

## Platform for Responsible Redevelopment of the Gowanus Canal

We believe that the rezoning and development of the Gowanus Canal area provides a great opportunity for our community. But it must be done right. We appreciate the City's outreach and engagement with community members, and their willingness to listen and adjust their plans. In general, we agree with the principles presented by City Planning to Community Board 6. We have developed this platform to make clear specific actions that we believe are necessary to make these principles real, and to identify some important issues that were not included in City Planning's framework.

### General principles:

- **Affordable housing** is our key goal in any residential development. We want to see every significant site (more than 30 units) have at least 30% affordable housing. Public Place (a City-owned site) should have at least 60% affordable housing, including a significant amount of senior housing. Housing should be permanently affordable, to families at a wide range of incomes..
- **Space for industrial jobs** must be preserved. Core manufacturing areas in the south & northeast areas of the Canal must remain zoned for manufacturing, and not rezoned to mixed-use (which allows developers to convert to residential uses as-of-right, thus encouraging speculation and signaling the decline of manufacturing in an area).
- **Responsible contractors & operators** are essential on all large projects. We want to see union contractors & building/hotel operators that treat their workers fairly, create good job opportunities for local residents, deliver a good quality construction project, and operate quality development, without unnecessary harm to the community.
- **Respect community context with balanced development.** While we believe that the Canal area is appropriate for development and additional density, this must be balanced with a contextual rezoning to limit out-of-scale development in the residential sections of Carroll Gardens (as was already done in Park Slope).
- **Genuinely promote the mix of uses that make the Gowanus special.** In those areas that are appropriate for mixed-use zoning, DCP should establish a special district that would genuinely enable ground-floor light industrial uses to flourish. In these areas and elsewhere, the City should encourage and incentivize appropriate artisan, arts-related, and light industrial activities.
- **Improve the infrastructure & environmental quality of the Canal and the surrounding area.** The City should make the necessary investments to clean the Canal and improve the infrastructure of the area, in order to support the vibrant, mixed-use community that we imagine. Special consideration must be made to accommodate waste water run off and flooding, and to include a comprehensive storm water management plan. New construction should be held to high standards of environmental performance, so that they improve rather than worsen combine sewer overflows and other environmental conditions.

We recognize that achieving these goals will require significant development around the canal – most likely at densities and heights higher than some would prefer. While we do not support density for its own sake (and are cognizant of the challenges development can bring), we are willing to support additional density around the Gowanus Canal, to the extent that it will enable us to meet these ambitious principles for development. Specific criteria to meet these principles are identified below.

**1. Affordable housing** (including senior housing) is our key goal in any residential development.

- We want to see every significant site (more than 30 units) have at least 30% affordable housing. The public action of rezoning will lead to huge windfalls for large property owners. As a result, there should be more affordable units than the 20% that would minimally be required by inclusionary zoning or the new 421-a rules.
- Inclusionary zoning should be applied to all areas being rezoned from manufacturing to mixed-use (to allow residential development). This should apply upland as well as on the Canal, in every district of R6 or higher.
- Public Place (a City-owned site) should have at least 60% affordable units. A significant portion of this should be for affordable housing for senior citizens, preferably integrated into the other housing, with appropriate services to enable people to age in place. The affordable housing should be affordable to families at a wide range of incomes.
- The site adjacent to Public Place to the south, where environmental remediation is taking place as part of the Keyspan clean-up of Public Place, should also provide at least 50% affordable housing. Otherwise, it should remain zoned for manufacturing.
- The affordable units (including homeownership) should be affordable in perpetuity, so that families are not displaced and affordable housing opportunities are not lost in the future (as is happening so rampantly now).
- There can be no net loss of existing rent-stabilized units as a result of the rezoning. In rezoned areas where the change in zoning leads to residential development that result in the loss of rent-stabilized housing, those rent-stabilized units must be replaced at the same levels of affordability in the new development, regardless of whether the developer takes advantage of inclusionary zoning, and regardless of the size of the new development.
- All affordable housing development within the Gowanus Canal Corridor, including those directly or indirectly generated by market-rate developments within the Gowanus Canal Corridor, must be built to the same standard as market-rate housing as described in this document. Affordable housing developments shall include requirements that all construction and environmental remediation work be performed by qualified, responsible contractors as described in Section 3 of this document.
- Dedicating government funds to stabilizing bulkheads and creating open space along the Canal, and thus relieving developers from this requirement, will allow developers to dedicate funds to achieving the maximum amount of affordable housing that the community needs and deserves.

