



## CITY PLANNING COMMISSION

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September 22, 2021 / Calendar No. 11

C 210177 ZMK

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**IN THE MATTER OF** an application submitted by the New York City Department of City Planning (DCP) pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 16c and 16d:

1. eliminating from within an existing R8A District a C2-4 District bounded by:
  - a. Pacific Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, President Street, a line 150 feet southeasterly of 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, 4<sup>th</sup> Avenue, Douglass Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue; and
  - b. a line 210 feet northeasterly of 5<sup>th</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 7<sup>th</sup> Street, 4<sup>th</sup> Avenue, 9<sup>th</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 13<sup>th</sup> Street, 4<sup>th</sup> Avenue, 14<sup>th</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 15<sup>th</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, 6<sup>th</sup> Street, and 4<sup>th</sup> Avenue;
2. eliminating a Special Enhanced Commercial District (EC-1) bounded by Pacific Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, President Street, a line 150 feet southeasterly of 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 15<sup>th</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, 6<sup>th</sup> Street, 4<sup>th</sup> Avenue, Douglass Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue;
3. changing from an R6B District to an R6A District property bounded by Carroll Street, Bond Street, 1<sup>st</sup> Street, and a line 350 feet southeasterly of Hoyt Street;
4. changing from an R6 District to an R6B District property bounded by Warren Street, Nevins Street, a line midway between Warren Street and Baltic Street, and a line 100 feet southeasterly of Bond Street;
5. changing from an R8A District to a C4-4D District property bounded by Pacific Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, President Street, a line 150 feet southeasterly of 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 15<sup>th</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, 6<sup>th</sup> Street, 4<sup>th</sup> Avenue, Douglass Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue;
6. changing from an C8-2 District to a C4-4D District property bounded by 3<sup>rd</sup> Street, 4<sup>th</sup> Avenue, 6<sup>th</sup> Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue;
7. changing from an M1-2 District to a C4-4D District property bounded by Douglass Street, 4<sup>th</sup> Avenue, 1<sup>st</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue;
8. changing from an C8-2 District to an M1-4 District property bounded by 3<sup>rd</sup> Street, a line

100 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between 6<sup>th</sup> Street and 7<sup>th</sup> Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, 7<sup>th</sup> Street, 3<sup>rd</sup> Avenue, a line 305 feet southwesterly of 3<sup>rd</sup> Street, and a line 285 feet southeasterly of 3<sup>rd</sup> Avenue;

9. changing from an M1-1 District to an M1-4 District property bounded by:
  - a. a line midway between 4<sup>th</sup> Street and 5<sup>th</sup> Street, a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street, 5<sup>th</sup> Street, and a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 390 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street; and
  - b. 3<sup>rd</sup> Street, Bond Street, 4<sup>th</sup> Street, and Hoyt Street;
10. changing from an M1-2 District to an M1-4 District property bounded by:
  - a. a line midway between Baltic Street and Butler Street, Nevins Street, Butler Street and a line 360 feet northwesterly of Nevins Street;
  - b. a line midway between Baltic Street and Butler Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between Sackett Street and Union Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, Degraw Street, a line 200 feet southeasterly of 3<sup>rd</sup> Avenue, Douglass Street, and a line 100 feet southeasterly of 3<sup>rd</sup> Avenue; and
  - c. a line midway between Union Street and President Street, a line 180 feet northwesterly of 4<sup>th</sup> Avenue, President Street, a line 250 feet northwesterly of 4<sup>th</sup> Avenue, Carroll Street, and a line 100 feet southeasterly of 3<sup>rd</sup> Avenue;
11. changing from an M2-1 District to an M1-4 District property bounded by 3<sup>rd</sup> Street, a line 270 feet southeasterly of Bond Street, the centerline of the Gowanus Canal, and Bond Street and its southwesterly centerline prolongation;
12. changing from an M3-1 District to an M1-4 District property bounded by 4<sup>th</sup> Street, Bond Street and its southwesterly centerline prolongation, the centerline of the Gowanus Canal, a line 160 feet northwesterly of Bond Street and its southwesterly prolongation, a line 120 feet southwesterly of 4<sup>th</sup> Street, Hoyt Street, 5<sup>th</sup> Street, and a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street;
13. changing from an R6 District to an M1-4/R6A District property bounded by Warren Street,

- a line 100 feet southeasterly of Bond Street, Baltic Street and Bond Street;
14. changing from an M1-1 District to an M1-4/R6A District property bounded by a line midway between 3<sup>rd</sup> Street and 4<sup>th</sup> Street, Hoyt Street, 4<sup>th</sup> Street, and a line perpendicular to the northeasterly street line of 4<sup>th</sup> Street distant 365 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4<sup>th</sup> Street and the northwesterly street line of Hoyt Street;
  15. changing from an M1-2 District to a M1-4/R6A District property bounded by:
    - a. a line midway between Warren Street and Baltic Street, a line 100 feet northwesterly of Nevins Street, a line midway between Baltic Street and Butler Street, a line 100 feet southeasterly of Bond Street, Douglass Street, Bond Street, Baltic Street, and a line 100 feet southeasterly of Bond Street;
    - b. a line midway between Baltic Street and Butler Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Butler Street and Douglass Street, a line 100 feet southeasterly of Nevins Street, Butler Street, a line 325 feet northwesterly of 3<sup>rd</sup> Avenue;
    - c. Baltic Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between Baltic Street and Butler Street, and a line 100 feet southeasterly of 3<sup>rd</sup> Avenue;
    - d. a line midway between Degraw Street and Sackett Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Sackett Street and Union Street, a line 100 feet southeasterly of Nevins Street, a line midway between Union Street and President Street, a line 190 feet northwesterly of 3<sup>rd</sup> Avenue, President Street, a line 100 feet southeasterly of Nevins Street, Carroll Street, Nevins Street, Sackett Street, and a line 100 feet southeasterly of Nevins Street; and
    - e. Union Street, a line 270 feet southeasterly of 3<sup>rd</sup> Avenue, a line midway between Union Street and President Street, and a line 170 feet northwesterly of 3<sup>rd</sup> Avenue;
  16. changing from an M2-1 District to an M1-4/R6A District property bounded by a line midway between Butler Street and Douglass Street, a line 200 feet southeasterly of Bond Street, Douglass Street, and a line 100 feet southeasterly of Bond Street;
  17. changing from an C8-2 District to an M1-4/R6B District property bounded by a line midway between 6<sup>th</sup> Street and 7<sup>th</sup> Street, a line 360 feet southeasterly of 3<sup>rd</sup> Avenue, 7<sup>th</sup> Street, and a line 100 feet southeasterly of 3<sup>rd</sup> Avenue;
  18. changing from an M1-1 District to an M1-4/R6B District property bounded by a line midway between 4<sup>th</sup> Street and 5<sup>th</sup> Street, a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 390 feet northwesterly (as measured along the street line) from the

point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street, 5<sup>th</sup> Street, and Smith Street;

19. changing from an M1-2 District to an M1-4/R6B District property bounded by:
  - a. a line midway between Baltic Street and Butler Street, a line 360 feet northwesterly of Nevins Street, Butler Street, and a line 100 feet southeasterly of Bond Street; and
  - b. a line midway between Union Street and President Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, Carroll Street, a line 250 feet northwesterly of 4<sup>th</sup> Avenue, President Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, 1<sup>st</sup> Street, 3<sup>rd</sup> Avenue, Carroll Street, a line 100 feet southeasterly of Nevins Street, President Street, and a line 190 feet northwesterly of 3<sup>rd</sup> Avenue;
20. changing from an M2-1 District to an M1-4/R6B District property bounded by:
  - a. Butler Street, a line 200 feet southeasterly of Bond Street, a line midway between Butler Street and Douglass Street, and a line 100 feet southeasterly of Bond Street; and
  - b. Carroll Street, 3<sup>rd</sup> Avenue, a line perpendicular to the northwesterly street line of 3<sup>rd</sup> Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 3<sup>rd</sup> Avenue and the southwesterly street line of Carroll Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, the northwesterly centerline prolongation of 1<sup>st</sup> Street, and a line perpendicular to the southwesterly street line of Carroll Street distant 425 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Carroll Street and the northwesterly street line of 3<sup>rd</sup> Avenue;
21. changing from an M2-1 District to an M1-4/R7-2 District property bounded by:
  - a. Douglass Street and its southeasterly centerline prolongation, the centerline of the Gowanus Canal, Degraw Street and its northwesterly centerline prolongation, Nevins Street, Carroll Street, a line perpendicular to the southwesterly street line of Carroll Street distant 425 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Carroll Street and the northwesterly street line of 3<sup>rd</sup> Avenue, the northwesterly centerline prolongation of 1<sup>st</sup> Street, the centerline of the Gowanus Canal, Carroll Street and its southeasterly centerline prolongation, and Bond Street; and
  - b. 2<sup>nd</sup> Street, a line 210 feet northwesterly of 3<sup>rd</sup> Avenue, 3<sup>rd</sup> Street and its northwesterly centerline prolongation, the centerline of the Gowanus Canal, a line 270 feet southeasterly of Bond Street and its southwesterly prolongation, 3<sup>rd</sup> Street,

and Bond Street;

22. changing from an M3-1 District to an M1-4/R7-2 District property bounded by 5<sup>th</sup> Street, Hoyt Street, a line 120 feet southwesterly of 4<sup>th</sup> Street, a line 160 feet northwesterly of Bond Street and its southwesterly prolongation, the centerline of the Gowanus Canal, Huntington Street and its southeasterly prolongation, and Smith Street;
23. changing from an M1-2 District to an M1-4/R7A District property bounded by Sackett Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, a line midway between Sackett Street and Union Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, President Street, a line 180 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between Union Street and President Street, a line 270 feet southeasterly of 3<sup>rd</sup> Avenue, Union Street, a line 170 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Union Street and President Street, a line 100 feet southeasterly of Nevins Street, a line midway between Sackett Street and Union Street, and a line 100 feet northwesterly of 3<sup>rd</sup> Avenue;
24. changing from an R6 District to an M1-4/R7X District property bounded by a line midway between Warren Street and Baltic Street, Nevins Street, Baltic Street, and a line 75 feet northwesterly of Nevins Street;
25. changing from an C8-2 District to an M1-4/R7X District property bounded 3<sup>rd</sup> Street, a line 285 feet southeasterly of 3<sup>rd</sup> Avenue, a line 305 feet southwesterly of 3<sup>rd</sup> Street, and 3<sup>rd</sup> Avenue;
26. changing from an M1-2 District to an M1-4/R7X District property bounded by:
  - a. a line midway between Warren Street and Baltic Street, a line 75 feet northwesterly of Nevins Street, Baltic Street, Nevins Street, a line midway between Baltic Street and Butler Street, and a line 100 feet northwesterly of Nevins Street;
  - b. Baltic Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, Douglass Street, a line 200 feet southeasterly of 3<sup>rd</sup> Avenue, Degraw Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, Sackett Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Degraw Street and Sackett Street, a line 100 feet southeasterly of Nevins Street, Sackett Street, Nevins Street, Butler Street, a line 100 feet southeasterly of Nevins Street, a line midway between Butler Street and Douglass Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Baltic Street and Butler Street, and a line 325 feet northwesterly of 3<sup>rd</sup> Avenue;
27. changing from an M2-1 District to an M1-4/R7X District property bounded by a line perpendicular to the northwesterly street line of 3<sup>rd</sup> Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 3<sup>rd</sup> Avenue and the southwesterly street line of Carroll Street, 3<sup>rd</sup> Avenue, 3<sup>rd</sup> Street, a line 210 feet northwesterly of 3<sup>rd</sup> Avenue, the northwesterly centerline prolongation of

1<sup>st</sup> Street, and a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, and

28. establishing a Special Gowanus Mixed Use District (G) bounded by Pacific Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, President Street, a line 150 feet southeasterly of 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 15<sup>th</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between 6<sup>th</sup> Street and 7<sup>th</sup> Street, a line 360 feet southeasterly of 3<sup>rd</sup> Avenue, 7<sup>th</sup> Street, 3<sup>rd</sup> Avenue, 3<sup>rd</sup> Street and its northwesterly centerline prolongation, the centerline of the Gowanus Canal, Huntington Street and its southeasterly centerline prolongation, Smith Street, a line midway between 4<sup>th</sup> Street and 5<sup>th</sup> Street, a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street, 4<sup>th</sup> Street, a line perpendicular to the northeasterly street line of 4<sup>th</sup> Street distant 365 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4<sup>th</sup> Street and the northwesterly street line of Hoyt Street, a line midway between 3<sup>rd</sup> Street and 4<sup>th</sup> Street, Hoyt Street, 3<sup>rd</sup> Street, Bond Street, Warren Street, a line 100 feet southeasterly of Bond Street, a line midway between Warren Street and Baltic Street, Nevins Street, Butler Street, a line 325 feet northwesterly of 3<sup>rd</sup> Avenue, Baltic Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue; and excluding the areas bounded by:
- i. Butler Street, Nevins Street, Degraw Street and its northwesterly centerline prolongation, the center line of the Gowanus Canal, Douglass Street and its southeasterly centerline prolongation, and a line 200 feet southeasterly of Bond Street; and
  - ii. 1<sup>st</sup> Street, 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, and 3<sup>rd</sup> Avenue;

Borough of the Brooklyn, Community Districts 2 and 6, as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration E-601.

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An application for a zoning map amendment was filed by DCP on January 15, 2021, in conjunction with related actions, to facilitate land use changes for 82 full or partial blocks associated with the Gowanus Neighborhood Plan. The Gowanus Neighborhood Plan is a comprehensive plan developed with community stakeholders and elected officials, in coordination with City and other public agencies, that identifies needs and opportunities to support a shared long-term vision of a sustainable, inclusive, and mixed-use Gowanus neighborhood of Brooklyn, Community Districts 2 and 6. The area subject to the proposed actions (project area) is generally bounded by Bond, Hoyt, and Smith streets; Third and Fourth

avenues; Huntington, Third, Seventh, and Fifteenth streets; and Warren, Baltic, and Pacific streets.

Implementation of the objectives of the plan and the shared long-term vision for the neighborhood would create approximately 3,000 new affordable homes; spur economic and job growth; facilitate brownfield remediation; foster safer, more active streets; create a vibrant, accessible, and resilient waterfront; generate new community resources; and support the overall remediation of the Gowanus Canal. To accomplish these goals, DCP, together with the New York City Department of Housing Preservation and Development (HPD), the New York City Department of Parks and Recreation (DPR) and the New York City Department of Citywide Administrative Services (DCAS), proposes a coordinated set of land use actions, including a zoning map amendment, zoning text amendment, changes to the City Map, Urban Development Action Area (UDAA) designation of City-owned property and UDAA Project (UDAAP) approval, and disposition of City-owned property.

## **RELATED ACTIONS**

In addition to the zoning map amendment (C 210177 ZMK) that is the subject of this report, implementation of the proposed plan also requires action by the City Planning Commission (CPC or Commission) on the following applications, which are being considered concurrently with this application:

<b>N 210178 ZRK</b>	Zoning text amendment to establish the Special Gowanus Mixed-Use District, Gowanus Waterfront Access Plan, establish a Mandatory Inclusionary Housing (MIH) area, and replace the EC-1 within the rezoning area
<b>C 210052 HAK</b>	Disposition approval, UDAA and UDAAP designation
<b>C 210053 PPK</b>	Disposition of City-owned property
<b>C 210180 MMK</b>	City Map Amendment involving the mapping of parkland
<b>C 210179 MMK</b>	The establishment of streets, the elimination of street segments, and removal of a “Public Place” designation

## BACKGROUND

The Gowanus Neighborhood Plan is part of *Housing New York*, the City’s plan to build and preserve affordable housing throughout New York City in coordination with strategic infrastructure investments to foster a more equitable and livable New York City. *Housing New York* calls for neighborhood plans to be undertaken in communities across the five boroughs that offer new opportunities for affordable housing.

Gowanus was selected based on requests from the community and previous planning efforts in the area over the past two decades, including a previous DCP study from 2007 to 2009 and *Bridging Gowanus* from 2013 to 2015, a community planning initiative that was led by local elected officials to create shared goals and priorities for the area’s future development.

In August 2016, DCP and an extensive interagency team launched a neighborhood study of the Gowanus area. The planning and engagement process was a collaboration with local elected officials, community boards, community members, neighborhood-based organizations and city agencies, including HPD, DPR, New York City Department of Environmental Protection (DEP), New York City School Construction Authority (SCA), New York City Department of Education (DOE), New York City Department of Transportation (DOT), New York City Small Business Services (SBS), New York City Economic Development Corporation (EDC), New York City Mayor’s Office of Environmental Remediation (OER), New York City Mayor’s Office of Recovery and Resiliency (ORR), New York City Mayor’s Office of Sustainability (MOS), New York City Department of Emergency Management (NYCEM), and the New York City Department of Cultural Affairs (DCA). Given the unique characteristics of Gowanus, including the prominence of the canal, and at the request of community members, a multi-pronged community engagement approach was developed to support the study.

Through an iterative process of engagement and feedback, DCP and its partner agencies developed and released the *Gowanus: A Framework for a Sustainable, Inclusive, Mixed-use Neighborhood* in 2018, which included recommended land use changes that would be developed into the proposed actions and implemented as part of a comprehensive neighborhood plan.



The proposed actions are intended to facilitate development patterns that meet the shared long-term vision of Gowanus as a sustainable, mixed-use neighborhood anchored by a vibrant and resilient waterfront that can support the housing and economic needs of the community, the surrounding neighborhoods, and the city as a whole.

The proposed actions are necessary because existing land use patterns and zoning do not currently permit the implementation of the plan. Current land use and development patterns have been shaped by the canal and the existing zoning that has been in place since 1961. Without zoning changes, much of Gowanus would likely remain underdeveloped and underutilized and nearby neighborhoods would continue to become more costly and out of reach for low- and middle-income New Yorkers.

Absent the proposed actions, future development in Gowanus would occur in a piecemeal manner and without the benefit of a comprehensive rezoning and well-considered plan that encourages a resilient, mixed-use neighborhood that addresses the need for affordable housing; coordinates remediation and redevelopment activities, infrastructure investments and new open spaces; and implements urban design controls.

Absent the proposed actions, housing pressure citywide and in Brooklyn would not suddenly abate. The city's growing population would still need housing, pushing prospective households to other neighborhoods and generating additional pressure on real estate prices. The population that could live, work, grow up and play in and around Gowanus would not simply disappear. Adults and children may instead double- or triple-up in overcrowded housing; or move to a less-expensive neighborhood in New York City, increasing displacement pressures on existing tenants; pay a higher portion of income on rent, leading to more rent-burdened households; or leave the city altogether for more auto-oriented suburban or exurban areas, exacerbating environmental degradation and encouraging greenfield development, which increases per-capita greenhouse gas (GHG) emissions that intensifies climate change and global sea level rise. The proposed actions would obviate this future.

The proposed actions would offset this dynamic by spurring additional market and affordable housing and jobs in an affluent and transit rich area proximate to the Central Business Districts in Downtown Brooklyn and Manhattan. New development resulting from the proposed actions would be required to remediate brownfields, install solar or green roofs, capture more stormwater, plant new street trees and create a resilient and active shoreline.

Additionally, though not part of the proposed land use actions, the plan also calls for a set of investments, strategies, and policies to support the opportunities and challenges of accommodating growth. These investments include new infrastructure, including water and sewer upgrades, a potential new school, a new park and waterfront open spaces, improvements to existing parks and community and cultural facilities, investments in nearby New York City Housing Authority (NYCHA) communities including renovating and reopening the Gowanus Houses community center, and major streetscape design and safety improvements. Together with the proposed actions, the plan would foster a thriving, inclusive, and more resilient Gowanus, where existing and future residents and workers are able to participate in civic, cultural, and economic activities, and where the Gowanus Canal, a wholly unique resource, can thrive and play an active role in equitable and sustainable growth.

### **Project Area History**

Originally designed to support industrial uses in the surrounding area with water access to shipping lanes, the utilization of the canal as an industrial waterway has waned over the years and all but disappeared north of the Ninth Street Bridge. Today, Gowanus has changed significantly from the peak of its industrial past and is now characterized by a mix of building forms and uses, including vacant or underutilized lots that are primarily used for open storage or parking, one- to two-story former industrial buildings and larger loft-style buildings, many of which have been adaptively reused for commercial and art-related uses. Blocks along the waterfront contain a mix of parking lots, storage facilities, commercial and light industrial activity interspersed with vacant buildings and land. Many of the properties are contaminated from former industrial waste or through subsurface migration of pollutants. While the canal is no

longer used for industrial or commercial transport, it is accessed and used for recreational, educational and stewardship purposes.

Once referred to as Gowanus Creek, the Gowanus Canal was originally a wide tidal creek with numerous small tributaries that extended northeast from its mouth at Lower New York Bay south of Red Hook.

In 1849 Daniel Richards, founder of the Atlantic Dock Company, received permission to fill, dredge, and create the approximately one-mile-long Gowanus Canal in order to open the area to barge traffic, increase circulation and flushing, receive stormwater, and fill the adjacent lowlands for development. Construction of the canal began in the 1860s by installing bulkheads and dredging the creek. The canal included five turning basins branching to the east of the main channel, which allowed vessels in the canal to turn and reverse direction. The First Street Turning Basin, one of the five original turning basins, was approximately 475 to 560 feet long by 50 to 60 feet wide. By 1870, the waterbody had been transformed to resemble its current configuration and was serving as a major industrial waterway by which materials arrived to support area industries.

By 1880, the banks of the canal had transitioned from gristmills and oyster exporters to a wide range of industrial activities, including heavy manufacturing of coal and oil, foundries, paint and ink factories, electroplating shops, and paper mills, as well as the storage and distribution of materials used to build and maintain adjacent residential neighborhoods.

The short-term industrial success of the canal came with lasting effects: sewage and industrial wastes from the surrounding drainage area were discharged directly into the canal without treatment, and the natural marshlands and freshwater streams were replaced with combined sewers and storm drains. From its inception, wet weather events burdened the canal and challenged its functionality and, combined with the growth of Brooklyn and the resulting changes in drainage to the canal, it became flooded with mud and sediments, making it difficult to navigate outside of high tide. Efforts to address water quality in the Gowanus Canal date back

to the late 1800s, when the City contracted for the design of a tunnel between the head of the canal and Buttermilk Channel to improve circulation and flush pollutants from the canal. In 1911, the 6,280-foot Gowanus Canal Flushing Tunnel (or Flushing Tunnel) to Buttermilk Channel was constructed. The Flushing Tunnel pumped polluted water from the head of the canal to Buttermilk Channel.

In 1934, the New York State Legislature passed the Municipal Housing Authority Act, which permitted cities to form local housing authorities. Shortly after, NYCHA was formed. In 1944, NYCHA announced that several blocks of Boerum Hill (known previously as North Gowanus) would be demolished to make room for the Gowanus Houses (completed in 1949), which today consists of 1,139 units in 14 buildings ranging from four to 14 stories tall. Wyckoff Gardens was constructed in 1966 and consists of 529 units in three 21-story buildings. Warren Street Houses was constructed in 1972 and consists of 200 units in one six-story building. Today, the roughly 1,800 households across the three NYCHA communities contain a broad spectrum of diverse residents from a variety of backgrounds and are an integral constituency of the Gowanus community.

Peak industrial activity occurred roughly around the end of World War II when approximately six million tons of cargo was handled by the canal annually. However, by 1950, the canal was handling a fraction of its previous freight volume. Structural changes, including suburbanization, decentralization, and containerization—combined with larger ships and global changes in production, led to a decline in industrial activity throughout the city and around the canal. The Flushing Tunnel functioned until the mid-1960s when service was suspended due to mechanical failure, and the canal returned to a more polluted state.

From 1970 to 1990, the Gowanus neighborhood saw its population drop from approximately 33,000 to 24,000, reflecting an overall decrease in the city's population. In more recent decades, broad economic and demographic trends have led to a resurgence in nearby communities and interest in both working and living in and around the canal area.

The reactivation of the Flushing Tunnel in 1999 under the DEP's Inner Harbor Combined Sewer Overflow (CSO) Facility Plan resulted in an improvement in the canal's water quality and aquatic habitat. At this time, the direction of flow was reversed to bring more highly oxygenated water from Buttermilk Channel to the head of the canal.

The canal's designation as a Federal Superfund Site by the U.S. Environmental Protection Agency (EPA) in 2010 and Superstorm Sandy in 2012 led to increased attention and community engagement on the potential to remediate and improve the infrastructure in the area and advanced discussions about the future of Gowanus among members of the community, elected officials, and City, state, and federal agencies. As part of the remediation plan, EPA has also mandated the installation of underground tanks to reduce CSO discharge and the excavation and restoration of the First Street Turning Basin. The New York State Department of Environmental Conservation and OER have developed remedial programs and incentive programs to facilitate the investigation and cleanup of brownfield sites.

Consistent with citywide trends over the past three decades, there has been a growing interest in working and living in the area surrounding the canal. Since 2010, Brooklyn has gained over 100,000 new residents and 50,000 new jobs. Without providing additional residential capacity or new space for jobs, it has been increasingly difficult to accommodate the growth in Brooklyn. Strong demand for housing citywide has played out locally by driving up prices and limiting housing that is affordable for households at lower and moderate incomes. At the same time over the past few decades, the city has experienced a rapidly growing and diversifying economy.

Although a small portion of the land around the canal remains industrial in character, manufacturing and industrial uses are no longer present in many locations adjacent to the canal. Commercial businesses, offices, and other uses that serve the surrounding residential communities have increased alongside long-time resident artists and a small number of remaining industrial tenants. The reinvestment in and reactivation of older loft buildings for a variety of commercial office and artist spaces indicate a growing local demand for new office and other workspaces.

The COVID-19 pandemic has led to social, physical, and economic crises across the world, country, and city and it has highlighted broad inequities across the racial and socioeconomic spectrum. It has elevated the importance of complete neighborhoods to a community's health and resiliency, including walkability, housing security, open spaces, and active places. The underlying aspects that make New York City successful have not changed and the pre-COVID-19 trends that caused an unprecedented housing crisis are not anticipated to abate. New homes near jobs and proximate to transit will continue to be critical goals of the City to plan for and implement as we seek to be a more sustainable, equitable and just city.

### **Existing Context**

The project area is an approximately 200-acre area that is defined by the 1.8-mile-long, man-made canal, which bifurcates the neighborhood and the major east–west corridors that connect the upland areas to the surrounding neighborhoods. Major corridors include the canal itself, Third and Fourth avenues, and Baltic, Union, Carroll and Third streets.

#### *Gowanus Canal*

The approximately 100-foot-wide canal defines the eastern edge of the project area project area from Huntington Street to Third Street and divides the project area from Third Street to the terminus at Butler Street. The former industrial waterfront includes a mix of commercial activity, parking lots, storage, and light industrial uses interspersed with vacant buildings and land. The recently completed 363-365 Bond Street residential developments, which included several land use actions approved by the CPC in 2010 (C 090047 ZMK, C 090048 ZSK, N 090049 ZRK), are the first new residences along the canal, and include a publicly accessible esplanade, community facility space and affordable housing, all of which are built to resilient design standards.

Connections across the canal are limited within the project area, with only three bridges traversing the waterbody, including only one (at Third Street) that allows westbound traffic. The area surrounding the canal is currently zoned M1-2, M2-1, M3-1 and M1-4/R7-2. In 2009, a citywide text amendment (N 090239 ZRY) to update waterfront zoning designated the Gowanus Canal north of Hamilton Avenue as a waterbody subject to waterfront zoning.

Remediation and cleanup of the canal's contaminant-contributing upland sites are critical to the neighborhood's future. A high-water table increases the risk of cross-property contamination and the cost of remediation and construction. Because most waterfront sites are under private ownership, access and views to the canal are limited to public street ends, bridges, and recently constructed waterfront esplanades. Access to water-based recreational activities in the canal is limited to the end of Second Street.

#### *Fourth Avenue*

At 120 feet wide, Fourth Avenue is the widest corridor running through the neighborhood. It is one of the main thoroughfares in Brooklyn, and is also a truck route. The D/N/R subway lines run below Fourth Avenue and include local stops at Union Street and Fourth Avenue/9th Street, which is also an F/G subway stop. Uses along Fourth Avenue vary and include one-story semi-industrial uses, various commercial uses (including local retail shops), and mixed-use buildings with ground floor retail or community facility uses with apartments above. The avenue also has bus stops and a newly constructed separated bike lane.

A portion of Fourth Avenue was rezoned in 2003 to R8A/C2-4 (C 030194(A) ZMK) as part of an area-wide rezoning sponsored by DCP at the request of the community, with the goal of protecting the scale of development in Park Slope and promoting housing growth along Fourth Avenue. The rezoning leveraged the avenue's width and access to transit to accommodate new housing, albeit without any zoning tools to encourage or require the inclusion of affordable housing. New residential developments developed under existing zoning regulations on Fourth Avenue are not currently required to provide affordable housing.

In response to new housing construction resulting in blank walls along Fourth Avenue and no retail or services as a result of the rezoning, at the request of the community, DCP initiated a follow-up zoning text amendment in 2011 (C 110386 ZMK). The text amendment mapped the first Enhanced Commercial District (EC-1) in the city to require commercial and community facility uses on the ground floor and apply transparency and curb cut location requirements for

ground floors in new developments to enhance the pedestrian experience. The remaining portion of Fourth Avenue within the project area, between Douglass Street and Sixth Street, is currently zoned M1-2 and C8-2.

### *Third Avenue*

Third Avenue is a major corridor in the project area and one of two truck routes that serve the Gowanus neighborhood and the Southwest Brooklyn Industrial Business Zone (IBZ), located south of the project area. The width and uses along Third Avenue vary within the project area. Third Avenue is served by the B103 and B37 bus routes along with a bike lane.

The northern portion of Third Avenue from Baltic to Union streets is a narrow, 70-foot-wide street. Uses along this portion include a hotel and parking lot, a gas station, former industrial buildings reused for commercial activities, and industrial or commercial businesses, including distribution/warehousing, storage yards, or fuel oil truck parking and repair.

Between Union Street and First Street, Third Avenue continues as a narrow street lined with multi-family and mixed-use walkup apartment buildings. As Third Avenue curves, it widens to 80 feet at Third Street. Uses along this segment of Third Avenue become more industrial and commercial, and include self-storage, utility facilities, the Old American Can Factory (a repurposed former industrial loft building containing manufacturing, arts-related, and event space), a hotel, and a school.

### *East–West Corridors*

Bridge connections across the canal and neighborhood are limited, with three bridges traversing the waterbody, including only one (at Third Street) that allows westbound traffic. Below are descriptions of these important connections between and within area neighborhoods.

#### Baltic Street between Bond Street and Fourth Avenue

Baltic Street is a key corridor that traverses the project area and neighborhood north of the canal. Baltic Street, from Bond Street to Fourth Avenue, varies considerably in land use, street



conditions, and width. Uses along this stretch include distribution warehouses, bicycle and auto repair shops, and commercial uses, such as hotels.

### Union Street

One of the few major east–west commercial corridors in the neighborhood, Union Street is a wide street that crosses the canal. Traffic is one-way eastbound between Bond Street and Third Avenue and two-way further east to Fourth Avenue. The uses and built context vary along Union Street with low-rise former industrial buildings converted to commercial retail and catering uses mixed with former manufacturing facilities and distribution/warehousing, and a gas station. Non-conforming residences are interspersed along the corridor with some of the project area’s only new construction buildings, which are primarily hotel development.

### Third Street

Third Street is a wide street that runs from Hoyt Street to Fourth Avenue in the project area and is the only cross-canal connector that allows westbound traffic. Both sides of Third Street are currently industrial or commercial in nature with distribution warehouses, parking lots and a utilities facility, interspersed with former loft buildings that have been renovated and reused for office or a multitude of uses. A portion of Third Street is located within the IBZ and includes a large supermarket with an accessory parking lot. The supermarket with waterfront access was built pursuant to a New York City Board of Standards and Appeals (BSA) approval in 2012, which also renovated the adjacent landmarked Coignet building.

### Carroll Street

Carroll Street is a narrow cross-canal corridor with traffic moving east to west. Constructed in 1889, the Carroll Street Bridge is an LPC-designated Landmark (LP-1553) and is just north of the 363-365 Bond Street redevelopment and waterfront esplanade. Between Nevins Street and Fourth Avenue, legal, non-conforming residential walk-up buildings of two to five stories are mixed with former industrial buildings, many of which have been reused for residential use. Residential use has been allowed by way of variances and other approvals issued by the BSA. Many lots in this area have frontage of 20 feet or less, which makes future use or development

for industrial or manufacturing space unlikely and infeasible under the current M1-2 zoning. Other properties along the corridor include light industrial uses, such as warehouses, artist/maker space, and commercial uses, such as retail and entertainment establishments. There are also several older residences and a neighborhood institution, 505 Carroll Street, which is undergoing an expansion of its light industrial and artist space.

### *Thomas Greene Playground*

Thomas Greene Playground is a unique neighborhood park located between Douglass, Degraw, and Nevins streets and Third Avenue. The park is heavily used by the community and provides approximately 2.5 acres of public open space, including passive recreation such as seating areas, and planted landscape areas. Active recreational amenities include a playground multi-use asphalt area, handball courts, a skate park, and an outdoor pool complex with both intermediate and wading pools, open during the summer months. The park sits on part of the former Fulton manufactured gas plant (MGP) and will be remediated and reconstructed as part of the overall effort to remediate the canal and surrounding neighborhood. Around the park, vacant or underutilized land is interspersed with high lot-coverage former industrial buildings that have been reused for truck repair and storage, commercial retail and office, small-scale artisanal manufacturing, and arts-related uses. Recent new construction near the park includes a hotel and a rock climbing facility. Due to past industrial activities and soil composition, coupled with a high-water table, contaminants have been migrating underground to the surrounding area. Since most of these properties have not been redeveloped, they have remained contaminated.

### *Lower Canal - South of Fifth Street and North of Huntington Street*

This area consists of a mix of low-scale warehouses and multi-story loft buildings, and Block 471, consisting of two large assemblages of land, one of which is the City-owned Gowanus Green development site and the other is a privately-owned site.

Block 471 is located directly adjacent to the Smith and Ninth Street and the Carroll Street F/G stations. The City-owned Gowanus Green development site, Block 471, Lots 1 and 100, is located on the northern portion of the block and the privately owned site, Block 471, lot 200, is

located on the southern portion of the block. Both sites are zoned M3-1, which allows industrial, commercial and manufacturing uses; the City-owned site is furthermore designated as “Public Place” on the City Map. The sites are separated from the residential neighborhood to the west and the more industrial context to the south and east by the elevated F/G train line and the canal, respectively. The Gowanus Green site is approximately six acres and is bounded by Fifth Street to the north, Smith Street to the west, and the canal to the east. It is bounded to the south by an approximately four-acre, privately owned parcel on Block 471, Lot 200. Immediately adjacent to the south of the Gowanus Green site is the approximately four-acre privately-owned site. Together, the two sites comprise approximately 10 acres, which are either vacant land or, in the case of the privately-owned site, currently used in connection with Superfund remediation activities (dredging and staging work). A combined sewer runs diagonally across the privately-owned site and a portion of the City-owned site. Both sites require extensive remediation due to contamination from prior uses, which include a former MGP.

The Gowanus Green site is designated as Public Place on the City Map. Public Places are mapped throughout New York City. Public Places may or may not be zoned or generate development rights and allow a wide range of non-residential uses (new housing is not permitted). The Gowanus Green site was designated, in 1974, as a Public Place on the City Map to facilitate its acquisition by the City and to broadly promote uses compatible with the surrounding residential community (in contrast to the then existing concrete plan), including recreational space for the community.

The defining characteristics of the Gowanus Green site include its waterfront boundary and its significant slope from the intersection of Smith and Fifth streets to the intersection of Fifth and Hoyt streets. It has 523 linear feet of frontage along the canal and is constrained by below-grade sewer infrastructure that restricts the location of development on the parcel. In addition, an easement for an existing high-pressure gas main and related gas shed bisect the proposed waterfront open space.

The area across Fifth Street, north of Block 471, is currently zoned M1-1 and M3-1 and contains

a mix of low-scale warehouses and multi-story, loft-style buildings with various commercial and light industrial uses. Recently, former loft buildings have been reused and converted to space for artist studios, co-working, technology, media and design firms, and other newly emerging business sectors, a trend that has led to property reinvestment and spurred employment growth. Most lots in this area are much smaller in comparison to the large vacant sites described above and built with full-lot-coverage buildings containing active businesses. At Third and Fourth streets, the area abuts the residential neighborhood of Carroll Gardens, which contains primarily three- to five-story rowhouses.

### **Prior Rezoning Efforts**

In the mid-2000s, the neighborhoods surrounding Gowanus were the focus of contextual zoning changes that sought to prevent out-of-scale “height-factor” towers. While these zoning changes were being enacted, an early neighborhood planning study in Gowanus contemplated opportunities for growth, affordable housing and new open spaces.

#### *Park Slope Rezoning and Fourth Avenue Enhanced Commercial District*

The 2003 rezoning (C 030194 (A) ZMK) was at the request of the local community to protect the scale of development in Park Slope and to allow for housing growth along Fourth Avenue. The rezoning leveraged Fourth Avenue’s width and access to transit to accommodate new housing, albeit without any zoning tools to encourage or require the inclusion of affordable housing. New residential developments are still not currently required to provide affordable housing.

DCP initiated a follow-up zoning text amendment in 2011 (C 110386 ZMK and N 110387 ZRK) to map the first EC-1 in the city along Fourth Avenue to require commercial and community facility uses on the ground floor and apply transparency and curb cut location requirements for ground floors in new developments to enhance the pedestrian streetscape.

#### *Carroll Gardens Rezoning*

In 2009, the Carroll Gardens Rezoning (C 090462 ZMK) mapped contextual zoning districts that established height and bulk regulations to ensure that future development reflected the

predominantly brownstone, walk-up apartment building character of the area, while allowing for modest growth on appropriate corridors and limited building enlargements. The rezoning encompassed 86 blocks in the Carroll Gardens and Columbia Street Waterfront neighborhoods that were originally, primarily zoned R6. The community was concerned that new buildings would be developed and expanded under the existing R6 zoning height factor regulations and could produce developments that were out of scale with the rowhouses in these neighborhoods.

### *Boerum Hill Rezoning*

In 2011, the Boerum Hill Rezoning (C 110252 ZMK) mapped contextual zoning districts to reflect existing building forms and uses to protect the character and scale of the neighborhood while allowing for limited expansions and development on vacant sites. The rezoning, which covered on a 31-block area formerly known as North Gowanus, also modified commercial overlays on many thoroughfares to more closely match the location of commercial uses, bring existing uses into conformance, and prevent the expansion of commercial activity into residential mid-blocks.

### *Gowanus 2009 Rezoning Proposal*

In 2009, the proposed zoning changes would have affected 25 blocks along the waterfront area and a portion of the upland area south of Sackett Street and north of Third Street. Building upon the existing mixed-use character of the area, the study proposed to: allow for a mix of uses, including residential, in certain areas currently zoned for manufacturing uses; maintain areas for continued industrial as well as commercial uses; encourage the redevelopment of the waterfront, including opportunities for public access at the canal's edge; enliven the streetscape with pedestrian-friendly, active ground-floor uses; promote new housing production, including affordable housing through the City's Voluntary Inclusionary Housing (VIH) program; and establish limits for height and density that consider neighborhood context as well as other shared goals. Around the same time as the canal was designated a Superfund site, shifts in the political and community landscaped caused the study to be put on hold in 2010. If approved, the proposed rezoning would have facilitated thousands of new homes adjacent to thriving communities where prior rezonings limited new housing capacity.

The community continued to advocate and organize around advancing a planning study and comprehensive vision for future development and investments in the neighborhood. Local elected officials picked up the mantle and led the community planning initiative *Bridging Gowanus* from 2013 to 2015. *Bridging Gowanus* created shared goals for the area's future development and advocated for the City to launch a neighborhood planning study.

### **Gowanus Neighborhood Planning Study and Planning Framework**

In response to growing interest in forming a comprehensive vision and plan for the neighborhood, DCP launched a study and community engagement process in 2016 in collaboration with agency partners.

Thousands of community stakeholders, residents, workers, business owners, and elected officials participated in over 100 hours of meetings and workshops that began in 2016, including large public events and working group meetings covering five broad topics (Arts and Culture; Housing, Industry and Economic Development; Public Realm; Sustainability; and Resiliency). Coupled with DCP's first online public engagement platform, a broad cross-section of community members articulated challenges and needs that Gowanus faces today and in the future. Participants set goals and objectives and generated ideas about policies and investments to achieve a thriving, more resilient neighborhood.

*Gowanus: A Framework for a Sustainable, Inclusive and Mixed-use Neighborhood* was released in June 2018 as a roadmap for identifying goals and strategies, with recommended land use changes, to be developed and implemented as part of a neighborhood plan. It was the product of an extensive community engagement process to solicit ideas and input that began when the Gowanus Neighborhood Study was launched in 2016. It is also informed by previous reports and studies and ongoing community efforts by government agencies and community stakeholders and organizations.

The land use proposal outlined in the broader *Framework* is a set of guiding principles related to

use, density, bulk, and waterfront access, and was intended to provide standards for developing and evaluating proposals for future land use changes. These principles were shaped by shared goals (derived from the community engagement process) while recognizing the opportunities and challenges of achieving those goals. The parameters of the land use framework were developed to encourage remediation and redevelopment of sites while balancing a variety of goals, including: strengthen existing clusters of light industrial and commercial activity and promote new, job-generating uses—including industrial, arts, and cultural uses; encourage and reinforce a vibrant, live-work neighborhood by balancing the preservation of neighborhood scale and encouraging growth that promotes a mix of uses, including affordable housing, and allows for improvements to the public realm and local services while affirming the qualities that make the neighborhood distinct; and promote the creation of an active, accessible, resilient, and diverse waterfront esplanade that celebrates the unique nature of the canal and is flanked by a mix of uses that include new permanently affordable housing as well as commercial, artist, and manufacturing space.

Redevelopment of sites on the canal creates an opportunity to achieve public access at the canal's edge. The land use framework identified parameters for the creation of public open space along the canal in conjunction with residential and non-residential development, including: encourage street end design that is flood-resilient and ensures upland access to the envisioned waterfront esplanade; allow and promote a mix of uses on ground floors leading to and along the canal to support an active and lively waterfront; relate the height of new buildings to the lower-scale neighboring context along upland frontages such as Bond Street; set back higher portions of buildings to ensure light and air to side streets and the canal; ensure continuity of public access at bridge crossings with grade-change constraints; and ensure access of light and air to inner courtyards and the canal by staggering building heights and keeping street wall heights low.

In order to facilitate a dynamic, mixed-use neighborhood that considers block-specific conditions, the *Framework* identified parameters for use, density, and height. The land use proposal recommended areas suitable for new residential or mixed-use development, in addition

to areas proposed to be maintained primarily for continued industrial and commercial activity. The *Framework* divided these into three broad areas, each with its own recommendations: Industrial and Commercial, Enhanced Mixed-Use, and the Canal Corridor. The interconnectedness between these areas and adjacent neighborhoods, which include thriving residential communities and active retail corridors (e.g., Fourth Avenue and Smith Street), as well as the broader vision of a mixed-use neighborhood were taken into consideration. Recommendations within these three areas were partly derived from and respond to block- and neighborhood-wide characteristics—including current and past land use patterns, market trends, site contamination, and block and lot conditions—and are mutually supportive in contributing to the overall objective of a dynamic, mixed-use neighborhood.

