



CITY PLANNING COMMISSION

August 22, 2001/Calendar No. 24

C 010486 ZSK

IN THE MATTER OF an application submitted by Triangle Equities Development Company LLC and the Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681(a)(1) of the Zoning Resolution to permit portions of a railroad right-of-way which will be completely covered over by a permanent platform to be included in the lot area for the development of a retail and parking complex on a zoning lot, bounded by Avenue H, Flatbush Avenue, the former southerly boundary line of a public place and its easterly and westerly prolongations, and Nostrand Avenue (Block 7576, Lots 27, 29 and 33 and Block 7577, Lots 50 and 56), in a proposed C8-4 District, Borough of Brooklyn, Community District 14.

The application for the special permit was filed by Triangle Equities LLC and the Economic Development Corporation on March 13, 2001 and revised on August 13, 2001 to permit portions of a railroad right-of-way that will be completely covered by a permanent platform to be included in the lot area for the development of a retail and parking complex on a zoning lot, bounded by Avenue H, Flatbush Avenue, the former southerly boundary line of a public place and its easterly and westerly prolongations, and Nostrand Avenue in the Flatbush area of Brooklyn.

RELATED ACTIONS

In addition to the special permit which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 010026 MMK:

Amendment to the City Map involving the elimination, discontinuance and closing of a Public Place, generally located south of Avenue H, between Nostrand and Flatbush avenues, the adjustment of grades necessitated thereby, and any acquisition or disposition

of real property related thereto.

2. C 010483 ZMK:

Amendment of the Zoning Map, Section No. 23a, changing from a C8-2 District to a C8-4 District property bounded by Avenue H, Flatbush Avenue, the former southerly line of a public place and its easterly and westerly prolongations, and Nostrand Avenue.

3. C 010484 ZSK:

A special permit pursuant to Section 74-52 of the Zoning Resolution to permit an unattended public parking garage with a maximum capacity of 552 spaces.

BACKGROUND

In the application, as certified, the proposed special permit, in conjunction with the the related actions (C 010026 MMK, C 010483 ZMK and C 010484 ZSK) would facilitate the development of a 264,810 square foot retail center composed of three retail levels above grade, a partial floor below grade, and a 188,060 square foot, five level above grade public parking garage for 552 cars on property located on the south side of Avenue H, between Flatbush Avenue and Nostrand Avenue (Block 7576, Lots 27,29 and 33 and Block 7577, Lots 50 and 56) in the Flatbush area of Brooklyn.

The project site has a total area of 147,566 square feet, is zoned C8-2 and comprises five city-

owned parcels, the majority of which (Block 7576, Lots 29 and 33 and Block 7577, Lot 50) is occupied by a municipal parking lot with 387 parking spaces. In addition, a below-grade portion of the Long Island Rail Road runs east-west through a southern portion of the site. The southernmost portion of the project site (Block 7576, Lot 27 and Block 7577, Lot 56) is occupied by a car wash that has its entrance on Flatbush Avenue and exit on Nostrand Avenue.

The project site is known as the Junction, due to the convergence of five bus lines that travel either through the Flatbush/Nostrand junction or terminate at it. The IRT 2 and 5 subway lines also terminate at this location.

The project site is surrounded by a mix of commercial, residential and institutional uses.

The area to the immediate north of the project site is zoned C4-3. C2-1 and C2-2 commercial overlays are located along the frontage of Flatbush Avenue. C1-3 and C2-2 commercial overlays are also located along the frontage of Nostrand Avenue in the vicinity of the project site. The majority of retail establishments surrounding the project site along both Flatbush and Nostrand avenues are small, locally owned businesses with some larger retailers such as Payless Shoes, Sleepy's Mattresses and Duane Reade Drugs, as well as fast-food franchises.

The blocks to the south and to the east of the project site are zoned R4 and R6. Medium-density residential developments make up the bulk of the housing in the area surrounding the project site, with medium-density developments located to the east of the project site along Avenue H, to the

north of the project site along East 31st Street and to the south along Flatbush Avenue. The largest residential complex in the area, the twenty-story Philip Howard Apartments, is located just to the south of the site at 1655 Flatbush Avenue. There are also a substantial number of detached and semi-detached one and two-family homes to the north and south of the project site.

Additionally, located to the west of the project site is the twenty-six acre Brooklyn College campus and the adjoining Brooklyn Center for the Performing Arts, which houses five performance spaces, including a 2,450-seat auditorium. The Brooklyn Center provides Brooklyn College students, faculty and residents of the diverse surrounding community with access to artistic events at affordable prices. Many area residents also use the Brooklyn Center's facilities for their own community-related functions.

The proposed shopping center fronts on Avenue H, Flatbush Avenue and Nostrand Avenue, with the main entrance on Flatbush Avenue. In addition, the ground floor retail space could be accessed through street level entrances on both Flatbush Avenue and Avenue H.

The proposed public five-level above grade parking garage would be located on the southwest corner of the site, with vehicular access and egress to and from the garage located on Nostrand Avenue. A proposed curb cut of approximately 125 feet would be provided. The garage, as originally proposed, would contain 552 spaces and 28 reservoir spaces, provided at the garage entrance. The proposed parking garage is an open-deck facility which provides at least 50 percent of the exterior area of each level to be open for the purpose of natural ventilation. Rooftop

parking would also be provided. The retail space could be accessed through the first and third levels of the garage. There would be two loading areas associated with the project: three loading bays would be located on the south side of the project on the service drive, and three loading bays would be located on the west side of the project on Nostrand Avenue.

