

**Brooklyn Borough President Recommendation**

CITY PLANNING COMMISSION  
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**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**

DOT BK FLEET SERVICES FACILITY – 180418 PCK

An application submitted by the New York City Department of Transportation (DOT) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of a 123,600 square foot (sq. ft.), privately-owned property located at 25 14<sup>th</sup> Street in Brooklyn Community District 6 (CD 6). Such actions would facilitate its use as a DOT fleet vehicle maintenance and repair facility.

BROOKLYN COMMUNITY DISTRICT NO. 6

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

\_\_\_\_\_  
BROOKLYN BOROUGH PRESIDENT

August 10, 2018

\_\_\_\_\_  
DATE

## **RECOMMENDATION FOR: DOT BK FLEET SERVICES FACILITY – 180418 PCK**

The New York City Department of Transportation (DOT) and the New York City Department of Citywide Administrative Services (DCAS) submitted an application pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of a 123,600 square foot (sq. ft.), privately-owned property located at 25 14<sup>th</sup> Street in Brooklyn Community District 6 (CD 6). Such actions would facilitate its use as a DOT fleet vehicle maintenance and repair facility.

On July 11, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on this acquisition request. There were no speakers on the item.

In response to Borough President Adams' inquiry regarding the anticipated duration of this lease, what rights the City would have to renew, and the cost per square foot, the DCAS representative stated that the proposed lease term is 20 years with a renewal option. The initial cost will be \$18 per sq. ft. with escalations over time, up to double per sq. ft. for the entire property.

In response to Borough President Adams' inquiry as to what steps would be taken to ensure the inclusion and participation of Minority- and Women-Owned Business Enterprises (MWBES) and Locally-Owned Business Enterprises (LBEs) in the process of retrofitting this site for DOT use, the DCAS representative stated that the owner would be performing all of the required work on behalf of the City through a bidding process. While the City cannot mandate specific categories of vendors, it can encourage the owner to engage with local businesses and contractors. The representative noted that the landlord is a long-standing owner and operator of properties in the area.

In response to Borough President Adams' inquiry as to what consideration has been given to using the lease terms to harvest the building's roof rights to promote investments in solar panels, blue, green, or white roof covering (including urban agriculture), the DCAS representative stated that the use of the roof for solar panels is under consideration as part of the scope of work for the lease. While the owner would have a responsibility to replace the roof, an agricultural roof operation may not coordinate with the timing of the lease. However, should a viable opportunity arise for such specialized use of the roof, it may be implemented outside of the lease.

In response to Borough President Adams' inquiry regarding the inclusion of permeable pavers in the site's open areas, and the incorporation of rain gardens and other sustainability measures in the sidewalk and/or adjoining roadway, the DCAS representative stated that some of the planned improvements will address environmental issues at the property such as drainage and pollution. The representative expressed intent to bring consideration of rain gardens to the negotiating parties for this lease, and discussed the possibility of cooperation with the New York City Department of Environmental Protection (DEP).

### **Consideration**

Brooklyn Community Board 6 (CB 6) approved this application on July 9, 2018 on the condition that DOT adopt a stormwater run-off mitigation strategy to reduce combined sewer overflows in to the Gowanus Canal, by considering such approaches as the use of permeable paving for sidewalks and parking areas, water collection, and the installation of a green roof, as well as a review of truck routes for access to this facility without increased use of residential streets, and encouraging employees to use mass transit instead of personal vehicles to access this site.

The proposed actions would affect the entire block bounded by 2nd Avenue, 13<sup>th</sup> Street, 14<sup>th</sup> Street, and Hamilton Avenue. The block is zoned M2-1, a zoning district mapped along much of the Red Hook and Sunset Park waterfront. It is also part of the Southwest Brooklyn Industrial Business Zone (IBZ). The site is located within the New York City Coastal Zone Boundary, and

subject to the Waterfront Revitalization Program (WRP) administered by the New York City Department of City Planning (DCP).

