**CITY PLANNING COMMISSION**

February 17, 2009 / Calendar No. 4 C 090078 HUK

**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD) pursuant to Section 505 of Article 15 of the General Municipal (Urban Renewal) Law of New York State and Section 197-c of the New York City Charter for the third amendment to the Fresh Creek Urban Renewal Plan for the Fresh Creek Urban Renewal Area, Community District 5, Borough of Brooklyn.

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The application for the proposed amendment to the Fresh Creek Urban Renewal Plan was submitted by the Department of Housing Preservation and Development (HPD) on August 25, 2008. The proposed plan changes the designated land uses of various sites; modifies density restriction; updates the timetable for the implementation of the plan; extends the expiration date; and modifies urban design controls. These changes, in conjunction with related actions, would facilitate the development of the Gateway Estates, Phase II Project.

**RELATED ACTIONS**

In addition to the proposed amendment to the Fresh Creek Urban Renewal Plan, which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

**1. C 080089 MMK:** Amendment of the New York City Map to eliminate, map, realign and extend certain streets and to relocate park lands within the Fresh Creek Urban Renewal Area.

**2. C 090079 ZMK**: Zoning Map Amendment from R6 to R7A, C2-4 and C4-2.

**3. C 090081 ZSK**: Special Permit for General Large Scale Development to modify certain sign regulations pursuant to Section 74-744 of the New York City Zoning Resolution.

**4. C 090082 HAK:** Designation of an Urban Development Action Area and Project and disposition of City-owned property.

**BACKGROUND**

The Department of Housing Preservation and Development (HPD) seeks approval of the third

amendment to the Fresh Creek Urban Renewal Plan, which, together with the related actions, would facilitate the development of Gateway Estates II, a mixed-use project with a 620,000 square feet regional and local retail center, up to 2,385 units of affordable housing, 68,000 square feet of local retail, 36.5 acres of parks and community facilities in the Spring Creek section of Community District 5, Brooklyn.

**AREA AND PROJECT DESCRIPTION**

The project site is located within the 227-acre Fresh Creek Urban Renewal Area (URA) bounded by Flatlands Avenue to the north, Fountain Avenue and Spring Creek to the east, the Belt Parkway to the south and Hendrix Creek to the west. The Fresh Creek URA consists of the project site within its northern half, and the 640,000-square foot Gateway shopping center and perimeter park within its southern half.

The project site consists of approximately 127 acres of vacant land between the existing Gateway shopping center to the south, Flatlands Avenue to the North, and Erskine Street to the West, including sites 3, 4, 5 through13e, 14b through 16a, 18b through 19b, 20a through 22a, and 23 through 33 of the Urban Renewal Area.

**Surrounding Area and Uses**

To the south of the Fresh Creek URA, across the Belt Parkway, is the 297-acre former Fountain Avenue Landfill, a mapped park; further to the south, is Jamaica Bay and the Gateway National Recreation Area. East of the URA is Spring Creek, a mapped but undeveloped park that also contains a New York City Department of Environmental Protection water treatment facility. To the north, across Flatlands Avenue, is the Flatlands Fairfield Industrial Park, zoned M1-1, containing mostly one- and two-story light manufacturing buildings, warehouses, truck and vehicle storage facilities and a few residential buildings and, west of Elton Street, are the 484-unit Fairfield Towers built in the 1960s under the Mitchell-Lama program in an R5 zoning district. Further to the north and east are low-rise townhouses, local retail, schools and churches and the 3,000-unit NYCHA Boulevard and Linden Houses, built in the 1950s. To the west of the URA, across Hendrix Creek, is the New York City Department of Environmental Protection's 26th Ward Water Pollution Control Plant in a M3-1 zoning district. Spring Creek Towers,

formerly known as Starrett City, a 5,881-unit Large-Scale Residential Development that includes a local shopping center, two schools and a community center that opened in 1974, lies further to the west in a R5 zoning district.

**Area History and Previously Approved Urban Renewal Plans**

The Fresh Creek URA and the adjacent land are former wetlands that were filled in by municipal landfill operations beginning in the 1930s. Development of the Spring Creek area began after World War II as an extension of the adjacent East New York community.

***Fresh Creek Urban Renewal Plan, 1967***

On December 21, 1967, the Board of Estimate adopted the Fresh Creek Urban Renewal Plan (URP) (CP 20013), designating the Fresh Creek URA. The City covered the site with clean sand and adopted a land use plan and street system. The original Urban Renewal Plan proposed mixed residential, commercial and community facility uses and parks on large superblocks, comparable to neighboring Starrett City. The parcels designated for public and semi-public uses included two blocks owned by the State of New York. One 35-acre parcel was developed by the NYS Department of Mental Hygiene with the Brooklyn Developmental Center (now run by the Office of Mental Retardation and Developmental Disabilities) east of Erskine Street, the other 30-acre parcel was once envisioned as the location for a NYS psychiatric hospital in the center of the site. The plans for the psychiatric hospital, however, have since been long abandoned.

As part of the original Fresh Creek URP, Vandalia Avenue, a portion of Elton Street and the streets surrounding the Brooklyn Developmental Center were constructed, as well as the Thomas Jefferson High School athletic facility along Flatlands Avenue in the northern portion of the Urban Renewal Area.

***First Amendment to the Fresh Creek Urban Renewal Plan***

The Fresh Creek URP was amended for the first time by the Board of Estimate on July 23, 1982, (C 820749 HUK) to exclude block 4452, lots 410, 415, 425 and 445 in the northeast corner of the URA to allow for the construction of a satellite communications facility. The facility was constructed pursuant to the Amendment and was in operation until recently when it was

dismantled and its site is now being redeveloped for retail uses.

***Second Amendment to the Fresh Creek Urban Renewal Plan***

On June 25, 1996, the City Council adopted the second amendment of the Fresh Creek URP (C 960205 HUK) and several other related land-use actions, including an amendment to the City Map (C 960206 MMK), a rezoning from R3-2 to R6, C4-2 and C2-4 (C 960207 ZMK), UDAAP designation, project approval and disposition of city-owned property (C 960208 HAK and C 960212 HDK), to facilitate the development of Gateway Estates, a mixed-use development with a 643,000 square-foot regional retail center in the southern portion of the site, and up to 2,385 units of affordable housing in one-, two- and three-family townhouses, with community facilities, local retail and interior parks in the northern portion. A 46-acre perimeter park was proposed on the western and southern edges of the URA, as was a new highway interchange on the Belt Parkway at Erskine Street to provide access to the new development.

Portions of the second amendment to the Fresh Creek URP that have been implemented include the regional shopping center and the highway interchange, opened in 2002. Concurrently, 19 acres of open space in a perimeter park have been developed on the southwestern corner of the project site. The Nehemiah Housing Development Fund Corporation is currently constructing 378 units of housing in the northeastern section of the site. The Gateway shopping center has been a tremendous success since its opening with stores achieving some of the highest-grossing sales receipts of their peers around the country. However, a significant portion of the URA, approximately 127 acres, remains vacant.

**Project Description**

Building on the success of the Gateway shopping center and the need for additional affordable housing in New York City, as outlined in the Mayor's *New Housing Marketplace*, HPD and the Related Companies are proposing Gateway II, a new mixed-use development that would expand the existing regional retail center by 620,000 square feet for regional and local commercial uses and develop up to 2,385 units of affordable housing with local neighborhood retail on the remaining vacant portion of the URA.

The new shopping center would be north of, and parallel to, the existing Gateway mall and would contain two east west wings with regional shopping, two local retail buildings, a Town Center and a Rain Garden in the center, as well as 2,067 accessory parking spaces designed to meet the newly-adopted landscaping requirements for commercial parking lots. The local retail buildings in the center would be dedicated to local retail shops and form a continuation to the new shopping center of the local retail corridor of the new residential neighborhood along Elton Street to the north. The Town Center between the two wings of the regional shopping center would create a retail-lined town square with seating, trees and a visual focal point. It would also be an entry to a pedestrian connection between the new retail development and the existing Gateway shopping center that would traverse through a new Rain Garden, designed to catch rainwater run-off. The Pedestrian connection from the new Shopping Center would be in the Rain Garden section a boardwalk traversing the sunken planting beds at street level. Where the pedestrian connection crosses the driveways servicing the loading facilities of both the existing and proposed Shopping Centers a raised crosswalk with stop signs would be built. The driveway would be for deliveries only. The pedestrian connection would then continue on the already existing landscaped footpath between the two wings of the existing shopping center.

Main vehicular access points for the new retail center would be by four entrances on Gateway Drive and Erskine Street which would connect to the Belt Parkway to the south and Flatlands Avenue and Linden Boulevard, two major arterials, to the north. A fifth entrance on Elton Street would mostly serve customers of the local retail component from the residential neighborhood to the north. Via Elton Street, the retail center would also be accessible by bike with bicycle parking provided throughout the center. Loading facilities would be located parallel to the loading docks of the existing Gateway shopping center on the south side of the proposed retail development. Traffic control measures would be put in place to limit vehicular traffic to deliveries only.

The new shopping center would also provide a new bus turnaround and layover for six buses with amenities for drivers and shelter for waiting passengers, at the Gateway Drive entrance of the center. Bus lines would be realigned to serve the new development.

