Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
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 #: 150305 PCK – NYPD Records Storage

In the matter of an application submitted by the New York County District Attorney and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of acquisition of 96,000 sf of property located at 4312 Second Avenue for a warehouse facility to include a records storage facility within Community District 7.

COMMUNITY DISTRICT NO. 7 BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

BOROUGH PRESIDENT

June 29, 2015
DATE

RECOMMENDATION FOR THE PROPOSED NYPD RECORDS & EVIDENCE STORAGE – 150188 PCK

The New York Police Department (NYPD) and the Department of Citywide Administration Services (DCAS) for site selection and the acquisition of property located at 4312 2nd Avenue (Block 726, lot 1) for use as a central records and evidence storage facility to facilitate the consolidation and relocation of NYPD evidence and storage facilities in an M3-1 district within the boundaries of the Southwest Brooklyn Industrial Business Zone (IBZ), in the Sunset Park section of Community District 7.

On June 1st, 2015, the Borough President held a public hearing on the proposed warehouse application. There were no speakers for this item.

The representatives for the applicants, DCAS and NYPD, noted that much of the intended space for leasing was occupied under emergency order according to a temporary license agreement in response to Superstorm Sandy. Operations from Kingsland Avenue would be moved to the first floor. The jobs at the Sunset Park location are reassigned staff from the 700 Columbia Street facility. Before determining that the Sunset Park location should shift from license agreement status to a lease space was was determined that from an operational standpoint it made sense to continue occupying the Sunset Park facility.

In response to Community Board 7 (CB7) to have 43rd Street Gateway to Bush Terminal Waterfront Park beautified through the installations of plantings to enhance the pedestrian environment, the representative stated that the agency cannot compel the landlord.

The Deputy Borough President raised consideration of the extent that city leasing should be leveraging improvements to building performance and that the Department of Small Business Services should be consulted to help facilitate such dialogue including making introductions to NYSERDA and NYPA to help landlords through the process and access available financing. It was noted that the landlord is replacing all the single pane windows with those that are double glazed. NYPD already works with DCAS to ensure efficient lighting standards in its leases and has been moving towards LED installations. The DCAS representative noted that such upgrades are at the landlord's discretion,

The NYPD representative noted that the Superstorm's coastal surge did not affect the vehicles stored at its 700 Columbia Street facility. NYPD is still trying to abate flood damaged evidence still in place and is negotiating a ten-year lease extension. As some of the vehicles stored as evidence are construction vehicles, such as cranes and other forms of large vehicles such as tankers and trucks, combined with the operational logistical need to move vehicles around by tow truck. The Deputy Borough President made an official request for the agencies to study this further, which the representative of DCAS noted was fair.

In response to the Borough President's policy that HRA utilize Minority and Women-

Owned Business Enterprises (MWBE) and Locally-Based Enterprises (LBE) for retaining movers, the representative for DCAS will get back to the Borough President's staff regarding its requirement contracts.

Consideration

CB 7 voted to approve and called upon NYPD to compel the property owner to work with the Department of Transportation (DOT) and the Department of Parks and Recreation (DPR) to plant, beautify and create public amenities along the 43rd Street side of the building in response to this street leading to Bush Terminal Waterfront Park.

The Proposed land use action would allow the NYPD to acquire approximately 93,000 sf of the existing six-story loft building, within a 581,250 sf building used for light manufacturing and storage. Facilitated by a license agreement, it currently has approximately 78,000 sf of occupancy on the 6th floor for incoming or occasional retrievals of evidence material and storage. They have invested $1.2 million in upgrading and installing security systems for the interim evidence storage. NYPD also seeks to occupy an approximately 15,000 sf portion of the 1st floor.

Other City tenants include the City's Board of Elections, which stores voting machines at the site on the 3rd and 4th floors, and the New York County District Attorney's office (DANY), which stores evidence, case files and general records on the 5th floor and is concurrently applying for a site selection and acquisition for the 5th and a portion of the 2nd floor of the site.

The license agreement initiated the consolidation of existing NYPD facilities situated in the City's Coastal Zone and zoned M3-1. Facilities at 540 Kingsland Avenue, located in the Greenpoint section of the North Brooklyn Industrial Development Zone, and 700 Columbia Street located in the Red Hook section of the Southwest Brooklyn Industrial Business Zone, were compromised as a result of coastal flooding resulting from Super-storm Sandy. As a result of flooding to these other storage facilities, NYPD has been in this space subsequent to the storm in 2012. The Kingsland Avenue facility still remains inaccessible. The occupancy at 4312 Second Avenue is part of a greater, long term storage plan to consolidate all of the NYPD's record and storage which is anticipated to be finalized in five to ten years.