Since a part of the project would be located above a railroad right-of-way, a special permit pursuant to Section 74-861(a)(1) of the Zoning Resolution is required which is the subject of this report. To facilitate the development of the retail and parking complex, a permanent platform would be built over a below-grade portion of the Long Island Rail Road which runs east-west through a southern portion of the project site. The platform would provide headroom clearance over the tracks within a range of 17.86 feet to 18.36 feet from the top of the rail to the underside of the building.

The proposed project also requires an amendment to the City Map for the elimination, discontinuance and closing of a Public Place and related acquisition or disposition of real property in a related application (C 010026 MMK). The Public Place consists of five city-owned lots (lots 27, 29 and 33 within Block 7576 and lots 50 and 56 within Block 7577) which encompass the project site. The applicants request the elimination of the Public Place designation so that the city may dispose of the property to facilitate the development of the retail and parking complex.

In order to facilitate the construction of shopping center and public parking garage, the applicants

are also seeking approval of a zoning map amendment in a related application (C 010483 ZMK) to change the zoning of the existing site from C8-2 to C8-4. Under the existing C8-2 zone, an FAR of 2.0 is permitted with a maximum building height of 60 feet. Under the proposed C8-4 zone, the permissible FAR would be increased to 5.0 with a maximum building height of 85 feet. The proposed retail and parking complex would have an FAR of 3.04 and building heights ranging from 76.2 feet to 79.9 feet.

Although the proposed C8-4 zoning does not have a parking requirement, the applicants are seeking a special permit pursuant to Section 74-52 of the Zoning Resolution in a related application (C 010484 ZSK) to allow a public parking garage with a maximum capacity, as originally proposed, of 552 spaces. As a public parking garage, the parking spaces would be available for both visitors to the shopping complex, as well as nearby residents and merchants. The proposed parking garage would replace the existing municipal parking lot which has a capacity of 387 cars.

ENVIRONMENTAL REVIEW

This application (C 010486 ZSK), in conjunction with the applications for the related actions (C 010026 MMK, C 010483 ZMK and C 010484 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 01DME002K. The lead agency is the Deputy Mayor for Economic Development.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on March 23, 2001.

UNIFORM LAND USE REVIEW

This application (C 010486 ZSK), in conjunction with the applications for the related actions (C 010026 MMK, C 010483 ZMK and C 010484 ZSK) was certified as complete by the Department of City Planning on March 26, 2001, and was duly referred to Community Board 14 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 14 held a public hearing on this application on May 7, 2001, and on May 14, 2001, by a vote of 19 to 7 with 4 abstentions, adopted a resolution recommending disapproval of the application.

In recommending disapproval of this application (C 010486 ZSK) as well as the applications for the related actions (C 010026 MMK, C 010483 ZMK and C 010484 ZSK), Community Board 14 raised concerns about the traffic impacts of the proposed retail and parking complex. The board was especially concerned with traffic congestion on Nostrand Avenue and how that

congestion would be further impacted by the proposed truck loading bays on Nostrand Avenue as well as the vehicular entrance and exit of the proposed parking garage on Nostrand Avenue.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on July 3, 2001 approving the application with the following conditions:

That either the City Planning Commission or the City Council requires:

- 1) That the developer conduct both a pedestrian and vehicular traffic analysis after the first year of operation to determine if any further traffic signal timing adjustments are necessary; and,
- 2) That the truck bays along Nostrand Avenue be angled in order to allow trucks from only the northbound lane of traffic to back in; and to mitigate the traffic impacts of the project on this already heavily congested area; and,
- 3) That the developer provide adequate “DO NOT ENTER” signage at the exit of the service road on Flatbush Avenue to prevent any vehicles from entering.

City Planning Commission Public Hearing

On June 27, 2001 (Calendar No. 9), the City Planning Commission scheduled July 11, 2001, for a public hearing on this application (C 010486 ZSK). The hearing was duly held on July 11, 2001 (Calendar No. 20), in conjunction with the public hearings on the applications for the related actions (C 010026 MMK, C 010483 ZMK and C 010484 ZSK). There were five speakers in favor of the application and one speaker in opposition.

Those speaking in favor included a representative from EDC, the developer, the developer’s architect and traffic consultant and a representative from the Flatbush Development Corporation.

They stated that the proposed shopping center will generate jobs and make the Junction a destination point. The developer's architect described the design of the shopping center and public parking garage and the developer's traffic consultant discussed current traffic conditions at the site.

The one speaker in opposition was the owner of the car wash at 1630 Flatbush Avenue that would be removed for the construction of the proposed shopping center. He stated that the proposed shopping center is too big, and that he has significantly invested to improve his business and would like to remain at that location.

The Commission has also received correspondence from the Gasoline & Automotive Service Dealers Association which is opposed to the proposed project and supports maintaining the existing car wash on the project site. The Association states that the car wash owner has invested a considerable sum in the renovation of his location, employs a large number of people and that the project need not be constructed in a manner that requires its elimination.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

In the application, as certified, the applicant proposes to construct a 264,810 square foot retail

center composed of three above grade retail levels, a partial floor below grade and a 188,060 square foot five level above grade public parking garage for 552 cars on property located on the south side of Avenue H, between Flatbush Avenue and Nostrand Avenue in the Flatbush area of Brooklyn.

