

A. INTRODUCTION

This analysis considers existing land use, historical development trends, zoning, and other public land use policies related to the Project Site and the surrounding area. It also identifies anticipated changes in land use, zoning, and public policy that will occur independent of the Proposed Project by the 2011 and 2013 Build years, and assesses any potential significant adverse impacts to land use, zoning, and public policy associated with the Proposed Project.

As described below, the analysis concludes that the Proposed Project—a mixed-use development that includes new residential, retail, open space, and community facility uses—would be in keeping with and supportive of existing land use and ongoing land use trends in the area, and that the Proposed Action would be consistent with zoning and public policy for the area. Overall, the Proposed Project would not result in significant adverse impacts to land use, zoning, or public policy.

B. METHODOLOGY AND DEVELOPMENT HISTORY

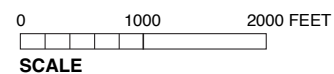
METHODOLOGY

As described in Chapter 1, “Project Description,” the Proposed Action includes modifications to the previously approved Fresh Creek Urban Renewal Plan (FCURP); Urban Development Action Area Program designation, disposition of City-owned property, zoning map amendments, City Map amendments, and special permits for height, bulk, and signs. This chapter analyzes land use, zoning, and public policy in the primary study area, including the Fresh Creek Urban Renewal Area (FCURA), where the land use effects of the Proposed Action are direct; and a secondary study area, which, according to the *New York City Environmental Quality Review (CEQR) Technical Manual*, should be used when other, more indirect effects may occur as a result of a proposed action.

For this analysis, a study area was established that generally covers the ½-mile area around the FCURA. Within this, two study areas have been defined to include an approximately ¼-mile radius from the Project Site—the primary study area—and a ½-mile area around the site—the secondary study area. The primary study area is bordered on the south by Spring Creek Park, on the west by Pennsylvania Avenue, on the north by Wortman Avenue, and on the east by Sheridan Avenue. The secondary area is bordered by Spring Creek Park to the south, Louisiana Avenue to the west, Linden Boulevard to the north, and Sapphire Street in Queens County to the east (see Figure 2-1).

DEVELOPMENT HISTORY

The study area was once part of the New Lots area settled by the Dutch. It was an agricultural community that remained rural until into the 20th century. The portion of New Lots south of



GATEWAY ESTATES II

Land Use

Figure 2-1

Stanley Avenue was predominantly salt meadows and streams or kills (such as Hendrix Creek and Spring Creek). The meadows remained in agricultural use even while the surrounding East New York neighborhoods grew and developed. Over the following four decades, the public sector was instrumental, directly and indirectly, in transforming the neighborhood to a mixed-use urban neighborhood. Significant developments in the area included the construction of the Shore Parkway to the south of the Project Site in the 1940s, and the 26th Ward Water Pollution Control Plant to the west of the site in the 1950s.

The transformation of the area south of Flatlands Avenue—including the Project Site—to dry land began in the 1930s. Most of the Project Site was used as the Milford Street Landfill until 1950, when municipal landfill operations stopped. After its use as a landfill, the Project Site was used for illegal dumping. By the 1960s it was a blighted site subject to underground fires, odors, and occasional flooding. In 1967, the area bounded by the Shore Parkway to the south, Schenck Avenue to the west, Flatlands Avenue to the north, and Fountain Avenue to the east was designated as the FCURA.

A number of sites in the area surrounding the FCURA were also used as landfills, including the Fountain Avenue Landfill south of the Shore Parkway, which was used as a municipal landfill into the 1980s. To the north of the Project Site, several New York City Housing Authority (NYCHA) developments were built. Boulevard Houses, Linden Houses, and the Louis H. Pink Houses were built in the 1950s. Public schools were also built during this time to accommodate the new students from the housing developments. Two industrial/manufacturing districts to the north of the site (now part of the Flatlands-Fairfield Industrial Business Zone [IBZ]) were also established during this time. Fairfield Towers, a housing development located on two lots north of Flatlands Avenue, was constructed in the 1960s. In addition, most of the study area's single- and two-family housing was built during this time.

In 1972, the Brooklyn Developmental Center was constructed on the eastern portion of the FCURA in accordance with the FCURP. The 1970s also saw the construction of two additional housing developments: Penn-Wortman and Starrett City (Starrett at Spring Creek). Starrett City was built to the west of Hendrix Creek, and was the first high-rise residential development in the area. Its completion marked the end of the 35-year residential construction boom in the area. However, residential development has continued in the study area, but at a slower pace. Notable projects in the 1980s include the Vandalia Houses to the north of Starrett City. Most recently, the residential trend in the study area is the construction of two- to three-story rowhouses to the northeast of the intersection of Flatlands and Fountain Avenues. Much of the new multi-family housing is infill constructed on formerly vacant lots.

Notable nonresidential developments located in the study area included the National Satellite Service Center to the northeast of the Project Site. The facility contained a number of microwave antennas located at ground level and a 45-foot high microwave antenna atop a three-story "earth station." It was used to receive and transmit data from satellites. The site now stands vacant, and is slated for redevelopment (see "2011 The Future Without the Proposed Project"). Retail developments include the Pathmark Shopping Center and a retail mall on Pennsylvania Avenue between Cozine and Wortman Avenues. In 1991, the United States Postal Service (USPS) Brooklyn General Mail and Vehicle Maintenance Facility was constructed to the east of the Project Site.

As described in Chapter 1, "Project Description," a final environmental impact statement for a development proposal (the "1996 Plan") for Gateway Estates was approved in 1996. Sponsored by the New York City Housing Department of Preservation and Development New York City

Department of Housing Preservation and Development (HPD) in partnership with Starrett Corporation, the project called for the construction of up to 2,385 units of affordable housing (including 500 units of Nehemiah Housing and 200 units of senior citizen housing), 15,000 square feet (sf) of local retail, a 640,000-square-foot shopping center, open space, and the construction of an elementary and intermediate school. The FCURP was amended for the second time (the first amendment took place in 1982, but no development was implemented) to allow construction of the 1996 Plan. The shopping center, a portion of the open space, a new Shore Parkway interchange, and certain traffic mitigation commitments of the plan were realized, and were completed in 2002. 184 units of Nehemiah housing are being occupied and another 194 units will soon be under construction.

C. EXISTING CONDITIONS

LAND USE

PROJECT SITE

As shown in Figure 2-1, the FCURA is located in southeast Brooklyn and is bounded by Hendrix Creek, Flatlands Avenue, Erskine Street, Vandalia Avenue, Fountain Avenue, and the Shore Parkway. It currently contains uses that were developed as part of the 1996 Plan. The Gateway Center, a 640,000-square-foot shopping center with large retail uses, is located on the southern part of the FCURA. It is surrounded by a 2,685-space parking lot. The Brooklyn Developmental Center, a 35-acre site with community facilities in two buildings, is located on the eastern edge of the site. The Thomas Jefferson High School Athletic Field is located on the northern portion of the site. The western and southern edges of the FCURA are developed with public parkland. The Project Site—the undeveloped portion of the FCURA—includes Block 4443, Lot 1; Block 4444, Lot 1; Block 4445, Lot 1; Block 4446, Lot 1; Block 4447, Lot 1; Block 4448 Lot 1; Block 4449, Lots 1 and 101; Block 4450, Lot 1; Block 4451, Lot 1; Block 4452, Lots 170, 400, 450, 460, 470, 480, 490, 500, 510, 520, 530, 540, 550, 560, 570, 600, 601, 700, and 701; and Block 4586, Lots 1 and 300. The site is vacant except for two paved streets (Elton Street and Vandalia Avenue) and the completed 184 Nehemiah housing units.