Analysis of existing land use and business activity revealed that while much of the former industrial neighborhood is no longer comprised of heavy manufacturing uses, clusters of light industrial, commercial, and arts-related activity remain in portions of the mid-blocks between Third and Fourth avenues and west of the canal along Fourth and Hoyt streets. Therefore, in some areas it was recommended to maintain restriction on residential use to support the continuation of these light-industrial and maker spaces. Other areas are characterized by lower levels of industrial and commercial activity, higher levels of vacancy and underutilization, and existing pockets of residential uses. In these areas, the *Framework* recommended permitting a mix of uses, including residential, commercial, retail, light industrial, community facility, and artist spaces.

### **Existing Context and Zoning**

The existing zoning in the project area, most of which has been in place since 1961, is composed of M1-1, M1-2, M2-1, M3-1, C8-2, M1-4/R7-2, R6, R6B, R8A and R8A/C2-4 zoning districts. Three zoning map or text amendments have been adopted since 2000.

As part of the Park Slope Rezoning, a portion of Fourth Avenue was rezoned in 2003 from R7A/C2-4 (north of President Street) and R6 (south of President Street) to R8A/C2-4. The Park Slope Rezoning changed the designation on the superblocks between Third and Fourth avenues



from an M1-2 zoning district to a C8-2 zoning district in order to reflect the existing land uses and broaden the permitted range of commercial activities.

In 2011, DCP initiated a follow-up zoning text amendment in response to blank walls on new buildings and a lack of retail space along Fourth Avenue. The text amendment mapped the first enhanced commercial district in the city to require commercial and community facility uses on the ground floor, and applied transparency and curb cut location requirements to new developments along Fourth Avenue to enhance the pedestrian streetscape.

A private rezoning in 2009 (C 090047 ZMK, C 090048 ZSK, N 090049 ZRK, N 090050 ZRY, N 090051 ZRY), known as the 363-365 Bond Street Rezoning, changed an M2-1 zoning district to an M1-4/R7-2 zoning district on two blocks bounded by Bond Street, Second Street, Carroll Street, and the canal. The rezoning facilitated the remediation and redevelopment of an approximately three-acre site of a former waterfront industrial warehouse with residential space, including affordable housing, commercial, and community facility uses and a publicly accessible waterfront open space. Currently, it is the only area mapped for Inclusionary Housing (IH) within Community District 6 and has generated 140 affordable units for low-income New Yorkers.

Since 2000, in addition to the aforementioned zoning changes, there have been over 20 applications submitted to the BSA, many of which have been for use variances. Of these applications, 12 have been granted to allow the conversion or new construction of residential space, schools, or physical culture establishments within the project area.

In the mid-2000s, the neighborhoods surrounding Gowanus were the focus of contextual zoning changes to prevent out-of-scale, height factor towers. Standard height factor regulations produce small multifamily buildings on small zoning lots and, on larger lots, tall buildings that are set back from the street. These contextual zoning changes downzoned large swaths of Carroll Gardens, Park Slope and Boerum Hill, which has limited new residential development capacity.

### *M1-1 & M1-2*

M1-1 zoning districts are mapped west of the canal around Fourth Street between Smith and Bond streets. An M1-2 zoning district is located in a portion upland of the canal between Nevins Street and Fourth Avenue from Third Street to Baltic Street.

M1-1 and M1-2 zoning districts generally allow a wide range of commercial and light manufacturing uses, including office, repair shops, and wholesale service facilities. Self-storage facilities and hotels are only allowed by special permit in most cases. M1 zoning districts permit all types of industrial uses but are subject to more stringent performance standards than M2 or M3 zoning districts. Many retail uses are restricted to 10,000 square feet in M1 zoning districts, which may only be exceeded by a CPC special permit. Residential uses and community facility uses with sleeping accommodations are not permitted in M1 zoning districts.

M1-1 zoning districts allow industrial and commercial uses at a maximum floor area ratio (FAR) of 1.0 and certain community facility uses at a maximum FAR of 2.4. M1-2 zoning districts allow industrial and commercial uses at a maximum FAR of 2.0 and community facility uses at a maximum FAR of 4.8.

Heights in M1-1 and M1-2 zoning districts are governed by a sloping sky exposure plane, which begins at 30 feet above the street line in M1-1 zoning districts, and at 60 feet in M1-2 zoning districts. Above this height, the building must be located entirely beyond the sloping plane. There is no maximum building height.

Off-street parking requirements vary by use, but typically require one parking space for every three employees or every 1,000 square feet of industrial floor area and one parking space per 300 square feet of commercial space. Parking requirements that result in less than 15 spaces may be waived, but such waiver does not apply to most manufacturing or warehousing uses. Loading requirements vary by use, and are triggered after providing 25,000 square feet of office floor area, and after providing 8,000 square feet of other commercial or manufacturing floor area.

Land uses permitted within M1-1 and M1-2 zoning districts include warehouses/storage for light industrial uses, auto-related businesses (such as auto repair shops), gas stations, self-storage facilities, hotels, retail, entertainment, and fitness/recreational facilities.

There is also a considerable amount of vacant or underutilized land in the project area. In certain locations, commercial activities (e.g., restaurants, food stores, recreation, and entertainment establishments) that serve the adjoining residential communities as well as a broader customer base are scattered throughout much of the area, with the greatest concentration along Third Avenue north of Carroll Street (between Third and Fourth avenues along Douglass and Degraw streets) and along Union and Third streets between the canal and Fourth Avenue.

### *M2-1*

An M2-1 zoning district is mapped over much of the western portion of the project area. The M2-1 zoning district is generally bounded by Nevins Street to the east, Bond Street to the west, Butler Street to the north, and the Gowanus Canal to the south. M2 zoning districts are primarily found in older industrial neighborhoods and along waterfronts. M2 zoning districts occupy the middle ground between light and heavy industrial areas and have an FAR of 2.0. M2-1 zoning districts are subject to parking requirements based on the type of use and size of an establishment. There is no maximum building height. The maximum base height before setback is 60 feet in M2-1 zoning districts. No new residential or community facility uses are permitted.

The former industrial waterfront is a mix of commercial activity, parking lots, storage, and light industrial uses interspersed with vacant buildings and vacant land. As noted above, the recently completed 363-365 Bond Street residential developments, which were facilitated by a rezoning from M2-1 to M1-4/R7-2, are the first new residences along the canal. They include a public esplanade and community facility space, and are built to meet current requirements for flood-resilient construction.

### *M3-1*

An M3-1 zoning district, which permits a maximum FAR of 2.0 for industrial and commercial

uses, is on the western side of the canal from Huntington Street to Fourth Street. M3 zoning districts are designated for areas with heavy industries that generate noise, traffic, or pollutants. M3-1 zoning districts are subject to parking requirements based on the type of use and size of an establishment. There is no maximum building height. M3-1 districts have a base height, above which a structure must fit within a sloping sky exposure plane; the base height is 60 feet, or four stories, whichever is less, above the street line. No new residential or community facility uses are permitted.

The M3-1 zoning district is mapped over two large sites, which combined total approximately 10 acres of highly underutilized land; one site is a City-owned site and the other is privately owned and currently used for the Superfund dredging staging work and construction support. Along Fourth Street, former loft buildings have been reused and converted to space for artist studios, co-working, technology, media and design firms, and other newly emerging business sectors.

#### *C8-2*

A C8-2 zoning district is mapped in the southernmost portion of the project area generally between Third Street, Seventh Street, Third Avenue, and Fourth Avenue. C8 zoning districts are found mainly along major traffic arteries. C8-2 zoning districts permit light manufacturing, auto-related businesses, and other heavy commercial uses at a maximum FAR of 2.0. C8 zoning districts have a base height limit, above which a structure must fit with a sloping sky exposure plane; the base height is 30 feet in C8-1 zoning districts, and 60 feet in C8-2 zoning districts, and typically produces low-rise, one-story structures. Typical uses are automobile showrooms and repair shops, warehouses, gas stations, and car washes; community facilities, self-storage facilities, hotels and amusements, such as theatres, are also permitted. No new residential uses are permitted.

#### *R6*

An R6 zoning district is mapped in an area bounded by Nevins, Bond, Warren, and Baltic streets. R6 zoning districts are medium-density residential districts that permit a wide variety of housing types. Buildings in R6 zoning districts can be developed in accordance with either height factor

or Quality Housing regulations. Under height factor regulations, the maximum FAR ranges from 0.78 to 2.43, depending on the amount of open space provided, while under Quality Housing regulations outside the Manhattan core, the maximum FAR is 3.0 for buildings on or within 100 feet of a wide street and 2.2 on a narrow street beyond 100 feet of a wide street. Higher maximum FARs are available for buildings that participate in the IH program or that provide certain senior facilities, permitting up to 2.42 and 3.0 FAR for narrow and wide streets, respectively. Under height factor regulations, the sky exposure plane starts at 60 feet; under Quality Housing regulations, the maximum base height is 45 feet on a narrow street and 65 feet on a wide street, while the maximum building height is 55 feet on a narrow street and 70 feet on a wide street, which may be increased by five feet with a Qualifying Ground Floor (QGF). If utilizing the IH program, the maximum building height may increase to 115 feet. Standard height factor regulations produce tall buildings that are set back from the street on large lots. Optional Quality Housing regulations produce high lot coverage buildings within height limits that often reflect the scale of older apartment buildings in the neighborhood that pre-date the 1961 Zoning Resolution (ZR). Off-street parking is generally required for 70 percent of a building's dwelling units. These requirements are reduced to 50 percent on lots less than 10,000 square feet, and are eliminated for income-restricted housing units within the Transit Zone. Parking can be waived if five or fewer spaces are required.

### *R6B*

An R6B zoning district is mapped along the west side of Bond Street, between Carroll and First streets. R6B zoning districts are contextual residential districts that typically produce four- to five-story attached rowhouses set back from the street with stoops and small front yards, or apartment buildings of a similar scale. R6B zoning districts permit residential and community facility uses to a maximum FAR of 2.0 (an FAR of 2.2 is allowed in areas designated as part of the IH program). Building base heights must be between 30 and 40 feet, with a 50-foot maximum building height (or 55 feet with a QGF) after the building is set back to a depth of 10 feet on a wide street and 15 feet on a narrow street. New developments are required to line up with adjacent structures. New multi-family residences must provide one off-street parking space for 50 percent of dwelling units, which may be waived if five or fewer spaces would be required.

### *R8A*

Within the project area, an R8A zoning district is mapped on both sides of Fourth Avenue from Pacific Street to Douglass Street, on the eastern side from Douglass Street to Sixth Street, and on both sides from Sixth Street to 15th Street. R8A zoning districts permit residential and community facility uses at a maximum FAR of 6.02 and 6.50, respectively. An FAR of 7.2 is allowed in areas designated as part of the IH program. The building form requires a base height between 60 feet and 85 feet and a maximum building height of 120 feet or 125 feet with a QGF. The off-street parking requirement is one space per 1,000 square feet of commercial space and health care facilities, and one off-street parking space for 40 percent of residential units, which can be waived if 15 or fewer parking spaces are required or if the zoning lot is 10,000 square feet or less. Current uses along Fourth Avenue vary and include one-story semi-industrial uses, various commercial uses including local retail shops, and residential apartment and walk-up buildings. Today, new residential developments are not required to provide affordable housing.

### *M1-4/R7-2*

Within the project area, a M1-4/R7-2 zoning district (MX-11) is mapped on two blocks bounded by Bond Street, Second Street, Carroll Street, and the canal. The uses permitted as of right in an MX district include new residential, community facility, commercial and light industrial uses. The maximum permitted FAR for commercial and manufacturing is 2.0. Pursuant to the text amendment to the VIH program, the base residential FAR is 2.7, with the potential of increasing to 3.6 with the provision that at least 20 percent of the residential floor area be designated for housing affordable to low-income households. The maximum community facility FAR is 6.5. The off-street parking requirement is 50 percent of the number of market rate dwelling units and 25 percent for the affordable units in the development. Within an R7-2 zoning district in an MX district, the maximum permitted base height is 60 feet, with a maximum building height of 135 feet.

### *Special Enhanced Commercial District*

The EC-1 is mapped along Fourth Avenue from Pacific Street to the north to 24th Street to the

south. From Pacific Street to Douglass Street and from Sixth Street to the Prospect Expressway, the district encompasses block frontages on the east and west sides of Fourth Avenue. Between Douglass Street and Sixth Street and south of the Prospect Expressway, the district encompasses only the frontages on the east side of Fourth Avenue.

EC-1 provisions apply ground-floor use regulations, retail transparency requirements, and limitations on parking and curb cuts in order to promote a mix of commercial and community facility uses on the ground floor of new developments or enlargements, enhance the pedestrian environment, and create an active streetscape on Fourth Avenue. Horizontal enlargements and new developments in the EC-1 must provide windows on the ground floor facing Fourth Avenue and may not locate residences or parking on the ground floor within 30 feet of Fourth Avenue. At least 50 percent of the frontage must be occupied by retail and service uses as defined for the special district, and lobbies are limited to a maximum width of 25 feet. Curb cuts are not permitted on Fourth Avenue for lots that have access to the side street.

### *Waterfront Zoning*

Properties along the canal are subject to waterfront zoning regulations today. Generally, redevelopment, enlargements, and/or changes of use on the waterfront are required to comply with standard waterfront zoning regulations. Waterfront public access area (WPAA) regulations generally require a minimum 40-foot shore public walkway and less on certain constrained sites. On larger lots, supplemental public access area is required if the shore public walkway is less than 20 percent of the total lot area. Waterfront zoning typically does not require heavier industrial uses to provide waterfront open space or to comply with standard waterfront zoning regulations. With unique sites the uniform WPAA regulations, which apply citywide, are often challenging to satisfy, may lead to unintended design outcomes, and not build on a site's unusual features.

### *Commercial Overlays*

A C2-4 commercial overlay is mapped within the existing R8A zoning district mapped along Fourth Avenue. C2 commercial overlays encourage retail uses that meet local shopping needs, as

well as broader shopping and service needs. Commercial buildings in C2 overlay districts have a maximum permitted FAR of 2.0. Otherwise, residential, mixed residential/commercial, and community facility uses in C2 commercial overlays are regulated by the bulk regulations of the underlying residential districts. C2-4 overlays typically require one parking space per 1,000 square feet of commercial space.

## **Proposed Actions**

### *Zoning Map Amendments (C 210177 ZMK)*

The proposed rezoning would replace all or portions of existing R6, R6B, R8A, R8A/C2-4, C8-2, M1-1, M1-2, M2-1, and M3-1 zoning districts with R6B, R6A, M1-4/R6B, M1-4/R6A, M1-4/R7A, M1-4/R7-2, M1-4/R7X, C4-4D, and M1-4 zoning districts. The zoning changes would also establish the Special Gowanus Mixed-use District (GSD) boundaries within the project area. The special district would create the Gowanus Waterfront Access Plan (WAP) and create special use, bulk, and parking regulations on both waterfront and non-waterfront blocks and would establish special height and setback regulations for buildings on waterfront blocks and on select corridors. The rezoning would also eliminate existing C2-4 overlays mapped within an existing R8A district along Fourth Avenue, from 15th Street to Pacific Street and would replace the R8A/C2-4 district and EC-1 along Fourth Avenue within the project area with the proposed C4-4D district and the GSD.

### Proposed M1-4 (within the GSD)

(Existing M1-1, M1-2, M2-1, M3-1, and C8-2 Districts)

An M1-4 district is proposed on approximately 14 full or partial blocks in six areas, including on portions of four blocks along Third, Fourth and Fifth streets between Smith and Bond streets currently zoned M1-1 and M3-1; on portions of two blocks bounded by Third and Fourth avenues, Sixth and Seventh streets and Third Street currently zoned C8-2; on Butler Street, between Bond and Nevins streets; on portions of two blocks along President Street, between Third and Fourth avenues currently zoned M1-2; on portions of five blocks along Butler, Douglass, Degraw, and Sackett streets between Third and Fourth avenues currently zoned M1-2; and on a portion of the block bounded by Hoyt, Fourth, and Fifth streets currently zoned M3-1.



Typically, M1-4 zoning districts permit commercial and light industrial uses up to an FAR of 2.0 and community facility uses up to 6.5. Building height and setbacks in M1-4 zoning districts are controlled by a sky exposure plane, and commercial and community facility buildings can be constructed as towers. No off-street accessory parking is required in M1-4 zoning districts.

The proposed actions would establish M1-4 districts within the project area. The GSD would modify the M1-4 district to fill the need for a medium-density contextual district that allows commercial, industrial, and community facility uses at a moderate density.

M1-4 zoning districts, in the GSD, would allow retail and entertainment uses at a maximum FAR of 2.0 and industrial, certain community facilities, and other commercial uses (such as office and arts-related uses) at an FAR of 3.0 or 4.0, depending on location. Schools, houses of worship and health facilities and non-profit hospitals would be allowed at a maximum FAR of 4.8. The district permitting an FAR of 3.0 would allow buildings to rise to 65 feet before setting back and rising to a maximum height of 85 feet. The district permitting an FAR of 4.0 would allow buildings to rise to 95 feet before setting back and rising to a maximum height of 115 feet. An additional 30 feet would be allowed for sites larger than 20,000 square feet. Use groups 3-14 and 16-18 would be allowed. No new residential use would be permitted. No off-street accessory parking is required in M1-4 zoning districts.

#### Proposed R6B

(Existing R6 Zoning District)

An R6B district is proposed for one partial block along Warren Street between Bond and Nevins Street currently zoned R6.

R6B is a typical rowhouse district that includes height limits and street wall lineup provisions to ensure that new buildings are consistent with the scale of the existing built context. R6B permits residential and community facility uses to a maximum FAR of 2.0 (2.2 in areas designated as IH). Building base heights must be between 30 and 40 feet, with 10-foot setbacks on a wide

street and 15-foot setbacks on a narrow street, before rising to a maximum height of 50 feet. New development in the proposed R6B district would be required to line up with adjacent structures to maintain a continuous street wall. New multifamily residences must provide one off-street parking space for 50 percent of residential units, which may be waived if five or fewer spaces are required.

### Proposed R6A

(Existing R6B Zoning District)

An R6A district is proposed for one partial block along Bond Street between Carroll and First streets currently zoned R6B.

R6A zoning districts allow residential and community facility uses up to an FAR of 3.0 (3.6 FAR in areas designated as IH). The district allows a maximum FAR of 3.9 for affordable independent residences for seniors (AIRS). The building form requires a street wall between 40 and 60 feet, a setback above the maximum base height of 60 feet, and a maximum building height of 70 feet. Off-street parking is required for 50 percent of the dwelling units, but this requirement may be waived if five or fewer spaces are required. No accessory parking would be required for affordable residential units.

### Proposed M1-4/R6B

(Existing M1-1, M1-2, M2-1 and C8-2 Districts)

An M1-4/R6B district is proposed for 12 full or partial blocks in four areas: along Bond Street between Baltic and Douglass streets currently zoned M1-2 and M2-1; along Third Avenue between Nevins Street and Fourth Avenue currently zoned M1-2 and M2-1; along Seventh Street between Third and Fourth avenues currently zoned C8-2; and along Smith Street between Fourth and Fifth streets currently zoned M1-1.

M1-4/R6B zoning districts allow a maximum FAR of 2.2 for residential uses with MIH, and 2.0 for industrial, community facility, and commercial uses. Residential buildings with qualifying ground floors developed pursuant to IH regulations have a base height of 30 to 45 feet, a setback

above the street wall and reach a maximum building height of 55 feet. No accessory parking is required for non-residential uses or affordable residential units.

The GSD would modify the bulk regulations to allow non-residential and residential buildings with QGFs developed in accordance with IH regulations to have base heights of 30 to 45 feet, set back, and reach a maximum building height of 55 feet. The proposed GSD would reduce the underlying R6B district's accessory off-street parking requirement, such that parking would be required for 20 percent of market-rate dwelling units.

#### Proposed M1-4/R6A

(Existing R6, M1-1, M1-2 and M2-1 Districts)

An M1-4/R6A district is proposed for 12 full or partial blocks in six areas currently zoned M1-2 and M3-1: along blocks between Warren and Douglass streets and between Bond and Nevins streets; along the midblock of Baltic Street between Third and Fourth avenues; along the east side of Nevins Street between Union and Carroll streets and portions of the midblock between Sackett and President streets; along the southern portion of Union Street at the intersection of Third Avenue; along the midblock of Butler Street between Nevins Street and Third Avenue; and along a portion of the north side of Fourth Street, between Smith and Hoyt streets.

M1-4/R6A districts allow a maximum FAR of 3.6 for residential uses with MIH, 3.0 for community facility uses and 2.0 for commercial and manufacturing uses. Residential buildings with QGFs developed pursuant to IH regulations have a street wall requirement of 40 feet to 65 feet, a setback above the street wall and a maximum building height of 85 feet. No accessory parking is required for non-residential uses or affordable residential units.

As modified by the GSD, M1-4/R6A zoning districts would allow commercial and manufacturing uses at a maximum FAR of 3.0 and retail and entertainment uses, as defined by the GSD, at a maximum FAR of 2.0. The GSD would modify the bulk regulations to ensure that non-residential and residential buildings with QGFs developed pursuant to IH have a base height ranging between 40 feet and 65 feet, a setback above the street wall and a maximum building

height of 85 feet. The proposed GSD would reduce the underlying R6A zoning district's accessory off-street parking requirement, such that parking would be required for 20 percent of market-rate residential units.

#### Proposed M1-4/R7A

(Existing M1-2 District)

An M1-4/R7A zoning district is proposed for four partial blocks along Union Street between Nevins Street and Fourth Avenue currently zoned M1-2.

M1-4/R7A zoning districts allow a maximum FAR of 4.6 for residential uses with MIH, 4.0 for community facility uses and 2.0 for commercial and manufacturing uses. Residential buildings with QGFs developed pursuant to IH regulations have a street wall of 40 feet to 75 feet, a setback above the street wall and a maximum building height of 95 feet. No accessory parking is required for non-residential uses or affordable residential units.

As modified by the GSD, M1-4/R7A zoning districts would allow commercial and manufacturing uses at a maximum FAR of 3.0 and retail and entertainment uses, as defined by the GSD, at a maximum FAR of 2.0. The GSD would modify the bulk regulations to ensure that non-residential and residential buildings with QGFs developed pursuant to IH regulations have base heights of 40 feet to 75 feet, a setback above the street wall and a maximum building height of 95 feet. The proposed GSD would reduce the underlying R7A district's accessory off-street parking requirement, such that parking would be required for 20 percent of market-rate residential units.

#### Proposed M1-4/R7X

(Existing R6, M1-2, M2-1, and C8-2 Districts)

An M1-4/R7X district is proposed for 11 full or partial blocks in three areas: between Baltic and Sackett streets along Third Avenue, and around Thomas Greene Playground; on portions of two block frontages at the intersection of Baltic and Nevins streets; and along Third Avenue between First and Third streets.

M1-4/R7X districts allow a maximum FAR of 6.0 for residential uses with MIH, 5.0 for community facility uses and 2.0 for commercial and manufacturing uses. Residential buildings with QGFs developed pursuant to IH regulations have a base height ranging between 60 and 105 feet, a setback above the street wall and a maximum building height of 145 feet. No accessory parking would be required for non-residential uses or affordable residential units.

As modified by the GSD, M1-4/R7X zoning districts would establish a maximum FAR of 5.6 for residential uses with MIH. Commercial and manufacturing uses would be allowed at a maximum FAR of 4.0 and retail and entertainment uses, as defined by the GSD, at a maximum FAR of 2.0. The maximum FAR could be increased up to 6.0 with the inclusion of certain non-residential uses (see below for additional details). The GSD would modify the height and setback regulations to allow non-residential and residential buildings with QGFs developed pursuant to IH regulations to have base heights ranging between 60 feet and 105 feet, setback above the street wall, and have a maximum building height of 145 feet. The proposed GSD would reduce the underlying R7X district's accessory off-street parking requirement, such that parking would be required for 20 percent of market-rate residential units.

#### Proposed M1-4/R7-2

(Existing M2-1 and M3-1 Districts)

An M1-4/R7-2 district is proposed on approximately 13 full or partial blocks in three areas: on waterfront blocks between Douglass and Carroll streets on the west side of the canal, and Degraw Street and First Street on the east side of the canal; on waterfront blocks that front Third Street on the west side of the canal and between Second and Third streets on the east side of the canal; and on a waterfront block that fronts Smith and Fifth streets along the west side of the canal.

M1-4/R7-2 zoning districts typically allow a maximum FAR of 3.44 for residential uses (4.6 with MIH), 6.5 for community facility uses and 2.0 for commercial and manufacturing uses. No accessory parking is required for non-residential uses or affordable residential units.

As modified by the GSD, M1-4/R7-2 zoning districts would establish a maximum FAR of 4.4 for residential uses with MIH. Community facility uses would be allowed at a maximum FAR of 4.0, commercial and manufacturing uses would be allowed at a maximum FAR of 3.0 and retail and entertainment uses, as defined by the GSD, at a maximum FAR of 2.0. The maximum FAR could be increased up to 5.0 with the inclusion of certain non-residential uses. Special street wall, height, and bulk envelope regulations would be controlled by the proposed GSD along with other special urban design and parking provisions. The proposed GSD would reduce the underlying R7-2 district's accessory off-street parking requirement, such that parking would be required for 20 percent of market-rate residential units.

#### Proposed C4-4D

(Existing M1-2, C8-2, R8A and R8A/C2-4 Districts)

A C4-4D district is proposed on 50 partial block frontages along Fourth Avenue between Pacific and 15th streets currently zoned R8A, M1-2, and C8-2.

C4-4D is typically an R8A-equivalent zoning district that permits residential development up to an FAR of 7.2 with MIH, commercial uses up to 3.4 FAR, and community facilities up to 6.5 FAR. Buildings in C4-4D zoning districts typically require a base height between 60 and 85 feet and a maximum building height of 120 feet. No accessory parking is required for affordable residential units.

The GSD would establish a maximum FAR of 8.5 for residential uses with MIH (R9A equivalent) and modify the height and setback regulations to ensure that buildings with QGFs developed pursuant to IH regulations have a maximum base height of 125 feet and a maximum building height of 175 feet on wide streets. The proposed GSD would eliminate the non-residential parking requirement and reduce the underlying C4-4D district's accessory off-street parking requirement, such that parking would be required for 20 percent of market-rate residential units.

Special Gowanus Mixed-Use District

The GSD would be mapped within the project area. The proposed GSD would create special use, floor area, bulk, and parking regulations on both waterfront and non-waterfront blocks, and establish special height and setback regulations for buildings on waterfront blocks and key corridors.

Use and Streetscape Regulations

The GSD would allow a mix of compatible light industrial, commercial, community facility, and residential uses; expand the types of community facility and commercial uses permitted as-of-right; and allow for additional flexibility for location of uses within the same building. The GSD would establish certain streetscape requirements to encourage a pedestrian-friendly environment, including requirements for ground-floor use in key locations, like bridges, around Thomas Greene Playground and commercial corridors, on a percentage of building frontages, and screening for off-street parking facilities

The GSD would include supplemental ground floor use regulations in key locations to require active non-residential or commercial uses and minimum levels of transparency as well as limit curb cuts, where appropriate. Non-residential ground-floor uses (i.e., commercial space, light industrial space, arts-related space, or community facilities) would be required along key corridors (Fourth and Third avenues, Union and Third streets) and around certain planned investments and improvements (Thomas Greene Playground area). Active commercial ground-floor use requirements would be required at select canal crossings.

Floor Area Regulations

The GSD would modify floor area regulations of underlying proposed zoning districts. The special district would establish a maximum FAR for the proposed districts and maximum FARs for specific uses. Along Fourth Avenue, the GSD would modify the underlying C4-4D zoning district to have an R9A equivalent maximum residential FAR of 8.5. The GSD would modify the M1-4 zoning district to fill the need for a medium-density contextual district that would allow

commercial, industrial, and community facility uses at a moderate density in appropriate locations. The proposed M1-4 zoning district would be mapped throughout the project area in isolation and paired with residential districts. Within M1-4 districts, the GSD would allow schools, houses of worship, health facilities and non-profit hospitals at a maximum FAR of 4.8. The GSD would create special floor area regulations where new streets are proposed to be mapped under the Gowanus Plan. The GSD would increase the floor area by an amount equal to the loss of floor area as a result of mapping a street

In key locations, the GSD would apply two special FAR regulations for residential, commercial, light industrial, arts-related, and production uses. These FAR incentives would be applied to districts that are primarily proposed along the canal and around Thomas Greene Playground to promote mixed-use residential buildings that include a diversity of non-residential uses. One of the incentives would incentivize the inclusion of a wide range of non-residential uses. The other would incentivize inclusion of a more specific set of uses that include light industrial, arts-related, cultural, and civic uses; and repair and production services.

The GSD would also apply specific FAR regulations to promote community resources, such as schools. The GSD would allow floor area for schools, as defined by the GSD and under certain conditions, to be exempted. Along the canal, exempted floor area would be accompanied by an increase in maximum permitted height to accommodate the school. The GSD would also create an authorization that would allow for the exemption of school floor area and modified bulk under certain conditions throughout the GSD.

#### Street Wall Location and Bulk Envelope

The GSD would modify height and setback regulations and street wall location requirements of the underlying proposed zoning districts.

In order to reach a total sidewalk width of 15 feet, the GSD would require a sidewalk widening on portions of Nevins Street from Degraw to Carroll streets, on both sides of Third Avenue from Baltic to Union streets and the southern side of Fifth Street between Smith and Hoyt streets.



Additional street wall location requirements would be required at certain bridge crossings. Street walls in excess of 200 feet would be required to have recesses or projections.

The GSD would modify underlying yard and rear yard regulations, including permitted obstructions, rear yard equivalents and rear yards along district boundaries. The GSD would modify typical yard regulations including to allow rear yards to be provided at a height of 30 feet to accommodate higher floor-to-ceiling heights that commercial and industrial uses typically require. The GSD would remove the location requirement of rear yard equivalents in through lots, which would allow rear yard equivalents to be located anywhere within the lot, provided that the dimensional requirements are met.

In addition to the zoning requirements of the underlying districts, the GSD would modify certain height and setback and permitted obstruction regulations and create special rules for the blocks fronting the canal. Along the frontages of Bond Street, the base of a building would be limited to a height of 55 feet followed by a required setback of 15 feet. Along the frontages of Nevins Street and the canal from the head of the canal to Second Street, the base of a building would be limited to a height of 65 feet followed by a required setback of 15 feet. Within a distance of 65 feet from Bond Street, building heights would be limited to a height of 65 feet. Beyond these frontages, building heights would be limited to a maximum of 85 feet. Certain side streets would have a base height of 85 feet.

The GSD would control width, length, coverage and height of a tower and regulations for sites with multiple towers. On typical canal sites, building portions above a height of 85 feet would be considered a tower with a maximum height of 225 feet after a setback of 15 feet above the base height and 30 feet from a waterfront yard and Nevins Street. No towers would be permitted within 65 feet of Bond Street. Sites with multiple towers would have additional regulations including a required four-story or 50-foot height difference, whichever is greater. All sites would be required to locate the taller tower north of the mid-block line at certain locations. Additional modifications, regulations, and controls would be applied to sites with unique conditions or constraints including the below.

Along portions of Third Street and portions of the proposed extensions of Nelson, Luquer and Hoyt streets, a building would be limited to a height of 85 feet followed by a setback of 10 feet. Along portions of Fifth, Smith, Luquer and Nelson streets, a building would be limited to base heights ranging from 75 feet to 105 feet, followed by either a 10-foot or 15-foot setback depending on the location. Transition heights would be applied in these areas to allow for a graduation of height across sites. Transition heights would range from 65 feet to 95 feet depending on location. In limited areas, including around new mapped parkland and new streets, transition heights would range from 115 to 145 feet and the maximum heights would range from 245 feet to 305 feet.

The 3.0 FAR M1-4 district would allow buildings to rise to 65 feet before setting back and rising to a maximum height of 85 feet. The 4.0 FAR M1-4 district would allow buildings to rise to 95 feet before setting back and rising to a maximum height of 115 feet. An additional 30 feet of height would be allowed for developments on lots greater than 20,000 square feet in the modified M1-4 district to accommodate larger office buildings.

The GSD would create an authorization to modify the bulk envelope for existing, large mixed-use sites seeking to redevelop while integrating new development with substantial existing buildings. The authorization, which would apply to zoning lots greater than 40,000 square feet and that contain predominantly non-residential uses, would allow for modifications to height and setback regulations and use and streetscape regulations

#### Public Access Area

In key locations, the GSD would support public access to existing and future neighborhood resources, including upland connections to an improved waterfront recreation area. The creation of new public areas and access points would create new publicly accessible open space and connecting the neighborhood to the waterfront.

#### Parking and Loading Regulations

The GSD would modify the underlying accessory residential parking requirements to 20 percent of market-rate dwelling units and eliminate parking requirements for non-residential uses. No parking would be required on the Gowanus Green development site to help facilitate the proposed remediation and redevelopment plans. The GSD would allow for wider flexibility in off-site provision of required accessory off-street parking spaces to zoning lots anywhere within the GSD and would allow for joint parking facilities to provide required accessory off-street parking for two or more buildings. The GSD would allow car sharing vehicles to occupy up to 20 percent of all required off-street parking spaces in a parking facility. All accessory off-street parking spaces could be made available for public use. Special curb cut regulations limiting curb cuts to off-street parking facilities and loading berths would be focused along key streets and in proximity to a shore public walkway.

#### Transit Improvements

The GSD would apply special FAR regulations to promote transit improvements. The GSD would create a Chair Certification that would allow an increase in density in exchange for identified transit improvements at the southbound Union Street subway station. The Chair Certification would allow for an increase in density and maximum building height up to 20 percent and modification of street wall location and street wall continuity regulations to accommodate the additional density in exchange for improvements and access to the station.

#### Waterfront Access Plan

The GSD would establish the Gowanus WAP to institutionalize a framework by which a continuous shore public walkway would be constructed over time through a mix of public and private investment. The WAP would cover the waterfront blocks within the project area. Developments, enlargements, and/or changes of use on the waterfront would be required to comply with waterfront zoning regulations.

WPAA requirements and guidelines generally require a minimum 40-foot shore public walkway on typical sites and a minimum of 30-foot shore public walkway on constrained sites. On larger sites, supplemental public access areas are required to ensure that at least 20 percent of the lot is

devoted to waterfront public access. WPAA regulations apply uniformly throughout the city. The Gowanus WAP would modify the underlying standard WPAA requirements to address the unique character of the canal and support the overall goals outlined in the plan.

Specifically, the WAP, in conjunction with the proposed zoning districts and GSD, would establish the location of required shore public walkways, supplemental public access areas, upland connections, and visual corridors to ensure access to the canal from surrounding neighborhoods and to address the varied lot configurations and conditions along the canal's edge. They would also modify typical dimensional and grading requirements, permitted obstructions, and design standards for public access to allow and encourage unique design solutions that are challenging to implement under standard WPAA regulations, such as flood-resilient, bi-level esplanades. The WAP would ensure long-term continuity of public access across all sites along the canal (including at street ends and bridge crossings) given the significant grade-change constraints.

The WAP includes provisions to incentivize the creation of community amenities like comfort stations, boat launches, and historic interpretation elements, as well as include incentives that encourage programming and activation of the waterfront with design features such as playgrounds and dog runs. The WAP would eliminate lawn requirement for sites smaller than 15,000 square feet and expand the size of permitted kiosks on the largest sites along the canal. Generally, on certain narrow or otherwise encumbered parcels, the minimum width of the required shore public walkway would be modified from 40 to 30 feet. On larger parcels, the minimum required width of the shore public walkway would remain 40 feet. Additionally, the WAP would require that at least 80 percent of the required circulation path be located at a level no less than six feet above the shoreline to help protect against long-term daily tidal flooding. Other modifications include improving adjacent street ends to facilitate upland access and modifying the minimum width of the primary and secondary circulation path. The WAP would also allow for an adjusted maintained level of illumination.

### City Planning Commission Special Permits and Authorizations

Though much of the proposal seeks to provide a future as-of-right zoning framework to achieve the stated land use objectives of the rezoning, the proposed actions would create a special permit, three new CPC authorizations and one new Chair certification: create a Special Permit to allow hotels in the project area (as permitted by the underlying zoning district regulations); create an authorization to allow for the exemption of school floor area and modified bulk under certain conditions throughout the GSD; create an authorization to modify the bulk envelope (height and setback regulations) for sites proposed for development (new construction) that also include a preservation component intended to promote superior site design and preservation of important neighborhood buildings and assets; create an authorization to allow an increase in density in exchange for identified transit improvements; and create a Chair certification to allow an increase in density in exchange for identified transit improvements at the Union Street R station.

### Mandatory Inclusionary Housing Program

The proposed actions would amend Appendix F of the ZR to apply MIH Options 1, 2 and 3 to the proposed R6A, M1-4/R6A, M1-4/R6B, M1-4/R7A, M1-4/R7-2, M1-4/R7X, and C4-4D zoning districts to require between 20 and 30 percent of new housing to be permanently affordable where significant new housing capacity would be created.

MIH requires permanently affordable housing within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIH areas. The program requires permanently affordable housing to be allocated for all developments over 10 units or 12,500 square feet within the MIH Areas. Developments, enlargements, or conversions that do not exceed either 10 units or 12,500 square feet of residential floor area would be exempt from the requirements of the program.

MIH includes two primary options that pair designated percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility trade-off inherent between income levels and size of the affordable set-aside. Option 1 would require 25 percent of residential floor area to be set aside for affordable housing units for

households with incomes averaging 60 percent of the Area Median Income (AMI). Option 1 also includes a requirement that 10 percent of residential floor area be affordable at 40 percent of AMI. Option 2 would require 30 percent of residential floor area to be for affordable to households with an average of 80 percent of AMI. Additionally, Option 3, which may be applied in conjunction with Options 1 or 2, would require that 20 percent of the residential floor area be affordable to residents at 40 percent of AMI.

#### Amendment to the Special Enhanced Commercial District – 1

The proposed actions would modify the EC-1, which was mapped along portions of Fourth Avenue in 2011 to enhance the vitality of emerging commercial districts ensuring that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian experience along the street. The proposed actions would replace the EC-1 from Pacific Street to 15th Street and replace it with similar and additional controls required through the GSD. The GSD would expand the number of uses permitted in the required non-residential ground floors. EC-1 would continue to control development outside of the GSD and project area.

#### *UDAA and Disposition Approval (C 210052 HAK)*

HPD proposes the following actions to facilitate the development at the Gowanus Green development site (Block 471, Lots 1 and 100):

#### Designation of an Urban Development Action Area and Approval of an Urban Development Action Area Project

The disposition site (Block 471, Lots 1 and 100) consists of underutilized land and is located at Smith and Fifth streets and the canal. The proposed mixed-use Gowanus Green development would include approximately 950 affordable housing units in approximately six new construction mixed-use residential buildings ranging between five and 28 stories in height. Gowanus Green would also include a variety of non-residential uses, including ground-floor community facility, commercial, and retail spaces, and space for a potential future school. Additionally, the project would include new mapped streets and an approximately 1.5-acre mapped public park that would remain under City ownership. In order to provide site plan

flexibility to accommodate a schoolyard connected to the potential new school that is currently planned for across the proposed extension of Hoyt Street, the park could include a carve-out of an approximately 15,000-square-foot schoolyard. The schoolyard would be available for public use after school hours and on weekends. Additionally, in the related application referenced below, the City is seeking acquisition approval for a portion of the disposition area to accept the completed park once the development completes remediation and construction to DPR's standards.

#### Disposition of City-Owned Property

The disposition site (Block 471, Lots 1 and 100) would be conveyed to a developer to be selected by HPD.

As part of a proposed related application that includes park mapping and acquisition, the city would acquire a portion of the area proposed to be disposed to facilitate the redevelopment of the Gowanus Green site. Upon re-acquisition, the future park would ultimately be placed under the jurisdiction of DPR.

#### *Disposition of City-owned Property (C 210053 PPK)*

DCAS, on behalf of EDC, is seeking approval to dispose of City-owned property, in the form of one or more easements, located at 276 Fourth Avenue (Block 456, Lot 29) between Carroll Street and First Street pursuant to the proposed zoning. The parcel is currently zoned M1-2 and used by the MTA as a Transit Authority substation known as the Garfield Substation. The substation would remain active on Block 456, Lot 29. The lot area is approximately 6,000 square feet and is proposed to be rezoned to a C4-4D (R9A equivalent) district within the GSD. The proposed C4-4D would allow new mixed income housing, including market-rate and permanently affordable units, at a maximum FAR of 8.5, which would create approximately 51,000 square feet of floor area. The approval of the disposition action would allow the sale of development rights and could facilitate the construction of mixed-use development on adjacent, privately-owned tax lot(s) that would comply with the proposed zoning. As described above, the purpose of the C4-4D (R9A equivalent) district is to revitalize the Fourth Avenue Corridor

through public realm and street improvements and requirements for permanently affordable housing.

*Related City Map Amendments (C 210179 MMK and C 210180 MMK)*

The proposed actions include changes to the City Map to: remove the Public Place designation to facilitate development of housing, community resources, and new open space; acquisition of a portion of the Block 471, p/o Lots 1 and 100 (UDAAP disposition area) once the planned park is constructed; map portions of Block 471, p/o Lots 1 and 100, as parkland to provide a new waterfront park; map new public streets on Block 471 to coordinate private and public improvements and to provide access to new mixed-use developments and neighborhood open space; and demap Seventh Street between Smith Street and the canal.

The proposed changes to the City Map are intended to reconnect the community to the Gowanus Canal, improve neighborhood livability by increasing access to publicly accessible open space and the waterfront, and facilitate public realm improvements in connection with planned private and public investments. The proposed demapping of a Public Place designation and mapping of new streets and parkland would facilitate the redevelopment of City-owned property.

## **ENVIRONMENTAL REVIEW**

This application (C 210177 ZMK), in conjunction with the related applications (N 210178 ZRK, C 210052 HAK, C 210053 PPK, C 210179 MMK, and C 210180 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 designated CEQR number is 19DCP157K. The lead agency for the environmental review is the City Planning Commission.

It was determined that the proposed actions may have a significant impact on the environment, and that an environmental impact statement would be required. A positive declaration was issued on March 22, 2019, and 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 22, 2019. A public scoping meeting was held on April 25, 2019, and the Final Scope of Work was issued on April 19, 2021.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on April 19, 2021. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on July 28, 2021, in conjunction with the public hearing on this ULURP item (C 210177 ZMK) and the related items (N 210178 ZRK, C 210052 HAK, C 210053 PPK, C 210179 MMK, and C 210180 MMK).

A Final Environmental Impact Statement (FEIS) reflecting the comments made during the public hearing was completed, and a Notice of Completion of the FEIS was issued on September 10, 2021. Significant adverse impacts related to hazardous materials, air quality and noise would be avoided through the placement of (E) designations (E-601) on selected projected and potential development sites as specified in Chapters 10, 15 and 17, respectively of the FEIS.

The FEIS determined that the proposed actions would have identified significant adverse impacts with respect to community facilities (publicly funded child care services), active open space, shadows (Douglass & Degraw Pool and Our Lady of Peace stained glass windows), historic and cultural resources (architectural and archaeological), transportation (traffic, transit, and pedestrians), air quality (mobile source), and construction activities related to noise and historic and cultural resources. The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 21, “Mitigation” of the FEIS.

On September 21, 2021, a Technical Memorandum was issued to respond to certain comments to the DEIS that were inadvertently left out of the FEIS's Response to Comments. The Technical Memorandum concludes that these additional comments do not alter the conclusions presented in the FEIS.

## UNIFORM LAND USE REVIEW

On April 19, 2021, this application (C 210177 ZMK) and related applications (C 210052 HAK, C 210053 PPK, C 210179 MMK, and C 210180 MMK) were certified as complete by DCP and were duly referred to Community Board 2 and 6 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 210178 ZRK) for information and review, in accordance with the procedures for referring non-ULURP matters. Due to a court-mandated Temporary Restraining Order (TRO), DCP was enjoined from certifying this application and the related applications from January 15, 2021 to April 19, 2021; when the TRO was lifted on April 19, 2021, the applications were certified the same day.