The project site is surrounded by a mix of commercial, residential and institutional uses. Flatbush and Nostrand avenues are both major commercial corridors, containing small, locally owned businesses with some larger retailers as well as fast-food franchises. The blocks to the south and to the east of the project site are developed with medium-density residential developments. There are also a substantial number of detached and semi-detached one and two-family homes to the north and south of the project site. Additionally, the twenty-six acre Brooklyn College campus and the adjoining Brooklyn Center for the Performing Arts is located to the west of the project site.

The Commission believes that the proposed retail and parking complex is an appropriate reuse of an underutilized site used for parking. The proposed shopping center will expand employment opportunities and make the Junction area a destination point.

The area is well served by public transit services, including five bus lines, and the IRT 2 and 5 subway lines that terminate at the Flatbush/Nostrand junction.

The C8-4 zoning will allow the development of a retail center and public parking garage totaling

449,570 square feet with an FAR of 3.04 on a site bounded by Avenue H, Flatbush Avenue, the former southerly line of a public place and its easterly and westerly prolongations and Nostrand Avenue. The project site is surrounded by commercial zones. The area to the immediate north of the project site is zoned C4-3. There are C2-1 and C2-2 commercial overlays located along the Flatbush Avenue frontage. C1-3 and C2-2 commercial overlays are also located along the Nostrand Avenue frontage in the vicinity of the project site.

The elimination, discontinuance and closing of a Public Place within the area generally bounded by Flatbush Avenue, Nostrand Avenue, Avenue H and Avenue I , the adjustment of grades necessitated thereby and any acquisition or disposition of property related thereto is integral to the development of the proposed retail and parking garage complex. The Public Place consists of five city-owned lots (lots 27, 29 and 33 within Block 7576 and lots 50 and 56 within Block 7577) which encompass the project site. The majority of the project site, (Block 7576, Lots 29 and 33 and Block 7577, Lot 50) is occupied by a municipal parking lot with a capacity of 387 cars, with a weekday utilization rate of about 35 percent and a Saturday midday peak rate of about 27 percent. The elimination of the Public Place designation would permit the city to dispose of this underutilized property to facilitate the development of the proposed shopping center and public parking garage.

The Commission, however, raised several issues of concern during the public review including the impact of the project on the surrounding area, the level of traffic congestion on Nostrand Avenue, vehicular access and egress for the parking garage, truck movements and their impact on

Nostrand Avenue, the turning radius on to the service drive and the design of the garage facade.

The applicant, therefore, has made the following revisions to the proposed project:

1) The applicant reduced the number of truck bays on Nostrand Avenue from three to two. The truck bays and adjacent dumpsters will be built at a 35 degree angle, making it easier for northbound trucks to enter the loading dock, and for the dumpsters to be serviced. This alignment reduces congestion along Nostrand Avenue, and prohibits southbound trucks from entering the Nostrand Avenue loading bays.

2) The service drive entrance off Nostrand Avenue was widened 18 feet to 24.5 feet for a distance of 110 feet to provide more adequate turning radius for northbound trucks entering the service drive, which reduces the traffic congestion along Nostrand Avenue.

3) The applicant will provide a secondary exit from the garage onto the service drive to be in operation during peak retail hours evenings and weekends, but closed (except for emergencies) during the times of truck deliveries. Motorists heading southbound would have the ability to exit onto the service drive, and then proceed south onto Flatbush Avenue. This will minimize the impact on Nostrand Avenue traffic, specifically at the intersection of Nostrand Avenue and Avenue I. The applicant will incorporate truck size restrictions within the leases for each project tenant to assure that trucks larger than 50 feet do not enter, and therefore impair the service drive. The applicant is also proposing to install customized technology to communicate with the loading bay attendants to prevent

these trucks from unloading.

The provision of the service drive widening and the secondary exit result in the loss of approximately 34 spaces in the proposed parking garage, thereby reducing the number of spaces from 552 to 518.

4) The applicant has provided additional refinement to the design of the parking garage facade, including the use of architectural precast concrete to provide color and texture, articulated spandrel panels and metal guardrails and screening. These measures assure a pedestrian friendly facade along Nostrand Avenue.

These changes also address concerns raised by Community Board 14 and the Brooklyn Borough President.

The Commission notes that with respect to the oral testimony of the car wash owner and the written testimony from the Gasoline & Automotive Service Dealers Association in opposition to the proposed project and in support of maintaining the existing car wash, in the Spring of 2001, DCAS terminated the Junction Car Wash lease and began eviction proceedings. DCAS has successfully attained a Stipulation of Settlement, dated July 6, 2001, signed by both DCAS and the Junction Car Wash, stating that the Junction Car Wash will vacate the site by October 15, 2001.

The Commission also notes that the proposed public parking garage will not be incompatible with the general area of the project site. Both major north-south avenues adjacent to the project site, Flatbush Avenue and Nostrand Avenue, have commercial uses in the preponderance of the buildings along these avenues on at least the ground floor; and most have residences on the upper floors. Brooklyn College is immediately to the west of the project site. Public parking will now be available for both visitors to the shopping complex, as well as nearby residents and merchants and Brooklyn College staff and students, enhancing all of the uses in the general area.

Both Flatbush and Nostrand avenues presently have significant volumes of traffic during weekdays, with some noticeable peaking occurring in the AM and PM peak commuter hours. Curb side parking is in short supply in the immediate area. The public parking garage will address this need. In addition, the garage will complement the public transportation to the area (the IRT 2 and 5 subway lines terminate in the immediate area and five bus lines travel through the area), thereby providing a reasonable balance between automobile traffic and pedestrian traffic.

