



CITY PLANNING COMMISSION

October 6, 2021 / Calendar No. 16

C 200319 PCK

IN THE MATTER OF an application submitted by the Department of Sanitation, the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 110 5th Street (Block 990, Lot 21), 122 5th Street (Block 990, Lot 16), 22 2nd Avenue (Block 990, Lot 1), 5th Street (Block 977 p/o Lot 1) and 2 2nd Avenue (Block 977, p/o Lot 3) for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility, Borough of Brooklyn, Community District 6.

This application for a site selection and acquisition of property by the New York City Department of Sanitation (DSNY), the New York City Department of Environmental Protection (DEP), and the New York City Department of Citywide Administrative Services (DCAS) was filed on April 21, 2020. This application, in conjunction with the related site selection (C 200321 PSK) and city map amendments (C 180039 MMK and C 200320 MMK), would facilitate the construction of CSO control facilities and the onsite relocation of a DSNY salt and equipment storage facility in the Gowanus neighborhood of Brooklyn, Community District 6.

RELATED ACTIONS

In addition to the site selection and acquisition (C 200319 PCK) that is the subject of this report, the proposed projects also require action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently with this application:

- C 200320 MMK** City map amendment for the elimination of Fifth Street between Second Avenue and the Gowanus Canal

- C 200321 PSK** Site selection of real property by the City to facilitate new CSO infrastructure

- C 180039 MMK** City map amendment for the elimination of Douglas Street between Nevins Street and the Gowanus Canal

BACKGROUND

DEP proposes to construct CSO control facilities to reduce the volume of sewer overflows entering the Gowanus Canal. The proposed facilities would address longstanding contamination in the canal, which was designated a federal National Priorities List (Superfund) site by the U.S. Environmental Protection Agency (EPA) in March 2010 under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 by facilitating the remediation of hazardous sediments deposited during the area's industrial history.

The applications relate to two non-contiguous project sites located along the eastern side of the Gowanus Canal. The first site (Owls Head site) totals approximately 4.1 acres and is located on a block bounded by Second Avenue, the Gowanus Canal, and the Sixth Street turning basin. The Owls Head site encompasses five lots, including a city-owned property (Block 977, Lot 3) and four privately-owned lots (Block 990, Lots 1, 16, and 2; and Block 977, Lot 1). The City-owned property (Block 977, Lot 3) has been used by DSNY since 2008 and contains an open yard and shed to store road salt and snow plows, along with outdoor space for composting and environmental education activities led by the Gowanus Canal Conservancy (GCC), a local nonprofit organization dedicated to environmental stewardship. The privately-owned lots, located directly south of the city-owned property, consist of a mapped but unbuilt portion of Fifth Street used as a private street (Block 977, Lot 1), a vehicle storage area (Block 990, Lot 21), and two lots comprised of one-story buildings that are occupied by several small-scale light industrial and warehousing businesses (Block 990, Lots 1 and 16).

The second project site (Head End site) totals approximately 3.6 acres and is located on two blocks bounded by Butler Street, Degraw Street, and the head end of the Gowanus Canal. This site was subject to a site selection and acquisition application (C 180065 PCK), approved by the CPC in 2018, in order to facilitate the construction of an eight-million-gallon CSO tank and control facility. While the City has acquired the site and is in the process of preparing the space for construction, an approximately 13,500-square-foot portion of the site (p/o Block 411, Lot 24; and Block 418, Lot 1) remains a mapped street, consisting of an extension of Douglass Street

between Nevins Street and the Gowanus Canal.

The areas surrounding the project sites are characterized by a mix of commercial, transportation, utility, industrial, and auto-related uses. The project sites are located within an M2-1 zoning district, a medium-density zoning district that allows commercial and industrial with a maximum floor area ratio (FAR) of 2.0. Building heights in M2-1 zoning districts are controlled by the sky exposure plane with a base height of 60 feet before required setbacks. To the east of the Owls Head site is an office building containing parole facilities for the New York State Department of Corrections. The Owls Head site is located within the Southwest Brooklyn Industrial Business Zone (IBZ), which provides services for industrial and manufacturing businesses, as well as tax benefits for businesses seeking relocation.

The project sites are well-served by transit with access to multiple subway stations, including the R line at Union Street and 4th Avenue; the F, G, and R lines at Fourth Avenue and Ninth Street; and the F and G lines at Smith and Ninth streets. Several bus lines also run nearby along Ninth Street and Third and Fourth avenues, providing service to Downtown Brooklyn and other neighborhoods.

The area north of the Owls Heads site, as well as the area surrounding the Head End site, are part of the Gowanus Neighborhood Plan study area, an 82-block geography where a series of land use actions are currently being considered in Uniform Land Use Review Procedure (ULURP) public review. Led by the Department of City Planning (DCP), in collaboration with agency partners, elected officials, and community members, the Gowanus Neighborhood Plan seeks to implement a plan for a sustainable, resilient, inclusive neighborhood that can foster new housing and job growth, anchored by a mix of uses and new waterfront open space. On September 22, 2021, the Gowanus Neighborhood Plan was adopted by the CPC and is currently undergoing City Council review. In connection with the plan, DCP led a public engagement effort with businesses, property owners, and other stakeholders to develop a vision for the southern part of Gowanus within the IBZ and adjacent blocks zoned as manufacturing districts, inclusive of the Owls Head site. In May 2021, DCP released the Gowanus IBZ Vision Plan, which put forth a land use

framework and key infrastructure and workforce recommendations, identifying the Owls Head site as an opportunity for critical CSO infrastructure investments as part of a broader effort to address drainage and sewer needs.

At the Owls Head site, the proposed project would consist of the Owls Head CSO facility, the onsite relocation of the existing DSNY salt and snowplow storage, and additional space for staging during construction and environmental education programs. The CSO facility would be located on the City-owned property (Block 977, Lot 3) due to its location near an existing sewer outfall (OH-007) and other engineering, acquisition, construction, environmental, and cost considerations, as described in a 2014 siting and planning study issued by DEP in relation to the Superfund designation and the EPA's 2013 Record of Decision

The Owls Head CSO control facility would consist of a below-grade structure containing a four-million-gallon tank, and an approximately 17,600-square-foot, two-story above-grade structure that would house the facility's screening equipment, electrical equipment, and an odor control system. The new facility would reduce the CSO volume discharged from the existing outfall during a typical year by approximately 85 percent. Flow from the tank facility would be conveyed to an interceptor through an existing regulator at the intersection of Third Avenue and Seventh Street. A new force main would be constructed to connect the Owls Head CSO facility to the interceptor for delivery of flow to the Owls Head Wastewater Treatment Plant once there is sufficient downstream capacity in the sewer system. In order to direct the flow to the new facility, an existing regulator, located near the intersection of Second Avenue and Fifth Street, would be replaced, and other existing sewer infrastructure, including the existing grit chamber and sewer outfall, would be decommissioned and replaced with new infrastructure. While the entire facility would be largely automated and would not require permanent staffing, workers would access the facility to perform regular maintenance and after each wet weather event.