PRIMARY STUDY AREA (¼ MILE)

The primary study area is characterized by a mix of residential, industrial and manufacturing, institutional, transportation and utility, and limited retail uses, open space, and vacant land. The majority of the residential uses in the study area are located in the western and northwestern portions of the study area. Residential uses in the area include row houses, apartment buildings, and high-rise housing complexes. The western study area boundary runs along Pennsylvania Avenue, the main spine of Starrett City (Spring Creek Towers), a 253-acre, 5,800-unit housing development. The development has a total of 46 high-rise residential towers ranging from 11 to 20 stories, a community center, a sports club, and open space at the base of the towers. Multilevel parking structures throughout the complex are connected by a network of vehicular ramps. There are a number of other large-scale residential uses in the area that are located on superblocks, including NYCHA's Linden Houses north of Cozine Avenue and west of Schenck Avenue, and the Fairfield Towers—Mitchell-Lama projects between Cozine and Flatlands Avenues. Smaller-scale residential uses, including 2- to 3-story single- and multi-family rowhouses, are located to the north of Flatlands Avenue and to the west of Elton Street. There are also smaller-scale residential uses in the northeast portion of the study area, beginning on the

northeast corner of the intersection of Fountain and Flatlands Avenues. This neighborhood is currently experiencing new residential construction. Whereas, the existing housing stock includes a mixture of single- and multi-family detached housing, the residences that were recently constructed or are currently under construction consist mostly of 3-story, attached multi-family housing.

There are a number of industrial and manufacturing uses in the primary study area located entirely in the area bounded by the Project Site to the south, Fountain Avenue to the east, and Elton Street to the west. These uses are part of the Flatlands Fairfield IBZ (see “Public Policy” below) and include distribution, food processing, light manufacturing, and building trade uses. Buildings in this portion of the study area are predominantly one story with large floor plates. This portion of the study area also houses the majority of the parking facilities and vacant lots in the study area.

Immediately to the west of the site, across Hendrix Creek, is the New York City Department of Environmental Protection (NYCDEP) 26th Ward Water Pollution Control Plant (WPCP), a large municipal sewage plant. Another significant utility use in the study area is NYCDEP’s Spring Creek Auxiliary WPCP, located in the eastern portion of the primary study area at Spring Creek. To its north is the Metropolitan Transit Authority’s Spring Creek Bus Depot.

Institutional uses in the study area include typical community facilities such as the Spring Creek Branch of the Brooklyn Public Library, a number of churches, a United States Post Office facility at the intersection of Autumn and Wortman Avenues, and P.S 273 at the intersection of Jerome Street and Cozine Avenue.

The Project Site is close to a set of open space and natural resources located in the primary study area. Across the Shore Parkway is the Fresh Creek Basin, the site of the former Pennsylvania and Fountain Avenue Landfills, which are no longer in operation. The area is now mapped as parkland. Jamaica Bay is south of the park. Other natural resources include Hendrix Creek to the west of the Project Site, and Spring Creek to the east.

Aside from the existing Gateway Center, commercial uses in the study area are limited to neighborhood retail along Pennsylvania Avenue, and the occasional grocery or neighborhood service (e.g., dentist office) throughout the area.

SECONDARY STUDY AREA

Land use patterns in the secondary study area are comparable to those in the primary study area. Large-scale residential uses are found predominantly in the northern and western portion of the study area, including the western portion of Starrett City, NYCHA Vandalia Houses for seniors on Vandalia Avenue, and the Linden Houses north of Wortman Avenue. The residential uses in the northeast portion of the study area are mostly multi-family rowhouses, of which a significant number are under construction. In addition, 3-story apartment buildings are located in the eastern portion of the study area in the Lindenwood neighborhood of Queens. Two exceptions are the high-rise Louis Pink Houses located on the superblock on Stanley Avenue between Autumn Avenue and Eldert Lane, and The Fountains, a newly constructed mid-rise apartment building located on Flatlands Avenue between Eldert Lane and Forbell Street. This area also contains a number of narrow vacant lots amid the existing and new residential construction.

Additional notable land uses in the secondary study area include the New York City Department of Sanitation (DSNY) South Shore Incinerator at its eastern edge, and a steam plant located at the intersection of Wortman and Schenck Avenues. Open spaces in the secondary study area

include the 100-acre Spring Creek Park that borders Queens and Brooklyn, and publicly accessible track and tennis courts on Linden Boulevard and Vermont Street (see Chapter 5, “Open Space”). A portion of the Flatlands Fairfield IBZ is located to the north of Wortman Avenue, and separated from residential uses to the west by Elton Street and to the east by Flatlands Avenue. The northeast block of this portion of the study area—at the intersection of Linden Boulevard and Linwood Street—contains a New York City Transit (NYCT) subway terminus and rail yard. Although most of the area’s industrial and manufacturing uses are located here, there are a few industrial uses, such as storage and warehousing, located in the area bordered by Sheffield Avenue to the east and Pennsylvania Avenue to the west. Large institutional uses include the Bethlehem Baptist Church on Vermont Street, the Christian Cultural Center at the intersection of Louisiana and Flatlands Avenues, the Caroline Zelaznik Gross Life Monument Jewish Education Center in Starrett City, and P.S. 274 at Wortman Avenue and Hemlock Streets. Finally, the secondary study area contains commercial uses along Linden Boulevard and Pennsylvania Avenue. Commercial uses along Linden Boulevard are predominantly auto-related. The section of Pennsylvania Avenue between Flatlands Avenue and Linden Boulevard is an active retail strip that features neighborhood services such as a dry cleaner, barber shops, banks, and food and shoe stores (see Chapter 3, “Socioeconomic Conditions”). Additional retail uses in the study area include an Associated supermarket in Starrett City, and a Pathmark supermarket at the intersection of Louisiana and Flatlands Avenues.

ZONING

PROJECT SITE

The FCURA is zoned R3-2, R6, C4-2, and with C2-4 commercial overlays (see Figure 2-2 and Table 2-1). A C4-2 district is mapped at the southern portion of the FCURA, the site of the existing Gateway Center and the adjacent open space. C4-2 is a general commercial district that permits a wide range of commercial uses as well as residential use. C4-2 districts allow a floor area ratio (FAR) of up to 3.4 for commercial buildings, 2.43 for residential buildings, and 4.8 for community facility buildings.¹ The site of the Brooklyn Developmental Center is zoned R3-2, a general residence district that allows a variety of housing types. Residential FAR is capped at 0.5, and the FAR for community facility uses in buildings with residential uses is 0.2. The undeveloped portion of the site is currently zoned R6, with C2-4 commercial overlays along Elton Street and Fountain Street (which is mapped only). R6 districts typically house 3- to 12-story developments with a maximum FAR of between 0.78 and 2.43. Community facilities are allowed a maximum FAR of 4.8. C2-4 overlay districts are mapped along streets that serve the retail needs of the local residential community. Typical retail uses include grocery stores, restaurants, and neighborhood services. A C2-4 overlay within an R6 residential zone has a maximum commercial FAR of 2.0.

¹ Under the Quality Housing program, residential buildings in a C4-2 district can have a maximum FAR of 3.0 on sites located on a wide street (i.e., a street with a width of 75 feet or more).