### Community Board Public Hearing

Brooklyn Community Boards 2 and 6 held a joint public hearing on this application (C 210177 ZMK) and the related applications (N 210178 ZRK, C 210052 HAK, C 210053 PPK, C 210179 MMK, and C 210180 MMK) on June 3, 2021, and, on June 16, 2021, by a vote of 34 in favor, five in opposition and one abstaining, Community Board 2 adopted a resolution recommending disapproval of the application.

On June 23, 2021, by a vote of 28 in favor, six in opposition and two abstaining, Community Board 6, adopted a resolution recommending approval of the application with conditions. Community Board 6 provided a 14-page letter that detailed the conditions by topic. The letter included the following introduction:

“After years of consideration—through workshops, working groups, public meetings, and formal resolutions—and after careful review of both the proposal and public testimony, Brooklyn Community Board 6 (the “Board”) hereby recommends that the proposed Gowanus Neighborhood Rezoning (the “Rezoning”) be **APPROVED, WITH CONDITIONS**.

“Our Board has a long record of advocating for affordable housing in our community,

and in particular investment in the repair, maintenance, and operations of public housing. Unfortunately, despite a well-documented need for capital investment in Gowanus Houses and Wyckoff Gardens, years of neglect by government at all levels has led to substandard living conditions and threats to the health and safety of residents.”

The resolution includes conditions around a number of topics ranging from environmental, public health and remediation, zoning, housing, accountability and implementation.

On accountability and implementation of the plan, Community Board 6 requested a commitment to support and fund a Gowanus Rezoning Task Force for 15 years. The Task Force would include City agencies, local organizations and other stakeholders, and would address the Community Board 6’s concern over timely updates, coordination and information dissemination regarding private and public projects and mitigation of identified adverse impacts.

Community Board 6 supported the goals of the application to reinforce and encourage the mixed-use character of Gowanus. However, the Board recommended making select changes to the zoning proposal to further mandate the proposed non-residential use incentives, expand ground floor use requirements to street frontages adjacent NYCHA communities, and prioritize select groups of professions and industries to encourage their retention or expansion in the neighborhood.

Additional Community Board 6 recommendations focused on environmental and infrastructure concerns, including ensuring that necessary projects, improvements or policies to accommodate growth would be completed or effectuated in a timely manner. The Board highlighted concerns regarding brownfield remediation, sewer capacity and compliance with orders governing the Superfund remedy. The Board also recommended strategies to make Gowanus more resilient in the face of climate change. These recommendations included further studies and analysis of areas outside of the Gowanus Neighborhood Plan, including analyzing coastal and inland flooding in the Gowanus IBZ and Red Hook neighborhood. The resolution also recommends that the City support and fund development and implementation of a Gowanus Community Preparedness Plan

and strategies for minimizing Urban Heat Island effects in the neighborhood.

Community Board 6 thanked DCP for keeping its 2018 commitment to produce a vision plan for the Gowanus IBZ. The Gowanus IBZ Vision Plan, released in May 2021, supports business growth, creates a land use framework, and identifies priority infrastructure and workforce development needs. The Board recommended that DCP take the next step and translate the land use framework into a zoning framework. Additionally, the Board outlined recommendations for infrastructure investment in the Gowanus IBZ related to transportation and mobility, broadband internet, stormwater drainage, relocation assistance for businesses that seek to relocate, and workforce development opportunities to complement the anticipated thousands of new jobs and affordable homes.

The resolution notes the years of Board advocacy for affordable housing within its district and the current dearth of affordable housing options. The resolution notes the years of erosion of homes affordable to lower- and middle-income New Yorkers and laments the subsequent loss of socioeconomic, racial, and ethnic diversity within Community District 6. The Board supports the application to generate significant amounts of new housing, including affordable housing. The resolution also recommends a racial impact study be conducted and changes to the City's housing policies to further integrate their neighborhoods.

The resolution also notes that support for the application inherently means support for the thousands of new neighbors anticipated to result from the changes in land use. The Board recommends that the increase in population be met with appropriate increases in municipal services, including provision of publicly funded early childcare programs and designating at least one additional site for a new school.

The resolution supports and acknowledges the application's focus on generating new open space in the neighborhood. While the Board is enthusiastic about the new open space, the resolution recommends the City commit to funding and setting timelines for new open space on Gowanus Green and the Head of Canal CSO facility open space; identifying and funding additional open

space opportunities, whether new space or improvements to existing spaces; mitigating identified shadow impacts on Thomas Greene Playground's Douglass and Degraw Pool; considering ways to increase open space through select street closures; and supporting the creation of a Parks Improvement District.

As noted in their introduction, the Board's lengthy resolution is predicated on one primary condition: fully funding improvements to the three NYCHA communities of Gowanus Houses, Wyckoff Gardens, and Warren Houses. The resolution also includes recommendations for NYCHA resident involvement in the capital repairs process and for local hiring.

Regarding transit, the resolution recommends increasing subway and bus capacity in the neighborhood to meet anticipated peak demand projections and making neighborhood subway stations accessible for people with mobility impairments. The Board also recommends expanding loading zones for pick-ups and drop-offs throughout the area.

Community Board 6 supports the reinvigoration and celebration of the Gowanus Canal with a WAP that will facilitate nearly four acres of new waterfront open space. The resolution recommends specific locations for boat or kayak access, including at City-owned sites and then evenly distributed on both sides of the canal. The Board recommends facilitating new canal crossings at the First Street Basin, Degraw Street and between the Gowanus Green site and the City-owned Salt Lot where the second of two ordered CSO facilities will be constructed.

The complete Community Board 6 resolution is appended to this report.

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 210177 ZMK) and the related applications (N 210178 ZRK, C 210052 HAK, C 210053 PPK, C 210179 MMK, C 210180 MMK) on June 30, 2021, and, on August 24, 2021, issued a recommendation to approve the application with conditions. The Borough President's report includes many of the same recommendations as Community Board 6's resolution, including recommending fully funding

improvements to the three NYCHA communities. The recommendation includes conditions around a number of topics ranging from environmental, public health and remediation, zoning, housing, and accountability.

The recommendation also focuses on facilitating future pedestrian bridges across the canal, further specifications of the non-residential use incentives, expansion of ground floor use requirements, restricting manufacturing districts to a more limited set of uses, lowering the proposed heights and density around Thomas Greene Playground, shifting towers and bulk away from existing bridges, shorter buildings at the Gowanus Green affordable housing development along with specific conditions for its affordable housing program and advancing a zoning proposal for the Gowanus IBZ area. Additional recommendations call for lowering the proposed density and height along Fourth Avenue to encourage the use of a transit bonus, advancing storm water management, and various changes to the proposed WAP for specific parcels.

The recommendation calls for investments including funding and support for a rezoning task force, funding for workforce development, relocating the Gowanus EMS station to Gowanus Green to free up City-owned land for affordable housing opportunities, dedicating loading zones in the project area and the Gowanus IBZ and, identifying and funding new open spaces in and around the project area. Additional recommendations include identifying a temporary pool location for the Douglass and Degraw Pool in Thomas Greene Playground, identifying locations for boat or in-water access, and working with the MTA to restore the B71 or comparable east-west connector.

The complete Borough President recommendation is attached to this report.

### **City Planning Commission Public Hearing**

On July 14, 2021 (Calendar No. 5), the CPC scheduled July 28, 2021, for a public hearing on this application (C 210177 ZMK) and the related actions. The hearing was duly held on July 28, 2021 (Calendar No. 44) in conjunction with the public hearing on the applications for related actions. Twenty-nine speakers testified in favor of the application and 36 in opposition.

Speakers in favor included a Councilmember representing the 39<sup>th</sup> District in Brooklyn and representatives from various advocacy groups including: the Gowanus Canal Conservancy, Fifth Avenue Committee, Gowanus Neighborhood Coalition for Justice (GNCJ), Citizens Housing and Planning Council, Brooklyn Chamber of Commerce, 32BJ SEIU, Friends of Thomas Greene Park, New York Housing Conference, Neighbors Helping Neighbors, New York Building Congress, Association for Neighborhood & Housing Development and Open New York. Additional speakers in favor included representatives from local businesses, architecture, landscape and design firms and affordable housing developers including the Old American Can Factory, Marvel, Sive Paget Riesel, Bjarke Ingels Group, Jonathan Rose Companies, Roux, SCAPE, and FXCollaborative.

The Councilmember representing the 39<sup>th</sup> District in Brooklyn commended DCP for steadfastly undertaking an unprecedented planning and engagement process. The Councilmember described the close collaboration among staff, City agencies, Community Board 6, residents, business owners, artists and many other stakeholders. The Councilmember noted that, while not everyone supports every component of the Gowanus Neighborhood Plan, there is broad consensus around the plan because of the robust and iterative planning process. The Councilmember described many elements of the plan that are innovative or noteworthy, including the significant amount of affordable housing on the Gowanus Green development, the multi-faceted mixed-use approach throughout the neighborhood, and approaches and commitments for investing infrastructure need to accommodate and sustain growth. The Councilmember touted the resolution from Community Board 6 for its thoughtfulness and noted it as a product of open and meaningful engagement. He noted that the ground floor requirements came out of years of learning and dialogue with DCP staff who took key design insights from past rezonings, including along Fourth Avenue, and have been responsive to concerns that residential ground floors could transmute public open spaces by making them feel privatized.

A Congresswoman representing New York's Seventh District, described her long, continuing and steadfast advocacy for the cleanup of the Gowanus Canal. She described her ongoing

coordination with the EPA and noted the 2013 Superfund Record of Decision that requires future development not compromise the remedy. The Congresswoman also noted and amplified key parts of Community Board 6's resolution including conditions regarding CSOs, remediation, the Gowanus-mix, public housing and transit. The Congresswoman encouraged additional analysis of the sewer system, implementation of tools to mitigate stormwater and sanitary waste, accounting for climate change and sea level rise. The Congresswoman also noted that remediation of brownfields must be done with the health and safety of residents in mind.

An Assemblymember representing New York's 52<sup>nd</sup> Assembly District, described her opposition to the proposed zoning changes, noting her years of residency just north of Gowanus in Boerum Hill and advocating against various development projects. The Assemblymember also noted her skepticism with government agencies and public-private partnerships in delivering municipal services and honoring commitments.

Speakers in favor stated the importance of the Gowanus Neighborhood Plan as a comprehensive plan for reclaiming long underutilized and contaminated waterfront land along the Gowanus Canal for new jobs, housing, and public access. They noted the importance of the rezoning for the city's economic development, recovery from the ongoing COVID-19 pandemic, creation of thousands of new homes and jobs, and for the increased City tax revenues that would result from development.

Several speakers endorsed the rezoning's promotion of new housing development and the introduction of the MIH program as an effective means of leveraging private investment to address the provision of affordable housing to support healthy and diverse neighborhoods where City-owned land is scarce. Speakers noted the opportunity to provide thousands of new affordable homes in some of the highest opportunity areas and transit abundant neighborhoods in the city.

Several speakers noted that the communities in and around Gowanus have long been subjected to environmental hazards and noxious uses on waterfront and upland blocks, and that the proposed



actions would replace outdated zoning and facilitate the remediation of brownfields and development of uses that would be compatible with the adjacent communities. Speakers noted that vacant and underutilized land that has resulted from a decline in industrial activity represents an opportunity for redevelopment, and that rezoning this land to allow new housing development and mixed use would build upon the strengths of these neighborhoods.

Speakers characterized the plan as a generational opportunity to create a continuous waterfront esplanade resplendent with new public waterfront parks. The speakers noted the WAP and resulting open spaces would be major contributions to the city's waterfront and important resources for the area with a distinct need for more open space. The speakers noted the importance of waterfront access to healthy, thriving neighborhoods, and praised the proposed actions as a plan for continuous public access along two miles of waterfront where no public access exists today. Speakers commended the WAP for tailoring public access requirements to such a narrow and complex waterfront while balancing a host of goals on such a comprehensive scale, not least of which is adapting the shoreline to future sea level rise and daily tidal flooding. A local resident and canal recreational advocate noted his support for the rezoning but requested changes to the WAP to increase in-water access and recommended that the WAP adjust illumination requirements and remove seating requirements at street ends.

Representatives from the Gowanus Green development team described their enthusiasm for the proposed project that would bring roughly 1,000 units of affordable housing, a new waterfront public park, new streets and space for a new school. The representatives described the close collaboration with the DCP and other City agencies in crafting sensitive urban design principles and institutionalizing them in the zoning proposal. A representative from the team described the process by which the site will be remediated and cited numerous examples of similar types of sites being remediated across New York State.

Speakers stated the need for new housing in Gowanus as well as citywide. They noted the dire housing crisis plaguing the city and voiced support for help for those without homes. At the same time, speakers commended the balanced approach to keeping Gowanus mixed-use and

promoting new jobs near mass transit.

Speakers expressed support for a balanced approach to rezoning that would address community and urban design concerns as well as the feasibility of development on a former industrial waterfront, where development would be subject to unique costs associated with infrastructure, site cleanup, and waterfront open space improvements. They also expressed support and encouragement for new proposed stormwater rules that leverage new development to support clean water and infrastructure goals.

Many speakers both for and against the rezoning noted their support for the GNCJ's top three priorities, including the Councilmember from Brooklyn and the Congresswoman. These demands include funding state-of-good-repair investments in nearby NYCHA communities, net zero CSOs into the canal, and supporting and funding the creation of a Gowanus Rezoning Taskforce.

Speakers in opposition included the Congresswoman and New York Assemblymember, and representatives from Voice of Gowanus, Gowanus Lands, 350Brooklyn/GNCJ, Southwest Brooklyn Industrial Development Corporation, 413 Bond Street LLC, the Municipal Art Society of New York, GNCJ, Naturally Occurring Cultural Districts and Arts & Democracy, Arts Gowanus, Sierra Club NYC Group, and Gowanus Canal Conservancy.

Many speakers spoke in opposition to specific topics while noting their overall support for the Gowanus Neighborhood Plan and the associated land use actions. Nearly all speakers agreed that the status quo is not what the community wants and that the Gowanus Neighborhood Plan presents a rare opportunity to facilitate many neighborhood goals, including supporting creating thousands of affordable homes and jobs near public transit and a more sustainable and resilient Gowanus overall. Many focused their comments on procedural questions while others noted specific aspects of the proposal, such as building heights, that they do not support. While many disagree on components of the zoning proposal, they noted support for the zoning changes and the many benefits it would bring for the neighborhood and city as a whole. Nearly all speakers

supported the request made by Community Board 6 for a Rezoning Taskforce. Some speakers testified in opposition to the entire plan.

Representatives of local arts businesses and organizations expressed both concerns around potential displacement and optimism around opportunities for artists to find space in new development. One representative noted ongoing dialogue with many developers and that the rezoning affords an opportunity for the arts to remain in Gowanus long term.

Residents, homeowners and some advocacy groups expressed concerns including coordination with the in-canal dredging and remediation, long term monitoring and outcomes for remediated brownfields, stormwater runoff and CSOs, and flood risk for waterfront and upland blocks. Some speakers focused on building new housing and a mix of uses on former brownfields cleaned up pursuant to remedial action plans. Other speakers expressed concerns that the new development would add additional strain on the combined sewer system causing overflows to increase into the canal.

Local residents and representatives of open space advocacy organizations cited the projected low ratio of open space per capita in Gowanus and requested consideration for active and engaging programming be given extra weight in the designs for public and private new open spaces. These speakers also urged the City to consider the creation of more open space or improvements to nearby existing spaces.

The Commission also received written testimony, which included testimony both in support of and in opposition to the proposal. Written testimony reiterated speakers' testimony received at the public hearing. Written testimony in support of the Gowanus Neighborhood Plan included praise for the comprehensive rezoning proposal and WAP, and stressed the importance of the market rate and affordable housing units to combat the city's housing crisis and open up this amenity and opportunity rich area to more lower- and middle-income New Yorkers. Written testimony also focused on concerns related to feasibility and constructability of waterfront sites, concerns around improving existing open spaces, commitments to ongoing community

engagement around implementation of the Gowanus Neighborhood Plan, site specific modification requests related to the Old American Can Factory and brownfield remediation and flood risk.

## **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 210177 ZMK), in conjunction with those for the related actions, 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 19-036. This action was determined to be consistent with the policies of the NYC WRP.

## **CONSIDERATION**

The Commission believes that this application for a zoning map amendment (C 210177 ZMK), in conjunction with the related applications for a zoning text amendment (N 210178 ZRK), as modified, UDAA designation and UDAAP approval of City-owned property (C 210052 HAK), changes to the City Map (C 210179 MMK and C 210180 MMK), and disposition of City-owned property (C 210053 PPK), are appropriate.

The Commission strongly supports the comprehensive plan for the neighborhood defined by the once and future clean, vibrant and thriving Gowanus Canal. The Gowanus Neighborhood Plan will institutionalize a long-range strategy to support the shared vision of a more sustainable, thriving and mixed-use Gowanus, anchored by an active and resilient waterfront that can support the housing and economic needs of the community, the surrounding neighborhoods, and the city as a whole. The Plan establishes land use changes on approximately 82 blocks to allow the construction of new housing, including thousands of permanently affordable homes, support job growth and reinforce commercial and light-industrial uses, generate acres of new public open space, incentivize new schools and transit improvements, spur brownfield cleanups, and create a unique set of publicly accessible waterfront areas. It includes practical strategies and tools to

address community priorities for affordable housing, economic development, neighborhood resources and infrastructure investments.

The Commission recognizes the Gowanus Neighborhood Planning Study as a model for robust and innovative community engagement and wants to highlight the unprecedented community outreach and participation throughout the entirety of the planning process. The groundwork for the Planning Study was laid by a community planning process led by local Councilmembers Brad Lander and Stephen Levin. Known as *Bridging Gowanus*, this early process created a shared vision for the neighborhood and formed a group of stakeholders that advocated for a City-sponsored study of the area. Strong leadership from the Councilmembers and neighborhood-based organizations helped advocate for a deep and robust neighborhood planning process. This call to action was met by the DCP and an extensive interagency team with an open call for collaboration and a partnership of ideas as part of an open, flexible, and iterative engagement process. The resulting community planning process comprised a diverse group of people, organizations and stakeholders to envision and shape the future of the Gowanus neighborhood. The multi-pronged engagement approach, which took place over four years, hundreds of meetings and thousands of hours of time devoted by City staff and stakeholders, included large events, smaller focused meetings, working groups, community pop-up events and the DCP's first online engagement platform--*plangowanus.com*. The engagement process created a welcoming space for constructive, and sometimes challenging, discussions between community members, business owners, residents, and City, state and federal agencies. Many of these local community champions and organizations have faced the challenges and changes the neighborhood has endured over the years, and so have been able to help shape the discussions and goal setting throughout the planning process. The plan is reflective of the community's rich culture and history, and the multitude of voices has created a vision for Gowanus that can meet the next century as a sustainable, inclusive, mixed-use neighborhood.

Today, the Commission believes that the existing conditions throughout Gowanus cannot support this shared vision for its future. Most of the area's zoning has remained unchanged since 1961, when New York City had over one million fewer residents and the city planned for a more auto-

oriented and suburbanized land use pattern. The mid-20<sup>th</sup> century vision for the area was to support a sprawling industrial park through filling in and paving over the canal so that it could compete with horizontal manufacturing plants outside of the city. While plans to fill in the canal did not materialize, today, along the canal, the zoning currently only allows industrial and some commercial uses, and at low densities with high off-street parking and loading requirements. Expansions or enlargements of existing businesses today can be physically and financially difficult due to limitations on floor area and zoning envelope constraints. Further, any required parking and loading would likely need to occupy the valuable ground floor due to a high-water table. In addition, the current zoning does not allow new residential uses. Where residential is permitted, along portions of Fourth Avenue, current zoning does not include incentives or requirements for permanently affordable housing. Given the restrictions on uses, low allowable densities, and high parking requirements, opportunities for new development are hampered and so there is little incentive to remediate brownfields, improve polluted and deteriorating waterfront sites, and create coherent, well-connected public open spaces.

Without zoning changes, much of Gowanus will remain underdeveloped and underutilized and nearby neighborhoods will continue to become more costly and out of reach for low- and middle-income New Yorkers. Nearby neighborhoods, like Park Slope and Carroll Gardens, have become wealthier and more exclusive in part due to turn of the century zoning changes and historic district designations that limited new home building. These demographic changes, which occurred along-side other macroeconomic and social changes, led to behavioral and consumption shifts that put pressure on nearby Gowanus; some obsolete manufacturing structures in turn have been renovated and reused for art, cultural, retail, nightlife, and entertainment uses. With the 1961 zoning in place, new construction has been largely limited to auto-oriented uses, hotels, community facilities, and self-storage facilities. This ad-hoc renovation and development pattern has given Gowanus its unique character, and the neighborhood has transitioned from a primarily manufacturing and industrial area, to include a greater share of service, retail, and entertainment uses. However, these conditions have not supported widespread neighborhood remediation efforts, climate change responsiveness and flood resilient construction, nor a rational economic development and job growth strategy. The sole large, vacant City-owned site in the area is

currently zoned M3-1 for heavy, industrial and manufacturing uses and thus cannot be developed for new housing. Along portions of Fourth Avenue, where new housing construction was allowed pursuant to the Park Slope rezoning in 2003, there are no incentives or requirements for permanently affordable housing. Without zoning changes, future development in Gowanus will occur in a piecemeal manner and without the benefit of a comprehensive rezoning and well-considered plan that encourages a resilient, mixed-use neighborhood. These conditions preclude the neighborhood from realizing its vision.

The Commission believes that, in order to advance a broad equity agenda focused on alleviating housing and job insecurity while combating climate change, the city must continue to identify areas where a substantial amount of new homes and jobs can be developed next to public transit. The Commission believes this critical mission should and can be achieved while reconciling important urban design considerations, encouraging a vibrant streetscape and public realm, and building a neighborhood that is more flood and climate change resilient. These fundamental components exist in Gowanus: a neighborhood in need of widespread remediation of large underdeveloped and underutilized brownfield sites with rich transit access. These actions will allow for significant amounts of new housing and space for job growth across the rezoning area, focusing taller buildings along the waterfront, open spaces, and the 120-foot wide Fourth Avenue transit corridor, with lower heights and densities closer to adjoining residential neighborhoods, creating a sensitive transition to the existing built context.

Recognizing the existing Zeitgeist of the neighborhood, the proposed actions will support and reinforce a mixed-use typology across the neighborhood, block and building scale to encourage or require an overall mixed-use neighborhood. New industrial zoning districts are primarily mapped on side-streets where existing concentrations of light-industrial and commercial businesses exist and will maintain these areas for non-residential activity and support business growth. These new ‘M’ zoning districts will support business retention and growth by increasing non-residential density, eliminating parking requirements, and instituting new contextual, loft-style building envelopes that reflect modern business needs. Where new residential uses are allowed in Mixed Use Districts, the zoning will promote integration and a mixing of uses in new

buildings through carefully crafted zoning requirements and incentives at appropriate densities around the canal, Thomas Greene Playground, and along major corridors. Affordable housing will be required pursuant to MIH and ground floor non-residential use requirements at select locations around the canal and Thomas Greene Playground, along with non-residential use incentives, will promote mixed-use buildings and bring activity to the street. Areas with existing residential uses are mapped with residential and commercial zoning districts, which will bring existing housing into conformance and compliance and will allow for new contextual, mixed-income housing development to occur pursuant to MIH. This areawide approach will ensure a variety of built forms and a mix of uses are maintained, reinforce the existing Gowanus character, and allow for new housing, open space, remediation, and job growth to occur.

Recognizing the legacy of pollution in the former industrial area, these actions will spur environmental and ecological improvements. The actions will require the remediation of upland and waterfront brownfields, the creation of significant amounts of new open space and a new urban tree canopy in an area that is mostly hardscaped. The Commission strongly supports the goal of giving New Yorkers access to their waterfront and endorses these provisions that will generate new waterfront neighborhood parks and open spaces and reconnect the community to the Gowanus Canal. The establishment of nearly six acres of publicly accessible waterfront open space, including a new waterfront park and miles of waterfront public access, will create an important open space asset for both the local Gowanus community and the city as a whole. The plan envisions continuous access along the waterfront extending from Ninth Street on the west side of the canal around the head end and extending down the east side of canal to the Fourth Street Turning Basin. The esplanade will traverse public and private sites, street ends and bridges, and will be anchored by two new public open spaces: a new 1.5 acre public park on the City-owned Gowanus Green site at the new Hoyt and Luquer streets and the roughly 1.6 acre open space at the DEP CSO facility planned at the head of the canal. Connecting these new or renovated public open spaces will be a series of waterfront public access areas that are required by the WAP pursuant to waterfront zoning in conjunction with new mixed-use residential development on waterfront sites.



The Commission recognizes the coming paradigm shift for new development as a result of DEP's forthcoming unified stormwater rule, which will require buildings to capture and hold more stormwater during wet weather events and thus reduce CSOs into the city's water bodies. Together, the new rule and these actions are a powerful tool in reshaping Gowanus into a model green neighborhood where new development does not just provide new homes, jobs and open space, and remediate brownfields, but also acts as an extension of the city's green infrastructure and supports the long-term health of the canal.

These zoning and text changes are rooted in a robust foundation of community engagement, which helped identify key issues and establish shared goals and strategies. A critical component to the comprehensive zoning plan is the *Gowanus Framework*, which laid out, among six other topic-based goals and objectives, a very extensive land use and zoning framework. This framework, which was developed over years of engagement and iterative community feedback, established key goals and objectives including, among many others, expanding the number of allowed uses and businesses within the area, increasing density for housing and job-generating uses, reducing or eliminating parking requirements to encourage growth and support brownfield cleanups, requiring affordable housing throughout the area and along previously rezoned portions of Fourth Avenue, and establishing urban design controls that respond to unique contexts and conditions.

The Commission is pleased that the public review process resulting in the adoption of these actions is built upon substantial and meaningful public engagement and comment. The Commission believes that the comments and recommendations received both prior to and during the process have contributed to making this a stronger plan.

The Commission believes that all the actions, as modified, are appropriate, are interconnected and form a comprehensive zoning framework for Gowanus. It will increase the number of homes and jobs proximate to public transportation, close to the Central Business Districts in Downtown Brooklyn and Manhattan, and require the remediation of brownfields, facilitate the installation of solar and green roofs, result in the capture of more stormwater, which will reduce CSOs, while

resulting in a new tree canopy and creating a more resilient shoreline.

The COVID-19 pandemic has underscored broad social inequities across the income and racial spectrum. The Commission believes that the pandemic highlighted the need to plan for a more sustainable, equitable and just city. The Gowanus Neighborhood Plan is a road map for a just and fair recovery that will catalyze significant improvements to the area that will be an asset to the Gowanus neighborhood, the Borough of Brooklyn and the City of New York.

### **Zoning Map and Text Amendments (C 210177 ZMK and N 210178 ZRK)**

The Commission believes that the amendments to the zoning map (C 210177 ZMK) and amendments to the zoning text (N 210178 ZRK), as modified, are appropriate. The Commission believes that its modifications, described in more detail below, respond to comments received during the Community Board, Borough President and Commission review periods, and administrative clarifications to the zoning text amendments found in the original applications.

Most of the zoning in the 82-block rezoning area has not changed since 1961 and does not support current neighborhood goals. Existing conditions vary throughout the area with some parts being discordant, hazardous, or unpleasant. The Commission notes that opportunities for new housing development, new job-generating uses and open space near transit are constrained by the existing zoning, which does not permit any residential uses and limits uses that are allowed to low densities with high parking requirements. Where residential use is allowed, the existing zoning districts impose higher parking requirements and provide no incentives or requirements for affordable housing. Gowanus and the surrounding neighborhoods will greatly benefit from updated zoning regulations that implement appropriate bulk and height limits for new buildings.

### *Special Gowanus Mixed-Use District*

The establishment of the GSD is appropriate. The Commission believes that the GSD will complement the proposed zoning map changes with additional zoning controls and relief that will result in appropriately designed, scaled and programmed spaces within the rezoning area.

The GSD will create special use, floor area, bulk, and parking provisions on both waterfront and non-waterfront blocks, and establish special height, setback, and streetwall regulations for buildings throughout the neighborhood.

The GSD will support the overall vision for Gowanus by modifying the proposed zoning districts to expand the number of allowed uses, map non-residential ground floor requirements around key streets and frontages, and pair light-manufacturing and residential zoning districts at appropriate densities. The GSD will encourage a range of heights and building forms, allowing sufficient flexibility for building envelopes to achieve the many development goals in the area while addressing unique site conditions and reflecting the existing built character of the Gowanus neighborhood. The range of permitted heights will address the existing low-scale context of adjacent areas while allowing limited portions of buildings to rise higher on blocks with sufficient depth to achieve a transition among building heights. Along the waterfront, the GSD will limit base heights adjacent to existing low-scale residential areas and the canal while allowing buildings to rise higher towards the midblock. This graduated bulk envelope approach allows the bases of buildings to relate to the surrounding context and streets, through tailored setback requirements, while allowing increased heights in specified locations.

While these actions are a comprehensive suite of zoning changes for future as-of-right development, the GSD would create new Commission authorizations, a Commission special permit and Chair certification, that may be pursued by applicants in the future. These include an authorization to exempt floor area and bulk relief for new schools, and an authorization to modify district regulations to support integration of large mixed-use buildings with new construction. The zoning text changes will also create a Chair certification to allow an increase in density in exchange for an identified transit improvement at the Union Street R station. These new future actions will give the community and future potential applicants the ability to respond to changing conditions and support improvements to transit and community resources as the neighborhood grows. The Commission notes the original application included a number of transit-related provisions. Since the original zoning text application's certification into public review, the citywide Elevate Transit - Zoning For Accessibility zoning text amendment, which

includes similar provisions, has been approved by the Commission, which obviates the need for those elements in the original application. Therefore, the Commission is modifying the zoning text to remove these redundant elements. The Commission notes these provisions will apply in appropriate locations in the project area and that the transit bonus Chair certification, which is unique to the original application, will still apply. The Commission also notes the original application included provisions similar to those found in other citywide zoning text proposals that are currently in public review – a hotel special permit and provisions for sidewalk cafes and gyms. If the Commission approves these other citywide proposals, the overlapping provisions in the GSD would be removed as part of those actions.

While the Commission recognizes that new residential and non-residential developments may be supported with accessory parking, it also recognizes the multiple costs associated with requiring new parking spaces in Gowanus. Local conditions, including a high-water table that makes construction of below-grade parking costly along with widespread remediation needs, call for additional flexibility in below grade planning. Other costs are less immediately noticeable though more pernicious: encouraging car use conflicts with sustainability and quality of life goals to reduce car dependency, vehicle miles traveled, noise and air pollution and GHG emissions contributing to climate change. The Commission believes that the new parking regulations balance the needs of ensuring some parking is provided where necessary, such as along the canal where streets dead end, while supporting the mixed-use and vibrant streetscape goals in the plan and moving the city toward reducing car dependency. Eliminating parking for non-residential uses will support existing businesses wishing to expand and encourage the creation of new businesses. Under the proposal, developments that elect to provide accessory parking can also serve broader neighborhood needs as a public parking resource. Modifying residential parking regulations supports the goals of mixing uses in new residential developments while also catalyzing brownfield cleanups by giving more flexibility to developments to right-size parking for their needs. Additionally, because parking is costly on waterfront sites, parking for waterfront developments is expected to be more likely located in above-ground structures. The proposed zoning text includes requirements for parking structures to be wrapped with active use to ensure that the pedestrian-friendly quality of public pathways to the waterfront is not

disrupted by exposed parking structures. The Commission believes that these modifications are appropriate to accommodate mixed-income, mixed-use development in a transit-accessible area and will accommodate a vibrant mix of uses.

### *Upland Areas*

The zoning map changes pair modified light-manufacturing districts and residential zoning districts to spur new development on vacant and underutilized land while allowing existing land uses to remain. The new zoning districts will promote a mix of uses at the neighborhood, block and building scale to support an overall mixed-use neighborhood. These actions will establish new height and setback limits tailored to respond to various contexts, conditions and opportunities. Building heights generally relate to the width of streets: with building heights lower along narrower streets and rising higher along wider streets like Union Street and Fourth Avenue, the widest street in the project area. Buildings around Thomas Greene Playground can also rise higher where the open space provides an opportunity for additional height.

### *Mixed-use, residential, commercial and light-manufacturing districts*

The new zoning changes will promote mixed-use medium-, moderate- and higher-density development with affordable housing along key corridors, around Thomas Greene Playground, and adjacent to transit where new residential development is not currently permitted and non-residential development is restricted to low densities and high parking requirements. The changes will also increase residential density and require affordable housing in new mixed-use developments along Fourth Avenue, which today allows residential but without incentives or requirements for affordable housing. Outside of Fourth Avenue, a mixed residential and commercial corridor, this increase in residential capacity will be balanced by pairing residential districts with new contextual ‘M’ zoning districts along select side streets and mid-blocks to ensure new housing and new jobs are located near each other and transit to support a walkable, mixed-use and sustainable Gowanus.

The current M1-1, M1-2 and C8-2 zoning districts do not allow new residential development, have low densities and a limited number of uses, and require onerously high parking. Together

with a pervasive high-water table, the current zoning has inhibited the redevelopment or enlargements of transit-rich and contaminated sites and resulted in their underutilization. The Commission believes that the new M1-4/R6B, M1-4/R6A, M1-4/R7A, M1-4/R7X and M1-4 zoning districts will spur new development at appropriate heights and densities to facilitate the shared vision for the Gowanus neighborhood.

The new M1-4 districts will fill the need for a medium-density contextual district that allows commercial, industrial, and community facility uses at a moderate density, in appropriate locations. The M1-4 districts will support objectives of the Gowanus Neighborhood Plan by being mapped in isolation and paired with residential districts.

The Commission recognizes the importance of the proposed density and heights around Thomas Greene Playground. The carefully constructed zoning changes will support the critical goals of cleaning up contaminated land and reactivating these properties with non-residential uses on the ground and second floors. The park is a central place of gathering and respite for area residents, workers, and NYCHA communities, and the Commission notes that the ground floor use requirements and the use incentives work in tandem with the density of the M1-4/R7X district. The density and bulk envelope will support the development of mixed-use buildings with ground or multiple floors of light-industrial, commercial, maker or other non-residential uses. Each element of the zoning proposal is necessary for this vision around the park to be realized.

#### *Residential-only districts*

The residential zoning districts on portions of two non-contiguous blocks will support new housing opportunities on a surface parking lot and update the current R6 zoning to better match the low-rise character of rowhouses and brownstones along Warren Street. The R6A district at Bond and Carroll streets will support new housing opportunities at a scale that is sensitive to both the built character of the residential side street of Carroll Street and the new context that is envisioned along the canal and Bond Street.

#### *Commercial district*

Fourth Avenue, at 120 feet wide, is the widest street running through the neighborhood and is a transit corridor. The current M1-2 and C8-2 zoning districts do not allow new residential uses and the existing and the R8A/C2-4 district does not incentivize or require affordable housing in new developments. The C4-4D district, as modified by the GSD, will allow new development along this corridor to provide significant amounts of affordable housing as well as local retail services. The transit bonus Chair certification will help facilitate critical improvements to the Union Street and Fourth Avenue subway station as the projected population grows. The GSD will replace the EC-1 and update regulations to allow additional uses on the ground floor and reduce parking requirements, which was originally developed to prevent blank wall conditions that detracted from the vitality of the corridor. The Commission believes that these actions will support the continued revitalization of this critical Brooklyn thoroughfare. The Commission commends DCP on continuing to observe and learn from past zoning changes, and proposing updates as opportunities arise to update regulations.

#### *Waterfront Access Plan*

The zoning text changes will establish a WAP for the waterfront area within the GSD. The WAP will institutionalize a framework for a continuous shore public walkway to be constructed over time through a mix of public and private investment. Developments, enlargements, and/or changes of use on the waterfront will be required to comply with waterfront zoning regulations. Together with the provisions to promote mixed-use use buildings through innovative use incentives and select ground floor use requirements, the WAP will create a vibrant, active and resilient waterfront.

The WAP will establish the location of required shore public walkways, supplemental public access areas, upland connections, and visual corridors to ensure access to the canal from surrounding neighborhoods and to address the varied lot configurations and conditions along the canal's edge. The WAP will modify requirements and standards for public access, including requiring improving adjacent streets to ensure adequate access. With each waterfront parcel required to provide between 15 and 20 percent of the site for public access, the WAP will locate supplemental public access requirements at strategic locations to widen the shore public

walkway or facilitate inviting connections between sites, to bridges and across streetends.

The WAP will also incentivize incorporation of community amenities like those recommended by Community Board 6 such as comfort stations, boat launches, and historic interpretation elements, as well as include incentives that encourage programming and activation of the waterfront with design features such as playgrounds and dog runs.

The Commission recognizes the efforts and advocacy by community stakeholders in the formulation of the Gowanus WAP. These public realm advocates and stakeholders worked closely with DCP, DPR, and DOT to develop a common design vocabulary of railings and light fixtures that will reinforce the sense of continuity and coherent identity of this waterfront, including recommendations around an adjusted maintained level of illumination to respond to unique conditions along the canal.

The Commission notes that the WAP will apply to a unique and narrow body of water and believes that these modifications of the requirements of waterfront zoning provide a robust framework tailored to the conditions of this waterfront. The Commission also notes several innovations of the WAP, including the requirement that at least 80 percent of the required circulation path be located at a level no less than six feet above the shoreline to help protect against long-term daily tidal flooding and modifications to dimensional and grading requirements to support bi-level esplanades. These and other modifications in the WAP will help ensure the future shoreline is appropriately elevated while allowing for a shore public walkway with sufficient design flexibility to accommodate a variety of uses, activities, and experiences.

Regarding the recommendation of Community Board 6 and the testimony heard at its public hearing recommending that the WAP require specific locations for boat launches or in-water access, the Commission supports the desire for ample access to the water in multiple locations and for various water-related uses. The Commission applauds and values the close collaboration among DCP, Community Board 6 and stakeholders in crafting a WAP that responds to unique conditions and reflects the values and goals of the community.



Currently, the only formal access to the water is a public boat launch at the end of Second Street. As waterfront designs and development occur over time, and as existing and future populations get to enjoy and reap the benefits of a cleaner water body, it is crucial that additional locations for in-water access be identified in various locations along the canal, and in particular in a location north of Carroll Street and another south of Third Street. The Commission urges DCP and DPR to work with waterfront owners, developers, and community stakeholders to identify suitable locations for in-water or boat access in segments of the canal that do not currently have such access. The Commission also urges DCP to consider either through a Gowanus Plan taskforce, as recommended by Community Board 6, or another commitment between DCP and the Community Board to involve the community early in the schematic design process for waterfront areas to allow for discussion of in-water access, including boat launches, as well as other amenities and programming. The Commission also notes and is pleased that DCP and an interagency team will support a community led effort to create an entity that can advocate for and help maintain superior waterfront open spaces and access to the water.

The Commission notes that the Community Board 6's request for the designation of specific locations for particular amenities within the zoning text itself is not feasible and runs counter to the lessons learned from earlier WAPs and DCP's experience with waterfront development across the city. The design and build-out of an entire waterfront esplanade occurs over time, measured in decades, and each site often requires a coordinated review with multiple City, state, and federal agencies. Flexibility is a critical and necessary component of achieving a successful, continuous esplanade that is built out over time; while canoeing and kayaking are desired today and have certain design and technological elements associated with their use, trends, needs and technology change and in the decades to come prescriptive requirements may only hamstring the neighborhood's ability to adapt and evolve the shoreline designs. Through experience, the Commission knows that identifying the location of in-water access is best undertaken during the in-depth analysis of each individual site, which must consider issues like site grading, shoreline conditions, emergency access points, connectivity to adjacent development sites, nearby amenities and the changing needs of the community over time. Additionally, open space

programming needs to be considered in a broad context including neighboring waterfront sites, which may include other design features from the menu of amenities desired by the community, which could pose conflicts or have synergies with in-water access.

### *Waterfront Blocks*

At 100 feet wide, with a 40- or 30-foot shore public walkway on each side, the canal is the widest corridor in the rezoning area. Development on waterfront blocks will achieve a variety of goals such as reactivating vacant and underutilized land; facilitating the creation of new housing, including affordable housing; facilitating the creation of publicly accessible open space at the canal's edge; and balancing the unusual physical conditions of canal-front blocks, which are subject to flood zone limitations and public access requirements. The current M3-1 and M2-1 zoning districts do not allow new residential uses and allow only a limited number of commercial and community facility uses at lower densities with high parking requirements. These districts have precluded new development and facilitated the status quo that have resulted in underutilized brownfields along the canal.

The Commission believes the zoning map and text changes provide a balanced approach for the transformation of the Gowanus Canal waterfront. The paired M1-4/R7-2 zoning districts, together with the regulations and controls in the GSD and WAP, create a solid urban design plan for the waterfront that provides sufficient flexibility for feasible development and good quality landscape design and architecture. The zoning changes along the canal will facilitate new development at a moderate density, addressing both the relationship of waterfront blocks to the adjacent neighborhood and the feasibility of development on sites subject to unusual site planning issues and high development costs. The proposed ground floor use requirements and non-residential use incentives will encourage mixed-use developments along the canal. In conjunction with best practices and other regulations, such as flood hazard mitigation practices in the building code, the zoning changes will encourage flood resilient buildings with non-residential uses in the bases of new buildings fronting on and activating resilient shore public walkways. The Commission believes that these new mixed-use developments along the canal will help transform the waterfront to one that offers a diversity of housing options, shopping,

entertainment, jobs, recreation and services to the surrounding neighborhood and draws visitors from the broader region.

The zoning text's height and setback regulations for waterfront development highlight the importance of the relationship between upland neighborhood blocks and new development along the waterfront. The Commission notes that the first upland streets from the waterfront are typically narrow, 50-foot-wide neighborhood streets, compared to wider boulevards and circumferential highways that gird many other portions of the city's waterfront. The base height limits along Bond and Nevins streets respond to this condition and will ensure that development at these locations will establish a gradual transition toward taller buildings or portions of buildings. Similarly, strict base heights along the canal ensure that development gradually transitions away from the shore public walkway and toward the mid-block. These base heights along narrow streets and the wider canal push the allowable development to the mid-block where tower portions are permitted to rise, after setbacks and further design controls, up to their maximum heights. The tower size above the base and maximum heights are also controlled by location requirements and orientation to further allow relief and light and air to canal and adjacent narrower streets. Provisions such as requiring the tallest tower to be located on the northern portion of a given site and limiting the width of a tower fronting the canal, ensure that the shore public walkways on both sides of the canal are not overwhelmed by clusters of long and tall towers. Additional modifications, regulations, and controls will also apply to sites with unique conditions or constraints. The Commission also notes that the flexibility of the proposed bulk controls allows for additional articulation of buildings along the canal.

The Commission notes the recommendation from Community Board 6 suggesting that height limits not be undermined through various mechanisms including air-rights transfers or permitted obstructions. The Commission recognizes that proposed development along the canal will likely translate to buildings taller than the nearby brownstones and the Commission commends Community Board 6 for acknowledging the trade-offs of height, affordable housing, active uses, resilient waterfront esplanades, and infrastructure, among others. The Commission notes the importance of permitted obstructions and sufficient flexibility within the zoning envelope to

facilitate feasible development along the waterfront that can produce the multiple goals and objectives for these waterfront blocks. Sufficient flexibility is critical to harden waterfront development sites and elevate critical building systems above the flood planes. The Commission believes that the proposed base, setback and maximum heights along with other design controls adequately address the urban design concerns underlying the Board's recommendations.