The remaining portion of the Owls Head site, located on the privately owned lots (Block 990, Lots 1, 16, and 2; and Block 977, Lot 1), would include the relocated DSNY salt and snow plow storage, dedicated space for staging during construction, and other space to continue the

environmental education programs and composting activities led by GCC. In addition, the applicants are evaluating the potential to include publicly accessible waterfront open space where it does not interfere or conflict with the operation of the CSO control facility or DSNY's facility.

At the Head End site, DEP proposes to construct an eight-million-gallon CSO tank and incorporate new passive open space, which was subject to a previous site selection and acquisition action approved in 2018 (C 180065 PCK). While DEP has already acquired the site and is in the process of preparing for construction, a portion of the site, as described above, is a mapped City street along Douglass Street between Nevins Street and the Gowanus Canal.

To facilitate the construction of the proposed facilities, the applicants request four land use actions. At the Owls Head site, the applicants are seeking a combined site selection and acquisition action to acquire the four privately-owned lots, a standalone site selection for the City-owned property, and a City map amendment to demap a portion of Fifth Street between Second Avenue and the Gowanus Canal. At the Head End site, the applicants seek a City map amendment to demap a portion of Douglass Street between Nevins Street and the Gowanus Canal as a follow-up action to the previously approved site selection and acquisition related to the Head End CSO facility.

ENVIRONMENTAL REVIEW

This application (C 200319 PCK), in conjunction with the related applications for a site selection (C 200321 PSK) and city map amendments (C 200320 MMK and C 180039 MMK), 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 lead agency is DEP. The designated CEQR number is 17DEP040K.

It was determined that this application, in conjunction with the applications for related actions, may have a significant effect on the environment, and that an Environmental Impact Statement

(EIS) would be required. A Positive Declaration was issued on March 31, 2017, and subsequently distributed, published, and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on March 31, 2017. A public scoping meeting was held on May 4, 2017, and the Final Scope of Work was issued on September 14, 2017. A DEIS was prepared and a Notice of Completion for the DEIS was issued on September 14, 2017. Pursuant to SEQRA regulations and the CEQR procedures, a public hearing was held on the DEIS on January 17, 2018. After a study of the potential environmental impacts of the proposed action, a Final Environmental Impact Statement (FEIS) reflecting the comments made during the public review process was completed, and a Notice of Completion of the FEIS was issued on February 1, 2018.

The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to historic and cultural resources (architectural and archeological) and potential temporary significant adverse noise impacts during the construction period. The impacts to historic and cultural resources would be mitigated to the maximum extent practicable through additional analyses, archaeological monitoring, or an alternative method developed in consultation with the New York State Historic Preservation Office (SHPO) and the New York City Landmarks Preservation Commission (LPC). Following the completion of the FEIS, DEP completed a geoarchaeological assessment of the Head End Site and the Owls Head Site. This assessment was performed to supplement the FEIS analysis.

A Technical Memorandum issued on April 23, 2021 in connection with this application (C 200319 PCK) and the related applications for a site selection (C 200321 PSK) and city map amendments (C 200320 MMK and C 180039 MMK), which described the findings of the supplemental geoarchaeological assessment. The Technical Memorandum concludes that this application would not result in any significant adverse impacts that were not already identified in the FEIS issued on February 1, 2018.

WATERFRONT REVITALIZATION PROGRAM

This application (C 200319 PCK) was reviewed by the City Coastal Commission for consistency

with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 16-194. This action was determined to be consistent with the policies of the WRP

UNIFORM LAND USE REVIEW

This application (C 200319 PCK) and the related applications for a site selection (C 200321 PSK) and city map amendments (C 200320 MMK and C 180039 MMK) were certified as complete by the DCP on May 3, 2021 and were duly referred to Brooklyn Community Board 6 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Brooklyn Community Board 6 held a public hearing on this application (C 200319 PCK) and the related applications on June 24, 2021, and, on July 6, 2021, by a vote of 14 in favor, one opposed, and two abstaining, adopted a resolution recommending approval of the application with the following conditions:

- "1. Community Review. The City must commit to return to the Community Board for consultation and review of any plans to redesign the sites subject to these ULURP actions, and to incorporate community feedback into its designs.
2. Compliance with EPA orders. The City has sought to delay compliance with its legal obligation to construct retention tanks to control CSOs and ensure that EPA efforts to clean up the Canal are not undermined by continued, uncontrolled sewer discharges. The Board demands that the City fully comply with the EPA's order to complete the retention tanks on the EPA-mandated timeline, and the Board's conditional support for the proposed actions reflects its expectation that the EPA will vigorously enforce its orders and ensure that the City meets its obligations.
3. Displacement. Six current businesses will be displaced by the construction of the retention tank facility at the Salt Lot site. The City must put forward a detailed plan to

assist displaced businesses on the Salt Lot site with relocation and other needs, including compensation for fixed improvements these businesses have made to existing spaces.

4. Engage existing tenants. The City must work closely with existing occupants on the Salt Lot site to mitigate the impact of development on existing uses. And the City should involve existing stakeholders in the design process for redevelopment.
5. Investments in Open Space. The City must commit now to create new public open space on the Salt Lot site, and to improve and expand existing uses (including the compost facility, nursery, and the education and stewardship center currently on the site). New open space must be mapped as dedicated park land, to ensure it will remain an open space amenity. The City should also commit to a design on the Salt Lot site that will minimize the ecological impact and support further ecological restoration. The Board notes that DEP has failed to make good on prior commitments to provide open space on DEP-owned sites in our community, and it reiterates the need for the DEP to take concrete and binding steps, with community consultation, to provide badly-needed community amenities.
6. Potential Canal Crossings. Design of the Salt Lot site should account for, and facilitate, future pedestrian bridge crossings.
7. Water Access. The City must construct on and off access to the water at both Second Avenue and at Douglass Street. The City should also ensure that access to the water is prioritized and incorporated into the design of the Salt Lot site.”

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 200319 PCK) and the related applications on July 7, 2021, and, on August 12, 2021, issued a recommendation to approve the application with the following conditions:

“That the New York City Department of Environmental Protection (DEP) be required to:

1. Commit to monthly reporting at a designated Brooklyn Community Board 6 (CB 6) committee during the design and construction of the combined sewer overflow (CSO) facility through dialogue that incorporates community feedback to achieve optimal outcomes regarding
 - a. Relocation assistance for the businesses that would be displaced
 - b. Construction and site preparation management, mitigation strategies and alternatives, and open space design and programming
2. That prior to the City Council hearing, DEP demonstrate the following:
 - a. Intent to adhere to United States Environmental Protection Agency (EPA)

- timelines
- b. Engagement with the New York City Economic Development Corporation (EDC) and/or the New York City Department of Small Business Services (SBS) to assist small businesses that would be displaced from 2 Second Avenue, 22 Second Avenue, 110 Fifth Street, and 116 Fifth Street to facilitate the construction of the CSO facility
 - c. Agreement to not require relocation of the tenants as a condition of site acquisition
 - d. Intent to relocate the Gowanus Canal Conservancy (GCC) and Big Reuse to the DEP Water Tunnel #3 lot or other suitable site within the Gowanus neighborhood, to prevent disruption of stewardship and education programs including an outdoor classroom, a native plant nursery, and maintenance facility prior to displacement at the end of 2021
 - e. Commitment to a targeted completion date for the publicly accessible open space as part of the Head End CSO holding tank development
 - f. Commitment to establish a publicly accessible open space on the Salt Lot as part of the Owl's Head CSO holding tank development, including expanded space for GCC and Big Reuse to accommodate the compost facility, education and stewardship center, and native plant nursery, and to integrate a green business incubator, new public space, and large-scale salt marsh restoration into the holding tank design
 - g. Consultation with the New York City Department of Parks and Recreation (NYC Parks) and the EPA to determine, based on project timing:
 - i. The feasibility of using the CSO facility's roof as an interim location for playground activities including basketball courts, handball courts, and a reduced-size swimming pool
 - ii. The extent that DEP would allow the holding tank roof to be used as interim space for playground amenities
 - iii. An appropriate structural design for the holding tank to temporarily accommodate such uses on its roof during the playground's remediation, as determined in consultation with CB 6
3. Commitment to incorporate in-water access including boat launches, a mid-Canal bridge crossing, and emergency egress in the design of the Head End and Owl's Head CSO control facilities"

City Planning Commission Public Hearing

On July 28, 2021 (Calendar No. 14), the City Planning Commission scheduled a public hearing on this (C 200319 PCK) and the related applications for a site selection (C 200321 PSK) and city map amendments (C 200320 MMK and C 180039 MMK). The hearing was duly held on August 18, 2021 (Calendar No. 58). Thirteen speakers testified in favor of the application and none in opposition.

The applicant team, consisting of three representatives from DEP, testified in support of the application. The applicant team provided an overview of the existing conditions and surrounding context, the proposed CSO facility projects, and requested land use actions. A DEP representative explained that the projects relate to the EPA's Superfund project, which mandates requirements to reduce CSO discharge into the canal. He stated that both facilities would be designed to intercept and store sewer overflow during major wet weather events, noting that the Head End CSO facility is preparing to begin construction with an anticipated completion date in late 2030. He further stated that part of the DSNY lot is being used for composting and a nursery operated by Big Reuse, a local nonprofit organization, in partnership with GCC, and that DEP is currently working with DSNY and these groups regarding a plan for temporary relocation during construction and to reestablish permanent facilities following construction.

A second DEP representative shared a summary of the application's environmental review and FEIS Technical Memorandum. A third representative provided the anticipated schedule for the Owls Head site, which includes starting design in the fall of 2023 and a five-year, three-phased construction period anticipated to be complete in 2028, subject to EPA coordination. In addition, she stated that DEP is working with the Southwest Brooklyn Industrial Development Corporation (SBIDC) to conduct outreach to existing business tenants and provide a suite of relocation services, including aid in identifying new suitable locations and coordinating showings, potential reimbursement for relocation costs, and compensation for trade fixtures taken in condemnation. She further stated that, similar to the past public engagement for the Head End CSO facility, DEP is willing to conduct local outreach and establish a clear line of communication with the public, while noting that the Owls Head CSO facility will be subject to review by the Public Design Commission (PDC).

A representative from Big Reuse, a local organization that operates a composting and plant nursery on the DSNY lot, testified in support, requesting that these facilities return to the site and be incorporated into the final site design. A representative speaking on behalf of the Council Member from the 39th district testified in support, stating that the project is essential to the

Superfund clean-up and the community's environmental health. She requested that the proposal include provisions to integrate public open space in the site plan, guarantee space for the composting and nursery areas, and implement a temporary relocation plan during construction.

Seven speakers from GCC testified in support, requesting that DEP communicate effectively and regularly with occupants, provide relocation support to existing businesses, and develop a final site design that maintains the DSNY lot as a center for ecological education in Gowanus. GCC's Landscape Director stated that over 280 species have been documented at the DSNY lot and that GCC seeks to dedicate a portion of the site for a natural habitat with biodiverse planting and intertidal marsh installations. Four speakers from GCC involved with educational and youth programs shared how the site is currently used for outdoor programs and experiential-based learning with the goal of fostering the next generation of environmental stewards. The Executive Director of GCC acknowledged that, while GCC is coordinating with DEP to find a temporary location during construction, the organization is requesting a long-term commitment to collaboration through site design and implementation as part of a long-term vision for the site. She also asked for a consideration of how the site can address open space needs across the neighborhood and accommodate space for boat launches and future pedestrian bridges across the canal.

A representative from SBIDC spoke in support and stated that relocation support should be provided to the six businesses on the privately-owned lots that employ approximately 85 people. He explained that DEP helped facilitate a meeting between existing businesses and SBIDC and looks forward to continuing to work with DEP to ensure businesses receive relocation support and compensation.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this site selection and acquisition (C 200319 PCK), in conjunction with the related applications for a site selection (C 200321 PSK) and City map amendments (C

200320 MMK and C 180039 MMK), are appropriate.

Together, these actions will facilitate the construction of CSO facilities in the Gowanus neighborhood. The Commission believes these facilities serve as critical capital infrastructure projects that directly support the federal Superfund clean-up of the Gowanus Canal and longstanding community-based goals of sustainability. During heavy rains or major wet weather events, rainwater overwhelms the City's water treatment system, resulting in discharge of untreated water into the Gowanus Canal through various sewer outfalls that negatively affects the quality of water and causes unsafe conditions. With the proposed CSO facility, stormwater will be diverted into a tank system to reduce pressure on wastewater treatment plants and significantly minimize the flow of sewage into the Gowanus Canal. The Commission is pleased that DEP projects that the new CSO facility at the Owls Head site will reduce discharge by an average of 85 percent, representing a substantial reduction of stormwater and sewer flows.

The Commission believes that the Owls Head site is a suitable location based on a combination of cost, engineering, and other feasibility considerations, while being proximate to the location of an existing sewer outfall and within an active industrial area. The standalone site selection action will enable the facility to be developed on the City-owned portion of the site, while the joint site selection and acquisition action will allow the applicants to acquire the four privately-owned lots directly south of the DSNY lot for the purpose of construction staging, the onsite relocation of DSNY's storage facility, and additional space for Big Reuse and GCC to continue operating a composting area and leading environmental education programs. Further, the City map amendment action to demap a portion of Fifth Street between Second Avenue and the Gowanus Canal will enable the site to be fully utilized.