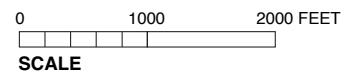
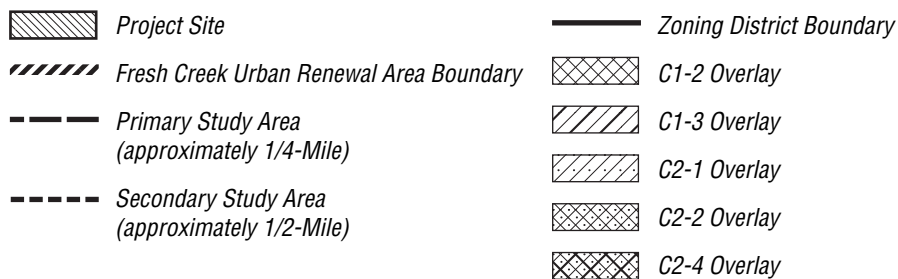
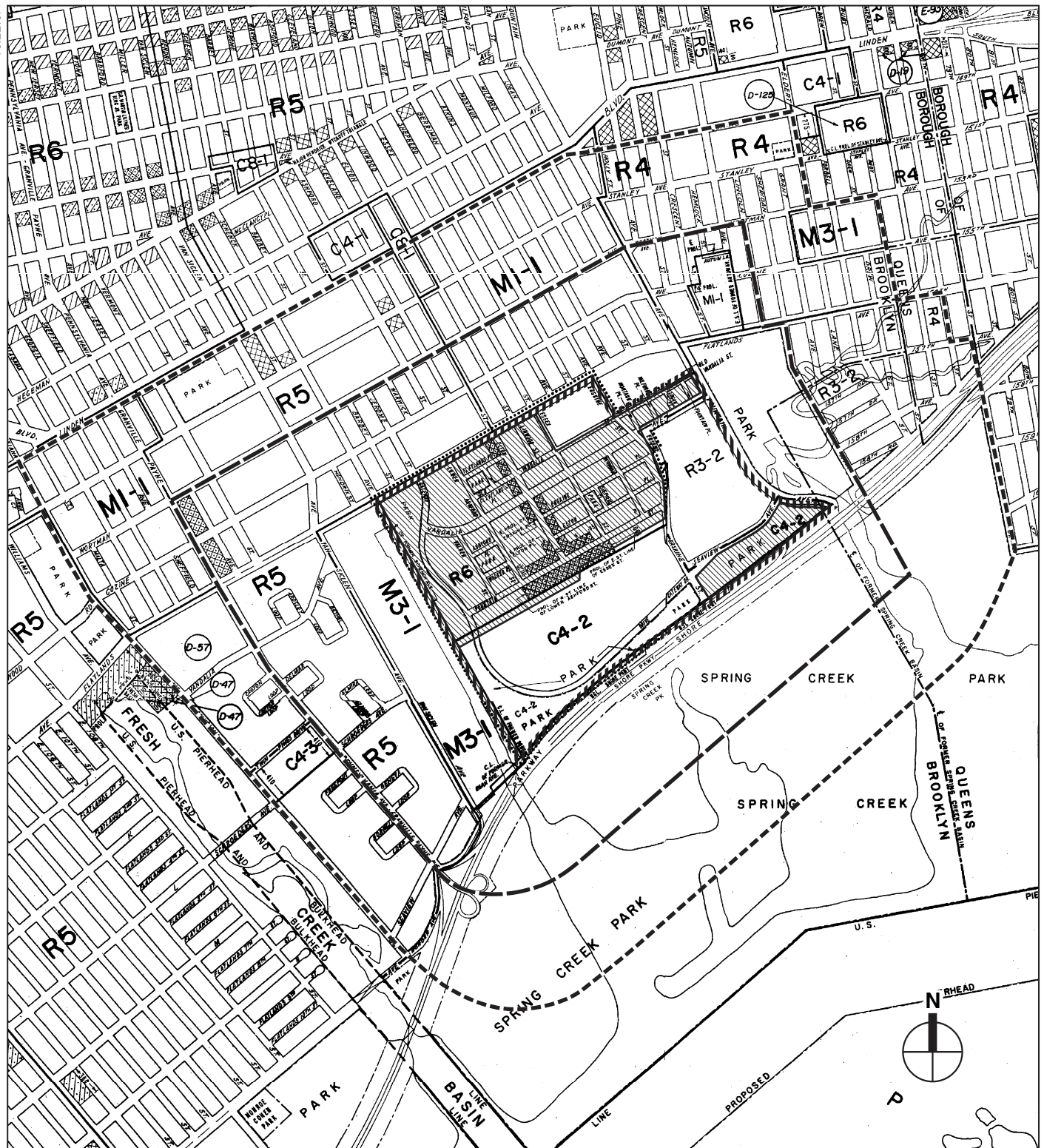


Table 2-1

Zoning Districts Located on the Project Site and in the Study Area

Zoning District	Permitted Uses and Maximum FAR
R3-2	0.5 residential, 0.2 community facility in a building with residential use
R4	0.75 residential, 0.75 community facility
R5	1.25 residential, 1.25 community facility
R6	2.43 residential, 4.8 community facility
C4-2	2.43 residential, 4.8 community facility, 3.4 commercial
C4-3	2.43 residential, 4.8 community facility, 3.4 commercial
C1-2 Overlay	1.0 commercial
C2-2 Overlay	1.0 commercial
C2-4 Overlay	2.0 commercial
M1-1	1.0 manufacturing
M3-1	2.0 manufacturing
Note: See Figure 2-2.	
Source: New York City Zoning Resolution.	

PRIMARY STUDY AREA

The primary study area is composed of residential, commercial, and manufacturing districts (see Table 2-1). The area adjacent to Hendrix Creek and bounded by Van Siclen Avenue to the west is mapped as an M3-1 district. M3-1 districts are for heavy industrial use, typically near the waterfront or buffered from residential uses. The district allows a maximum manufacturing FAR of 2.0 and requires parking. The residential area in the western and northwestern portions of the study area are zoned R5. Although the current land use in the area is the high-rise towers like those of Starrett City, an R5 district typically produces three-story attached houses and small apartment buildings. The district allows a maximum FAR of 1.25 for residential and community facility uses. Two blocks, located between Flatlands, Pennsylvania, Wortman and New Jersey Avenues, are mapped with a C2-2 commercial overlay district. Within an R5 zone, a C2-2 overlay allows buildings with a FAR of up to 1.0. The industrial and manufacturing portion of the study area east of Elton Street is mapped as an M1-1 district, which allows light manufacturing uses with a maximum FAR of 1.0. Offices, retail, and some community facility uses are also allowed. The eastern portion of the study area houses two residential zones: R3-2 and R4. R3-2 is the lowest density zoning district that allows multiple dwellings. R3-2 districts allow a maximum residential FAR of 0.5. The northeast corner of the study area bounded by Flatlands Avenue to the south and Fountain Avenue to the west lies within an R4 zone. R4 districts typically contain three-story buildings, and allow a maximum FAR of 0.75 for residential and community facility uses.

SECONDARY STUDY AREA

Zoning patterns in the secondary study area are comparable to those in the primary study area, including R3-2, R4, and R5 residential districts; M1-1 and M3-1 manufacturing districts, the addition of C4-3 and C8-1 commercial districts, and a C1-2 overlay district (see Table 2-1). The R5 residential zones are located in the western and northwestern portions of the study area, and the R4 district is located in the northeast part of the study area where three-story multi-family homes are abundant. The R3-2 district lies along the Brooklyn/Queens border in the eastern part

of Shore Parkway. M1-1 districts are located north of Flatlands Avenue, between Pennsylvania and Louisiana Avenues, and between Elton Street and Fountain Avenue. Heavier manufacturing uses are allowed in the M3-1 district located north of Cozine Avenue and east of Grant Avenue, the site of the incinerator and parking facilities. The study area also contains additional commercial zones. A C4-3 district is located in Starrett City on Schroeders Avenue where the Associated Supermarket is located. C4-3 districts typically house commercial and office uses that generate more traffic than neighborhood shopping areas.¹ The C4-3 zoning district allows commercial buildings with a maximum FAR of 3.4, residential uses with a FAR of 2.43, and community facility uses with a maximum FAR of 4.8. Finally, the study area includes two C1-2 overlay districts west of Elton Street. C1-2 overlays are intended to serve retail needs of the local residential population. Within an R5 district, the C1-2 overlay allows a maximum commercial FAR of 1.0.

PUBLIC POLICY

PROJECT SITE

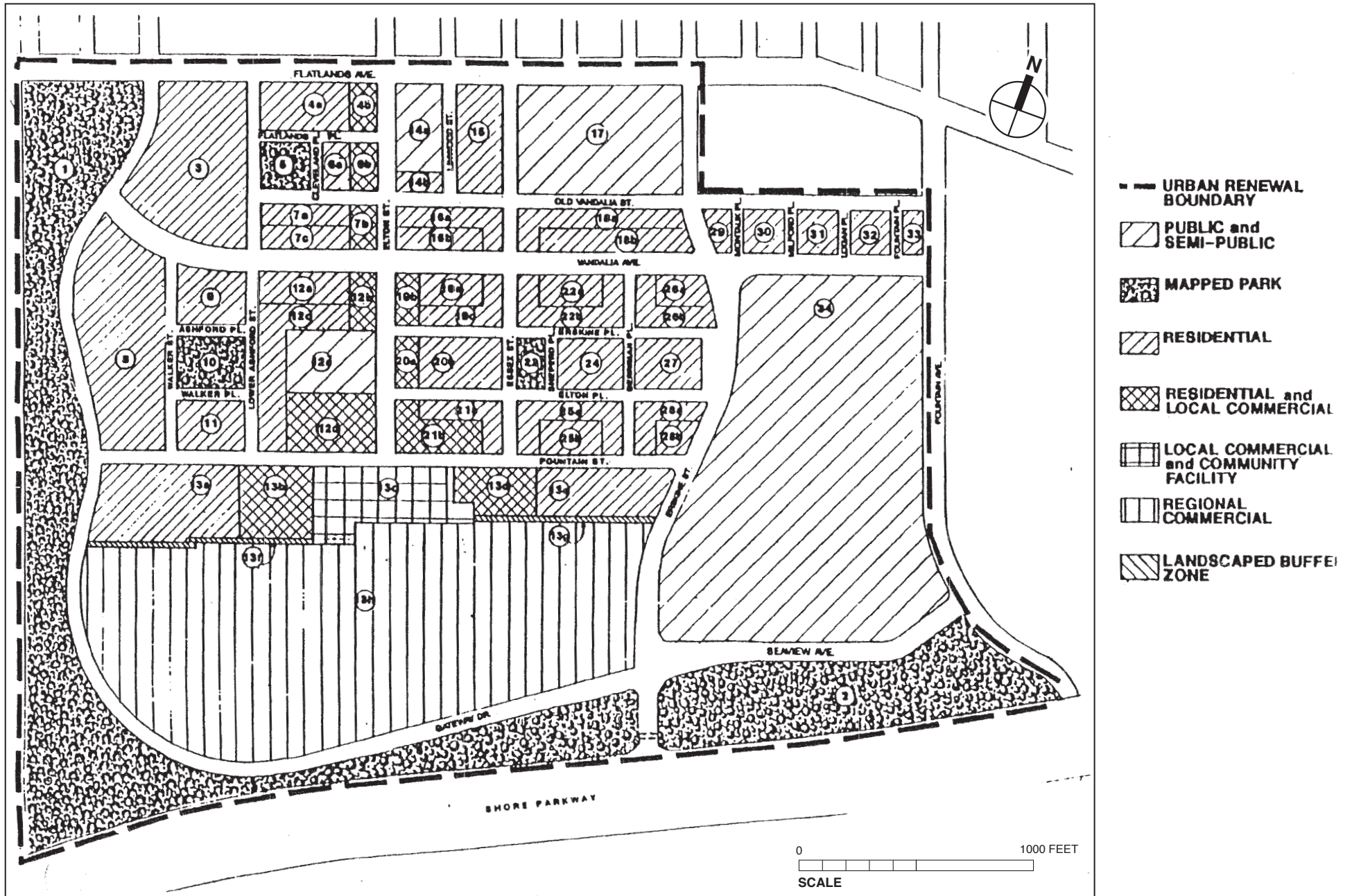
The Project Site is governed by the FCURP. Public policy initiatives in the FCURP aim to:

- Eliminate blight and maximize appropriate land use;
- Strengthen the tax base of the city by encouraging development and employment opportunities in the area;
- Provide new housing that exhibits good design in terms of privacy, light, air, and open space;
- Provide convenient community facilities, parks and recreational uses, local and regional commercial uses, and parking; and,
- Redevelop the area in a comprehensive manner, removing blight and establishing both a residential and regional commercial character for the area, with appropriate support facilities.

The FCURP was amended in 1996 in order to facilitate the development of the undeveloped portions of the FCURA with affordable housing, commercial, community facility, and recreational uses. As set forth in the plan, development could include residential use permitted in an R6 district, local commercial and community facility uses permitted in a C2-4 district, parks with passive and active recreational uses, and public and semi-public uses such as community or child care centers and schools. The plan set forth a number of urban design objectives, including the creation of a town center along Elton Street accessible to the surrounding community. Urban design controls limited density to 2,385 residential units, 640,000 sf of regional retail, and 65,000 sf of office, local retail, and community facility uses. The plan included controls for density, height, and coverage for individual lots within the FCURA. In addition, the plan called for the mapping of new streets, utility easements, and parklands (see Figure 2-3).

The Gateway Center portion of the FCURA is part of the East New York Empire Zone (see Figure 2-4). Empire Zones (EZs) are designated areas throughout New York State that offer special incentives to encourage economic and community development, business investment,

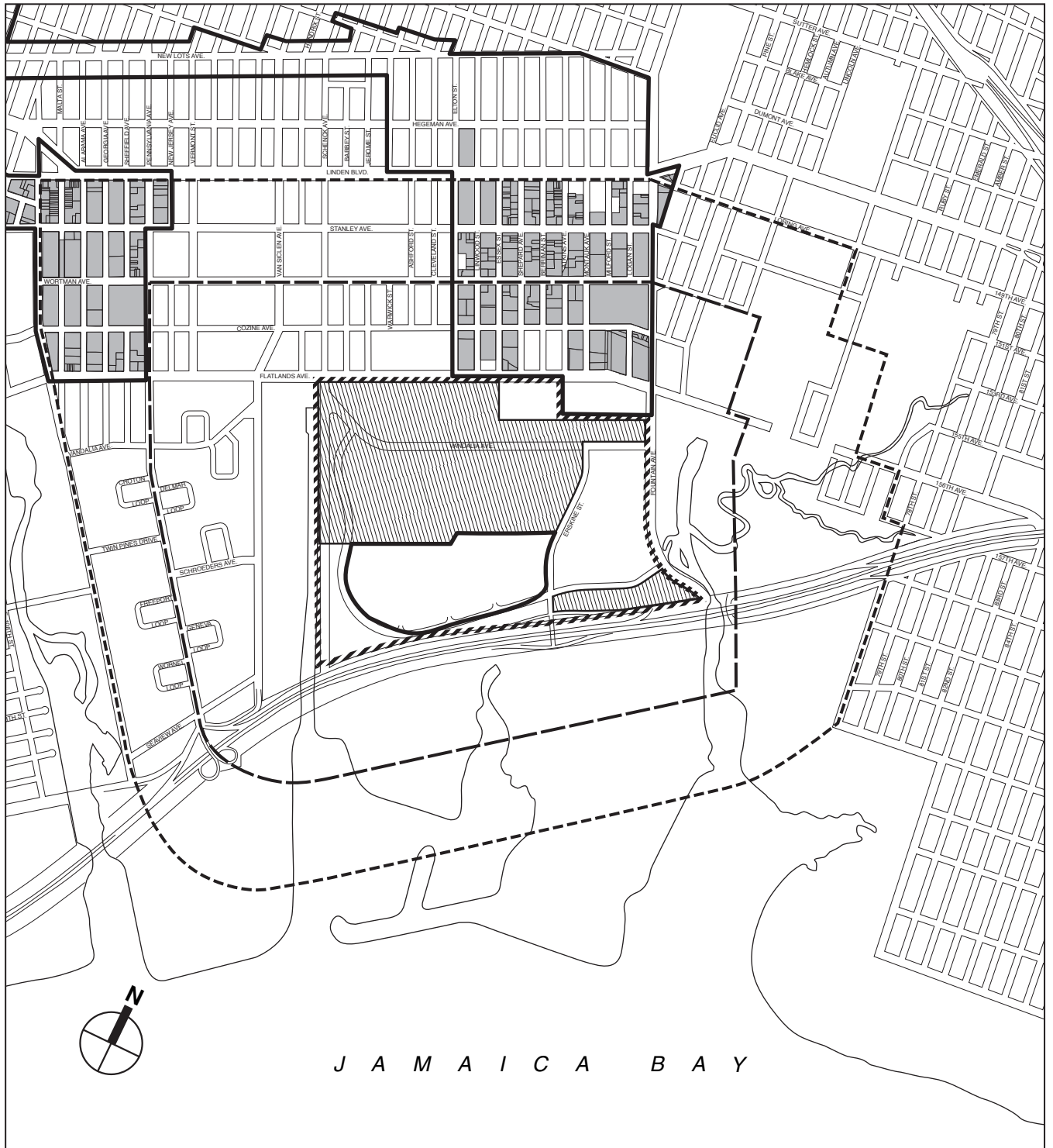
¹ Under the Quality Housing program, residential buildings in a C4-3 district can have a maximum FAR of 3.0 on sites located on a wide street (i.e., a street with a width of 75 feet or more).