The Commission heard public testimony and received feedback from Community Board 6 and the Borough President recommending that the development site responsible for causing the potentially adverse shadow impact on the Douglass and Degraw Pool at Thomas Greene Playground be modified in such a way as to mitigate fully or partially the impact. The Commission understands that most of the incremental shadow is cast by the northern tower on waterfront Parcel 4 at the intersection of Degraw and Nevins streets. The Commission is therefore modifying the zoning text to require the taller of the two towers be located on the southern portion of this waterfront development and for the northern tower to have shorter maximum height at 125 feet.

The Commission also heard testimony and Community Board 6 and the Borough President also noted that the failure to remediate upland and waterfront brownfields has impeded overall efforts to clean up the canal and surrounding area, as contamination from the upland parcels may migrate and travel down toward the canal. The Commission understands that redevelopment plays a crucial role in catalyzing brownfield remediation, which in turn is a key component of the overall remediation efforts desired by the community and City. Therefore, to spur near-term remedial activities adjacent to the canal, the Commission is modifying the zoning text to allow remediation, excavation and foundation work to occur in tandem. Currently, under the originally proposed GSD, excavation and foundation work cannot commence until a waterfront site completes a full review and complies with the WPAA requirements as modified by the WAP. The Commission's modification will allow this work to begin after the approval of a site plan that reserves sufficient area to ensure the future placement of the waterfront publicly accessible area that each site is required to provide under the WAP. This provision will expire 18 months after adoption of the Gowanus Rezoning and related actions. Waterfront development sites will

still be required to seek a separate waterfront certification pursuant to ZR 62-811 to demonstrate compliance with WPAA regulations and the WAP to obtain new building permits.

### *Mandatory Inclusionary Housing*

The zoning text amendment is appropriate. It will ensure that 20 to 30 percent of new residential development will be permanently affordable.

The zoning text amendment will amend Appendix F of the ZR to apply MIH Options 1, 2 and 3 to the proposed R6A, M1-4/R6A, M1-4/R6B, M1-4/R7A, M1-4/R7-2, M1-4/R7X, and C4-4D zoning districts to require a share of new housing to be permanently affordable where significant new housing capacity will be created. The Commission believes that having Options 1, 2 and 3 available within the Gowanus MIH area will balance the area's need for deep affordability levels and its need to also provide housing for moderate- and middle-income households in order to support the area's economic diversity over time.

### **Urban Development Action Area Designation and Disposition Approval (C 210052 HAK)**

The Commission believes the UDAA designation, project approval, and disposition of City-owned property (C 210052 HAK) are appropriate.

The disposition site (Block 471, Lots 1 and 100) consists of underutilized land that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities will protect and promote health and safety and will promote sound growth and development. The disposition site is therefore eligible to be a UDAA and the proposed project is therefore eligible to be UDAAP pursuant to Article 16 of the General Municipal Law. The site is a major community asset and a brownfield site in need of substantial remediation. The development will provide housing, employment, educational and recreational opportunities to serve the needs of current and future residents and workers in Gowanus and the surrounding neighborhoods.

The Commission recognizes that the proposed Gowanus Green development will revitalize a brownfield site that is located along the Gowanus Canal and located a short walk between the Smith and Ninth Street and Carroll Street F/G stations. The current M3-1 zoning district does not allow new residential uses. The district permits only a limited number of commercial and community facility uses at lower densities and requires high parking requirements. It has precluded new development and entrenched the status quo of underutilized brownfields along the canal. The zoning and text changes along with City Map changes to remove the Public Place designation, and map new parkland and new streets are part of an overall masterplan for the City-owned property that will implement sound urban design principles while generating needed affordable housing.

The actions will facilitate new mixed-use development consisting of affordable housing, commercial uses, community facility space, and new waterfront open space. The Commission supports the thoughtful urban design principles that the proposal implements. The layout of the streets connecting to a new waterfront park are supported by a massing that pushes the bulk toward the middle of the site. This allows for the full development potential to be realized while maintaining visual connections to the park, waterfront and upland streets and neighborhood.

The Commission supports the siting of a new school within Gowanus Green as part of the overall infrastructure planning for a growing neighborhood. The Commission recognizes the thoughtful site planning considerations of locating the potential new school across from the new park. The affordable housing and mixed-use project will be further supported by a new school that brings existing and new residents and students together. The Commission supports the goals enumerated by the development team to create a sustainable and resilient development.

#### **Disposition of City-owned Property (C 210053 PPK)**

The Commission believes the disposition of City-owned property (C 210053 PPK) is appropriate.

The proposed action will facilitate the disposition of up to approximately 51,000 square feet of

development rights generated from City-owned lots. The disposition will allow the sale of development rights and may facilitate the construction of a mixed-use development on adjacent, privately-owned tax lot(s) that will comply with the proposed zoning changes. The City-owned property is located within the proposed C4-4D district, which will allow new mixed income housing, including market-rate and permanently affordable units, at a maximum FAR of 8.5.

The proposed disposition supports the goals discussed above to activate the street frontage of the Fourth Avenue corridor through public realm and street improvements and requirements for permanently affordable housing.

### **Related City Map Amendments (C 210179 MMK and C 210180 MMK)**

The Commission believes that the applications (C 210179 MMK and C 210180 MMK) to map and acquire new parkland, map new streets, demap segments of streets, and remove the “Public Place” designation to facilitate the mixed-use affordable housing development on the City-owned Gowanus Green site are appropriate.

The Commission believes each element of the proposed amendment to the City Map is necessary for the plan to meet its goals. As discussed above, demapping the Public Place designation will facilitate an unprecedented number of affordable units in this high opportunity neighborhood. Together with the mapping and acquisition of parkland, the proposed actions will ensure that a new waterfront park is designed and developed together with the affordable housing and other uses, which has been a community priority for decades. The proposed street mappings will reconnect the upland community to the canal and improve access to the planned publicly accessible open space and the waterfront. The proposed actions will together facilitate the redevelopment of the City-owned property for a mix of uses, including significant amounts of affordable housing along with community facility, commercial, light manufacturing, open space or other uses allowed under the proposed zoning, and will provide new open space and connect new parkland and waterfront open space along the canal. The proposed mapping and demapping actions on Block 471 will also reconnect the area to the street grid and surrounding communities and support the redevelopment and remediation of large vacant and underutilized sites.

The Commission notes the particular importance of the proposed mapped park in the geography of this waterfront. As described in more detail above under the discussion on the WAP, the new park is one of two larger parks that will anchor the envisioned continuous shore public walkway.

## **RESOLUTION**

**RESOLVED**, that having considered the FEIS, for which a Notice of Completion was issued on September 10, 2021, with respect to this application (CEQR No. 19DCP157K), 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. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

The report of the City Planning Commission, together with the FEIS, issued September 10, 2021, and a Technical Memorandum – 001, issued September 21, 2021, constitutes the written statement of findings that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter, that based on the environmental determination and the consideration



described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Sections 16c and 16d as follows:

1. eliminating from within an existing R8A District a C2-4 District bounded by:
  - a. Pacific Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, President Street, a line 150 feet southeasterly of 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, 4<sup>th</sup> Avenue, Douglass Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue; and
  - b. a line 210 feet northeasterly of 5<sup>th</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 7<sup>th</sup> Street, 4<sup>th</sup> Avenue, 9<sup>th</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 13<sup>th</sup> Street, 4<sup>th</sup> Avenue, 14<sup>th</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 15<sup>th</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, 6<sup>th</sup> Street, and 4<sup>th</sup> Avenue;
2. eliminating a Special Enhanced Commercial District (EC-1) bounded by Pacific Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, President Street, a line 150 feet southeasterly of 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 15<sup>th</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, 6<sup>th</sup> Street, 4<sup>th</sup> Avenue, Douglass Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue;
3. changing from an R6B District to an R6A District property bounded by Carroll Street, Bond Street, 1<sup>st</sup> Street, and a line 350 feet southeasterly of Hoyt Street;
4. changing from an R6 District to an R6B District property bounded by Warren Street, Nevins Street, a line midway between Warren Street and Baltic Street, and a line 100 feet southeasterly of Bond Street;
5. changing from an R8A District to a C4-4D District property bounded by Pacific Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, President Street, a line 150 feet southeasterly of 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 15<sup>th</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, 6<sup>th</sup> Street, 4<sup>th</sup> Avenue, Douglass Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue;
6. changing from an C8-2 District to a C4-4D District property bounded by 3<sup>rd</sup> Street, 4<sup>th</sup> Avenue, 6<sup>th</sup> Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue;
7. changing from an M1-2 District to a C4-4D District property bounded by Douglass Street, 4<sup>th</sup> Avenue, 1<sup>st</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue;
8. changing from an C8-2 District to an M1-4 District property bounded by 3<sup>rd</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between 6<sup>th</sup> Street and 7<sup>th</sup> Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, 7<sup>th</sup> Street, 3<sup>rd</sup> Avenue, a line 305 feet southwesterly

- of 3<sup>rd</sup> Street, and a line 285 feet southeasterly of 3<sup>rd</sup> Avenue;
9. changing from an M1-1 District to an M1-4 District property bounded by:
- a. a line midway between 4<sup>th</sup> Street and 5<sup>th</sup> Street, a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street, 5<sup>th</sup> Street, and a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 390 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street; and
  - b. 3<sup>rd</sup> Street, Bond Street, 4<sup>th</sup> Street, and Hoyt Street;
10. changing from an M1-2 District to an M1-4 District property bounded by:
- a. a line midway between Baltic Street and Butler Street, Nevins Street, Butler Street and a line 360 feet northwesterly of Nevins Street;
  - b. a line midway between Baltic Street and Butler Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between Sackett Street and Union Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, Degraw Street, a line 200 feet southeasterly of 3<sup>rd</sup> Avenue, Douglass Street, and a line 100 feet southeasterly of 3<sup>rd</sup> Avenue; and
  - c. a line midway between Union Street and President Street, a line 180 feet northwesterly of 4<sup>th</sup> Avenue, President Street, a line 250 feet northwesterly of 4<sup>th</sup> Avenue, Carroll Street, and a line 100 feet southeasterly of 3<sup>rd</sup> Avenue;
11. changing from an M2-1 District to an M1-4 District property bounded by 3<sup>rd</sup> Street, a line 270 feet southeasterly of Bond Street, the centerline of the Gowanus Canal, and Bond Street and its southwesterly centerline prolongation;
12. changing from an M3-1 District to an M1-4 District property bounded by 4<sup>th</sup> Street, Bond Street and its southwesterly centerline prolongation, the centerline of the Gowanus Canal, a line 160 feet northwesterly of Bond Street and its southwesterly prolongation, a line 120 feet southwesterly of 4<sup>th</sup> Street, Hoyt Street, 5<sup>th</sup> Street, and a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street;
13. changing from an R6 District to an M1-4/R6A District property bounded by Warren Street, a line 100 feet southeasterly of Bond Street, Baltic Street and Bond Street;

14. changing from an M1-1 District to an M1-4/R6A District property bounded by a line midway between 3<sup>rd</sup> Street and 4<sup>th</sup> Street, Hoyt Street, 4<sup>th</sup> Street, and a line perpendicular to the northeasterly street line of 4<sup>th</sup> Street distant 365 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4<sup>th</sup> Street and the northwesterly street line of Hoyt Street;
15. changing from an M1-2 District to a M1-4/R6A District property bounded by:
  - a. a line midway between Warren Street and Baltic Street, a line 100 feet northwesterly of Nevins Street, a line midway between Baltic Street and Butler Street, a line 100 feet southeasterly of Bond Street, Douglass Street, Bond Street, Baltic Street, and a line 100 feet southeasterly of Bond Street;
  - b. a line midway between Baltic Street and Butler Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Butler Street and Douglass Street, a line 100 feet southeasterly of Nevins Street, Butler Street, a line 325 feet northwesterly of 3<sup>rd</sup> Avenue;
  - c. Baltic Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between Baltic Street and Butler Street, and a line 100 feet southeasterly of 3<sup>rd</sup> Avenue;
  - d. a line midway between Degraw Street and Sackett Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Sackett Street and Union Street, a line 100 feet southeasterly of Nevins Street, a line midway between Union Street and President Street, a line 190 feet northwesterly of 3<sup>rd</sup> Avenue, President Street, a line 100 feet southeasterly of Nevins Street, Carroll Street, Nevins Street, Sackett Street, and a line 100 feet southeasterly of Nevins Street; and
  - e. Union Street, a line 270 feet southeasterly of 3<sup>rd</sup> Avenue, a line midway between Union Street and President Street, and a line 170 feet northwesterly of 3<sup>rd</sup> Avenue;
16. changing from an M2-1 District to an M1-4/R6A District property bounded by a line midway between Butler Street and Douglass Street, a line 200 feet southeasterly of Bond Street, Douglass Street, and a line 100 feet southeasterly of Bond Street;
17. changing from an C8-2 District to an M1-4/R6B District property bounded by a line midway between 6<sup>th</sup> Street and 7<sup>th</sup> Street, a line 360 feet southeasterly of 3<sup>rd</sup> Avenue, 7<sup>th</sup> Street, and a line 100 feet southeasterly of 3<sup>rd</sup> Avenue;
18. changing from an M1-1 District to an M1-4/R6B District property bounded by a line midway between 4<sup>th</sup> Street and 5<sup>th</sup> Street, a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 390 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street, 5<sup>th</sup> Street, and Smith Street;

19. changing from an M1-2 District to an M1-4/R6B District property bounded by:
- a. a line midway between Baltic Street and Butler Street, a line 360 feet northwesterly of Nevins Street, Butler Street, and a line 100 feet southeasterly of Bond Street; and
  - b. a line midway between Union Street and President Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, Carroll Street, a line 250 feet northwesterly of 4<sup>th</sup> Avenue, President Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, 1<sup>st</sup> Street, 3<sup>rd</sup> Avenue, Carroll Street, a line 100 feet southeasterly of Nevins Street, President Street, and a line 190 feet northwesterly of 3<sup>rd</sup> Avenue;
20. changing from an M2-1 District to an M1-4/R6B District property bounded by:
- a. Butler Street, a line 200 feet southeasterly of Bond Street, a line midway between Butler Street and Douglass Street, and a line 100 feet southeasterly of Bond Street; and
  - b. Carroll Street, 3<sup>rd</sup> Avenue, a line perpendicular to the northwesterly street line of 3<sup>rd</sup> Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 3<sup>rd</sup> Avenue and the southwesterly street line of Carroll Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, the northwesterly centerline prolongation of 1<sup>st</sup> Street, and a line perpendicular to the southwesterly street line of Carroll Street distant 425 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Carroll Street and the northwesterly street line of 3<sup>rd</sup> Avenue;
21. changing from an M2-1 District to an M1-4/R7-2 District property bounded by:
- a. Douglass Street and its southeasterly centerline prolongation, the centerline of the Gowanus Canal, Degraw Street and its northwesterly centerline prolongation, Nevins Street, Carroll Street, a line perpendicular to the southwesterly street line of Carroll Street distant 425 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Carroll Street and the northwesterly street line of 3<sup>rd</sup> Avenue, the northwesterly centerline prolongation of 1<sup>st</sup> Street, the centerline of the Gowanus Canal, Carroll Street and its southeasterly centerline prolongation, and Bond Street; and
  - b. 2<sup>nd</sup> Street, a line 210 feet northwesterly of 3<sup>rd</sup> Avenue, 3<sup>rd</sup> Street and its northwesterly centerline prolongation, the centerline of the Gowanus Canal, a line 270 feet southeasterly of Bond Street and its southwesterly prolongation, 3<sup>rd</sup> Street, and Bond Street;

22. changing from an M3-1 District to an M1-4/R7-2 District property bounded by 5<sup>th</sup> Street, Hoyt Street, a line 120 feet southwesterly of 4<sup>th</sup> Street, a line 160 feet northwesterly of Bond Street and its southwesterly prolongation, the centerline of the Gowanus Canal, Huntington Street and its southeasterly prolongation, and Smith Street;
23. changing from an M1-2 District to an M1-4/R7A District property bounded by Sackett Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, a line midway between Sackett Street and Union Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, President Street, a line 180 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between Union Street and President Street, a line 270 feet southeasterly of 3<sup>rd</sup> Avenue, Union Street, a line 170 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Union Street and President Street, a line 100 feet southeasterly of Nevins Street, a line midway between Sackett Street and Union Street, and a line 100 feet northwesterly of 3<sup>rd</sup> Avenue;
24. changing from an R6 District to an M1-4/R7X District property bounded by a line midway between Warren Street and Baltic Street, Nevins Street, Baltic Street, and a line 75 feet northwesterly of Nevins Street;
25. changing from an C8-2 District to an M1-4/R7X District property bounded 3<sup>rd</sup> Street, a line 285 feet southeasterly of 3<sup>rd</sup> Avenue, a line 305 feet southwesterly of 3<sup>rd</sup> Street, and 3<sup>rd</sup> Avenue;
26. changing from an M1-2 District to an M1-4/R7X District property bounded by:
  - a. a line midway between Warren Street and Baltic Street, a line 75 feet northwesterly of Nevins Street, Baltic Street, Nevins Street, a line midway between Baltic Street and Butler Street, and a line 100 feet northwesterly of Nevins Street;
  - b. Baltic Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, Douglass Street, a line 200 feet southeasterly of 3<sup>rd</sup> Avenue, Degraw Street, a line 100 feet southeasterly of 3<sup>rd</sup> Avenue, Sackett Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Degraw Street and Sackett Street, a line 100 feet southeasterly of Nevins Street, Sackett Street, Nevins Street, Butler Street, a line 100 feet southeasterly of Nevins Street, a line midway between Butler Street and Douglass Street, a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, a line midway between Baltic Street and Butler Street, and a line 325 feet northwesterly of 3<sup>rd</sup> Avenue;
27. changing from an M2-1 District to an M1-4/R7X District property bounded by a line perpendicular to the northwesterly street line of 3<sup>rd</sup> Avenue distant 160 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 3<sup>rd</sup> Avenue and the southwesterly street line of Carroll Street, 3<sup>rd</sup> Avenue, 3<sup>rd</sup> Street, a line 210 feet northwesterly of 3<sup>rd</sup> Avenue, the northwesterly centerline prolongation of 1<sup>st</sup> Street, and a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, and

28. establishing a Special Gowanus Mixed Use District (G) bounded by Pacific Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, President Street, a line 150 feet southeasterly of 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, a line 100 feet southeasterly of 4<sup>th</sup> Avenue, 15<sup>th</sup> Street, a line 100 feet northwesterly of 4<sup>th</sup> Avenue, a line midway between 6<sup>th</sup> Street and 7<sup>th</sup> Street, a line 360 feet southeasterly of 3<sup>rd</sup> Avenue, 7<sup>th</sup> Street, 3<sup>rd</sup> Avenue, 3<sup>rd</sup> Street and its northwesterly centerline prolongation, the centerline of the Gowanus Canal, Huntington Street and its southeasterly centerline prolongation, Smith Street, a line midway between 4<sup>th</sup> Street and 5<sup>th</sup> Street, a line perpendicular to the northeasterly street line of 5<sup>th</sup> Street distant 220 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 5<sup>th</sup> Street and the northwesterly street line of Hoyt Street, 4<sup>th</sup> Street, a line perpendicular to the northeasterly street line of 4<sup>th</sup> Street distant 365 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of 4<sup>th</sup> Street and the northwesterly street line of Hoyt Street, a line midway between 3<sup>rd</sup> Street and 4<sup>th</sup> Street, Hoyt Street, 3<sup>rd</sup> Street, Bond Street, Warren Street, a line 100 feet southeasterly of Bond Street, a line midway between Warren Street and Baltic Street, Nevins Street, Butler Street, a line 325 feet northwesterly of 3<sup>rd</sup> Avenue, Baltic Street, and a line 100 feet northwesterly of 4<sup>th</sup> Avenue; and excluding the areas bounded by:
- i. Butler Street, Nevins Street, Degraw Street and its northwesterly centerline prolongation, the center line of the Gowanus Canal, Douglass Street and its southeasterly centerline prolongation, and a line 200 feet southeasterly of Bond Street; and
  - ii. 1<sup>st</sup> Street, 4<sup>th</sup> Avenue, 3<sup>rd</sup> Street, and 3<sup>rd</sup> Avenue;

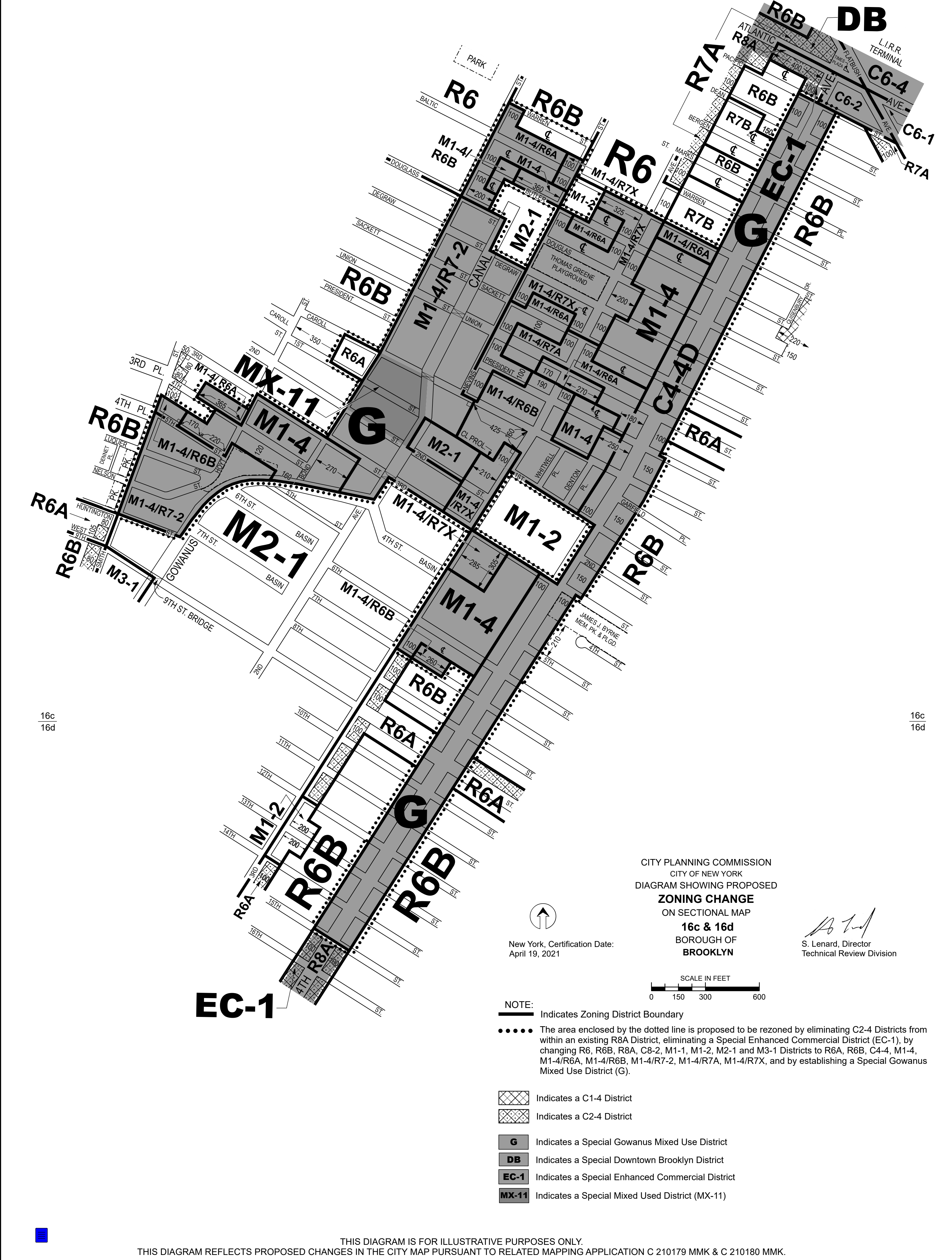
Borough of the Brooklyn, Community Districts 2 and 6, as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration E-601.

The above resolution (C 210177 ZMK), duly adopted by the City Planning Commission on September 22, 2021 (Calendar No. 11), 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.

**KENNETH J. KNUCKLES, Esq.,** *Vice Chair*  
**DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,**  
**RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,**  
**RAJ RAMPERSHAD** *Commissioners*

**LARISA ORTIZ,** *Commissioner, ABSTAINING*





## **GOWANUS REZONING RESOLUTION**

After years of consideration—through workshops, working groups, public meetings, and formal resolutions—and after careful review of both the proposal and public testimony, Brooklyn Community Board 6 (the “Board”) hereby recommends that the proposed Gowanus Neighborhood Rezoning (the “Rezoning”)<sup>1</sup> be **APPROVED, WITH CONDITIONS**.

Our Board has a long record of advocating for affordable housing in our community, and in particular investment in the repair, maintenance, and operations of public housing. Unfortunately, despite a well-documented need for capital investment in Gowanus Houses and Wyckoff Gardens, years of neglect by government at all levels has led to substandard living conditions and threats to the health and safety of residents.

The Board’s conditions for approving the Rezoning, detailed below, are not organized in order of priority. The Board’s conditional approval reflects an expectation that the City will acknowledge and satisfy each demand. However, the Board wishes to emphasize its demand that the City fully fund the capital needs of local public housing. Without a firm commitment by the City to meet this condition, the Board cannot support the Rezoning.

### **Accountability**

To hold the City and all parties accountable for the commitments they make as a part of the Rezoning, the Board demands that the City support and fund the Gowanus Zoning Commitment Task Force (the “Task Force”).

The Task Force will monitor compliance with public and private commitments, adherence to zoning requirements, and implementation of the Rezoning. With representation from local organizations, City agencies, and stakeholders, the Task Force will receive quarterly updates from the City and other stakeholders on planning, implementation, and successful completion of commitments, and disseminate this information to the community in a transparent and accessible manner.<sup>2</sup> The Task Force will also receive, every five years, a full assessment from the City evaluating the status of the adverse impacts identified in the Final Environmental Impact

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<sup>1</sup> ULURP Numbers: C 210177 ZMK; N 210178 ZRK; C 210052 HAK; C 210053 PPK; C 210179 MMK; and C 210180 MMK.

Prior resolutions of the Board are collected here:  
<https://drive.google.com/drive/folders/1CRdMnXpevgDjOyNckfwoDQyz5Mi6nglY>.

<sup>2</sup> The framework for the Task Force builds upon models such as the Lower Manhattan Construction Command Center and the Sunset Park Task Force.



Statement, and whether the mitigations identified and pursued by the City have successfully addressed adverse impacts. The Task Force will utilize the Brooklyn CB6 Responsible Development Policy as a basis for review of individual development projects, and developers will report to the Task Force on the categories identified in the Responsible Development Standards.

The Task Force will be comprised of designated representatives from the organizations, agencies, and other public and private stakeholders involved. Among them must be a dedicated liaison from the New York City Housing Authority (NYCHA) who will oversee capital improvements to the campuses impacted by the Rezoning and ensure improvements are completed expeditiously without displacing residents. Meetings of the Task Force will be open to the public. The Task Force will meet quarterly, and more frequently when circumstances require.

To ensure that the Task Force can effectively accomplish its mission, the City must commit to finance the cost of a facilitator for a fifteen-year period. The facilitator will oversee Task Force activities, help to organize and enable Task Force meetings, and otherwise support the Task Force's work. The City must also commit funding to allow the Task Force to obtain ongoing professional planning expertise for the same period of time, so that the Task Force can access independent guidance on land use and planning issues.

### **Combined Sewer Overflows**

Combined Sewer Overflows ("CSOs") are a significant and ongoing source of pollution in the Gowanus Canal, and the Rezoning must result in a net decrease in CSOs. The Board is pleased that the Draft Environmental Impact Statement ("DEIS") projects a net reduction in CSOs of five million gallons per year. But the Board cannot support the Rezoning without independent review of the City's projections and City compliance with its legal obligation to control sewer outfalls.

***EPA review.*** In line with the May 21, 2021 request by many of our community's elected officials, the Board requests EPA's written review of the City's CSO projections, including an assessment of whether the City has accurately forecasted a net reduction in CSOs, and whether the City has accurately accounted for local conditions (including the water table and projected increase in tidal levels) and the impact on water quality of the projected increase in sanitary flow and the projected reduction in stormwater.

***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 Rezoning reflects its expectation that the EPA will vigorously enforce its orders and ensure that the City meets its obligations.

***Unified Stormwater Rule.*** According to the City's DEIS, the projected net reduction in CSOs is contingent on approval and implementation of the forthcoming Unified Stormwater Rule, which increases on-site stormwater management requirements for certain lots within the combined sewer area. To ensure that the Rezoning does not result in a net increase in CSOs, the City must require the Unified Stormwater Rule to be in effect prior to the first site sewer connection in the Rezoning area.

***Implementation.*** Irrespective of its initial projections, the City must ensure that CSO impacts are continually modeled, monitored, and timely reported, and that each sewer connection is modelled for its individual impact on CSOs and sewer capacity. As new developments come on line, the community—including the Task Force—must have access to information documenting CSO impacts, and the resultant effects on flooding and pollution in the Canal.

***Sewer system capacity:*** The DEIS identifies two water treatment sites that serve Gowanus and asserts that they have capacity to cover an anticipated increase in sewage. However, the DEIS does not study the capacity for regular dry day sewage flow from Gowanus to the Red Hook Treatment Plant through existing underground viaducts. The Board demands that the final EIS correct this oversight.

### **Environmental Remediation**

As a result of decades of environmental degradation, large portions of the Gowanus neighborhood are badly in need of repair. The failure to remediate brownfields impedes the EPA's efforts to clean up the Canal, as additional contamination from upland lots travels into the Canal. Under current law, most upland lots are not required to be remediated unless there is a change in use. As a result, existing zoning in Gowanus, by restricting residential uses and other dense uses, discourages environmental remediation. The Board thus understands that the Rezoning is an opportunity to repair decades of pollution, but additional assurances are needed to ensure that remediated sites are fit for residential use.

***EPA Review of Public Place.*** The proposed site of the Gowanus Green development, Public Place, is severely contaminated as a result of the operations of a former manufactured gas plant. The Board is grateful that the EPA (as well as the New York State Department of Environmental Conservation), in a March 22, 2021 letter, committed to assess remediation efforts at the Public Place site and "ensure that the remediation will be protective of public health and the environment." The Board's conditional support for the proposed development at Public Place is

contingent on the EPA's continued review of remediation at the site and its ultimate conclusion that the remediation is compatible with the proposed residential, educational, and recreational uses.

***EPA Review of Individual Brownfield Development Projects.*** In line with the May 21, 2021 request by many of our community's elected officials, the Board demands that EPA review individual development applications in advance of permitting to ensure that proposals are consistent with the Superfund cleanup and public health.

### **Gowanus Mix**

As the City knows, the Board is strongly committed to maintaining the vibrant and distinctive mix of industrial, arts, cultural, and civic uses that makes Gowanus so special.

***Mandatory Gowanus Mix.*** At present, the City proposes to promote the creation and maintenance of that mix through an incentive program, in which developers will receive a density bonus in return for dedicating space to the "Gowanus Mix." The Board is concerned that an optional incentive program alone will not result in the dedicated space for industrial, arts, cultural and other uses that the Rezoning must enhance and preserve. The City's Mandatory Inclusionary Housing program recognizes that incentives alone will not provide the affordable housing that our City desperately needs. And the City has failed to explain why incentives—without mandates—will deliver the Gowanus Mix. The Board demands that the City make the Gowanus Mix program mandatory.

***Uses.*** The selective list of "Gowanus Mix Uses" identified in Section 139-12 of the Special Gowanus Mixed Use District includes creative and community-related uses. However, coupled with the current, modest incentive it does not do enough to induce continued growth of "Gowanus" businesses. The Special District must include mechanisms to protect existing businesses and actively foster the Gowanus Mix. In addition to a Mandatory Gowanus Mix requirement, specific uses within the District must be weighted and a percentage of commercial spaces for artist and light manufacturing must be required to be permanently affordable.

***Arts.*** A commitment to support and retain Arts and Culture in Gowanus has been integral to every Gowanus community plan for decades, but is not evident in this plan. Creative industries are included in the Gowanus Mix, but there is nothing in the zoning text to ensure that this plan will facilitate the vibrant mix described. There must be protection for existing artist studios, and requirements for the creation of new subsidized spaces, not unlike school and infrastructure requirements. A percentage of "Gowanus Mix" spaces must be designated to arts and culture including the preservation of existing community-based arts programs.

***Sustainable Industry.*** A business cluster dedicated to material re-use has made Gowanus a leader in sustainable methods for reuse, recycling, and environmentally-friendly waste disposal. As part of the Special District, these industries must be encouraged and expanded as new techniques and capabilities are developed that also serve the increased population.

## **Housing**

In recent decades, our community has lost a substantial amount of affordable housing, and has experienced a related and tragic loss of socio-economic, racial, and ethnic diversity. The Rezoning is an opportunity to reverse those trends, and ensure that our community remains a place where New Yorkers of all backgrounds can live.

***Mandatory-Inclusionary Housing.*** Although housing costs in our community are so high that even more affluent families can struggle to make ends meet, our most pressing need is new housing for low-income New Yorkers. To that end, the City must mandate that residential developments adhere to MIH Option 3, which requires that 20 percent of the residential floor area be affordable to residents at an average of 40 percent area median income (AMI).<sup>3</sup> This option maximizes the number of units at the most affordable level available. To the extent mandating Option 3 alone is not legally permissible, the City must adopt Option 3 together with Option 1, as Option 1 requires 25 percent of the residential floor area be affordable to residents at an average of 60 percent AMI. Options 2 and 4, which will not create homes at the deepest levels of affordability, are not acceptable.

***Community preference.*** Community preference is a longstanding City policy that reserves half of the units in most affordable housing developments for residents of the local Community District. In light of the demographics of Community District 6, this community-preference policy will likely impede the ability of the Rezoning to increase socio-economic, racial, and ethnic diversity within our community. In order to ensure that the Rezoning results in a more integrated and diverse community, the City must amend the community-preference policy for the Rezoning to give an equal preference to residents of Community Districts 2 and 6, as well as the nearby Community Districts surrounding Prospect Park: Brooklyn Community Districts 7, 8, and 9. The City must also give a particular preference to residents of public housing.

***Racial-impact study.*** Prior to the conclusion of public review, the Board demands that the City fund an independent racial-impact study to ensure that the Rezoning will result in a more diverse community than would exist absent the Rezoning. The study must include an assessment of potential displacement effects, as well as socioeconomic diversity.

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<sup>3</sup> As an example, a family of three at 40% AMI has a household income of \$42,960, under the 2021 New York City Area AMI.

***The location of MIH units.*** Under current MIH policy, a developer may – within certain restrictions – locate affordable units off-site on a different zoning lot. Although these off-site affordable units must be within ½ mile of the project or within the same Community District, and there is an additional 5% affordable housing requirement that accompanies this off-site option, locating affordable apartments on a different site from market rate apartments undermines the purpose of MIH. As a result, the City must require all affordable apartments created under MIH to be built on the same zoning lot as any market rate units. The City must also ensure that residents of affordable apartments are afforded the same access to amenities as residents of market-rate units.

***Housing Options:*** The Rezoning includes designations for senior housing, supportive housing, and housing for people transitioning out of homelessness. The Rezoning should also include set asides for additional housing types. Supported transitional housing should be included and incentivized. Housing for young adults transitioning out of foster care and the shelter system should be prioritized. A percentage of affordable housing must also be designated for the cultural community. The arts must be further supported by developing joint artist live/work spaces, on the same floors of buildings, in duplexes, or in clusters of three and four-story manufacturing buildings.

### **Industrial and Workforce Retention and Development**

Our community remains deeply committed to a vision of Gowanus where industrial businesses can flourish, and where—through careful planning—industrial, creative, commercial, and residential uses coexist.

***Gowanus IBZ Vision Plan.*** Although not a formal part of the Rezoning, our community is thankful that the City recently released its Vision Plan for the Gowanus IBZ. Critically, the plan proposes increases in buildable floor area ratio, the reduction of parking requirements, and updated loading requirements to give industrial users the flexibility they need to support a 21<sup>st</sup> century hub of industrial and commercial jobs.

The City must now commit to translating the Vision Plan into a zoning framework that protects existing businesses and helps businesses stay in the Gowanus IBZ and modernize and expand, while carefully managing competing uses that can impede industrial operations such as large-scale entertainment, gyms, and big-box retail. The City should consider lowering the parking requirements for industrial properties; allowing increased density for the creation of industrial space and production-based uses; maintaining the prohibition on new residential uses; and attempting to limit stand-alone office space by only allowing accessory office use at no greater than 20% of floor area. Zoning and land use tools must be legislated, but until new zoning is

implemented, there must be a mechanism to encourage expansion, while curtailing uses that are detrimental.

***Infrastructure investment.*** Although the Gowanus is home to many industrial uses, multiple longstanding infrastructure challenges inhibit the vitality and growth of local industry. Zoning changes alone cannot ensure that Gowanus remains a place where industrial uses can thrive. The City must commit capital investments for infrastructure in the IBZ, including the creation of dedicated loading zones, improvements to degraded streets, improvements to stormwater drainage, and the deployment of high-speed broadband.

As a part of the East New York Rezoning, the City committed millions to bring affordable high-speed broadband to businesses in the IBZ. The City must make a comparable capital commitment to broadband investment here. Specifically, the City should invest \$5 million to build out an open access conduit system with interconnection points throughout the IBZ Vision Study area. With multiple fiber providers able to pull fiber through the conduit system, this system will create a marketplace for high-speed internet services. The result will increase the value of property in the IBZ and also incentive businesses to locate in the Gowanus IBZ.

Likewise, the East New York Rezoning included an \$8.2 million commitment to streetscape and transit improvements in the IBZ. The City must make a comparable commitment here. Among other things, the City must commit to conducting a mobility study of 3<sup>rd</sup> Avenue between 9<sup>th</sup> Street and Hamilton Avenue/16<sup>th</sup> Street near the entrance to the Gowanus Expressway, including consideration of turning lanes. The City must also ensure that there are dedicated loading zones on each block within the IBZ, with flexibility to allow businesses to share dedicated spots.

***Displacement.*** According to the DEIS, the Rezoning will result in the displacement of approximately 45 businesses and 600 employees. In addition, 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, including those on the Salt Lot site, with relocation and other needs, as it has done elsewhere in the City. In the Greenpoint Relocation Program, for example, the City provided businesses with grants covering their eligible moving costs up to \$50,000 per business. Particular attention must be paid to help place these businesses in the Gowanus IBZ.

***Workforce Development.*** The Gowanus Rezoning is an opportunity to invest in our community's residents by funding workforce development and training. Among other things, the Board demands that the City commit to providing \$350,000 annually for 10 years to fund workforce programming and industrial training and job readiness in the Gowanus, modeled after the Stronger Together program, which involved the Southwest Brooklyn Industrial Development Corporation and the Fifth Avenue Committee. This model offers workforce development, bridge

programming, adult education, and other services to NYCHA residents in Gowanus and Red Hook, with industrial job training also targeting local 18-25 year olds, particularly NYCHA residents. The City must also commit to fill the vacant coordinator position for NYCHA's Office of Resident Economic Empowerment & Sustainability (REES). Such programs should take special care to serve persons with disabilities.

***Local sourcing.*** To strengthen local businesses, new businesses and developments located in the Rezoning Area and IBZ should make every effort to locally source goods and services.

### **Municipal Services**

A substantial increase in population will bring new demands on local services, from schools, to sanitation, and emergency services. The City must ensure that new and existing residents have access to high-quality City services.

***Early childhood education.*** According to the DEIS, the proposed action will result in a significant adverse impact on publicly-funded early childhood programs. This is unacceptable, particularly in light of the City's goals to create approximately 3,000 new units of affordable housing. The DEIS acknowledges that these impacts can only be mitigated by the provision of new space for early childhood programming, or physical improvements to existing space, but the DEIS fails to identify any plan to mitigate these measures. The Board demands the City set out a firm plan to meet the increased demand for early childhood program capacity within the Rezoning area. The City must also specifically ensure that early-childhood programs exist to serve children with disabilities.

***Schools.*** According to the DEIS, the Rezoning is estimated to generate up to approximately 1,329 elementary students, 288 intermediate students, and 415 high school students. However, at present, only one site—Public Place—is set aside for a new school (with approximately 500 seats), and the City has indicated that it anticipates additional school capacity arriving through the incentives built into the Gowanus Special District. The Board is concerned that the substantial need for additional new school capacity will not be met solely through the City's incentive program. The City must identify and set aside at least one additional development site in the Rezoning area for anticipated school demand. The City must also specifically provide for space for children with disabilities.

***Healthcare, police, and fire services.*** The DEIS does not assess the impact of the Rezoning on health care facilities, or police and fire services. As to health care, the DEIS states that a detailed analysis of the impact of the Rezoning on health care facilities is not necessary because the plan “would not create a sizeable new neighborhood where none existed before.” This may be true, but existing low-income residents are woefully underserved by affordable local health care

services. Similarly, the DEIS states that a detailed analysis of the impact on fire and police services is unnecessary because no such “facilities would be directly displaced as a result of the” Rezoning. The failure to assess these impacts is unacceptable. The Board demands the City perform more than a cursory assessment of how the substantial proposed increase in population will affect demands on area health, fire, and police services, and most importantly, low-income families.

***Senior Services.*** The City must also ensure that adequate investments are made in services critical to seniors, such as accessible health care options, and senior centers.

### **Open Space**

While the Rezoning will add additional open space to a community that badly needs it, the increase in population that accompanies the Rezoning will result in an overall reduction in the amount of open space per resident. As a result, it is critical that the City provide a firm commitment to the new open space that will be created as a result of the Rezoning, make additional investments in open space so there is no reduction in the amount of open space per resident, and take measures to safeguard existing public space.

***Public Place.*** The City must make both the capital commitment necessary to finance the creation of the new park on the site known as Public Place/Gowanus Green, and set out the timeline that will govern the remediation and construction of this critical open space.

***Thomas Greene Playground.*** According to the DEIS, the Rezoning will result in a shadow cast on the Douglass and Degraw Pool in Thomas Greene Playground that will significantly impact the user experience of the pool for 2-3 hours a day (based on an analysis of conditions on May 6/August 6). The City must mitigate this adverse impact through adjustments to the shape, size, and orientation of the responsible structure, or through a plan to adjust the placement and orientation of the Pool following the planned remediation of Thomas Greene Park (within the footprint of the former Fulton Manufactured Gas Plant). Additionally, the City must put forward a clear capital commitment and timeline for new improvements to this cherished neighborhood amenity and must work closely with the Potentially Responsible Parties identified by the EPA to identify a location for a temporary park and pool during the planned remediation.

***Head of Canal.*** The City must make both the capital commitment necessary to finance the creation of the proposed park at the Head of Canal retention tank facility site, and set out the timeline that will govern the construction and oversight of this critical open space.

***Additional Investments in Open Space.*** The City must also identify additional opportunities for new and improved open space on City-owned lots, including the Salt Lot, GreenSpace on 4th,



the F/G Transit Plaza, and the Under the Tracks Playground.<sup>4</sup> The Salt Lot in particular offers a ripe opportunity for new open space. The City must commit now to create new public open space on the Salt Lot site, to improve and expand existing uses (including the compost facility, nursery, and the education and stewardship center currently on the site), and to return to the Community Board for review of any open space plan. New open space must be mapped as dedicated park land, to ensure it will remain an open space amenity.

***Parks Improvement District.*** To support new open space, including waterfront open space, and the maintenance of existing open spaces, the City must work with local stakeholders to create a Parks Improvement District. The Parks Improvement District, funded through a tax assessment on post-rezoning development, will—much like a Business Improvement District—offer a stable funding mechanism for investment in community amenities and programming, as well as a public forum for community and stakeholder engagement and oversight. Among other things, the Parks Improvement District will ensure that there is sufficient financing to support local open space irrespective of general funding levels for the Department of Parks & Recreation, which—as recent budget decreases illustrate—can be subject to severe austerity measures during economic downturns.