The site contains a two-story, 63,000 sq. ft. building, an 18,000 sq. ft. parking area, and an additional 7,500 sq. ft. parking lot. The building is currently built to 0.63 of the maximum permitted commercial Floor Area Ratio (FAR). The warehouse previously housed a private ambulance repair and maintenance garage and is currently vacant. DOT intends to convert this property to a vehicle maintenance repair facility for its Brooklyn fleet.

As proposed, the building will be subdivided into a 24,847 sq. ft. large-truck repair shop, a 12,759 sq. ft. small/medium-truck repair shop, and a 2,000 sq. ft. blacksmith shop. The surface parking areas would be utilized as an 18,350 sq. ft. staging yard and a 7,596 sq. ft. employee parking lot. In addition, the block's perimeter provides a total of 23 curb cuts. The facility will house a variety of specialized functions, including a fueling station, a tire repair area, a tire storage area, a trailer repair area, and a washing bay. The site would be operational Monday through Friday, with work conducted in four-hour shifts by a staff of 15 employees.

The area is defined by the Gowanus Canal and the Gowanus Expressway. The surrounding context is primarily commercial and industrial, with large retail stores and small warehousing and wholesale companies. There are several significant nearby municipal operations including the New York City Department of Sanitation's (DSNY) Hamilton Avenue Marine Transfer Station, the DOT Hamilton Avenue Asphalt Plant, and the DSNY Brooklyn North District 2 (located directly south of 25 14<sup>th</sup> Street) and 6 garages. But for clusters of residential homes west of Third Avenue, the prevailing uses are largely consistent with the area's zoning. There is also some open space, including Ennis Playground, located between 11<sup>th</sup> and 12<sup>th</sup> Streets, which will be renovated with funding from the Brooklyn Borough President's Office.

This site selection and acquisition request stems from the closure of a previous DOT vehicle maintenance and repair facility at Brooklyn Army Terminal in 2012. This location provided appropriately sized and configured facilities to service DOT's fleet. Currently, the agency relies on a smaller site at 6080 Flatlands Avenue in Brooklyn CD 18 that is not considered adequate for its needs. As a result, DOT vehicles must travel further to maintenance and repair facilities in the Bronx, Queens and Staten Island.

The proposed site was initially identified as a potential vehicle maintenance and repair facility in 2005. DOT engaged DCAS to find a new location to support a Brooklyn fleet services facility in 2015, and 25 14<sup>th</sup> Street was submitted for Borough President Adams' consideration in the 2016-17 Citywide Statement of Needs (SoN).

The pursuit of 25 14<sup>th</sup> Street is based on the property's ability to meet key criteria identified by DOT. The proposed use requires a location in a manufacturing district in order to be permitted as-of-right. The site provides the minimum floor area necessary to accommodate and service the full range of vehicles in the agency's fleet. Finally, the location has been judged to be sufficiently central for servicing DOT vehicles throughout the borough of Brooklyn.

Borough President Adams recognizes the need for appropriately located and large industrial space that allows heavy operations such as vehicle maintenance and repair, while supporting the efficiency of vital DOT operations. He recognizes that 25 14<sup>th</sup> Street could be an ideal location for DOT's intended uses, though Borough President Adams believes that the City should utilize the proposed site selection and acquisition process to achieve a range of objectives that would advance his policies. Specifically, the lease terms should be used to advance his policies regarding resilient and sustainable energy, stormwater management, urban agriculture, and MWBE/LBE

employment. Furthermore, the site's proximity to other City agency operations presents an opportunity to consolidate such uses through maximization of the property's unused development rights. Additionally, the area's flood zone should prompt advancement of City policy in this portion of the Southwest Brooklyn IBZ to achieve more flood-resilient development.

### **Advancing Resilient and Sustainable Energy, Stormwater Management Policies, and Urban Agricultural Policy**

It is Borough President Adams' sustainable energy policy to promote opportunities for blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. He encourages developers and property owners to coordinate with the New York City Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) at each project site. Such modifications would increase energy efficiency and reduce the development's carbon footprint.

