to project across a street line would create a distinct identity for the business district. The limits on the distances between signs would prevent excessive signage.

SECURITY GATES

The Commission believes that the proposed security gate regulations for new commercial or community facility buildings, which would require that at least 75 percent of the area covered by such gate to be visible when viewed from the street, would strengthen the retail corridors by adding to the pedestrian attractiveness of Downtown Brooklyn's streets and encouraging after-hours "window shopping".

GROUND-FLOOR RETAIL

A ground-floor retail requirement would be added to Duffield and Gold Streets to strengthen the

connection between Willoughby Street and Fulton Mall. In addition, a ground floor retail requirement would be added to the East side of Flatbush Avenue Extension between Willoughby Street and Myrtle Avenue and would extend along the south side of Myrtle Avenue to Ashland Place. The proposed text regulating ground-floor uses to a depth of 50 feet from the property line would also allow public libraries, museums and non-commercial art galleries. New retail would contribute to the development of Flatbush Avenue as a vibrant boulevard entrance to Brooklyn and would strengthen the retail corridor of Myrtle Avenue. The ground-floor retail requirement would be removed from Willoughby Street where the Willoughby Square public space is proposed. The Commission believes that these revised ground-floor retail regulations along these streets are appropriate

GROUND-FLOOR TRANSPARENCY

The Commission believes that extending the 50 percent minimum ground-floor transparency requirement to include all streets where retail continuity is required in the Special Downtown Brooklyn District would further help activate these retail corridors and strengthen Downtown Brooklyn as a vibrant shopping destination. The 70 percent minimum ground-floor glazing requirement, of which not more than 20 percent could be translucent material, along Willoughby, Duffield and Gold Streets would further support retail on Willoughby Street on the ground floors of the proposed new office buildings and would strengthen the connection along Duffield and Gold Streets between Fulton Mall and MetroTech.

STREET WALL CONTINUITY

The Commission believes that adding to the locations where street wall continuity is required would enhance important corridors in Downtown Brooklyn. The proposed modifications to the percentages to which a new building must provide a streetwall allows needed flexibility for many of the constrained development sites of Downtown Brooklyn.

CURB CUTS

The Commission believes that the proposed restrictions on curb cuts on the east side of Flatbush Avenue would improve pedestrian flow and prevent interruption of retail frontage. The removal

of curb cut restrictions from Willoughby Street between Adams and Jay Streets, and from DeKalb Avenue between Albee Square and Flatbush Avenue Extension, would allow access to required off-street loading areas for the new office buildings proposed as part of this Plan.

STREET TREES

The Commission believes that adding streets where the planting of street trees would be required would enhance the appearance of Downtown Brooklyn and complement ongoing efforts to improve the urban environment.

SUBWAY STAIRS

The Commission believes that adding a requirement for new developments on sites over 5,000 square feet to incorporate subway entrances into their buildings would aid in reducing sidewalk congestion, facilitate pedestrian circulation and provide renovated and improved access to subway stations.

AMENDMENTS TO THE BROOKLYN CENTER, METROTECH AND ATLANTIC CENTER URBAN RENEWAL PLANS, SITE DESIGNATION OF PROPERTIES AND DISPOSITION OF CITY-OWNED PROPERTIES

The Commission believes that the proposed amendments to the three urban renewal plans, site designation of properties and disposition of city-owned properties in Downtown Brooklyn, as revised, are appropriate. The Commission believes that the designation of the new urban renewal sites within the Brooklyn Center Urban Renewal Plan was conducted very carefully to remove vacant and underutilized properties, minimize acquisition of private properties and to create development sites of the minimum size necessary for new, modern and economically efficient office buildings. The expansion of the business core of Downtown Brooklyn is essential for the long-term competitiveness and welfare of Brooklyn and New York City.

The Commission recognizes the disruption caused by urban renewal designations to property owners and tenants alike, and therefore notes that the City has committed to making the process for all affected as smooth and orderly as possible. The Commission recognizes that the

Department of Housing Preservation and Development (HPD) has already conducted extensive outreach to affected property owners and tenants. HPD has developed a complete list of all property owners and tenants within the proposed and existing urban renewal sites in Downtown Brooklyn. HPD attended all of the public hearings during the public review process where they met with affected property owners and tenants and anyone with questions and concerns about the proposed urban renewal changes. HPD has also been available by telephone calls for questions.