**2. Space for industrial jobs** must be preserved. Core manufacturing areas in the south & northeast areas of the Canal must remain zoned for manufacturing, and not mixed-use. Mixed-use zoning in NYC allows developers the right to convert to residential uses as-of-right, thus encouraging speculation and signaling the decline of manufacturing in an area.

- Subareas C, D East, and E should remain zoned for manufacturing.
  - Subarea C (northeast quadrant): With nearly 60% of land use dedicated to manufacturing uses, compared to only 1% for residential/mixed use, this Subarea is thoroughly industrial. Businesses in the area employ more than 500 people.
  - Subarea D East (Hoyt to Canal, 3<sup>rd</sup> to 5<sup>th</sup> Streets): This quadrant is not only thoroughly industrial, but business in this area are investing in their properties and expanding their operations.

- Subarea E (southeast quadrant) is almost entirely a NYC Industrial Business Zone. This subarea should be mapped as an “Industrial Employment District” to provide additional protections and certainty for manufacturing uses.
- In all of the manufacturing zones in the Gowanus area, new superstores, hotels, or large footprint offices should require a special permit. Right now, these are allowed as-of-right. However, new hotel and commercial development threatens to overwhelm industrial uses.
- Variances should not be granted in the areas zoned for manufacturing. The “land use framework” being developed by the Department of City Planning should guide the Board of Standards and Appeals as well.
- In Subarea A (east side of Canal, from Sackett to 3rd Street), the City should establish a Special District that allows genuinely mixed-use development, as outlined below.
- The City should take other infrastructure, transportation, recreation, and investment decisions that help to strengthen manufacturing.

**3. Responsible contractors & operators** are essential on all large projects and all environmental remediation work. We want to see union contractors & building/hotel operators, because we believe that they build and operate quality developments product, without unnecessary harm to the community, and that they treat their workers fairly. Responsible contractors also hire locally, creating good job opportunities for local residents.

Too often, our community has seen contractors and/or subcontractors that violate the health, safety, and workplace laws and standards of our City. These contractors evade or bend Department of Buildings and OSHA rules, leading to illegal, dangerous, or severe nuisance situations for neighbors of the construction site. They violate wage and hour laws of the Fair Labor Standards Act, fail to pay taxes or health care or Workers Compensation, and jeopardize the health, safety, and even lives of their workers. Irresponsible contractors jeopardize the efficient delivery of projects, leaving them vulnerable to job stoppages and other labor disputes, leaving site half-demolished or half-developed for years. We believe that hiring union is the surest way to insure that these high standards are realized, but that, at a minimum, developers and contractors used to perform this work must meet established qualifications and responsibility standards.

Therefore, for all sites with large development projects, we want commitments that they will be built and operated by responsible contractors, with a strong track record. A “responsible” contractor or operator is one who meets the following standards:

- A track record of successfully performing the services at issue.
- A track record of area-standard wages and benefits, but in no case less than a living wage, and benefits to employees.
- A history of complying with applicable public laws, including health and safety laws, environmental laws, wage and hour laws, and antidiscrimination laws.
- A commitment to pay prevailing wages, area-standard wages, or living wages and benefits, as applicable, and a commitment to comply with all applicable public laws.
- A commitment to give local residents a fair opportunity to obtain employment.
- A commitment to having a state-certified apprenticeship program, where possible.
- A willingness to disclose the necessary information to determine whether the contractor or operator meets these standards.