The residential component of the proposed project would be in the northern portion of the URA. The proposed URP would continue to allow for the previously-approved 2,385 units of housing (including 378 units of Nehemiah housing already completed or under construction). The proposed project would increase density on Elton and Locke Streets which would be lined with seven- to eight-story apartment buildings containing 647 one-, two- and three-bedroom units and 68,000 square feet of retail or other non-residential uses on the ground floors. The facades of the buildings would be varied and design guidelines in the Urban Renewal plan would require active uses for the ground floor. The remainder of the residential area would be developed with one- and two-family townhouses, and eight unit apartment buildings ("Octets") on the wider streets. Building types and heights, and for all residential buildings, off street parking would be provided in the rear.

The proposed URP would maintain land set aside for community facilities, which could include a school, a day care facility and other public facilities, and the 3.1 acres of interior and 46.2 acres of perimeter parks proposed in the 1996 plan.

**REQUESTED ACTIONS**

The proposed Gateway Estates II development requires the following actions by the City Planning Commission:

***City Map Change (C 080089 MMK)***

The City Map change would eliminate, establish, realign and extend certain streets, and relocate two of the interior parks, to accommodate the extension of the retail center, improve circulation and to allow for the higher residential densities. None of the streets to be changed or parks to be relocated are mapped, but not currently built.

The streets to the south of Ashford Place and Erskine Street, aka Schroeders Avenue, (Fountain Street, Walker Place and Elton Place), Montauk, Milford, Logan and Fountain Places between Old Vandalia Street (aka Egan Street) and Vandalia Avenue would be eliminated.

Flatlands Place (aka Locke Street) and Old Vandalia Street (aka Egan Street) would be extended

one block to the west from Ashford Street to Gateway Drive and Vandalia Avenue, respectively. Jerome Street between Schroeders Avenue and Vandalia Avenue, Milford Street between Vandalia Avenue and Old Vandalia Street (aka Egan Street) would be newly established. The alignment of Walker Street would be moved further to the west.

***Third Amendment of the Fresh Creek Urban Renewal Plan (C 090078 HUK)***

HPD is requesting the third amendment to the Fresh Creek URP to reflect the proposed Gateway II retail center and the modified housing plan.

The proposed changes to the URP involve land use changes, changes in bulk and density, and supplementary controls. Specifically, it would extend the regional commercial uses to parts of Site 8, 11, parts of Site 12, Site 13, parts of Site 20, Site 21, parts of Site 22, parts of Site 23, parts of Site 24, Site 25, parts of Site 27 and Site 28. Two interior parks would be relocated, from Site 10 to the northeastern portion of site 12 and from Site 23 to parts of Site 26. Commercial and community facility uses would be proposed for Site 33 and Site 26. In addition, the Amendment would take into account the proposed City Map changes (C 090089 MMK) and allow for higher densities along Elton Street in accordance with the proposed new zoning along Elton Street (C 090079 ZMK). The URP also establishes design controls, including a mandate for active ground-floor uses, at least 50 percent fenestration and at least 12-foot wide sidewalks along Elton Street, and height and density controls in the remaining residential areas. Another continued mandate of the URP is the provision of a pedestrian connection between Elton Street and the existing shopping center.

***Zoning Map Amendment (C 090079 ZMK)***

A zoning map amendment is requested to change from R6 and R6/C2-4 to R7A and to R7A/C2-4 along Elton Street and from R6 to C4-2 north of the existing C4-2 zoning district.

The C4-2 district would be extended to 115 feet south of Schroeder's Avenue (aka Ashford Place/Erskine Place) between Gateway Drive and Erskine Street to allow for the construction of the new retail center. C4-2 districts permit regional retail uses with a FAR of up to 3.0.

The underlying residential zoning district along the Elton Street corridor and the block at the southwestern corner of Flatlands Avenue and Elton Street would be changed from R6 to R7A. This modification would increase the permitted FAR from 2.43 to 4.0 for residential uses, impose a maximum building height of 80 feet and mandate Quality Housing regulations.

The applicants also seek to extend and modify the existing C2-4 commercial overlay district along Elton Street from the shopping center to Flatlands Avenue and the block in the southwest corner of Elton Street and Flatlands Avenue to allow for local retail along the Elton Street corridor. Two new C2-4 overlay districts would be mapped on the blocks along Fountain Avenue and Erskine Street to permit for public facilities.

***UDAAP and Disposition of City-owned Property (C 090082 HAK)***

HPD seeks the designation of property located at Block 4444, p/o Lot 1 (p/o Site 3a of the Fresh Creek Urban Renewal Area); Block 4445-4446, Lot 1 (Sites 3b, 3e, 3f and p/o Site 3a of the Fresh Creek Urban Renewal Area), Block 4447, p/o Lot 1 (p/o Site 4 of the Fresh Creek Urban Renewal Area); Block 4448-4449, Lot 1 (Sites 6a, 6b, 14a, 14c and p/o Site 4 of the Fresh Creek Urban Renewal Area); Block 4452, Lots 600 and 700, and p/o Lots 170 and 400 (Sites 3c, 3d, 7a-c, 8a-f, 10, 12a-e, 16c, 19b, 20a-b and p/o Sites 13a and 24 of the Fresh Creek Urban Renewal Area); and Block 4586, p/0 Lot 1 (Sites 29, 31, 27, 28, and p/o Sites 13a and 24 of the Fresh Creek Urban Renewal Area), as an Urban Development Action Area, project approval and the disposition of City-owned land.

***Special Permit for Modification of Sign Regulations (C 090081 ZSK)***

The applicants request a special permit for a Special Permit for the modification of sign regulations pursuant to Section 74-744 of the Zoning Resolution to facilitate the construction of two signs at the Erskine Street and Gateway Drive entrances of the regional and local retail center.

In C4-2 zoning districts, the area of signs is limited to five times the street frontage in feet, but to no more than 500 square feet, and the height is limited to 40 feet from the curb line. As a portion of the proposed retail center would be obscured by the existing Gateway shopping center,

especially for customers approaching from Belt Parkway, waivers are sought pursuant to Sections 74-74 of the Zoning Resolution to increase the surface area of the signs and to allow for signs above the 40 feet height limit. The signs would conform to the height regulations in C4-2 zoning districts, which allow for a street wall height of 60 feet and a building height of 70 feet. Section 74-744 authorizes the City Planning Commission to modify the surface area and illumination (Section 32-64 ZR) and height and projection (Section 32-66 ZR) and other regulations regarding signage, if certain findings specified in ZR 74-744(c) are met.

**ENVIRONMENTAL REVIEW**

This application (C 090078 HUK), in conjunction with the applications for the related actions (C 080089 MMK, C 090079 ZMK, C 090081 ZSK, C 090082 HAK), 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07HPD021K. The lead agency is the Department of Housing Preservation and Development.

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on February 15, 2007, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on February 15, 2007. A public scoping meeting was held on the DEIS on March 21, 2007. A Final Scope of Work, reflecting the comments made during the scoping, was issued on August 8, 2007.

The applicant prepared a DEIS and a Notice of Completion for the DEIS was issued on

September 3, 2008. On January 7, 2009, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion for the FEIS was issued on February 4, 2009.

The FEIS identified the following significant impacts and proposed the following mitigation measures:

*HAZARDOUS MATERIALS*
Subsurface investigations have confirmed that historic and current uses of the Project Site and adjacent and surrounding properties have resulted in soil, groundwater, and methane contamination. Therefore, the entire Project Site has some potential for the presence of subsurface hazardous materials. The fill has levels of metals, SVOCs, and VOCs consistent with urban historic fill. The proposed construction (of buildings, roads, utilities) would disturb and remove some of this fill.

*TRAFFIC AND PARKING*
The traffic and parking analysis assessed potential impacts on 46 intersections within a primary and secondary study area. The analysis included 37 existing intersections and nine new intersections created by the Proposed Project. The locations analyzed in the study area currently operate at levels of service ranging from extremely favorable (LOS A) to poor (LOS F). Five peak hours were analyzed: the weekday AM (8AM to 9AM); midday (12:45PM to 1:45PM); and PM (4:45PM to 5:45PM); and Saturday midday (1PM to 2PM) and Saturday PM (4PM to 5PM) peak hours.