Source: NYC Dept. of Housing Preservation and Development Fresh Creek Urban Renewal Project, Second Amended Urban Renewal Plan, January 1996.

GATEWAY ESTATES II

Fresh Creek Urban Renewal Plan
Figure 2-3



-  Project Site
-  Fresh Creek Urban Renewal Area Boundary
-  Primary Study Area (Approximately 1/4-Mile)
-  Secondary Study Area (Approximately 1/2-Mile)
-  East New York Empire Zone
-  Flatlands-Fairfield Industrial Business Zone

0 1000 2000 FEET
SCALE

Empire and Industrial Business Zones in the Study Area
Figure 2-4

and job creation. Businesses can be eligible for sales tax exemption, property tax credits, and business tax credits for businesses locating and expanding in EZs. The East New York Empire Zone is administered by the Local Development Corporation of East New York (LDCENY).

The New Housing Marketplace: Creating Housing for the Next Generation, a report released by Mayor Bloomberg and HPD in 2002, puts forth citywide housing policy initiatives and goals that are relevant to both the FCURA and the surrounding study area. In that policy document, the City announced its commitment to invest \$3 billion to create or preserve 65,000 units of affordable housing, including providing City-owned land for new construction of over 7,000 units of housing.

PRIMARY STUDY AREA

The primary study area surrounding the FCURA and Project Site encompasses a portion of the East New York Empire Zone. In addition, the primary study area contains portions of the Flatlands-Fairfield IBZ (see Figure 2-4). The portion of the study area to the north of Flatlands Avenue and bordered approximately by Elton Street to the west and Logan Street to the east are included in the IBZ. IBZs are designated by the Mayor's Office of Industrial and Manufacturing Businesses in order to foster high-performing business districts. IBZs create a number of advantages for conducting business in New York City through initiatives, including free business solution services, planning studies to improve industrial areas, preserving districts zoned for industrial use, protecting the supply of industrial space, and offering a relocation tax credit.

SECONDARY STUDY AREA

The secondary study area includes a portion of the East New York Empire Zone. In addition, the portion of the study area to the north of Flatlands Avenue and bounded approximately by Pennsylvania Avenue to the east and Louisiana Avenue to the west is part of the Flatlands-Fairfield IBZ (see Figure 2-4). Both programs are intended to promote economic and community development.

D. 2011 THE FUTURE WITHOUT THE PROPOSED ACTION

LAND USE

PROJECT SITE

As discussed in Chapter 1, "Project Description," it is expected that approximately 378 housing units would be constructed on the Project Site by 2011 absent the approval of the Proposed Action (see Table 2-2). Phases I and II of Nehemiah Housing, which are currently under construction, will consist of single- and two-family dwellings. As shown in Figure 2-1, the housing will be constructed on the portion of the Project Site generally located east of Elton Street, south of Flatlands Avenue, west of Fountain Avenue, and north of proposed Schroeders Avenue (previously Erskine Place). The housing that will be constructed in the 2011 No Build condition complies with the previously approved 1996 Plan.

Table 2-2

Projects Under Construction or Proposed for the Study Areas by 2011

Map Number	Project	Units / SF	Location	Build Year
Fresh Creek Urban Renewal Area				
	Gateway Estates	Approximately 378		2011
Other Development				
Primary Study Area				
1	830 Fountain Avenue Shopping Mall	232,810 sf retail, 105,000 sf rooftop parking	Block 4452, Lot 425	2010
Secondary Study Area				
2	HPD - Lincoln Avenue, MJF Development Group	30 units	Block 4531, Lots 20,26,29,38 984,988,998 Lincoln Ave. 985 Autumn Ave.	By 2011
3	HPD - sponsor unknown	100 residential units and 80 units of senior housing	Block 4375, Lot 1 Block 4376, Lot 1	By 2011
Note: See Figure 2-5.				

PRIMARY STUDY AREA

In the 2011 future without the Proposed Action, one commercial development is expected in the primary study area (see Figure 2-5 and Table 2-2). The 830 Fountain Avenue Shopping Mall will be constructed on the lot at the southwest intersection of Flatlands and Fountain Avenues. It will contain almost 230,000 sf of retail, with 105,000 sf of rooftop parking. The project is expected to be completed in 2010. In addition to these projects, a number of as-of-right residential projects are being constructed on vacant land in the northeast corner of the study area.

SECONDARY STUDY AREA

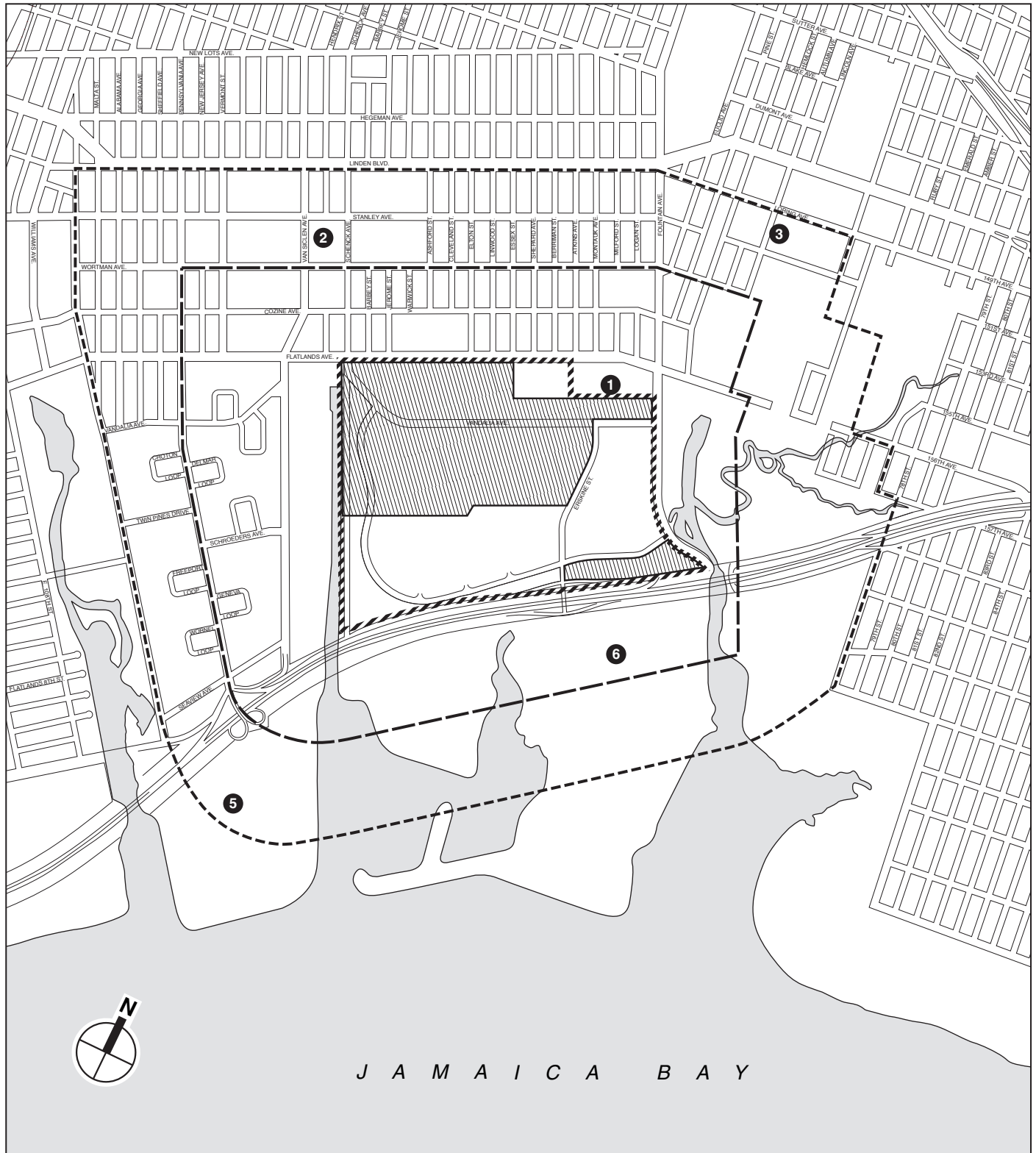
In the 2011 future without the Proposed Action, two residential projects are planned in the secondary study area (see Figure 2-5 and Table 2-2). Both projects are sponsored by HPD and will provide affordable housing units. A project at the intersection of Lincoln and Wortman Avenues will include 30 units of housing. The second project, located on the blocks bounded by Wortman Avenue to the south, Van Siclen Avenue to the west, Stanley Avenue to the north, and Schenck Avenue to the east, will contain 100 multi-family homes, and 80 units of senior housing.






