



THE CITY OF NEW YORK
BOROUGH OF BROOKLYN
COMMUNITY BOARD #7

Cesar Zuniga
Chairperson

Jeremy Laufer
District Manager

Eric Adams
Borough President

January 29, 2020

**BROOKLYN COMMUNITY BOARD 7
FINAL Response and Recommendations Statement (Amended)
Industry City Rezoning Application**

To Whom it May Concern:

Brooklyn Community Board 7 (The Board, CB7) received a rezoning application for the project area known as Industry City on November 6, 2019. The Applicant (1-10 Bush Terminal Owner LP and 19-20 Bush Terminal Owner LP) is requesting the following discretionary actions to facilitate the project (collectively, the "Proposed Actions"):

Zoning Map Amendment – ULURP Number: APPLICATION #C-190296 ZMK
Zoning Text Amendment – ULURP Number: APPLICATION #N-190298 ZRK
Zoning Special Permit – ULURP Number: APPLICATION #C-190297 ZSK
Related Change in City Map – ULURP Number: APPLICATION #C-160146 MMK

Pursuant to Section 4.060 of the City Charter, CB7 voted on this Response and Recommendations Statement during its Board Meeting of January 15, 2020, which took place in its Hearing Room with a valid quorum present. A Public Hearing on this matter was conducted on December 9, 2019 at Grand Prospect Hall and continued over at the CB7 Hearing Room on December 11, 2019.

CB7 recognized early on that the Industry City Rezoning was very complex and needed a comprehensive public review process. The Board organized an extensive outreach process prior to certification, with public hearings, committee meetings, speakouts, and multiple planning workshops scheduled over the past two years. From the outset, the Board had several concerns:

- Why is the zoning change needed and is the change limited in impact to the neighborhood?
- Why is an increase of floor area needed when the Industry City complex is already overbuilt?
- The huge and unprecedented scale of this development requires intensive community review of impacts.

In September 2019, Council Member Carlos Menchaca asked for several conditions to be revised in the Application, such as no hotels, reflecting a major concern of the Board. Industry City promised to do so (in writing) however, the application was not revised to reflect these conditions by the time the Application was submitted to the Board. The Board hopes this will change prior to Council review.

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Twitter: @BKCB7 Facebook Page: Board Seven Brooklyn
Serving Sunset Park, Greenwood and Windsor Terrace

During the public process, Industry City and its tenant businesses were vocal participants advocating for job creation. Community groups opposed to the rezoning were concerned about displacement, gentrification and the loss of essential neighborhood character. The Board listened carefully to this testimony, as well as the testimony of community residents, families, workers, stakeholders, visitors, and elected officials. Attached to this response is a Primer which contains summaries of the Town Halls, Public Speakouts, Committee Meetings, as well as community testimony.

As part of the Board's review, seven standing committees of the Board did their own analysis of the Application to provide context and background for the next levels of ULURP review. These Issue Sections are included in this Response to make clear why these issues are important to Sunset Park and how the rezoning application will affect the district.

Issue Section 7 lists the Board's votes on the land use actions that comprise the Application. The Land Use Committee's recommendations for approval with conditions of the Zoning Map Amendment and Zoning Text Amendment were not affirmed by the Board. However, the Board's vote of disapproval with conditions of the Zoning Special Permit included several text items that were approved by the Board and are as follows:

Waterfront District Regulations should apply to site

- C1 Special Regulations applying in the Waterfront Area, Article VI, Chapter 2 shall apply and the SICD shall not be exempted (A46a).

Bulk modifications to ensure more predictable development:

- C2 Zoning text of the special district must include a FAR limitation of 4.5 to limit adverse environmental impacts (A47a).
- C3 Zoning text of the special district must include mandatory front building walls along First, Second and Third Avenues (A47b).

Use modifications to protect manufacturing space and to reduce conflicts:

- C4 Zoning text of the special district must prohibit all self-service storage facilities and other warehousing not ancillary to manufacturing and industrial uses. Warehousing ancillary to wholesale trade is limited to no more than 10,000 sf per establishment except this limit for the specific establishment may be increased upon review and approval by the Board (A48a).
- C5 Zoning text of the special district shall prohibit trucking terminals and motor freight stations over 10,000 sf to limit traffic impacts and reserve space for higher value manufacturing uses (A48b).
- C6 The Board supports the location of a grocery store meeting FRESH requirements as an approved use pursuant to special permit, with the stipulation that it can only be located in Building 11 on the ground floor (A48c).