*Intersection Level of Service Analysis*
The 2011 Build year traffic volumes were developed by adding the project-generated volumes to the 2011 No Build volumes. The 2011 Build levels of service were then compared to the 2011 No Build condition to assess potential significant traffic impacts of the Proposed Project. Overall, significant adverse impacts would result at 10 intersections in the weekday AM peak, 10 intersections in the weekday midday peak, 12 intersections in the weekday PM peak, 14 intersections in the Saturday midday peak, and 16 intersections in the Saturday PM peak. The affected intersections are:

- Erskine Street and eastbound Shore Parkway on/off ramps
- Erskine Street and westbound Shore Parkway on/off ramps
- Erskine Street and Gateway Drive
- Erskine Street and Gateway Plaza
- Gateway Drive and Driveway to Olive Garden

- Gateway Drive and Driveway to Red Lobster
- Gateway Drive and Driveway to Boulder Creek
- Gateway Drive and Gateway Plaza
- Fountain Avenue and Vandalia Avenue
- Fountain Avenue and Flatlands Avenue
- Fountain Avenue and Old Mill Road (unsignalized)
- Fountain Avenue and Cozine Avenue (unsignalized)
- Fountain Avenue and Wortman Avenue (unsignalized)
- Fountain Avenue and Stanley Avenue
- Fountain Avenue and Liberty Avenue (unsignalized)
- Fountain Avenue and Atlantic Avenue (unsignalized)
- Flatlands Avenue and Atkins Avenue (unsignalized)
- Flatlands Avenue and Essex Street (unsignalized)
- Flatlands Avenue and Linwood Street (unsignalized)
- Flatlands Avenue and Elton Street (unsignalized)
- Flatlands Avenue and Jerome Street (unsignalized)
- Flatlands Avenue and Schenck Avenue/Vandalia Avenue
- Flatlands Avenue and Van Siclen Avenue
- Flatlands Avenue and Pennsylvania Avenue
- Flatlands Avenue and Rockaway Parkway
- Flatlands Avenue and Remsen Avenue
- Linden Boulevard and 79th Street
- Linden Boulevard and Euclid Avenue
- Linden Boulevard/Loring Avenue and Fountain Avenue
- Linden Boulevard and Atkins Avenue
- Linden Boulevard and Elton Street (unsignalized)
- Linden Boulevard and Pennsylvania Avenue
- Linden Boulevard and Rockaway Avenue
- Linden Boulevard and Rockaway Parkway
- Linden Boulevard and Remsen Avenue and Kings Highway
- Pennsylvania Avenue and Liberty Avenue
- Pennsylvania Avenue and Atlantic Avenue

Overall, significant adverse impacts would result at 12 intersections in the weekday AM peak, 10 intersections in the weekday midday peak, 14 intersections in the weekday PM peak, 15 in the Saturday midday peak, and 19 in the Saturday PM peak. Mitigation measures for significantly-impacted locations are discussed in the "Mitigation" section below.

*TRANSIT AND PEDESTRIANS*

The assessment of potential impacts on transit service examined subway station operations at three stations—Canarsie-Rockaway Parkway Station (L), the New Lots Station (3, 4) and the Euclid Avenue Station (A, C)—and on four bus routes—B6 Limited, B13, B83, and the Q8. The analysis concludes that the Proposed Project would not result in impacts at these subway stations, but it would result in significant adverse line-haul impacts for these bus routes.

Mitigation measures for the significant adverse bus line-haul impacts are presented below under "Mitigation."

*NOISE*
The Proposed Project would place sensitive land uses (receptors) in areas with relatively high levels of ambient noise, which would result in significant adverse noise impacts. The *CEQR Technical Manual* noise attenuation requirements for buildings, which are based on exterior L10(1) noise levels, are designed to maintain interior noise levels of 45 dBA or lower for residential, day care, schools, and similar noise-sensitive uses and 50 dBA or lower for commercial use. Measures to mitigate significant adverse noise impacts are identified in the "Mitigation" section below.

*CONSTRUCTION*
Nevertheless, construction activities have the potential to result in temporary adverse effects on traffic, air quality, and noise, and the historic use of this site has resulted in the presence of contaminated soils.

Potential adverse impacts from construction related traffic were analyzed for the morning (6-8 AM) and evening (3-4 PM) peak hours for six intersections: Erskine Street and Gateway Drive; Flatlands Avenue and Fountain Avenue; Flatlands Avenue and Jerome Street; Flatlands Avenue and Pennsylvania Avenue; Linden Boulevard and Fountain Avenue; and Linden Boulevard and Pennsylvania Avenue. Measures to mitigate significant adverse construction traffic impacts are identified in the "Mitigation" section below.

**MITIGATION**
Potential significant adverse impacts from the Proposed Project have been identified in the analysis areas of hazardous materials, traffic and parking, transit, and noise. Measures to minimize or eliminate these impacts are summarized below.

*HAZARDOUS MATERIALS*
In order to prevent potential risks and thereby avoid the potential for significant adverse impacts related to hazardous materials, the Proposed Project would include appropriate health and safety and remedial measures (conducted in compliance with all applicable laws and regulations and conforming to appropriate engineering practice) that would govern both soil disturbance activities and subsequent construction at the site.

These measures would include the development of a Remedial Action Plan (RAP) and environmental Health and Safety Plan (HASP) for soil disturbance that would include detailed procedures for managing both known contamination issues (e.g., fill) and any unexpectedly encountered contamination issues. When the project design has progressed sufficiently to determine the areas of proposed soil disturbance and details of foundation construction (with sufficient additional soil, soil gas and/or groundwater testing both to characterize the materials that would be disturbed and to design the required methane gas venting systems), the RAP and HASP would be sent to NYCDEP for review and approval. The HASP would include procedures for avoiding the generation of dust that could affect the surrounding community as well as any monitoring necessary to ensure that no such impacts would occur. The RAP would include

design and installation of methane gas venting systems in all new buildings and would ensure that in areas not otherwise capped by buildings, pavements, or other impervious materials that surface soil (at least two feet deep) meets applicable guideline requirements for their respective commercial or residential uses. All work would be performed in accordance with applicable city, state, and federal requirements.

Prior to site excavation, a construction-specific HASP would be prepared to address both the known contamination issues (based on the previous studies) and contingency items (e.g., finding unexpected petroleum storage tanks or petroleum-contaminated soil). The HASP would describe in detail the health and safety procedures to minimize exposure of hazardous materials to workers and the public. The hazards across the Project Site would be evaluated by determining the subsurface contaminants of concern and their chemical and physical characteristics. Health hazards would be considered within the potential exposure associated with the work to be performed. The HASP would be developed in accordance with United States Occupational Safety and Health Administration (OSHA) regulations and guidelines

Soil gas sampling identified methane at many locations within the Project Site. As such, all project components would include precautionary measures (such as sub-slab and active venting) which would be in place during building construction and would be operational prior to occupancy.

The LDA between HPD and Gateway Center Properties Phase II, LLC and Nehemiah Housing Development Fund Co., Inc. would include provisions related to hazardous materials mitigation. In connection with the disposition of City-owned property to the developers, a restrictive declaration would be recorded to restrict future use and/or development to a manner which is consistent with the hazardous materials mitigation systems. The provisions of the restrictive declaration would be designed to control land use and ensure long term maintenance and operations of engineering controls, which are part of the hazardous material mitigation systems. The restrictive declaration is a covenant, which binds the present owners, and all successors, and serves as notice to any future owner of the conditions and restrictions that are continuously binding on the land.

The SCA is an Involved Agency and would be responsible for the design and construction of the school facility on Block 4449. Under the terms of its enabling legislation, the SCA must comply with the requirements of the State Environmental Quality Review Act (SEQRA). Therefore, the SCA would conduct a Phase II Environmental Site Investigation to confirm subsurface conditions. Based on the findings of the Phase II Environmental Site Investigation, the SCA would develop management plans (e.g., soil management plan, groundwater management plan, construction HASP, etc.) to address any hazardous materials that may be encountered during construction of the school. The management plans prepared by the SCA would be separate from the RAP and HASP described above, but would include equally stringent requirements. At a minimum, the design of the new school would include a vapor barrier and an active sub-slab depressurization system (SSDS) to prevent potential migration of organic vapors and methane into the proposed school building. Additionally, for areas of the school where exposed soils may exist (i.e., landscaped areas), a twenty-four (24) inch thick layer of certified-clean fill would be placed over the soils.

*TRAFFIC AND PARKING*
A detailed evaluation of mitigation measures indicated that significant adverse impacts would be fully mitigated at all but six locations (three to four locations per time period) by standard traffic engineering improvements such as installation of traffic signals, signal phasing and timing modifications, parking prohibitions, and lane restriping. These modifications represent standard traffic capacity improvements that have been proposed and implemented to mitigate anticipated traffic impacts for numerous projects in New York City.

**2011 MITIGATION**
*ERSKINE STREET AND BELT PARKWAY WESTBOUND RAMPS*
The intersection of Erskine Street and the Belt Parkway westbound ramps would be significantly impacted during the Saturday PM peak hour and would be fully mitigated by modifying the signal timings.

*ERSKINE STREET AND GATEWAY DRIVE*
The intersection of Erskine Street and Gateway Drive would be significantly impacted during the Saturday midday and PM peak hours. The impacts would be mitigated by shifting the northbound Erskine Street approach median eight feet to the east, increasing the width of the median from 4 feet to 6.5 feet, and restriping the approach to a new configuration of two 10-foot wide exclusive left turn lanes, one 14-foot wide shared through-right lane, and three southbound receiving lanes (each 10 feet in width), while maintaining the existing bike lanes. It would also be necessary to restripe the southbound Erskine Street approach as one 10-foot-wide exclusive left turn lane, one 11.5-foot-wide through lane, one 12-foot-wide through lane and one 12.5-foot-wide shared through-right lane. These geometric changes would mitigate impacts in the Saturday midday peak hour and would be in place for all conditions, but would not mitigate impacts in the Saturday PM peak hour.

*ERSKINE STREET AND GATEWAY PLAZA*
The intersection of Erskine Street and Gateway Plaza would be significantly impacted during the Saturday PM peak hour and could be mitigated via the following physical changes that would be in place for all five traffic analysis peak hours: 1) reducing the width of the median along the southbound approach from 20.5 feet to 10 feet and restriping the approach as two 11-foot-wide through lanes and one 12.5-foot-wide shared through-right lane; and 2) reducing the width of the median along the receiving side of the intersection from 15 feet to 8 feet and restriping the receiving lanes with three 10-foot-wide receiving lanes.