One additional notable project is located just outside of the secondary study area at the intersection of Hegeman Avenue and Jerome Street. Also an HPD project, the development will consist of 69 residential units. Furthermore, a number of multi-family residential developments are under construction in the portion of the study area east of Fountain Avenue.

ZONING

PROJECT SITE

No changes to zoning in the FCURA and Project Site are anticipated in 2011 without the Proposed Action.



-  Project Site
-  Fresh Creek Urban Renewal Area Boundary
-  Primary Study Area (Approximately 1/4-Mile)
-  Secondary Study Area (Approximately 1/2-Mile)
-  No Build Site

0 1000 2000 FEET
SCALE

PRIMARY STUDY AREA

The projects proposed within the primary study area would not require changes to zoning. However, an application for a special permit to allow retail uses over 10,000 sf is in review by the New York City Planning Commission (CPC) for the development at 830 Fountain Avenue.

SECONDARY STUDY AREA

No changes to zoning in the secondary study area are anticipated in the 2011 without the Proposed Action.

PUBLIC POLICY

PROJECT SITE

No changes to public policy within the FCURA and Project Site are expected in 2011 without the Proposed Action.

PRIMARY STUDY AREA

NYCDEP is preparing the Jamaica Bay Watershed Protection Plan, as required by Local Law 71, to ensure a comprehensive watershed approach toward restoring and maintaining the water quality and ecological integrity of the bay. By 2011, implementation of potential management strategies identified in the Plan may result in improvements to water quality and habitat.

No other changes to public policy within the primary study area are expected in 2011 without the Proposed Action.

SECONDARY STUDY AREA

No changes to public policy within the secondary study area are expected in 2011 without the Proposed Action.

E. 2011 PROBABLE IMPACTS OF THE PROPOSED ACTION

LAND USE

PROJECT SITE

In the 2011 implementation of the Proposed Project, 1,027 residential units, a 630,000-square-foot shopping center, 68,000 sf of local retail, and approximately 2,067 accessory parking spaces would be constructed on the Project Site. As compared to the 1996 Plan, the incremental increase in development with the Proposed Action in 2011 would include 649 dwelling units, the 630,000-square-foot shopping center and its associated parking lot, and 68,000 sf of local retail (see Figure 2-6).

The shopping center would be constructed to the north of the existing Gateway Center, and would consist of one- and two-story buildings with large floor plates. The new shopping center would serve as a regional shopping destination. Residential and commercial uses would be constructed along Elton Street. These six- to eight-story buildings would house local retail on the ground floor, and residential uses above. Elton Street would serve as a neighborhood thoroughfare for pedestrians, and would be the main spine connecting the community to the new

town center and new shopping center. The town center would be lined with two one-story buildings that would contain small retailers or restaurants. It would have ample pedestrian space and angled-parking. The retail buildings within the town center would be a physical buffer between Elton Street and the main parking areas for the shopping center. The southern edge of the town center would contain a plaza from which pedestrians could walk to the larger retail stores in both the new and the existing shopping center. Gateway Drive and Erskine Street would serve as the main points of access to the shopping center for vehicles.

The parking lot for the expanded Gateway Center would be built to comply with the New York City Department of City Planning's (DCP) recently approved zoning text amendment imposing design standards for commercial and community facility parking lots. This amendment introduces regulations for landscaping, perimeter screening of lots, and requirements for canopy trees in planting islands within the lots, as well as maximum curb cut widths and maneuverability requirements. These regulations, as implemented in the Gateway Center parking lot, would reduce the urban heat island effect, improve air quality, manage stormwater runoff, improve the aesthetics of parking lots, and improve safety for drivers and pedestrians within the lots.

Overall, like the 1996 Plan, implementation of the Proposed Project in 2011 would improve the FCURA and would not result in significant adverse impacts to land use. The Proposed Action would allow the replacement of vacant and underutilized land with housing and retail, continuing the neighborhood revitalization that the urban renewal plan was intended to bring about. The new development resulting from the Proposed Project would complement the retail development that has already taken place with the expansion of Gateway Center, reinforcing the area as a regional shopping destination. In addition, the Proposed Project would begin the transformation of the site into an active residential neighborhood with neighborhood amenities by providing housing and local retail.

PRIMARY STUDY AREA

The Proposed Project would result in development that is compatible with land uses in the surrounding primary study area. The neighborhood in the northeast portion of the study area is becoming increasingly residential, with many multi-family units currently under construction. The size, scale, and use of the Proposed Action would be consistent with that of other residential and commercial buildings in the study area. The proposed housing is comparable to most of the residential uses to the north and northeast of the Project Site. As discussed above, the anticipated development of other projects by 2011 would continue the neighborhood's trend toward mixed-use and residential character, and toward more residential development. The additional local and regional retail would serve these new populations, bring local retail to a neighborhood in which it is sparse, and complement the retail expected to be developed at 830 Fountain Avenue. The Elton Street spine would serve to connect the existing residential community in the primary study area with the new residents and proposed town center. The industrial and manufacturing uses north of Flatlands Avenue and east of Elton Street are part of a distinct IBZ protected by City policies for the preservation of industry. Given the project's limits within the FCURA, the Proposed Project is unlikely to affect industrial activity in the IBZ. Furthermore, the Proposed Action would not alter the allowable uses in proximity to the IBZ since these uses are already permitted under zoning. Overall, the Proposed Project would be compatible with the surrounding area and thus would not result in any significant adverse land use impacts.

SECONDARY STUDY AREA

Land use in the secondary study is not likely to be affected by the implementation of the Proposed Action. As in the primary study area, there is an ongoing trend toward residential development in the secondary study area with which the Proposed Action is consistent. In addition, the Proposed Action would provide retail that would complement the existing local retail. The pockets of industrial uses would continue to be protected by the IBZ. Therefore, the Proposed Action would not result in significant adverse impacts to land use in the secondary study area.

ZONING

PROJECT SITE

The implementation of the Proposed Project in 2011 would require zoning changes in order to extend the existing C4-2 district towards the south side of Walker Street to permit construction of the new retail center. The C2-4 commercial district overlay along Elton Street would also be modified to extend it to include the entire block bounded by Flatlands Avenue to the north, Elton Street to the east, and the eastern portion of the block bounded by Old Vandalia Avenue, Vandalia Avenue, Montauk Place, and Fountain Avenue. In addition, the underlying residential district in this portion of the site would be rezoned from R6 to R7A to increase the maximum residential FAR from 2.43 to 4. The proposed rezoning of the site would not create any nonconforming uses in the new R7A zone, and would not result in any significant adverse impacts.

On November 28, 2007, DCP approved a city-wide zoning text amendment introducing new regulations for commercial and community facility parking lots. As described above, these regulations would impose design standards for landscaping, perimeter screening of lots, and requirements for canopy trees in planting islands within the lots, as well as maximum curb cut widths and maneuverability requirements. The parking lot for the expanded shopping center would be built to meet these design standards.