The Commission acknowledges that the Cornerstone Group, a private company specializing in relocation assistance with a proven track record during the development of MetroTech, has been hired by the City to assist all affected by the urban renewal changes. Cornerstone has already had contact with businesses and residents to assess their needs. They will be able to help all those affected with finding new, suitable replacement space.

In addition, the DSBS has established a NYC Business Solutions Center in Downtown Brooklyn to specifically help small businesses by disseminating information, providing access to business counselors, referring businesses to third-party providers and creating networking opportunities. DSBS staff have already worked closely with EDC and HPD to conduct outreach to businesses and to give assistance.

The Commission notes that all property owners and tenants receive fair market compensation for all property taken, based on the evaluation by independent appraisers and according to law. The City will make every effort to offer appropriate replacement housing and commercial space. Financial assistance will include moving expenses, dislocation allowances and replacement housing payments or down payment assistance. Finally, condemnation of private property will not occur until a developer with a feasible development program has been identified.

Nonetheless, the Commission stresses that the Downtown Brooklyn Development Plan is a comprehensive set of actions that includes many new retail, office and housing opportunities that can serve as relocation resources for those who might be displaced by the proposed urban renewal actions. The Plan has the potential for almost 1,000 units of new housing, some of

which are likely to be affordable housing, 900,000 square feet of new retail space and 4,5 million square feet of office space.

Furthermore, several affordable housing developments are currently going forward within the area and would be available for eligible tenants and homeowners when the earliest urban renewal proceedings are to commence. They include the Atlantic and Court apartment project with 64 units of moderate-income housing scheduled to be completed in 2005, the Empire State Development Corporation-sponsored housing along Schermerhorn Street with 216 units of moderate-income and 44 units of low-income housing, and a Cornerstone Program development on Atlantic Avenue and South Oxford Street with 61 units of moderate-income housing.

The Commission notes that, after review by DCP and HPD of the lists submitted by two of the attorneys representing Asian businesses potentially affected by the proposed urban renewal actions, it was determined that of the 32 businesses submitted, 15 are not on urban renewal sites and 17 are on urban renewal sites. Of the 17 businesses on urban renewal sites, 13 are on newly-designated sites but only one business is on the site of the Willoughby Square open space and parking garage and envisioned for early condemnation. The Commission notes that EDC, DBS and HPD will work closely with the businesses to minimize the disruption caused by the urban renewal actions, address their needs to the fullest extent possible and assist them in finding alternative locations.

The Commission notes that the Plan foresees a substantial portion of development devoted to such facilities including Polytechnic University and the New York City College of Technology, the development of sites within the BAM Cultural District by the BAM LDC on sites of the Brooklyn Center Urban Renewal Plan and the construction of a new public performing arts library on a site of the Atlantic Terminal Urban Renewal Plan.

The Commission notes that a large technology company is currently located on a previously-designated urban renewal site that is proposed to have its expiration date extended as part of this Plan. The site is part of the Brooklyn Academy of Music Local Development Corporation's

“North” site for which the development program has not yet been finalized. The City is committed to working with the company to either relocate it to appropriate office space at the time of actual site redevelopment or allow it to remain at its current location.

AMENDMENT TO THE BROOKLYN CENTER URBAN RENEWAL PLAN (BCURP) (C040173 HUK), DESIGNATION OF ADDITIONAL PROPERTIES (N 040176 HGK), AND DISPOSITION OF CITY-OWNED PROPERTY (C040177 HDK)

The Commission believes that this amendment to the BCURP, as revised, the designation of 59 lots within 14 newly proposed sites and the disposition of 26 sites, as revised, is appropriate. The designations of new urban renewal sites, changes to the land use controls, extension of the duration of the BCURP and other adjustments, in concert with the related applications, are essential to facilitate the construction of new residential, commercial, public parking and public space uses on long under-utilized and vacant properties in Downtown Brooklyn.

The Commission notes that, in response to comments received during the public review process, the Department of Housing Preservation and Development revised the applications for the Brooklyn Center Urban Renewal Plan (C040173 HUK, N040176 HGK and C040177 HDK). The revisions include the removal from the BCURP of previously-designated urban renewal Sites 3B and 3C, and Block 160, Lots 1 and 4, which are no longer required redevelopment and the deletion of proposed new urban renewal Site 20 on Block 2060, the site of the Institute of Design and Construction. Furthermore, controls have been added to Sites 14, 14A, 15, 15A and 15B to require that they be developed as a single project and to include no less than 100,000 square feet of floor area for a post-graduate educational center. Finally, proposed controls have been added to require that each redeveloper perform all mitigation measures identified in the FEIS for the BCURP prior to issuance of a Certificate of Occupancy.

The Commission notes that HPD and other Plan sponsors have already had discussions with several property owners and developers about the construction of new affordable housing in Downtown Brooklyn on both privately-owned sites as well as urban renewal sites. The City is looking forward to meeting a significant portion of its goal of constructing 65,000 units of

affordable housing citywide in Downtown Brooklyn within the next few years. Therefore, a condition in the urban renewal plan mandating affordable housing is unnecessary and would unduly restrict financing flexibility.

The Commission notes that the Quality Housing Program has been widely used throughout the city to produce new housing and will be an option in the zoning districts in Downtown Brooklyn. However, mandating this program in the urban renewal plan would greatly limit building design options in Downtown Brooklyn because the program's height and setback regulations may not be suitable to some of the more irregular development sites.

The Commission believes that the urban renewal plan controls allow sufficient flexibility to permit properties that may not be needed for redevelopment to remain. Relocating entire buildings to alternative locations could also be an option if determined to be financially feasible and acceptable to the affected property owners.

The Commission notes that the Landmarks Preservation Commission (LPC) has carefully reviewed the buildings within the acquisition sites of the urban renewal plan. LPC has identified several buildings of architectural or historical significance and established a protocol for their recordation if and when they are to be redeveloped.

The Commission notes that the Department of City Planning and the Economic Development Corporation conducted extensive research on the possible presence of the Underground Railroad at 227 and 233 Duffield Street, and at 436 Albee Square West. The research included contact with over 16 historians and institutions with information about the Underground Railroad or the homes. Furthermore, numerous maps and records were consulted in order to establish the construction dates of the homes and gather additional facts. The research has indicated that, while the homes were proven to exist prior to the Civil War, there was no physical or other evidence to link them to the Underground Railroad.

The Commission recognizes the legacy of the Underground Railroad, especially in Downtown

Brooklyn. Results regarding the Duffield Street and Albee Square West homes so far have been inconclusive but if further evidence is presented it will be considered. Nonetheless, the Final Environmental Impact Statement (FEIS) for these actions states that additional work, first in the form of a visual inspection of the interiors of the buildings after condemnation to ascertain the existence of other artifacts and, second, in the form of new continuous soil borings, would need to be undertaken at the sites. Soil borings would be conducted to determine subsurface conditions, to be approved by an archaeologist prior to their execution. If the soil borings indicated a potential for archeologically sensitive areas, Stage 1B testing would be undertaken. The testing phase will first include the preparation of a testing protocol by a professional archaeologist, to be reviewed and approved by LPC prior to implementation.

The Commission further notes, that, should the Stage 1B testing indicate that an association of one or all of these buildings with the Underground Railroad is established, and the National Park Service criteria for eligibility of Underground Railroad properties for National Historic Landmark designation or for listing in the National Register of Historic Places are met, HABS-level documentation and/or an exhibit in an appropriate location would be performed.

Furthermore, the Commission notes that the Brooklyn Center Urban Renewal Plan has been revised with specific language that requires the redeveloper of any property in the urban renewal plan to completely perform all required mitigation measures identified in the FEIS.