The project includes the implementation of certain measures, subject to DOT approval, to minimize the effects of congestion, as follows: Signal timing adjustments can be made at intersections where a shift of a few seconds of unused green time from an underutilized approach to the more heavily used approach can increase the intersection's travel capacity; this common traffic improvement measure would be used at the intersections of Flatbush Avenue at Nostrand Avenue and Avenue I and the intersections of Nostrand Avenue at avenues H and I.

Another measure proposed is the elimination of curb parking at select intersection approaches, referred to as “daylighting” which can create an extra travel lane and reduce delays caused by segregating turning vehicles out of the main through traffic stream; at approaches where this new lane is proposed, five spaces would be permanently eliminated. Daylighting is proposed at the Nostrand Avenue/Avenue H and I intersections and at Flatbush Avenue at Avenue I.

The project site is served by two major north-south avenues, which the preponderance of vehicular traffic to the site will use since these arterials extend to far reaches of the borough and along which there is favorable traffic signal progression that allows for shorter travel time. In effect, this will tend to naturally minimize the use of local side streets that typically have only one travel lane in use and are often obstructed by double parking, high pedestrian use and other such hindrances to smooth traffic flow.

Twenty-eight reservoir spaces for vehicles are being provided at the vehicular entrance to the garage which is required by zoning.

As discussed in the Environmental Assessment Traffic and Transportation Supplemental Study, the streets providing access to the project site will be adequate to handle the traffic generated thereby due to immediately accessible subway and bus lines, as well as those certain measures to be taken to minimize the traffic.

Specifically, there are numerous primary access routes to and from the site and area; Flatus

Avenue, which has two travel lanes in each direction, is typically provided with favorable signal progression that allows vehicles to proceed smoothly along the avenue for an extended number of blocks without stopping.

The roof parking is located at an elevation above curb level comparable to the height of the numerous six-story multiple dwellings north, east and south of the site. In order to provide a visual and sound barrier for the adjacent areas, six foot high parapet walls surrounding the roof parking spaces will be provided. Lighting on the roof will be pointed downward so as not to adversely impact the neighboring residential community.

The Commission also notes that the portion of the project site within a railroad right-of-way will be completely covered over by a platform, and will be included in the lot area for the proposed development.

The site is bounded by Flatbush Avenue on the east, and Nostrand Avenue on the west, both of which are 100 feet and 80 feet wide, respectively, and are adequate to handle a substantial amount of north-south vehicular traffic, the directions from which the preponderance (between 65 and 80 percent) of all project traffic will originate. It is anticipated that Avenue H, also 80 feet wide, will carry a limited amount of traffic from residences immediately east of the site. Therefore, the Commission believes that Avenue H, which leads to the Brooklyn College campus immediately west of the site, will not be impacted.

The proposed development would be of essentially the same height (approximately 82 feet in height) throughout the entire site, with the floor area (including the parking levels and the retail levels) equally distributed throughout the site, as well. The height and floor area distribution are comparable to that of the numerous six-story multiple dwellings immediately north, east, and south of the site, and is substantially lower in height than a twenty-story multiple dwelling southeast of the site.

The project would consist of a retail complex and public parking garage, similar to that found in suburban shopping malls throughout the metropolitan area. The uses in the proposed development do not adversely affect one another. To the contrary, they complement one another.

The platform to be constructed over the railroad right-of-way would have a clear headroom ranging from 17.86 feet to 18.36 feet consistent with the Metropolitan Transit Authority (MTA) regulations; since the right-of-way is only for a railroad line without any railroad depot at this location, it would in no way inhibit existing and/or future transportation use of the railroad line.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-681(a)(1) (Development within or over a railroad or transit right-of-way or yard) of the Zoning Resolution:

- (1) the streets providing access to all uses pursuant to paragraph (a) above are adequate to

handle traffic resulting therefrom:

(2) the distribution of floor area and the number of rooms or dwelling units does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such development or enlargement, including any portion of the development or enlargement located beyond the boundaries of such railroad or transit right-of-way or yard;

(3) all uses, developments or enlargements located on the zoning lot or below a platform do not adversely affect one another;

(4) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation use, the site plan and structural design of the development does not preclude future use of, or improvements to the right-of-way for such transportation use.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; 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 and findings described in this report, the application of Triangle Equities Development Company LLC and the Economic Development Corporation for the grant of a special permit pursuant to Section 74-681(a)(1) of the Zoning Resolution to permit portions of a railroad right-of-way

which will be completely covered over by a permanent platform to be included in the lot area for the development of a retail and parking complex on a zoning lot bounded by Avenue H, Flatus Avenue, the former southerly boundary line of a public place and its easterly and westerly prolongations, and No strand Avenue (Block 7576, Lots 27, 29 and 33 and Block 7577, Lots 50 and 56), in a proposed C8-4 District, Borough of Brooklyn, Community District 14, is approved, pursuant to Section 74-681(a)(1) of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 010486 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Cooper Carry, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1	Site Plan	8/15/01
Z-3	Retail Level 1, Parking Level 1	8/13/01
Z-4	Parking Level 2	8/13/01
Z-5	Parking Level 2, Parking Level 3	8/13/01
Z-6	Parking Level 6	8/13/01
Z-7	Retail Level 3, Parking Level 5	8/13/01
Z-8	Building Sections	8/13/01
Z-9	Section @ L.I.R.R. Easement	8/13//01
Z-10	Elevations and Notes	8/17/01

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublease or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the

special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 010486 ZSK), duly adopted by the City Planning Commission on August 22, 2001 (Calendar No. 24), 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.