PRIMARY AND SECONDARY STUDY AREAS

The changes in zoning resulting from the Proposed Action would be consistent with the zoning for residential, commercial, and manufacturing uses in the primary and secondary study areas. Although the proposed R7A zoning would allow for higher residential density than the surrounding R3-2, R4, and R5 districts, the multi-unit buildings would be comparable to the trend of new housing construction taking place in the northeast section of the study area. In addition, the primary study area already houses large residential towers that far exceed the height allowed by the proposed change in zoning with the Proposed Project. The expansion of the two commercial zones in the FCURA would allow for more commercial development. In addition, the Proposed Action would allow the use and scale associated with the proposed shopping center in areas of the FCURA where regional/destination retail centers are not currently allowed under zoning. However, the use and bulk of the proposed shopping center would be consistent with the existing retail center. In addition, the proposed residential development north of the shopping center would be buffered from the proposed shopping center by the parking lot and associated landscaping. Thus, the changes to allowable residential density and the breadth of commercial zoning would not have a significant adverse impact on zoning in the primary and secondary study areas.

PUBLIC POLICY

PROJECT SITE

Implementation of the Proposed Project would require amendments to the FCURP's land use regulations to change parcel sizes, permitted uses, density, and height limits. By allowing development of the maximum thresholds allowed by the FCURP, these changes would allow the implementation of a plan that would continue to meet the goals of the FCURP. Furthermore, the Proposed Project is consistent with the City initiatives for affordable housing, economic development, and redevelopment of underused sites.

The Project Site is located within the state and city's Coastal Zone, and therefore must be assessed for its consistency with the Local Waterfront Revitalization Program (LWRP). These policies are used as the basis for evaluation of discretionary actions within the city's designated Coastal Zone. The assessment in Chapter 12, "Waterfront Revitalization Program," reviews the 10 policies and assesses, where applicable, the general consistency of the Proposed Project with the LWRP.

The Proposed Project would include several green design elements. The parking lot for the expanded shopping center would be built to comply with DCP's green design standards for parking lots. As part of this compliance, the shopping center and parking lot would be designed with a stormwater management system utilizing on-site stormwater best management practices (BMPs) to remove pollutants, sediments, and floatables. Stormwater BMPs being considered include pretreatment measures such as vegetated swales and rain gardens to allow some infiltration of stormwater; temporary on-site stormwater storage to detain the runoff and control the rate at which it is discharged to the storm sewer; catch basins fitted with hydrodynamic devices to remove oil and grit; and, hoods to remove floatables. Further, the new shopping center may be constructed with a white roof to reduce cooling costs. In addition, techniques designed to minimize air pollution and noise would be used during construction of the Proposed Project.

In addition to the above actions, the implementation of the Proposed Action would include applications for financing from various public agencies. Sources may include: the New York City Industrial Development Agency New York City Industrial Agency (IDA); the New York City Housing Development Corporation (HDC) Low-Income Marketplace Program that uses corporate reserves, low-income tax credits, and other subsidies to produce housing that is affordable for families earning less than 60 percent of New York City's median income; the New York State Department of Environmental Conservation (NYSDEC) Brownfields Cleanup Program that provides liability relief and funding for brownfields remediation; and the New York State Empire State Development Corporation (ESDC). The applicant may also seek tax assistance from ESDC. These public financing programs would aid in achieving the overall public policy benefits of the Proposed Project.

PRIMARY AND SECONDARY STUDY AREAS

Changes to public policy within the primary and secondary study areas are not expected in 2011 with the Proposed Action.

F. 2013 THE FUTURE WITHOUT THE PROPOSED ACTION

LAND USE

PROJECT SITE

In the 2013 future without the Proposed Action, the FCURA will be developed in accordance with the 1996 Plan. This would include 2,385 units of housing, professional office space, new schools and other community/public facilities, completion of the perimeter park, and construction of three interior parks.

PRIMARY STUDY AND SECONDARY STUDY AREAS

Parkland restoration projects on the former Fountain Avenue and Pennsylvania Avenue landfills to the south of the site will be undertaken. Presently, the timing of these restoration projects is uncertain, but it is anticipated that they would be underway or completed by 2013 (see Chapter 5, "Open Space").

ZONING

PROJECT SITE

The implementation of the previously approved 1996 Plan would not require changes to zoning in the FCURA. The existing R6, C2-4, and C4-2 zoning districts would remain. In addition amendments to the FCURP would not occur.

PRIMARY STUDY AND SECONDARY STUDY AREAS

No changes to zoning in the primary and secondary study areas are expected in 2013 without the Proposed Action.

PUBLIC POLICY

The 2013 future without the Proposed Action would not require amendments to the FCURP, and no changes to public policy within the primary and secondary study areas are expected in 2013 without the Proposed Action.

G. 2013 PROBABLE IMPACTS OF THE PROPOSED ACTION

LAND USE

PROJECT SITE

By 2013, the Proposed Project would include up to 2,385 housing units (the same as in the 2013 future without the Proposed Action), a public intermediate school and high school, a day care facility and other unspecified community/public facility uses, and 36.5 acres of additional publicly accessible open space. Although the number of dwelling units would be the same and the land uses would be similar, there would be substantial differences between the Proposed Project and the 1996 Plan. The Proposed Project would result in higher-density development and a different street layout than the 1996 Plan. In addition, Elton Street would be developed as a neighborhood commercial street with a plaza at the southern edge of the street, maintaining the town center

concept from the 1996 Plan and providing a connection to the existing and new shopping center. However, Elton Street under the Proposed Project would have higher density development, resulting in a more urban style of living (see Figure 2-7).

Like the 1996 Plan, the full implementation of the Proposed Project would complete the transformation of the FCURA from its current underutilized state to a vibrant, mixed-use neighborhood with affordable housing, senior housing, a new shopping center, a town center, community/public facilities, streets, landscaping, and parks. This would constitute a substantial land use change. The Proposed Project would strengthen the neighborhood by providing much needed school, day care, community facility, and open space uses to meet the needs of the existing and new residents. All uses would be sited to be compatible with uses in the surrounding area. As mentioned above, the residential uses to the north of the site would be comparable to residential uses on the northern side of Flatlands Avenue. Residential uses on the western edge of the site would be buffered from the industrial uses at Hendrix Creek by the creek and open space. The shopping center would be constructed on the southern portion of the site with a clear separation from the residential uses. The full development of Elton Street as a main street terminating in the new town center would link the new and existing residential communities. Overall, the full build out of the Proposed Project in 2013 would have positive land use impacts on the FCURA.

PRIMARY STUDY AREA

As described in “2011 Probable Impacts of the Proposed Action,” the implementation of the Proposed Project would be consistent with land uses in the primary study area. The addition of community facilities would benefit the population of the study area (see Chapter 4, “Community Facilities and Services”), and the provision of open space would enhance the quality of life for residents and workers in the primary study area (see Chapter 5, “Open Space”). No significant adverse impacts on land use would result from the implementation of the Proposed Project.