***Streets.*** As the pandemic has shown, closing carefully-selected streets to vehicular traffic can open up much-needed passive and active public space. The Board recommends that the City consider options to increase open space through the permanent closure of streets, especially streets adjacent to existing parks and open space.

### **Public Health**

***Climate and flood resiliency study.*** One particular infrastructure challenge merits special attention. Parts of the Gowanus IBZ and Red Hook are subject to persistent flooding challenges that plague industrial users, neighborhood residents, and anyone traveling through these neighborhoods. As the Board and other stakeholders have consistently urged, the City must fund and conduct a study to examine the nature, severity, and causes of coastal and inland flooding in the IBZ and Redhook. The study must examine and propose infrastructure enhancements that are needed to mitigate flooding. The results of this study, and any model it develops to assess flooding impacts, must be continually updated as the rezoned area is developed and in response to changing climate conditions, with these results reported to the Task Force. Most importantly, the City must commit capital money to make these necessary improvements.

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<sup>4</sup> The Greenspace on Fourth is a community garden on 4<sup>th</sup> Avenue between Union and Sackett. The Transit Plaza is the MTA-owned parcel on the northwest corner of the 9<sup>th</sup> Street Bridge. The Under the Tracks Playground is the space underneath the F/G train viaduct along 10<sup>th</sup> Street.

***Gowanus Community Preparedness Plan.*** Additional capital commitments must also be put forward for the longstanding identified need for development and implementation of a Gowanus community preparedness plan, similar to that undertaken after Superstorm Sandy in Red Hook.<sup>5</sup>

***Urban Heat Island.*** In addition to the challenges brought on by persistent flooding, the Urban Heat Island (UHI) effect presents a public health threat forecasted to intensify on account of climate change. Investments and development strategies, such as those put forward by Urban Land Institute's New York District Council and Urban Resilience Program report on Gowanus<sup>6</sup>, could be effective for mitigating UHI in Gowanus and should be required within the Gowanus Mix Use District and Waterfront Access Plan.

### **Public Housing**

***Fully fund and complete outstanding capital needs.*** The Board has long made clear that the Rezoning must be accompanied by a substantial investment in public housing in our community.

According to the New York City Housing Authority's (NYCHA's) 2017 physical needs assessment, Gowanus Houses and Wyckoff Gardens currently have an unfunded projected five-year capital need of roughly \$274 million. The Board demands full funding of this capital need by the City. Additionally, the City must set out a concrete plan for the timely completion of these investments, including the appointment of a dedicated NYCHA liaison to oversee capital improvements to the impacted campuses. It is critical that the improvements not result in the displacement of any existing residents.

***Inclusion and Accountability to residents.*** In addition to committing these badly-needed funds, the City must pledge to work *with* residents on the Capital Needs Assessment and timeline for work, and to provide a mechanism for real resident input and oversight of the work to ensure it gets done, including but not limited to mandatory and regular reporting. Residents of NYCHA properties must be full participants in the capital improvements that will accompany the Rezoning.

***Local hiring.*** Funding to improve local NYCHA developments must follow Housing and Urban Development Section 3 hiring policies, so that employment and other economic opportunities generated by investment in public housing is directed, whenever possible, to public housing residents and other low and very low income residents.

### **Transit**

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<sup>5</sup> See <http://www.readyredhook.org/>

<sup>6</sup> See [5f5bc22d59be9-5f5bc22d59beaULI-NY-Gowanus-UDCW-Report-Final-spreads.pdf](https://www.uli-nyc.org/wp-content/uploads/2017/05/5f5bc22d59be9-5f5bc22d59beaULI-NY-Gowanus-UDCW-Report-Final-spreads.pdf) (windows.net)

With new density comes the need for new investments in transit infrastructure, to make sure that our neighborhoods continue to have access to high-quality public transit. The 2020 CEQR manual references a 2010 Traffic Zone condition for our community that will likely change dramatically over the next fifteen years. Indeed, with anticipated development brought on by the Rezoning, sections of the rezoned area will experience demands on transit far in excess of the 2010 modeling. The City must account for these increases in determining the adverse impacts brought on by the Rezoning and propose achievable mitigation strategies.

***F/G Train.*** According to the DEIS, the Rezoning will result in the northbound F Train operating over capacity in the AM peak hour by 2035. The DEIS states that this adverse impact could be fully mitigated by the addition of two northbound F trains during the AM peak hour. The MTA and New York City Transit must confirm that the addition of these northbound trains is feasible—taking into account the MTA’s non-pandemic schedule of 17-22 northbound trains during peak hours and long-term plans for updating signal technology for this section of the system—prior to approval of the Rezoning.

***B71.*** When the MTA eliminated the B71 bus route in 2010, it cut a vital transportation link between Red Hook and Gowanus, Carroll Gardens, Cobble Hill, Park Slope, Prospect Heights, and Crown Heights. A substantial increase in population brought on by the Rezoning makes it all the more critical that this route be restored. The City must work with the MTA to revive this important east-west connection.

***Subway stations.*** The DEIS projects significant impacts on street stairs and one fare array at the Union Street R station. Street stair crowding must be mitigated through the installation of elevators, which are—irrespective of new crowding issues—sorely needed to promote access to our subway system for people with mobility impairments. The City must work with New York City Transit and the MTA on a plan to make the Union Street R station fully accessible. In addition, the Board notes that none of the F/G stations on the periphery of the rezoned area are accessible. The City must, in partnership with New York City Transit and the MTA, prioritize making these stations accessible.

***Pedestrian and Traffic.*** The safety data referenced in the DEIS dates from 2015-2017, prior to the pandemic and the Open Restaurants program unveiled last year by the City. Since the City is now considering making elements of this program permanent, this section of the DEIS should be updated to take into account the program’s impact on safety and pedestrian and vehicular flows.

***Bike infrastructure and safety.*** When it comes to cycling – a key transportation mode – the DEIS is deficient in multiple respects. The DEIS relies on crash data from 2015-2017, even though circumstances have substantially changed citywide since that time. Predicted travel demand does not account for trips by bicycle. And intersection capacity analyses do not account

for bicycle trips. The City must assess the impacts of the Rezoning on this critical transportation mode and identify infrastructure improvements to bolster bicycle safety.

***Loading zones:*** The City must also expand the use of loading zones throughout the Rezoning Area to facilitate for-hire-vehicle drop offs and pick-ups, neighborhood goods delivery, trade and service vehicles, and other suitable uses. And the City must ensure that loading zone rules are adequately enforced so that they meet their designated purpose.

### **Waterfront Access Plan**

The Gowanus Canal itself is the central distinguishing feature of the distinctive Gowanus neighborhood, and the Community Board is delighted that the proposed Rezoning will result in some four acres of new public waterfront parks subject to the Gowanus Waterfront Access Plan (WAP). Nevertheless, the City must do more to ensure that the waterfront is a vibrant, public space, with active programming and ready access to the water.

***Access to the water.*** Critical to the success of the proposed waterfront is access to and from the water, including access for recreational activity like boating and kayaking. The City must commit to including water access in the design of the Head of Canal Park, the Salt Lot, and Gowanus Green. The City must also identify additional locations for access to the water, including at least one emergency egress point between each bridge, evenly distributed on both sides of the Canal.

***Additional Canal crossings.*** The WAP must also facilitate future pedestrian bridge crossings, such as at the 1<sup>st</sup> Street Turning Basin, Degraw Street, and between Gowanus Green and the Salt Lot.

***Programming.*** While the Rezoning will require the construction and maintenance of accessible esplanades, it does not mandate that new development along the waterfront provides active programming and community engagement. The Parks Improvement District, discussed above, offers a framework for funding and overseeing vibrant waterfront programming. The City must commit to supporting this innovative proposal.

***Testing.*** To ensure that the Canal is safe for, at a minimum, secondary contact recreation and fishing, City, State, and Federal authorities must regularly test the waters semi-annually, as well as before and after storms, and disseminate test results to the public and the Task Force to show that the waters are indeed safe as per the NYSDEC's Water Quality Standards Program..

### **Zoning Tools**

**Commercial spaces.** The proposed zoning laudably reduces onsite parking requirements and requires screening of parking with a wrap of commercial and community spaces on the ground level. While these spaces will activate the promenade along the Canal, one potential consequence is that parking entrances and blank screen walls could end up concentrated at other locations, such as the north side of new developments in the Upland Mixed-Use and Canal Corridor Subareas near the adjacent Gowanus and Wyckoff campuses. To avoid this scenario, the City should create a zoning tool that requires a significant percentage of active ground floor space facing toward both campuses.

**Height Caps.** The City must ensure that height limits imposed in the Rezoning are not subverted through air-rights transfers. Additionally, permitted obstructions, such as bulkheads, mechanical equipment, window washing equipment, wind turbines, solar panel installations, etc., are limited to no more than one story above the building's maximum height limit. In no circumstances will any permitted obstructions exceed 12 feet. All visually objectionable permitted obstructions, such as window washing equipment, mechanical equipment, etc., must be screened. Except for parapets, all permitted obstructions must be set back a minimum of 10' from the roof perimeter.

**Aligning infrastructure with development.** As the DEIS itself recognizes, the success of the Rezoning hinges on the timely completion of certain core infrastructure improvements—such as the EPA-mandated CSO retention tanks; sewer infrastructure upgrades; new school and early-childhood program capacity; open space improvements; subway station enhancements at F, G, and R stations; and increases in northbound AM peak subway capacity on the F subway line. To ensure that these critical infrastructure investments are completed alongside new development, the City must set out a legal mechanism or develop an alternative approach, such as establishing subdistricts with staggered effective dates, in the certified Rezoning that assures the progress of infrastructure investments keeps pace with new development. The Task Force must be updated on the effectiveness of the City's approach.



## **Brooklyn Borough President Recommendation**

CITY PLANNING COMMISSION

120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271

[CalendarOffice@planning.nyc.gov](mailto: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 NEIGHBORHOOD PLAN – 210052 HAK 210053 PPK, 210177 ZMK, 210178 ZRK, 210179 MMK, 210180 MMK

Applications submitted by the New York City Department of City Planning (DCP), together with the New York City Department of Housing Preservation and Development (HPD), the New York City Department of Parks and Recreation (NYC Parks), and the New York City Department of Citywide Administrative Services (DCAS), for land use actions stemming from the Gowanus Neighborhood Plan ("The Plan").

The proposal covers an 82-block area of the Gowanus neighborhood, generally bounded by Bond, Hoyt, and Smith streets; Third and Fourth avenues; Huntington, Third, Seventh, and 15<sup>th</sup> streets, and Warren, Baltic, and Pacific streets, in Brooklyn Community Districts 2 and 6 (CDs 2 and 6). The Plan would create more housing, including permanently affordable housing; promote a diverse mix of compatible uses; encourage economic development and employment opportunities, and expand community resources, such as parks and schools. It would also support the remediation of the Gowanus Canal and its uplands, while building future resiliency and sustainability.

The proposed actions would yield a projected 8,000 new apartments, of which approximately 3,000 would be affordable, including nearly 1,000 City-sponsored units. In order to facilitate and accommodate this growth, the Plan proposes to remediate brownfield sites; elevate portions of the shoreline to prepare for future sea level rise and allow development to meet flood-resilient design standards; invest in new affordable housing; create new community and cultural resources, including a potential school and 1.5-acre park on City-owned land; improve and invest in area streetscapes and connectivity, and improve existing parks and cultural spaces.

To implement the Plan, the applicant agencies are requesting the following approvals:

- Zoning map amendments to change existing low-density light-manufacturing and commercial districts to mid- to higher-density MX, residential, commercial, and light manufacturing districts along the Canal and major corridors, and to contextual mid-density residential and light-manufacturing districts along side streets

[CONTINUED]

- Zoning text amendments to:
  - Establish the Special Gowanus Mixed-Use District (GSD)
  - Create the Gowanus Waterfront Access Plan
  - Replace the Special Enhanced Commercial District (EC-1) and
  - Apply Mandatory Inclusionary Housing (MIH) within the rezoning area
- Designation of City-owned land on Block 471, Lots 1 and 100 ("Gowanus Green Development Site" or "Disposition Area") as an Urban Development Action Area (UDAA), approval of the project ("Gowanus Green Development") as an Urban Development Action Area Project (UDAAP), and disposition approval to facilitate a mixed-use development with 950 affordable housing units in six new buildings ranging from five to 28 stories. The Gowanus Green Development Site would include a variety of non-residential uses, including ground-floor commercial and community facility spaces, a site for a potential school, new mapped streets, and a 1.5-acre public park that would remain under City ownership.
  - In a related application, the City is also seeking acquisition approval for the development of a future public park
- Disposition of City-owned property at 276 Fourth Avenue (Block 456, Lot 29) between Carroll Street and First Street, pursuant to the proposed zoning (the parcel is currently zoned M1-2 and used as a Metropolitan Transportation Authority (MTA) New York City Transit (NYCT) substation, which would remain active on the site)
- Concurrent related City Map changes to:
  - Map and acquire new parkland
  - Map new streets
  - De-map segments of streets
  - Remove a "Public Place" designation to facilitate an affordable housing, mixed-use development on a City-owned site

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BROOKLYN COMMUNITY DISTRICTS 2 & 6

BOROUGH OF BROOKLYN

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**RECOMMENDATION**

☐ APPROVE

☒ APPROVE WITH  
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE

☐ DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

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SEE ATTACHED

*Eric L. Adams*

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BROOKLYN BOROUGH PRESIDENT

August 24, 2021

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DATE

**RECOMMENDATION FOR: GOWANUS NEIGHBORHOOD PLAN – 210052 HUK, 210053 PPK, 210177 ZMK, 210178 ZRK, 210179 MMK, 210180 MMK**

The New York City Department of City Planning (DCP), together with the New York City Department of Housing Preservation and Development (HPD), the New York City Department of Parks and Recreation (NYC Parks), and the New York City Department of Citywide Administrative Services (DCAS) submitted applications for land use actions stemming from the Gowanus Neighborhood Plan ("The Plan").

The proposal covers an 82-block area of the Gowanus neighborhood, generally bounded by Bond, Hoyt, and Smith streets; Third and Fourth avenues; Huntington, Third, Seventh, and 15<sup>th</sup> streets, and Warren, Baltic, and Pacific streets, in Brooklyn Community Districts 2 and 6 (CDs 2 and 6). The Plan would create more housing, including permanently affordable housing; promote a diverse mix of compatible uses; encourage economic development and employment opportunities, and expand community resources, such as parks and schools. It would also support the remediation of the Gowanus Canal (the Canal) and its uplands, while building future resiliency and sustainability.

The proposed actions would yield a projected 8,000 new apartments, of which approximately 3,000 would be affordable, including nearly 1,000 City-sponsored units. In order to facilitate and accommodate this growth, the Plan proposes to remediate brownfield sites; elevate portions of the shoreline to prepare for future sea level rise, and allow development to meet flood-resilient design standards; invest in new affordable housing; create new community and cultural resources, including a potential school and one-and-a-half-acre park on City-owned land; improve and invest in area streetscapes and connectivity, and improve existing parks and cultural spaces.

To implement the Plan, the applicant agencies are requesting the following approvals:

- Zoning map amendments to change existing low-density, light-manufacturing, and commercial districts to mid- to higher-density MX, residential, commercial, and light manufacturing districts along the Canal and major corridors, and to contextual mid-density residential and light-manufacturing districts along side streets
- Zoning text amendments to:
  - Establish the Special Gowanus Mixed-Use District (GSD)
  - Create the Gowanus Waterfront Access Plan
  - Replace the Special Enhanced Commercial District (EC-1) and
  - Apply Mandatory Inclusionary Housing (MIH) within the rezoning area
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  - In a related application, the City is also seeking acquisition approval for the development of a future public park
- Disposition of City-owned property at 276 Fourth Avenue (Block 456, Lot 29) between Carroll Street and First Street, pursuant to the proposed zoning (the parcel is currently zoned M1-2 and used as a Metropolitan Transportation authority (MTA) New York City Transit (NYCT) substation, which would remain active on the site)
- Concurrent related City Map changes to:
  - Map and acquire new parkland
  - Map new streets



- De-map segments of streets
- Remove a “Public Place” designation to facilitate an affordable housing, mixed-use development on a City-owned site

On June 30, 2021, Brooklyn Borough President Eric Adams held a hybrid in-person and virtual public hearing on these applications. There were 55 speakers on the item, with 32 in opposition, 19 in support, and three who did not take a position.

Those in support included Service Employees International Union (SEIU), Local 32BJ; the Citizens Housing Planning Council (CHPC); the New York Housing Conference; Open New York, and the Regional Plan Association (RPA). Those in opposition included Gowanuslands.org, Movement to Protect the People (MTOPP), the Southwest Brooklyn Industrial Development Corporation (SBIDC) and Voice of Gowanus.

Multiple speakers testified as members of the Gowanus Neighborhood Coalition for Justice (GNCJ), constituted by 350Brooklyn, Arts Gowanus, Brooklyn Tenants (BTU), Fifth Avenue Committee (FAC), the Gowanus Canal Conservancy (GCC), residents of Gowanus Houses, Warren Street Houses, and Wyckoff Gardens, Naturally Occurring Cultural Districts New York (NOCD-NY)/Arts & Democracy, Park Slope Civic Council, SBIDC, St. Lydia’s Church, and Turning the Tide (T3).

These organizations expressed that they would not support the rezoning unless the City met GNCJ’s top three demands: capital funding for Gowanus Houses and Wyckoff Gardens, no net Combined Sewage Overflows (CSOs) in Gowanus Canal, and the creation and funding of the Gowanus Zoning Commitment Task Force.

Speakers in opposition raised the following concerns:

- The extreme toxicity of the Canal and its uplands, and underlying environmental issues in the area
- The sheer density of the proposed rezoning, and the advisability of enabling high-rise residential development in a flood zone
- The City’s failure to properly account for CSO and climate change impacts in the project’s Draft Environmental Impact Statement (DEIS)
- The additional strain of 8,000 new apartments on the neighborhood’s sewer infrastructure, which would re-pollute the Canal with CSOs after the EPA-mandated cleanup
- The ethics of building affordable housing on Public Place, given underlying contamination and the impossibility of full remediation
- The need for thousands of market-rate apartments, given current economic conditions, and whether the MIH units would be truly affordable
- Unjustifiable real estate tax abatements for developers who would take advantage of the rezoning
- Insufficient existing and planned open space to accommodate the expected population
- Lack of adequate commitment to racial justice, including capital funding for the three New York City Housing Authority (NYCHA) campuses
- The potential displacement of arts, cultural, and industrial jobs by higher-value commercial and residential uses
- Misinformed DEIS assumptions about the number of musicians working in the Gowanus, who would lose access to affordable rehearsal space
- Lack of City commitment to crucial investments in the Gowanus Industrial Business Zone (Gowanus IBZ)
- The legitimacy of a virtual Uniform Land Use Review Procedure (ULURP) process

Speakers in support cited the following reasons:

- The urgent need for new affordable housing in Brooklyn and New York City
- That the Gowanus Neighborhood Plan would be the first rezoning to create affordable housing in a high-income district

- The need to extend Gowanus amenities such as proximity to transit and high-quality schools to restricted-income households that lack access to such benefits
- The no-action scenario, which would result in lower-density but as-of-right market-rate development without mandated affordability

Prior to the hearing, Borough President Adams received letters in opposition from Concerned Parents and Students of MS 51 and Gowanuslands.org. He also received written comments from seven people opposed to the rezoning and one person in support.

After the hearing, Borough President Adams received a letter in opposition from The American Can Factory. He also received testimony from the Association for Neighborhood & Housing Development (ANHD) expressing conditional support. GCC forwarded additional comments on the DEIS concerning open space, sewer capacity, and water quality. Borough President Adams received extended testimony from other organizations that spoke at the hearing.

Between June 10, 2021 and August 18, 2021, Borough President Adams received 441 form letters in support of the rezoning. Twelve individuals provided written comments in opposition.

### **Consideration**

Brooklyn Community Board 2 (CB 2) disapproved this application on June 21, 2021. On June 23, 2021, Brooklyn Community Board 6 (CB 6) approved this application with the following conditions:

- That the City support and fund a 15-year Gowanus Zoning Commitment Task Force to monitor compliance with public and private commitments, adherence to zoning requirements, and implementation of the rezoning
- Written United States Environmental Protection Agency (EPA) review of the City's CSO projections and enforcement of its obligation to control sewer outfalls
- Enactment of the Unified Stormwater Rule (USR) prior to any new site sewer connections to ensure the rezoning does not cause a net increase in CSOs, continuous modeling, monitoring, and timely reporting of CSO impacts as new developments come online, and a capacity study of regular dry weather sewage flow from Gowanus to the Red Hook Treatment Plant in the Final Environmental Impact Statement (FEIS)
- Continued EPA review of remediation at Public Place and its conclusion that the remediation is compatible with the proposed residential, educational, and recreational uses, and advance review of development applications to ensure that proposals are consistent with the Superfund cleanup and public health
- That the City mandate the optional incentive Gowanus Mix program to ensure dedicated space for arts, cultural, industrial, and other key uses
- That the Special Gowanus Mixed Use District (SGMUD) include mechanisms to protect existing businesses and actively foster the Gowanus Mix, by requiring that a weighted percentage of commercial spaces for artists and light manufacturers be permanently affordable
- Protections for existing artist studios, and requirements for the creation of new subsidized spaces, with set-asides for cultural uses, including existing community arts programs
- That the special district encourage the expansion of material-reuse industries in Gowanus
- That new developments adhere to MIH Option 3 to maximize the number of units affordable to households earning 40 percent of Area Median Income (AMI), and if mandating Option 3 alone is not permissible, that the City adopt Option 3 together with Option 1
- Amendment of the community-preference policy for the affordable housing to include residents of CDs 2 and 6, as well as nearby Community Districts surrounding Prospect Park, with special preference for public housing residents

- An independent City-funded racial-impact study, with an assessment of potential displacement and socioeconomic diversity, to ensure that the proposal results in a more diverse community than would exist absent the rezoning
- That all affordable MIH apartments are built on the same zoning lot as market rate units, and residents are afforded equal access to building amenities
- Mandatory set-asides for additional housing types such as supported transitional units, with provisions for young adults leaving foster care and shelters, and the cultural community, including live/workspaces for artists
- That the City translate the Gowanus IBZ Vision Plan into a zoning framework that protects existing businesses while managing competing uses that impede industrial operations, by lowering parking requirements for industrial properties; allowing increased density for creation of industrial space and production uses; maintaining the prohibition on new residential uses, and limiting office uses to 20 percent of floor area
- City commitment of capital funds for IBZ infrastructure, including the creation of dedicated loading zones on each block, improvements to degraded streets and stormwater drainage, and deployment of high-speed broadband
- That the City invest \$5 million to build out an open access conduit system with multiple interconnection points to bring affordable, high-speed broadband to the IBZ
- Dedicated funding for streetscape and transit improvements, including a mobility study of Third Avenue between Ninth Street and Hamilton Avenue/16<sup>th</sup> Street near the entrance to the Gowanus Expressway, with consideration of turning lanes
- A detailed City plan to assist displaced businesses, including those on the Salt Lot site, with moving costs and other needs, and efforts to locate these uses in the IBZ
- A firm City plan to meet increased demand for early childhood program capacity within the rezoning area, with services for children with disabilities
- That the City identify and set aside at least one additional development site in the rezoning area for anticipated school demand and dedicate space for children with disabilities
- A full City assessment of how the substantial proposed increase in population will affect demands on area health, fire, and police services, and low-income families
- Assurance of adequate investments in senior centers and accessible health care options
- City commitment to finance the creation of a new park on the Public Place/Gowanus Green site, and set a timeline for remediation and construction
- City mitigation of adverse shadow impacts on the Douglass and DeGraw Pool in Thomas Greene Park, capital commitment and timeline for new improvements, and intent to work with Potentially Responsible Parties (PRPs) to relocate the park and pool during remediation
- City capital commitment to finance the creation of a park at the Head of Canal retention tank site, and set a timeline for construction and oversight
- That the City identify additional opportunities for new and improved open space on the Salt Lot, Greenspace on 4<sup>th</sup>, the F/G Transit Plaza, and the Under the Tracks Playground
- City commitment to create new open space on the Salt Lot (to be mapped as dedicated parkland), improve and expand existing uses, with CB 6 review of any new open space plan
- That the City work with local stakeholders to create a Parks Improvement District funded through a tax assessment on post-rezoning development
- That the City consider options to increase open space through the permanent closure of streets adjacent to existing parks and open space
- That the City fund and conduct a study to investigate flooding in the IBZ and Red Hook (to be updated with changing climate and development conditions) and commit capital funds for infrastructure improvements
- Additional capital commitments for the development and implementation of a Gowanus community preparedness plan
- Required inclusion of strategies for mitigation of the Urban Heat Island effect in the Special Gowanus Mixed Use District and Waterfront Access Plan (WAP)

- Full funding for Gowanus Houses and Wyckoff Gardens' projected five-year capital need of \$274 million, a plan for timely completion of these investments, with oversight by a new NYCHA liaison, and no displacement of existing residents
- That the City pledge to work with residents on the Capital Needs Assessment and work timeline, with a mechanism for resident input and oversight, and mandatory regular reporting
- That funding for NYCHA improvements follow United States Department of Housing and Urban Development (HUD) Section 3 hiring policies directing employment opportunities to public housing and low-income residents
- That the City account for development-induced transit demand in determining the rezoning's adverse impacts and propose achievable mitigation strategies
- That the MTA confirm the feasibility of adding two northbound F trains to mitigate increased AM peak hour capacity, prior to rezoning approval
- Restoration of the B71 east-west bus route, eliminated in 2010
- That the City work with the MTA and NYCT to make the Union Street R train station and F/G train stations on the periphery of the rezoned area fully accessible
- That the City update 2015-17 safety data referenced in the DEIS to reflect the Open Restaurants program's impact on safety and pedestrian/vehicular flows
- That the City update the DEIS with more recent crash data, account for bicycle trips in travel demand and intersection capacity analyses, and identify infrastructure improvements to bolster bicycle safety
- Expanded use of loading zones throughout the rezoning area to facilitate for-hire-vehicle drop offs and pick-ups, neighborhood goods delivery, trade and service vehicles with adequate enforcement of loading zone rules
- That the City commit to include water access in the Head of Canal Park, Salt Lot, and Gowanus Green designs, and identify additional water access locations, including at least one emergency egress point between each bridge, evenly distributed on both sides of the Canal
- That the WAP facilitate future pedestrian bridge crossings at the 1<sup>st</sup> Street Turning Basin, DeGraw Street, and between Gowanus Green and the Salt Lot
- That the City commit to support the Parks Improvement District to ensure that new development along the waterfront provides active programming and community engagement
- That City, State, and Federal authorities test Canal waters semi-annually, and before and after storms, to ensure safety per New York State Department of Environmental Conservation (DEC) Water Quality Standards, and disseminate test results to the public and the task force
- That the City create a zoning tool requiring a significant percentage of active ground floor space in new developments facing the Gowanus Houses and Wyckoff Gardens campuses
- That the City ensure that height limits imposed in the rezoning area are not subverted through air-rights transfers
- That permitted obstructions are set back a minimum of 10 feet from the roof perimeter, limited to one story above the maximum building height, not to exceed 12 feet, and screened to conceal mechanical equipment
- That the City establish a legal mechanism or develop an alternative approach (e.g. subdistricts with staggered effective dates) to ensure that infrastructure investments keep place with new development, and provide the task force with regular updates

According to DCP, the Gowanus Neighborhood Plan and Related Actions are a collaboration between the City of New York, local elected officials, and community members that takes a broad, comprehensive look at ways to support existing and future resiliency and sustainability efforts; encourage and expand neighborhood services and amenities; improve streetscapes, pedestrian safety, and access along the Canal; explore ways to support and develop space for job-generating uses — including arts, cultural, and industrial uses; promote opportunities for new housing with required permanently affordable housing and protect residential tenants against harassment and

displacement, and coordinate necessary infrastructure improvements throughout the area to support the continued cleanup of the Canal and to accommodate existing and future needs.

The Plan would support existing economic activity clusters and promote new job-generating uses through increased commercial and industrial density, updated parking and loading regulations in key areas, and, where appropriate, incentives or requirements for non-residential uses. If adopted, the Plan would bring existing residences in the rezoning area into zoning conformance. Pedestrian access along the Canal would be facilitated by new open space and neighborhood parks in conjunction with a WAP and City map changes. Ongoing brownfield remediation would further the Plan's objectives to promote the area as a vibrant, walkable, mixed-use neighborhood.

Gowanus Green would be the major HPD-financed residential project to result from the rezoning. It would be built at the Public Place site, located on Smith Street between Fifth and Huntington streets. The project consists of six residential buildings ranging from nine to 28 stories, 30,000 sq. ft. of commercial and community facility use, a planned 80,000 sq. ft. school, and a one-and-a-half-acre waterfront park. To facilitate the development, the City would rezone the site from M3-1 to M1-4/R7-2. Gowanus Green would deliver 67 homeownership units and 883 rentals, for a total of 950 fully affordable apartments, constructed in three phases. In all, there would be 73 supportive housing units, 110 Affordable Independent Residences for Seniors (AIRS), 208 units developed via HPD's Extremely Low and Low-Income Affordability (ELLA) program, and 447 units financed through the Mixed Middle Income (M2) program.

The surrounding area is a mix of commercial, industrial, and residential uses. The predominant housing type is one- to three-story walkups, with a few new elevator apartment buildings. The Smith Street corridor is mapped with commercial overlays from Atlantic to Hamilton Avenues. It hosts many eating and drinking establishments and conveys pedestrians to and from several subway stations. Institutional uses in the area include houses of worship and private or public schools.

Borough President Adams recognizes that the realization of Gowanus Green is predicated on the remediation of Public Place, a heavily contaminated, former manufactured gas plant (MGP) site. He has also heard significant community concerns about this complex process. In a March 22, 2021 letter, the EPA and DEC committed to assess remediation efforts at the Public Place site and "ensure that the remediation will be protective of public health and the environment." On August 10, 2021, the EPA wrote to DCP asking that the agency redo the DEIS to correct inconsistencies and miscalculations in its CSO projections.

Beyond water quality, the DEIS contains potentially problematic assumptions regarding "soft sites," which would likely be developed if rezoned. As the document's conclusions directly inform planning and mitigation efforts, it is important to account for displacement of businesses and residents. Advocates have noted that underestimating these effects would diminish the Plan's public benefit. Brooklyn is one of the fastest growing boroughs in the New York City metropolitan area. Its ongoing renaissance has ushered in extraordinary changes that were virtually unimaginable even a decade ago. Unfortunately, Brooklyn's success has led to the displacement of longtime residents who can no longer afford to live in their neighborhoods. Borough President Adams is committed to addressing Brooklyn's affordable housing crisis through the creation and preservation of units for very low- to middle-income households.

In CD 6 and across New York City, there is a pressing need for affordable and stable housing among elderly adults, homeless households, low-income families, and other populations. The proposed rezoning would transform substantially underutilized public land into affordable housing while incentivizing such opportunities on private development sites. Moreover, these units would target a range of incomes and households (largely through the MIH program), a critical strategy for building an economically diverse neighborhood and borough.

Borough President Adams supports the development of underutilized land to address the City's need for affordable housing. The proposed development would be consistent with Mayor Bill de Blasio's goal of achieving 300,000 affordable housing units over the next decade, according to "Housing New York: A Five-Borough, Ten-Year Plan," as modified in 2017. It is Borough President Adams' policy to support the development of affordable housing and seek for such housing to remain "affordable forever," wherever feasible.

Borough President Adams supports zoning actions that result in a permanently affordable residential floor area. A significant percentage of the 810 non-supportive rental units at Gowanus Green would provide permanent affordability pursuant to MIH. The remaining units would be governed by a minimum 30-year agreement with HPD, though it is expected that they would remain affordable as part of FAC's core mission. The requested zoning amendment and HPD financing would also help ensure that the project's affordability is maintained beyond the regulatory term, consistent with Borough President Adams' policy for new housing development to remain affordable in perpetuity.

Borough President Adams advocates permanent housing for those seeking refuge in shelters. Gowanus Green presents an opportunity to integrate such units with affordable apartments for low- and moderate-income households. Due to a rise in rents versus real income and other recent trends, some former residents of CD 6 have been swept into the City's cumbersome shelter system. Though it is possible that some would return by moving into local transitional accommodations, such facilities do not provide long-term stability. Supportive housing development is a cost-effective solution that provides permanent accommodations for transient households. Borough President Adams believes the City should strive to maximize production of such units and take steps to reduce shelter capacity as they are built.

In 2016, HPD established its Our Space Initiative, which funds supportive services for rental units affordable to formerly homeless households at or below 30 percent AMI. The subsidy supplements funding available through HPD's New Construction Finance programs. Though Gowanus Green would not incorporate the Our Space Initiative, it would reserve 15 percent of units below 50 percent AMI for formerly homeless households, including those with disabilities, seniors, and veterans. Borough President Adams has consistently pressed for developments on public land to set aside units for those formerly experiencing homelessness.

Borough President Adams is particularly concerned about affordable housing for New York City's rapidly growing senior population, which numbers 300,000 in Brooklyn alone. DCP's "Zoning for Quality and Affordability" (ZQA) study cited 60 applicants for every apartment in HPD's senior housing developments. LiveOn NY estimates that seniors on those waiting lists face an average wait of seven years. Borough President Adams advocates for City-funded projects to prioritize affordable housing for older New Yorkers.

A recent report has identified that rent-burdened households applying for apartments through affordable housing lotteries are more likely to need family-sized units. Borough President Adams seeks an affordable unit mix that adequately reflects the needs of low- to middle-income rent-burdened families. Such targeted distribution is especially vital in subsidized development on public land, which tends to provide deeper affordability than privately financed, market-rate construction.

Gowanus Green would generate hundreds of permanently affordable apartments for low-, moderate-, and middle-income residents within and outside CD 6. The City has disclosed that more than 50 percent of the rental units would be reserved for households at or below 50 percent AMI, that no more than 40 percent would be dedicated to moderate-income averaging 80 to 120 percent AMI, and that affordable homeownership would be geared toward households at 80 to 130 percent AMI.

Borough President Adams seeks to extend affordable housing opportunities to households at various AMI tiers. A percentage of the units at Gowanus Green would be affordable pursuant to the MIH

program, which mandates affordability for a broad range of incomes. The likely MIH Option 1 would designate 25 percent of the floor area as affordable to households at an average 60 percent AMI, with the added requirement that 40 percent of such floor area be offered at 40 percent AMI. Development adhering to MIH is consistent with Borough President Adams' policy that income-restricted housing remains affordable in perpetuity.

Borough President Adams is concerned that too many Brooklynites are currently unemployed or underemployed. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality the borough, with more than half of community districts reporting poverty rates of 25 percent or higher. Borough President Adams supports economic development that bolsters employment opportunities, including local hiring. Promoting Brooklyn-based businesses, including locally based enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs), is also central to his economic agenda. This site provides opportunities to retain contractors and subcontractors especially designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

As financing for Gowanus Green includes an HPD contribution of more than \$2 million, Hudson Inc. would be required to participate in the MWBE Building Opportunity Initiative Build Up program and meet additional labor participation requirements. Based on these conditions, Borough President Adams believes there will be opportunities to address disparities in LBE/MWBE participation in affordable housing development. Projects that receive HPD subsidies are required to spend at least one-quarter of HPD-supported costs on certified MWBEs in the design and construction process.

Borough President Adams supports land use actions that ensure employment for varied skill sets. The Gowanus Neighborhood Plan would map higher-density commercial, light manufacturing, and mixed-use districts along the area's major corridors, including the Canal. The modernized land use framework and the SGMUD would incentivize uses that define the Gowanus economy. Borough President Adams also supports preserving manufacturing land to sustain and grow the industrial sector. The proposed rezoning aligns with the City's workforce goals, which include creation of quality jobs for New Yorkers without college degrees.

Borough President Adams believes that it is appropriate to permit higher residential densities in proximity to public transportation. The SGMUD would also promote street activation and space for arts/artisan, cultural, and maker uses. Finally, it would establish a waterfront esplanade, ensuring greater open space for new and future residents.

As Public Place is located at the intersection of Fifth and Smith streets, Gowanus Green would be adjacent to the Smith-9<sup>th</sup> Street station, served by the Sixth Avenue Local F and Brooklyn-Queens Crosstown Local G trains. The B57 bus, which travels along Smith Street, stops directly in front of the site at Nelson Street. The area is also well-served by CitiBike, with multiple docking stations along Smith Street, as well as Hoyt and Nelson streets.

Borough President Adams advocates sustainable construction that integrates measures to increase energy efficiency and reduce the City's carbon footprint. He believes that City-funded projects on public land should achieve the highest environmental standards, through integration of best practices, ecological principles, and new technologies. Recognizing that an influx of several thousand new residents would strain the area's existing sewer infrastructure, Gowanus Green plans to capture 100 percent of stormwater onsite, using green roofs, harvesting cisterns, and rain gardens. The development is also expected to incorporate efficient and renewable energy systems.

Borough President Adams acknowledges that rezoning Public Place would result in unprecedented density on a site that does not permit residential use. However, he believes that some increase in bulk and height is justified to achieve the intended affordable housing and the creation of a public school. As such, Borough President Adams supports land use actions to facilitate Gowanus Green, as well as the establishment of the SGMUD, and the expansion of local open space in the area. However, beyond achieving important policy objectives, the Gowanus Neighborhood Plan must also maximize community benefit. Borough President Adams urges the City to advance CB 6's comprehensive vision for the rezoning and his supporting recommendations below.

### **Commitment of Appropriate Funding for Gowanus Houses and Wyckoff Gardens**

According to the New York City Housing Authority (NYCHA)'s 2017 physical needs assessment, Gowanus Houses and Wyckoff Gardens have a combined projected five-year capital need of approximately \$274 million. Beyond commitment of upfront funding, the City must set out a timeline for completing these improvements and appoint a dedicated NYCHA liaison to oversee the work.

It is critical that these investments do not displace current NYCHA residents, who have reiterated long-standing concerns about deteriorating buildings during the public process. Despite repeated promises, the City's efforts to fix and re-open the Gowanus Houses community center have stalled. There has been little progress on the estimated \$274 million of capital needs of Gowanus Houses, Warren Street Houses, and Wyckoff Gardens developments. The City must establish a concrete timeline for specific improvements to achieve safe living conditions before the Plan advances to ULURP adoption.

Per the CB 6 resolution, the City must dedicate upfront funding for full capital needs at Gowanus Houses and Wyckoff Gardens that meets residents' approval. Funding for such physical improvements must adhere to HUD Section 3 hiring policies to ensure that construction jobs are awarded to NYCHA tenants and low-income residents from the community.

Borough President Adams concurs that physical conditions at CD 6 NYCHA developments must be addressed through sufficient and timely capital investments. Therefore, prior to considering the requested rezoning, the City Council must receive written intent from the Administration to provide upfront funding for the full combined five-year capital needs of Gowanus Houses and Wyckoff Gardens, based on NYCHA's physical needs assessments, and continued consultation with residents. Such commitment must also attest that local hiring for the associated projects would adhere to HUD Section 3 to ensure priority for NYCHA and low-income residents in local hiring.

### **GOWANUS GREEN**

#### **Optimizing Affordable Housing through the Incorporation of the Gowanus EMS Station**

The New York City Fire Department (FDNY) Emergency Medical Services (EMS) station on Bond and Carroll streets is an underutilized property with significant development potential. The 17,644 sq. ft. corner lot is zoned M1-4/R7-2 and improved with a one-story, 8,200 sq. ft. EMS garage. It could be redeveloped at 4.6 times the lot area with Voluntary Inclusionary Housing (VIH) and up to 5.01 FAR with Affordable Independent Residences for Seniors (AIRS). Incorporating VIH could yield a residential development of 81,162 sq. ft. and 90 to 95 affordable apartments, based on a gross unit size of 850 to 900 sq. ft. While AIRS regulations only require a 20 percent floor area set-aside for affordable senior housing, the bonus FAR could yield an 88,396 sq. ft. development with approximately 160 senior apartments, if constructed exclusively as such.

In recent years, the predominant use of City-owned land has been affordable housing construction, though schools, public parks, and other municipal priorities have also been accommodated. Borough President Adams supports the development of underbuilt land for productive uses that advance the



City's economic and housing priorities. Given the scarcity of available development sites he also seeks creative and smart proposals that minimize costs to taxpayers.

The Office of the Brooklyn Borough President analyzed all City-owned properties in Brooklyn to determine where there might be excess air rights for affordable housing. Borough President Adams has supported the redevelopment of Brooklyn Public Library (BPL) branches in Brooklyn Heights and Sunset Park, advocated creating a zoning lot to utilize excess development rights in the Brownsville Community Court proposal, and called for transfer of air rights mechanisms for landmarked Carnegie library buildings. Most recently, he supported the sale of unused air rights under the Manhattan Bridge to facilitate commercial office development in DUMBO.

As the supply of public land dwindles, the City will have little recourse but to acquire private property at fair market value. Borough President Adams believes that it is in the City's best interest to pursue opportunities to utilize municipal air rights, especially those that facilitate public improvements. He recommends relocating the Gowanus EMS station to the Gowanus Green site to free up this City property for more beneficial uses. The design of the new station would have to be coordinated with the cleanup of Public Place to avoid delays in phased housing development. Such redesign would require a site selection ULURP to locate the EMS site as part of the Gowanus Green proposal and ensure adequate capital funding. The vacated site could then be transferred to HPD jurisdiction for future affordable housing development that would augment the 950 units at Gowanus Green.

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from the Administration to fund the relocation of the Gowanus EMS station, and direct FDNY to coordinate design planning, based on the existing facility at Bond and Carroll streets. Additionally, the commitment should specify that HPD's LDA or regulatory agreement with the designated development team will memorialize provision of space for a new Gowanus EMS Station within a revised design for Gowanus Green.

### **Ensuring Permanent Affordability**

Where new developments can be realized on public land, Borough President Adams supports the disposition of City-owned sites for affordable housing. He also believes that the resulting units should remain permanently affordable to minimize the loss of affordable housing.

Where HPD has designated for-profit companies to develop affordable housing on City-owned property, the duration of affordability is often driven by financial considerations. Standard regulatory agreements used by government agencies usually stipulate 30- to 60-year terms, which may be extended, typically for a duration of 15 years, with further renewals possible. However, property owners are under no obligation to seek such extensions. Without such obligation to retain housing affordability, those units would no longer be an affordable housing resource once tenants move out after the regulatory agreements expire. The disposition of these sites to an affordable housing developer would ensure that all units remain affordable based on the mission of such an organization.

Borough President Adams believes that there are effective ways to preserve such housing as permanently affordable. One means is through disposition of public land to one or more well-established, non-profit, affordable housing development organizations. This provides some assurance that non-MIH units would remain affordable for the lifetime that the non-profit entity remains in operation. Unlike for-profit developers, non-profit community development organizations typically have a core mission to advocate for, preserve, and provide affordable housing. New York City has multiple non-profit entities with a successful record of developing and managing affordable housing, as well as fulfilling agreements with City agencies. Borough President Adams supports the disposition of affordable housing to such mission-driven non-profits. Though FAC is part of the development team, it is not clear to what extent it would have final say with its development partners regarding site utilization in the long term.

Another strategy that warrants implementation is the disposition of property to a community land trust (CLT). CLTs are non-profit stewardship entities that maintain community ownership of real estate assets,

and along with deed-restricted housing programs, are among the most widely subsidy retention programs available. CLTs are governed by boards that contain a diverse array of stakeholders, including community development organizations, elected officials, and local residents. CLTs increase affordability by removing the cost of the land from the sale price of a home — homebuyers purchase the structure but lease the land from the CLT, which retains ownership. CLTs are viewed as an effective tool to reduce land speculation and preserve affordability in communities.