Furthermore, as part of his flood resiliency policy, Borough President Adams encourages developers and property owners to incorporate permeable pavers and/or establish rain gardens that advance the New York City Department of Environmental Protection (DEP) green-water/stormwater strategies. Rain gardens, blue/green roofs, and permeable pavers would divert stormwater from the City's water pollution control plants. According to the "New York City Green Infrastructure 2016 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous environmental, social, and economic benefits.

The site selection and acquisition of 25 14<sup>th</sup> Street would grant DOT occupancy of the entire block. As such, this lease presents an opportunity to incorporate rain gardens along the property's entire perimeter. Moreover, given the area's susceptibility to Combined Sewer Overflows (CSOs), which are a source of continuing pollution in the Gowanus Canal, DEP rain gardens would help control stormwater runoff and mitigate flooding in the area. Such measures would address both Borough President Adams' policies and long-standing environmental concerns in the community.

It is appropriate for the developers and property owners to engage government agencies, such as the Mayor's Office of Sustainability, NYSERDA, and/or NYPA, to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per square-foot of green roof, up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the developers and property owners to reach out to his office for any help in opening dialogue with the aforementioned agencies and further coordinating on this matter.

Borough President Adams recognizes that the building's extensive roof area of over 55,000 sq. ft. presents significant opportunities for energy generation, stormwater management, and urban agriculture. City consideration of roof rights at 25 14<sup>th</sup> Street would enable the integration of solar panels, rainwater capture through blue and/or green roof treatment, and/or an urban agriculture system. This is consistent with sustainability goals articulated in "OneNYC: The Plan for a Strong and Just City," which incentivizes building owners to build and maintain green roofs.

More recently, Council Member Stephen Levin, whose district borders the Gowanus Canal, expressed intent to introduce legislation requiring that City-owned buildings be partially covered in green or blue roof systems. As the potential sole occupant of 25 14<sup>th</sup> Street, DOT should advance such City policies, through utilization of the facility's roof. Therefore, DCAS should ensure that the building's lease terms include the ability to harvest its roof rights.

Therefore, prior to waiving its right to call up the application or otherwise grant its approval, the City Council should obtain commitments from DOT that rain gardens would be incorporated in the abutting street right of ways, in consultation with DEP, CB 6, and local elected officials. In addition, the City Council should obtain commitments from DCAS and DOT that any lease term would include roof rights to implement any combination of incorporating blue and/or green roof (including urban agriculture) treatment and/or solar panels.

### **Jobs**

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that will create more employment opportunities. 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 our community districts experiencing poverty rates of nearly 25 percent or higher. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses, and including those that qualify as MWBE and LBE, is central to Borough President Adams' economic development agenda.

It is Borough President Adams' policy to support land use actions that facilitate utilization of permitted floor area for occupancy that generates capital investment projects and construction jobs as a means to provide employment opportunities for varied skill sets. This application presents several opportunities for job creation in southwest Brooklyn. The specifications to enable the space to address DOT's fleet operation would result in a number of construction jobs.

Borough President Adams believes that the sole occupancy status of the block warrants any construction according to an initial leasing period, and should promulgate his policies to advance local workforce participation through MWBEs and LBEs. This should be achieved by providing consideration to contractors and sub-contractors that are designated MWBE establishments, as a means to meet or exceed standards for construction contracts per Local Law 1 (no less than 20 percent participation), and LBEs consistent with section 6-108.1 of the City's Administrative Code. Consideration should also be given to the oversight of such participation with an appropriate monitoring agency.

Prior to waiving its right to call up the application or otherwise grant its approval, the City Council should obtain a commitment from DCAS and DOT, in writing, that construction pursuant to a lease of the property at 25 14<sup>th</sup> Street requires the retention of Brooklyn-based contractors and subcontractors, and to coordinate the monitoring of MWBE and LBE participation.