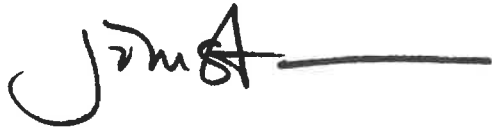
Findings

- C7 The Discussion of Findings must be amended to incorporate findings that were added by the zoning text amendments recommended by the Board, including the following (A68):
- C8 Under (2)(i) for use modifications, revise to "such proposed uses are compatible with manufacturing and industrial uses and are appropriate for the location." (A68a)
- C9 Add (3)(iv) for bulk modifications to read "The proposed modifications do not unduly change the dimensions of, or access to, existing private streets" to ensure access to loading areas for manufacturing uses. (A68b)

The Board voted to disapprove with conditions the Demapping of 40th Street.

In addition, the Board voted to include all recommendations listed in the Issue Sections as conditions to the actions. Type A recommendations are listed for the Applicant and Type B recommendations are listed for the City and other stakeholders.

Submitted to the Board:

A handwritten signature in black ink, appearing to read "John Fontillas", followed by a long horizontal line extending to the right.

John Fontillas

Brooklyn Community Board 7
Land Use and Landmarks Committee Chair



Community/Borough Board Recommendation
Pursuant to the Uniform Land Use Review Procedure

Application #: **C 160146 MMK**

CEQR Number: **18DCP034K**

Project Name: **Industry City**

Borough(s): **Brooklyn**

Community District Number(s): **07**

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department of City Planning by one of the following options:
 - **EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - **MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - **FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by 19-20 Bush Terminal Owner LP pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 40th Street between First and Second Avenues;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 7, Borough of Brooklyn, in accordance with Map Nos. X-2750 and V-2751 dated November 26, 2018 and signed by the Borough President.

See attached for continuation and Response.

| | |
|---|---|
| Applicant(s): 19-20 Bush Terminal Owner L.P. 220 36th Street, 2nd Floor, Brooklyn, NY 11232 | Applicant's Representative: Jesse Masyr, Esq. Fox Rothschild, LLP 101 Park Avenue, 17th Floor New York, NY 10178 |
| Recommendation submitted by: Brooklyn ▼ Community Board 7 ▼ | |
| Date of public hearing: December 9, 2019 Location: Grand Prospect Hall, 263 Prospect Ave, BK 11215 | |
| Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small> | |
| Date of Vote: January 15, 2020 Location: CB7 Hearing Room, 4201 4th Ave, Brooklyn 11232 | |
| RECOMMENDATION <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input checked="" type="checkbox"/> Disapprove With Modifications/Conditions Please attach any further explanation of the recommendation on additional sheets, as necessary. | |
| Voting # In Favor: <u>31</u> # Against: <u>13</u> # Abstaining: <u>3</u> Total members appointed to the board: <u>50</u> <small>(1 for course)</small> | |
| Name of CB/BB officer completing this form <u>Jeremy Lester</u> | Title Date <u>District Manager</u> <u>1/16/20</u> |



Community/Borough Board Recommendation
Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190297 ZSK**

Project Name: **Industry City**

CEQR Number: **18DCP034K**

Borough(s): **Brooklyn**

Community District Number(s): **07**

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

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 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

| | |
|--|--|
| Applicant(s): 1-10 Bush Terminal Owner L.P. 220 36th Street, 2nd Floor, Brooklyn, NY 11232 19-20 Bush Terminal Owner L.P. 220 36th Street, 2nd Floor, Brooklyn, NY 11232 | Applicant's Representative: Jesse Masyr, Esq. Fox Rothschild, LLP 101 Park Avenue, 17th Floor New York, NY 10178 |
|--|--|

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|--|
| Recommendation submitted by: Brooklyn <input type="checkbox"/> Community Board 7 <input type="checkbox"/> |
|--|

| | |
|--|---|
| Date of public hearing: December 9, 2019 | Location: Grand Prospect Hall, 263 Prospect Ave, BK 11215 |
|--|---|

| | |
|---|--|
| Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | <i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i> |
|---|--|

| | |
|--------------------------------|--|
| Date of Vote: January 15, 2020 | Location: CB7 Hearing Room, 4201 4th Ave, Brooklyn 11232 |
|--------------------------------|--|