AMENDMENT TO THE METROTECH URBAN RENEWAL PLAN (MTURP) (C 040174 HUK) AND DISPOSITION OF CITY-OWNED PROPERTY (C040178 HDK)

The Commission believes that the proposed urban renewal plan amendment and disposition of Block 2060, Lot 8, at the southeast corner of Gold Street and Flatbush Avenue Extension is appropriate. The property, a small triangular lot used as a parking lot at the intersection of Gold Street and Flatbush Avenue, is currently designated for street widening but is no longer needed for that purpose. Redevelopment of the site for open space would permit the creation of new public space which would enhance Flatbush Avenue Extension as the gateway to Downtown

Brooklyn and provide a visual connection to the corporate office district and the new Willoughby Square public space to the west.

AMENDMENT TO THE ATLANTIC TERMINAL URBAN RENEWAL PLAN (ATURP)
(C040175 HUK), AND DISPOSITION OF CITY-OWNED PROPERTY (C040179 HKD)

The Commission believes that the proposed urban renewal plan amendment and disposition of city-owned property, as revised, is appropriate. The changes and actions would facilitate development of a public performing arts library and other community facility uses with below-grade parking on Site 20, Block 2110, Lot 3, zoned C6-1. The subject property is currently used for parking and an outdoor flower market. The Commission believes that the library would be a centerpiece of the BAM Cultural District and is described in detail in a related application for site selection for a public facility.

The Commission notes that, in response to comments received during the public review process, on April 29, 2004, HPD revised the applications for an amendment to the ATURP and the related disposition of city-owned properties (C 040175 HUK and C 040179 HDK) to retain the ‘Commercial’ land use designation of Site 6A and remove the site from the disposition application.

DISPOSITION OF CITY-OWNED PROPERTY (C040180 PPK)

The Commission believes that the disposition of one city-owned property at 370 Jay Street is appropriate.

After the MTA has vacated the building, DCAS intends to dispose of it to the Economic Development Corporation. The proposed disposition, pursuant to zoning, facilitates the return of 370 Jay Street to the City’s tax rolls, enhances the mixed-use character of Downtown Brooklyn and complements future plans for the area’s revitalization.

SPECIAL PERMITS PURSUANT TO SECTION 74-52 (Public Garages or Public Parking Lots

in High Density Central Areas) (C040181 ZSK, C040182 ZSK, C040183 ZSK and C040184 ZSK)

The Commission believes that the grant of four special permits for public parking garages is appropriate.

The Commission notes that the four garages are located in strategic locations throughout Downtown Brooklyn below or adjacent to major proposed development sites. The garages would replace public parking lots and garages displaced by the new development and open space envisioned as part of the Plan and would accommodate additional parking demand by these same developments. Three of the garages would be below-ground; the garage at Willoughby Square would be below the new Willoughby Square open space, the garage at Lafayette Avenue would be below a new public library and a performing arts center, and the garage at Fulton Street would be below a mixed cultural, retail and residential project. The garage at Fleet Place would be above-ground but would be surrounded on three sides by retail on the ground floor and residential above. The garages are designed with adequate reservoir spaces to prevent cars from queuing on adjoining streets and have sufficiently wide curb cuts to allow easy access. Their entrances are so located as to provide efficient access to major transportation routes in Downtown Brooklyn and avoid residential neighborhood streets.

WILLOUGHBY SQUARE (C040181 ZSK)

The proposed public parking garage at Willoughby Square would be compatible with the surrounding mixed-use area of high-density office, retail, educational and residential uses. The 694 spaces would meet the needs of the new office buildings envisioned resulting from the proposed actions and would help to address future public parking needs in Downtown Brooklyn.

The garage would be bounded by three public streets and would not create or contribute to serious traffic congestion and would not inhibit traffic and pedestrian flow. The directions of surrounding streets would be reconfigured to allow easy access to and from the garage. The garage entrance would be mid-block on Duffield Street south of Willoughby Street, and its exit would be mid-block on Albee Square West south of Willoughby Street. Willoughby Street,

between Flatbush Avenue Extension and Albee Square West, would be widened in a related action for an amendment to the City Map to allow for any increased traffic flow to and from the garage. Traffic to and from the garage would utilize nearby Flatbush Avenue to the east and would not travel through any of the nearby residential neighborhoods. The surrounding sidewalks and crosswalks would be improved as part of the new Willoughby Square open space and the garage entrance and exit would be designed to provide clear sight lines to pedestrians and to minimize potential conflicts between vehicles and pedestrians. The proposed facility would have 35 reservoir spaces, five percent of the total parking spaces provided in the parking garage, which would be adequate to accommodate expected demand at peak times.

