



CITY PLANNING COMMISSION

February 17 / Calendar No. 5

C 090079 ZMK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d:

1. eliminating from within an existing R6 District a C2-4 District bounded by a line 95 feet northeasterly of Lower Ashford Street, a line 115 northwesterly of Fountain Street, a line 100 feet southwesterly of Elton Street, the southwesterly centerline prolongation of Elton Place, Elton Street, a line 162 feet southeasterly of Erskine Place, a line 100 feet northeasterly of Elton Street, a line midway between Elton Place and Fountain Street, a line 95 feet southwesterly of Essex Street, Fountain Street, the southeasterly prolongation of the northeasterly street line of Essex Street, a line 180 feet southeasterly of Fountain Street, the southeasterly prolongation of the southwesterly street line of Lower Ashford Street, and Fountain Street;
2. changing from an R3-2 District to an R6 District property bounded by the former centerline of Erskine Street, the new centerline of Erskine Street, and a line 115 feet southeasterly of Schroeders Avenue;
3. changing from an R6 District to an R7A District property bounded by Flatlands Avenue, Elton Street, a line 100 feet northwesterly of Egan Street, a line 100 feet northeasterly of Elton Street, the southeasterly street line of Elton Street and its northeasterly and southwesterly prolongations, a line 100 feet southwesterly of Elton Street, Locke Street, and Ashford Street;
4. changing from an R3-2 District to a C4-2 District property bounded by a line 115 feet southeasterly of Schroeder Avenue, the former centerline of Erskine Street, and the new centerline of Erskine Street;
5. changing from an R6 District to a C4-2 District property bounded by a line 115 feet southeasterly of Schroeders Avenue and its southwesterly prolongation, a line 100 feet southwesterly of Elton Street, the southeasterly street line of Elton Street and its northeasterly and southwesterly prolongations, a line 100 feet northeasterly of Elton Street, a line 115 feet southeasterly of Schroeders Avenue, the former centerline of Erskine Street, Erskine Street, a line 180 feet southeasterly of former Fountain Street, and the centerline of former Schenck Avenue;
6. establishing within an existing R6 District a C2-4 District bounded by:
 - a. Vandalia Avenue, Erskine Avenue, Schroeders Avenue, and a northeasterly boundary line of a park; and
 - b. Egan Street, Fountain Avenue, Vandalia Avenue, and a line 100 feet southwesterly of Fountain Avenue; and

7. establishing within the proposed R7A District a C2-4 District bounded by:
 - a. Flatlands Avenue, a line 100 feet southwesterly of Elton Street, Locke Street, and Ashford Street;
 - b. a line 100 feet northwesterly of Egan Street, a line 100 feet northeasterly of Elton Street, Vandalia Avenue, and Elton Street; and
 - c. Schroeders Avenue, Elton Street, the southeasterly street line of Elton Street and its southwesterly prolongation, and a line 100 feet southwesterly of Elton Street;

as shown on a diagram (for illustrative purposes only) dated September 8, 2008.

as shown on a diagram (for illustrative purposes only) dated September 8, 2008, Community District 5, Borough of Brooklyn.

The application for the amendment of the Zoning Map was filed by the New York City Department of Housing Preservation and Development on August 25, 2008 for a zoning map change from R6 to C4-2, R7A and C2-4 to facilitate the development of Gateway Estates II, a mixed use development with 620,000 square feet of regional and local retail space, up to 2,385 units of affordable housing, park land, and community facilities in the Spring Creek Section of Community District 5, Brooklyn.

RELATED ACTIONS

In addition to zoning map amendment, 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 090078 HUK:** Third amendment to the Fresh Creek Urban Renewal Plan for the Fresh Creek Urban Renewal Area
3. **C 090081 ZSK:** Special Permit pursuant to Section 74-744 (c) to modify sign regulations
4. **C 090082 HAK:** Designation of an Urban Development Action Area and Project and disposition of City-owned property.

BACKGROUND

A description of this application, the surrounding area and the proposed project is included in the report on the related action for the Third Amendment of the Fresh Creek Urban Renewal Plan (C 090078 HUK).