The Commission is pleased that DEP is exploring opportunities to provide waterfront public access and open space at the site, which can serve as a local amenity and build upon the DSNY's lot's present use as a hub for environmental education and stewardship. The Commission also acknowledges that the design and layout of the Owls Head site is in a preliminary stage due to EPA's scheduling mandate to advance acquisition and construction milestones. In response to

public hearing comments and recommendations by the Community Board and Borough President related to maintaining public engagement, DEP expressed a commitment to coordinate with the local community and follow an engagement process akin to the design of the Head End facility. With respect to public hearing comments about incorporating ecological restoration that promote the site's natural habitat, the Commission encourages DEP to consider such opportunities, if feasible, when the site planning and design is further advanced and the facility is under review by the PDC.

In addition to the proposed land use actions associated with the Owls Head site, the City map amendment action to demap a portion of Douglass Street between Nevins Street and the Gowanus Canal will support the construction of the Head End CSO facility, which was subject to a prior site selection and acquisition approval in 2018. The Commission recognizes that this demapping serves as a follow-up action to allow the full utilization of the site to be constructed with an eight-million-gallon CSO retention tank and open space.

The Commission believes that the proposed facilities will complement the goals of DCP's Gowanus Neighborhood Plan to promote a sustainable, resilient neighborhood. In particular, the facilities will improve the water quality of the Gowanus Canal as part of a wider effort to address chronic drainage and sewer infrastructure issues. Further, the proposed Owls Head facility was highlighted as a critical infrastructure investment in the Gowanus IBZ Vision Plan and the Commission asserts that such a use is appropriate within an IBZ, where other City facilities and industrial uses are located.

Regarding the recommendations from the Community Board and Borough President to provide assistance to existing business tenants that occupy the privately owned lots on the Owls Head site, the Commission notes that DEP has agreed to work with SBIDC, a local nonprofit service provider, to conduct outreach to existing business tenants and provide a suite of relocation services, including aid in identifying new suitable locations and coordinating showings, potential reimbursement for relocation costs, and compensation for trade fixtures taken in condemnation.

Regarding concerns that Big Reuse and GCC receive support to find a temporary location during construction and maintain a permanent home on the future Owls Head site once fully constructed, the Commission notes that DEP and staff from the organizations indicated that the agency is coordinating to help secure a location to temporarily relocate during construction and then reestablish permanent facilities on the site following construction. As a follow-up to the public hearing, the Commission acknowledges the letter submitted by DEP dated August 27, 2021, which reiterates DEP's efforts to maintain a clear line of communication throughout the design and construction process with existing tenants and the broader community, along with committing to support the continued operations of the composting, nursery, and environmental education programs led by GCC and Big Reuse.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on February 1, 2018, a Technical Memorandum issued on April 23, 2021, with respect to this application (CEQR No. 17DEP040K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those project components related to the environment and mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with 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 Section 617.11(d) of the SEQRA Regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application submitted by the Department of Sanitation, the Department of Environmental Protection and the Department of Citywide Administrative Services for the site selection and acquisition of property located at 110 5th Street (Block 990, Lot 21), 122 5th Street (Block 990, Lot 16), 22 2nd Avenue (Block 990, Lot 1), 5th Street (Block 977 p/o Lot 1) and 2 2nd Avenue (Block 977, p/o Lot 3) for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility is approved.

The above resolution (C 200319 PCK), duly adopted by the City Planning Commission on October 6, 2021 (Calendar No. 16), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

ANITA LAREMONT, *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chair*

**DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO III,
JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,
LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Gowanus Canal CSO Facility - Owls Head	
Applicant: DEP - Department of Environmental Protection (NYC)	Applicant's Primary Contact: Terrell Estesén
Application # 200319PCK	Borough:
CEQR Number: 17DEP040K	Validated Community Districts: K06

Docket Description:
 IN THE MATTER OF an application submitted by the Department of Sanitation, the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 110 5th Street (Block 990, Lot 21), 122 5th Street (Block 990, Lot 16), 22 2nd Avenue (Block 990, Lot 1), 5th Street (Block 977, p/o Lot 1) and 2 2nd Avenue (Block 977, p/o Lot 3) for Department of Sanitation salt and equipment storage, environmental education activities and additional space as needed for the combined sewer overflow (CSO) control facility, Borough of Brooklyn, Community District 6.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 14	# Against: 1	# Abstaining: 2	Total members appointed to the board: 17
Date of Vote: 7/6/2021 12:00 AM		Vote Location: Executive Committee Meeting via Zoom	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 6/24/2021 6:30 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	Landmarks/Land Use Meeting Via Zoom

CONSIDERATION: GOWANUS CSO TANK ULURP RESOLUTION – 7/6/21	
<p>Brooklyn Community Board 6 (the “Board”) hereby recommends that the proposed actions, which relate to the construction and operation of two combined sewer overflow (CSO) tank facilities, be APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:</p> <p>Community Review. The City must commit to return to the Community Board for consultation and review of any plans to redesign the sites subject to these ULURP actions, and to incorporate community feedback into its designs.</p> <p>Compliance with EPA orders. The City has sought to delay compliance with its legal obligation to construct retention tanks to control CSOs and ensure that EPA efforts to clean up the Canal are not undermined by continued, uncontrolled sewer discharges. The Board demands that the City fully comply with the EPA’s order to complete the retention tanks on the EPA-mandated timeline, and the Board’s conditional support for the proposed actions reflects its expectation that the EPA will vigorously enforce its orders and ensure that the City meets its obligations.</p> <p>Displacement. Six current businesses will be displaced by the construction of the retention tank facility at the Salt Lot site. The City must put forward a detailed plan to assist displaced businesses on the Salt Lot site with relocation and other needs, including compensation for fixed improvements these businesses have made to existing spaces.</p> <p>Engage existing tenants. The City must work closely with existing occupants on the Salt Lot site to mitigate the impact of development on existing uses. And the City should involve existing stakeholders in the design process for redevelopment.</p> <p>Investments in Open Space. The City must commit now to create new public open space on the Salt Lot site, and to improve and expand existing uses (including the compost facility, nursery, and the education and stewardship center currently on the site). New open space must be mapped as dedicated park land, to ensure it will</p>	
Recommendation submitted by	Date: 8/6/2021 2:29 PM

BK CB6

GOWANUS CSO TANK ULURP RESOLUTION – 7/6/21

Brooklyn Community Board 6 (the “Board”) hereby recommends that the proposed actions,¹ which relate to the construction and operation of two combined sewer overflow (CSO) tank facilities, be **APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:**

Community Review. The City must commit to return to the Community Board for consultation and review of any plans to redesign the sites subject to these ULURP actions, and to incorporate community feedback into its designs.

Compliance with EPA orders. The City has sought to delay compliance with its legal obligation to construct retention tanks to control CSOs and ensure that EPA efforts to clean up the Canal are not undermined by continued, uncontrolled sewer discharges. The Board demands that the City fully comply with the EPA’s order to complete the retention tanks on the EPA-mandated timeline, and the Board’s conditional support for the proposed actions reflects its expectation that the EPA will vigorously enforce its orders and ensure that the City meets its obligations.