JOSEPH B. ROSE, Chairman
ALBERT ABBEY, ANGELA M. BATTAGLIA,
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
KATHY HIRATA CHIN, ESQ., ALEXANDER GARVIN, MARILYN GELBER
WILLIAM J. GRINKER, KENNETH J. KNUCKLES, ESQ., Commissioners

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
12 Reade Street, New York, NY 10007
FAX # (212) 726-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 25 at the above address.
2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Publication, or copy to the Board, District, and the copy to the Borough Board, when applicable.

APPLICATION # C 010483 ZMK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by Triangle Equities Development, Company LLC and the Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23a, changing from a C8-2 District to a C8-4 District property bounded by Avenue H, Flatbush Avenue, the former southerly line of a public place* and its easterly and westerly prolongations, and Nostrand Avenue, Borough of Brooklyn, Community District 14, as shown on a diagram (for illustrative purposes only) dated March 26, 2001.

* Note: Refer to related application for an amendment of the city map, C 010028 MMK for proposed changes to public place.

COMMUNITY BOARD NO. 14
BOROUGH Brooklyn

BOROUGH BOARD _____

DATE OF PUBLIC HEARING 5/7/01
WAS QUORUM PRESENT? YES NO

LOCATION CB14 Office

IF YOU ARE NOT SURE OF THE LOCATION OF THE HEARING, PLEASE CONTACT THE COMMUNITY BOARD OFFICE AT (718) 224-3100.

VOTE ADOPTING RECOMMENDATION TAKEN
DATE 5/14/01

LOCATION EDWARD R. MURPHY HS - 1600 AVE L Brooklyn

RECOMMENDATION

APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (attach additional sheets if necessary)

See attached letter (June 1, 2001)

VOTING :
IN FAVOR 19 AGAINST 7 ABSTAINING 4
TOTAL MEMBERS APPOINTED TO BOARD 46

[Signature]
COMMUNITY/BOROUGH BOARD OFFICER

6/1/01

6/1/01 Charina
TITLE

DATE

**Community/Borough Board
Recommendation**

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Valence Information Office, City Planning Commission, Room 2E at the above address.
2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the form and on the agenda, or copy to the Borough President, and one copy to the Planning Board, as applicable.

APPLICATION # C 010484 ZSK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Triangle Equities Development Company, LLC and the Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit by the City Planning Commission pursuant to Section 74-52 of the Zoning Resolution to permit an unattended public parking garage with a maximum capacity of 552 spaces on a zoning lot, bounded by Avenue H, Flatbush Avenue, the former southerly boundary line of a public place* and its easterly and westerly prolongations, and Nostrand Avenue (Block 7576, Lots 27, 29 and 31 and Block 7577, Lots 53 and 56), in a proposed C8-4 District**, Borough of Brooklyn, Community District 14.

* Refer to related application for an Amendment to the City Map, C 010026 MMK for proposed changes to the public place.

** A C8-4 District is proposed to be mapped under related Application for an Amendment of the Zoning Map C 010485 ZMK.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 2N, 22 Reade Street, New York, N.Y. 10007.

COMMUNITY BOARD NO. 14

BOROUGH Brooklyn

BOROUGH BOARD _____

DATE OF PUBLIC HEARING 5/7/01

LOCATION CB14 Office - P.O. E16 St.

WAS QUORUM PRESENT? YES NO

If a public hearing shall result a quorum of 1/3 of the appointed members of the board, but no quorum shall then reach such meeting.

DATE VOTE ADOPTING RECOMMENDATION TAKEN

DATE 5/14/01

LOCATION MURRAY HS - 1600 Ave L, Bklyn

RECOMMENDATION

- APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (attach additional sheets if necessary)

See attached letter (June 1, 2001)

VOTING

IN FAVOR 19 AGAINST 7

ABSTAINING 4

TOTAL MEMBERS APPOINTED TO BOARD 46

DATE

6/1/01

Alan M.
COMMUNITY/BOROUGH BOARD OFFICER

TITLE

Chairman

**Community/Borough Board
Recommendation**

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Planning Commission Office, 22 Reade Street, New York, NY 10007, at the above address.
2. This form is to be completed only with applications for special permits. Applications for special permits are considered on the basis of the information and data on the application. One copy to the Planning Commission, and one copy to the Borough Board, see app. table.

APPLICATION # C 010486 ZSK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Triangle Equities Development Company LLC and the Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit by the City Planning Commission pursuant to Section 74-63 (a)(1) of the Zoning Resolution to permit portions of a railroad right-of-way which will be completely covered over by a permanent platform to be included in the lot area for the development of a retail and parking complex on a zoning lot, bounded by Avenue H Flatbush Avenue, the former southerly boundary line of a public place* and its easterly and westerly prolongations, and Nostrand Avenue (Block 7576, Lots 27, 29, and 33 and Block 7577, Lots 50 and 56), in a proposed CS-4 District**., Borough of Brooklyn, Community District 14.

- * Refer to related application for an Amendment to the City Map, C 010026 MMK for proposed changes to the public place.
- ** A CS-4 District is proposed to be mapped under related Application for an Amendment of the Zoning Map C 010483 ZMK.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

COMMUNITY BOARD NO. 14
BOROUGH Brooklyn BOROUGH BOARD _____

DATE OF PUBLIC HEARING 5/07/01 LOCATION 510 E 16 St - CB14 Office
WAS QUORUM PRESENT? YES NO If quorum not met the shall require a quorum of 2/3 of the appointed members of the board, but in no event fewer than seven such members.