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|-------------------------------------|--|
| RECOMMENDATION | |
| <input type="checkbox"/> Approve | <input type="checkbox"/> Approve With Modifications/Conditions |
| <input type="checkbox"/> Disapprove | <input checked="" type="checkbox"/> Disapprove With Modifications/Conditions |

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting

In Favor: **32** # Against: **12** # Abstaining: **2** Total members appointed to the board: **50**

(1 for cause)

| | | |
|--|-------------------------|----------------|
| Name of CB/BB officer completing this form | Title | Date |
| <i>Jeremy Lauder</i> | <i>District Manager</i> | <i>1/16/20</i> |



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

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|------------------------------------|--|
| Application #: C 190296 ZMK | Project Name: Industry City |
| CEQR Number: 18DCP034K | Borough(s): Brooklyn Community District Number(s): 07 |

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
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 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:
 IN THE MATTER OF an application submitted by 1-10 Bush Terminal Owner L.P. and 19-20 Bush Terminal Owner L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16b:

(see attached Response)

| | |
|---|--|
| Applicant(s): 1-10 Bush Terminal Owner L.P. 220 36th Street, 2nd Floor, Brooklyn, NY 11232 19-20 Bush Terminal Owner L.P. 220 36th Street, 2nd Floor, Brooklyn, NY 11232 | Applicant's Representative: Jesse Masyr, Esq. Fox Rothschild, LLP 101 Park Avenue, 17th Floor New York, NY 10178 |
| Recommendation submitted by: Brooklyn <input type="checkbox"/> Community Board 7 <input checked="" type="checkbox"/> | |
| Date of public hearing: December 9, 2019 Location: Grand Prospect Hall, 263 Prospect Ave, BK 11215 | |
| Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i> | |
| Date of Vote: January 15, 2020 Location: CB7 Hearing Room, 4201 4th Ave, Brooklyn 11232 | |
| RECOMMENDATION <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions Please attach any further explanation of the recommendation on additional sheets, as necessary. | |
| Voting <i>Board did not affirm a position on this action</i> # In Favor: # Against: # Abstaining: Total members appointed to the board: | |
| Name of CB/BB officer completing this form <i>Jeremy Lawter</i> | Title <i>District Manager</i> |
| Date <i>1/16/20</i> | |



Community/Borough Board Recommendation
Pursuant to the Uniform Land Use Review Procedure

Application #: **N 190298 ZRK**
CEQR Number: **18DCP034K**

Project Name: **Industry City**
Borough(s): **Brooklyn**
Community District Number(s): **07**

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

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Docket Description:

Please refer to attached Final Response and Recommendations (Amended) dated January 29, 2020 and Sunset Park Waterfront Primer dated January 15, 2020.

| | | |
|---|--|--|
| Applicant(s): 1-10 Bush Terminal Owner L.P. 220 36th Street, 2nd Floor, Brooklyn, NY 11232 19-20 Bush Terminal Owner L.P. 220 36th Street, 2nd Floor, Brooklyn, NY 11232 | | Applicant's Representative: Jesse Masyr, Esq. Fox Rothschild, LLP 101 Park Avenue, 17th Floor New York, NY 10178 |
| Recommendation submitted by: Brooklyn <input type="checkbox"/> Community Board 7 <input checked="" type="checkbox"/> | | |
| Date of public hearing: December 9, 2019 | | Location: Grand Prospect Hall, 263 Prospect Ave, BK 11215 |
| Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> | | <i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i> |
| Date of Vote: January 15, 2020 | | Location: CB7 Hearing Room, 4201 4th Ave, Brooklyn 11232 |
| RECOMMENDATION <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions Please attach any further explanation of the recommendation on additional sheets, as necessary. | | |
| Voting BOARD DID NOT AFFIRM A POSITION ON THIS ACTION # In Favor: # Against: # Abstaining: Total members appointed to the board: | | |
| Name of CB/BB officer completing this form <i>Jeremy Lauffer</i> | | Title <i>District Manager</i> |
| | | Date <i>1/16/20</i> |