### **Promoting Urban Agriculture Use**

Borough President Adams and Council Member Rafael L. Espinal Jr. will re-introduce legislation at the City Council calling for the New York City Department of City Planning (DCP) to create a comprehensive urban agriculture plan for the city. The bill will build off Intro. 1661 from 2017, and will catalogue existing and potential urban agriculture spaces; identify potential land use policies to promote the expansion of these practices across the city, and analyze the New York City Zoning Resolution (ZR) and the New York City Building and Fire codes to promote the industry, among other actions.

The City should also promote urban agriculture by utilizing flat roofs of industrial buildings, such as that of 25 14<sup>th</sup> Street, which would further the growth of this industry given the extent of flat roofs that do not experience impeded access to sunlight for greenhouses and open-air farming. Furthermore, where such buildings are located in M1 zoning districts, additional FAR would be available to accommodate urban agriculture.

The ZR identifies agricultural use as an open-use community facility, use group 4B, which includes greenhouses, nurseries, and truck gardens. Currently, state-of-the-art urban farming practices include,

but are not limited to, aquaponics and hydroponic farming. To be consistent with modern practices, especially given the community facility FAR of 2.4 in M1-1 districts, 4.8 in M1-2 districts, and 6.5 in M1-4 districts, typically mapped in Brooklyn, DCP should consider redefining agricultural uses (to be determined) as enclosed uses. This would then permit the utilization of additional floor area for community facility use when limited to urban farming. For manufacturing zoning districts that do not provide community facility floor area, consideration should be given to permit additional floor area for community facility use limited to urban agriculture.

Additionally, for all manufacturing districts consideration is warranted to qualify rooftop greenhouses as a permitted obstruction pursuant to ZR Section 75-01 (b), in order to expand agricultural use beyond the cultivation of plants to also include aquaponics cultivation.

Therefore, to promote appropriate urban agriculture use — inclusive of aquaponics and hydroponic technologies — DCP should undertake an initiative to modify the ZR, as warranted, to amend ZR Sections 22-14 Use Group 4B, Open Uses, 42-10 Uses Permitted As-Of-Right, ZR 43-122 maximum FAR for community facilities and ZR 75-01 (b) Greenhouse Certification. Furthermore, the New York City Department of Buildings (DOB) should issue a Zoning Determination to clarify zoning floor area calculations for stacked-vertical indoor urban farming systems.

**Maximize Leasing Opportunities and Promote Full Buildout of Site as a Means to Consolidate City Facilities or More Fully House DSNY Vehicles, and Free Privately-Owned Sites for Development**

The area around the site contains multiple DOT and DSNY uses. Borough President Adams is aware of community concerns regarding the extent that DSNY vehicles are parked on local streets in Gowanus. One DSNY facility, the 20,000 sq. ft. garage housed at 127 2<sup>nd</sup> Avenue, is scheduled for a capital renovation in May 2019, and is anticipated to be unavailable for DSNY storage through 2022. The agency is currently seeking space to temporarily accommodate equipment used to service CD 6. This upgrade is expected to result in the temporary displacement of 40 DSNY truck vehicles.

Given the timeline of DOT acquisition, the building and site renovation, and the ultimate occupancy of 25 14<sup>th</sup> Street, there appears to be an opportunity to accommodate some DSNY vehicles on the unimproved portions of the block, which provide 25,500 sq. ft. of surface parking. Pursuant to negotiations with DCAS and DOT, the agency could temporarily utilize such space while construction proceeds on its garage, and before significant improvements are made for DOT use. Moreover, perimeter parking around this block could be secured via DSNY vehicle parking-only street signage.

DSNY has presented that a 60,000 sq. ft. facility would allow off-street parking and storage for the majority of its equipment, therefore, when returning to its District 6 garage, its operation would continue to rely on adjacent public streets to store a percentage of its assigned fleet. At present, 25 14<sup>th</sup> Street is significantly underbuilt and offers an additional 1.37 FAR or more than 100,000 sq. ft. of development rights, which could be realized as part of an eventual full buildout of the building that would potentially accommodate both DOT and DSNY needs. Moreover, the DSNY District 2 garage is housed in a location leased by the City. If 25 14<sup>th</sup> Street were constructed to its maximum permitted floor area, it could allow the eventual relocation of this facility while enabling the owner to maximize allowable zoning rights and address the storm surge threat to building systems.

Borough President Adams believes that the consolidation of City agency facilities, particularly those that constitute complementary uses can maximize the efficiency of City leases, while removing DSNY fleet vehicle storage from City streets, and freeing privately-owned land for job-producing uses. Therefore, he calls for future consideration to be given to a full buildout of 25 14<sup>th</sup> Street as a means to consolidate

City facilities to more fully accommodate DSNY vehicles, and/or to free other sites for development.

**Advance Zoning Study of Gowanus Portion of Southwest Brooklyn IBZ to Achieve More Flood-Resilient Development and Overall Density/Development as Appropriate**

In June 2018, DCP released "Gowanus: A Framework for a Sustainable, Inclusive, Mixed-Use Neighborhood," which includes a portion of the Southwest Brooklyn IBZ. For the IBZ area, the study seeks to strengthen the area as a commercial and industrial hub by incentivizing job-producing, non-residential development. While this area provides many advantages for economic activity, such as clusters of particular industries, existing warehouse space, and proximity to highways, it is also uniquely vulnerable to flooding and a rise in sea level.

It is, therefore, vital that any updates to the ZR designed to grow and support commercial and industrial uses in the area include allowances and requirements to support flood-resistant construction in M-zoned areas, for example, to aid shifting of mechanical systems above the flood risk zone. In addition, Borough President Adams believes that a careful examination of this heavily industrial area of Gowanus is needed to ensure that zoning strategies that promote greater density for commercial and industrial buildings result in flood-resilient development. He calls on DCP to initiate a study of the Gowanus portion of the Southwest Brooklyn IBZ as a means to achieve more flood-resilient development pursuant to development consistent with such zones.

**Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following conditions:

1. That prior to granting approval, City Council obtain commitments that:
  - a. The lease term would include roof rights to implement any combination of incorporating blue and/or green roof (including urban agriculture) treatment, and/or solar panels, and that one or more such elements be incorporated as part of the construction specifications
  - b. Rain gardens would be incorporated in the abutting street right of ways, in consultation with the New York City Department of Environmental Protection (DEP), Community Board 6 (CB 6), and local elected officials
  - c. The lease would require the retention of Brooklyn-based contractors and subcontractors, especially those who are designated Local Business Enterprises (LBEs) consistent with section 6-108.1 of the City's Administrative Code, and Minority- and Women-Owned Business Enterprises (MWBEs) 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

**Be it Further Resolved:**

1. That in order to promote appropriate urban agriculture use inclusive of aquaponics and hydroponic technologies, and to facilitate enlargement of buildings in manufacturing districts to the maximum community facility floor area ratio (FAR), where applicable, according to the New York City Zoning Resolution (ZR), the New York City Department of City Planning (DCP) should undertake an initiative to modify the ZR as warranted, to amend ZR Sections 22-14 Use Group 4B, Open Uses, 42-10 Uses Permitted As-Of-Right, ZR 43-122 maximum FAR for community facilities and ZR 75-01 (b) Greenhouse Certification; and that the New York City

2. The New York City Department of Buildings (DOB) issue a Zoning Determination to clarify zoning floor area calculations for stacked-vertical indoor urban farming systems
3. That future consideration be given to a full build-out of the site as a means to consolidate City facilities, more fully accommodate New York City Department of Sanitation (DSNY) vehicles, and/or to free other sites for development
4. That DCP initiate a study of the Gowanus portion of the Southwest Brooklyn Industrial Business Zone (IBZ) as a means to achieve more flood-resilient development pursuant to development consistent with such zones