VOTE ADOPTING RECOMMENDATION TAKEN
DATE 5/14/01 LOCATION MURROW HS - 1600 Ave L Bklyn

RECOMMENDATION

APPROVE APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (attach separate sheet if necessary)

See attached letter (June 1, 2001)

VOTING :
IN FAVOR 19 AGAINST 7 ABSTAINING 4
TOTAL MEMBERS APPOINTED TO BOARD 46

[Signature]
COMMUNITY/BOROUGH BOARD OFFICER

6/1/01
DATE

Chairman
TITLE



BROOKLYN COMMUNITY BOARD 14
FLATBUSH MIDWOOD COMMUNITY DISTRICT
810 EAST 16th STREET
BROOKLYN, N.Y. 11230

HOWARD GOLDEN
Borough President

ALVIN M. BERK
Chairman
(718) 859-6357
Fax (718) 421-6077

TERRY RODIE
District Manager
(718) 859-6357
Fax (718) 421-6077

June 1, 2001

Honorable Joseph B. Rose
Chairman
New York City Planning Commission
22 Reade Street
New York, NY 10007-1216

Honorable James Chin
Chairman/Commissioner
Board of Standards and Appeals
40 Rector Street, 9th Floor
New York, NY 10006

Dear Chairmen Chin and Rose:

At its regular monthly meeting on Monday, May 14, 2001, the members of Brooklyn Community Board 14 voted 19-7-4 to reject all current ULURP actions associated with the proposed development by the New York City Economic Development Corporation (EDC) of a multi-store retail mall at the municipal parking area near the intersection of Flatbush Avenue, Avenue H and Nostrand Avenue in Community District 14 in Brooklyn.

The Board rejected this proposal with regret, because most of its members feel that appropriate development of this site could be very positive for the Flatbush-Nostrand Junction area. To understand the Board's rejection, it would be instructive to review the project's history.

When EDC first came to Community Board 14 about three years ago to propose development of the Junction municipal parking area, the board greeted the concept eagerly and made three preliminary but strongly-felt recommendations:

1. That the development of this public property be for the type of commercial activity that would mesh smoothly with existing businesses at the Junction;
2. That affordable parking be maintained for patrons of existing businesses, park-and-ride commuters, employees of Brooklyn College and Midwood High School, and attendees at Brooklyn College special events; and
3. That the use and configuration of the developed property not result in significantly impaired traffic flow in and around Brooklyn's busiest road intersection between Grand Army Plaza and the Atlantic Ocean.

At subsequent meetings with EDC, many discussants, including representatives of Board 14, local Councilmember Lloyd Henry, other elected officials, and community residents and merchants, observed that the type of development that would respond best to the community's needs would be a multi-screen movie theater-and-restaurant complex. This would attract new patrons to the existing Junction retail strip, concentrate peak vehicular traffic on week-ends and evenings (when it would not clash with commuters), and require parking when it would not be needed by school employees, commuters and many of the Junction's retail patrons.

EDC responded that it preferred to reserve this type of development for the Loews Kings Theater site, about a mile north on Flatbush Avenue. Accordingly, EDC told us, the Junction site would be presented to developers for construction of a retail mall.

Board 14 expressed its disappointment, but understood the need for a coordinated strategy. But as of this date, that strategy seems to have failed: the Kings project has not moved forward.

Community Board 14's involvement in the required ULURP actions this year once again brought these issues to the table. At the board's informational meeting on April 24, 2001 and at its public hearing on May 7, 2001, members of Board 14 expressed strong reservations to EDC and the developer about the traffic impacts of the proposed retail mall, which would require two truck loading docks, one directly on Nostrand Avenue and the other accessed via a service alley, the entrance to which also would be on Nostrand Avenue.

In response to a question, the developers stated that 63 truck deliveries could be expected daily, 13 trucks, each up to 45' in length, at the Nostrand Avenue loading dock and 50, some longer than 45', at the service alley loading dock. All 63 trucks would have to enter from Nostrand Avenue, and most of them would be large enough to require the full 44' road bed width of Nostrand Avenue to maneuver. The developers acknowledged that truck deliveries could occur significantly during the hours when Nostrand Avenue traffic already is encumbered by a combination of private commuter vehicles, the B44 bus, and school buses. Finally, all passenger car entry and exit for the mall's 552 space garage would be via Nostrand Avenue, adding to that street's traffic burden.

In the absence of a full traffic analysis, which EDC and the developer stated had not been required by the environmental review process, Board members at the May 7 public hearing concluded that they could recommend approval by the full board on May 14 only on the condition that, before that meeting, the developer demonstrate significant traffic mitigation measures beyond those already embodied in the proposal. Board members suggested that the developer consider, e.g., removing or relocating the Nostrand Avenue loading dock and/or the garage entrance/exit, angling loading bays to eliminate the need for trucks to back in across both directions of Nostrand Avenue traffic, widening the entrance to the service alley to obviate the need for trucks to approach it from the (opposite) southbound traffic lane of Nostrand Avenue or, if coming from the north, swing into opposing traffic while entering the alley.

Hon. Joseph Rose and James Chin

June 1, 2001

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In a letter dated May 11, 2001, the developer offered only a single new mitigation measure, reduction of the capacity of the Nostrand Avenue loading dock from three to two truck bays, still capable of accommodating trucks up to 45' long.

During discussion at the board's May 14 consideration of a motion to approve the ULURP items, members expressed the view that the concession offered by the developer was not enough to allay the board's concerns. Accordingly, the board voted 19-7-4 to reject the ULURP items.

