



## Legislation Text

**File #:** Res 1904-2009, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1904

Resolution approving the 3rd Amended Fresh Creek Urban Renewal Plan for the Fresh Creek Urban Renewal Area, approving the designation of the area and approving the decision of the City Planning Commission on ULURP No. C 090078 HUK (L.U. No. 1009).

By Council Members Katz and Garodnick

WHEREAS, the City Planning Commission filed with the Council on February 17, 2009 its decision and report dated February 17, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD"), pursuant to Section 505 of Article 15 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, regarding the proposed Third Amended Fresh Creek Urban Renewal Plan (the "Plan") for the Fresh Creek Urban Renewal Area (the "Area") (ULURP No. C 090078 HUK), Community District 5, Borough of Brooklyn (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 090079 ZMK (L.U. No. 1010), an amendment to the Zoning Map changing from R6 to R7A, C2-4 and C4-2; C 090081 ZSK (L.U. No. 1011), a special permit for General Large Scale Development to modify certain sign regulations pursuant to Section 74-744 of the New York City Zoning Resolution; C 090082 HAK (L.U. No. 1012), designation of an Urban Development Action Area and Project and disposition of City-owned property; and C 080089 MMK (L.U. No. 1013), an amendment of the New York City Map to eliminate, map, realign and extend certain streets and to relocate park lands within the Fresh Creek Urban Renewal Area;

WHEREAS, the City Planning Commission has certified that the Plan for the Area complies with the provisions of Section 502 of the General Municipal Law, conforms to the comprehensive community plan for the development of the municipality as a whole and is consistent with local objectives, and that the Plan is in conformity with the findings and designation of the Area;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, the Area Designation is subject to review and action by the Council pursuant to Section 504 of the General Municipal Law;

WHEREAS, the Plan is subject to review and action by the Council pursuant to Section 505 of the General Municipal Law;

WHEREAS, the New York City Department of Housing Preservation and Development submitted to the Council its recommendations regarding the Application on March 3, 2009;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and the Plan on March 4, 2009;

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Decision and the Plan;

WHEREAS, the Council has considered the relevant environmental review (CEQR No. 07HPD021K) and the Final Environmental Impact Statement (“FEIS”) for which a Notice of Completion was issued on February 4, 2009;

RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those mitigative measures that were identified as practicable
- (2) The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 504 of the General Municipal Law, the Council approves the Designation of the Area.

Pursuant to Section 505(4) of the General Municipal Law, the Council finds that:

1. The Area is a substandard or insanitary area or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality;
2. The financial aid to be provided to the municipality is necessary to enable the project to be undertaken in accordance with the Plan;
3. The Plan affords maximum opportunity to private enterprise, consistent with the sound needs of the municipality as a whole, for the undertaking of an urban renewal program;
4. The Plan conforms to a comprehensive community plan for the development of the municipality as a whole;
5. There is a feasible method for the relocation of families and individuals displaced from the Area into decent, safe and sanitary dwellings, which are or will be provided in the Area or in other areas not

generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment; and

6. The undertaking and carrying out of the urban renewal activities in stages is in the best public interest and will not cause any additional or increased hardship to the residents of the Area.

Pursuant to Section 505 of the General Municipal Law, the Council approves the Third Amended Fresh Creek Urban Renewal Plan for the Fresh Creek Urban Renewal Area, dated August, 2008.

Pursuant to Section 197-d of the New York City Charter, and on the basis of the Decision and Application, the Council approves the Decision.

Adopted.

Office of the City Clerk }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on April 2, 2009, on file in this office.

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City Clerk, Clerk of The Council