ENVIRONMENTAL REVIEW

This application (C 090079 ZMK), in conjunction with the applications for the related actions (C 080089 MMK, C 090078 HUK, 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 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.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report on the related application for the Third Amendment of the Fresh Creek Urban Renewal Plan (C 090078 HUK).

UNIFORM LAND USE REVIEW

This application (C 090079 ZMK), in conjunction with the applications for the related actions (C 080089 MMK, C 090078 HUK, 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 090079 ZMK) was considered by the Borough President, who issued a recommendation approving the application with conditions on December 18, 2008.

A summary of the Borough President's recommendation appears in the report on the related application for the Third Amendment of the Fresh Creek Urban Renewal Plan (C 090078 HUK).

City Planning Commission Public Hearing

On December 17, 2008 (Calendar No. 3), the City Planning Commission scheduled January 7, 2009

for a public hearing on this application (C 090079 ZMK). The hearing was duly held on January 7, 2009 (Calendar No. 21), in conjunction with the hearing on the applications for the related actions (C 080089 MMK, C 090078 HUK, C 090081 ZSK, C 090082HAK).

There were a number of appearances, as described in the report on the related application for the Third Amendment of the Fresh Creek Urban Renewal Plan (C 090078 HUK), and the hearing was closed.

Waterfront Revitalization Consistency Review

A discussion of WRP Consistency Review appears in the report on the related application for the Third Amendment of the Fresh Creek Urban Renewal Plan (C 090078 HUK).

CONSIDERATION

The Commission believes that this amendment of the Zoning Map is appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application appear in the report to the related application for the Third Amendment of the Fresh Creek Urban Renewal Plan (C 090078 HUK).

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 (CEQR

No. 07HPD021K), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent possible 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 617.9(c)(3) 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, 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 No. 17d:

1. eliminating from within an existing R6 District a C2-4 District bounded by a line 95 feet northeasterly of Lower Ashford Street, a line 115 northwesterly of Fountain Street, a line 100 feet southwesterly of Elton Street, the southwesterly centerline prolongation of Elton Place, Elton Street, a line 162 feet southeasterly of Erskine Place, a line 100 feet northeasterly of Elton Street, a line midway between Elton Place and Fountain Street, a line 95 feet southwesterly of Essex Street, Fountain Street, the southeasterly prolongation of the northeasterly street line of Essex Street, a line 180 feet southeasterly of Fountain Street, the

southeasterly prolongation of the southwesterly street line of Lower Ashford Street, and Fountain Street;

2. changing from an R3-2 District to an R6 District property bounded by the former centerline of Erskine Street, the new centerline of Erskine Street, and a line 115 feet southeasterly of Schroeders Avenue;
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4. changing from an R3-2 District to a C4-2 District property bounded by a line 115 feet southeasterly of Schroeder Avenue, the former centerline of Erskine Street, and the new centerline of Erskine Street;
5. changing from an R6 District to a C4-2 District property bounded by a line 115 feet southeasterly of Schroeders Avenue and its southwesterly prolongation, a line 100 feet southwesterly of Elton Street, the southeasterly street line of Elton Street and its northeasterly and southwesterly prolongations, a line 100 feet northeasterly of Elton Street, a line 115 feet southeasterly of Schroeders Avenue, the former centerline of Erskine Street, Erskine Street, a line 180 feet southeasterly of former Fountain Street, and the centerline of former Schenck Avenue;
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 - b. Egan Street, Fountain Avenue, Vandalia Avenue, and a line 100 feet southwesterly of Fountain Avenue; and
7. establishing within the proposed R7A District a C2-4 District bounded by:
 - a. Flatlands Avenue, a line 100 feet southwesterly of Elton Street, Locke Street, and Ashford Street;
 - b. a line 100 feet northwesterly of Egan Street, a line 100 feet northeasterly of Elton Street, Vandalia Avenue, and Elton Street; and
 - c. Schroeders Avenue, Elton Street, the southeasterly street line of Elton Street and its southwesterly prolongation, and a line 100 feet southwesterly of Elton Street;

as shown on a diagram (for illustrative purposes only) dated September 8, 2008.

The above resolution (C 090079 ZMK), duly adopted by the City Planning Commission on February 17, 2009 (Calendar No. 5), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
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