Displacement. Six current businesses will be displaced by the construction of the retention tank facility at the Salt Lot site. The City must put forward a detailed plan to assist displaced businesses on the Salt Lot site with relocation and other needs, including compensation for fixed improvements these businesses have made to existing spaces.

Engage existing tenants. The City must work closely with existing occupants on the Salt Lot site to mitigate the impact of development on existing uses. And the City should involve existing stakeholders in the design process for redevelopment.

Investments in Open Space. The City must commit now to create new public open space on the Salt Lot site, and to improve and expand existing uses (including the compost facility, nursery, and the education and stewardship center currently on the site). New open space must be mapped as dedicated park land, to ensure it will remain an open space amenity. The City should also commit to a design on the Salt Lot site that will minimize the ecological impact and support further ecological restoration. The Board notes that DEP has failed to make good on prior commitments to provide open space on DEP-owned sites in our community, and it reiterates the need for the DEP to take concrete and binding steps, with community consultation, to provide badly-needed community amenities.

Potential Canal Crossings. Design of the Salt Lot site should account for, and facilitate, future pedestrian bridge crossings.

Water Access. The City must construct on and off access to the water at both Second Avenue and at Douglass Street. The City should also ensure that access to the water is prioritized and incorporated into the design of the Salt Lot site.

¹ ULURP Numbers: 200319 PCK, 200320 MMK, 200321 PSK, 180039 MMK.



Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
120 Broadway, 31st Floor, New York, NY 10271
CalendarOffice@planning.nyc.gov

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 applicant's representatives as indicated on the Notice of Certification.

APPLICATION

GOWANUS CANAL CSO FACILITY – OWL'S HEAD AND DOUGLASS STREET DEMAPPING – (180039 MMK, 200319 PCK, 200320 MMK, 200321 PSK)

An application submitted by the New York City Department of Environmental Protection (DEP), the New York City Department of Sanitation (DSNY), and the New York City Department of Citywide Administrative Services (DCAS) for the following actions:

- (1) Site selection of a property located at 2 Second Avenue in Brooklyn Community District 6 (CD 6) for use as a combined sewer overflow (CSO) control facility
- (2) Site selection and acquisition of property located at 110 Fifth Street, 122 Fifth Street, 22 Second Avenue, Fifth Street, and 2 Second Avenue for DSNY salt and equipment storage, environmental education activities, and additional space as needed for the CSO control facility
- (3) An amendment to the City Map involving the elimination of:
 - i. Douglass Street between Nevins Street and the Gowanus Canal, and the adjustment of grades and block dimensions, as necessary, in accordance with Map No. N-2752 dated July 2, 2019, and signed by the Brooklyn borough president
 - ii. Fifth Street between Second Avenue and the Gowanus Canal, the adjustment of grades and block dimensions as necessary in accordance with Map No. X-2758 dated May 3, 2021, and signed by the Brooklyn borough president

BROOKLYN COMMUNITY DISTRICT NO. 6

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

August 12, 2021

BROOKLYN BOROUGH PRESIDENT

DATE

RECOMMENDATION FOR: GOWANUS CANAL CSO FACILITY – OWL’S HEAD AND DOUGLASS STREET DEMAPPING – (180039 MMK, 200319 PCK, 200320 MMK, 200321 PSK)

The New York City Department of Environmental Protection (DEP), the New York City Department of Sanitation (DSNY), and the New York City Department of Citywide Administrative Services (DCAS) submitted applications for the following actions:

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On July 7, 2021, Brooklyn Borough President Eric Adams held a public hearing on these applications. There were no speakers on the item.

In response to Borough President Adams’ inquiry regarding the possibility that DEP would acquire the properties before its target deadline, and whether the owners would be required to deliver the buildings vacant or would tenants have the option to stay with the City as interim landlord, the DEP representative stated that the properties would not have to be delivered vacant.

In response to Borough President Adams’ inquiry as to what consideration would be given to helping the displaced businesses secure new space while the property is in private hands, and if the City takes ownership with any tenants remaining, the DEP representative stated that the City offers fair compensation for moving expenses and provides some assistance in finding suitable relocation space.

In response to Borough President Adams’ inquiry as to what consideration has been given to moving excavated material and debris by barge rather than solely by truck, to minimize noise and congestion in the Gowanus Canal area, the DEP representative stated that the agency continues to explore barging, though such possibilities might be complicated by capping and dredging activities, the limited width of the Canal, and the need for unobstructed bridge openings.

In response to Borough President Adams’ inquiry regarding the City’s intent to provide waterfront access in the Salt Lot design, and the inclusion of a pedestrian bridge to connect with a planned park adjacent to the proposed Gowanus Green development, the DEP representative stated being aware of the community’s desire for waterfront access and the Lowlands plan. DEP is at the outset of design and outreach toward developing a project scope.

In response to Borough President Adams' inquiry as to how the Gowanus Canal Conservancy (GCC) would be accommodated during construction, the DEP representative noted that the agency is in communication with the organization, and that the nursery might be accommodated on properties intended for relocation of DSNY operations.

Subsequent to the hearing, Borough President Adams received testimony from the executive director of GCC in support of the Owl's Head facility, encouraging the City to mitigate the impacts of GCC's temporary displacement, and achieve a design that would enable its return. The letter put forward several recommendations for the facility design beyond engineering requirements, including waterfront and in-water access. GCC also requested relocation support for all affected businesses.

Consideration

Brooklyn Community Board 6 (CB 6) approved this application on July 6, 2021. In its resolution, the board highlighted the need for continued community review, compliance with the United States Environmental Protection Agency (EPA) order, mitigation of potential displacement, engagement with returning tenants, investment in the proposed open space, and consideration for a Gowanus Canal crossing and in-water access in the development.

DEP is seeking approvals for the design and construction of CSO control facilities to reduce the volume of combined sewer overflows entering the Gowanus Canal. These land use actions are requested to comply with a Federal remediation mandate stemming from the EPA Record of Decision (ROD) on the Gowanus Canal Superfund. While DEP's Gowanus Canal Waterbody/Watershed Facility Plan (WWFP) has significantly reduced pollution in the Canal, the agency is required to construct retention tanks that would further improve water quality.

The four-million-gallon Owl's Head facility would intercept wet weather flows from five CSO outfalls that discharge into the Owl's Head service area. The material would be retained in the holding tank and then pumped to the Owl's Head Wastewater Treatment Plant after rain events (with an annual projection of such occurrences). To develop the facility, DEP requires approval for consolidation of City- and privately-owned properties. The City site is operated by DSNY for its own purposes and utilized by the non-profits GCC and Big Reuse. The four private properties along Fifth Street would serve as a relocation site for the DSNY facility and a possible construction staging area. The adjacent section of Fifth Street, a partially unbuilt street segment in the Southwest Brooklyn Industrial Business Zone (IBZ), would be demapped between the Canal and Second Street to facilitate the assemblage. One private lot is occupied by a vehicle storage company and includes ownership of the street segment. Another private lot contains a one-story building with an automotive repair facility and shipping businesses.