*FOUNTAIN AVENUE AND FLATLANDS AVENUE*
The physical changes that would be needed for all five traffic analysis peak hours include the following: 1) restriping the eastbound approach as one 12-foot-wide exclusive left turn lane, one 12-foot-wide through lane, and one 14-foot-wide shared through-right lane; and 2) removing curbside parking along the south side of the eastbound receiving side 150 feet downstream of the intersection, shifting the westbound approach centerline 10 feet to the south, tapered 150 feet upstream of the intersection, restriping the westbound approach as one 12-foot-wide exclusive left turn lane, one 12-foot-wide through lane and one 20.5-foot-wide shared through-right lane with curbside parking, and restriping the eastbound receiving side as one 12-foot-wide lane and

one 13-foot-wide lane. Addition of an eastbound-left/westbound-left lead phase, and modifications to the signal timing plan would also be required to mitigate the significant impacts. Replacement of the existing mechanical signal controller with a computerized controller would be necessary to accommodate different signal timing plans for the different peak hours. Up to seven parking spaces would be lost due to parking restrictions.

*FOUNTAIN AVENUE AND LIBERTY AVENUE*

In order to mitigate significant traffic impacts during the weekday PM, Saturday midday, and Saturday PM peak hours, it would be necessary to remove the curbside parking 120 feet upstream of the intersection along the east side of the southbound Fountain Avenue approach to gain an additional travel lane, and to restripe this approach to provide one 12-foot-wide exclusive left turn lane and one 18-foot-wide shared through-right lane with curbside parking. These geometric modifications would be in place for all time periods. Curbside parking along the west side of the southbound Fountain Avenue approach, 120 feet upstream of the intersection, would need to be to prohibited for the Saturday PM peak period to gain additional storage space for right turning vehicles. In the Saturday PM peak period, up to 11 parking spaces would be lost due to parking restrictions; up to five spaces would be lost in all other peak periods.

*FLATLANDS AVENUE AND VAN SICLEN AVENUE*

Physical changes would be needed for all five of the traffic analysis peak hours, including the following: 1) removing the curbside parking 220 feet upstream of the intersection along the east side of the northbound Van Siclen Avenue approach (which would result in the loss of up to 10 parking spaces), shifting the northbound approach centerline three feet to the west, tapered 220 feet upstream of the intersection, and restriping the approach as one 10-foot-wide exclusive left turn lane, one 10-foot-wide through lane, and one 10-foot-wide exclusive right turn lane with one 24-foot-wide southbound receiving lane with parking; 2) shifting the southbound approach centerline 4.5 feet to the east, tapered 270 feet upstream of the intersection, and restriping the southbound approach to a new configuration with one 10-foot-wide exclusive left turn lane, and one 19.5-footwide shared through-right lane with curbside parking, with one 20-foot-wide northbound receiving lane; 3) removing the curbside parking 120 feet upstream of the intersection along the south side of eastbound Flatlands Avenue (which would result in the loss of up to six parking spaces), reducing the width of the eastbound approach median from 6.5 feet to 3.5 feet, and restriping the eastbound approach to maintain the 10-foot-wide exclusive left turn lane, and provide one 13-foot-wide through lane, one 12-foot-wide through lane, and one 10-foot-wide exclusive right turn lane; 4) removing the curbside parking 190 feet upstream of the intersection along the north side of the westbound Flatlands Avenue (which would result in the loss of up to nine parking spaces), restriping the Flatlands Avenue westbound approach as one 10-foot-wide exclusive left turn lane, one 12-foot-wide through lane, one 11-foot-wide through lane, and one 10-foot-wide exclusive right turn lane; A new eastbound-left/westbound-left lead phase, as well as signal timing modifications, would also be necessary for all peak hour conditions. Replacement of the existing mechanical signal controller with a computerized controller would be necessary to accommodate different signal timing plans for the different peak hours.

*FLATLANDS AVENUE AND PENNSYLVANIA AVENUE*

This intersection would experience unmitigatable significant impacts during the weekday AM, PM, Saturday midday, and Saturday PM peak hours since it is a heavily trafficked location that already has several traffic movements operating at LOS E or F conditions even under existing and No Build conditions. Standard traffic engineering measures would only partially mitigate the significant impacts in the weekday midday peak hour. Traffic improvements that would achieve partial mitigation include signal timing modifications and restriping the Pennsylvania Avenue southbound approach as one 13-foot-wide exclusive left turn lane, two 10-foot-wide through lanes and one 10-foot-wide shared through-right lane.

*FLATLANDS AVENUE AND ROCKAWAY PARKWAY*
This intersection, which has limited capacity due to narrow lane widths, would experience significant impacts in the weekday PM, Saturday midday, and Saturday PM peak hours. The following geometric changes would fully mitigate the intersection in the weekday PM peak hour and partially mitigate the intersection in the Saturday midday and PM peak hours: removing the curbside parking 120 feet upstream of the southbound Rockaway Parkway approach to gain another travel lane, which would result in the loss of up to six parking spaces; and restriping the approach as one 10-foot-wide shared left-through lane and one 10-foot-wide shared throughright lane. Removal of the northbound lead phase, as well as signal timing modifications, would also be necessary for all peak hour conditions.

*FLATLANDS AVENUE AND REMSEN AVENUE*
To fully mitigate projected significant impacts, curbside parking would need to be removed 120 feet upstream of the intersection along the eastbound and westbound approaches and along the receiving sides of the intersection to accommodate additional moving lanes, resulting in a loss of up to 18 parking spaces. The eastbound and westbound approaches would need to be reconfigured by shifting the centerlines two feet to the north for the eastbound approach and to the south for the westbound approach, and by restriping the approaches to maintain the existing 8-foot-wide exclusive left turn lane, and to provide two 10-foot-wide through lanes, and one 10-foot-wide exclusive right turn lane. The eastbound and westbound receiving sides would need to be restriped with one 12-foot-lane and one 14-foot-lane each. In addition, the southbound Remsen Avenue approach exclusive left turn lane would need to be restriped from 10 feet to 11 feet by shifting the centerline one foot to the east tapered 150 feet upstream of the intersection. The southbound approach stop bar would be shifted 10 feet to the north. The receiving side of northbound Remsen Avenue would be restriped as one 12-foot-wide and the existing 14-footwide lane. These physical changes would be necessary to mitigate significant impacts in the weekday AM, PM, Saturday midday, and Saturday PM peak hours, but would be in place for all time periods. To fully mitigate all impacts, it would also be necessary to modify the signal timing plans for the weekday PM, Saturday midday, and Saturday PM peak hours to provide additional green time for north/south movements. Replacement of the existing mechanical signal controller with a computerized controller would be needed to accommodate different signal timing plans for the different peak hours.

*LINDEN BOULEVARD AND FOUNTAIN AVENUE/LORING AVENUE*
Significant traffic impacts during all five peak hours could be mitigated by converting Loring Avenue into a one-way southbound street, which was proposed as a mitigation measure in the 1996 Plan and is necessary to mitigate the significant impacts of the Proposed Project, restriping

Loring Avenue as two receiving lanes, and by modifying the signal phasing and timing plans to accommodate an eastbound-left/westbound-left lead phase in place of the existing eastbound lead phase. All traffic movements from northbound Loring Avenue have been assumed to divert through the intersections of Fountain Avenue and Stanley Avenue and Linden Boulevard and Euclid Avenue and are included in the mitigated condition level of service analyses for those intersections. The diverted traffic would cause significant impacts at the intersection of Linden Boulevard and Euclid Avenue during the three weekday peak hours, which are discussed below.

*LINDEN BOULEVARD AND EUCLID AVENUE*
In the weekday peak hours, northbound Euclid Avenue would experience significant impacts because of the increase in volume from the Loring Avenue diversions. The impacts could be mitigated by modifying the signal timing and by prohibiting curbside parking 120 feet upstream of the northbound Euclid Avenue approach in the AM and PM peak periods to reduce friction from parking maneuvers. Up to six on-street parking spaces would be lost during these two peak periods.

*LINDEN BOULEVARD AND PENNSYLVANIA AVENUE*
The proposed development would create unmitigatable impacts during the weekday midday, Saturday midday, and Saturday PM peak traffic analysis hours at this heavily trafficked location that already has several traffic movements operating at LOS E or F conditions even under existing and No Build conditions. In the weekday AM and PM peak hours, it would be possible to partially mitigate significant impacts. Traffic improvements that would achieve partial mitigation include: 1) restriping the northbound Pennsylvania Avenue approach as one 12.5-foot-wide exclusive left turn lane, two 11-foot-wide through lanes and one 10-foot-wide exclusive right turn lane; 2) removing curbside parking along the northbound Pennsylvania Avenue receiving side to allow for restriping; 3) shifting the southbound Pennsylvania Avenue approach centerline three feet to the east tapered 150 feet upstream of the intersection, maintaining the 9.5-foot-wide exclusive left turn lane, and restriping the other lanes to provide one 11-foot-wide through lane, one 12-foot-wide shared through-right lane, and two northbound receiving lanes (both 11 feet in width); 4) reducing the width of the eastbound Linden Boulevard service road approach median from seven feet to five feet, maintaining the 11.5-foot-wide exclusive left turn lane and restriping the other lanes to provide three 12-foot-wide through lanes; and 5) reducing the width of the westbound Linden Boulevard service road approach median from seven feet to five feet, maintaining the 10-foot-wide exclusive left turn lane and restriping the other lanes to provide three 12-foot-wide through lanes.

*LINDEN BOULEVARD AND ROCKAWAY AVENUE*
Significant traffic impacts would be partially mitigatable during the weekday midday peak hour. Significant traffic impacts during all other peak hours could be mitigated by: 1) shifting the Rockaway Avenue southbound approach centerline two feet to the east, tapered 60 feet upstream of the intersection, and restriping the southbound approach as one 10-foot-wide exclusive right turn lane and one 12-foot-wide shared left-through lane, and reducing the northbound receiving lane width from 20 feet to 18 feet; 2) shifting the Rockaway Avenue northbound approach centerline two feet to the west, tapered 60 feet upstream of the intersection, and restriping the northbound approach as one 12-foot-wide exclusive right turn lane and one 10-foot-wide shared left-through lane, and reducing the southbound receiving lane width from 20 feet to 18 feet.

Signal timing modifications that would provide additional green time for north/south traffic movements and for eastbound and westbound left turns would also be necessary to fully mitigate all significant impacts.

*LINDEN BOULEVARD AND ROCKAWAY PARKWAY*
This intersection would not be significantly impacted during the weekday AM peak hour. Significant traffic impacts during all other peak hours would be mitigated by signal timing modifications that would provide additional green time for north/south traffic movements.

*LINDEN BOULEVARD AND REMSEN AVENUE AND KINGS HIGHWAY*
Several physical improvements would be needed to fully mitigate projected significant traffic impacts for all peak hours, except the Saturday PM peak hour during which it would be only partially mitigated. These physical changes include: 1) reducing the width of the northbound Kings Highway service road approach median from seven feet to five feet, and restriping the northbound service road approach to provide one 10-foot-wide through lane and maintaining the existing 10-foot- wide shared through-right lane; 2) reducing the width of the eastbound Linden Boulevard approach painted median from seven feet to two feet, restriping the approach to provide one 13-foot-wide through lane and one 14-foot-wide shared through-right lane, and restriping the westbound receiving side to provide two 10-foot-wide lanes; and 3) shifting the westbound Linden Boulevard mainline median two feet to the south, and reducing the width of this median from four feet to two feet, restriping the westbound mainline approach (for through traffic) as one 12-foot-wide shared left-through lane and one 14-foot-wide through lane, and restriping the eastbound mainline receiving side as two 11-foot-wide lanes.

*PENNSYLVANIA AVENUE AND LIBERTY AVENUE*
Geometric improvements needed to mitigate significant traffic impacts include: 1) removing curbside parking along the northbound Pennsylvania Avenue approach and receiving side 120 feet upstream and downstream of the intersection, resulting in the loss of up to 9 parking spaces; 2) restriping the northbound approach as one 14-foot-wide shared left-through lane, one 14-footwide shared through-right lane; 3) restriping the southbound approach as one 11-foot-wide shared left-through lane and one 18-foot-wide shared through-right lane; 4) restriping the northbound receiving as one 14-foot-wide and one 15-foot-wide receiving lane; 5) restriping the southbound receiving as one 11-foot-wide and one 19-foot-wide receiving lane. These improvements would be needed to mitigate significant traffic impacts in the weekday AM, midday, Saturday midday, and Saturday PM peak hours but would be in place for all conditions.

*PENNSYLVANIA AVENUE AND ATLANTIC AVENUE*
This intersection would experience unmitigatable significant impacts during all five time periods since it is a heavily trafficked location that already has several traffic movements operating at LOS E or F conditions even under existing and No Build conditions. Standard traffic engineering measures would not successfully mitigate the significant impacts at this location.

**2013 MITIGATION**
Geometric modifications used to mitigate the 2011 Build condition are carried through to mitigate the 2013 Build condition. Some locations required further geometric modifications or signal timing adjustments as described below.

*ERSKINE STREET AND BELT PARKWAY EASTBOUND RAMPS*
The intersection of Erskine Street and the Belt Parkway eastbound ramps would be significantly impacted during the Saturday PM peak hour and would be fully mitigated by modifying the signal timings.

*ERSKINE STREET AND BELT PARKWAY WESTBOUND RAMPS*
The mitigation measures proposed for the 2011 Build condition are sufficient to mitigate the 2013 Build condition.

*ERSKINE STREET AND GATEWAY DRIVE*
The mitigation measures needed for the 2011 Build condition are sufficient to mitigate the impacts during the weekday AM, PM and Saturday midday peak hours during the 2013 Build condition, but significant impacts in the Saturday PM peak period would be unmitigatable.

*ERSKINE STREET AND GATEWAY PLAZA*
The mitigation measures proposed for the 2011 Build condition are sufficient to mitigate the 2013 Build condition.

*GATEWAY DRIVE AND DRIVEWAY TO BOULDER CREEK*
The intersection of Gateway Drive and the driveway to the Boulder Creek restaurant would be significantly impacted during the Saturday PM peak hour and would be fully mitigated by modifying the signal timings.

*FOUNTAIN AVENUE AND FLATLANDS AVENUE*
The mitigation measures proposed for the 2011 Build condition are sufficient to mitigate the 2013 Build condition.

*FOUNTAIN AVENUE AND LIBERTY AVENUE*
The mitigation measures proposed for the 2011 Build condition are sufficient to mitigate the 2013 Build condition.

*FLATLANDS AVENUE AND JEROME STREET*
The intersection of Flatlands Avenue and Jerome Street would be significantly impacted during the Saturday PM peak hour and would be fully mitigated by modifying the signal timings.

*FLATLANDS AVENUE AND VAN SICLEN AVENUE*
The mitigation measures proposed for the 2011 Build condition are sufficient to mitigate the 2013 Build condition.

*FLATLANDS AVENUE AND PENNSYLVANIA AVENUE*
This intersection would experience unmitigatable significant impacts during the weekday AM, PM, Saturday midday, and Saturday PM peak hours in the 2013 Build condition. Standard traffic engineering measures would partially mitigate the significant impacts for the weekday midday peak hour. The mitigation measures proposed for the 2011 Build condition are also proposed for the 2013 Build condition.

*FLATLANDS AVENUE AND ROCKAWAY PARKWAY*
All physical changes described as part of the mitigation for the 2011 Build condition would be necessary under the 2013 Build condition. In addition, signal timing plans would need to be readjusted for the weekday PM, Saturday midday, and Saturday PM peak hours. Because of the intersection's limited capacity, standard traffic engineering measures would only partially mitigate the intersection in the Saturday midday and PM peak hours, and the intersection would be unmitigatable in the weekday AM peak hour.

*FLATLANDS AVENUE AND REMSEN AVENUE*
The mitigation measures proposed for the 2011 Build condition are sufficient to mitigate the 2013 Build condition.

*LINDEN BOULEVARD AND FOUNTAIN AVENUE/LORING AVENUE*
In addition to the conversion of Loring Avenue to a one-way southbound street proposed for the 2011 Build condition, several other geometric changes would be necessary to fully mitigate all significant impacts. Loring Avenue would need to be restriped as two receiving lanes. The Linden Boulevard eastbound mainline approach would need to be restriped as one 13-foot-wide exclusive left turn lane and three 10-foot-wide through lanes. The westbound mainline approach would need to be restriped as one 14-foot-wide exclusive left turn lane and three 10-foot-wide through lanes. Also, curbside parking would need to be prohibited 250 feet and 120 feet upstream of the intersection along the northbound and southbound Fountain Avenue approaches, respectively, to reduce friction from parking maneuvers in the weekday AM, PM, Saturday midday, and Saturday PM peak periods. Up to eight on-street parking spaces would be lost at this intersection during these three peak periods. In addition, it would be necessary to modify the signal phasing and timing plans for all peak periods analyzed to accommodate a westbound lead phase in place of the existing eastbound lead phase.

*LINDEN BOULEVARD AND EUCLID AVENUE*
The intersection of Linden Boulevard and Euclid Avenue would not experience any significant traffic impacts in the 2013 Build condition; therefore, no mitigation measures are necessary.

*LINDEN BOULEVARD AND ATKINS AVENUE*
Significant traffic impacts for the weekday AM peak hour could be mitigated by prohibiting curbside parking on the east and west side of the southbound Atkins Avenue approach 120 feet from the intersection (which would result in the loss of up to 10 parking spaces), and by signal timing modifications that would provide additional green time for southbound traffic movements.

*LINDEN BOULEVARD AND PENNSYLVANIA AVENUE*
The geometric improvements for the 2013 Build condition are the same as those used to partially mitigate significant impacts during the 2011 Build condition. Although these measures would only partially mitigate the significant impacts in the weekday midday peak hour, the overall delays of the intersection would improve for all peak hour conditions.

*LINDEN BOULEVARD AND ROCKAWAY AVENUE*

The geometric changes proposed for the 2011 Build condition would be sufficient to mitigate the impacts during the weekday PM peak hour, and further adjustments to the signal timing plans in addition to the geometric measures would be sufficient to mitigate the impacts during the weekday midday, Saturday midday, and Saturday PM peak hours in the 2013 Build condition.

*LINDEN BOULEVARD AND ROCKAWAY PARKWAY*
No significant impacts would occur at the intersection of Linden Boulevard and Rockaway Parkway in the weekday AM peak hour. Similar to the 2011 Build condition, significant traffic impacts during the weekday midday, PM, Saturday midday, and Saturday PM peak hours could be mitigated by signal timing modifications that would provide additional green time for north/south traffic movements.