Finally, HPD structures its financing to require a balloon payment at the end of the regulatory term to induce developers to refinance with the City and extend the duration of affordability. Obligating the developer/owners to secure such refinancing through the LDA (based on public funds remaining available when the initial mortgage term expires) would essentially guarantee extended affordability.

Specific regulatory measures, when implemented, can ensure that units remain as affordable housing options for the city's residents. Borough President Adams believes that it is reasonable that residential floor area developed on City-owned land leased to private developers remain permanently affordable. As the City conveys its land to developers — even through 99-year ground leases — it should utilize the LDA as a mechanism to ensure that affordable housing is preserved in perpetuity.

Given that these development sites are on public land, Borough President Adams believes it is essential to maintain the resulting units as permanently affordable, to insulate Gowanus Green from variable economic enticements and preserve public investment in a community housing resource.

In addition to 883 affordable rentals, including senior and supportive housing, Gowanus Green would provide 67 affordable homeownership units in the final development phase. Since its inception in the early 1980s, HPD's homeownership program has assisted initial purchasers through a combination of public subsidies. Buyers who elect to sell their units within the first five years are required to repay the full subsidy as a condition of the sale. Thereafter, the obligation declines 10 percent in each year of ownership until no repayment is required. In a strong real estate market, the owner stands to profit substantially from the market-rate sale of the unit, while the City's investment in the building and underlying land is lost forever. The result has been a direct reduction in the City's affordable housing resources and with limited public land for residential development, a potentially higher cost to recreate such housing.

Governments have sought to limit potential windfalls to assisted buyers to preserve affordable homeownership opportunities for low-, moderate-, and middle-income families while preventing the loss of subsidies that made such developments possible. However, HPD's resale price restrictions have not been sufficient to achieve this objective. When owners of affordable homeownership units sell these properties, they receive the full amount of the regulated resale price (excluding loans and closing costs) and are not required to repay a portion of the initial subsidies. Sellers are also reimbursed for capital improvements to such homes.

Borough President Adams' policy is that disposition and redevelopment of City-owned properties for residential use should yield only affordable housing, and that such rental and homeownership units should be permanently affordable. For Gowanus Green, the developer is pursuing a cooperative ownership model governed by a Housing Development Fund Corporation (HDFC) and tied to a 40-year tax abatement. During that period, annual sale price increases would be capped at two percent. However, as this requirement does not provide a mechanism to extend affordability beyond the initial term, there is no guarantee that the homeownership units would remain permanently affordable. However, Borough President Adams expects that, based on its core mission and key role in the project, FAC would maintain the Gowanus Green co-operative units as affordable in perpetuity.

Borough President Adams believes that there are appropriate mechanisms to ensure ongoing affordability. One strategy is to remove the obligation to pay back the land appraisal value and direct City subsidies for

affordable homeownership units. The New York City Zoning Resolution (ZR) VIH program also contains a mechanism to ensure that such housing remains permanently affordable pursuant to the resale provisions of ZR Sections 23-913 and 23-962, which stipulate the appreciation index for the resale price of an affordable housing unit. HPD sets the annual rate of increase based on the percentage change in the Consumer Price Index (CPI) for all urban consumers, as defined by the US Bureau of Labor, plus one percent per year. However, such indexing leads to a slow rate of appreciation, and leaves owners vulnerable to interest rate spikes. As an alternative, resale price restrictions for homeownership affordable housing units could be indexed to standards defined by the Center for Housing Policy, to better offset increases in the costs of homeownership.

Another way to ensure long-term affordability is through the shared-equity model, which has been promulgated by non-profit housing associations and municipalities seeking to extend affordable homeownership to households unable to purchase a market-rate home. According to the Urban Institute, "shared equity homeownership programs provide buyers with a way of bridging the gap between what they are able to afford to pay in a mortgage and the actual mortgage cost to own a property" via strategies such as "inclusionary zoning, limited equity cooperatives, and community land trust homes with long-term affordability restrictions." Shared equity programs also help reduce risks associated with homeownership for low-income and minority households. For example, the purchase price often includes a reduced obligation (or preferably, no obligation) to repay the initial subsidy, so that the resale prices remains profitable in a down economy, even though the home was initially sold below the market price.

Shared-equity homeownership imposes resale price restrictions to ensure that the subsidy remains with the home. Resale price restrictions are built into the ground lease to maintain affordability for future income-eligible buyers. In a deed-restricted housing program, resale restrictions are recorded with the property's deed. New York State requires deed-restricted housing to be in the form of a cooperative ownership.

In recent years, shared-equity programs have been gaining ground in New York City as an effective tool to reduce land speculation and preserve affordability in communities. In 2014, Habitat New York City began a four-year advocacy effort to increase City support for lasting affordable homeownership, with an emphasis on facilitating the expansion of CLTs. In 2017, the City Administration solicited proposals from interested stewardship groups, while the City Council passed legislation authorizing and codifying CLTs. There are currently more than a dozen CLTs in various stages of development across the city, with at least two located in Brooklyn. Borough President Adams believes that CLTs provide a viable means to safeguard HPD's substantial investments in affordable housing throughout the borough.

For Gowanus Green, Borough President Adams believes that HPD should require affordable housing according to a permanent shared equity model equivalent to what might be achieved through the VIH program, or according to a CLT, through the designated HDLC. Therefore, the City Council should obtain written commitments from HPD that its LDA or other regulatory agreement with the designated development team would include a legal mechanism triggered prior to the end of any regulatory term, to ensure Gowanus Green homeownership and rental units remain permanently affordable.

### **Providing Deeply Affordable Housing**

Borough President Adams has heard a great deal of concern about gentrification in Gowanus and the adjacent Boerum Hill, Carroll Gardens, Park Slope, and Red Hook neighborhoods. The influx of wealthier individuals, together with increased land values and market-rate development, has displaced longtime and low-income residents. For renters in unregulated units, targeted downzoning and reduction of development rights may slow property turnover and new construction. However,

regulated buildings do not provide permanent protection from displacement. According to the NYU Furman Center, approximately 120 units in CD 6 are set to expire from subsidized housing programs in 2025. Without further action, some tenants may lose affordable housing assistance, and others might be evicted through lawful demolition.

According to the Association for Neighborhood Housing and Development (ANHD), 33 percent of CD 6 households are rent-burdened, and 17 percent spend 50 percent or more of their income on rent. However, severe rent burden is nearly triple (48 percent) among low-income residents. NYU Furman found that only two percent of newly available units in CD 6 were rented at 30 percent AMI in 2019. Therefore, there is a pressing need to create deeply- affordable housing in CD 6. Additionally, the City should allow rent-burdened households to qualify for MIH affordable housing lotteries.

According to HPD, the current New York area AMI for a family of three is \$107,400. To qualify for affordable housing at 40 percent AMI (MIH Option 3), this household would have to earn \$42,960; at 60 percent AMI (MIH Option 1), their qualifying income would be \$64,440, and at 80 percent AMI (MIH Option 2, the family's income would be capped at \$85,920. In 2019, median income in CD 6 was \$157,900, more than double the citywide median of \$70,590. However, this figure is significantly lower for renters than for homeowners, and it masks the fact that 25 percent of CD 6 residents earn less than \$60,000. Overall, these numbers indicate CD 6 has experienced acute gentrification in the last decade and underscore the importance of targeting affordable housing to low-income households.

As applications such as this proposal move through the ULURP process, it is important to ensure that the required affordable development meets the greatest community needs. MIH provides opportunities to maximize permanently affordable floor area for low-income households. The ZR specifies four options for new construction, subject to MIH regulations. As represented, the revised Gowanus Green proposal would incorporate MIH Option 1, which sets aside 25 percent of residential floor area for households earning an average 60 percent AMI, with 10 percent of all units targeted at 40 percent AMI. Borough President Adams is concerned that MIH Option 1 alone would not meet the needs of very low-income and severely rent-burdened CD 6 households that would have community preference for the MIH lottery.

In addition to assisting extremely rent-burdened families living in unregulated housing or stabilized units subject to lawful demolition, Gowanus Green must provide deeply affordable apartments for CD 6 NYCHA residents. Mapping MIH Option 3, with 30, 40, and 50 percent AMI tiers for 20 percent of the residential floor area would qualify NYCHA residents for these new, permanently affordable units. Borough President Adams seeks assurance that Gowanus Green would generate affordable housing pursuant to MIH Option 3, to guarantee opportunities for very low-income CD 6 residents and maximize the public benefit of this unique development.

Therefore, prior to considering the application, the CPC and/or City Council should obtain written commitments from HPD that its LDA or regulatory agreement with the designated development team would incorporate permanent affordable housing according to MIH Option 3.

### **Achieving a Family-Oriented Bedroom Mix**

A recent report has identified that rent-burdened households, which typically represent those applying to the City's affordable housing lotteries, are more likely to require family-sized units. Borough President Adams seeks for new developments to achieve an affordable unit mix that would adequately reflect the needs of low to middle-income families. Gowanus Green would deliver 833 rentals, with 115 senior apartments and 73 supportive housing units, configured as studios and one-bedrooms. The bedroom mix for the remaining 645 units has not been disclosed.

Borough President Adams believes that right-sizing the bedroom distribution within the affordable housing floor area is more important than maximizing the number of MIH units. Moreover, development pursuant

to MIH lacks leverage to require affordable apartments with multiple bedrooms. Borough President Adams believes it is appropriate to use the ULURP process to constrain what would be permitted as-of-right.

Gowanus Green is a very large affordable housing development that would be built on public land and financed with City subsidies. Accordingly, Borough President Adams believes it should provide affordable housing pursuant to ZR Section 23-96(c)(1)(ii), which would require 50 percent of the units to be two- or three-bedrooms and at least 75 percent to contain one or more bedrooms. A bedroom mix that does not maximize family-oriented apartments is not consistent with Borough President Adams' policy to ensure affordable housing for low-to-moderate-income families. Moreover, most of the projected affordable housing would be generated by as-of-right MIH developments on private sites. Given that developers of mostly market-rate residential buildings would have exclusive discretion in deciding the affordable bedroom mix, it is crucial that Gowanus Green deliver a significant percentage of family-oriented units.

Therefore, prior to considering the application, the City Council should obtain written commitments from HPD that its LDA or regulatory agreement with the designated development team would memorialize an affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one bedroom or larger units, but for studios targeted to households not exceeding 40 percent of AMI and senior and supportive housing units.

### **Maximizing Affordable Housing Opportunities for Seniors**

In addition to family-sized units, there is a pressing need to build affordable apartments for the elderly. As noted in DCP's ZQA study, New York's senior population is expected to grow 40 percent by 2040. The combination of rising housing costs across Brooklyn and declining production of age-based affordable housing has created a severe rent burden for seniors. Many elderly households are struggling to remain in their homes and are exhausting their life's savings to keep up with living expenses until they are displaced from their communities.

A significant number of elderly households have negligible income and are at risk for displacement. As the Federal government has moved away from funding affordable housing for seniors, too few such rental apartments are being built, leaving tremendous demand for age-based affordable housing. As a result, many elderly households are experiencing increased and unsustainable rent burdens.

One of Borough President Adams' top priorities is to help Brooklyn seniors secure affordable housing and remain in their neighborhoods. He seeks the advancement of more City projects, such as this proposal, which would result in permanently affordable units for older residents. Gowanus Green includes 115 AIRS units, financed through HPD's Senior Affordable Rental Apartments (SARA) program, that will be delivered in Phase 2 of the project.

While Borough President Adams typically seeks a 50/50 blend of studios, one-bedrooms, two-bedrooms, and three-bedrooms, he believes that when studio and one-bedroom units are rented at 30, 40, and 50 percent AMI, such apartments might be more affordable to senior households. Beyond the dedicated AIRS units, Borough President Adams believes it is possible to qualify more seniors for the Gowanus Green affordable housing lottery. With targeted marketing efforts, it is reasonable to expect that a greater share of studios and one-bedrooms at lower AMIs would be awarded to seniors. This would supplement the units targeted to seniors and supportive units that might be tenanted by seniors.

Therefore, prior to considering the application, the City Council should obtain written commitments from HPD that its LDA or regulatory agreement with the designated development team would implement outreach efforts to seniors earning up to 40 percent AMI for single- and dual-person households, including those who have experienced homelessness.

### **Maximizing Community Participation in the Affordable Housing**

The ZR requires inclusionary housing units to be overseen by a non-profit administering agent unaffiliated with a for-profit development entity, except when otherwise approved by HPD. The administering non-profit is responsible for ensuring that affordable housing complies with the regulatory agreement that governs the development's affordable housing plan. Tasks include verifying a prospective tenant household's qualifying income and approving the rents of such affordable units. The administering non-profit must submit an affidavit to HPD attesting that the initial lease-up of the units is consistent with the income requirements and follow up with annual affidavits to ensure compliance.

It is Borough President Adams' policy for housing non-profits to play a role in maximizing community participation in neighborhood affordable housing opportunities. He recognizes that FAC is an established community organization with an impactful record of marketing affordable housing units and promoting lottery readiness through educational initiatives. In its capacity as the affordable housing administrator and marketing agent for Gowanus Green, FAC would work with the community board to qualify CD 6 residents for the MIH lottery. Such efforts should be guided by consultation with the Borough President's Office, CB 6, and local elected officials.

Another way to maximize community participation and increase the number of units awarded to residents is to connect NYCHA tenants with Section 8 vouchers to HPD. Such vouchers would help NYCHA residents interested in relocating to a new affordable development qualify for apartments at Gowanus Green. To make this option viable for CD 6 NYCHA families, the City must commit to assigning a significant number of Section 8 vouchers to NYCHA residents and provide flexibility beyond standard income requirements in HPD's Housing Connect lottery.

Therefore, prior to considering the application, the City Council should obtain written commitments from HPD that its LDA or regulatory agreement with Hudson Inc. would memorialize FAC's role as the administering and marketing agent for Gowanus Green. The City must also commit to a significant number of Section 8 vouchers for NYCHA residents in CD 6 so they can move newly built affordable housing.

### **Local Preference for Supportive Housing Units**

Persons residing in shelters generally require both permanent accommodations and social services. Supportive housing is often designed with the assumption of single-person occupancy, which results in studio and/or one-bedroom apartments. Gowanus Green will provide 73 units of supportive housing, to be constructed in Phase I. According to the City, an additional 15 percent of the 208 ELLA apartments will be reserved for formerly homeless households.

Borough President Adams believes that these units could ensure housing stability for shelter residents and mitigate future displacement. When households are displaced from permanent or transitional accommodations in familiar neighborhoods, they lose vital support systems, and endure longer commutes to jobs and schools. Displacement can be especially difficult for homeless families that require childcare.

In 2019, there were 429 homeless individuals who were housed in three commercial hotels across CD 6. The City recently opened new shelters, including the Shirley Chisholm Family Residence at 535 Fourth Avenue, and a men's facility at 601 Sackett Street, under contracts with social service organizations. In addition, Women in Need operates transitional housing at Fourth Avenue and 15<sup>th</sup> Street.

The supportive housing units at Gowanus Green would be filled by FAC through referrals from the Department of Homeless Services (DHS). Typically, tenants are located in the homeless shelter system, assessed by professional staff, and then selected by landlords for such permanent housing. Borough President Adams believes the supportive units should be used to allow individuals in transitional accommodations to remain in the neighborhood or return if they were displaced. Therefore, FAC should

work with DHS to identify and secure potential tenants among households in CD 6 transient facilities and/or homeless persons who are former residents. Such efforts would maximize community participation in the leasing process, and by extension, the project's public purpose, leasing process, and, by extension, the project's public purpose.

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from HPD that its LDA or regulatory agreement with the designated development team would obligate it to identify and recruit (to the extent practical) supportive housing tenants among current and former CD 6 residents, including those in transitional accommodations.

### **Providing Access to Affordable and Supportive Housing for Youth Leaving Age-Based and Temporary Accommodations**

Developments that provide permanent affordable and supportive housing create essential stability for low-income households, especially those facing homelessness. One population commonly overlooked in consideration for such opportunities is homeless youth, who often face intersectional vulnerability stemming from issues of poverty, gender and/or sexual identity, and mental health. The New York City Department of Youth and Community Development (DYCD) funds several types of accommodations for young adults, including Crisis Service Programs, Transitional Independent Living, and agency-operated youth shelters, totaling approximately 1,500 beds. However, these facilities stipulate age and occupancy limits, and do not serve individuals who are over age 21 or in need of long-term subsidized housing

According to a 2020 City Council report on the City's homelessness crisis, such youth are typically ineligible for permanent affordable housing, public housing, or rental vouchers that would provide access to stable accommodations when they age out of foster care and other institutional systems. With few other options, older young adults are likely to experience repeat homelessness and loss of vital social services.

The primary option for older youth is permanent supportive housing maintained by a network of providers under the New York/New York (NY/NY) III supportive housing initiative. This program currently reserves 400 units for youth aged 18 to 25 who are transitioning out of foster care and institutional psychiatric facilities. The initiative is committed to allocating approximately 1,700 supportive housing units for this vulnerable population.

Borough President Adams concurs with CB 6 that housing should be prioritized for young adults transitioning out of foster care and the shelter system. One way to increase the availability of such opportunities is to qualify homeless youth for supportive housing and units set aside for the formerly homeless in HPD-funded developments on public land. Borough President Adams believes that DHS should be required to contact DYCD shelter facilities when identifying and referring homeless individuals for supportive housing and should prioritize older youth for such placements. For those who do not need supportive services, HPD should also be required to coordinate its referrals with DYCD to ensure youth participation in affordable units for those who have experienced homelessness.

Therefore, prior to considering the application, the City Council should obtain written commitments from DHS that the agency would be reaching out to DYCD shelter facilities when identifying and referring homeless individuals for supportive housing and would prioritize older youth for such affordable units. HPD should also be required to coordinate its referrals with DYCD to ensure opportunities for homeless youth in non-supportive, permanently affordable housing.

### **Community Preference for Residents Displaced from CD 6**

The DEIS estimates that nine households would be directly displaced by probable development sites. However, the screening criteria for such sites are far from exact, and many times do not reflect the reality of development. Buildings with six or more apartments are required to relocate tenants in rent-stabilized units, and as such, are unlikely to be redeveloped. However, underbuilt sites are uniquely vulnerable; at

least one known development site on Fourth Avenue resulted from the eviction of rent-stabilized and demolition of the multi-unit buildings. This example demonstrates that when zoning floor area utilization is less than half the permitted floor area, stabilization does not provide a legal deterrent to lawful demolition. Following the 2003 Park Slope Rezoning, developers have assembled small residential lots on Fourth Avenue to enable medium- to high-density buildings. The Gowanus Neighborhood Plan would unlock additional market-rate floor area, which would further promote such development patterns.

According to Section 9 NYCRR 2524.5 of the Rent Stabilization Code, the owner of a rent-stabilized building may choose not to renew a tenant's lease if they intend to demolish the property. To receive approval from the New York State Division of Housing and Community Renewal (DHCR), such owner must submit plans for future development, prove their ability to finance the project, and agree to pay tenant relocation expenses, including a stipend based on established formulas. This strategy was well-publicized during a June 2016 real estate summit in Brooklyn.

Beyond NYCHA housing, most units in CD 6 are not rent-regulated and have seen drastic rent increases in the last 10 years. As a result, former residents became rent-burdened and were forced to find affordable housing outside the neighborhood. The risk of displacement is therefore greater than estimated.

Borough President Adams believes that Gowanus Green could house those who would be directly or indirectly displaced based on the significant number of unregulated apartments in the area. To remedy such displacement, Borough President Adams believes there should be a qualifying preference in the affordable housing lottery for those displaced from CD 6.

Therefore, prior to considering the application, the City Council should obtain written commitments from HPD that local preference for the Gowanus Green lottery would also include displaced households that can demonstrate residency after January 1, 2014.

### **Adequate Childcare Capacity**

According to the DEIS, the proposed actions would result in significant adverse impacts on publicly funded early childhood programs, with Gowanus Green accounting for approximately one-third of unmet need. These effects can only be mitigated by provision of new space for early childhood education. Borough President Adams believes that significantly underdeveloped and vacant City properties in the rezoning area should be considered as potential sites for childcare facilities. For Gowanus Green, he believes that such use should be incorporated into the project plan. Therefore, prior to considering the application, the City Council should obtain written commitments from HPD that its LDA or regulatory agreement with the designated development team would commit space to a childcare facility at Gowanus Green.

### **Advancing Vision Zero Policies**

Borough President Adams supports Vision Zero policies, including practices that extend sidewalks into the roadway to shorten the path where pedestrians cross in front of traffic lanes. These sidewalk extensions, also known as bulb-outs or neckdowns, make drivers more aware of pedestrians and encourage them to slow down at crossings.

In 2015, Borough President Adams launched his Connecting Residents on Safer Streets (CROSS) Brooklyn initiative. This program supports the creation of bulb-outs or curb extensions at dangerous intersections in Brooklyn. During the program's first year, \$1 million was allocated to fund five dangerous intersections in Brooklyn. With more curb extensions, seniors will benefit because more of their commutes will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadways will benefit from safer streets.

Borough President Adams believes there is an opportunity to implement a curb extension at the southeast corner of Fifth and Smith Streets. Phase I of Gowanus Green, involving 187 mixed-income and 73



supportive units will be constructed on this portion of Public Place. Given the residential density planned at this site, the intended public school adjacent to Gowanus Green, and the proposed canal-side park, it is important to promote pedestrian safety at this intersection. Such a curb extension would also provide a safer crossing to St. Mary's Park and Playground, which are likely to experience higher utilization once the Gowanus Green buildings are fully occupied.

Borough President Adams recognizes that costs associated with the construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Where such consideration might compromise feasibility, Borough President Adams would urge DOT to explore protected painted sidewalk extensions as roadbed surface treatment or as part of a Builders Pavement Plan (BPP). Implementing a sidewalk extension through roadbed treatment requires a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner. If the implementation meets DOT criteria, Hudson Inc. should consult CB 6 and local elected officials, and then undertake the improvements as part of its BPP.

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from HPD that its LDA or regulatory agreement with the designated development team would mandate coordination with DEP and DOT for a bulb-out at the southeast corner of Fifth and Smith streets as a BBP element or a treated roadbed sidewalk extension. All parties should affirm that implementation would only proceed after advance consultation with CB 6 and local elected officials. The City Council should seek an additional developer commitment to enter a standard DOT maintenance agreement should the curb extension be provided as a treated roadbed sidewalk extension.

#### **Securing a Comfort Station to Serve St. Mary's Park**

At a May 19, 2021 CB 6 Parks Committee meeting it was noted that due to the absence of public restrooms in St. Mary's Park, people have been observed urinating along the perimeter adjoining the rear yards of homes on Dennett Place, which has reportedly damaged landscaped areas on those properties. Subsequently, testimony provided by the GCC confirmed that the absence of restroom facilities has created a public nuisance.

Borough President Adams believes it would be appropriate to have a public restroom serving St. Mary's Park, though a separate structure would incur high costs and take away open space. Given the pending Gowanus Green project across from the park, a public restroom incorporated into the development's Smith Street frontage would provide a reasonable accommodation for users of St. Mary's Park.

Therefore, prior to considering the application, the City Council should obtain written commitments from HPD that its LDA or regulatory agreement with Hudson Inc. would include a public comfort station at Gowanus Green, accessible to users of St. Mary's Park.

#### **Extending Local Workforce Opportunities to CD 6 NYCHA Residents**

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Borough President Adams advocates development that creates employment opportunities, with local hiring to address economic disparities.

Additionally, promoting Brooklyn-based businesses, including those that qualify as locally based enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs), is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those that are

designated LBEs, consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

One City policy that emerged from the East New York Community Plan was HPD regulations to advance local hiring. As Gowanus Green would be developed on public land with HPD financing, Hudson Inc. would be required to demonstrate a high level of MBWE hiring, consistent with City and State labor participation requirements. As a large-scale development, Gowanus Green would generate a substantial number of multi-year construction jobs. Borough President Adams believes that more should be done to ensure that CD 6 NYCHA residents benefit from this opportunity. He recommends combining HPD's local hiring policies with HUD Section 3 requirements, to maximize the number of jobs awarded to NYCHA residents.

Therefore, prior to considering this application, the City Council should obtain written commitments from HPD that its LDA or regulatory agreement with the designated development team would mandate adherence to HUD Section 3 employment requirements in filling construction jobs for Gowanus Green.

### **Ensuring Appropriate Bulk**

Compared to the initial proposal, the Gowanus Green site now has a smaller footprint to achieve its envisioned density. As a result, the development has increased significantly in height. Its northern parcel, known as Subdistrict D4, is proximate to Brownstone Carroll Gardens, typified by three to four story structures, with a few six-story buildings.

The overall massing for Gowanus Green attempts to provide defined street wall and transitional height along Fifth and Smith streets. However, the proposed 28-story apartment tower would still rise to 285 feet, which some have deemed excessively tall and out-of-character with the area.

While Borough President Adams believes it is important to realize the full affordable residential density intended on Public Place, he also believes it is possible to do so while addressing community concerns about bulk and height. One solution would be to partially utilize the intended school footprint for a cantilevered overbuild, which would extend the residential massing east toward the proposed southern segment of Hoyt Street. Enlarging the building footprint and shifting the bulk toward Hoyt Street would enable a 60-foot reduction in tower height, without a corresponding loss of residential floor area.

Borough President Adams believes that prior to considering the application, the City Council should obtain written commitments from HPD that its LDA or regulatory agreement with the designated development team would limit tower height to 225 feet without reducing the intended floor area, via a cantilevered structure or column-supported design that concentrates bulk above the lot area reserved for the public.

Furthermore, to accommodate the allowable floor area for Parcel D4 with less height, CPC and/or the City Council, should reduce the proposed tower setback of 150 feet from Hoyt Street to 100 feet and limit tower height (i), to a maximum 225 feet, in lieu of the proposed 285.

### **Promoting Non-Motorized Boat Access and Neighborhood Open Space Connectivity**

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. Community advocates note that

this assumes 8.35 acres at Pacific Park and 625 Fulton Street, which are located at the edge of the half-mile study area and lack firm timelines for completion.

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 Owls’ Head CSO control facility and the remediation of the Fulton Manufactured Gas Plant (MGP) site “will take Double D Pool and Thomas Greene Park offline for years, just as the DCP proposal expects to bring at least 18,000 new residents to the neighborhood.”

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 Turning 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 existing neighborhood divide could be addressed through an additional pedestrian bridge. The intended mapping of a park on City land provides an opportunity to connect to the Salt Lot from the west side of the Canal.

The DEIS refers to the Canal as “an active open space resource for kayaking and other water-dependent activities” that are “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, Borough President Adams believes that more could be done to further waterfront and in-water activities. At a minimum, the City should promote recreational engagement with the canal through targeted non-motorized boat access and/or emergency egress from the water between each bridge along the Canal.

Therefore, the CPC and/or the City Council, should specify that the proposed Gowanus Neighborhood City Map Change park options be required to facilitate a future pedestrian bridge crossing to the Salt Lot and in water non-motorized boat launches.

### **Promoting Shared Streets**

The Gowanus Green project includes the extension of the Hoyt Street right-of-way where cars would co-exist with cyclists and pedestrians. Such shared streets can also function as pedestrian plazas (with limited vehicular access) as a type of community benefit. Borough President Adams believes that the Hoyt Street segment could be an inviting transitional space between the intended school and canal-side park.

Proven strategies to balance the needs of streets and parks could be integrated into the design of the proposed extension. Europe provides many examples of piazzas where automobiles were introduced onto Medieval streets. In the United States, a section of Pine Street in downtown Seattle, both connects and divides Westlake Center from Westlake Park. At Sunset Triangle Plaza in Los Angeles, colorful paving implemented through the city’s People Street program is used to demarcate space.

Borough President Adams understands that the Hoyt Street segment would need to convey vehicles, including deliveries to the Gowanus Green buildings and school. He believes these activities can be safely accommodated via a street design that favors pedestrians. Such a solution should be determined via a collaborative process involving DCP, DOT, and FDNY.

Therefore, the CPC and/or the City Council, should specify that the adopted City Map Change for the proposed Hoyt Street extension between Fifth Street and Hoyt Street's intended southern boundary with the future canal-side park require construction as a shared street, with restrictions on vehicular operations according to a design developed in consultation with DCP, DOT, and FDNY.

## **SPECIAL GOWANUS MIXED USE DISTRICT (SGMUD)**

### **Establishing a Transfer of Development Rights (TDR) Mechanism to Fund Capital Repairs at Gowanus Houses and Wyckoff Gardens**

The City must fully and transparently examine and permit the transfer of development (TDR) rights from Gowanus Houses and Wyckoff Gardens to private parcels in the Gowanus rezoning area, without exceeding densities proposed in the Draft Scope of Work. Strong and representative local oversight of the proceeds must include residents of both NYCHA communities.

The Gowanus Neighborhood Plan provides an opportunity to generate substantial resources for CD 6 NYCHA developments. There is a proposal, with supporting research and analysis, for a TDR program that would yield more than \$100 million to address capital needs at Gowanus Houses, Wyckoff Gardens, and Warren Street Houses. Borough President Adams believes that NYCHA residents must be full participants in any major investments. Therefore, it is vital that the City work with tenants to develop the Capital Needs Assessment and work timeline, and provide a mechanism for resident input and oversight, including, but not limited to, mandatory and regular reporting. Funding to improve local NYCHA developments must follow Housing and Urban Development Section 3 hiring policies, so that economic benefits, including construction jobs accrue to public housing residents and other low/very-low income stakeholders.

One creative approach to generating capital resources involves realizing excess floor area from the CD 6 NYCHA campuses. Wyckoff Houses contain 64,000 sq. ft. of unused development rights, and NYCHA has selected Two Trees and Arker Companies to build mixed-income housing on the parking lots (contingent on an upzoning of the sites). There remains an opportunity to transfer 58,000 sq. ft. from 572 Warren Street, and 222,850 sq. ft. from Gowanus Houses based on R6 Height Factor regulations or, potentially 269,500 sq. ft. if based on Quality Housing provisions, to raise capital funds for NYCHA campuses.

The SGMUD is a proposed special district and there is precedent for more liberal TDR actions in such districts. The transfer would require a specific new zoning text, and re-scoping the ULURP action to allow such a creative air rights transfer.

To establish an incentive for TDR from Gowanus Houses, the potential receiving parcels would need to gain some advantage of added height. Borough President Adams believes that such sites should not be granted tower heights without purchasing air rights from Gowanus Houses. Therefore, blocks along the Canal that are specifically mentioned in the zoning text, as tower height opportunities should be restricted to 14 stories or 145 feet, unless they provide such a public benefit. The TDR should also obligate participating developments to maximize the Gowanus Mix floor area and allow an increase of no less than 10 and no more than 20 percent of the zoning lot's permitted residential floor area. The resulting development should be capped at a height of 225 feet. Finally, the transaction should be recorded through a declaration between NYCHA and the property owner so that the New York City Department of Buildings (DOB) can verify the validity of the added floor area.

Borough President Adams believes that proceeds generated from the TDR should be allocated to both the Gowanus and Wyckoff Houses to advance capital priorities based on consultation with tenant representatives.

If the City does not provide full funding for Gowanus Houses and Wyckoff Gardens' needs, the CPC and/or the City Council should modify the proposed special bulk regulations for Subdistricts C, D1, D2 and D3, to limit tower height to 145 feet in lieu of the proposed 225 feet, and for Subdistrict D6,

in lieu of the proposed 305 feet. Where a declaration has been executed between NYCHA and the property owner for TDR, an increase of not less than 10 and not more 20 percent of the zoning lot's permitted residential floor area shall be allowed. Participating developers will also be obligated to maximize Gowanus Mix uses. In addition, the proceeds of TDR from Gowanus Houses should be allocated based on consultation with resident representatives for local oversight.

### **Ground-Floor Use Modifications Adjacent to Gowanus Houses and Wyckoff Gardens**

For various street corridors, the SGMUD specifies active ground floors with requirements for fenestration, to activate the street wall and enliven the pedestrian experience, though traditionally, Type 1 and 2 primary street frontage specifications promote storefronts. The Gowanus Houses and Wyckoff Gardens campuses have few entryways and buildings set back from the sidewalk, resulting in a deactivated streetscape. Development blocks that share frontages with Gowanus Houses and Wyckoff Gardens could be constructed with blank street walls or grilles enclosing street-level parking. Borough President Adams believes it is important to preclude such streetscapes adjacent to Gowanus Houses and Wyckoff Gardens, and require active ground-floor space, including fenestration. Therefore, the CPC and/or the City Council, should expand Type 2 primary street frontage ground floor requirements to the east side of Bond Street between Douglas and Warren streets, and the south side of Baltic Street, west of Third Avenue.

### **Achieving Appropriate Affordable Housing**

Borough President Adams acknowledges CB 6's concern that the district has lost a substantial amount of affordable housing, along with a related loss of ethnic, racial, and socio-economic diversity. He agrees that the rezoning provides an opportunity to reverse these trends and ensure that New Yorkers of all means and backgrounds can benefit from access to neighborhood amenities such as quality schools, transit options, and good jobs.

As noted previously in the discussion of Gowanus Green, ongoing gentrification and displacement in Gowanus and the adjacent Boerum Hill, Carroll Gardens, Park Slope, and Red Hook neighborhoods has led to the displacement of longtime low-income tenants. MIH Option 1, which sets aside 25 percent of the floor area for households earning an average of 60 percent AMI, with 10 percent of all units reserved for those at 40 percent AMI, would not meet the needs of very low-income, severely rent-burdened households in CD 6, including NYCHA residents. In addition to Borough President Adams' recommendation for Gowanus Green, the proposed rezoning should increase opportunities for families that are extremely rent-burdened, living in non-stabilized units, or stabilized units subject to demolition vacancy, and ensure that the resulting affordable housing provides a significant number of deeply affordable units for CD 6 NYCHA residents. It is important to qualify such households for as many affordable housing lotteries as possible, so that permanently- affordable units are attained by very low-income residents.

As previously noted, MIH Option 3, requires that 20 percent of the residential floor area be affordable to residents at an average of 40 percent AMI. This option maximizes the number of units at the deepest level of affordability. Targeting apartments at 30, 40, and 50 percent AMI would ensure that SGMUD developments provide new, quality housing opportunities for NYCHA tenants. Borough President Adams seeks assurances that the resulting developments would produce affordable housing pursuant to MIH Option 3 to guarantee access for very low-income residents and maximize the public purpose of this substantial City rezoning.

In certain corridors where it is appropriate to provide ground-floor non-residential use, commercial floor area allowances can diminish the required affordable housing benefit, by allowing developers discretion to utilize such floor area for more lucrative uses. Borough President Adams believes development on

Fourth Avenue resulting from the proposed rezoning should minimize commercial use in favor of affordable housing. This can be achieved by designating a standard R9A/C2-4 residential equivalent in lieu of the proposed C4-4D.

Therefore, Borough President Adams believes that the CPC and/or the City Council, should modify MIH regulations to not require pairing the deep affordability option with one of the other options, and only permit MIH Option 3. Furthermore, the areas proposed as C4-4D along Fourth Avenue should be mapped as R9A/C2-4 to maximize affordable housing development.

### **Ensuring Adequate School Capacity**

The northern section of Community School District 15 (CSD 15) has experienced overcrowding for many years. According to the DEIS, the rezoning would add an estimated 1,329 elementary, 288 intermediate, and 415 high school students. However, the City has only set aside one site—Public Place—for a new school, which would only provide approximately 500 seats. It is expected that zoning floor area incentives for school construction on private development sites would generate additional capacity. However, these unfunded mandates do not guarantee sufficient mitigation of adverse rezoning impacts to local schools.

The projected number of elementary school seats would negate recent steps taken to reconcile school capacity and demand capacity. The ZR outlines one approach to balancing projected residential development with availability of school seats on parts of Staten Island, where pending projects are required to file for a Certification of School Seat Availability with DCP. This can be mandated for specific sites via zoning text that links intended development to an Environmental (E) – Designation that requires certain blocks and lots to undergo a certification screening, and provide the New York City Department of Education (DOE) and/or the New York City School Construction Authority (SCA) the right of refusal, prior to obtaining a DOB building permit.

This would ensure consultation with the DOE chancellor as part of a strategy to maintain adequate school seat capacity by evaluating intended development on zoning lots greater than 20,000 sq. ft. To facilitate a responsive process for affected and interested developers, a determination of sufficient school seat capacity should also be deemed effective if DOE or the SCA have not responded affirmatively within 90 days to a written offering to secure not less than 30,000 sq. ft. of zoning exempt floor area.

Such precedent provides an appropriate mechanism for Gowanus development, which would essentially be a “New Town in Town.” Therefore, Borough President Adams believes that the CPC and/or the City Council should require school seat certification screening for sites over 20,000 sq. ft.

### **Maximizing New and Preserved Floor Area for the Arts, Artisan, and Industrial uses, as well as Innovation and Maker Jobs**

Borough President Adams acknowledges CB 6’s enduring commitment to preserving the unique mix of arts, cultural, and industrial uses in Gowanus. He is concerned that direct displacement of such businesses by the rezoning would exceed DEIS projections. Such concern derives partly from DCP’s screening process, which determined whether lots should be analyzed for development 15 years into the future.

Borough President Adams acknowledges that redeveloping a site with multiple commercial and residential tenants involves added logistics. This is also true for sites occupied by active businesses within significant buildings, and/or successful or unique neighborhood establishments. He believes that the DEIS underestimates potential for utilization of added zoning rights in the 15-year build period. Even significant obstacles to redevelopment would likely be resolved by the analysis year, which means that direct displacement of small businesses, including artist and artisans, would be greater than expected.

Where residential use will not be permitted, many sites built to less than half the permitted FAR appear to have forestalled as-of-right construction (except for hotels and self-storage), in expectation of additional

zoning rights. Though small lots are less likely to be redeveloped due to the associated costs and potential profits, the rezoning would nonetheless unlock significant development opportunities. Therefore, the DEIS definition of small lots as those under 20,000 sq. ft. is flawed and should be adjusted to ensure screening of lots 10,000 sq. ft. and smaller, to ensure proper screening of potential development sites.

The City has proposed a special density bonus in the rezoning area for developers who set aside commercial space for the "Gowanus Mix." CB 6 expressed concern that an optional incentive program would not produce dedicated arts, cultural, and industrial space, or uses the rezoning seeks to promote and preserve. The MIH program recognizes that incentives alone will not deliver the affordable housing New York City desperately needs. CB 6 believes that DCP has failed to show how incentives will ensure the Gowanus Mix, and that the program should instead be mandatory.

The selective list of "Gowanus Mix Uses" identified in Section 139-12 of the SGMUD includes both creative and community-related activities. However, Use Group (UG) 4A ambulatory medical facilities, houses of worship, and non-profit institutions would be able to pay higher rents than arts, artisan, or maker uses, without providing the same density of jobs. It would also be beneficial to implement an 0.3 FAR incentive for Gowanus Mix UGs limited exclusively to arts, production, and repair.

Borough President Adams believes that the proposed zoning text relies on overly optimistic estimates of direct displacement and incentive utilization. As such, it does not do enough to ensure continued growth of Gowanus businesses. The SGMUD needs to include mechanisms to protect existing businesses and actively foster the Gowanus Mix. The Gowanus Mix should be mandatory, with weighted provision of specific uses in the district. Additionally, a percentage of commercial spaces for artists and light manufacturers should be permanently affordable.

Borough President Adams shares CB 6's belief that a firm commitment to support and retain arts and culture in Gowanus integral to every past community plan is not evident in this rezoning. Nothing in the plan ensures that it will facilitate a vibrant Gowanus Mix of creative uses. CB 6 seeks protections for existing artist studios, and mandatory provision of new subsidized spaces, not unlike requirements for schools and infrastructure. Borough President Adams believes that modifying multiple aspects of the proposed text would help achieve industrial retention within the SGMUD. He recommends restrictions on increased FAR and height to realize maker uses in non-residential districts. Moreover, a percentage of Gowanus Mix spaces should be dedicated to current and future community arts and cultural uses.

The basic floor area regulations for the proposed M1-4 district in Subareas B1 and B2 provide little certainty that Gowanus Mix uses would be realized. In fact, the entire increase from 2 to 3 FAR in B2 and 2 to 4 FAR in B1 could be achieved without provision of such uses. Additionally, developers in both subareas could realize the permitted 4.8 FAR for community facilities by providing the maximum commercial floor area (though this would produce bulkier buildings in B2).

Borough President Adams believes that commercial floor area increases above 2 FAR in Subareas B1 and B2 should yield one sq. ft. of maker and/or manufacturing use per three sq. ft. of unrestricted commercial use. Furthermore, developments seeking 4.8 FAR through inclusion of community facilities, should be required to incorporate a minimum 0.4 FAR of Gowanus Mix uses B1, and 0.8 FAR of such uses in B2.

For lots 20,000 sq. ft. or greater in Mixed Manufacturing and Residential districts, a proposed zoning incentive would permit a 30-foot increase in height for inclusion of manufacturing uses. However, such incentive could be achieved with a nominal amount of industrial floor area. Borough President Adams believes that such height bonus should be premised on a specific threshold of both Gowanus Mix uses and overall non-residential use. To maximize potential public benefit, the proposed text should be modified to require not less than 0.8 FAR for non-residential use, with 0.4 FAR restricted to Gowanus mix uses.

Many maker uses that are not considered manufacturing uses are already found in Gowanus and should be encouraged in new developments. Borough President Adams believes that for the SGMUD, manufacturing space should reflect any combination of agricultural, heavy service, or manufacturing establishments, as well as studios for art, dance, motion picture production, music, photography, radio/television, or theatrical, semi-industrial facilities, and trade schools for adults. It should also include service use categories from UG 9A, such as blueprinting or photostating establishments, dental or medical laboratories, musical instrument repair shops, studios, and trade schools for adults, which he deems consistent with maker uses. Studios are also included in Use Group 10A.

Borough President Adams believes modifications are required to achieve the maximum amount of Gowanus Mix floor area. For primarily residential sites with discretionary opportunities to include street activation space, at least half the commercial floor area in new developments should be reserved for Gowanus Mix uses.

Even with various text changes to enhance the initially proposed Gowanus Mix uses, it is still necessary to ensure that such designated floor area provides an ongoing public purpose. Borough President Adams believes that this can be achieved by requiring public disclosure and transparency in leasing agreements of Gowanus Mix spaces.

Borough President Adams seeks a mechanism, based on established standards, to ensure adequate public benefit in the form of dedicated floor area for Gowanus Mix and manufacturing uses. ZR Section 74-967 provides a template for required compliance and recordation, including periodic notification by the owner, and annual reporting by a qualified third party. The property owner must file a Notice of Restrictions to receive a DOB building permit, and per Section 74-967(a), "no temporary certificate of occupancy for any portion of the building to be occupied by incentive uses shall be issued until a temporary certificate of occupancy for the core and shell is issued for all portions of the building required to be occupied by required industrial uses."

According to Section 74-967(b), each new lease executed for any part of the Required Industrial Use (RIU) area requires public notification, via electronic resource, of certain information about each new tenant and use, including the total RIU in the development, a digital copy of all approved Special Permit drawings pursuant to ZR Section 74-962 (a)(1) through (a)(4), and the names of all tenants occupying RIU floor area. Additionally, for each establishment, public notification must specify the amount of RIU floor area, the UG and subgroup, and the ZR-listed use.

The property owner is also required to retain a qualified third party, approved by the New York City Department of Small Business Services (SBS), to produce an annual report and conduct an inspection to ensure that RIU area complies with ZR Section 74-96. The report must provide a description of each establishment, including the North American Industry Classification System (NAICS) code, number of employees, the total amount of vacant RIU floor area, as applicable, the average annual rent for the combined total portions of the building reserved for RIU occupancy, and the number of new leases executed during the calendar year, categorized by duration, in five-year increments. This report must be submitted to DCP, the Brooklyn borough president, the local City Councilmember, and the community board. Finally, the report must be prepared by an organization under contract with the City to provide inspection services, an SBS-certified firm that provides such inspection services, or an entity deemed qualified to produce such a report by the SBS Commissioner, provided that any qualified third party selected by the owner to prepare such a report shall have a professional engineer or a registered architect licensed under New York State laws to certify the report.

Borough President Adams believes that the SGMUD should incorporate Section 74-967 standards to ensure the desired ratio of uses and floor area compliance. The regulations would require recordation to achieve disclosure and transparency in leasing agreements, and ongoing use compliance monitoring



to ensure that floor area set aside for Gowanus Mix and/or manufacturing uses is appropriately occupied. Such a zoning text should be drafted prior to adoption of the proposed rezoning. Additionally, one of the area's industrial non-profits, such as BWI or SBIDC, should be considered as an administering agent for SGMUD developments with Gowanus Mix and/or manufacturing use floor area. Borough President Adams believes that any floor area sublet and/or managed by a nonprofit entity should comply with periodic notification and annual reporting requirements.

In addition to rules that promote "Gowanus Mix" uses, there are two properties where the proposed zoning might diminish and/or reduce the existence of such uses. In the proposed WAP, Parcel 14a is depicted with a 50-foot-wide view corridor, which has been proposed for waterfront blocks over 400 feet. As the parcel is irregularly shaped, the site presents physical challenges for building construction. After the June 30, 2021 public hearing, Borough President Adams received testimony building plans approved by DOB for a development that included limited UG 6B office space and no filed retail use. The remainder of the building would be utilized substantially by maker and warehouse uses. Such representation of exceeding Gowanus Mix floor area is generally consistent with Borough President Adams' requested modifications.

Compliance with the proposed view corridor would necessitate a costly building redesign that would yield a higher ratio of vertical circulation space to rentable floor area. To offset such expense and achieve a financially viable development, the property owner would seek to attract a much higher percentage of office tenants, thereby reducing the beneficial manufacturing floor area.

Borough President Adams believes that development containing less than 20 percent of UG 6B office space, and lacking retail and/or eating and drinking establishments, should be permitted to have a substantially reduced view corridor, and should not be required to provide an Upland Connection to the Canal. However, should such office use subsequently exceed 20 percent of the zoning floor area, the property owner should be mandated to transform the view corridor open space and the entire waterfront yard into a supplemental waterfront access area. Without the ability to provide a fully compliant visual corridor, a development should be precluded from converting floor area to retail and/or eating and drinking establishments. Development that cannot accommodate a full-width Visual Corridor should be required to have monitoring according to ZR Section 74-967.

Another example where the proposed rezoning might reduce the potential for growth and preservation of maker jobs is the Old American Can Factory, a landmarked six-building, 130,000 sq. ft. industrial complex with a curated mix of 300 creative tenants, including artists/artisans, designers, filmmakers, publishers, and nonprofits. The Can Factory is owned by LMS Realty Associates LLC, with XO Projects Inc. as the developer and operator. It has been an innovative paragon of Gowanus Mix uses for over three decades.

The Can Factory team has prepared architectural plans and engineering and financial studies to grow the complex into a 24/7 community with a 200,000 sq. ft. addition. The expanded complex would house additional arts/cultural/office space, with live-work spaces for artists/artisans and manufacturers. These units would provide affordable housing pursuant to MIH, with a substantial percentage reserved for senior practitioners.

The proposed M1-4/R7X designation caps building heights at 145 feet, significantly lower than the sky exposure plane that currently governs the Can Factory site, according to the underlying C8-2 district. Can Factory representatives believe that the 145-foot height works well for new construction on vacant lots, but not for limited building envelopes on sites with landmarked structures. It has been represented that the limited height would allow the Can Factory to build out less than 65 percent of its proposed FAR, which would make the project economically unviable, given the owner's intent to retain below-market

art spaces, meet inclusionary housing requirements, and provide new Gowanus Mix uses. Such limitations also elevate displacement risk for Can Factory tenants by incentivizing higher-value occupancy. The 65 percent floor area utilization includes higher floor-to-floor dimensions than residential buildings to accommodate working artists/artisans and manufacturers, which would increase the overall height of the building. The high cost of construction includes driving piles into Denton's Mill Pond, as well as compliance with LPC regulations. Finally, the unique tenant mix requires cross-subsidizing affordable artist/artisan studios, living space, and manufacturing with a percentage of market-rate rents.

DCP's proposed zoning text includes a CPC authorization to exceed height limit in the district. However, the authorization process is costly and time consuming, with no guarantee of a favorable outcome. Moreover, the adoption of the Gowanus Neighborhood Plan would necessarily occur before a hearing and decision on the Can Factory's application. Therefore, the Can Factory needs to realize its proposed FAR with a height substantially above what is proposed by DCP, essentially an as-of-right development. Otherwise, it would not be able to continue as a thriving art, cultural, and industrial community.

Borough President Adams notes that DCP's proposal for the Can Factory zoning lot merely incentivizes development without any protections for existing tenants. Permitted development would allow significantly less space for Gowanus Mix uses than exists today. The sole public benefit would be future affordable housing development pursuant to MIH. Such an outcome would have long-lasting negative impact on the arts and culture ecosystem in Gowanus. Borough President Adams urges modification of the proposed zoning to permit the Can Factory's expansion and to maintain its unique tenant mix. The new mixed-use development would accommodate residential use under a set of prescribed conditions, with a legal mechanism to ensure preservation of current uses.

The Can Factory representatives have recommended that in lieu of CPC authorization, that DOB approval merely require that the CPC chair certify compliance with zoning regulations. Such chair certifications are used to demonstrate zoning compliance for regular actions such as waterfront public access requirements. The Can Factory would like to maintain existing sky exposure regulations on their zoning lot, so that building height would be determined by suitable minimum floor plates. Borough President Adams believes that combining the C8-2 exposure plane with a maximum height of 285 feet would reasonably accommodate the DCP proposed bulk. Certain conditions would have to be met and certified by the CPC chair, including no less than 75 percent occupancy of the landmarked building by Gowanus Mix or related uses, and recorded commitment with ongoing monitoring, to ensure retention of such a tenant mix.

Therefore, Borough President Adams believes that the CPC and/or the City Council, should modify the proposed zoning text to eliminate UG 4A and limit exclusively commercial use in M1-4 districts to 2 FAR (otherwise, additional FAR should be at a ratio of one sq. ft. of manufacturing use for every three sq. ft. of commercial use). To realize the maximum 4.8 FAR in Subarea B1, minimum provided floor area for select community facility uses should be 0.4 FAR in B1 and 0.8 FAR in B2. To qualify for the additional 30-foot height bonus for provision of non-residential floor area in mixed-use developments, no less than 0.8 FAR must be set aside for commercial use, with 0.4 FAR restricted to Gowanus Mix tenants. Additionally, manufacturing should be redefined to include a broad range of maker uses beyond UGs 17 and 18 in the ZR. At least half the optional preferential non-residential floor area in new developments should be reserved for Gowanus Mix uses. To achieve ongoing monitoring, the SGMUD should incorporate ZR Section 74-967 provisions requiring recordation to achieve public disclosure and transparency in leasing agreements and ensure an optimal percentage of Gowanus Mix uses through ongoing monitoring of use floor area compliance.

Parcel 14 should be permitted to reduce the required visual corridor and waive the Supplemental Waterfront Access Requirement for development containing no retail and/or eating and drinking establishments and less than 20 percent UG 6B office floor area, subject to ongoing compliance,

recordation, and reporting requirements. The Can Factory should be able to exceed 145 feet through a CPC Chair Certification based on retention of Gowanus Mix uses with ongoing compliance, recordation, and reporting.

### **Advancing Stormwater Management**

As part of his resiliency and sustainability agenda, Borough President Adams encourages developers to introduce stormwater management best practices, such as permeable pavers and/or rain gardens that advance DEP's green infrastructure strategy. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. Where it is not advisable to remove existing street trees, there would be an opportunity to integrate stormwater retention measures into existing tree pits, with additional plantings, which would increase infiltration and make the site more pleasant for its users. In addition, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the Owls Head and Red Hook Wastewater Treatment plants.

The proposed rezoning provides an opportunity to achieve DEP rain gardens throughout the area, as new developments would be required to improve their sidewalks, as part of a Builders Pavement Plan (BPP). It should be noted that a rain garden would require a maintenance commitment and attention from the landlord. Maintenance includes removing debris and litter that can clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to ensure proper water absorption.

Borough President Adams believes that developers should be required to consult DEP, DOT, and NYC Parks regarding the integration of rain gardens with street trees as part of a BPP. Furthermore, while curbside stormwater management is not listed as a District Element in the SGMUD, it would be beneficial to condition issuance of DOB building permits on the provision of DEP rain gardens.

Therefore, the CPC and/or the City Council should incorporate curbside stormwater management as part of the proposed District Element Plans and require the installation of a DEP rain garden, or where existing trees are to remain, an enhanced tree pit, in consultation with DOT and NYC Parks.

### **Advancing Transportation Modes and Transit Access**

#### **Advancing Vision Zero Policies**

Borough President Adams supports Vision Zero policies, including practices that extend sidewalks into the roadway to shorten the path where pedestrians cross in front of traffic lanes. These sidewalk extensions, also known as bulbouts or neckdowns, make drivers more aware of pedestrians and encourage them to slow down at crossings.

In 2015, Borough President Adams launched Connecting Residents on Safer Streets (CROSS) Brooklyn, an initiative that supports installing curb extensions at dangerous intersections. In its first year, the program allocated \$1 million to facilitate improvements at five locations across the borough. With more curb extensions, seniors will benefit because more of their commutes will be spent on sidewalks, especially near unsafe intersections. At the same time, all users of the roadways will benefit from safer streets.

Per his CROSS Brooklyn initiative, Borough President Adams believes there are opportunities to implement curb extensions at potential corner development sites throughout the rezoning area. Such measures are justified by the projected population increase, the intensification of mixed-use activity in Gowanus, planned new public parks and waterfront esplanades, as well as the anticipated public school. They would also promote pedestrian safety around the existing St. Mary's and Thomas Greene playgrounds, JJ Byrne

Playground/Washington Park, the nearby Brooklyn High School of the Performing Arts, MS 51 The William Alexander School, Public School (PS) 32 The Samuel Mills Sprole School, PS 118 The Maurice Sendak School, PS 133 The William A. Butler School, PS 372 The Children's School, the Hannah Senesh Community Day School, and the Brooklyn Public Library Pacific Branch. Finally, curb extensions would

facilitate safer crossings to and from the Atlantic Avenue - Barclays Center, Fourth Avenue - Ninth Street, and Union Street subway stations that will see increased utilization as a result of the rezoning. Borough President Adams believes that sidewalk bulbouts should be incorporated into the required Builder's Pavement Plan for corner developments.

#### Promoting Alternatives to Car Ownership

Borough President Adams supports the establishment of Transit Zones in the ZR to enable affordable housing development without requirements to provide parking for affordable housing floor area. He also supports efforts to reduce parking obligations, though such waivers should be part of a well-considered plan that provides alternatives to car ownership, such as bicycle and car-share services.

Given the proposed 50 percent and greater reduction in standard parking requirements, developments in the rezoning area should facilitate use of other transportation modes. To promote bicycling, property owners should install bulb-outs and widen sidewalks extending from one or both corners to accommodate bike racks or docking stations. Developments on lots of at least 9,500 sq. ft. should be required to make such improvements.

Borough President Adams believes that a significant reduction in off-street parking should be premised on a corresponding increase in bicycle parking requirements (one bicycle for every two apartments, per the ZR). To reduce parking to 20 percent of the market-rate apartments, developers should provide double the required number of bicycle spaces. Furthermore, for buildings with garages, at least 10 percent of car parking spaces should have access to electric charging stations.

Parking capacity can also be addressed by accommodating urban car-share services. A rental car can provide mobility in certain cases, though it is not as flexible as car ownership and can be expensive for longer trips. Car rental requires, at minimum, a full day reservation, as well as time and effort to access such facilities. However, there are times when affordable access to automobiles can provide a quality-of-life enhancement, even for wealthier households. Furthermore, research suggests that car-share achieves environmental benefits by reducing automobile use among car owners. Borough President Adams believes that providing car-share access in Gowanus developments would benefit building occupants, and other CD 6 residents, including Gowanus Houses, Warren Street Houses, and Wyckoff Gardens.

According to ZR Section 36-46(a)(1), a car-sharing entity is permitted to occupy up to five parking spaces, though no more than 20 percent of all spaces in group parking facilities. The incorporation of car-share vehicles within the building's garage would require the developer to provide visible signage, per ZR Section 36-523, and to state the total number of parking spaces, as well as the maximum number of car-sharing vehicles. Borough President Adams believes the proposed 20 percent required parking exception in the SGMUD should be conditioned on the provision of car-share services.

Additionally, sidewalk bulb-outs extending in at least one direction should be fitted with bike racks as part of a BBP. In all, on-site bicycle parking should be doubled, car share access should be readily accommodated, and a percentage of parking spaces should have electric charging stations.

#### Adequate Parking

While reducing parking to 20 percent of the standard 40 or 50 percent requirement would enable more resilient construction in a high-water table zone, the proposed waiver might overly reduce the number of development sites with accessory parking. Medium to high-density projects are typically permitted to

waive parking requirements of up to 15 spaces. For the SGMUD, the proposed waiver threshold of 20 spaces would allow developments with up to 109 market-rate units (137 according to MIH Option 1 and 131 based on MIH Option 3) to forgo parking for resident and car-share vehicles, with no additional requirement for bicycles. If the standard waiver is retained, only 82 market-rate units could be realized without providing parking. As on-street parking is already a challenge in Boerum Hill, Carroll Gardens, and

Park Slope, parking policy modifications should seek to minimize unforeseen consequences. Therefore, Borough President Adams believes that the standard 40 or 50 percent parking requirements are sufficient to achieve an overall parking target of 20 percent of all new developments.

#### Adequate Transit Access

The proposed zoning text provides an opportunity to improve the accessibility of Bay Ridge and Manhattan-bound platforms at Union Street station. Borough President Adams believes that M1-2 zoned parcels on Fourth Avenue would benefit disproportionately from the proposed C4-4D R9A district, and that such development rights are not justified by simply through the provision of affordable housing. As an additional public benefit, former M1-2 zoned properties seeking to exceed R8A MIH should be required to facilitate MTA subway access improvements that promote ADA compliance.

Borough President Adams envisions that unused development rights from a portion of the DEP Water Tunnel #3 site, at the southeast corner of Fourth Avenue and Sackett Street, could be transferred to M1-2 zoned blockfronts on Fourth Avenue. Proceeds from such sales would (or could) establish dedicated funding for accessibility improvements at the Union Street northbound platform. This should be effectuated through the SGMUD certification process for additional eligible properties between Douglass and First streets. Former M1-2 parcels that do not participate in certification review for R9A residential equivalent zoning should be restricted to an R8A residential equivalent district.

Borough President Adams believes that prior to considering the application, the CPC and/or the City Council should incorporate pedestrian crossing enhancements, bicycle parking, and street furniture into the proposed District Element Plans. Such improvements should be mandated for all corner lot developments of at least 9,500 sq. ft. The reduction of the residential parking requirement to 20 percent of market-rate units should be based on provision of one enclosed bicycle space per dwelling unit, electrical charging adapters for no less than 10 percent of vehicles, and at least one dedicated car share spot for every 20 required spaces. The standard parking waiver should remain unchanged. Finally, former M1-2 properties within 100 feet of Fourth Avenue should be certified by CPC as contributing subway access improvements to exceed R8A equivalent zoning up to the R9A equivalent, based on purchase of air rights from DEP Water Tunnel #3, with proceeds earmarked for improvements at Union Street station.

#### Ensuring Appropriate Bulk

Borough President Adams has heard concerns that new buildings stemming from the rezoning would excessively shade the Douglass and DeGraw (Double D) Pool at Thomas Greene Playground. According to the DEIS, neighboring development would cast shadows on the existing pool in May and August. The analysis found that "in the late afternoon of May 6/August 6...the pools would be mostly or entirely in incremental shadow from approximately 3:45 PM to 6:00 PM when it closes (i.e. 7:00 PM EDT). This extent and duration of new shadow would come at a time of day when temperatures and use of the pool are at their highest and have the potential to affect both the pool's operation and the user experience." Proposed mitigation for shadow impacts includes modifications to the height of new buildings.

The requested M1-4/R7X zoning permits a maximum height of 145 feet. The Double D Pool and Thomas Greene Playground are an important resource for residents of Gowanus Houses, Warren Street Houses, and Wyckoff Gardens. The public benefit of more MIH floor area, and space for Gowanus Mix uses does not justify adverse shading impacts on the playground and pool. Borough President Adams believes it is appropriate to minimize potential shadows from new development adjacent to Thomas Greene

Playground, enabled by the proposed rezoning. Therefore, the permitted 145-foot height should be reduced to 95 feet from 100 feet west of Third Avenue to along the south side of DeGraw Street, and east side of Nevins Street to Sackett Street, by changing the paired residential district to R7A.

Borough President Adams is also concerned about massing on street corridors that comprise the open space networks of bridge crossings over the Canal. From the proposed SGMUD, it appears that tower bulk placement is guided by solar considerations, which results in excessive massing on the south side of Carroll and Union streets, en route to those bridges. While DCP has expressly pushed tower height away from the Canal, it must do the same for pedestrian crossings, which are part of the public realm. Borough President Adams believes that maximizing light and air proximity to the Carroll and Union street bridges should be a priority in considerations of how to balance building density.

Finally, the 305-foot height proposed for parcel D6 does not appear to be contextually appropriate, given the low-rise nature of the Carroll Gardens development immediately west of the elevated F and G trains. Though the trestle exceeds the height of the adjacent residential community, it would not come close to shielding such a tall tower. Borough President Adams believes that the full density could be accommodated in a bulkier building of up to 245 feet.

Therefore, the CPC and/or the City Council should change the proposed M1-4/R7X district along the south side of DeGraw Street between Third Avenue and Nevins Street, and the east side of Nevins Street between DeGraw and Sackett streets to M1-4/R7A. Tower placement consideration should maximize light and air along streets that accommodate Gowanus Canal crossings. Finally, tower height on the D6 parcel should be restricted from 305 to 245 feet.

### **Enhancing Waterfront Public Access, Including In-Water Opportunities and Additional Pedestrian Canal Crossings**

Borough President Adams has heard from stakeholders seeking additional crossings over the Gowanus Canal and in-water access opportunities beyond those proposed in the Waterfront Access Plan (WAP). Pedestrian bridge crossings have been proposed at the First Street Turning Basin, at DeGraw Street, and from the planned waterfront park at Public Place site to the future CSO control facility on the Salt lot. Multiple boat ramps have been advocated between bridge crossings to supplement the one that exists between the Carroll and Third street bridges.

Borough President Adams believes that both additional pedestrian crossings and in-water access points can be addressed as area specific modifications in the WAP, through the introduction of subsections on guardrails and boat ramps. Though the plan makes some reference to guardrails, greater specificity would facilitate pre-planning for guardrail section removal to accommodate an eventual pedestrian bridge. Multiple properties between the Carroll and Union street bridges could opt to install a boat ramp. However, the last development site should be obligated to install non-motorized boating access for canoes and kayaks. While DCP proposes incentivizing public restrooms in proximity to the public waterfront esplanades, it did not offer a means to offset boat ramp installation costs. Borough President Adams believes that boat ramps should be designated as qualifying elements for zoning floor area exemptions. Guardrail consideration to accommodate subsequent pedestrian bridges should be required for Parcels 1, 2, 8, and 9, where guardrail improvement would be made to a street end or along the First Street Turning Basin in proximity to the Canal.

Therefore, the CPC and/or the City Council, should include street treatment sections for guardrails and boat ramps in the WAP. The WAP should require boat ramp installation for the last development site between the Carroll and Union street bridges and provide a zoning floor area exemption to offset the cost. Guardrail accommodation to facilitate future pedestrian bridges should be prescribed for parcels that would be required to provide guardrails along specific street ends or distance from the Canal along the First Street Turning Basin.

## **ADDITIONAL CONSIDERATIONS**

### **Accommodating Rent-Burdened Households in Lieu of Strict AMI Standards**

Data shows that more than 80 percent of New York City households earning 50 percent of AMI or less are rent-burdened. The crisis is even worse among those making 30 percent of AMI or less, currently \$32,220 for a family of three. Over 50 percent of this population pays more than half of their income toward rent. Finally, nearly one third of New York City households earn less than \$35,000 per year, and

more than one-fifth— more than two million people — earn less than \$25,000 annually. As the City's housing crisis worsens, the burden falls most heavily on these low-income households, exacerbating racial disparities. According to the CHPC, one in four households of color is severely rent-burdened, which is 11 percent more than Caucasian households.

A strict rent-to-income requirement of no more than 30 percent prevents many rent-burdened households, which are often paying the same or greater rent for an apartment, from applying for new affordable housing. As noted in his East New York Community Plan ULURP recommendation, Borough President Adams believes it's time to stop excluding families paying too much for substandard accommodations from affordable housing lotteries. He seeks to qualify rent-burdened households for the lottery process, which would maximize their opportunities to secure affordable housing and expand the number of households eligible for affordable housing lotteries.

One way to address this disparity is by amending the ZR AMI qualifications to include households that would maintain or reduce their rent burden. For MIH lotteries, DCP needs to modify the ZR to allow exceptions to the 30 percent of income limit so that rent-burdened households paying equal or greater rent than that of the lottery unit would be eligible to live in new, and quality affordable housing. Borough President Adams believes that the CPC and/or the City Council should call for modification of the ZR MIH section pertaining to special bulk regulations, to allow rent-burdened households to qualify for MIH affordable housing units.

### **Advancing a Zoning Study of the Gowanus Portion of Southwest Brooklyn IBZ to Achieve Flood-Resiliency and Overall Density/Development as Appropriate Together with Related Improvements**

The Gowanus portion of the Southwest Brooklyn Industrial Business Zone (Southwest Brooklyn IBZ) is home to a wide array of commercial and manufacturing operations. It is a vital employment hub with approximately 295 businesses and 3,789 jobs that serve the surrounding neighborhoods, Brooklyn, and New York City. In recent years, the IBZ has experienced an influx of activity, with many single- and multi-story warehouses repurposed as small-scale "artisan" or "maker" studios, offices, and entertainment-based uses.

Despite the IBZ's resurgence, the underlying M zoning has constrained business growth and creation of new workspace mostly due to outdated parking and loading requirements and limited FAR for development, which do not support modern business needs or commuting patterns. Moreover, while this area provides many advantages such as synergistic industry clusters, a supply of warehouse space, and proximity to highways, it is also uniquely vulnerable to flooding and sea level rise.

There is growing demand for both commercial and industrial activity, but limited space in existing buildings to accommodate growth. Increasing the permitted density and removing zoning restrictions could help businesses meet future demand. In 2018, DCP published a report on the City's manufacturing districts with strategies for updating M zoning to support creation of modern workspace for various businesses, including industrial/manufacturing uses, and in areas near transit, growing technology, advertising, media, and information (TAMI) office uses. DCP's recommendations included increasing buildable FAR, reducing parking requirements, transit, and updating loading regulations.

Another DCP study found that industrial mixed-use buildings can be developed with certain compatible tenant mixes, on suitable sites, under favorable market conditions. As noted in DCP's "The Geography of Jobs" report, persons without bachelor's degrees represent half of all workers in New York City. It is therefore important to bolster opportunities for new commercial and industrial development in manufacturing districts.

A neighborhood analysis in the prior decade led to DCP's 2018 "Gowanus: A Framework for a Sustainable, Inclusive, Mixed-Use Neighborhood" report. Recommendations for the Gowanus section of the Southwest Brooklyn IBZ focused on strengthening the commercial and industrial hub by incentivizing job-producing, non-residential development. In May 2021, DCP issued its Gowanus IBZ Vision Plan, as a culmination of these prior efforts.

The Vision Plan outlines a land use framework based on five overarching goals: increase flexibility for existing industrial businesses to grow and support continued operations around major truck-intensive facilities; promote industrial, arts, and other sectors that contribute to the local economy, build on the area's competitive assets, and provide quality jobs for local residents; foster greater job density in targeted areas closer to transit and to residential neighborhoods; strengthen connectivity on large waterfront sites to promote improved circulation and pedestrian access, and recognize existing conditions in areas with concentrations of residential use.

The framework is intended to inform future private ULURP applications in the absence of a City-sponsored area-wide rezoning. While such proposals would be subject to public review, DCP sought to provide a tool for applicants, local stakeholders, and the public to evaluate discretionary land use actions for appropriateness and alignment with the framework and neighborhood goals.

Strategies for modifying development seek to reduce or eliminate parking requirements for non-residential uses, allow greater flexibility for loading facilities to better reflect modern needs, allow additional floor area to enable new or enlarged buildings with ceiling heights on multiple stories that accommodate a range of commercial and industrial businesses, similar to traditional loft buildings. It should be noted that while City agencies lease or own multiple buildings in Gowanus, the Vision Plan's recommendations for industrial-intensive areas did not suggest strategies for these properties.

Borough President Adams believes that any updates to the ZR designed to grow and support commercial and industrial uses in the Gowanus IBZ must include allowances and requirements for flood-resistant construction in M-zoned areas. Borough President Adams also believes it is important to examine this heavily industrial area to ensure that zoning for greater commercial and industrial density also results in flood-proof development. He has previously called on DCP to conduct a restudy of the Gowanus portion of the IBZ to promote flood-resilience strategies consistent with development in such zones.

In its resolution, CB 6 seeks to discourage stand-alone office space by limiting accessory office use to 20 percent of the total floor area. It also recommends careful management of competing uses that can impede industrial operations, such as gyms and large entertainment uses. Prior to its ULURP hearing, the board hoped to secure IBZ investments including workforce development funds, critical infrastructure improvements, and land use changes. Despite progress made by DCP in its IBZ visioning process, the report does not include specific commitments from current or future administrations.

CB 6 and the joint community platform concur with the Vision Plan's call to promote greater job density as well as industrial, arts, and office-based businesses. A key consideration is how additional floor area within new developments would be earmarked for light industrial and manufacturing tenants and offered at affordable rents to ensure such space for local artists, artisans, and manufacturers who might otherwise be priced out of Gowanus.



Borough President Adams believes it is important to promote continued growth in the Gowanus IBZ. He is concerned that direct displacement from the SGMUD will exceed DEIS projections based on DCP's screening of potential development sites. If the agency's estimates are incorrect, the IBZ could serve as a potential relocation resource for displaced businesses.

As zoning changes alone cannot ensure that Gowanus will remain a home for industrial uses, the collective vision seeks designated loading zones on each block of the IBZ, established by DOT, with flexibility for businesses to share dedicated spots. It also seeks a City commitment for DOT mobility study of Third Avenue between Ninth Street and Hamilton Avenue/16<sup>th</sup> Street near the entrance to the Gowanus Expressway, including consideration of turning lanes. The community has also advocated capital improvements to degraded streets, stormwater system upgrades, and deployment of high-speed broadband across the IBZ.

Several years ago, the City allocated millions of dollars to bring affordable high-speed internet to businesses in the East New York IBZ, as part of the East New York Rezoning. Borough President Adams concurs with CB 6 that the City should invest \$5 million to build out an open access conduit system with connection points throughout the Vision Study area. With multiple fiber providers, advocates believe that this system would create a marketplace for open-access high-speed internet, which would make the area more competitive to support small businesses and thereby incentivize businesses to move there.

Given concerns about potential displacement and opportunities to increase development in M- zoned areas, Borough President Adams believes that DCP should initiate a zoning study of the Gowanus IBZ, which builds on the Vision Plan framework, in consultation with CB 6, local elected officials, the Gowanus Alliance, and SBIDC. The study should develop zoning map and text amendments to promote industrial, arts/artisan and targeted commercial businesses, while restricting accessory office to 20 percent of total such floor area, to limit proliferation of stand-alone office space. Like CPC special permits that regulate large retail stores, such tools would be used to manage competing uses and deter commercial gentrification in the IBZ.

The City should outline additional commitments such as workforce development funding for SBIDC and FAC Neighborhood Employment Services, and critical infrastructure improvements to stormwater drainage and degraded streets in the IBZ. The City should also invest necessary resources to bring open-access high-speed broadband to the neighborhood.

For its part, DOT should ensure dedicated loading zones on each block in the IBZ, that could be shared by businesses, and examine mobility along Third Avenue between Ninth Street and Hamilton Avenue/16<sup>th</sup> Street near the entrance to the Gowanus Expressway.

### **Investing in Know Your Rights Training**

Residents of Gowanus Houses, Warren Street Houses, and Wyckoff Gardens should receive Know-Your-Rights, Affirmatively Furthering Fair Housing, and civil rights compliance trainings that address their rights at NYCHA, including succession and permanent exclusion. These trainings should cover topics such as building codes, modernization and repair, and lead and mold remediation. To maximize efficacy, they should be made accessible to all tenants and offered in multiple languages.

Additionally, residents should be properly informed about current issues such as the NYCHA 2.0 Blueprint, the Sustainability Agenda, and the Rental Assistance Demonstration (RAD) program. Borough President Adams agrees that resident trainings should be funded by the City and conducted in partnership with resident leaders, local community groups, and Tenant Associations. Such resident education programs should provide tools to hold NYCHA accountable, based on the terms of the City's agreement with HUD.

### **Timely Renovation and Reopening of the Gowanus Community Center with Support for Resident-Led Programming**

In January 2019, the City committed \$4 million to fulfill the 2017 mayoral pledge to renovate and reopen the Gowanus Community Center. The City has yet to provide clarity or outline a timely, community-led process for its design, organization, and programming. According to the GCNJ, the resident advisory group has been conducting interim programming and planning for the center through community visioning

sessions. GCNJ believes that a resident-led process would achieve the long term goals of building social cohesion, intergenerational connection, cultural capacity, artistic expression, resident leadership, entrepreneurship, and holistic wellness, so that residents can thrive in community, health, economy, education, and well-being.

The Gowanus Community Center has served as a hub for arts and cultural expression, community connection, personal development, economic capacity, and service delivery. Despite two decades of closure due to lack of NYCHA funding, it continues to provide essential resources, including relief, and recovery in critical moments, such as Superstorm Sandy and the COVID-19 pandemic. Residents have petitioned the City to permanently reopen the center and support its vital activities.

GCNJ calls for all funding spent to improve NYCHA developments to adhere to HUD Section 3 to ensure that low-income residents of Gowanus Houses, Warren Street Houses, and Wyckoff Gardens are hired to complete the work. Borough President Adams concurs that the City should establish target dates for the renovation and reopening of the Gowanus Community Center and commit annual line-item funding to support resident-led programming.

### **Addressing the Local Skills Gap with Targeted Multi-Year Workforce Investment**

There is broad agreement that the City's housing strategy must also incorporate investments in workforce development and adult education. According to GCNJ, the local Stronger Together collaboration between SBIDC, FAC, and BWI has provided career education, support, and training to one in three working-age CD 6 NYCHA residents. GCNJ attests that unemployment among local public housing residents is at 35 percent while the City's overall rate has plummeted to four percent. CD 6 public housing residents have specific needs, as 52 percent do not speak fluent English and 46 percent do not have a high school diploma. Additional support is needed to ensure that low-income residents benefit from the area's recent economic boom.

GCNJ believes that local industrial businesses and the Gowanus section of the IBZ require dedicated City investment to grow and provide gainful employment for public housing residents. It envisions bridge programming for CD 6 residents facing barriers to skilled jobs, targeted initiatives for public housing tenants, and an industrial apprenticeship program, offered by community-based organizations (CBOs).

GCNJ also believes that the City should adopt strategies to address the local skills gap, which would promote equitable economic development and help prevent displacement. GCNJ seeks a five-year investment of least \$2.5 million for local CBOs to expand integrated services and bridge programming for un/underemployed low- and moderate-income (LMI) residents in public housing. Additional funding would underwrite CBO funding workforce training programs such as industrial apprenticeships. GCNJ seeks adequate funding for NYCHA's Office of Resident Economic Empowerment & Sustainability (REES) to connect residents to training programs and hiring events, as well as jobs on public projects. According to GCNJ, Gowanus falls into the "Downtown Brooklyn and Red Hook" REES zone, which currently lacks a coordinator. It has requested that NYCHA commit to filling this position.

GCNJ seeks to leverage private and public investment to create jobs for residents, including youth. It has proposed that CBOs facilitate recruitment, training, and hiring of LMI CD 6 residents for construction and maintenance jobs (of buildings and public space) associated with the Gowanus rezoning. GCNJ has also

requested \$100,000 annually for 10 years to support industrial jobs training modeled after SBIDC's Industrial Career Pathways and BWI's customized programs. Initial participants would be 18-25 year-olds from the community, most likely NYCHA residents. Finally, GCNJ seeks a \$250,000 annual 10-year fund to seed an integrated workforce development and job placement initiative, modeled after Strong Together. This program would partner with IBZ businesses to conduct job placement and trainings tailored to their needs.

In its resolution, CB 6 echoed GCNJ's call for a 10-year annual commitment of \$350,000 to fund industrial training, job readiness, and other workforce programs in Gowanus. Borough President Adams agrees that enhancing access to career building services would help address the local skills gap and remove barriers to living wage employment for NYCHA residents. He concurs that the City should be providing \$350,000 annually for 10 years, through neighborhood CBOs such as FAC's BWI, Opportunities for a Better Tomorrow (OBT), and SWBIDC, to fund a comprehensive model based on the Stronger Together program. He supports allocation of funding for bridge programming, job training, and workforce development, including an industrial apprenticeship program. Finally, he seeks a permanent coordinator for the local NYCHA REES office.

### **Investing in Local Youth Employment**

The New York City Department of Youth and Community Development (DYCD)'s Summer Youth Employment Program (SYEP) provides career exploration opportunities and paid work experience to young people aged 14 to 24. Participants develop work readiness skills through project-based activities and summer jobs in a variety of industries across the city. DYCD offers special programs for youth who reside in specific NYCHA developments, administered through community-based organizations. GCNJ had advocated for adequate funding for SYEP slots, and targeted outreach to young people in CD 6 public housing communities. Borough President Adams concurs with these recommendations and supports investment in employment opportunities for NYCHA youth.

### **Realizing an Affordable Housing Development Site Through the Relocation of the Gowanus EMS Station to Public Place as Part of Gowanus Green**

As noted in a prior section on the Gowanus Green project, the FDNY EMS station on Bond and Carroll streets should become an affordable housing development site. Borough President Adams believes that a new Gowanus EMS station can be incorporated into the Public Place parcel, as an integral part of the Gowanus Green development, via a site selection action and adequate capital funding.

Therefore, prior to considering the application, the City Council should obtain written commitments from the Administration to provide funding for the station's relocation, and direct FDNY to coordinate design programming based on the existing facility. The City should also commit to establishing a new Gowanus EMS station and transferring jurisdiction from FDNY to HPD to facilitate property disposition for a fully affordable housing development.

### **Potential Sites for New Public Schools**

The DEIS projects that the Gowanus Neighborhood Plan will add approximately 1,329 elementary, 288 intermediate, and 415 high school students. At present, only one site — Public Place — has been designated for a new school (with about 500 seats). The City expects to achieve additional school capacity through incentives built into the Gowanus Special District.

Borough President Adams shares CB 6's concern that this program alone will not be sufficient to meet the considerable demand that will be created by new development. The community needs a guarantee that the City will provide enough school seats to accommodate the projected population. Borough President Adams appreciates that the Gowanus Neighborhood Plan sets aside public land for a DOE school and encourages developers to incorporate public school space. However, the City needs to go further, and actively identify and dedicate funding for at additional school sites in proximity to the rezoning area.

Borough President Adams believes there are two opportunities to achieve new school sites without acquisition costs in this section of CSD 15 and realize substantial savings to the City. One possibility includes the underused Wyckoff Gardens' parking lots, which are under consideration for mixed-income housing development pursuant to the NYCHA's 2015 Next Gen RFP. The second opportunity is the pending NYU Langone Cobble Hill Emergency Room site where the developer would be able to better utilize the additional floor area allotted for community facilities. In both cases, the costs borne by the City

would be either ongoing rental payments, or in a condominium ownership structure, outright acquisition to compensate the developer for school construction. In addition to addressing unmet need for elementary school capacity, such locations might warrant consideration for middle school seats.

Borough President Adams urges the DOE and SCA to initiate timely public consideration for siting CSD 15 public schools on the NYCHA Next Gen RFP Wyckoff Gardens sites and the pending NYU Langone Cobble Hill Emergency Room site, in consultation with CB 6 and local elected officials.

### **Addressing Needed Library Branch Upgrades**

The BPL Pacific Street Library has long been burdened by deferred capital needs. The branch was one of several listed through the City's sale of development rights from the former Brooklyn Heights library, and slated to receive \$3.5 million for a new entryway, and ADA upgrades throughout the building. While some of the work has been completed, it is imperative that the Library receive full and timely funding for its remaining needs. Given the projected population increase from both the proposed rezoning and the pending Pacific Park development, it is expected that utilization of this branch will experience increased utilization in the coming years. Borough President Adams calls on the City to allocate adequate capital funding to the BPL for Pacific Street library improvements through any combination of remaining proceeds from the sale of Brooklyn Heights branch zoning rights and/or City capital funds to ensure that such needs are fully met.

### **Ensuring Adequate Open Space and Waterfront Access**

As previously noted, 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 quarter-mile study area is in the low-lying area adjacent to the 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.

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 DCP proposal expects to bring at least 18,000 new residents to the neighborhood."

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.

### **Capital Commitments for Existing Parks and Playgrounds**

Borough President Adams believes that parks and playgrounds improvements should be determined in consultation with CB 6 and local elected officials. These include conditions assessments at Carroll Park,

the reactivation and redesign of Fran Brady/Under the Tracks Park, and capital funding for the Old Stone House Annex at Washington Park.

Carroll Park is showing signs of weatherizing, due to increased utilization since its most recent renovation. Fran Brady/Under the Tracks Park underneath the F/G train along 10<sup>th</sup> Street has been inaccessible since it was closed for viaduct repairs in the 1990s. The community would like to reopen the park with artist residencies in mobile studios, rotating art installations, a makers' market, as well as a display area for the Kentile Floors sign and other artifacts.

The historic Old Stone House and Washington Park provide valuable community facilities, educational programming, and recreational space. The proposed annex would increase access and visitation, provide exhibition space, and support additional programming. The City must commit capital funding for the Old Stone House Annex at Washington Park, to enhance this neighborhood resource.

### **The Greenspace on 4<sup>th</sup> Extension**

Greenspace on 4<sup>th</sup> is a community garden on Fourth Avenue between Sackett and Union streets, one of the few such spaces in Gowanus. The garden occupies part of a larger lot owned by the City that provides access to a DEP Water Tunnel #3 but could potentially accommodate additional open space. When the tunnel was completed, CB 6 was promised a 17,000 sq. ft. park at the Sackett Street shaft location, but only the community garden was realized. The collective 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.

### **Creating Accessible Local Schoolyards**

Borough President Adams believes that schoolyards should be made available for public use after school and on weekends. The PS 32, PS 118, PS 124, PS 133, and PS 372 schoolyards should be repurposed as part of the NYC Parks' Schoolyards to Playgrounds program. These underutilized community resources are currently inaccessible outside school hours.

The previous PS 32 schoolyard, which was built by the non-profit Trust for Public Land and demolished to construct the PS 32 Annex was accessible to the community, while the new schoolyard is closed to the public after school and on weekends. If converted, it would provide 22,000 sq. ft. of playground space, with Americans with Disabilities Act (ADA) compliant entrances. According to Gowanus Neighborhood Plan projections, the schoolyard is a five-minute walk from seven projected development sites and would be accessible to 25,000 additional residents within a half-mile.

The PS 58 schoolyard contains 36,800 sq. ft. of space and has one ADA accessible entrance opposite Carroll Park. It is currently in poor condition but scheduled for an upcoming renovation. The resulting playground would serve more than 10,000 projected residents within a half-mile radius. The PS 118 schoolyard has a highly visible corner location and an ADA-accessible entrance. It is in fair condition and would provide 8,400 sq. ft. of playground space. Though it would not be as impactful as the conversion of PS 32, it could serve 4,500 potential residents.

The 10,000 sq. ft. PS 124 schoolyard is below-grade and in fair condition, though it is not ADA-accessible. If converted, it would serve fewer than 1,000 new residents. The PS 133 schoolyard is in fair condition but lacks an ADA-accessible entrance. It would provide 6,750 sq. ft. of playground space to more than 11,000 anticipated residents within a half-mile. The 5,850 sq. ft. PS 372 schoolyard is in fair condition

with an ADA-compliant entrance. Its conversion, and opening to the public, would be highly impactful, as the area within a half-mile is expected to add 19,000 residents.

Borough President Adams generally advocates physical improvements that promote inclusivity through the installation of ADA access ramps. He believes that the conversion of schoolyards to community playgrounds also provides opportunities to replace concrete grounds with permeable surfaces. Finally, he seeks an ongoing maintenance contribution for such newly created public spaces.

### **Advancing the Gowanus CSO Facility Design as a Public Open Space**

The EPA recently ordered DEP to complete construction on the Head of Canal retention tank by 2029. As the City has not put forth a construction date for the related open space, GCNJ 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.

Borough President Adams believes it is critical for the City to upgrade its existing spaces and provide the new open space that will be necessary to support 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 create a timeline for their construction and oversight.

### **Providing Temporary Playground and Pool Space to Facilitate Cleanup Under Thomas Greene Park and the Double D Pool**

The Thomas Greene Playground is located within the footprint of the former Fulton Manufactured Gas Plant (MGP) site. It is under an Administrative Settlement with the EPA, whereby National Grid is required to investigate and remediate the western two thirds of Thomas Greene Park. During the remediation, the central and western sections of the playground would be closed to the public, including basketball and handball courts as well as the swimming pool. Under the 2016 Settlement Agreement, National Grid is required to construct temporary park space and replace any areas closed for remediation. However, no location for the interim pool has been officially identified. While National Grid will be required to replace the park in kind, additional investment is needed to create an urban park in line with the Master Plan developed by Friends of Thomas Greene Park (FOTGP) and the Lowlands Master Plan. GCNJ has called on the City to work with National Grid to identify a location for a temporary park and pool during remediation.

Borough President Adams recognizes community concerns about the construction and remediation impacts on Thomas Greene Playground. He believes that the City should work closely with Potentially Responsible Parties (PRAs) identified by EPA to secure a temporary park and pool location, and that the holding tank roof and adjacent esplanade, as well as construction staging area, should be given prime consideration as interim accommodation sites.

### **Promoting DEP Design Engagement with the Community Board**

Borough President Adams concurs that City agencies should make genuine efforts to engage CB 6 in the planning and development of CSO control facilities. Infrastructure 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 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.

### **Temporarily Relocating Thomas Greene Playground Activities to the CSO Facility Roof**

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 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.

### **Converting 270 Nevins Street from a Staging Area to an Interim Programming Site for Thomas Greene Playground**

It is currently unclear whether the Thomas Greene Playground would remain operational during the construction of the CSO facility, and whether National Grid's remediation of the underlying Fulton MGP site section would occur within the same timeframe. However, should the playground require extended closure for remediation after the CSO facility is complete, Borough President Adams recognizes that the 270 Nevins Street staging area may serve as an appropriate site for an interim park, and that local advocates have sought a future park on the site, which would increase the low allocation of open space in Gowanus.