The Douglass Street map elimination is needed to realize the other CSO control facility, which would be located at the head of the Canal. The eight million-gallon Head End facility would divert discharges from seven CSO outfalls during rain events, which would be subsequently pumped to the Red Hook Wastewater Treatment Plant. The site selection and acquisition of properties for this development was approved in a prior Uniform Land Use Review Procedure (ULURP) application. Demapping the unbuilt Douglass Street segment between the Canal and Nevins Street would correct the title and record for this portion of the planned Head End facility, which would come online in 2028.

The Salt Lot was selected by DEP through a screening process and vetted eight sites along the Canal. A comprehensive analysis determined that the Salt Lot would be the most effective option, and the EPA concurred with DEP's determination to advance the site. DEP is currently planning to start building the Second Avenue and Salt Lot bulkhead between 2022 and 2023, followed by construction of the CSO control facility between 2023 and 2028.

DSNY uses the salt lot to house CD 6 snow response operations, with a covered salt storage shed and plow blade storage racks. Big Reuse operates a compost processing facility and residential food scrap drop-off on a 10,000 sq. ft. section of the site. The large scale multi-bay compost facility features solar-powered aerated static pile technology, with an estimated annual throughput of 150 tons of organic material. GCC and Big Reuse distribute compost for public greening projects through compost pick-ups and giveback events. About 50 percent of the compost produced enriches tree pits and gardens in the Gowanus Watershed, improving plant growth and water retention.

GCC operates its 1,200 sq. ft. Landscape Maintenance Facility at the Salt Lot, where it deploys landscape maintenance personnel to care for on-site gardens as well as off-site street trees, DEP rain gardens, and gardens throughout the Gowanus Watershed, increasing permeability to decrease CSO. Personnel includes full-time staff, youth green job trainees, and an annual average of 750 volunteers. Facilities include equipment and material storage. GCC's 6,000 sq. ft. Lowlands Nursery grows and distributes more than 4,000 native plants each year, with more than one-third planted at the Salt Lot, and in local gardens and tree pits. Facilities include outdoor growing areas, a shade structure, propagation tunnels, and storage. A 1,000 sq. ft. outdoor classroom with seating and workstations for 30 students, water quality testing area, and equipment storage space hosts more than 500 local students and teachers annually who learn about environmental issues in Gowanus. GCC's planted gardens and restoration areas occupy an additional 17,000 sq. ft.

DEP intends to accommodate the DSNY operation and make the site available for environmental activities following construction of the retention tank. Though not required, it has been represented that both CSO control facilities would provide some form of publicly accessible open space, which would be developed based on further public engagement and ongoing planned work.

The holding tank sites are surrounded by a mix of commercial uses — including entertainment, fitness and hotels, community facilities, such as Thomas Greene Playground, industrial buildings with workspaces and artist studios, and residential developments. The Owl's Head site is also close to the New York State Department of Corrections (State DOC) Brooklyn Parole facility, bus parking lots, and a new self-storage facility. Properties along the Gowanus Canal have been historically commercial and industrial though apartment buildings now line part of two blocks. The City's Gowanus Neighborhood Plan, if approved, is expected to generate intense residential development along the Gowanus Canal, with increased waterfront public access.

Borough President Adams generally supports the proposed land use actions, including City map changes for the Head End and Owl's Head sites, and site selection for the Salt Lot, which meets DEP criteria for construction and operation. The CSO facilities are expected to achieve substantial improvements in water quality and help maximize the effects of the Superfund cleanup by ensuring that sewage does not re-pollute the Canal. The projects will also create new public walkways in a neighborhood underserved by open space. The Head End holding tank roof provides an opportunity to relocate Thomas Greene Playground activities during remediation and create permanent public amenity space. These benefits are all in line with Borough President Adams' policies for improving stormwater management and increasing open space access throughout Brooklyn.

Borough President Adams acknowledges long-standing community advocacy for the Gowanus Canal cleanup and the many stakeholders who have publicly weighed in on how it should proceed. He concurs that the City-owned Salt Lot, which is adjacent to the OH-007 outfall, is the most appropriate site for the required the Owl's Head CSO control facility.

While Borough President Adams supports the mapping actions, as well as site selection and acquisition, he believes that there are opportunities to improve each proposal through sustained community consultation during the facilities' design, construction, and operation. Specifically, he

seeks timely compliance with the EPA ROD, engagement with businesses that may need relocation assistance, including GCC programs, and provision of open space at both locations.

Continuous Community Review

During Borough President Adams' initial consideration for the siting of the Head End CSO facility, he received testimony from several organizations seeking meaningful participation in the holding tank design and opportunities for additional open space. The CB 6 resolution expressed that the City must return to the board for consultation and review of any plans and incorporate community feedback into its designs.

Borough President Adams concurs that City agencies should make genuine efforts to engage CB 6 in the planning and development of this infrastructure project, which represents a significant investment of public funds. Projects with complex design, environmental, and land use issues benefit from sustained community involvement beyond the ULURP process (including the current Douglass Street demapping request), and the New York City Public Design Commission (PDC)'s approval process. Such participation should be coordinated through CB 6 to achieve optimal outcomes regarding business relocation, construction and site preparation, mitigation strategies and alternatives, open space design and programming, as well as concerns stemming from the remediation of the playground and streetscape enhancements.

Therefore, Borough President Adams believes that DEP should commit to keep the board apprised via monthly reporting at a designated CB 6 committee through a dialogue that incorporates community feedback into all aspects of the project.

Compliance with EPA Orders

The EPA recently ordered DEP to complete construction on the Head End retention tank facility by 2029. CB 6 has theorized that the City sought to delay compliance with its legal obligation to construct CSO control facilities and ensure that EPA efforts to clean up the Canal are not undermined by continued, sewer discharges. CB 6 is demanding that the City complete the retention tanks on the EPA-mandated timeline. Its conditional support for the proposed land use actions reflects the expectation that the EPA will vigorously enforce its orders and ensure that the City meets its obligations. Borough President Adams believes that DEP should provide adequate commitment prior to the Council hearing, indicating its intent to adhere to EPA timelines.

Addressing Displacement that Would Result from the Acquisition

The construction of the Owl's Head CSO control facility would displace six businesses that are currently operating on the Salt Lot. For the project to move forward, DEP must acquire the properties by a specific date, subsequently causing the businesses to not be able continue operating at this location. There is also a possibility that DEP will acquire the buildings prior to the deadline. When private properties are conveyed, such transactions sometimes require the premises to be vacated; in that case, if the City was able to secure the property in advance, the tenants would have less time to find new space.

Borough President Adams is concerned about the displacement of local businesses and non-profits, as well as the potential loss of jobs where appropriately located industrial space is often expensive and scarce. Therefore, it is important to ensure that the tenants of 2 Second Avenue, 22 Second Avenue, 110 Fifth Street, and 116 Fifth Street can continue operating in Brooklyn.

