Legislation Details (With Text)

File #:	Res 1825-2021	**Version:**	*	**Name:**	LU 874 - Zoning, Gowanus Neighborhood Plan, Brooklyn (C 210052 HAK)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Land Use
On agenda:	11/23/2021				
Enactment date:				**Enactment #:**	

Title: Resolution approving the application submitted by the New York City Department of Housing Preservation and Development ("HPD") and the decision of the City Planning Commission, ULURP No. C 210052 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of property located at 42 5th Street (Block 471, Lot 1) and 431 Hoyt Street (Block 471, Lot 100), Borough of Brooklyn, Community District 6, to a developer selected by HPD (L.U. No. 874; C 210052 HAK).

Sponsors:

Indexes:

Attachments: 1. Res. No. 1825, 2. September 23, 2021 - Stated Meeting Agenda with Links to Files, 3. Hearing Transcript - Stated Meeting 9-23-21, 4. Calendar of the Zoning Subcommittee Meeting - October 12, 2021, 5. Hearing Testimony - Zoning 10-12-21, 6. Calendar of the Zoning Subcommittee Meeting - November 9, 2021, 7. Calendar of the Zoning Subcommittee and Land Use Meetings - November 10, 2021, 8. November 23, 2021 - Stated Meeting Agenda with Links to Files, 9. Hearing Transcript - Stated Meeting 11-23-21, 10. City Planning Commission Approval Letter, 11. LOCATING ENVIRONMENTAL REVIEW MATERIALS FOR CERTAIN LAND USE APPLICATIONS, 12. Committee Report, 13. Minutes of the Stated Meeting - November 23, 2021

Date	Ver.	Action By	Action	Result
11/10/2021	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
11/23/2021	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1825

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development ("HPD") and the decision of the City Planning Commission, ULURP No. C 210052 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of property located at 42 5th Street (Block 471, Lot 1) and 431 Hoyt Street (Block 471, Lot 100), Borough of Brooklyn, Community District 6, to a developer selected by HPD (L.U. No. 874; C 210052 HAK).

By Council Members Salamanca and Moya

WHEREAS, the City Planning Commission filed with the Council on September 24, 2021 its decision dated September 22, 2021 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") regarding city-owned property located at 42 5th Street (Block 471, Lot 1) and 431 Hoyt Street (Block 471, Lot 100), (the "Project Area"), approving:

a) pursuant to Article 16 of the General Municipal Law of New York State the designation of

Disposition Area as an Urban Development Action Area;

b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the "Project"); and

c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related actions would facilitate the development of approximately 950 affordable housing units in approximately six new construction mixed-use residential buildings ranging between five and 28 stories in height. The Gowanus Green Development would also include a variety of non-residential uses, including ground-floor community facility, commercial, and retail spaces, and space for a potential future school in the Gowanus Neighborhood Plan in Brooklyn, Community District 6 (ULURP No. C 210052 HAK) (the "Application");

WHEREAS, the Application is related to applications C 210177 ZMK (L.U. No. 869), an amendment to the Zoning Map to change R6, R6B, R8A, R8A/C2-4, C8-2, M1-1, M1-2, M2-1, and M3-1 districts to R6B, R6A, M1-4/R6B, M1-4/R6A, M1-4/R7A, M1-4/R7-2, M1-4/R7X, C4-4D, and M1-4 districts, eliminate commercial overlays, establish the Special Gowanus Mixed Use District, and replace a Special Enhanced Commercial District (EC-1); N 210178 ZRK (L.U. No. 870), a zoning text amendment to establish the Special Gowanus Mixed-Use District, Gowanus Waterfront Access Plan, establish a Mandatory Inclusionary Housing (MIH) area, and replace the EC-1 within the rezoning area; C 210179 MMK (L.U. No. 871), a the establishment of streets, the elimination of street segments, and removal of a “Public Place” designation; C 210180 MMK (L.U. No. 872), a city map amendment involving the mapping of parkland; C 210053 PPK (L.U. No. 873), a disposition of City-owned property;

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, by letter dated September 24, 2021 and submitted to the Council on September 24, 2021, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on October 12, 2021;

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 22nd, 2019 (CEQR No. 19DCP157K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 10, 2021, which identified significant adverse impacts related to hazardous materials, air quality, and noise, which would be avoided through the placement of (E) designations (E-601) on selected projected and potential development sites; and significant adverse impacts with respect to community facilities (publicly funded child care services), active open space,

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shadows (Douglass & Degraw Pool and Our Lady of Peace stained glass windows), historic and cultural resources (architectural and archaeological), transportation (traffic, transit, and pedestrians), air quality (mobile source), and construction activities related to noise and historic and cultural resources; and the proposed mitigation measures summarized in Chapter 21, Mitigation, of the FEIS, and the Technical Memoranda dated September 21, 2021 and November 16, 2021 (the "Technical Memoranda").

RESOLVED:

Having considered the FEIS and Technical Memoranda with respect to the Decision and Application, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and

(3) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable;

The Decision, together with the FEIS and Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 210052 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination and the consideration described in the report C 210052 HAK and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

Buildings A, B, and C are proposed to be developed under HPD's Multifamily New Construction Finance

programs

PROJECT SUMMARY

1. **PROGRAM:** MULTIFAMILY NEW CONSTRUCTION FINANCE

2. **PROJECT:** Gowanus Green

3. **LOCATION:**

a. **BOROUGH:** Brooklyn

b. **COMMUNITY DISTRICT:** 6

c. **COUNCIL DISTRICT:** 39

d. **DISPOSITION AREA:**

BLOCK	LOTS	ADDRESSES
471	1	42 5th Street
471	100	431 Hoyt Street

4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City's capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.