Like Councilmember Lloyd Henry, whose May 25, 2001 letter to the developer antedates this correspondence and could not take into account the board's specific concerns or recommendations, most of the members of Board 14 still feel that *appropriate* development of the Junction site would be a positive step.

However, the board continues to believe that no one has demonstrated that the proposed retail mall would not significantly impair traffic flow in and around the Junction. Unless such impairment is minimized, any economic benefit of the mall to the City would come at the unacceptable cost of diverting traffic to nearby residential streets, diminishing the attractiveness of homes there to owners and prospective buyers and, ultimately, decreasing the City's real estate and income tax revenues. The net economic effect could well be negative.

Therefore, Brooklyn Community Board 14 urges Councilman Henry, BSA, the City Planning Commission, the Borough President and, if necessary, the whole City Council to insist on a full traffic analysis that demonstrates no significant traffic impact before approving the instant ULURP items. In the absence of such demonstration, Board 14 urges all parties to reject the proposal in its present form.

Sincerely yours.



Alvin M. Berk,
Chairman

cc: Borough President Golden
Representatives Weiner and Owens
State Senators Kruger and Markowitz
Assemblymembers Brennan, Cymbrowitz, Jacobs, Perry and Weinstein
Councilmembers Clarke, Henry and Nelson
Hardy Adasko, EDC
Elysa Goldman, Triangle Equities, Inc.

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

22 Reade Street, New York, NY 10007

FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicants representatives as indicated on the Notice of Certification.

APPLICATION 010026 MMK, 010483 ZMK, 010484 ZSK, 010486 ZSK

DESCRIPTION The Junction at Nostrand Avenue and Avenue H

COMMUNITY DISTRICT NO 14

BOROUGH OF BROOKLYN

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION - MODIFICATIONS/CONDITIONS

- RECOMMENDATION ATTACHED
- RECOMMENDATION TO FOLLOW



 BOROUGH PRESIDENT

July 3, 2001

 DATE

**PRESIDENT OF THE BOROUGH OF BROOKLYN
RECOMMENDATION REPORT
FLATBUSH JUNCTION
010026 MMK, 010483 ZMK, 010484 ZSK, 010486 ZSK**

Triangle Equities Development Company LLC (Triangle), in conjunction with the Economic Development Corporation (EDC), have filed applications that include an amendment to the City Map to eliminate a Public Place designation; an amendment to the Zoning Map, Section No. 23a, to change a C8-2 District to a C8-4 District; a special permit for development over a railroad right of way; and a special permit for development of a public parking garage.

Triangle proposes to construct a retail center and parking garage, totaling 498,693 square feet. Flatbush Avenue bounds the project site on the east, Nostrand Avenue on the west, Avenue H to the north, and the southerly right of way line on the Long Island Railroad Bay Ridge Branch to the south. The project site is located in Community District 14, in Flatbush.

PUBLIC HEARING

On May 15, 2001, the Borough President held a public hearing on this matter. Representatives of Triangle and EDC presented the applications. Also present to assist Triangle and EDC in answering questions were representatives of the associated architectural firm and legal counsel. Two speakers testified in opposition to the proposal.

The Borough President began by asking about the possible traffic impacts on the area; specifically the effect of increased truck traffic on local streets. An EDC representative stated that 63 trucks would serve this project each day. Of these trucks, 13 would access the Nostrand Avenue loading bays, while the other 50 would access the loading bays via the service road. The representative explained that the 13 truck deliveries would be spread out over an eight to ten hour period. It would take only between one and one and a half minutes for each truck to back into a bay, thereby causing only 20 minutes of traffic stoppage per day. The Borough President asked if this estimate was conjecture, and asked for an explanation of how these numbers were derived. The representative answered that a traffic consultant had provided these figures and that they are based on studies of similar traffic situations.

When asked about the possible retail tenants expected to occupy the site, the representative stated that they do not have a specific tenant intended for the project and they have not yet leased any of the space. The project would consist of six or seven small tenants on the ground floor, two or three tenants on the second floor and one tenant on the third floor.

The Borough President then asked whether Brooklyn College has commented on the impact that the loss of parking spaces will have on its overall parking situation. The EDC representative replied that they had met with Brooklyn College three times to discuss the project. Brooklyn College has not made an official statement about the project. The representative explained that since the project includes a 552-space parking garage, visitors to Brooklyn College and the Whitman Theater would be able to use the garage and there would be ample space for both

shoppers and campus visitors. The representative stated that the developer would continue to work with Brooklyn College.

The Borough President then called upon the chairman of Community Board 14 (CB14) to be the first speaker on this item. The chairman explained that the following three concerns of CB14 were presented to Triangle and EDC at the beginning of discussions on the project:

- That the use should compliment and only healthfully compete with surrounding uses;
- That parking spaces in the area be maintained; and,
- That traffic should not be impeded.

CB 14 agrees that the site should be developed; however, they suggested a movie theater and restaurant complex instead of a retail center. According to the chairman, EDC said that it was planning a movie theater project for a nearby area and that a retail center would be a better fit for this project site.

The chairman proceeded to describe the traffic concerns of CB 14. He stated that trucks turning onto the service road would have to turn from the southbound traffic lane of Nostrand Avenue because it would be impossible for a 45-foot truck to make a sharp turn from the northbound traffic lane. The developer expects 50 trucks per day to access the service road, potentially impeding both north and southbound traffic. The chairman raised two final issues for consideration by the developer: what design/use options still remain for the site; and what assurance does the community have that second generation tenants would not involve more traffic intensive uses.