Borough President Adams believes that DEP should work with the New York City Economic Development Corporation (EDC) and the New York City Department of Small Business Services (SBS) to provide relocation assistance to the existing tenants. Furthermore, to allot these businesses maximum time to secure new space, Borough President Adams believes that DEP should not require that the building be delivered vacant upon acquisition, should the City become an interim landlord

for businesses and non-profits that have not ceased operating at 2 Second Avenue, 22 Second Avenue, 110 Fifth Street, and 116 Fifth Street. He concurs with CB 6 that the City should develop a detailed plan to assist businesses on the proposed Mid-Canal site with relocation and other needs, including compensation for fixed improvements these businesses have made to existing spaces.

Therefore, Borough President Adams believes that prior to the City Council hearing, DEP should demonstrate engagement with EDC and SBS to assist businesses that would be displaced from 2 Second Avenue, 22 Second Avenue, 110 Fifth Street, and 116 Fifth Street, and commitment to not require relocation of the tenants as a condition of acquisition.

Engagement with Tenants Who Would be Temporarily Displaced

GCC has conducted community stewardship and environmental education programs and maintained its native plant nursery at the Salt Lot since 2010 — operations that would be displaced to enable construction of the Owl's Head CSO control facility. GCC currently occupies the Salt Lot along with partner non-profit Big Reuse through an agreement with DSNY. CB 6 believes that the City must involve these organizations in the design process and facilitate their eventual return. GCC envisions the long-term design incorporating additional community benefits and ecosystem improvements, including public access areas, ecological resources management, green job training, and interpretation of the new CSO infrastructure. An immediate concern is that the City intends to start bulkhead construction in 2022. Though GCC's 8,200 sq. ft. nursery, outdoor classroom and maintenance facility face imminent displacement, the organization has not received a firm commitment to a suitable temporary space or relocation assistance from the City.

As for Big Reuse, GCC has asked DEP to use the lot containing DEP water tunnel #3, located at Fourth Avenue and Sackett Street, through 2024. When the tunnel was completed, CB 6 was promised a 17,000 sq. ft. park at the Sackett Street shaft location, but only the Greenspace on Fourth community garden was realized. The community vision is that this property should be developed as public space, and the garden extended into a larger native plant park with shaded gathering space, and a composting comfort station. Requested improvements include provision of steel fencing with a gate and installation of a new water supply system, as well as new paving and plantings. The envisioned redesign and infrastructure would allow increased garden membership and enhanced public access. The site should also host an elevator connection to the northbound R Train at Union Street, a much-needed accessibility investment for the growing neighborhood. In the interim, the site provides an opportunity to relocate community uses while development proceeds on the Owl's Head CSO retention tank.

For other aspects of its programming with Big Reuse, GCC seeks to occupy part of the temporary site for DSNY operations on a parcel south of Fifth Street during tank construction, from 2024 to 2028. For such operations, it seeks a minimum allocation of 18,200 sq. ft., in line with its existing space needs. As for the design process, GCC believes particular attention should be paid to feedback from ecosystem restoration experts, local teachers who use the Gowanus Canal as a classroom, industrial businesses in the Gowanus section of the IBZ, boaters, and other neighbors.

Therefore, prior to the City Council hearing, DEP should demonstrate intent to relocate GCC and Big Reuse to the DEP Water Tunnel #3 lot or other suitable site within the Gowanus neighborhood, to prevent disruption of stewardship and education programs including an outdoor classroom, a native plant nursery, and maintenance facility prior to displacement at the end of 2021.

Realizing and Mapping Related Open Space, Including an Ecologically Sensitive Design with Accommodations for a Potential Gowanus Canal Crossing and In-Water Access

The Gowanus neighborhood is lacking in open space. Currently there are just 0.3 acres of open space per 1,000 residents, which is far below the recommended City guidelines of 2.5 acres of total open space per 1,000 residents. Beyond that low ratio, very little of the existing open space in the one quarter-mile study area is in the low-lying area adjacent to the Gowanus Canal.

The Gowanus Neighborhood Plan provides an opportunity to realize new open space including 3.98 acres of public waterfront on private land and 1.48 acres of newly mapped park at Public Place. However, the projected increase in population would reduce active public open space from 0.21 acres to 0.18 acres per 1,000 residents in the half-mile study area.

The Gowanus Neighborhood Coalition for Justice (GNCJ) has stated that the Gowanus Canal cleanup will “disproportionately impact” both Thomas Greene Playground and “the low-income residents of color who rely on it.” Furthermore, the construction of the retention tanks and the remediation of the Fulton Manufactured Gas Plant (MGP) site “will take Double D Pool and Thomas Greene Park offline for years in a neighborhood with scarce open space and public recreation, just as The New York City Department of City Planning’s (DCP) proposal expects to bring at least 18,000 new residents to the neighborhood.”

Realizing Publicly-Accessible Open Space as Part of the Head End and Owl’s Head CSO Holding Tank Developments

As the City has not put forth a date for construction of the related public open space, GNCJ has argued that at least 10 percent of the Head End holding tank site should be designed with active community uses, including performance areas, a skate park, play areas, and a boat launch. Additionally, it seeks a clear capital commitment and timeline for the anticipated improvements.

CB 6 approval was conditioned on timely City commitment to create new public open space on the Salt Lot site and improve and expand existing uses (including the compost facility, the education and stewardship center, and the native plant nursery). The board set out additional stipulations for such new open space, including that it be mapped as dedicated parkland to ensure such perpetual use, a design on the Salt Lot that would minimize ecological impact and support further restoration, accommodation for a potential Gowanus Canal pedestrian crossing, and provision of in-water access at both CSO facility sites, with priority for incorporation at the Salt Lot.

It is believed that the Owl’s Head site could achieve up to 3.5 acres of additional open space. GCC and CB 6 have advocated for it to be improved and expanded to accommodate the existing compost facility, education and stewardship center, and native plant nursery, as well as provide a green business incubator, new public space, and large scale salt marsh restoration, integrated into the holding tank design.

Utilizing the CSO Facility’s Roof to Temporarily Accommodate Thomas Greene Playground Activities

Borough President Adams shares community concerns about the closure of the pool for multiple summers as well as long-term loss of access to other Thomas Greene Playground amenities, which are an important resource for local families. DEP is considering public access to the CSO facility’s holding tank roof, which would be elevated approximately five feet above Nevins Street, provided that such use does not interfere with access requirements. The idea has received support from local advocates, including Friends of Thomas Greene Park (FOTGP) and the GCC. CB 6 has also noted the need for a City funding commitment so that a comprehensive renovation can begin once remediation is complete. The design should complement and connect to the Head End park across Nevins Street with an expanded pool and pool house, additional plantings, and sports facilities.