The existing building is less vulnerable to coastal flooding as it is located beyond the boundaries of the 500-year floodplain. The first floor is elevated approximately four feet above-grade and is on the same level as the loading dock, thus making it less vulnerable to potential flooding. Though, evidence documents, which are to be held in perpetuity for cases city-wide, and could be damaged in event flooding, would be temporarily relocated to the 6th floor on an as need basis.

The eastern half of the first floor would be occupied by Central records while the sixth floor has NYPD evidence storage which includes biological records (DNA) and bicycle storage. DNA evidence would require special storage conditions, such as temperature and humidity control. General property, such as bicycles or prisoner property, are items

that members of the public would typically pick up at the building using a dedicated elevator to the 6th floor. Visitations by members of the public tend to be infrequent and would generally not require appointments if a family member is a victim of a crime.

The facility operates Monday through Friday from 9am to 3pm, staffed by approximately 8-12 employees with occasion visits by NYPD employees and members of the public for evidence or records retrieval. Record retrieval and drop off would be scheduled by appointment and there will not be a staff member assigned daily. Specifically, evidence will be dropped off by Police Officers in official NYPD vehicles.

Also proposed evidence and records storage used at the site would preserve the industrial character east of First Avenue consistent with the Southwest Brooklyn IBZ. Permitting NYPD to conduct investigations in an efficient and timely manner as the proposed location would have sufficient off- street parking (approximately 0.33 miles) from the 45th Street Subway Station.

NYPD would continue to occupy the 6th floor, with its one dedicated loading dock under a license agreement, in the future with or without the Proposed Project.

The Borough President believes that the proposed site acquisition would provide secure storage for evidence pertaining to City-wide cases. Therefore, he believes that facilitating a lease for what is primarily memorializing an interim-leased facility, is an appropriate interim land use action.

Though the Borough President is generally supportive of the records and evidence storage facility in the near term, he has concerns regarding the long-term use of this space for primarily a storage function, the condition of the 43rd Street Streetscape, Minority and Women-Owned Business Enterprises (MWBE) and Locally-Based Enterprises (LBE) participation.

Vision for Sunset Park Industrial Business Zone

The NYPD facility, while a permitted use in the Southwest Brooklyn Industrial Business Zone, the Borough President does not believe that utilizing such space with so few jobs is not consistent with the Sunset Park Vision Plan "New Connections/Opportunities Sunset Park" and such storage is not consistent with the area's status as a Significant Maritime and Industrial Area (SMIA). One of the Economic Development Corporation's (EDC) goals is to aim to develop physical and policy-based strategies that protects and grows industrial employment. Citywide policy to retain and promote industrial and manufacturing firms should reflect the preservation of existing industrial occupancy for job creation over storage. This is reinforced by the CB 7 Sunset Park 197-a plan, which seeks to promote job creation while retaining industrial jobs, and the area's IBZ, that the City established to protect and encourage industrial growth.

While the site may be an ideal location for NYPD Evidence Storage and Central Records in terms of its close proximity to two major police precincts, on 72nd Precinct and the 68th Precinct respectively and transit access via the Gowanus Expressway to the rest of the City, the ongoing investment, as demonstrated by Industry City Associates at Bush Terminal and Salmar with Liberty View Plaza, it warrants long-term consideration for

prioritizing jobs over municipal storage functions.

Longer term municipal occupancy has the potential to hinder substantial job creation when a point is reached where Bush Terminal and Liberty View Plaza are leased to a point where there would not be sufficient space to accommodate firms that would want to expand or move to Sunset Park. Therefore, the Borough President believes that such a leasing request should not have provision for renewal.

The Borough President believes that interim municipal tenancy provides a means to finance improvements to the building systems. This might include: lobby, window and elevator upgrades; heating, cooling and electrical systems; as well as introduce high speed connectivity throughout the building. In order to assure that the proceeds of the rental income is earmarked for such upgrades, the landlord should be compelled through the lease to reinvest a portion of the rent to building reinvestment activities. There is no reason that this building does not eventually replicate the standard of building system upgrades now being pursued at Bush Terminals and Liberty View Plaza. With such investment, there should be a realistic opportunity that subsequent to this municipal occupancy the building would be more attractive to the type of job intensive firms that are starting to call Sunset Park the place to conduct business.

Therefore, the lease should compel the landlord to reinvest a portion of the rent for the purposes of upgrading the building systems as a means to render the building more attractive to the innovation/maker/creative economy firms and require the landlord to report such progress annually to Community Board 7, Local Elected Officials, the Borough President and an appropriate City monitoring agency.