- For Public Place, which the City will award by RFP, the City should:
  - Require that developers specifically certify, as a condition of being authorized to perform the project, that they and their contractors & subcontractors meet the following standards:
    - a) All developers, contractors, and subcontractors shall verify that they have complied with all relevant federal, state, and local laws and regulations for at least the past five years and they will continue to do so for the duration of the Public Place project.
    - b) All firms, including general contractors, subcontractors, or other entities that employ construction craft workers on any demolition, construction, renovation, rehabilitation, remodeling or modernization projects shall participate in a New York State-certified apprenticeship program for each craft or classification of workers they employ. To comply with this standard, the firm must verify that its apprenticeship program(s) have been registered with, and approved by, the Commissioner of the New York State Department of Labor at the time the contract is awarded, and that such program(s) have graduated apprentices to journeyman status for at least 3 of the past 5 years. Apprenticeship requirements similar to this standard apply to City public works projects pursuant to Mayoral Policy Director (July 20, 2006).
    - c) All contractors, subcontractors, or other firms employing construction craft workers on any demolition, construction, renovation, rehabilitation, remodeling or modernization projects shall pay prevailing wages in adherence with New York State Labor Law §220 and §230 and City Administrative Code §6-109.
    - d) All building managers and large retail operators shall pay area standard wages and benefits, or at minimum, living wages for all job categories.
    - e) Require that contractors, building managers, and large retail operators have a strong local hiring and training plan in place.
  - Although the above language was not included in the Public Place RFP, it is the consensus of the Gowanus Summit that these points are of paramount importance. As such, we will seek through ULURP to secure a pledge by the selected developer to the community that these practices be upheld.
- For private sites, we do not believe they should be rezoned unless the developer can show that they will be using responsible contractors and operators. Developers should provide detailed evidence to the Community Board and City Councilmembers that they will be using responsible contractors and operators in environmental remediation, demolition, construction, building services, hotels, and large retail operations, using the criteria outlined above. The City should insure that contractual agreements entered into with developers, and other applicable project documents, specify that developers shall be bound to these responsibility standards and that developers will take the necessary action to insure that all operators, contractors, and subcontractors participating in the project are likewise contractually bound to comply with these standards. Appropriate review and oversight procedures, including “clawback” procedures, penalties, and procedures for permitting public access to public records, should be developed to promote full and fair enforcement of these standards.

- 4. Respect community context with balanced development.** While we believe that the Canal area is appropriate for development and additional density, this must be balanced with a contextual rezoning to limit out-of-scale development in the residential sections of Carroll Gardens (as was already done in Park Slope), in order to maintain the character and quality-of-life in surrounding communities. These contextual rezoning should cover the area from Pacific Street (on the north) to the Gowanus Expressway (on the south/southwest), from the BQE (on the west) to Smith Street/Bond Street/3<sup>rd</sup> Avenue (on the east).
- 5. Genuinely promote the mix of uses that make the Gowanus special.** In those areas that are appropriate for mixed-use zoning, DCP should establish a special district that would genuinely enable ground-floor light industrial uses to flourish. In these areas and elsewhere, the City should encourage and incentivize appropriate artisan and light-industrial activities.
- In Subarea A, City Planning should establish a Special District, an MX zone with a manufacturing overlay that has the following requirements. Such a special district would allow the introduction of housing in the area, while preserving space for creative light industries and arts-related uses that help to define the existing character of Gowanus and are otherwise at a severe risk of displacement. The special district should have the following requirements:
    - Along the vast majority of side streets and Nevins Street, future development should require the ground floor to be used for light industrial uses. We recommend either (a) a requirement of 80% lot coverage with all M uses on the ground floor, or (b) a requirement of a fixed percentage (approx. 40%) of M uses that could be satisfied on multiple levels.
    - Ground floor retail would be allowed along the 3<sup>rd</sup> and 4<sup>th</sup> Avenue corridors where extensive retail already exists.
    - Pre-existing non-conforming residential buildings would be exempt from the ground floor and second floor use requirements.
  - We urge creative thinking for large sites along the canal (lots of more than 10,000 square feet, with at least 100' of canal frontage). These could be innovative mixed-use developments, which incorporate residential, light-industry, cultural, business incubation, waterfront-accessory, recreation, and sustainable development. This type of development would help the Gowanus area to thrive with the mixed-use character that makes it a unique, valuable, and exciting place.
  - The City and its partners should provide non-land-use supports for the uses that make the Gowanus area special. The Department of Cultural Affairs should provide support for arts-related and artisan uses to help strengthen the creative industries in the area. The Mayor's Office of Industrial and Manufacturing Businesses should continue to provide support to the area through its IBZ and ombudsman programs.
- 6. Improve the infrastructure & environmental quality of the Canal and the surrounding area,** in order to support the vibrant, mixed-use community that we imagine. Finally, we believe that any rezoning must be accompanied by improvements in the transportation and sewer infrastructure serving this neighborhood. Development will tax the already overburdened infrastructure, especially the sewer system. Untreated sewage is regularly released into the Gowanus Canal due to sewer overflows, and basement flooding caused by insufficient street drainage is common. Any and all development must be party to a comprehensive storm water management plan.
- Infrastructure: The City should make the necessary investments to clean the Canal and improve the infrastructure of the area. Development on the canal should not occur without substantial investment and overhaul of the existing sewer system.

- Remediation: The Canal, and the land around it, need to be sufficiently clean and health to sustain a mixed-use community. This will take a mix of public and private leadership and investment. All work must be performed by certified, responsible and experienced hazmat abatement and remediation contractors according to best industry practices.
- New Construction: All new construction should adhere to green building principles and be held to high standards of environmental performance. New buildings should not add to the CSO problem; if anything, they should abate it.
- Dredging: Businesses that rely on the Gowanus Canal to barge product are finding it increasingly difficult to continue to do so because of build-up on the bottom of the Canal, as well as large pieces of debris that render certain areas impassable. All 1.5 miles of the Gowanus Canal should be dredged and debris removed.
- Signage: Educational signage indicating that the Gowanus Canal is an industrial waterway should be posted along the canal. Recreational boaters wishing to use the canal should be well-versed in the rules of navigating an industrial waterway to ensure the safety of boaters and the ability for industrial barging operations to continue.

\*\*\*\*\*

Provided the details of the final plan are fair and reasonable generally, the Coalition will fully and actively support the Gowanus Redevelopment Plan, including increased FARs, other necessary re-zoning initiatives and other support or assistance the City considers providing to developers – IF all key principles of this Platform are adopted and incorporated into the City’s redevelopment plan. To this end, these principles must be included as mandatory requirements of the Plan and its main components, including into re-zoning resolutions developed by the City Planning Commission, related implementation agreements, and other official acts, agreements, or initiatives used by the City to implement this Plan.

On the other hand, a Redevelopment Plan that lacks the key principles set forth herein, would not, in our view, address critical community and public interest and, therefore, should not receive public support. The development community will reap substantial benefits from the Gowanus Plan and the actions undertaken by the City to assist developers to effectuate this Plan. However, to protect the public interest and insure fair treatment for the local community, it is essential that the principles of this Platform be adopted as core elements to the Plan, and, moreover, that practical procedures be put in place to make sure these principles protect and promote community interests as intended.

\*\*\*\*\*

This working document represents the consensus of:

- Fifth Avenue Committee
- Gowanus Canal Community Development Corporation & Gowanus Canal Conservancy
- Mason Tenders’ District Council of Greater New York, Laborers’ International Union of North America
- NYC Central Labor Council
- NYC District Council of Carpenters
- New York Industrial Retention Network
- New York Hotel & Motel Trades Council
- Pratt Center for Community Development
- Public Housing Communities
- Buddy Scotto and Mark Shames, Carroll Gardens Association
- Southwest Brooklyn Industrial Development Corporation
- UNITE-HERE