Borough President Adams believes that the holding tank roof may provide sufficient area for a smaller temporary pool, and/or other amenities, including basketball and handball courts. However, it is important to first establish DEC and EPA’s timing for moving forward with the sub-surface remediation of the playground. Therefore, Borough President Adams believes that DEP should be obligated to consult with DEC, EPA, and NYC Parks to determine, based on project timing, whether the CSO facility’s roof could serve as an interim location for basketball courts, handball courts, and a reduced-size swimming pool. If the timing is deemed suitable, DEP should provide a commitment

to the City Council to permit such use of the holding tank roof and stipulate the allowable extent of these activities.

It should be noted that the holding tank would require an appropriate structural design that allows more intensive activity on the roof, which is currently contemplated for maintenance only. If it is found that the playground does not require closure to facilitate remediation prior to the CSO facility's completion, Borough President Adams believes that DEP should be obligated to commit to a suitable holding tank design that would temporarily accommodate interim public uses on its roof, to be determined in consultation with CB 6 and NYC Parks.

Realizing In-Water Boat Access, Emergency Egress, and Pedestrian Bridge Crossing Opportunities

The Draft Environmental Impact Statement (DEIS) for the Special Gowanus Mixed Use District (SGMUD) refers to the Gowanus Canal as "an active open space resource for kayaking and other water-dependent activities" and states that such utilization is "expected to increase as accessibility and water quality improves over the analysis period, further enhancing the quality and availability of open space resources in the study area." By mapping a park and applying waterfront zoning requirements, the City would be advancing opportunities for active and passive linear recreation. However, given the dearth of open space in Gowanus, more could be done to further waterfront and in-water activities. Advocates and CB 6 have called on the City to make capital commitments for street end access, designate required boat access locations for private properties in the Waterfront Action Plan (WAP), and provide non-motorized boat access and/or emergency in-water egress between the bridges on both sides of the Canal.

Access to open space also depends on physical barriers. The Gowanus neighborhood is divided by the Canal, particularly between the bridge crossings at Third Street and Ninth Street. This is significant, as access within the IBZ requires traveling around Ninth Street or out to Third Avenue and turning back west toward Second Avenue to reach certain destinations such as the Salt Lot. Pedestrian bridge crossings have been advocated across Degraw Street to improve access to the Head End CSO holding tank open space, as well as across the First Street Basin and between the proposed waterfront park at Public Place to the future DEP Owl's Head CSO facility. Borough President Adams agrees that this neighborhood divide could be addressed through an additional pedestrian bridge. The intended mapping of a park on City-owned land provides an opportunity to connect to the Salt Lot from the west side of the Canal.

Borough President Adams believes it is critical for the City to upgrade its existing spaces and provide the new open space that will be created in support of the rezoning, to ensure no resulting reduction in the amount of open space per resident. He recognizes that the Gowanus CSO facilities entail possibilities for new public space and greater waterfront access. Finally, he agrees that the City should make both the capital commitment necessary to finance the proposed parks at the Head End and Owl's Head facility sites and set out a timeline for their construction and oversight.

Beyond passive access as part of Gowanus Canal fronting development and the establishment of a canalside park and open spaces at both DEP CSO developments, there are opportunities to advance engagement with the Canal as a public amenity. Borough President Adams believes that the City should also identify additional locations for in-water access, including emergency egress points between the bridges, developed in consultation with the United States Coast Guard (USCG). Borough President Adams prescribed at least one instance between the Carroll and Union streets bridges wherein water access should be accommodated by private development. The remainder of such responsibility, whether it be for emergency egress or recreational access, should be accommodated in the public realm. These include Head End park, the proposed Owl's Head CSO holding tank facility development, and the proposed park adjacent to the intended Gowanus Green development. He agrees with the approach that there should be in-water access provided at least one location

between each existing bridge crossing. Such egress should include the DEP Owl's Head and Head End CSO facility developments.

Borough President Adams understands that in the near term, this pending park site would be utilized as a staging area for Canal remediation. When the time comes to design the park and open space on the Salt Lot, the City should use the opportunity to plan for non-motorized boating.

Active engagement also includes opportunities to traverse crossings above the Canal. Borough President Adams recommends that the City commit to purchasing bridges that would be installed when development on both sides of the requested crossing is complete. He also believes that the City should incorporate in-water access the Head End park and the Owl's Head CSO facility designs. Finally, the City should facilitate future pedestrian bridges between the park adjacent to Gowanus Green and the intended Owl's Head CSO holding tank facility, as construction on these sites would be completed on a similar timeframe.

To set this vision in motion, Borough President Adams believes that this boat launch, bridge crossing, and emergency egress should be specified in the Owl's Head site selection agreement for the transfer of jurisdiction to DEP.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following conditions:

That the New York City Department of Environmental Protection (DEP) be required to:

1. Commit to monthly reporting at a designated Brooklyn Community Board 6 (CB 6) committee during the design and construction of the combined sewer overflow (CSO) facility through dialogue that incorporates community feedback to achieve optimal outcomes regarding
 - a. Relocation assistance for the businesses that would be displaced
 - b. Construction and site preparation management, mitigation strategies and alternatives, and open space design and programming
2. That prior to the City Council hearing, DEP demonstrate the following:
 - a. Intent to adhere to United States Environmental Protection Agency (EPA) timelines
 - b. Engagement with the New York City Economic Development Corporation (EDC) and/or the New York City Department of Small Business Services (SBS) to assist small businesses that would be displaced from 2 Second Avenue, 22 Second Avenue, 110 Fifth Street, and 116 Fifth Street to facilitate the construction of the CSO facility
 - c. Agreement to not require relocation of the tenants as a condition of site acquisition
 - d. Intent to relocate the Gowanus Canal Conservancy (GCC) and Big Reuse to the DEP Water Tunnel #3 lot or other suitable site within the Gowanus neighborhood, to prevent disruption of stewardship and education programs including an outdoor classroom, a native plant nursery, and maintenance facility prior to displacement at the end of 2021
 - e. Commitment to a targeted completion date for the publicly accessible open space as part of the Head End CSO holding tank development
 - f. Commitment to establish a publicly accessible open space on the Salt Lot as part of the Owl's Head CSO holding tank development, including expanded space for GCC and Big Reuse to accommodate the compost facility, education and stewardship center, and native plant nursery, and to integrate a green business incubator, new public space, and large-scale salt marsh restoration into the holding tank design

g. Consultation with the New York City Department of Parks and Recreation (NYC Parks) and the EPA to determine, based on project timing:

- i. The feasibility of using the CSO facility's roof as an interim location for playground activities including basketball courts, handball courts, and a reduced-size swimming pool
- ii. The extent that DEP would allow the holding tank roof to be used as interim space for playground amenities
- iii. An appropriate structural design for the holding tank to temporarily accommodate such uses on its roof during the playground's remediation, as determined in consultation with CB 6

3. Commitment to incorporate in-water access including boat launches, a mid-Canal bridge crossing, and emergency egress in the design of the Head End and Owl's Head CSO control facilities