The City Council should obtain such a commitment from the Administration in writing that such terms would be incorporated into the lease prior to waiving its right to call up the application or otherwise grant its approval.

Promoting Access to Bush Terminal Waterfront Park

With the City's investment in the property through the proposed acquisition, there is an opportunity to maximize waterfront access. In fact, one of EDC's goals is to aim to develop physical and policy-based strategies that reconcile active industrial uses with public waterfront access. Recently, the first section of Bush Terminal Waterfront Park opened, providing waterfront access for the first time in generations to the local Sunset Park community. It has transformed a long-dormant brownfield site on the Sunset Park waterfront into a public recreation resource adjacent to this Manufactural zoned enclave. To date, the sole entrance to park is located on 43rd street. Though 4312 Second Avenue is not on a waterfront block, its proximity to the main entrance and having a significant City occupancy, suggests that this property should contribute to promoting park access.

The Borough President concurs with CB 7 that it is appropriate leverage pedestrian-friendly street-scape improvement that promote waterfront access in combination with promoting occupancy within an industrial building along the street leading to the entrance to the park. He believes this should proceed as a partnership between the developer and the appropriate City agencies. NYPD and DCAS should compel the

landlord through the lease terms to coordinate with DOT and DPR to develop a public amenity plan in consultation with CB7 and its local elected officials for the building's 43rd Street sidewalk, including consideration for planting, lighting and light fixtures, seating and other public amenities that results in a safe and beautiful gateway corridor leading to Bush Terminal Waterfront Park and that such plan be implemented through a partnership between the landlord and the City agencies within three years of lease execution.

The City Council should obtain such a commitment from the Administration in writing that such terms would be incorporated in the lease along with agency commitments to participate and partially fund such improvements prior to waiving its right to call up the application or otherwise grant its approval.

Jobs

The Borough President is concerned that too many residents of Brooklyn are unemployed or underemployed. It is his policy to promote economic development as a means of creating more employment opportunities as well as promoting Brooklyn-based businesses, including those that qualify as MWBE and LBE. As a facility that would be relocating from multiple locations, this warehouse expansion provides an opportunity for the HRA and DCAS to retain Brooklyn-based moving contractors and subcontractors, especially those that are designated LBEs, consistent with section 6-108.1 of the City's Administrative Code, and MWBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation). However, it is not known whether City obligations to contract with moving companies pursuant to its Requirement Contracts would allow compliance with standards consistent with the policies of the Borough President.

With the intended relocation, the Borough President believes that such standards be memorialized in agency protocol. This should be pursued by having DCAS evaluate its Requirement Contracts in terms of its effectiveness to retain MWBE and LBE establishments. Consideration should be given especially to those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBE and LBE establishments, as a means to meet or exceed standards for construction contracts per Local Law 1 (not less than 20 percent participation). The evaluation should also give consideration to coordination of the monitoring of such participation with an appropriate monitoring agency.

DCAS should then report its recommendations to the Borough President and the City Council of how the procedure should be improved to best retain Brooklyn-based contractors and subcontractors.

The City Council shall obtain such a commitment from NYCDA and DCAS in writing that such an assessment be conducted prior to waiving its right to call up the application or otherwise grant its approval.

Recommendation

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve the land use action requested according to the following conditions:

That the Police Department and the Department of Citywide Administrative Services incorporates in its lease agreement with the owner of 4312 Second Avenue that, as part of the lease negotiations with the landlord, provisions for the following:

1. Lease shall not have provision for renewal;

2. Lease shall compel the landlord to reinvest a portion of the rent for the purposes of upgrading the building systems as a means to render the building more attractive to the innovation/maker/creative economy firms and require the landlord to report such progress annually to Community Board 7, Local Elected Officials, the Borough President and an appropriate City monitoring agency; and,

3. Lease shall compel the landlord through the lease terms to coordinate with DOT and DPR to develop a public amenity plan in consultation with CB7 and its local elected officials for the building's 43rd Street sidewalk, including consideration for planting, lighting and light fixtures, seating and other public amenities that results in a safe and beautiful gateway corridor leading to Bush Terminal Waterfront Park and that such plan be implemented through a partnership between the landlord and the City agencies within three years of lease execution.

The City Council shall obtain such a commitment from the Administration in writing that such terms would be incorporated in the lease along with agency commitments to participate and partially fund such improvements prior to waiving its right to call up the application or otherwise grant its approval.

Be it Further Resolved that DCAS shall evaluate its Requirement Contracts in terms of its effectiveness to retain MWBE and LBE establishment and make recommendations to the Borough President and the City Council of how the procedure should be improved to best retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBE and LBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency.