



CITY PLANNING COMMISSION

November 18, 2009/Calendar No. 12

N080396 NPK

IN THE MATTER OF a plan concerning Community Board 7 in Brooklyn, submitted by Community Board 7, for consideration pursuant to Section 197-a of the New York City Charter. The proposed plan for adoption is called “New Connections/New Opportunities – Sunset Park 197-a Plan.”

BACKGROUND

Brooklyn Community Board 7 started its 197-a planning process in 1996, and engaged in extensive community outreach efforts to develop its plan. A draft plan was first submitted to the New York City Department of City Planning in 2005. This, and subsequent drafts, were reviewed by the Department and returned to the Community Board for reconsideration of various aspects of the plan and clarifications and/or justifications of its recommendations. On April 18, 2008, the Community Board submitted the plan in accordance with the City Planning Commission’s *Rules for the Processing of Plans Pursuant to Charter Section 197-a* (197-a rules). The Department continued to give feedback to the Community Board, which worked with its consultant to address these concerns. On October 20, 2008 the plan was resubmitted. The plan was referred out for public review on March 30, 2009. On September 3, 2009 Community Board 7 submitted a revised plan which included revisions to some of its original recommendations in response to comments received from affected city agencies during the public review process. Additional corrections to the plan were made during September 2009.

PLAN DESCRIPTION

The plan focuses on the Sunset Park waterfront area in Brooklyn Community District 7, which is generally bounded by 15th Street, Third Avenue/Gowanus Expressway, 65th Street, and the pierhead line/Upper New York Bay. The plan also includes some recommendations for the entire CD 7 area, which is bounded by 15th Street, Ft. Hamilton Parkway/8th Avenue, 65th Street, and the pierhead line/Upper New York Bay. The plan’s primary goals are to (1) promote industrial redevelopment and job creation in Sunset Park while retaining existing industrial jobs; (2) maximize waterfront access and open space opportunities in combination with industrial and waterfront development; (3) preserve existing industrial, commercial and residential uses and

fabric in the area east of First Avenue; (4) encourage development that places a minimal environmental burden on adjacent residential communities; and (5) preserve and celebrate Sunset Park's rich maritime and industrial heritage.

This 197-a plan sets forth a comprehensive framework for the revitalization of the Sunset Park waterfront as an economically viable and environmentally sustainable resource that is closely related to, and serves the needs of, adjacent upland communities. The plan is built upon a vision of the Sunset Park waterfront as a sustainable mixed-use neighborhood that promotes regional and local economic development, fosters a healthy living and working environment, and reconnects upland residential communities in Brooklyn Community District 7 to the water's edge.

THRESHOLD REVIEW AND DETERMINATION

Pursuant to Section 3.010 of the 197-a rules, Department staff conducted a threshold review of the plan's consistency with standards for form, content and sound planning policy. On January 20, 2009, the City Planning Commission determined that *New Connections/New Opportunities - Sunset Park 197-a Plan* complied with threshold standards for form, content and sound planning policy as set forth in Article 4 of the *Rules for Processing 197-a Plans*.

ENVIRONMENTAL REVIEW

This application (N 080396 NPK) 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 09DCP065K. The lead is the City Planning Commission.

After a review of the potential environmental impacts of the proposed action, a Negative Declaration was issued on March 30, 2009.

PUBLIC REVIEW

On March 30, 2009, the plan was duly referred to Brooklyn Community Board 7 and the Brooklyn Borough President for review and comment, in accordance with Article 6 of the *Rules for the Processing of Plan Pursuant to Charter Section 197-a*.

COMMUNITY BOARD PUBLIC HEARING

Community Board 7 held a public hearing on June 2, 2009 and endorsed the Sunset Park 197-a plan by a vote of 33 to 0 with 0 abstentions on June 17, 2009.

BOROUGH PRESIDENT RECOMMENDATION

This application (N080396 NPK) was considered by the Brooklyn Borough President, who held a public hearing on the application on July 14, 2009. On August 5, 2009, the Brooklyn Borough President recommended approval of the plan, observing that “this comprehensive planning document will guide the community as it builds on its existing strengths and meets the challenges of the future.” He further noted that during the development and review process for this plan, some of its recommendations had been, or are being, implemented, such as the new high school for Sunset Park and the creation of a waterfront park at the Bush Terminal Piers. The Borough President offered specific comments on the following aspects of the plan:

Economic Development

- The borough president supports the recommendations focused on the strengthening of incentive programs for the manufacturing sector as well as on "green manufacturing."
- The borough president supports recommendations for promoting business, job and workforce development, noting the following “a similar model to the Summer Youth Employment Program (SYEP) already exists through the Department of Youth and Community Development's (DYCD) In School Youth program (ISY). The ISY program provides year-round services to at-risk high school juniors and seniors who meet certain eligibility requirements. ISY services are provided by 40 contractors in all five boroughs. The ISY Program promotes skills attainment, drop-out prevention, and high school graduation or attainment of a GED. Services include: objective needs assessments; individualized service strategies; counseling; work readiness and skill-building activities; tutoring and college preparation; leadership development activities; and follow-up services. All ISY program participants are guaranteed employment in the SYEP, a subsidized summer work experience. Community District 7 (CD 7) currently does not house any community-based organizations with ISY contracts. When DYCD releases future RFP's for ISY contracts, there should be consideration or emphasis on specific Neighborhood Development areas such as those located within CD 7.

Transportation

- The borough president notes that the Plan calls for the relocation of the Department of Sanitation BK 7 and BK 10 garages from 51st Street and First Avenue as a means of providing public parking to serve the surrounding businesses as well as visitors to the waterfront park, although no alternative sites within CD 7 and CD 10 have been suggested [in the plan].

Environment and Public Health

- The borough president requests that Community Board 10 and affected local elected officials should be consulted before the Department of Environmental Protection undertakes any feasibility study regarding constructing a sewer hook-up to service ships docked at the South Brooklyn Marine Terminal and other locations on the Sunset Park waterfront, to the Owls Head Water Pollution Control Plant (WPCP). Residents near the WPCP may perceive this as additional capacity that would further exacerbate undesirable odors emanating from the facility.

Open Space and Waterfront Access

- The borough president is not sure why CB 7 recommended 32nd Street as a potential waterfront access corridor. This is a private street separating the proposed FDA building development site from Industry City that is poorly paved. CB 7 should reconsider whether 30th or 31st Streets (which line both sides of the FDA building) are more appropriate public corridors to link the waterfront area with the upland residential neighborhood.

Housing

- The borough president strongly urges that the off-site preservation option of the Zoning Resolution's Inclusionary Housing Program (IHP) be promoted as it allows residents to remain in place. The preservation option is an effective tool to prevent displacement as it retains such affordable housing in perpetuity, balancing the need for affordable housing with the need to preserve neighborhood character and view corridors. It is laudable that CB 7 is urging the departments of City Planning and Housing Preservation and Development to strengthen the IHP to become a mandatory program, though more needs to be known to determine whether mandating would actually stifle development. Without a sufficient production of market rate housing, it is quite possible that those with more disposable income would still seek out available existing housing stock. As a result of such demand, the landlords might take steps to displace existing tenants for those willing to pay more rent. Therefore, steps to change IHP from voluntary to mandatory must be taken with great care.
- The borough president made recommendations to the City Planning Commission and City Council during the public review of the Sunset Park rezoning. In order to address harassment and displacement of existing tenants in non-regulated buildings that may be targeted for redevelopment, the City Council should review anti-harassment measures of Sections 23- 90 and 93-90 of the Zoning Resolution and The Tenant Protection Act (Local Law 7 of 2008) to determine the best means of protecting the Sunset Park residents from harassment and displacement issue that could result from the adoption of this zoning map amendment. The City Council should then take appropriate action to protect tenants in Sunset Park, including possible amendments to Local Law 7.
- The borough president suggests that in regards to the feasibility of decking the rail cut at 38th Street and Fourth Avenue, the Metropolitan Transit Authority should also be consulted.

Community Facilities and Services/Quality of Life

- The borough president supports the Plan's recommendation to expand and/or improve existing school facilities and resources, and concurs with the Plan's recommendation to expand P.S. 94, adding that other elementary schools in Sunset Park - P.S. 1, P.S. 24 and P.S. 169 that should also be considered for expansion. All of these schools are overcrowded, and warrant investigation to determine if extensions can be accommodated.

- The borough president encourages collaborating with the Mayor's Office of Adult Education as well as the Mayor's Office of Immigrant Affairs, with regard to the Plan's recommendation for "one-stop" immigrant services. Many immigrant services, adult literacy, ESOL, ABE/GED and immigrant employment services are administered through Community Service Block Grants from Department of Youth and Community Development.
- The borough president believes that the RFP's for Out-of-School Time programs (OST) should incorporate neighborhood revitalization efforts as called for in the Plan. Special consideration should be given to local community-based organizations (CBO) who serve the Neighborhood Development Areas in CD 7. At least one CBO operating in CD 7 has an OST contract.
- The borough president also notes that DYCD's Out-of-School Youth (OSY) program, for 16-21 year-old, young adults who are not connected to school or work, or who need assistance upgrading their occupational skills offers another opportunity to engage youth in neighborhood revitalization efforts. This program, funded through the Workforce Investment Act offers occupational skills training; assistance with job and college placement; GED preparation; and a wide range of supportive services designed to increase young adults' success in the workplace and in their personal lives.

CITY PLANNING COMMISSION PUBLIC HEARING

On September 23, 2009 (Calendar No.1), the City Planning Commission scheduled October 7, 2009, for a public hearing on this application (N080396 NPK). The hearing was duly held on October 7, 2009 (Calendar No. 4). There were two speakers both of whom spoke in favor of the 197-a plan.

The District Manager of Community Board 7, the 197-a plan sponsor, spoke about the board's thirteen year effort to create a vision plan for the Sunset Park community and its waterfront in particular. He stated that Community Board 7, despite leadership changes over the years, remains committed to the 197-a plan. The District Manager highlighted the broad goals of the plan with an emphasis on strengthening its waterfront industrial base which currently generates 40,000 jobs and has the second highest "walk-to-work" population in the city. He stated that the 197-a plan also seeks to prevent encroachment of housing that may drive up real estate prices and make it difficult to retain affordable manufacturing and warehousing space.

After noting that Community District 7 has less than one-third of the city's standard for parkland per capita, the District Manager highlighted the 197-a plan's goal to create a sustainable green community with increased access to waterfront open space and recreation for its residents. The planned construction of the Bush Terminal Waterfront Piers Park is a major step forward. The

District Manager acknowledged that the 197-a plan seeks to find a balance between the goals of encouraging the retention and expansion of manufacturing/industrial uses and providing public access and amenities along the waterfront.

The District Manager noted that Community Board 7 had done extensive outreach over many years with the relevant city agencies about planning for the waterfront areas, and CB 7 is pleased that New York City Economic Development Corporation's (EDC) *Sunset Park Waterfront Vision Plan*, released in August 2009, shared many of the community board's goals for the waterfront.

A representative from the Economic Development Corporation stated that Sunset Park is a very important community to EDC since EDC controls much of the industrial waterfront in this area. She noted that EDC's *Sunset Park Waterfront Vision Plan*, which was shaped in consultation with area stakeholders, shared the 197-a plan's goal for making the Sunset Park waterfront a Sustainable Industrial Waterfront District that "balances competing land uses through the implementation of physical and policy-based practices and investments that meet local and regional goals."

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application (N080396 NPK) was reviewed by the Department of City Planning 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 13, 1999 and by the New York State Department of State on May 28, 2002, 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 09-004.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application for the *Brooklyn Community Board 7 New Connections/New Opportunities Sunset Park 197-a Plan*, (N 080396 NPK) as modified, is appropriate.

The Commission has carefully reviewed and considered the Brooklyn Community Board 7 197-a Plan, as originally submitted by Brooklyn Community Board 7 on April 18, 2008 and as clarified and modified by the Board on several occasions. An edited plan was submitted on September 3, 2009, and final corrections were completed during September. The Commission has carefully reviewed and considered the Brooklyn Community Board 7 197-a Plan as submitted in September 2009. The Commission applauds CB 7 for its comprehensive and thoughtful recommendations, backed by thorough research. The Commission also commends the Board and its 197-a Plan Committee for their collaborative approach in developing a 197-a plan responsive to the concerns of CD 7's residents, community organizations and businesses, and to many of the issues raised by city agencies affected by the plan. As a result of this effort, the plan as modified should result in a valuable guide for city policy in keeping with the purpose and intent of 197-a plans.

The Commission concurs with the plan's goals to promote industrial redevelopment and job creation, to maximize waterfront access and public open space, to preserve the uses and scale east of First Avenue, to encourage development with minimal environmental burden, and to preserve and celebrate the rich maritime and industrial heritage of the waterfront area. The Commission notes that those recommendations in the Sunset Park 197-a Plan that need City funding are subject to the availability of City resources.

The Commission is pleased to note that much of the waterfront property that is the subject of the 197-a plan is city-owned and under the jurisdiction of the Economic Development Corporation (EDC), and that EDC fully supports the objectives in the 197-a plan. EDC has stated that the 197-a plan's recommendations are consistent with the agency's *Sunset Park Waterfront Vision Plan*, released in summer 2009. The Port Authority has welcomed the plan's support for a range of maritime-related development as a priority of the Sunset Park waterfront. The Department of

Small Business Services (SBS) supports the principles outlined in the plan. The Commission's consideration of the 197-a plan is set forth below.

Economic Development

Many key recommendations in the 197-a plan focus on the waterfront area. The plan recommends that the city capitalize on available underutilized city-owned land on the waterfront for job intensive, environmentally sustainable maritime or industrial development. More specifically, the plan recommends that EDC pursue such development in consultation with the community and that the city should explore innovative strategies, such as new approaches to property management and land uses, to increase the activation of vacant industrial space without threatening or compromising the industrial integrity of the area. Emphasis is on development that incorporates "green" building technology. These recommendations are mirrored in EDC's 2009 *Sunset Park Waterfront Vision Plan*.

To maximize existing resources, the plan recommends the consideration of additional measures to strengthen the Southwest Brooklyn Industrial Business Zone and preserve affordable manufacturing and industrial space. The Mayor's Office of Industrial and Manufacturing Businesses notes that it helps to strengthen industrial and manufacturing businesses in the Southwest Brooklyn Industrial Business Zone by providing them with services that assist them to access financing, secure government incentives, navigate and resolve issues with government agencies, upgrade the skills of their workforce, find qualified labor, adjust their business plans to the realities of changing markets and economies, and identify appropriate industrial space.

The 197-a plan also includes recommendations for a land use survey and the identification of vacant or underutilized City-owned buildings and lots to help evaluate development opportunities. It calls for initiatives to encourage retrofitting of privately-owned multi-story industrial loft buildings, and additional redevelopment efforts for underutilized portions of the city-owned Brooklyn Army Terminal. As part of the *Sunset Park Waterfront Vision Plan*, EDC partnered with the Southwest Brooklyn Industrial Development Corporation (SBIDC) to survey local businesses to gain a better understanding of their use of industrial real estate. EDC will continue to collect baseline data to inform future efforts to retain, grow, and enhance industry

activity in the area. The Mayor's Office of Environmental Remediation (MOER) plans to release an application to enable the public, including community organizations, to research historic environmental information about vacant industrial and commercial lots throughout the City.

The Southwest Brooklyn Industrial Development Corporation, in their role as Industrial Business Solution provider for the area, is currently engaged in intensive marketing of city, state, and federal programs designed to help industrial businesses. Many of these programs incentivize businesses to upgrade their facilities as described in the 197-a plan. NYC Industrial Business Solutions is committed to continually improving their marketing efforts in order to ensure that industrial areas in New York City benefit from all available incentives.

The 197-a plan includes recommendations aimed at maintaining the affordability of industrial space including the preservation of publicly-owned industrial property and the City's encouragement of private development of affordable rental industrial space through financial incentives. To promote business, job and workforce development, CB 7 recommends ensuring adequate funding of SWBIDC and the IBZ; marketing of entrepreneurship opportunities to immigrant communities; exploring the possibility of a vocational training center for new industries; and job training, including those with disabilities. The plan also recommends that and the Department of Youth and Community Development (DYCD) maintain and expand its employment programs.

The Commission notes that through NYC Business Solutions, SBS provides a suite of services that can help Sunset Park-based businesses. SBS is poised to work with the Sunset Park Community through its Brooklyn Workforce1 Career Center, located at 9 Bond Street in Downtown Brooklyn, which offers all residents workshops, pre-vocational skills training, on-site employer recruitments, and job referral services in a professional setting. SBS is presently undergoing a multi-year effort to connect clients of community-based organizations with job opportunities at the Workforce1 Career Centers. Increasing SBS's connection to local organizations is an important part of meeting the employment needs of the community. The IBZ's partnership with the State's Vocational and Educational Services for Individuals with

Disabilities (VESID) also provides disabled Career Center customers with access to specialized preparation and employment services.

The Commission notes that DYCD reports that their summer program has already been expanded, and a year round program has been implemented. The City's Summer Youth Employment Program (SYEP) provides New York City youth between the ages of 14 and 21 with summer employment and educational opportunities in assignments that include government agencies, nonprofits, small businesses and sports and retail organizations. SYEP is complemented by DYCD's In-School Youth (ISY) and Out-of-School Youth (OSY) programs, which are run year-round. In CD 7, DYCD provides funding to five ISY sites. The OSY program is also located within the district and provides extensive job training in many industries.

The 197-a plan calls for the preservation and upgrading of existing infrastructure. The Commission notes that EDC's *Sunset Park Waterfront Vision Plan* includes a thorough examination of the area's long term infrastructure needs and makes a series of recommendations about infrastructure improvements, including the activation of the rail and marine transfer hub at the 65th Street yard, the establishment of a marine freight village at the South Brooklyn Marine Terminal, and the expansion of 1st Avenue's rail capacity.

The 197-a plan calls for the improvement of the quality of the business and work environment by encouraging façade and sidewalk improvements and discouraging illegal dumping. The Commission notes that SBS provides grants through its Avenue NYC program, which is designed specifically for non-profit economic development organizations (local development corporations, merchant associations, and other community organizations) to accomplish local economic development objectives. With each Avenue NYC grant, organizations are provided the funding necessary to implement a specific project as well as access to an array of services designed to increase the organization's ability to effectively manage their organization and carry out valuable commercial revitalization programs and services. The Sanitation Department's Illegal Dumping Task Force is willing to work with any group to identify areas plagued by illegal dumping. The task force performs surveillance of known locations as well as those that are identified as illegal.

Transportation

The 197-a plan calls for the upgrading of streets and highways. Because the Gowanus Expressway (Interstate I-278) falls under the jurisdiction of the New York State Department of Transportation (NYSDOT), 197-a plan recommendations about the Gowanus Expressway were out of scope; therefore CB 7 has placed its ideas about the Gowanus Expressway in Appendix 10 of the 197-a plan for information purposes only. Recommendations about the ramps to and from the Gowanus Expressway are within the scope of a 197-a plan because these ramps connect to local streets which are under the New York City Department of Transportation's (NYCDOT) jurisdiction. CB 7 has a number of specific recommendations about improving access to, and exit from, the Gowanus Expressway. The Commission notes that NYSDOT has been studying ways to improve the Gowanus Expressway. A full range of options has been explored in a Draft Environmental Impact Statement (DEIS). The Commission also notes that NYSDOT looks forward to working with CB 7, EDC and NYCDOT on a discussion about improving ingress and egress from the Gowanus Expressway, and has stated that all of the EIS build alternatives for the Gowanus Expressway should include an outbound entrance ramp at 39th street while the tunnel alternative should include a full interchange at this location.

CB 7 recommends extensive improvements to lighting and street signage under the Gowanus Expressway viaduct if the highway were to be reconstructed rather than tunneled. NYSDOT notes that the lighting system under the viaduct was replaced several years ago resulting in improved visibility, and has stated that it would work with CB 7 and NYCDOT to improve signing and pedestrian access in the corridor.

The 197-a plan recommends that NYCDOT undertake a study of roadway conditions throughout the waterfront study area and implement a comprehensive road repair and resurfacing program. NYCDOT has stated that it can analyze the roadway conditions of all City mapped streets in this area and, if warranted, add them to the roadway milling and paving program.

CB 7 states that EDC should ensure that there is adequate provision for parking in future development projects on city-owned property in the waterfront area. The Commission notes that EDC agrees with this recommendation. EDC encourages adequate parking in its current facilities

as well as proposed developments. In addition, EDC also promotes public transit and other alternative modes of transport to travel to work and has pointed out that Sunset Park is a unique neighborhood in which a large portion of the workforce walks to work.

The 197-a plan recommends that NYCDOT, along with DSNY, explore the possibility of relocating the existing Brooklyn 10 and Brooklyn 7 Department of Sanitation garage at 51st Street and First Avenue to other locations in CD 10 and CD 7, and provide public parking – in addition to open space and recreational uses – at this location, to serve surrounding businesses as well as visitors to the future park and recreational facilities at Bush Terminal Piers. The Commission does not endorse this recommendation, and notes that the Department of Sanitation (DSNY) is opposed to it. The Department of Sanitation (DSNY) has pointed out that the current facility on the city-owned location on Block 803, Lot 5 adequately serves the needs of DSNY and the CD7 and CD10 communities. It is located in a manufacturing zone, somewhat distant from the residential concentrations east of 3rd Avenue. The garage complex is located thirteen blocks from CD 10. DSNY established a shared garage for CDs 7 and 10 because of the unavailability of suitably zoned property for a DSNY garage in CD 10. The Commission notes that many community districts house shared garages. There are 15 community districts, including Brooklyn CD 7, that have DSNY garages that serve multiple community districts.

The 197-a plan includes a number of recommendations aimed at improving the efficiency of truck and rail freight movement to, from, and within Sunset Park. The Commission notes that NYCDOT is actively engaged in addressing truck movements throughout the Sunset Park area. Building off of the findings of a truck route study as well as ongoing activities of the Department's Office of Freight Mobility, the Department is examining many of the issues identified within the 197-a plan. The NYCDOT truck route study examined five critical intersections along the Sunset Part waterfront. The report recommended modifying signal timing; investigating the designation of an additional one-way eastbound street as a local truck route; investigating the designation of two streets as an additional pair of local truck routes; placing truck route designation signs at up to 14 locations along the waterfront area and increased sign maintenance; placing two truck route designation signs at each approach; and prohibiting curb parking along designated truck routes during weekday daytime hours to improve truck mobility.

These and other recommendations are being considered for implementation. NYCDOT is also working closely with agencies such as EDC, the Mayor's Office of Industrial and Manufacturing Businesses and the local IBZ on truck access and curb management issues. The Port Authority has pointed out that it continues to work with NYCDOT, NYSDOT, and EDC to support evaluation of more efficient truck routing options to improve efficiency and reduce truck vehicle-miles-traveled.

The 197-a plan recommends that EDC work with the Port Authority of New York and New Jersey (PANYNJ) to expedite rail float development and operations in Sunset Park. The Commission notes that a recent key development is the Port Authority's acquisition of the existing rail car float operation, including the 51st Street facility. Working with NYCEDC, NYSDOT, NJDOT, and private railroads, the Port Authority is pursuing final approvals to allow investment of federal and PANYNJ funds to restore the existing rail car float facilities and barges to a state of good repair. The proposed investments include related track and signal improvements and contributions to NYSDOT's ongoing program of improving clearances on rail freight lines in Brooklyn and Queens. The Port Authority is also working with NYCEDC on activation of the 65th Street yard facility. These initiatives are intended to sustain reliable rail car float service and to support expanded rail freight operations.

Public transportation recommendations in the 197-a plan cover bus, subway and ferry service. CB 7 calls for the expansion of bus service in the waterfront area. The exploration of the extension of the B70 bus line from 39th Street and 1st Avenue to 59th street is recommended in both the 197-a plan and EDC's *Sunset Park Waterfront Vision Plan* to accommodate heightened activity with the opening of Bush Terminal Piers Park and more users at Bush Terminal and Brooklyn Army Terminal.

The 197-a plan recommends that the MTA study potential increased demand for subway service in CD 7 as a result of population growth as well as economic development and respond accordingly. The MTA has pointed out that New York City Transit (NYCT) continuously monitors ridership levels. Currently, crowding at stations in the 4th Avenue corridor is below NYCT loading guideline thresholds. If new development does lead to increases in ridership,

service frequencies would be increased in the normal course of business, taking into consideration financial and operational constraints.

CB 7 calls for the expansion of ferry service on the Sunset Park waterfront as part of a regional ferry transit network. The Commission notes that the Port Authority will commence a regional passenger ferry study in collaboration with partner agencies in New York and New Jersey. This effort aims at developing more effective regional public policies to sustain and expand ferry services for commuting and recreational purposes. In addition, NYCDOT and EDC are working together on a Citywide Ferry study that will examine the potential for enhanced intra-City ferry services. NYCDOT will continue to work with ferry operators to promote ferry service from the Brooklyn Army Ferry Terminal in Sunset Park.

The 197-a plan recommends measures to facilitate safe and easy pedestrian and bicycle access, particularly along 3rd Avenue under the Gowanus Expressway and east/west pedestrian corridors to the waterfront. NYCDOT has said it can evaluate 3rd Avenue for potential pedestrian safety and access improvements at the waterfront access corridors as they cross 3rd Avenue. The waterfront access corridors would be developed in consultation with the community.

Environment and Public Health

The Commission applauds CB 7's call for a comprehensive sustainable development strategy that would also address environmental and related public health problems. The 197-a plan recommends creation of a Sunset Park "Sustainable Industrial District" as a model for environmentally sound industrial development. It would encourage the use of green building standards and promote sustainable businesses. This recommendation is consistent with EDC's *Sunset Park Waterfront Vision Plan*, which has a goal to promote green practices and includes recommendations for energy efficient infrastructure to establish district-wide environmental policies and to advance recycling and energy initiatives. The Mayor's Office of Long Term Planning and Sustainability is supportive of a pilot project to promote green design in industrial buildings.

Contingent upon careful consideration of potential transportation impacts and options to mitigate such impacts, the 197-a plan calls for a deepwater container port to increase efficient movement of goods. The EDC *Vision Plan* also recommends the continued study of a deepwater container port because of anticipated increased freight traffic and the limited options to expand maritime freight facilities in the harbor.

CB 7 advocates measures to reduce the level of fuel emissions in Sunset Park, including a long-term air quality study in Sunset Park to determine current pollution levels and assess the impacts of increased industrial activity when resources are available. The Commission notes that the ability of both the City's Department of Environmental Protection (DEP) and Department of Health and Mental Mental Hygiene (DOHMH) to conduct such a survey is restricted due to resource limitations. Some of the industrial projects in the area will undergo or have undergone their own environmental reviews. These reviews have disclosed or will disclose the impacts of these projects on air quality and other environmental indicators.

The 197-a plan recommends that NYCDOT should encourage city elected officials to create an incentive program to promote the use of emission control devices or alternative fuels, such as compressed natural gas or electricity, by truck and van fleets owned by or serving Sunset Park businesses or that are under city contract. The Commission notes that NYCDOT has stated that the Department is actively engaged with businesses in promoting the use of alternative fuels and emission control devices and would work to expand those opportunities within the area.

CB 7 has concerns about the assessment of health and land use impacts of new heavy industrial and municipal uses. The Commission notes that the City's "fair share" criteria attempts to foster an equitable distribution of public facilities throughout the city by encouraging community consultation and by establishing a set of considerations that must be taken into account by city agencies when they select sites for new facilities or substantially change existing facilities. A fair share analysis discloses a City agency's siting decision; it is not an environmental review. If a new industrial or municipal use requires a discretionary action, for example a site selection (which is required for City facilities), then an environmental review is conducted. If a positive declaration is issued as a result of an Environmental Assessment Statement analysis, then an

Environmental Impact Statement with a thorough analysis of land use and health issues is prepared. State facilities are subject to SEQRA review. Private as-of-right heavy manufacturing (M3) uses are governed by heavy manufacturing zoning district (M3) regulations and are not subject to environmental review because no discretionary action is required. They are, however, subject to administrative regulations for air quality, noise, etc.

The 197-a plan calls for the minimizing of adverse impacts from the reactivation of the Hamilton Avenue Marine Transfer Station (MTS). The Department of Sanitation points out that the Hamilton Avenue MTS is a key component of the Comprehensive Solid Waste Management Plan (SWMP) for the City that was adopted by the City Council in July 2006 and approved by the New York State Department of Environmental Conservation (NYSDEC) in July 2006. The Final Environmental Impact Statement for the SWMP found the Hamilton Avenue MTS would not cause any significant adverse environmental impacts. Additionally, the permit for the Hamilton Avenue MTS issued by NYSDEC includes conditions designed to preclude adverse impacts.

The 197-a plan recommends that the Mayor's Office of Environmental Remediation (MOER) should continue to work with EDC, DCP and local organizations such as the United Puerto Rican Organization of Sunset Park (UPROSE) to identify and assess brownfield sites in the waterfront study area and develop strategies for environmental remediation and reuse. The Commission notes that the Mayor's Office of Environmental Remediation was created to implement the brownfield goals of PlaNYC. MOER's mission includes working with community organizations to build their capacity to effectively address brownfields and to serve as a resource for City agencies. They are also tasked with establishing a new local brownfield cleanup program to encourage private owners and non-profit and for-profit developers to clean up and redevelop lightly-to-moderately contaminated sites. MOER and EDC support the 197-a plan's recommendation that the availability of tax credits under the New York State Brownfield Cleanup Program be widely advertized to encourage remediation and redevelopment of privately-owned industrial property. OER points out that the City's local brownfield cleanup program will also provide incentives to encourage this type of remediation. Particular sites will

be better suited to either the City's or the State's programs. MOER will promote the availability of both City and State financial incentives for addressing brownfields.

MOER has stated that it is pleased to coordinate City involvement with UPROSE pursuant to its Brownfield Opportunity Area (BOA) grant. The grant was for \$93,480. The Commission notes that the largest grant ever awarded by New York State for the remediation of a brownfield site, \$17.8 million, was given for the environmental cleanup and redevelopment of the Bush Terminal Piers site for the creation of a waterfront park between 43rd and 51st streets. The state grant, combined with city (\$9 million) and federal (\$8 million) funding plus other monies will allow the City to remediate the 14-acre site. The City plans to redevelop the site as a public open space with active and passive recreational uses.

The 197-a plan recommends that DEP and the Mayor's Office of Long Term Planning and Sustainability continue to develop and implement strategies for the Sunset Park area, as resources are available, to encourage implementation of stormwater Best Management Practices to alleviate street flooding, and reduce the volume and/or frequency of combined sewer overflows (CSOs). DEP has pointed out that as part of their regular cycle of inspecting catch basins, the Department checks if they are properly hooded. If they are not, the hoods are replaced within 90 days. Any upgrade in the waterfront area would require the separation of sewers, which would necessitate amendment of DEP's Drainage Plan.

The Commission supports the 197-a plan's call for increasing the amount of greenery and public open space along the waterfront wherever feasible, and for promoting education about environmental sustainability.

Open Space and Waterfront Access

The Commission commends CB 7 on its many thoughtful recommendations for providing public open spaces, both in the waterfront area and the rest of CD 7. The 197-a plan advocates that the City should explore all additional opportunities, beyond the new Bush Terminal Park, for public open space in the Sunset Park waterfront area where such a use would be compatible with existing businesses and municipal uses. The Commission notes that the Department of Parks and

Recreation (DPR) supports efforts to improve public access within the study area. The future development of the Bush Terminal Piers Park will greatly improve public access to the waterfront. DPR looks forward to working with community stakeholders to find additional creative solutions to increasing public access and open space on the waterfront wherever possible. EDC is also open to exploring other opportunities for open space development along the waterfront to supplement the Bush Terminal Piers Waterfront Park.

The Commission applauds CB 7's creative ideas for expediting the development and maintenance of the Bush Terminal Piers Park, and the establishment of a context for the park. The 197-a plan encourages EDC to pursue all available funding sources to ensure park facilities are accessible to low- and moderate income residents, to encourage other destinations to draw people to the waterfront from the upland area, to establish safe pedestrian routes, and to explore other funding sources for park programming and maintenance.

CB 7 recommends that DPR coordinate with other agencies and the community to create, if appropriate, a local development corporation or trust to undertake the development and management of Bush Terminal Piers Waterfront Park as well as the Sunset Park Greenway. The Commission notes that DPR will take over management and jurisdiction responsibilities for the completed Bush Terminal Piers Waterfront Park and has been actively working with EDC in the design and construction of the park. DPR has a long and successful history of developing partnerships with external organizations and is open to exploring innovative approaches to the care and management of its parks. The 197-a plan calls for public perimeter greenways in future maritime/industrial development wherever feasible that would be integrated with a larger Sunset Park greenway as well as waterfront access at appropriate street end locations.

The plan encourages the Department of Education (DOE) and the School Construction Authority (SCA) to make provisions for publicly accessible open space in future school construction and expansion efforts in CD 7, where feasible. The Commission notes that the School Construction Authority has stated that, to the extent possible, new school construction projects include the creation of schoolyards and other open space to support students' recreational and physical education requirements. However, due to the limitations associated with new sites for new

school construction (i.e. size) and the limitations of available capital funding, DOE and SCA must prioritize meeting the needs of the public school student population over the open space goals of the general public. It should be noted that two existing DOE playgrounds located at PS 24 and PS 172 in CD 7 are in the process of being converted to PlaNYC playgrounds, which will include improvements and community access to those areas outside of school hours.

CB 7 calls for a number of measures to promote, where funding is available, increased use of Brooklyn Army Terminal Pier 4 for public open space activities and initiatives that increase public awareness of public open space and historic sites on the Sunset Park waterfront. The Department of Parks and Recreation acknowledges the important history of the waterfront area and welcomes suggestions for improving public historical knowledge in any open space under the Department's jurisdiction.

To facilitate public access to and along the waterfront, the 197-a plan recommends improved bicycle facilities in the Sunset Park waterfront area and the creation of a greenway along the Sunset Park waterfront that would link existing and proposed public open spaces and waterfront access points to form one segment of a continuous Brooklyn waterfront greenway. The Commission notes that a number of organizations, including the Brooklyn Greenway Initiative, the Regional Plan Association, UPROSE, and Pratt Center have proposed greenway routes. In addition, NYCDOT is developing a Greenway Master Plan and will be working with stakeholders and agencies to address issues such as accessibility, routing, amenities and traffic. The Commission notes that a physically separated bicycle or multi-use path in the waterfront area must be carefully sited to avoid conflicts with active industrial uses.

CB 7 recommends that NYCDOT, in coordination with DPR and EDC, study the designation of specific east-west streets as waterfront access corridors that would serve as "gateways" to the waterfront, and encourage safe pedestrian and bicycle access. The Commission notes that NYCDOT can work with the community on identifying specific corridors as waterfront access corridors. After the corridors are identified, the Traffic Management Division can evaluate the corridors for potential short-term bicycle and pedestrian safety enhancements, including traffic calming. Special lighting, landscaping, signage, paving could be considered as part of a potential

long-term capital project. Capital projects are prioritized based on a number of factors including roadway condition, subsurface conditions and community preference.

CB 7 also calls for safe and easy pedestrian and bicycle crossings over the First Avenue railroad tracks and for the establishment of alternate routes, if necessary, through special paving, lighting and signage, where direct access is not possible. NYCDOT can analyze the crossings of the tracks at waterfront access corridors identified in the community process above for potential safety enhancements. Alternative routes can be considered if access cannot be provided on the waterfront access corridors.

Housing

The Commission is pleased with CB 7's goal to promote the creation and preservation of affordable housing. The 197-a plan includes a number of recommendations to promote affordable housing, all of which are supported by HPD. To preserve and maintain existing affordable housing in the waterfront study area, the 197-a plan recommends that the Department of Housing Preservation and Development (HPD) work with local non-profit organizations to establish a comprehensive housing preservation program for the mixed-use and residential districts west of Third Avenue, aimed at encouraging rehabilitation and improvement of the existing housing stock. The plan also encourages HPD to promote the Inclusionary Housing program's off-site affordable housing preservation option among developers in areas where recent zoning changes include an Inclusionary Housing bonus. The R8A zoning district along Fourth Avenue in South Park Slope and the R7A districts along Fourth and Seventh Avenues in Sunset Park are included in the Inclusionary Housing Program. The plan also encourages the option in other potential upzonings in CD 7 that may contain Inclusionary Housing provisions. The Commission notes that HPD endorses these recommendations.

The 197-a plan supports the goals of the 128-block DCP-initiated rezoning for the inland area east of Third Avenue plus part of 60th Street, and all of 61st and 62nd streets west of Third Avenue. This rezoning, which was adopted September 30, 2009, preserves neighborhood character and scale, creates opportunities and incentives for affordable housing through Inclusionary Zoning, and supports local retail corridors.

The plan recommends that DCP and HPD explore the feasibility of decking the rail cut at 38th Street and Fourth Avenue to create additional space for housing development, affordable to a range of income levels. The Commission notes that the Department of City Planning has conducted an inventory of development opportunities over rail cuts which included this site. The report, "Inventory of Decking Opportunities over Transportation Properties," September 2008, did not include conclusions about development feasibility.

Community Facilities and Services/Quality of Life

The 197-a plan discusses the increased demand for community facilities due to population growth in CD 7 and includes recommendations for educational, recreational, cultural and child care facilities. CB 7 calls for DOE and SCA to continue to monitor the need for high school seats in the Sunset Park community. The Commission notes that, with the strong support of CB 7 and elected officials, the new Sunset Park High School facility at 4th Avenue between 34th and 35th streets, with a capacity of approximately 1,650 seats and state-of-the-art features, opened in fall 2009.

The 197-a plan calls on DOE and SCA to evaluate existing elementary and middle schools in CD 7 to determine their potential for expansion. If expansion is not feasible, these agencies should work with the community board to identify appropriate sites for new construction. The School Construction Authority expresses its appreciation of CB 7's efforts and support in the identification of potential sites for new school construction, and notes that the new high school is on a site that the community board identified. The Adopted Five-Year Capital Plan for Fiscal Years 2010-2014 identifies the need for additional school seats in Community School District No. 15 which serves the Sunset Park community as well as Park Slope. The SCA is in the process of assessing potential sites for those seats, and will also evaluate potential expansion opportunities for existing Sunset Park school buildings to meet the public school needs.

CB 7 seeks to work with EDC and DPR and local community organizations to identify sites suitable for the indoor recreation and sports facilities. DPR supports the creation of additional

active recreation within the study area, indoors and outdoors, but points out that new buildings are costly. The adaptive reuse of existing buildings should be considered.

The 197-a plan recommends that the Department of Education and the School Construction Authority should endeavor to provide, where feasible, both indoor and outdoor recreation and sports facilities in the development of schools in Sunset Park. The School Construction Authority notes that the challenges of identifying appropriate sites for new school construction in densely developed neighborhoods such as Sunset Park often result in the identification of smaller and/or irregularly shaped sites. Given the limitations of the sites and construction funding, and the need to prioritize instructional space, recreation and sports facilities are included in new school construction to the extent possible to meet instructional requirements.

CB 7 encourages the Administration for Children's Services (ACS) to explore opportunities for developing day-care and Head Start facilities in proximity to workplaces on the waterfront and encourages EDC to consider either expanding the Georgia L. McMurray BATKids Center in Brooklyn Army Terminal Building B or developing additional day-care facilities in Building A, which is currently undergoing renovation, to accommodate incoming employees. EDC supports this recommendation.

The 197-a plan recommends that the Department of Cultural Affairs (DCLA) work with local community and cultural organizations to identify potential city-owned sites and/or sources of funding for community/cultural facilities in the waterfront study area or along waterfront access corridors. The plan also calls for the development of a cultural corridor on 43rd Street that would incorporate existing historic landmarks, in order to strengthen the connection between the proposed waterfront park, Sunset Park on Fifth Avenue, and upland communities. The Commission notes that CB 7 could assist DCLA with information about the nature of space opportunities along the 43rd Street corridor to determine whether cultural organizations, galleries, artists and other cultural interests would seek tenancies or properties along the corridor. The Department of Small Business Services notes that several of the 197-a plan suggestions connected to physical improvements and retail corridor development are services that SBS is positioned to help local economic development organizations provide, however SBS does not

have the capability to provide such services directly. These suggestions include encouraging building owners to undertake façade improvements, improve illumination along sidewalks, and attract businesses to foster cultural districts. As previously mentioned, SBS provides grants through its Avenue NYC program, which is designed specifically for non-profit economic development organizations (local development corporations, merchant associations, and other community organizations) to accomplish local economic development objectives.

CB 7 seeks to have the City expand the delivery of social, health and community services, when resources become available, by increasing support for community based non-profit organizations in Sunset Park to enable them to effectively deliver immigrant, literacy, job placement, youth, elderly and other services to the growing population and, when feasible and subject to citywide needs, by providing funding for the development of a "one-stop" immigrant service in CD 7 that takes care of legal issues and health issues as well as education, job training, employment and housing needs. The Commission notes that these recommendations are appropriately conditioned with phrases about the City's availability of resources.

The 197-a plan recommends that the Department of Youth and Community Development (DYCD) should support programs that engage local youth in neighborhood improvement efforts. The Commission notes that DYCD already has such programs. The Teen ACTION (Achieving Change Together in Our Neighborhood) initiative was launched with the Mayor's Center for Economic Opportunity (CEO) and includes two programs in the district. Each program offers participants the chance to engage in structured learning, service projects, and reflection. Participants, who range in age from 13 to 21 or are in 6th through 11th grade, are provided an opportunity to develop life skills while making meaningful contributions to their community. DYCD's goals for Teen ACTION are to foster engagement in school and community and promote responsible behaviors.

CB 7 seeks to address quality-of-life issues, particularly the presence of adult use establishments. The 197-a plan recommends that litigation that has delayed the effective date of amendments to the adult entertainment zoning regulations should be settled as soon as possible. The

Commission notes that the amendments to the 1995 regulations would only affect so-called “60/40” establishments operating at locations where adult uses are prohibited. (A substantial portion -- 60 percent -- of the trade material must not be adult-oriented, x-rated; 40 percent can be.) In CD 7, there are four “60/40” bookstores operating in the M1-2D mixed use districts where adult uses are not permitted. These establishments would be affected by the implementation of the amendments. According to Department of Buildings’ data (December 2008), there are nine “60/40” bookstores in manufacturing districts in CD 7 which would not be affected by the amendments. A decision on the new “60/40” regulations is expected later in 2009; an appeal is anticipated. The Commission notes that the City can take enforcement action against any adult entertainment establishment where there is criminal activity such as loitering or prostitution.

Historic Preservation

The 197-a plan contains a number of recommendations aimed at preserving historically significant buildings, sites and artifacts on the Sunset Park waterfront. The plan calls for the New York City Landmarks Preservation Commission (LPC) to consider six historically and architecturally significant buildings in the waterfront study area for potential designation as New York City landmarks. LPC has stated that at this time the New York State Arsenal, located on Second Avenue between 63rd and 64th streets, may merit pursuit as a potential individual landmark.

The 197-a plan recommends that the City should consider assisting, as resources allow, non-profit organizations to create a maritime and industrial museum on the waterfront to promote awareness of Sunset Park’s maritime and industrial past and the important contributions its immigrant communities have made to the local and regional economy. DCLA points out that the City, subject to budget appropriations, makes funding for capital projects and program activities available to non-profit cultural organizations that have been in operation for at least three years. A qualifying entity seeking capital support must demonstrate a fully viable capital plan, including full funding and the long-term capacity to manage the proposed space and operations independent of City support. EDC supports the concept of creating a cultural/historic precinct which would connect the proposed maritime/industrial museum and other cultural, historic and

educational facilities to the upcoming Bush Terminal Piers Park, creating a sense of place and identity on the waterfront that would draw local residents and visitors to the area.

CB 7 calls for the City (through DCLA) to encourage and support non-profit organizations to create an historic trail and map leading people from upland neighborhoods to and along the waterfront, using plaques to identify historic buildings and sites. The Commission notes that DCLA has stated that, subject to available budget appropriations, the City provides funding opportunities to non-profit cultural entities for program activities and capital projects. Organizations such as City Lore, which provide walking tours highlighting the distinct cultural history of communities and neighborhoods throughout the City, have received support from DCLA. Organizations dedicated to the cultural history and heritage of the Sunset Park community would be encouraged to seek available City funding.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant effect on the environment; 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 will be consistent with WRP policies, and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-a of the New York City Charter, that the 197-a plan, *New Connections/New Opportunities: Sunset Park 197-a Plan*, submitted by Brooklyn Community Board 7, is approved with a modification:

Whereas, approved 197-a plans guide the future actions of public agencies; and

Whereas, approved 197-a plans cannot preclude subsequent actions by the City Planning Commission and the City Council in their review of possible future applications under other charter-described processes; and

Whereas, the recommendations and proposals contained in the Recommendations section of the *New Connections/New Opportunities: Sunset Park 197-a Plan* are hereby replaced and modified as follows:

DELETED:

NYC DOT, along with DSNY, should explore the possibility of relocating the existing BK 10 and BK 7 sanitation garage at 51st Street and First Avenue to other locations in CD10 and CD7, and providing public parking - in addition to open space and recreational uses - at this location, to serve surrounding businesses as well as visitors to the proposed park and recreational facilities at Bush Terminal Piers.

The above resolution (N080396 NPK), duly adopted by the City Planning Commission on November 18, 2009 (Calendar No.12), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G.CANTOR, P.E.,

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SHIRLEY A. McRAE, Commissioners