*LINDEN BOULEVARD AND REMSEN AVENUE AND KINGS HIGHWAY*
All mitigation measures proposed for the 2011 Build condition are sufficient to mitigate the 2013 Build condition.

*PENNSYLVANIA AVENUE AND LIBERTY AVENUE*
The mitigation measures proposed for the 2011 Build condition are sufficient to mitigate the 2013 Build condition.

*PENNSYLVANIA AVENUE AND ATLANTIC AVENUE*
As previously described, this intersection would experience unmitigatable significant impacts during all five time periods since it is a heavily trafficked location that already has several traffic movements operating at LOS E or F conditions even under existing and No Build conditions. Standard traffic engineering measures would not successfully mitigate the significant impacts at this location.

Vehicles generated by construction activities were assigned to the street network to determine the location of critical intersections. The 6-7 AM and 3-4 PM peak hours were analyzed at six critical locations: Erskine Street and Gateway Drive; Flatlands Avenue and Fountain Avenue; Flatlands Avenue and Jerome Street; Flatlands Avenue and Pennsylvania Avenue; Linden Boulevard and Fountain Avenue; and Linden Boulevard and Pennsylvania Avenue. Under future conditions with construction, significant adverse impacts would occur at two of these six locations in the 6-7 AM peak hour and at four locations in the 3-4 PM peak hour. One of the two significantly impacted locations in the 6-7 AM peak hour, and all four significantly impacted locations in the 3-4 PM peak hour could be mitigated using measures similar to those recommended under Build conditions. The location of Flatlands and Pennsylvania Avenues would be unmitigated in the 6-7 AM peak hour.

Implementation of the traffic engineering improvements described above would require the approval of NYCDOT. Coordination would be undertaken with NYCDOT to implement these proposed mitigation measures.

*TRANSIT*
The bus line-haul impacts would be fully mitigated with increased peak hour service on the routes that serve the Project Site. Table 7 shows the required number of bus runs to fully mitigate

the impacts of the Proposed Project in the 2011 and 2013 build years.

A component of the Proposed Project is a proposed bus layover facility, to be located in the parking area of the shopping center on the western side of the Project Site, adjacent to Gateway Drive. The facility would provide space for up to six buses to layover concurrently, and would include a canopy to shelter bus passengers while loading and unloading. NYCT is considering extending existing bus service and providing new routes to this facility. It is anticipated that increases in service to the Project Site would result in improved operating conditions and reduced loads on the B6 and B13 bus routes.

Implementation of the bus service improvements described below would require the approval of NYCT. Coordination would be undertaken with NYCT to implement these proposed mitigation measures.

**Table 7 2011 and 2013 Build and Build with Mitigation Conditions: Bus Line Haul at NYCT Maximum Load Points**

| Analysis Year | Route | Peak Period | Direction | Build without Mitigation | | Build with Mitigation | | |
|---|---|---|---|---|---|---|---|---|
| | | | | Buses Per Hour | Passengers per Bus | Buses per Hour | Passengers per Bus | Additional Buses |
| 2011 | B6 LTD | AM | Eastbound | 9 | 40 | NA | NA | NA |
| | | | Westbound | 17 | (65) | 21 | 53 | 4 |
| | | PM | Eastbound | 13 | (63) | 15 | 54 | 2 |
| | | | Westbound | 8 | (62) | 10 | 50 | 2 |
| | B13 | AM | Northbound | 7 | (65) | 9 | 51 | 2 |
| | | | Southbound | 4 | 52 | NA | NA | NA |
| | | PM | Northbound | 5 | 49 | NA | NA | NA |
| | | | Southbound | 6 | (74) | 9 | 49 | 3 |
| | B83 | AM | Northbound | 11 | (61) | 13 | 52 | 2 |
| | | | Southbound | 6 | 47 | NA | NA | NA |
| | | PM | Northbound | 6 | 46 | NA | NA | NA |
| | | | Southbound | 14 | 48 | NA | NA | NA |
| | Q8 | AM | Northbound | 5 | 36 | NA | NA | NA |
| | | | Southbound | 5 | 10 | NA | NA | NA |
| | | PM | Northbound | 5 | 23 | NA | NA | NA |
| | | | Southbound | 5 | 34 | NA | NA | NA |
| 2013 | B6 LTD | AM | Eastbound | 12 | (56) | 13 | 52 | 1 |
| | | | Westbound | 19 | (71) | 25 | 54 | 6 |
| | | PM | Eastbound | 16 | (69) | 21 | 53 | 5 |
| | | | Westbound | 10 | (72) | 14 | 51 | 4 |
| | B13 | AM | Northbound | 11 | (73) | 15 | 54 | 4 |
| | | | Southbound | 7 | (66) | 9 | 51 | 2 |
| | | PM | Northbound | 6 | (63) | 7 | 54 | 1 |
| | | | Southbound | 10 | (81) | 15 | 54 | 5 |
| | B83 | AM | Northbound | 13 | (66) | 16 | 54 | 3 |
| | | | Southbound | 9 | (64) | 11 | 52 | 2 |
| | | PM | Northbound | 6 | (56) | 7 | 48 | 1 |
| | | | Southbound | 14 | 54 | NA | NA | NA |
| | Q8 | AM | Northbound | 6 | (59) | 7 | 51 | 1 |
| | | | Southbound | 5 | 34 | NA | NA | NA |
| | | PM | Northbound | 5 | 42 | NA | NA | NA |
| | | | Southbound | 6 | (58) | 7 | 49 | 1 |

**Note:** The B6 Local service does not operate in the vicinity of the Project Site. AP = average passengers per bus; maximum load ridership data provided by NYCT, March 2006. **(#)** = exceeds NYCT guideline capacity; denotes significant adverse impact

*NOISE*

The Proposed Project would place sensitive land uses (receptors) in areas with relatively high levels of ambient noise, which would result in significant adverse noise impacts. The *CEQR Technical Manual* recommends a maximum interior noise environment of 50 dBA L10(1) for commercial uses. For residential, day care, schools, and similar noise-sensitive uses, the *CEQR Technical Manual* recommends a maximum interior noise environment of 45 dBA L10(1). As shown in Table 6, the highest level of attenuation required for the Proposed Project's commercial uses would be 25 dBA, and the level of attenuation for residential and community facility uses would range from 20 to 35 dBA. With respect to commercial uses, 25 dBA of window-wall attenuation is typically provided as part of standard construction materials.

**Table 6 Minimum Building Attenuation Required to Comply with CEQR**

| Parcel | Proposed Land Use | Governing Noise Site | $L_{10(1)}$ (dBA) | Required Building Attenuation (dBA) |
|---|---|---|---|---|
| 3a | Residential | 7 | 65.8 | 25 |
| 3b | Residential | 4 | 61.5 | 20 |
| 3c | Residential | 4 | 61.5 | 20 |
| 3d | Residential | 4 | 61.5 | 20 |
| 3e | Residential | 4 | 61.5 | 20 |
| 3f | Residential | 3 | 78.0 | 35 |
| 4 a/b | Residential | 3 | 78.0 | 35 |
| 6a | Residential | 4 | 61.5 | 20 |
| 6b | Residential/Commercial | 2 | 68.1 | 25 |
| 7a | Residential | 4 | 61.5 | 20 |
| 7b | Residential/Commercial | 2 | 68.1 | 25 |
| 7c | Residential | 4 | 61.5 | 20 |
| 8a | Residential | 7 | 65.8 | 25 |
| 8b | Residential | 4 | 61.5 | 20 |
| 8c | Residential | 4 | 61.5 | 20 |
| 8d | Residential | 4 | 61.5 | 20 |
| 8e | Residential | 7 | 65.8 | 30* |
| 8f | Residential | 4 | 61.5 | 30* |
| 10 | Residential | 4 | 61.5 | 30* |
| 12a | Residential | 4 | 61.5 | 20 |
| 12b | Residential/Commercial | 2 | 68.1 | 25 |
| 12c | Residential | 4 | 61.5 | 20 |
| 12d | Residential/Commercial | 2 | 68.1 | 30* |
| 12e | Residential | 4 | 61.5 | 20 |
| 14a | School | 6 | 71.9 | 30 |
| 14b | Residential/Commercial | 4 | 61.5 | 20 |
| 14c | Residential | 2 | 68.1 | 25 |
| 15 | Residential | 6 | 71.9 | 30 |
| 16a | Residential/Commercial | 4 | 61.5 | 20 |
| 16b | Residential | 4 | 61.5 | 20 |
| 16c | Residential | 2 | 68.1 | 25 |
| 18a | Residential | 1 | 73.5 | 30 |
| 18b | Residential | 1 | 73.5 | 30 |
| 19a | Residential | 4 | 61.5 | 20 |
| 19b | Residential/Commercial | 2 | 68.1 | 25 |
| 19c | Residential | 4 | 61.5 | 20 |
| 20a | Residential/Commercial | 2 | 68.1 | 30* |
| 20b | Residential | 4 | 61.5 | 30* |
| 21 | Residential | 4 | 61.5 | 20 |
| 22a | Residential | 4 | 61.5 | 20 |
| 22b | Residential | 4 | 61.5 | 20 |
| 24 | Residential | 4 | 61.5 | 30* |
| 26a | Day Care | 1 | 73.5 | 30 |
| 27 | Residential | 4 | 61.5 | 30* |
| 28 | Residential | 1 | 73.5 | 30* |
| 29/30 | Residential | 5 | 67.6 | 25 |
| 31/32 | Residential | 5 | 67.6 | 25 |
| 33 | Community/Public Facility | 5 | 67.6 | 25 |

**Note:** * Parcels along the proposed parking lot would be provided with 30 dBA attenuation to account for parking lot operational noise.