The owner of a car wash facility that is currently located on the project site also spoke in opposition to this item. He testified that the car wash has operated at its current location on a monthly lease from EDC for the past seven years, and employs approximately 15 local residents. He described numerous attempts to purchase the property or to negotiate a long-term lease with EDC. According to the owner, EDC declined both suggestions. Despite this, the owner claims to have invested nearly one million dollars in repairs and improvements to the car wash facility.

Describing the car wash location as an approximately 25 foot-wide strip of land on the southernmost portion of the property, the owner suggested that the project could be completed without eliminating the car wash facility. The Borough President asked the EDC representative to comment on this suggestion. The representative explained that the original Request for Proposals (RFP) made no specific provision to either include or eliminate the strip of land occupied by the car wash. According to the representative, none of the proposals submitted to EDC included designs that retained the car wash facility as is. A representative of the architectural firm that designed the project also spoke on this issue. He stated that changing the project to exclude the car wash land would compromise the structure and cause a major redesigning of the project. The car wash owner expressed his disappointment with EDC for not excluding the car wash land in the original RFP.

The Borough President then asked if there were any environmental impact differences between cars idling for the car wash and the proposed truck traffic impacts. The EDC representative stated that a complete Environmental Assessment Statement (EAS) with subsequent traffic

sections was performed and no impact was determined. The Borough President's Land Use Director stated that the standard EAS does not include truck traffic analysis and that one should be performed. He also asked if there would be any parking below grade. A Triangle representative replied that only a utility room would be below grade.

The Borough President also inquired about the railroad right of way. A representative explained that the railroad line is an active freight line.

CONSIDERATION

On May 14, 2001, CB14 voted to recommend disapproval of these applications. The main concerns of CB14 were the traffic impacts on Nostrand Avenue that would be caused by trucks' use of the loading bays, service road entrance and the entrance/exit to the parking garage.

On May 1, 2001, two representatives of the Borough President's Office visited the site. The majority of the property is now used as a municipal parking area with 387 spaces. Some of the spaces are metered and intended for short-term use; other spaces are charged a flat rate with a parking limit of 12 hours and are intended as commuter spaces for the nearby subway station. Brooklyn College uses 17 spaces as temporary permit parking during campus construction. A car wash facility is located on a small portion of the southernmost edge of the property. A below grade Long Island Railroad freight line separates the parking lot and the car wash facility.

Flatbush and Nostrand Avenues are both major commercial corridors, with many "mom and pop" stores. A large retail plaza with office supply and clothing store anchors is located approximately one and a quarter miles north of the site, and Kings Plaza, also a large retail plaza, is located approximately two miles to the south. Most of the area surrounding these avenues, and the project site, is residential. Three apartment buildings share a border with the car wash facility. Brooklyn College is located one block west of the site on Avenue H. Another large clothing chain is planning to open a warehouse store one block north of the site on Nostrand Avenue, seeming to demonstrate optimism about retail performance along Nostrand Avenue.

The Borough President believes that development of 264,810 square feet of new retail space with an adjacent 552-space parking garage is an appropriate reuse of this underutilized property. The project is consistent with the Borough President's policy of supporting and encouraging new retail development that would expand employment opportunities and improve the city's tax base.

However, the Borough President shares the community board's concerns regarding the possible traffic impacts of this project. On June 5, 2001, the Borough President's staff held a meeting with representatives of Triangle, EDC and their project consultants, and representatives of CB14. The purpose of this meeting was to reiterate the traffic impact concerns and negotiate possible solutions. The Borough President's staff identified four issues for reassessment by the developers:

1. Pedestrian analysis;
2. Vehicle analysis for project-generated vehicle trips;
3. Suggested truck approach and departure routes; and
4. Alternative loading scenario for Nostrand Avenue.

In a letter dated June 12, 2001, the developer addressed each of these issues. The Borough President believes that the developer has not produced viable solutions to the traffic problems that this project will inevitably generate. Accordingly, he believes that this project should not go forward without 1) a complete pedestrian analysis including the existing, future (build) and future (no-build) pedestrian volumes at all intersections, distances to be crossed, time available and potential conflict with turning vehicles; and 2) a redesign of the loading bays, angling them northward on Nostrand Avenue to prevent traffic stoppages in both lanes.

RECOMMENDATION

Whereas, it is the land use policy of the Brooklyn Borough President to support and encourage new retail development in Brooklyn in an effort to create employment opportunities and improve the city's tax base; and,

Whereas, a large retail development can have major benefits to a community and the city by generating new jobs and by revitalizing underutilized properties; and,

Whereas, the Brooklyn Borough President believes that additional pedestrian and vehicle traffic analyses are necessary in order to prevent public safety hazards and severe congestion; and,

Whereas, the current project design is expected to increase traffic congestion on Nostrand Avenue; now; therefore be it

Resolved, that the President of the Borough of Brooklyn, pursuant to section 197-c of the New York City Charter, and based upon the consideration described in this report, recommends approval of this application subject to the following conditions:

That either the City Planning Commission or the City Council requires:

1. That the developer conduct both a pedestrian and vehicular traffic analysis after the first year of operation to determine if any further traffic signal timing adjustments are necessary; and,
2. That the truck bays along Nostrand Avenue be angled in order to allow trucks from only the northbound lane of traffic to back in, and to mitigate the traffic impacts of the project on this already heavily congested area; and,
3. That the developer provide adequate "DO NOT ENTER" signage at the exit of the service road on Flatbush Avenue to prevent any vehicles from entering.



 Howard Golden, President
 Borough of Brooklyn