SECONDARY STUDY AREA

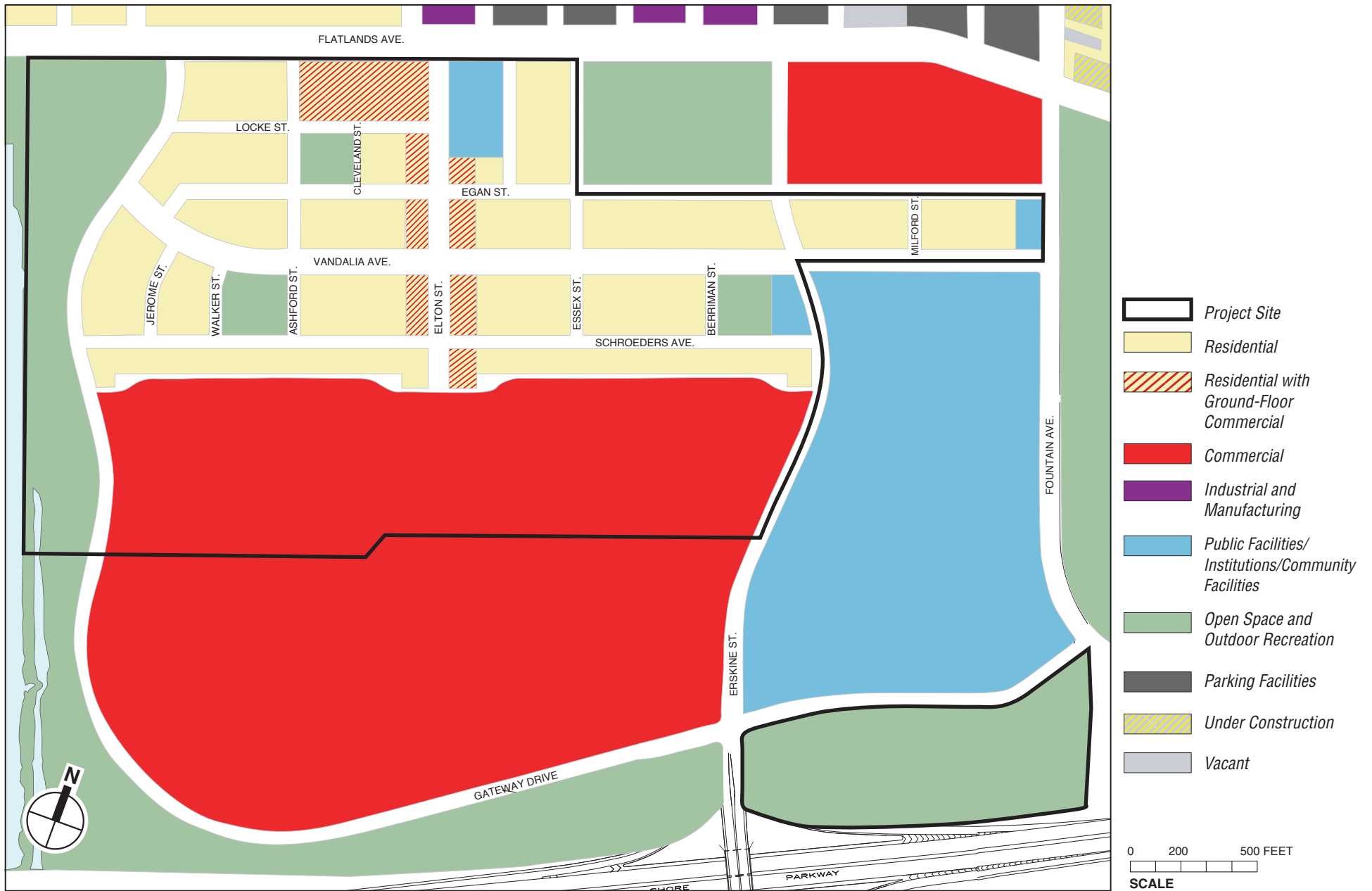
As described in “2011 Probable Impacts of the Proposed Action,” the implementation of the Proposed Project would be consistent with land uses in the secondary study area. The addition of community facilities would benefit the residents in the secondary study area (see Chapter 4, “Community Facilities and Services”), and the provision of open space would enhance the quality of life of the residents and workers in the secondary study area (see Chapter 5, “Open Space”). No significant adverse impacts on land use would result from the implementation of the Proposed Project.

ZONING

All zoning changes that would be required to implement the Proposed Project would be in place by 2011 and, as described above, the proposed change in zoning would not result in significant adverse impacts.

PUBLIC POLICY

As described above “2011 Probable Impacts of the Proposed Action,” the amendments to the FCURP would allow for the development of the Proposed Project consistent with the goals of the FCURP, the LWRP, and City initiatives for affordable housing, economic development, and redevelopment of underused sites.



Furthermore, completion of the Proposed Project would be consistent with the goals of PlaNYC 2030. On April 22, 2007, Mayor Michael R. Bloomberg announced PlaNYC 2030 as a comprehensive strategy to ensure the long-term viability of the City. It includes policies to address three key challenges that the City faces over the next twenty years: 1) population growth; 2) aging infrastructure; and 3) global climate change. Elements of the plan are organized into six categories with corresponding goals and objectives for each.

- **Land:** The City projects that population will increase by approximately 1,000,000 residents by 2030, but the City's land mass will remain fixed. PlaNYC 2030 strives to create more housing while, at the same time, increasing access to units for low- and moderate-income residents. It also aims to reclaim under developed industrial land and to improve quality of life through improved access to open space.
- **Water:** New York City was founded for its superior access to water, but the industrial history of the City has resulted in contamination of waterbodies as well as restricted recreational access. New York maintains a high quality of drinking water, but the delivery infrastructure has aged. PlaNYC strives to improve water quality by opening 90 percent of the City's waterways to public access, preserving natural areas, and by reducing water pollution. The plan also intends to create critical back-up systems to ensure the long-term reliability of the City's potable water systems.
- **Transportation:** To support the long-term growth of the City while reducing congestion, the plan calls for aggressive investment in transportation infrastructure and improved access to transit. PlaNYC calls for alternative funding sources to provide grants for state-of-good-repair projects and to alleviate the funding gaps for critical transit expansion projects.
- **Energy:** Energy prices and carbon emissions continue to increase resulting from an aging infrastructure, market conditions, and growth. PlaNYC will implement a two-pronged strategy to meet energy challenges. Firstly, to increase supply, the City will promote clean energy plants, the revamping of older inefficient plants, and creation of a market for renewable energy sources. Secondly, to reduce demand, the City will target large consumers to accelerate efficiency upgrades.
- **Air Quality:** The City fails to meet certain State and Federal air quality standards. PlaNYC will reduce automobile travel, improve the efficiency of power plants and buildings, and implement natural strategies such as planting 1 million trees. Cumulatively, these policies aim to improve the City's air quality.
- **Climate Change:** PlaNYC's strategies to improve the efficiency of our energy supply and demand, reduce congestion, improve transit access, and reduce emissions will together reduce greenhouse gases. In developing and implementing these strategies, the plan aims to reduce greenhouse gas emissions by 30 percent. The plan also recognizes the eminent effects of climate change and includes provisions to protect the City's natural and built structures from catastrophic weather events.

The Proposed Project would support the land goals by redeveloping an underused site with affordable housing and open space. It would provide for up to 2,385 new, affordable housing units with a mix of single-family homes, multi-family apartments and condominiums, senior housing, and supportive housing. It would also complete the perimeter park within the FCURA and would create three new interior parks. The new open space would serve both the new residents of the FCURA as well as existing residents to its north, east, and west.

The Proposed Project would support the water strategies of PlaNYC 2030 through stormwater quantity and quality measures. It would preserve wetlands along Hendrix Creek and the Shore Parkway, and it includes bioswales within the proposed parking lot of the shopping center, a rain garden within the shopping center, 36.5 acres of open space, and trees and other landscaping throughout the Project Site. These plantings would help regulate the quantity of stormwater discharge through natural atmospheric absorption. The Proposed Project would also implement Best Management Practices to preserve the quality of stormwater discharged to Hendrix Creek.

The Proposed Project would support transportation goals of PlaNYC 2030 with a new transit facility and supportive infrastructure for cyclists and pedestrians. The bus turnaround facility would improve existing bus service to the Project Site and would allow for the future expansion of service for residents, workers, and visitors. Bicycle lanes and bicycle infrastructure would promote non-motorized travel to, from, and within the Project Site. The creation of a new urban retail corridor along Elton Street between Flatlands Avenue and Gateway Center would promote pedestrian travel by providing an attractive streetscape with a mix of local retailers. The proposed mixed-use plan would also reduce automobile dependence for future residents by providing retail, community facility, and open space uses within close walking distance to housing.

New structures within the Project Site would comply with the New York State Energy Code (see Chapter 15, “Energy”), and implementation of the Proposed Project would not result in exceedances of Federal or State air quality standards (see Chapter 18, “Air Quality”). The Proposed Project would also result in new street trees and other landscape areas that would help improve air quality through natural carbon absorption. *