Window-wall attenuation is required for the Proposed Project's residential, commercial, and community facility uses. Window-wall attenuation measures, including alternate means of ventilation, would be incorporated into the LDA between HPD and Gateway Center Properties Phase II, LLC and Nehemiah Housing Development Fund Co., Inc. in order to ensure that the required level of attenuation is provided. To achieve up to 25 dBA of building attenuation, double glazed windows with good sealing properties as well as an alternate means of ventilation such as well-sealed window air conditioning, would be provided. To achieve 30 dBA of building

attenuation, double glazed windows with good sealing properties as well as alternate means of ventilation such as well sealed through-the-wall air conditioning, would be provided; and to achieve 35 dBA of building attenuation, double glazed windows with good sealing properties as well as alternate ventilation such as central air conditioning, would be provided.

The SCA is an Involved Agency and would be responsible for the design and construction of the school facility on Block 4449. Under the terms of its enabling legislation, the SCA must comply with the requirements of SEQRA. Therefore, the SCA would incorporate the necessary level of attenuation into the design of the school facility. The SCA would install double glazed windows with good sealing properties, and ventilation would be provided through ducted systems. These window-wall attenuation measures would achieve between 30 and 35 dBA of attenuation.

## UNAVOIDABLE ADVERSE IMPACTS

*TRAFFIC AND PARKING*
Most of the locations that would be significantly impacted could be mitigated using standard traffic engineering improvements such as installation of traffic signals, signal phasing and timing modifications, parking prohibitions, and lane restriping, as described above.

With the Proposed Project, five intersections— Erskine Street and Gateway Drive, Flatlands Avenue and Pennsylvania Avenue, Linden Boulevard and Pennsylvania Avenue, Flatlands Avenue and Rockaway Parkway, and Pennsylvania Avenue and Atlantic Avenue—would experience unmitigated impacts for at least one peak analysis hour in the 2011 and 2013 Build conditions. In addition, at Flatlands Avenue and Pennsylvania Avenue, Linden Boulevard and Pennsylvania Avenue, and Linden Boulevard and Rockaway Avenue significant impacts during other peak hours would only be partially mitigated

Other unmitigated significant adverse impacts for each Build condition were identified along the Shore Parkway near the Erskine Street interchange. However, the reduction of speeds for these segments would be in the range of 0.2 mph to 3.7 mph and would generally be unnoticeable to motorists.

## UNIFORM LAND USE REVIEW

This application (C 090078 HUK), in conjunction with the applications for the related actions (C 080089 MMK, C 090079 ZMK, C 090081 ZSK, C 090082 HAK), was certified as complete by the Department of City Planning on September 8, 2008, and was duly referred to Community Board 5 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

**Community Board Public Hearing**

Community Board 5 held a public hearing on this application on November 17, 2008, and, on that date, by a vote of 22 to 0 with 2 abstentions, adopted a resolution recommending approval of the application.

**Borough President Recommendation**

This application (C 090078 HUK) was considered by the Brooklyn Borough President, who issued a recommendation approving the application December 18, 2008, subject to the following conditions:

1. That all of the housing along the Elton Street Corridor be "affordable forever" (permanently affordable) through an enforceable mechanism.
2. That funding be sought from the Department of Housing and Urban Development for the inclusion of a second building for low-income housing for senior citizens as part of the development of Site 4.
3. That HPD continues to work with the developer, BEDC, and the borough president's office to develop a supermarket on Site 4.
4. That the Urban Renewal Plan be modified to incorporate a size limitation control that will limit the maximum size per retail establishment to 120,000 sq. ft.
5. That the outreach effort being extended to local entrepreneurs, as per the letter from HPD to the borough president dated December 1, 2009, include the East New York Local Development Corporation, area business improvement districts, and merchant associations to maximize the possibility of leasing space along the Elton Street corridor to such entrepreneurs.

**City Planning Commission Public Hearing**

On December 17, 2008 (Calendar No. 2), the City Planning Commission scheduled January 7, 2009, for a public hearing on this application (C 090078 HUK). The hearing was duly held on January 7, 2009 (Calendar No. 20), in conjunction with the hearing on the applications for the related actions (C 080089 MMK, C 090079 ZMK, C 090081 ZSK, C 090082 HUK).

There were 14 speakers in favor of the application and related actions and one speaker in opposition.

The speakers in support of the application included three representatives from HPD, a representative from the Nehemiah Housing Development Fund, two representatives of the Nehemiah Homeowner's Association, three project architects, three representatives of the private developers, the Hudson and Related Companies, an environmental consultant and a traffic consultant.

The representatives from HPD testified that the proposed development would provide much-needed affordable housing, the expansion of the very successful shopping center, schools, supportive housing and senior housing. The speakers from HPD also stated that substantial investment by the City for infrastructure had been made and funds for further improvements had been budgeted.

The representative of the Nehemiah Housing Development Fund pointed out that the project would provide low- and medium income first-time buyers with homeownership opportunities and stated that phase I of the Nehemiah portion was almost fully completed with 19 families having already moved in before the holidays.

A representative of the Hudson companies confirmed the ongoing discussions between the company and the Borough President's office regarding the siting of a supermarket in their portion of the development on the corner Elton Street and Flatlands Avenue. The speaker further stated that construction along the Elton Street corridor was envisioned to begin immediately after the conclusion of the land use review process.

The representatives for the Related Companies testified that the expansion of the shopping center would complement the existing stores, increase retail options for visitors and residents and create a substantial amount of long-term jobs. They also stated that the project would provide a new bus turnaround and layover facility that would improve bus service in the area and that the pedestrian connection between the existing and the proposed components of Gateway shopping center would be attractive and safe. Furthermore, the speakers explained the outreach effort of the company to attract local businesses to the local retail component of the proposed shopping center

and the local retail along the Elton Street corridor.

Two Nehemiah homeowners testified about their satisfaction with being Nehemiah home owners.

The project architects and consultants appeared in favor.

The speaker opposing the application was a representative of the local Concerned Homeowners Association. He stated his belief that the subject site was illegally converted from parkland, that both the environmental and the land use review were flawed and that HPD's investment in the area would lead to the neglect of other parts of the community. The speaker added that the project would create adverse traffic impacts on local residents and reduce open space

There were no other speakers and the hearing was closed.

**WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 090078 HUK), in conjunction with the applications for the related actions (C 080089 MMK, C 090079 ZMK, C 090081 ZSK, C 090082 HAK), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 22, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 08-001.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

**CONSIDERATION**

The Commission believes that the proposed Third Amendment to the Fresh Creek Urban Renewal Plan, in conjunction with the related actions, is appropriate.

The Third Amendment to the Fresh Creek URP, together with the related applications, would facilitate the construction of Gateway Estates II, a mixed-use project of up to 2,385 units of affordable housing, a shopping center of up to 620,000 square feet of local and regional retail, approximately 46.2 acres of park, a intermediate and high school, a day care center and other appurtenant uses, on an approximately 127 acre vacant site in the Spring Creek neighborhood of Community District 5, Brooklyn.

***Third Amendment to the Fresh Creek Urban Renewal Plan – C 090078 HUK***

The Commission believes that the proposed Third Amendment to the Fresh Creek Urban Renewal Plan is appropriate. Since its inception in 1967, the Plan has been amended three times to facilitate residential, commercial and community facility development projects.

The proposed changes to the URP involve land use changes, changes in bulk and density, and supplementary controls. It would extend the regional commercial center and relocate two interior parks and community facilities. In addition, the Amendment would take into account the proposed City Map changes (C 090089 MMK) and allow for higher densities along Elton Street in accordance with the proposed new zoning along Elton Street (C 090079 ZMK). The Plan would also establish design controls regulating density, building height, planting requirements, curb cuts, setbacks, ground floor uses and design in the mixed use development along Elton Street and the location of utilities.

The Commission strongly encourages the developers to not only provide trees in tree pits, but to fully green the median on Elton Street and has conveyed this suggestion to HPD and the developers.

***Amendment to the City Map – C 080089 MMK***

The Commission believes that the amendment to the City Map is appropriate. The elimination, realignment and establishment of mapped, but un-built streets and the relocation of two un-built interior parks would allow for the extension of the existing shopping center, improve circulation and allow for better use of the project area.

***Amendment to the Zoning Map – C 090079 ZMK***

The Commission believes that this amendment of the Zoning Map is appropriate. The extension of the C4-2 zoning district to include the site of the proposed regional and local shopping center would allow for the expansion of the highly-successful existing shopping mall and allow for a commercial FAR of 3.4.

Changing the zoning along the Elton Street from R6 to R7A would allow increasing the maximum FAR from 2.43 to 4.0 along this corridor to maintain the number of affordable housing units proposed in the 1996 plan. In R7A districts, the building height is limited to 80 feet, with a maximum street wall height of 65 feet and Quality Housing regulations would apply. The Third Amendment to the Urban Renewal Plan would establish site-specific height and density controls for the residential areas of Gateway Estates II remaining to be zoned R6.

The C2-4 commercial overlays along Elton Street, Erskine Street and Fountain Avenue would allow businesses, services and community facilities to locate in the neighborhood serving the needs of the local residents and activating the streetscape. In these C2-4 districts, the commercial FAR would be limited to 2.0 for commercial uses and to 4.0 in the underlying R7A and 4.8 in the underlying R6 districts for community facilities.

