



CITY PLANNING COMMISSION

February 17, 2009 / Calendar No. 7

C 090082 HAK

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1) pursuant to Article 16 of the General Municipal Law of New York State for:

a. the designation of the following properties located at:

Block	Lot	Fresh Creek Urban Renewal Area
4444	p/o Lot 1	p/o Site 3a
4445	Lot 1	Sites 3b, 3e, 3f, and p/o Site 3a
4446	Lot 1	
4447	p/o Lot 1	p/o Site 4
4448	Lot 1	Sites 6a, 6b, 14a, 14c, and p/o Site 4
4449	Lot 1	
4452	600, 700, p/o Lot 170 and p/o Lot 400	Sites 3c, 3d, 7a-c, 8a-f, 10, 12a-e, 16c, 19b, 20a-b, p/o Site 13a and p/o Site 24
4586	p/o Lot 1	Sites 29, 31, 27, 28, p/o Site 13a and p/o Site 24

as an Urban Development Action Area; and

b) an Urban Development Action Area Project for such area; and

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a new mixed use community, containing regional and local retail, housing, community and public facilities, and open space, tentatively known as Gateway Estates II, within the Fresh Creek Urban Renewal Area, Borough of Brooklyn, Community District 5.

Approval of three separate matters is required:

1. 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/o Lot 1 (Sites 29, 31, 27, 28, and p/o Sites 13a and 24 of the Fresh Creek Urban Renewal Area) in the Borough of

- Brooklyn, as an Urban Development Action Area; and
2. an Urban Development Action Area Project for such area; and
 3. the disposition of such property, to a developer selected by HPD.

This application (C 090082 HAK) for an Urban Development Action Area designation and project approval and disposition of city-owned property was submitted by the Department of Housing Preservation and Development (HPD) on August 25, 2008.

Approval of this application would facilitate the development of up to 2,385 units of affordable housing, up to 620,000 square foot of regional and local retail space, community facilities, and park land on the site as described above. The project is tentatively known as Gateway Estates II.

The Department of Housing Preservation and Development states in its application that:

The project area consists of underutilized property that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions.

The project activities would protect and promote health and safety and would promote sound growth and development. The project area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

RELATED ACTIONS

In addition to special permit, 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 090079 ZMK:** Zoning Map Amendment from R6 to R7A, C2-4 and C4-2
- 4. C 090081 ZMK:** Special Permit pursuant to Section 74-744 (c) to modify sign regulations

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 090082 HAK), in conjunction with the applications for the related actions (C 080089 MMK, C 090078 HUK, C 090079 ZMK, C 090081 ZSK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 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 090082 HAK), in conjunction with the applications for the related actions (C 080089 MMK, C 090078 HUK, C 090079 ZMK, C 090081 ZSK), 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 090082 HAK) was considered by the Brooklyn 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 Third Amendment of the Fresh Creek Urban Renewal Plan (C 090078 HUK).

City Planning Commission Public Hearing

On December 17, 2008 (Calendar No. 5), the City Planning Commission scheduled January 7, 2009 for a public hearing on this application (C 090082 HAK). The hearing was duly held on January 7, 2009 (Calendar No. 23), in conjunction with the hearing on the applications for the related actions (C 080089 MMK, C 090078 HUK, C 090079 ZMK, C 090081 ZSK).

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 the application (C 090082 HAK) for UDAAP designation, project approval and the disposition of city-owned property 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, 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

WHEREAS, the Department of Housing Preservation and Development has recommended 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/o Lot 1 (Sites 29, 31, 27, 28, and p/o Sites 13a and 24 of the Fresh Creek Urban Renewal Area) in the Borough of Brooklyn, as an Urban Development Action Area; and

WHEREAS, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

THEREFORE, BE IT FURTHER RESOLVED, that the City Planning Commission after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act;

- a. 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/o Lot 1 (Sites 29, 31, 27, 28,

and p/o Sites 13a and 24 of the Fresh Creek Urban Renewal Area) in the Borough of Brooklyn as an Urban Development Action Area; and

- b. an Urban Development Action Area Project for such area; and

the City Planning Commission recommends that the New York City Council find that:

- a. The present status of the area tends to impair or arrest the sound development of the municipality;
- b. The financial aid in the form of tax incentives if any, to be provided by the municipality pursuant to Section 696 of Article 16 of the General Municipal Law is necessary to enable the project to be undertaken; and
- c. The project is consistent with the policy and purposes stated in Section 691 of Article 16 of the General Municipal Law; and

BE IT FURTHER RESOLVED, the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of city-owned 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/o Lot 1 (Sites 29, 31, 27, 28, and p/o Sites 13a and 24 of the Fresh Creek Urban Renewal Area) in the Borough of Brooklyn, to a developer selected by HPD, is approved.

The above resolution, (C 090082 HAK) duly adopted by the City Planning Commission on February 17, 2009 (Calendar No. 7) 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
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**