5. **TYPE OF PROJECT:** New Construction

6. **APPROXIMATE NUMBER OF BUILDINGS:** 3

7. **APPROXIMATE NUMBER OF UNITS:** 695 dwelling units, plus three superintendent units

8. **HOUSING TYPE:** Rental

9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families earning from 30% - 80% of the area median income ("AMI") with up to 50% of the units affordable to families with incomes between 80% and 120% of AMI. Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All units will be subject to rent stabilization.

10. **INCOME TARGETS** 30% to 80% of AMI with up to 50% of the units targeted to incomes between 80% and 140% of AMI

11. **PROPOSED FACILITIES:** Approximately 8,210 square feet of commercial space

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Approximately 23,490 square feet reserved for a potential future public school use
Approximately 1.5 acres of open space (which may be completed as part of any building in the project)

12. **PROPOSED CODES/ORDINANCES:** None

13. **ENVIRONMENTAL STATUS:** Environmental Impact Statement

14. **PROPOSED TIME SCHEDULE:** Approximately 36 months from closing to completion of construction for each phase

Building D

PROJECT SUMMARY

1. **PROGRAM:** SUPPORTIVE HOUSING LOAN PROGRAM

2. **PROJECT:** Gowanus Green

3. LOCATION:

a. BOROUGH: Brooklyn

b. COMMUNITY DISTRICT: 6

c. COUNCIL DISTRICT: 39

d. DISPOSITION AREA:

BLOCK	LOTS	ADDRESSES
471	1	42 5th Street
471	100	431 Hoyt Street

4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City's capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.

5. **TYPE OF PROJECT:** New Construction

6. **APPROXIMATE NUMBER OF BUILDINGS:** One Not-For-Profit Institution With Sleeping Accommodations

7. **APPROXIMATE NUMBER OF UNITS:** 73 dwelling units, plus one unit for a superintendent

8. **HOUSING TYPE:** Rental

9. **ESTIMATE OF INITIAL RENTS** Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. Other tenants will pay rents set at up to 30% of 60% of the area median income (AMI) on an annual basis. All units will be subject to rent stabilization.

10. INCOME TARGETS Up to 60% of AMI

11. **PROPOSED FACILITIES:** Community Room, Social Service Offices, Storefront Commercial Space

12. **PROPOSED CODES/ORDINANCES:** None

13. **ENVIRONMENTAL STATUS:** Environmental Impact Statement

14. PROPOSED TIME SCHEDULE: Approximately 24 months from closing to completion of construction

Building E

PROJECT SUMMARY

1. **PROGRAM:** SENIOR AFFORDABLE RENTAL APARTMENTS PROGRAM

2. **PROJECT:** Gowanus Green

3. LOCATION:

a. BOROUGH: Brooklyn

b. COMMUNITY DISTRICT: 6

c. COUNCIL DISTRICT: 39

d. DISPOSITION AREA:

LOTS	BLOCK	ADDRESSES
471	1	42 5th Street
471	100	431 Hoyt Street

4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City's capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.

5. **TYPE OF PROJECT:** New Construction

6.	**APPROXIMATE NUMBER OF BUILDINGS:**	1
7.	**APPROXIMATE NUMBER OF UNITS:**	115 dwelling units, plus one unit for a superintendent
8.	**HOUSING TYPE:**	Rental
9.	**ESTIMATE OF INITIAL RENTS**	Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. Other tenants will pay rents set at up to 30% of 60% of the area median income (AMI) on an annual basis. All units will be subject to rent stabilization.
10. INCOME TARGETS	Up to 60% of AMI	
11.	**PROPOSED FACILITIES:**	Storefront Commercial Space
12.	**PROPOSED CODES/ORDINANCES:**	None
13.	**ENVIRONMENTAL STATUS:**	Environmental Impact Statement
14.	**PROPOSED TIME SCHEDULE:**	Approximately 24 months from closing to completion of construction

Building F

PROJECT SUMMARY

1.	**PROGRAM:**	OPEN DOOR PROGRAM
2.	**PROJECT:**	Gowanus Green
3. LOCATION:		
	a. BOROUGH:	Brooklyn
	b. COMMUNITY DISTRICT:	6
	c. COUNCIL DISTRICT:	39

d. DISPOSITION AREA:

BLOCK	LOTS
471	1, 100

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4.	**BASIS OF DISPOSITION PRICE:**	Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt").
5.	**TYPE OF PROJECT:**	New Construction
6.	**APPROXIMATE NUMBER OF BUILDINGS:**	1
7.	**APPROXIMATE NUMBER OF UNITS:**	67
8.	**HOUSING TYPE:**	Cooperative Units. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.
9.	**ESTIMATE OF INITIAL PRICE:**	Sales prices will be affordable to families with annual household incomes between 80% and 110% of the area median income (AMI).
10.	**LIENS FOR LAND DEBT/CITY SUBSIDY:**	Each of the Land Debt and the amount of any construction financing provided through loans from the City ("City Subsidy") will be secured by a mortgage on the Disposition Area. Upon conversion to a cooperative, the cooperative corporation will repay the Land Debt and City Subsidy, if any, attributable to the property by delivering a note and mortgage and/or conditional grant agreement to the City. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program's restrictions.
11.	**INCOME TARGETS:**	Families with annual household incomes between 80% and 130% of AMI.
12.	**PROPOSED FACILITIES:**	Approximately 2,149 square feet of community facility space
13.	**PROPOSED CODES/ORDINANCES:**	None
14.	**ENVIRONMENTAL STATUS:**	Environmental Impact Statement
15.	**PROPOSED TIME SCHEDULE:**	Approximately 24 months from closing to completion of construction

Adopted.

Office of the City Clerk, }

The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on _____, 2021, on file in this office.

City Clerk, Clerk of The Council