FULTON STREET (C040182 ZSK) AND LAFAYETTE AVENUE (C040183 ZSK)

Two parking garages are proposed in close proximity to each other at Fulton Street and at Lafayette Avenue. Both proposed garages would be compatible with the surrounding area that includes the Brooklyn Academy of Music, the residential area of Fort Greene to the east and highly active retail stores on Fulton Street to the north. The 465 spaces in the garage at Fulton Street and the 466 spaces in the garage at Lafayette Avenue would meet the needs of the new mixed-use cultural, retail and residential development envisioned resulting from the proposed actions and would help to address future public parking needs in Downtown Brooklyn.

The garages would be bounded by public streets which would provide convenient access and would not contribute to traffic congestion or inhibit traffic and pedestrian flow. The entrances and exits for the garage at Fulton Street would be located mid-block on Ashland Place south of Fulton Street, and for the garage at Lafayette Avenue would be on Ashland Place south of Lafayette Avenue. The entrances and exits would be designed to provide clear sight lines to pedestrians and minimize potential conflicts between vehicles and pedestrians. Traffic to and from the proposed garages would primarily utilize Flatbush Avenue and would not have to travel through any of the nearby residential neighborhoods. The proposed facilities would each have 23 reservoir spaces, five percent of the total parking spaces provided in the garages, which would be adequate to accommodate expected demand at peak times.

FLEET PLACE (C040184 ZSK)

The proposed public parking garage at Fleet Place would be compatible with the surrounding area that includes commercial office buildings, large-scale residential buildings and retail stores. To the west of the site, across Flatbush Avenue Extension, is the commercial office and academic MetroTech campus and to the east is the residential community of Fort Greene. The 457 spaces requested would meet the needs of the new mixed-use cultural, retail and residential development envisioned resulting from the proposed actions and would help to address future public parking needs in Downtown Brooklyn.

The garage would be bounded by Myrtle Avenue, Flatbush Avenue Extension and Fleet Place which would provide convenient access and would neither contribute to serious traffic congestion and nor inhibit traffic and pedestrian flow. The garage entrance and exit would be mid-block on Fleet Place south of Myrtle Avenue and would be designed to provide clear sight lines to pedestrians and minimize potential conflicts between vehicles and pedestrians. Traffic to and from the proposed parking garage would primarily utilize Flatbush Avenue to the west and would not have to travel through any of the nearby residential neighborhoods. The proposed facility would have 23 reservoir spaces, five percent of the total parking spaces provided in the garage, which would be adequate to accommodate expected demand at peak times. The Commission notes that the exemption of floor area is warranted in order to provide off-street parking and relieve traffic congestion. The Downtown Brooklyn Development Plan envisions that the site surrounding this proposed public parking garage be redeveloped with a new apartment building. Furthermore, the proposed garage is to replace an existing public parking garage at the same location.

SITE SELECTION (C040185 PSK) FOR A PUBLIC VISUAL AND PERFORMING ARTS LIBRARY

The Commission believes that the application of the Brooklyn Public Library and the Department of Citywide Administrative Services for site selection of (Block 2110, Lot 3), Borough of Brooklyn, Community District 2, for use as public library, is appropriate.

The proposed site (Block 2110, Lot 3) lies within the heart of the BAM Cultural District surrounded by a mix of residential, commercial, cultural and office uses. The site is zoned C6-1 which permits the public library. The library would occupy the southern portion of the lot with the northern portion of the lot developed separately as a performing arts building.

The new building is intended to complement the other cultural uses in the District and is directly across the street from the Brooklyn Academy of Music Opera House. The Library would serve as a resource for research, exploration and cultural interchange and as a venue for performance, arts education and other arts-related activities. The library has been sited at this location because of its prominence and significance as well as because of its easy access to the nearby transportation hubs and would not introduce incompatible land use to the area. It is intended to have a 24-hour media lounge accessible seven days a week to better serve diverse, multi-cultural constituent groups.