***Special Permit for Modification of Sign Regulations – C 090081 ZSK***

The Commission believes that the Special Permit for the modification of sign regulations pursuant to Section 74-744 of Zoning Resolution is appropriate. It would allow for the construction of two 60-foot high signs at the Gateway Drive and Erskine Street entrances of the proposed regional and local center and would allow for the increase the surface area of these two signs. The two proposed signs would enhance visibility of the shopping center from the Belt Parkway and increase the economic viability of the project. The design and location of the proposed signs would minimize adverse impacts on surrounding uses by moving them as far as possible from neighboring residential uses.

***UDAAP and Disposition of City-owned Property – C 090082 HAK***

The Commission also believes that the proposed Urban Development Action Area designation and project approval, and disposition of city-owned property are appropriate. The proposed development site comprises 11 lots, all of which are city-owned. The requested UDAAP and disposition action would enable the project to achieve its overall development objectives as laid out in the Third Amendment to the Urban Renewal Plan.

Gateway Estates II would facilitate the development of sorely-needed affordable housing with public parks, schools and local retail services, and build on the success of the existing Gateway Center mall with a new shopping center consisting of local and regional retail, on previously vacant and underutilized land. Gateway Estates II would improve upon the Gateway Estates project approved by the Commission and the City Council in 1996 by providing the same amount of housing but for a greater variety of income groups, the same amount of community facility and open space, and adding a new shopping center within the same amount of land.

Gateway Estates II would provide for up to 2,385 units of affordable housing in a variety of different building types, accommodating a diversity of income groups. Along the central Elton Street corridor, nine seven- to eight-story apartment buildings would provide 647 affordable one-, two- and three-bedroom rental and home-ownership apartments, approximately 80 of which would be reserved for low-income senior residents. The remaining up to 1,738 units would be affordable homeownership units in one-, two- and three- family townhouses and eight-unit apartment buildings ("Octets"). 378 units have already been completed or are currently under construction. 68,000 square feet of retail space on the ground floor of the apartment buildings would provide local retail services for residents and business opportunities for local entrepreneurs as well as enliven this new neighborhood. Design controls in the URP would assure that ground floors along Elton Street featured at least 50 percent glazing and non-retail space was restricted. The residential portion of Gateway Estates II would be divided into quadrants by Elton Street and Vandalia Avenue. Each quadrant would feature a small interior park, and a variation of building types and street widths which would create a distinct neighborhood feel. All residential parking would be provided in the rear of the buildings to limit curb cuts and make the tree-lined streets inviting to pedestrians.

The proposed new 620,000 square-foot retail center would build on the success of the existing Gateway Center mall and further increase retail choice and provide long-term employment opportunities for residents. The new retail center would include two Local Retail buildings in its center, in prolongation of Elton Street, which would provide business opportunities for local entrepreneurs and create a connection for pedestrians between the new residential community to the north and the new retail center. A Town Center, at the southern tip of the Local Retail buildings, would feature more small shops and restaurants clustered around a pedestrian square with a visual focal point, providing repose for shoppers and an attractive connection for pedestrians to the existing shopping center via a proposed Rain Garden which would also serve to catch surface rain water run-off from the new development. The pedestrian connection between the existing and the proposed Shopping Centers would be landscaped, maintained and policed for the safety of the visitors. Traffic control measures, such as designating the driveways that the pedestrian connector would have to cross to deliveries only and a raised cross walk with stop signs, will limit adverse effects on pedestrians.

46.2 acres of mapped, public parkland in three interior parks and a large, regional perimeter park, provided for in the 1996 Gateway project, would continue to be provided for residents of the project area and surrounding community providing active and passive recreation space.
A new intermediate school and a high school with a total of 1,226 seats, a day care center and another not yet specified community facility would provide educational facilities and services to residents of the new community and surrounding neighborhoods.

Access to the new shopping center would be provided by five bi-directional entrances, two each on Gateway Drive and Erskine Street and one on Elton Street. Gateway Drive and Erskine Street connect to the Belt Parkway to the south and to Flatlands Avenue and Linden Boulevard, two major arterials, to the north, thus minimizing any traffic impacts on surrounding local streets. Elton Street would provide access for local residents of the new community. The proposed 2,067 spaces of accessory parking would exceed the parking requirement and would fully meet the newly-adopted greening requirements for commercial parking lots with bioswales in every other row, planted buffers and other planting requirements. Off-street loading facilities would be

provided parallel to the loading facilities of the existing shopping center away from any retail or residential uses. Erskine Street connects to Fountain Avenue, one block to the east, a designated Department of Transportation (DOT) truck route, thus limiting the impact of truck traffic on local streets.

The proposed development would provide for a new bus turnaround and layover facility for six buses and a canopy for waiting passengers located at the Gateway Drive entrance of the proposed shopping center. The B83 bus, connecting to the number '3' subway train at the Pennsylvania Avenue, and the B13 bus, connecting to the 'A' and 'C' trains at the Euclid Avenue station would be extended to the new layover facility, to provide improved transit access for shoppers, residents and employees.

New bike lanes would be provided along Elton Street, Vandalia Avenue and Essex Street, and a bike path along the perimeter park connecting to the Shore Parkway Greenway. This would provide residents and visitors with alternative modes of transportation and additional recreational options.

The Commission notes that, during its Public Hearing, HPD stated that it had committed significant funds for the construction of infrastructure for the residential components and that construction would start immediately after the conclusion of the public review process. In a communication dated September 22, 2008, the New York City School Construction Authority gave notice to the Commission that it is in the planning stage of the proposed intermediate and high school on the project site. The Commission encourages HPD's continued efforts with the Department of Design and Construction to completely 'green' the already-built median on Elton Street with additional landscaping.

Regarding the Borough President's recommendation to keep the housing in the new development "affordable forever", the Commission notes that HPD communicated to the Borough President on December 1, 2008, that there would be requirements for homebuyers to maintain the home as their primary residence for up to 15 years and that there would be penalties for resale within this period of time. The rental apartments would be kept affordable at levels at or below 60 percent of

the Area Median Income for at least 30 years under current HPD programs.

With regard to the issue of senior housing raised by the Borough President, the Commission notes that HPD has stated in a letter to the Borough President dated December 1, 2008 that in light of the pent-up demand for affordable family housing and the subsidies necessary for senior housing it came to the conclusion to reduce the number of housing units from 200 in the 1996 to 80 in the proposed plan.

The Commission notes that HPD has communicated to the Borough President's Office that the developer is not yet in a position to commit to specific commercial tenants yet and is, therefore, unable to assign floor areas for individual retailers.

Following the recommendation of the Borough President, the Commission commends the developers on their outreach effort to provide business opportunities for local entrepreneurs in the local component of the proposed shopping center and along the Elton Street corridor.

The Commission concurs with the Borough President's recommendation for a supermarket on Site 4 and strongly encourages the developers and HPD to continue their efforts to attract a supermarket to this site by reaching out to potential operators. A new supermarket at this location would greatly improve access to high-quality fresh food not only for the residents of the proposed development but also for residents in the surrounding areas.

Regarding the oral and written testimony at the hearing of the local Concerned Homeowners Association, the Commission notes that this project underwent a complete and exhaustive environmental and land use review that complied with all legal requirements. HPD has developed or facilitated the development of thousands of units of affordable housing in the nearby East New York community which have been responsible for the rejuvenation of this area and contributed significantly to the supply of affordable housing in Brooklyn and New York City.

**RESOLUTION**

**RESOLVED,** that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on February 4, 2009 with respect to this application, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts disclosed in the FEIS 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**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, that the City Planning Commission certifies, pursuant to Section 505, Article 15 of the General Municipal Law of New York State, that: (1) the proposed third Amended Fresh Creek Urban Renewal Plan, as recommended herein for modification, is an appropriate plan for the area involved and conforms to the finding set forth in Section 504, Article 15 of the General Municipal Law of New York State; and (2) the third Amended Fresh Creek Urban Renewal Plan conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives, in compliance with the provisions of subdivision seven of Section 502, Article 15 of the General Municipal Law of New York State; and be it further

**RESOLVED**, that the City Planning Commission certifies its unqualified approval of the third Amended Fresh Creek Urban Renewal Plan, pursuant to subdivision 2 of Section 505, Article 15 of the General Municipal Law of New York State; and be it further

**RESOLVED,** by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, the Uniform Land Use Review Procedure, and Section 505, Article 15 of the General Municipal Law of New York State, and after due consideration of the appropriateness of this action, that the proposed third Amended Urban Renewal Plan for the Fresh Creek Urban Renewal Area, Community District 5, Borough of Brooklyn, submitted by the Department of Housing Preservation and Development on August 25, 2008, is approved.

The above resolution (C 090078 HUK), duly adopted by the City Planning Commission on February 17, 2009 (Calendar No.4), 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, FAICP,** Chair
**KENNETH J. KNUCKLES, Esq.,** Vice Chairman
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**ANGELA R. CAVALUZZI, AIA, ALFRED C. CERULLO, III,**
**BETTY Y. CHEN, MARIA M. DEL TORO**
**RICHARD W. EADDY, SHIRLEY A. MCRAE,**
**JOHN MEROLO, KAREN A. PHILLIPS,** Commissioners