Once the CSO facility is operational, the 270 Nevins Street property could be secured via a ULURP acquisition action and leased as interim playground space. While the proposed rezoning would permit a park, it would have to be deemed environmentally safe for such activity. It is also unclear whether 270 Nevins Street, which forms part of the Fulton MGP site would be remediated prior to its use as a construction staging area, and whether such remediation would meet DEC standards for interim park use. It is likely that the site would require further analysis to evaluate its potential as future open space and determine if capping would be required for safe public use.

Provided that the playground remains operational until the CSO facility comes online, Borough President Adams believes the City should engage with DEC to evaluate the suitability of providing interim playground programming at the 270 Nevins Street staging site and the DeGraw Street end between the Gowanus Canal and Nevins Street.

Borough President Adams believes that the City should determine, in consultation with the DEC, an interim capping solution that might permit open space use above a known coal tar remediation site, and the extent that such capping might be feasible.

### **Converting 270 Nevins Street from a Staging Area to a Mapped Park**

As noted previously, the Gowanus neighborhood is severely lacking in open space, with just 0.3 acres per 1,000 residents, far below the City guideline of 2.5 acres of open space per 1,000 residents. Furthermore, very little of the open space in the quarter-mile study area is actually in the low-lying area adjacent to the Canal.

Borough President Adams acknowledges the 3.98 acres of public waterfront intended on privately-owned land and the 1.48 acres of new park to be mapped at the Public Place site. 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. It is therefore critical that the City commit to providing new open space intended to support the rezoning.

Borough President Adams believes that the intended CSO construction staging area at 270 Nevins Street represents an opportunity to establish mapped parkland near Thomas Greene Playground and continue the open space network as part of the Head of Canal retention tank site. He believes that the City should pursue site selection and City mapping actions to acquire the staging area, designate it as permanent parkland, and transfer jurisdiction from DEP to NYC Parks once it is no longer needed to support construction. The City should fund such acquisition and capital improvements to the site, through a design developed in consultation with CB 6 and local elected officials.

### **Establishing a Ninth Street Transit Plaza**

According to GNCJ, the MTA-owned parcel on the northwest corner of the Ninth Street Bridge could provide an essential connector to the waterfront. The esplanade planned as part of the 300 Huntington Street development would facilitate continuous public access from the head of the Gowanus Canal to Ninth Street. GNCJ has advocated for the MTA property to be developed as a half-acre addition to the area's open space network, with a shaded public plaza that provides clear and safe access from the shore walkway to the train entrance, with seating, bicycle parking, food trucks, and a public boathouse. Borough President Adams believes that the City should coordinate with the MTA to realize this vision.

### **Advancing Additional In-Water Non-Motorized Access and Gowanus Canal Crossings**

Beyond passive access as part of Gowanus Canal fronting development and the creation of a canal-side park, there are opportunities to advance engagement with the canal as a public amenity. Borough President Adams noted at least one location between the Carroll and Union streets bridges wherein water access should be accommodated by private development. He agrees that in-water access should be provided with at least one location between all existing bridge crossings. The remainder of such responsibility, whether it be for emergency egress or recreational access, should be accommodated in the public realm, at the Head of Canal Park, the Salt Lot, and Gowanus Green. Such strategy could also include the recommended park mapping at 270 Nevins Street.

Active engagement also includes opportunities to traverse crossings above the canal. Pedestrian bridges have been advocated at DeGraw Street (which would improve access to the 270 Nevins Street park), the First Street Turning Basin, and between the proposed waterfront park by Public Place and the Salt Lot. Borough President Adams' recommendation of guardrail sections to accommodate a pedestrian bridge



installation is a first step. The City should commit to purchasing bridges that would be extended when development on both sides of the requested crossing is complete.

Borough President Adams believes that the City should commit to including in-water access in the design of the Head of Canal Park, the Salt Lot, and the intended park across from Gowanus Green. The City must also identify additional locations for in-water access, including emergency egress points between each bridge, evenly distributed on both sides of the canal, in consultation with the United States Coast Guard (USCG). Finally, the City should facilitate future pedestrian bridge crossings, such as at DeGraw Street, the First Street Turning Basin, and from the planned Gowanus Green-adjacent park to the Salt Lot.

### **Realizing Transit Improvements**

When the MTA eliminated the B71 bus route in 2010, it cut a vital transportation link between the neighborhoods of Red Hook, Gowanus, Carroll Gardens, Cobble Hill, Park Slope, Prospect Heights, and Crown Heights. Borough President Adams concurs with CB 6 that it critical to restore this east-west bus route, in light of the substantial population increase projected to result from the Gowanus Neighborhood Plan. The City must work with the MTA to revive the B71 or provide a comparable service as part of the MTA's Brooklyn bus network redesign, with a western extension to Lower Manhattan via Red Hook and the Hugh L. Carey Brooklyn-Battery Tunnel.

In his 2020 response to the Industry City ULURP application, Borough President Adams agreed with then-Representative Max Rose that Sunset Park would benefit from improved transportation options and connections. DOT's Bus Forward program now includes the Better Buses Action Plan to improve bus speeds by 25 percent and reverse the decline of bus ridership citywide. This program brings elements of Select Bus Service (SBS), New York City's version of Bus Rapid Transit (BRT), to routes throughout the city. BRT is a cost-effective approach used by cities around the world to provide faster, more efficient bus service. In New York City, SBS incorporates BRT features such as dedicated bus lanes, off-board fare collection, and transit signal priority on high-ridership bus routes. As Sunset Park is no longer part of the proposed Brooklyn-Queens Connector (BQX), Borough President Adams believes that DOT should initiate a feasibility study for a BRT route along Third Avenue, with stops potentially integrated into roadbed upgrades.

Though the Union Street station is merely one stop from the Atlantic Avenue-Barclays Center transit hub, which has ample elevator access, it should be prioritized for ADA compliance, and additional access points to existing platforms. Borough President Adams appreciates DCP's proposal to incentivize Union Street station improvements. If CPC and the City Council would embrace his additional concepts, there would be greater opportunities to achieve full accessibility.

Borough President Adams concurs with CB 6 that the City must work with NYCT and the MTA to make Union Street station accessible in both directions. Transit bonus planning for Gowanus should be coordinated with NYCT and DEP, to install elevators on the north- and southbound platforms, through some combination of an easement, transit bonus, and/or public investment, on both privately- and publicly-owned sites (e.g. the community garden on the site that includes the easement for City Water Tunnel #3).

Borough President Adams calls on the City to work with the MTA to realize the restoration of the B71 or extend an east-west bus route across the Gowanus Canal with a western extension to Lower Manhattan via Red Hook and the Hugh L. Carey Brooklyn-Battery Tunnel to Worth Street. For its part, DOT should study the feasibility of implementing BRT along Third Avenue, in consultation with CB 6 and CB 7. Finally, the City should coordinate transit bonus planning with DEP and MTA to provide elevators on both the northbound and southbound platforms of the Union Street R Broadway Local station, via easements, transit bonuses, and/or public investment, on private and public sites.

## **Managing Stormwater and Wastewater**

DEP's recently issued USR, which updates citywide stormwater management requirements, is projected to benefit Gowanus, as grey infrastructure has been the primary source of new pollution in the canal. The USR increases the amount of stormwater that must be managed onsite and restricts discharge rates for development projects that require a connection within the sewershed. Sites of 20,000 sq. ft. or more and those that would increase impervious surfaces by 5,000 sq. ft. or more will be required to install detention tanks to reduce discharge into the canal during rain events.

While the USR will substantially decrease CSO flows, advocates believe the City could achieve higher water quality standards by employing green roofs, permeable pavement, vegetative buffers, and other stormwater management practices across the rezoning area. To that end, Borough President Adams has proposed a zoning text amendment that would require development lots of a certain size to install DEP rain gardens.

In addition to the Head of Canal and Owl's Head CSO control facilities, the City has reportedly allocated \$71 million for water and sewer improvements in and around Gowanus. Targeted investments in the IBZ include installation of sanitary and storm sewers, replacement of combined sewer and water mains on Seventh Street between Third and Fourth avenues, and combined sanitary, and storm sewer, and water main replacements at Hamilton and Third avenues. This enhanced infrastructure capacity will help manage CSO flows and street flooding in the IBZ. In addition to the above, DEP will study the need for water and sewer improvements on 10<sup>th</sup> Street between Second and Third avenues.

It has also been reported that DEP is advancing plans for CSO infrastructure at the end of Second Avenue to intercept up to 145 million gallons of combined sanitary waste and stormwater runoff per day during wet weather events. Such flows would then be pumped back to the wastewater treatment plant, significantly reducing CSO discharges into the canal. This strategy is expected to achieve an 85 percent reduction in CSO flows from the outfall below the end of Second Avenue, from 58 million to nine million gallons annually.

GCNJ has been firm that new development must not contribute to pollution in the Canal. While the group concurs that the new Stormwater Rule would reach this goal, it seeks further City commitment to sewer system capacity upgrades, preventative sewer maintenance, transparent reporting on USR implementation, and a comprehensive hydrology study that anticipates climate change. To ensure that the plan does not engender a net increase in CSOs, it is critical that the forthcoming USR goes into effect before the first sewer connection in the rezoning area.

Upgraded infrastructure must be regularly maintained to remove sediment accumulations that restrict flow capacity. For sections not slated for improvements, timely maintenance is imperative to ensure optimal function. Effective maintenance includes real-time and transparent reporting to CB 6 and local elected officials on CSO runoff events, including discharge duration and quantities. Such reporting would enable the City to take proactive steps to ensure that new development does not increase pollution in the canal, including infrastructure investments in sewer system capacity, and completion of the two retention tanks on the EPA-mandated timeline. CB 6 and GCNJ's conditional support for the rezoning reflects expectations of full City compliance with Federal orders, and vigorous EPA enforcement of City obligations.

Borough President Adams calls on DEP to adopt its URS prior to City Council review of the proposed rezoning. DEP should also commit to periodic preventative sewer maintenance, including prompt and transparent reporting on CSO runoff events, to CB 6 and local elected officials, as part of a proactive effort to ensure no new discharges into the canal. Such strategy should include timely commitments to enhance the sewer system capacity, including full compliance with EPA's order to construct retention tanks on the mandated timeline. For the Gowanus section of the IBZ, DEP should pursue capital funding for infrastructure upgrades to reduce CSO events and street flooding.

### **Maximizing Leasing Opportunities and Promoting Full Buildout of Site to Consolidate City Facilities or House New York City Department of Sanitation (DSNY) Vehicles, and Free Privately-Owned Sites for Development**

The Southwest Brooklyn IBZ contains multiple sites with DOT and DSNY uses, including equipment and vehicle storage. Borough President Adams has heard that vital on-street parking for local businesses is constrained by DSNY's tendency to park its trucks on neighborhood streets. One problem is that the agency lacks large and well-configured facilities in the area to accommodate its assets. The 20,000 sq. ft. DSNY garage at 127 Second Avenue is scheduled for a capital renovation in April 2023 and will be unavailable through October 2026. This upgrade is expected to temporarily displace 40 DSNY trucks. The agency has been seeking an interim location for equipment used to service CD 6. DSNY has stated that it would need a 60,000 sq. ft. facility to park its vehicles and store most materials. More likely, when the agency returns to the DSNY District 6 garage, it will continue to house part of its fleet on adjacent streets.

In response to the recent site selection and acquisition of 25 14<sup>th</sup> Street for DOT use, Borough President Adams noted that perimeter parking around the block could be secured via DSNY vehicle parking-only signage. Moreover, 25 14<sup>th</sup> Street is significantly underbuilt and offers an additional 1.37 FAR (more than 100,000 sq. ft.) of development rights, for a full buildout that could accommodate both DOT and DSNY. Moreover, the DSNY District 2 garage is housed in a property leased by the City. If 25 14<sup>th</sup> Street were constructed to its full permitted floor area, it would allow DSNY to relocate this facility, enabling the owner to maximize the site's zoning rights and address storm threats to building systems.

Borough President Adams believes that the consolidation of agency facilities, particularly those that house complementary functions, can maximize the efficiency of City leases, while removing DSNY vehicles from city streets, and freeing private land for job-producing uses. He continues to call for future consideration of a full buildout at 25 14<sup>th</sup> Street to consolidate City facilities, accommodate DSNY vehicles, and/or free other IBZ sites for development. More broadly, the City should initiate comprehensive consideration for the full buildout of all City-leased or -owned sites within the Gowanus section of the IBZ, including additional floor area that might be realized through a subsequent rezoning.

### **Ensuring Ongoing Accountability**

As a condition of City approval, GCNJ has called for a Gowanus Zoning Commitment Task Force that would monitor compliance with public and private commitments, adherence to zoning requirements, and implementation of rezoning actions. The task force would meet quarterly, and more frequently, as needed, to hear updates from the City and other stakeholders on the plan's progress. These meetings would be open to the public, so that information can be shared in an accessible and transparent manner.

The task force would be constituted by designated representatives from the involved agencies, organizations, and other public and private stakeholders. GCNJ believes it is essential to have a dedicated liaison from NYCHA who would ensure that capital improvements to the campuses are completed expeditiously, without displacing residents.

The task force must be provided the necessary resources and staff to carry out its mission. GCNJ recommends that the City fund access to facilitation services and technical assistance for a 15-year period. The facilitator would oversee task force activities, help organize and guide meetings, and otherwise support the body's work. Access to a professional planner would provide the task force independent guidance on land use issues and help evaluate the impacts of new development on flooding and pollution (including CSOs) in the canal. Finally, GCNJ seeks a full City assessment every five years of adverse impacts identified in the FEIS, and the effectiveness of selected mitigation strategies.

CB 6 has called on the City to support and fund the Gowanus Zoning Commitment Task Force. Borough President Adams agrees that the transformative scale and scope of the Gowanus Neighborhood Plan necessitates robust public participation and accountability. He believes that the task force would be an

effective vehicle for sustained community involvement in the next 15 years. Borough President Adams calls on the City to establish a fully funded community-led task force to ensure fulfillment of commitments to Gowanus businesses and residents, CB 6, and local elected officials, including all the recommendations contained in this document.

### **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:

1. That there be appropriate consideration for Gowanus Houses and Wyckoff Gardens as follows:
  - a. That the City dedicate five-year upfront capital funding for Gowanus Houses and Wyckoff Gardens, based on New York City Housing Authority (NYCHA) physical needs assessments (estimated at \$274 million) and ongoing consultation with the tenants of both developments
  - b. That the resulting Gowanus Houses and Wyckoff Gardens capital projects adhere to the United States Department of Housing and Urban Development (HUD) Section 3 hiring policies to ensure priority for NYCHA tenants and low-income residents
2. That the New York City Department of Housing Preservation and Development (HPD) memorialize the following requirements in its Land Disposition Agreement (LDA) or regulatory agreement with the designated development team:
  - a. Permanent affordability for the resulting affordable housing units
  - b. Provision of affordable housing according to Mandatory Inclusionary Housing (MIH) Option 3
  - c. Provision of space for the relocated Gowanus EMS Station to facilitate an affordable housing site at the southeast corner of Bond and Carroll streets
  - d. An affordable housing mix with at least 50 percent two- or three-bedroom units, and at least 75 percent one-, two-, or three-bedroom units, but for studios targeted to households at up to 40 percent of Area Median Income (AMI)
  - e. Implementation of outreach efforts to seniors earning up to 40 percent AMI for single- and dual-person households, including the formerly homeless to maximize their participation in the affordable housing lottery
  - f. Promotion of affordable housing lottery readiness initiatives
  - g. On the City's part, commitment to provide a significant number of Section 8 vouchers for NYCHA residents in Brooklyn Community District 6 (CD 6) to help them move into the new affordable housing
  - h. Identification and recruitment, to the extent practical, of supportive housing tenants among those currently and formerly residing in CD 6
  - i. New York City Department of Homeless Services (DHS) outreach to New York City Department of Youth and Community Development (DYCD) shelters when identifying and referring individuals for supportive housing, and priority for older youth in permanently affordable

buildings; for those not in need of supportive services, mandatory HPD coordination of referrals with DYCD to ensure homeless youth participation in new affordable housing

- j. Extension of community preference for the affordable housing lottery to households displaced from CD 6 with documented residency after January 1, 2014
  - k. Incorporation of a childcare facility into the intended development
  - l. Implementation of Borough President Adams' Connecting Residents on Safer Streets (CROSS) Brooklyn initiative via a curb extension at the southwest corner of Smith and Fifth streets either as part of a Builders Pavement Plan or as treated roadbed sidewalk extensions, with New York City Department of Transportation (DOT) installation guided by advance input from Brooklyn Community Board 6 (CB 6) and local elected officials
  - m. A standard DOT maintenance agreement for a protected painted area at the southeast corner Smith and Fifth streets if treated roadbed sidewalk extensions are deemed the best solution
  - n. A public comfort station on Smith Street accessible to users of St. Mary's Park
  - o. Provision of local construction jobs consistent with the HUD Section 3 requirements
3. That to accommodate the allowable floor area for Parcel D4 with less height:
- a. In New York City Zoning Resolution (ZR) proposed Section 139-236 Special height and setback regulations in Subdistrict D (c) Tower regulations (1) Tower location (ii) the setback of 150 feet from Hoyt Street shall be reduced to 100 feet
  - b. The proposed ZR Section 139-236 Special height and setback regulations in Subdistrict D (c) Tower regulations (4) Tower height (i) of 285 feet shall be limited to 225 feet
4. That the adopted agreement for the proposed Gowanus Neighborhood City Map Change be required to facilitate a future pedestrian bridge crossing to the Salt Lot that would accommodate non-motorized boat launches
5. That the adopted agreement for the City Map Change Hoyt Street extension between Fifth Street and the Hoyt's Street's southern boundary with the proposed park require the construction as a shared street, with restrictions on vehicles developed in consultation with DCP, DOT, and the New York City Fire Department (FDNY)
6. That there be additional consideration for Gowanus Houses and Wyckoff Gardens as follows:
- a. If the City does not fully fund the needs of Gowanus Houses and Wyckoff Gardens:
    - i. That in lieu of the intended 225 feet in proposed ZR sections 139-20 Special Bulk Regulations, 139-23 Special Height and Setback Regulations, 139-235 Special Height and Setback Regulations in Subdistrict C, (d) Tower regulations, (4) Tower height, 145 feet shall be proposed and (5) Regulations for Multiple Towers, shall not apply, except where a declaration has been executed between NYCHA and the property owner, recorded with the Office of the Register of the City of New York and such documentation accompanies the new application filed with the New York City Department of Buildings (DOB) that conveys the purchase of development rights from Gowanus Houses for a transfer equal to not less than 10 percent and not more 20 percent of the zoning lot's permitted

residential floor area, and such approved new building application includes proposed ZR section 139-212, Gowanus mix floor area pursuant to proposed ZR section 139-12 Gowanus Mix Uses

- ii. That in lieu of the intended 225 feet for Subareas D1, D2 and D3, and (iii) the proposed 305 feet for Subarea D6, in proposed ZR sections 139-20 Special Bulk Regulations, 139-23 Special Height and Setback Regulations, 139-236 Special Height and Setback Regulations in Subdistrict D, (d) Tower regulations, (4) Tower height 145 feet shall be proposed and (5) Regulations for multiple towers, shall not apply, except where a declaration has been executed between NYCHA and the property owner, recorded with the Office of the Register of the City of New York and such documentation accompanies the new building application filed with DOB that conveys the purchase of development rights from Gowanus Houses for transfer of such zoning rights equal to not less than 10 percent and not more 20 percent of the zoning lot's permitted residential floor area, and such approved new building application includes proposed ZR section 139-212, Gowanus mix floor area pursuant to proposed ZR section 139-12 Gowanus Mix Uses
- iii. That proceeds obtained through the transfer of Gowanus Houses development rights shall be used for Capital projects at Gowanus Houses and Wyckoff Gardens based on consultation with tenant representatives of Gowanus Houses and Wyckoff Gardens, to ensure resident oversight
- iv. That Appendix A, Special Gowanus Mixed Use District Plan, Map 3: Ground Floor Use Requirements include as additional Type 2 Primary street frontage (ZR 139-41 (a)(2), the east side of Bond Street between Douglas and Warren streets and the south side of Baltic Street, west of Third Avenue, to preclude blank screen walls adjacent to Gowanus Houses and Wyckoff Gardens, via active ground floor requirements

## 7. Achieving Appropriate Affordable Housing

- a. That proposed ZR Section 139-022 Applicability of the Inclusionary Housing Program, ZR Section 23-154 Inclusionary Housing (d) Special floor area provisions for zoning lots in Mandatory Inclusionary Housing areas, (3) Options for compliance with affordable housing requirements be modified to not require pairing the deep affordability option with an additional option, to maximize opportunities for very-low-income households and qualify public housing residents for the MIH units
- b. For Appendix F, Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas, in lieu of a map with MIH Options 1, 2 and 3, only MIH Option 3 shall be permitted
- c. To realize affordable housing floor area along Fourth Avenue, commercial development shall be limited by designating such areas as R9A/C2-4 in lieu of the proposed C4-4D district

## 8. Ensuring an Adequate Number of Public-School Seats

- a. That a new ZR section be included in proposed Article 13, Chapter 9, Special Gowanus Mixed Use District, pursuant to ZR Article 10, Chapter 7, Special South Richmond District (SRD), and pursuant to ZR 107-121 Public Schools, stipulating that for zoning lots in excess of 20,000 square feet (sq. ft.), DOB should receive certification from the CPC Chair that there is sufficient public primary school capacity, based on consultation with the Chancellor of the New York City Department of Education (DOE)

- b. For the purposes of this section, school capacity shall also be deemed sufficient if DOE or the New York City School Construction Authority (SCA) does not provide an affirmative response to a written offer to secure not less than 30,000 sq. ft. of zoning floor area within 90 days
- c. That for zoning lots of at least 20,000 sq. ft. deemed eligible according to proposed ZR Section 139-214 Special Floor Area Provisions for Zoning Lots Containing Schools, proposed ZR

Section 139-211 shall not apply unless it has first been demonstrated to DOB that the DOE and/or SCA has been provided the right of first refusal, with a period of not less than 90 days of receiving a written offer to accept zoning floor area pursuant to proposed ZR 139-214 or has otherwise issued a refusal or has not provided a response

#### 9. Maximizing Creation and Retention of Floor Area for Art, Artisan, and Industrial Uses

- a. That proposed ZR Section 139-12 Gowanus Mix Uses be modified to eliminate Use Group 4A
- b. That proposed ZR Section 139-211 Basic Floor Area Regulations, in M1-4 districts, Row E shall be modified as follows: In lieu of 4.0 FAR permitted exclusively for commercial use in Subarea B1 and 3.0 FAR in Subarea B2, such use in excess of 2.0 FAR shall be at a ratio of one sq. ft. of manufacturing use for every three sq. ft. of commercial use, to a maximum FAR of 4.8 in Subarea B1, provided that select community facility use floor area is not less than 0.4 FAR and 4.8 FAR in Subarea B2, and provided that select community facility use floor area is not less than 0.8 FAR
- c. To ensure that the additional 30 feet in height in excess of Table 1 and 2 for zoning lots of not less than 20,000 sq. ft. in manufacturing districts is based on adequate provision of non-residential use, proposed ZR Section 139-23 Special Height and Setback Regulations, 139-234 Special Height and Setback Regulations in Subarea B, (b) Minimum and maximum base heights, shall be modified to require setting aside not less than 0.8 FAR for non-residential uses, and restricting not less than 0.4 FAR be to ZR 139-12 Gowanus Mix Uses
- d. For the purposes of Article 13, Chapter 9, Special Gowanus Mixed Use District, manufacturing use floor area according to ZR 139-211 shall include all uses listed in ZR Section 139-12 Gowanus Mix Uses, as modified above
- e. That proposed ZR Section 139-212 Gowanus Mix Floor Area Regulations (a) Inclusion of non-residential use, the maximum floor area that may be increased by Row A shall be modified to require inclusion of Gowanus Mix Uses to not less than the maximum amount of floor area according to Row B
- f. That the provided Gowanus Mix Use floor area require recordation according to ZR Section 139-60 Enforcement to achieve public disclosure and transparency in leasing agreements and ensure an optimal ratio of resulting floor area, for Gowanus Mix uses through ongoing floor area compliance monitoring, consistent with standards established in ZR Section 74-967
- g. That proposed section ZR 139-50 Gowanus Canal Waterfront Access Plan, ZR Section 139-52 Special Public Access Provisions, for proposed ZR section 139-524 Parcel 14, be modified so that developments with less than 20 percent of UG 6B office floor area and lacking retail and/or eating and drinking establishments shall be treated as follows:
  - i. Permitted to have a substantially reduced view corridor of not less than 13 feet at its narrowest point

- ii. Not required to provide an Upland Connection to the Gowanus Canal, and a Waterfront Public Access Area (WPAA) provided the submission for Waterfront Certification includes an executed agreement demonstrating recordation and monitoring compliance according to ZR 74-967
  - iii. That subsequent conversion to increase UG 6B office floor area beyond 20 percent of the zoning floor area shall require an amendment to the Certificate of Occupancy (C of O), with updated Waterfront Certification confirming that the open space in the view corridor and the entire waterfront yard is to be redeveloped into a Supplemental Waterfront Access Area, including an upland connection and a fully developed WPAA
  - iv. That without the ability to provide a fully compliant visual corridor, such development shall be precluded from converting floor area to retail and/or eating and drinking establishments according to any use group
- h. That proposed ZR Section 139-23 Special Height and Setback Regulations, 139-234 Special height and setback regulations in Subarea B, (a) Street wall location shall be modified subject to ZR Section 139-48 Chair Certification for Large Mixed-use Sites
  - i. That proposed ZR Section 139-23 Special Height and Setback Regulations, 139-234 Special height and setback regulations in Subarea B, (b) Minimum and maximum base heights shall be modified subject to ZR Section 139-48 Chair Certification for Large Mixed-use Sites and shall be according to the sky exposure plane not exceeding 285 feet, with any portion of such new development or enlargement that exceeds 60 feet in height having lot coverage no greater than 35 percent of the zoning lot
  - j. That in lieu of proposed ZR Section 139-48 Authorization for Large Mixed-use Sites, ZR Section 139-48 shall be Chair Certification for Large Mixed-use Sites
  - k. That in proposed modified ZR Section 139-48 Chair Certification for Large Mixed-use Sites, in lieu of Modifications, (b) shall be Requirements with the following stipulations: (i) Facilitate arts and industrial new and preserved floor area; (ii) Support arts and arts related uses in historic buildings existing as of [date of adoption], where the Chair certifies that the following conditions have been met: (a) a site plan and occupancy survey has submitted to the Chair demonstrating that existing buildings on the #zoning lot# that have been designated as a landmark are predominantly occupied by arts and arts-related uses; (b) a commitment has been provided to reserve seventy-five percent of the floor area in buildings that have been designated as landmarks for continued occupancy by arts and arts related uses, including fine arts, film and video production, graphic and other visual design, music studios, performing arts, publishers and authors, architecture and urban design, arts education and advocacy, and design or fabrication of materials or equipment related thereto and accessory uses. Such commitment shall include compliance, recordation, and reporting requirements according to ZR Section 74-967

#### 10. Advancing Stormwater Management

- a. That proposed ZR 139-40 Section District Element Plans incorporate an additional Section 139-49 Curbside Stormwater Management
- b. That additional ZR Section 139-49 include a subsection ZR 139-491 as follows: New developments that require filing a New York City Department of Transportation (DOT) Builders Pavement Plan shall be required to incorporate a New York City Department of Environmental



Protection (DEP) rain garden — or where existing trees are to remain, an enhanced tree pit — in consultation with the New York City Department of Parks and Recreation (NYC Parks)

#### 11. Promoting Transit Access and Transportation Modes

- a. That proposed ZR Section 139-40 District Element Plans incorporate an additional subsection 139-49 Pedestrian Street Crossing Enhancement and On-Street Bicycle Parking
- b. That additional ZR Section 139-49 include a subsection ZR 139-492 as follows: All corner lot developments with lot area of at least 9,500 sq. ft. shall require sidewalk bulb-outs one or both streets, as determined by DOT, and such bulb-outs shall extend at least 15 feet along the parking lane
- c. That additional ZR Section 139-49 include a subsection ZR 139-493 as follows: All corner lot developments where DOT approves sidewalk bulb-outs extending at least 15 feet along the parking lane shall have bike racks installed at a rate of one per five linear feet
- d. That in proposed ZR Section 139-30 Special Parking Regulations, ZR Section 139-31 Special Accessory Off-Street Parking Regulations, and ZR Section 139-311 Reduction of parking requirements for residences, the 20 percent proposed residential requirement shall also be based on required provision of the following: enclosed bicycle parking at a rate of one space per one dwelling unit, electrical charging adapters accessible to no less than 10 percent of all parking spaces, and not less than one car-share space for every 20 required parking spaces
- e. That in proposed ZR Section 139-30 Special Parking Regulations, ZR Section 139-31 Special Accessory Off-Street Parking Regulations, ZR Section 139-311 Reduction of parking requirements for residences proposed maximum number of accessory off-street parking spaces for which the requirement may be waived be reduced from 20 to 15
- f. That, in addition to the proposed Commercial Districts with a residential equivalent of an R9 District, the applicability of ZR Section 139-46 Transit Improvements, ZR 139-462 Certification for transit improvements shall be extended to R8 equivalent Commercial Districts and that such former M1-2 zoning lot within 100 feet of Fourth Avenue, between Douglass Street and First Street, shall be eligible for CPC Certification though it is not within 500 feet of the Union Street subway station
- g. That in proposed ZR Section 139-02 General Provisions, and additional section ZR 139-27 Applicability of Article III, Chapter 5, In Commercial Districts, the use, bulk, and parking and loading provisions of Article III, Chapter 5 Bulk Regulations for Mixed Buildings in Commercial Districts shall apply except where modified by the provisions of this Chapter
- h. That ZR Section 139-20 Special Bulk Regulations, shall stipulate the following: for proposed formerly M1-2 zoned properties on or within 100 feet of the west side of Fourth Avenue between Douglass and First streets in Subdistrict A, the Residential District will be R8A, in lieu of R9A, except when such zoning lot contributes to the construction of a major Union Street subway station northbound accessible entrance within the New York City Department of Environmental Protection (DEP) Water Tunnel #3, located on the east side of Fourth Avenue and the south side of Sackett Street, in exchange for a transfer of development rights with receiving sites achieving an increment between R8A MIH and R9A MIH residential equivalent.
- i. That, proposed ZR Section 139-46 Transit Improvements, ZR 139-462 Certification for transit improvements, shall stipulate that in addition to providing southbound service enhancements,

properties on the west side of Fourth Avenue between Douglass and First streets will be required to contribute to a major Union Street subway station northbound accessible entrance constructed within DEP Water Tunnel #3, located on the east side of Fourth Avenue and the south side of Sackett street in exchange for a transfer of development rights with receiving sites achieving an increment between R8A MIH and R9A MIH residential equivalent

## 12. Ensuring Appropriate Bulk

- a. To minimize shading impacts from high-rise development on the Douglass and DeGraw Pool in Thomas Greene Playground, the proposed M1-4/R7X along the south side of DeGraw Street between Third Avenue and Nevin Street, and the east side of Nevin Street between DeGraw and Sackett streets, shall be modified to M1-4/R7A from 100 feet west of Third Avenue to along the south side of DeGraw Street and east side of Nevin Street to Sackett Street
- b. To maximize light and air near Gowanus Canal crossings at Carroll and Union streets, proposed ZR Section 139-23 Special Height and Setback Regulations, ZR 139-235 Special height and setback regulations in Subsection C, (d) Tower regulations, (1) Tower location, shall include an additional subsection (iv) governing single tower configurations, and precluding construction of single towers within 50 feet of Carroll and Union streets
- c. That for Carroll and Union streets, proposed ZR Section 139-23 Special Height and Setback Regulations, ZR 139-235 Special height and setback regulations in Subsection C, (d) Tower regulations, (5) Regulation for multiple towers shall stipulate that instead of north of the mid-block line of the block the taller of the two proposed towers shall not be located within the mid-block line of the portion along Carroll, Third and Union streets
- d. To maximize light and air near the Gowanus Canal crossing at Third Street, proposed ZR Section 139-23 Special Height and Setback Regulations, ZR 139-235 Special height and setback regulations in Subsection D, (e) Tower regulations, (5) Regulation for multiple towers, (iv) shall stipulate that in Subareas D1 and D2 the taller tower will be within 100 feet of Second Street, instead of within 100 feet of Third Street
- e. To achieve appropriate transition to lower rise areas west of Smith Street, the proposed ZR Section 139-23 Special Height and Setback Regulations, ZR 139-235 Special height and setback regulations in Subsection D, (e) Tower regulations, (4) Tower height, (iii) shall limit the proposed height of 305 feet in D6 (between Nelson to Huntington streets), to 245 feet

## 13. Waterfront Access Plan (WAP) Modifications

- a. That a new subsection (4) Guardrails and new subsection (5) Boat ramps be added to proposed section ZR 139-50 Gowanus Canal Waterfront Access Plan, ZR Section 139-51 Area-Wide Modifications, (e) Street treatment
- b. That proposed ZR Section 139-51(e)(4) mandate installation of guardrails along the length of the shore public walkway in proximity to the bulkhead or highest point of a natural shoreline, pursuant to ZR Section 139-541
- c. That proposed ZR Section 139-51(e)(5) Boat ramps, mandate provision of boat ramps at the last development site between the Carroll Street Bridge and the Union Street Bridge
- d. That a new subsection 139-271 Boat ramps be added to proposed ZR Section 139-20, 139-21 Floor Area Regulations

- e. That the proposed ZR Section 139-217 Boat ramps stipulate that, for developments on zoning lots or adjacent street treatment provided in accordance with the provisions of paragraph (e)(5) of Section 139-51 (Area-Wide Modifications), an area equal to 50 percent of the surface area of the boat ramp may be exempted from the definition of floor area
- f. To facilitate potential pedestrian bridges at DeGraw Street and the First Street Turning Basin, proposed section ZR 139-50 Gowanus Canal Waterfront Access Plan, ZR Section 139-52 Special Public Access Provisions should be amended to include subsection 139-526 Parcels 1, 2, 8 and 9
- g. That proposed Subsection ZR 139-526, stipulate construction of a guardrail section as a knock-out panel to facilitate potential pedestrian on the adjacent street ends for Parcels 1 and 2, and within 100 feet of the Gowanus Canal for Parcels 8 and 9
- h. That proposed section ZR 139-50 Gowanus Canal Waterfront Access Plan, ZR Section 139-52 Special Public Access Provisions, for proposed ZR section 139-524 Parcel 14, be modified so that supplemental public access area is required, except when development does not contain retail use or eating and drinking establishments, and/or contains less than 20 percent of UG 6B office floor area. Should such use subsequently exceed 20 percent of the zoning floor area, the ZR shall mandate conversion of the view corridor open space and waterfront yard to a supplemental waterfront access area.

Be it further resolved:

- 1. That the CPC and/or the City Council call for modification of the ZR MIH section with a requirement that permits households with rent-burdened status to qualify for MIH affordable housing lotteries (allow for exceptions to the 30 percent of income threshold for households paying the same or higher rent than what the housing lottery offers)
- 2. That the New York City Department of City Planning (DCP) receive funding for a zoning study of the Gowanus portion of the Southwest Brooklyn Industrial Business Zone (IBZ) to achieve more flood-resilient development with its May 2021 Gowanus IBZ Vision Plan, and advance a zoning map and text amendment in consultation with CB 6, local elected officials, the Gowanus Alliance, and the Southwest Brooklyn Industrial Development Corporation (SBIDC)
- 3. That such zoning study promote manufacturing, artist/artisan, and select office businesses, by restricting accessory office use to 20 percent of such floor area, and carefully managing competing uses to control proliferation of stand-alone office space that can impede industrial operations, via a mechanism similar to a CPC special permit
- 4. That the City outline the following commitments for the Gowanus IBZ:
  - a. Allocation of workforce development funds to SBIDC and FAC Neighborhood Employment Services
  - b. Critical infrastructure investments, including deployment of high-speed broadband
  - c. Stormwater drainage and management
  - d. Improvements to degraded streets
- 5. That DOT commit to:

- a. Ensuring that there are dedicated loading zones on each block within the IBZ, with flexibility for businesses to share dedicated spots
  - b. Conduct a mobility study of Third Avenue between Ninth Street and Hamilton Avenue/16<sup>th</sup> Street near the entrance to the Gowanus Expressway
6. That the City provide dates for completion of the Gowanus Community Center renovation and its reopening
7. That the City establish annual line-item funding to support resident-led programming at the Gowanus Community Center
8. That the City fund Know-Your-Rights (KYR) training, including Affirmatively Furthering Fair Housing, civil rights compliance, and other tenant services for public housing residents in CD 6
9. That the City provide \$350,000 annually for 10 years to fund efforts by neighborhood organizations such as Brooklyn Workforce Innovations (BWI), Opportunities for a Better Tomorrow (OBT), and SBIDC, as well as a permanent coordinator at the local New York City Housing Authority (NYCHA) Office of Resident Economic Empowerment & Sustainability (REES) Office to provide enhanced career services for CD 6 residents facing barriers to employment
10. That such funding expand workforce development, bridge programming, and industrial job training, including an industrial apprenticeship program
11. That the City adequately fund Summer Youth Employment Program slots with targeted outreach to youth in CD 6 public housing communities
12. That the City fund the relocation of the existing Gowanus EMS Station to the former Public Place site, as an integral part of Gowanus Green, to realize more affordable housing at Bond and Carroll streets
13. That once construction on the new Gowanus EMS station is complete, the City transfer site jurisdiction from the New York City Fire Department (FDNY) to HPD to facilitate property disposition for fully affordable housing development
14. That the New York City Department of Education (DOE) and the New York City School Construction Authority (SCA) take the necessary steps to initiate consideration for siting a Community School District 15 (CSD 15) public school as part of NYCHA's Next Gen Wyckoff Gardens RFP sites and the pending NYU Langone Cobble Hill Emergency Room development site, in consultation with CB 6 and local elected officials
15. That the City provide adequate capital funding to the Brooklyn Public Library (BPL) to fully address the needs of its Pacific Street Library branch, through proceeds from the sale of the Brooklyn Heights branch zoning rights and/or City Capital funds
16. That the City fully fund open space improvements for Carroll Park, Fran Brady/Under the Tracks Playground, and Washington Park, in consultation with CB 6 and local elected officials
17. That the full extent of publicly accessible open space be realized in the DEP Water Tunnel #3 site adjacent to the Greenspace on Fourth, with capital improvements to include both spaces

18. That the City convert the school yards of PS 32 Samuel Mills Sprole School, PS 58 The Carroll School, PS 118 The Maurice Sendak Community School, PS 124 Silas B. Dutcher School, PS 133 William A. Butler School, and PS 372 The Children's School of Brooklyn, as part of the City's Schoolyards to Playgrounds Program, with provision of Americans with Disabilities Act (ADA) access ramps for PS 124, introduction of more permeable surfaces, and ongoing maintenance, in consultation with CB 6 and local elected officials
19. That the City provide capital funding to finance the proposed park at the Head of Canal retention tank facility site, and set out the timeline for construction and oversight
20. That the City work closely with Potentially Responsible Parties (PRAs) identified by the United States Environmental Protection Agency (EPA) to identify a location for a temporary park and pool during the remediation of Thomas Greene Playground, and the Douglass and DeGraw Pool
21. That, to keep CB 6 apprised during the design and construction of the Gowanus CSO facility and its rooftop open space and waterfront promenade, the New York City Department of Environmental Protection (DEP) should be required to:
  - a. Provide monthly reporting at a designated CB 6 committee via dialogue that incorporates community feedback, consultation with the New York City Department of Parks and Recreation (NYC Parks) and the EPA to achieve optimal outcomes regarding:
    - i. Construction and site preparation management, mitigation strategies and alternatives, open space design and programming, and project timing
    - ii. The feasibility of using the CSO facility's roof as an interim location for the Thomas Greene Playground's basketball courts, handball courts, and a smaller swimming pool
    - iii. The extent that DEP would allow the roof of the CSO facility's holding tank to be used as interim space for Thomas Greene Playground amenities
    - iv. An appropriate structural design for the CSO facility holding tank to temporarily accommodate such uses on its roof during the remediation of Thomas Greene Playground, determined in consultation with CB 6
  - b. That, to the extent that the playground would remain operational until the CSO facility comes online, the City evaluate the 270 Nevins Street staging site and the DeGraw Street end between the Gowanus Canal and Nevins Street for possible acquisition to provide interim programming for the playground during its remediation
22. That, to the extent that Thomas Greene Playground would not be remediated until the completion of the CSO facility, the City should determine, in consultation with the New York State Department of Environmental Conservation (DEC), the required interim capping solution that might permit open space use on the CSO staging site and the extent that such capping might be feasible
23. That the City pursue site selection and City mapping action to designate 270 Nevins Street as park, acquire the 270 Nevins Street site to establish a permanent park, and transfer jurisdiction from DEP to NYC Parks once it is no longer needed as a staging area

24. That the City fund acquisition and capital improvements for the Gowanus CSO staging area, pursuant to a design developed in consultation with CB 6 and local elected officials
25. That the Metropolitan Transportation Authority (MTA) property adjacent to the Smith-Ninth Street station become a public plaza
26. That the City incorporate in-water access into the Head of Canal Park design, the Salt Lot, and park that would be mapped pursuant as part of the Gowanus Neighborhood Plan
27. That the City identify additional in-water access opportunities with at least one emergency egress point between each bridge, evenly distributed on both sides of the Gowanus Canal, in consultation with the United States Coast Guard (USCG)
28. That the City develop a pedestrian bridge crossing vision in consultation with CB 6 and local elected officials, with consideration for locations such as at the First Street Turning Basin, DeGraw Street, and between the envisioned Gowanus Green Park and the Salt Lot
29. That the City work with the MTA to restore the New York City Transit (NYCT) B71 or comparable east-west bus route across the Gowanus Canal, as part of the MTA's Brooklyn bus network redesign, enhanced with a western extension to Lower Manhattan via Red Hook and the Hugh Carey Tunnel to Worth Street
30. That DOT study the feasibility of implementing Bus Rapid Transit (BRT) along Third Avenue in consultation with CB 6 and Brooklyn Community Board 7 (CB 7)
31. That the City coordinate transit bonus planning with DEP and the MTA, to realize elevators on both the north- and southbound platforms of Union Street station, through some combination of an easement, transit bonus, and/or public investment, on both privately and publicly-owned sites (e.g. the community garden on the site that contains the easement for City Water Tunnel #3)
32. That DEP implement its proposed new Unified Stormwater Rule (USR) prior to adoption of the Gowanus Neighborhood Plan land use actions and that the effective date precede the first site sewer connection in the rezoning area
33. That DEP commit to periodic preventative sewer maintenance
34. That DEP commit to transparent and timely reporting on CSO runoff events, including duration and quantities to CB 6 and local elected officials
35. That the City take proactive steps to ensure that new development does not contribute to pollution in the Gowanus Canal through timely infrastructure investments to address sewer system capacity, and completion of the CSO retention tanks on the EPA-mandated timeline, with the expectation that the EPA will enforce its orders and ensure that the City meets its obligations
36. That DEP identify and pursue capital funding for infrastructure improvements to reduce street flooding and CSOs in the Gowanus section of the Southwest Brooklyn Industrial Business Zone (Southwest Brooklyn IBZ)
37. That the City initiate consideration for the full build-out of City-leased or -owned sites within the Gowanus section of the Southwest Brooklyn IBZ, including additional floor area that might be realized through a subsequent rezoning, to consolidate City facilities, more fully accommodate

New York City Department of Sanitation (DSNY) vehicles, and/or to free other sites for development

38. That the City establish a fully funded community-led task force to ensure execution of commitments to the Gowanus community, CB 6, and local elected officials that incorporates all of the above.