AMENDMENTS TO THE CITY MAP (C030514 MMK, C030515 MMK, C030516 MMK, C030517 MMK)

Four amendments to the City Map a proposed to merge several blocks to create larger and more viable development sites in Downtown Brooklyn. The former built and improved streets are in city ownership and would be added to the site area of proposed urban renewal sites. The actions also include the proposed mapping and widening of two streets, Willoughby Street and Fleet Place.

PEARL STREET (C030514 MMK)

This action would eliminate, discontinue and close Pearl Street between Willoughby Street and Jay Street. The Commission notes that the street is approximately 105 feet long, 50 feet wide, and is not needed for vehicular or pedestrian traffic. The proposed action would create the necessary footprint for future commercial development through an assemblage of properties fronting the street.

RED HOOK LANE (C030515 MMK)

This action would eliminate, discontinue and close Red Hook Lane between Boerum Place and Fulton Street. The Commission notes that the street is approximately 331 feet long, 33 feet wide, and is not needed for vehicular or pedestrian traffic. The proposed demapping would create the necessary footprint for future commercial development through an assemblage of properties fronting the street.

WILLOUGHBY STREET (C030516 MMK)

Willoughby Street is proposed to be widened from 60 feet to 95 feet between Albee Square / Gold Street and Flatbush Avenue and would occur on the south side of the street where there is an above grade parking garage. The Commission notes that the proposed widening would provide space for installation of a landscaped median and to facilitate traffic flow. The Commission believes that the new median would serve as a visual enhancement to encourage north-south pedestrian movement along Flatbush Avenue, and as a traffic calming device at the intersection with Flatbush Avenue. In addition, this landscaped gateway to the new development would provide a larger view corridor from Flatbush Avenue to the proposed Willoughby Square public space.

MYRTLE AVENUE, FLEET PLACE, FAIR AND PRINCE STREETS (C030517 MMK)

The elimination, discontinuance and closing of Fair Street between Prince Street and Flatbush Avenue Extension and of Prince Street between Flatbush Avenue Extension and Myrtle Avenue is proposed. The Commission notes that the streets are no longer needed for traffic purposes and that the proposed changes would create the necessary footprint for commercial and residential development and assembling of properties fronting the streets.

Fleet Place would be widened from 50 feet to 60 feet and would be extended north to Myrtle Avenue. This widening would occur on the west side of the street and would create a more economically efficient development block and provide space for traffic between Willoughby Street and Myrtle Avenue. The Commission believes that the proposed street widening and extension is appropriate as it would to facilitate rational vehicular traffic flow.

Myrtle Avenue would be widened to 100 feet at Flatbush Avenue Extension and taper to the existing 75-foot width at the proposed extension of Fleet Place to provide space for a landscaped median, wider sidewalks and to create a gateway for the Myrtle Avenue retail strip leading to Fort Greene. This widening would occur on the south side of the street and would allow construction on a new landscaped median. The Commission believes that the median would serve as a visual enhancement to encourage pedestrians to walk along Flatbush Avenue Extension, serve as a traffic calming device at the intersection with Flatbush Avenue Extension and strengthen the entrance to the Myrtle Avenue retail corridor.

MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT SPECIAL PERMITS FOR METROTECH (M000592(A) ZSK, M860689(B) ZSK and M930481(E) ZSK)

The Commission believes that the modification of the General Large-Scale Development (GLSD) Special Permits to increase the maximum permitted floor area at the GLSD at MetroTech, remove unused floor area from Building D and to allocate the increased floor area and existing excess floor area to Polytechnic University's Site L for development of a proposed new mixed, academic and commercial building by Polytechnic University is appropriate.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on April 29, 2004, with respect to this application (CEQR No. 03DME016K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the action(s) to be approved (is)(are) ones which minimize(s) or avoid(s) adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the environmental impact statement will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written

statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; 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 described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 12d and 16c:

1. eliminating from an existing R6 District a C1-3 District bounded by a line 200 feet northerly of Myrtle Avenue, Prince Street, Myrtle Avenue, a line 100 feet easterly of Prince Street, Fair Street, Fleet Place, a line 85 feet southerly of Fair Street, Prince Street, the westerly centerline prolongation of Fair Street, Flatbush Avenue Extension, and Gold Street;
2. changing from an R6 District to an R7-1 District property bounded by Myrtle Avenue, Ashland Place, the easterly centerline prolongation of former Fair Street, and Fleet Place;
3. changing from an R6 District to a C6-4 District property bounded by a line 200 feet northerly of Myrtle Avenue, Prince Street, Myrtle Avenue, Fleet Place, Willoughby Street, a line midway between Fleet Street and the former Prince Street and its southerly prolongation, a line 85 feet southerly of the former Fair Street, the former Prince Street and its southerly centerline prolongation, the westerly centerline prolongation of the former Fair Street, and Flatbush Avenue Extension;
4. changing from a C5-4 District to a C6-4.5 District property bounded by Willoughby Street, Jay Street, a line 200 feet northeasterly of Fulton Street, Duffield Street, Fulton Street, Smith Street, Livingston Street, and Boerum Place;
5. changing from a C6-1 District to a C6-2 District property bounded by the westerly centerline prolongation of Lafayette Avenue, Flatbush Avenue, State Street, and 3rd Avenue;
6. changing from a C6-1 District to a C6-4 District property bounded by:
 - a. Tillary Street, Bridge Street, Johnson Street/Tech Place, and Adams Street;
 - b. Willoughby Street, the easterly street line of the former University Plaza, a line 230 feet northerly of DeKalb Avenue, the northerly centerline prolongation of Hudson Avenue, DeKalb Avenue, a line 250 feet westerly of the westerly street line of Rockwell Place, Fulton Street, Flatbush Avenue Extension, and Fleet Street; and
 - c. Livingston Street, Bond Street, Fulton Street, Flatbush Avenue, the westerly centerline prolongation of Lafayette Avenue, Schermerhorn Street, and Smith

Street;

7. changing from a C6-1 District to a C6-4.5 District property bounded by a line 125 feet northerly of Willoughby Street, a line midway between Jay Street and Lawrence Street, a line 175 feet northerly of Willoughby Street, Lawrence Street, a line 250 feet northerly of Willoughby Street, Duffield Street, Willoughby Street, Flatbush Avenue Extension, Fulton Street, Duffield Street, a line 200 feet northeasterly of Fulton Street, and Jay Street;
8. changing from a C6-1A District to a C6-4 District property bounded by Johnson Street/Tech Place, the southerly centerline prolongation of Bridge Street, a line 150 feet southerly of Johnson Street/Tech Place, a line 215 feet easterly of Jay Street, a line 360 feet southerly of Johnson Street/Tech Place, and Jay Street;
9. changing from a C8-2 District to a C6-4 District property bounded by the westerly centerline prolongation of the former Fair Street, the former Prince Street and its southerly centerline prolongation, a line 85 feet southerly of the former Fair Street, a line midway between Fleet Street and the former Prince Street and its southerly prolongation, Willoughby Street, Fleet Street, and Flatbush Avenue Extension;
10. changing from an M1-1 District to a C6-4 District property bounded by Tillary Street, Gold Street, a line 225 feet southerly of Tillary Street, Prince Street, a line 200 feet northerly of Myrtle Avenue, and Flatbush Avenue Extension;
11. changing from an M1-4 District to a C6-4 District property bounded by Tillary Street, Prince Street, a line 225 feet southerly of Tillary Street, and Gold Street; and
12. establishing a Special Downtown Brooklyn District (DB) bounded by Myrtle Avenue, Ashland Place, the centerline of the former Fair Street and its easterly prolongation, and the centerline of former Prince Street;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated December 1, 2003, revised on April 29, 2004, and which includes the CEQR designation E-124.

The above resolution (C 040171 ZMK), duly adopted by the City Planning Commission on May 10, 2004 (Calendar No. 5), 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.*,
ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,
KAREN A. PHILLIPS, DOLLY WILLIAMS,
Commissioners

RICHARD W. EADDY, Commissioner, Recused