



IN THE MATTER OF an application submitted by 1160 Flushing Avenue LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, changing from an M1-1 District to an M1-5 District property bounded by Flushing Avenue, Wyckoff Avenue, Jefferson Street and a line 250 feet northeasterly of Irving Avenue, Borough of Brooklyn, Community District 4, as shown on a diagram (for illustrative purposes only) dated February 13, 2023, and subject to the conditions of CEQR Declaration E-674.

This application for a zoning map amendment was filed by 1160 Flushing Avenue LLC on March 5, 2021. This application would facilitate a new 189,559-square-foot development consisting of two separate buildings with 37,846 square feet of industrial use, 36,730 square feet of retail use, and 114,983 square feet of office floor area at 1160 Flushing Avenue in Bushwick, Community District 4, Brooklyn.

BACKGROUND

The applicant seeks a zoning map amendment to change an existing M1-1 zoning district to an M1-5 zoning district within the project area (Block 3167, Lots 18, 24, 26, 29, 40, and p/o 12). The proposed actions would facilitate the development of a new one-story commercial building and a nine-story mixed-use light industrial and commercial building.

The project area comprises six lots on Block 3167 and is generally bounded by Flushing Avenue (70 feet wide) to the west, Jefferson Street (60 feet wide) to the east, Irving Avenue (70 feet wide) to the south, and Wyckoff Avenue (70 feet wide) to the north totaling approximately 70,790 square feet of lot area. The project area includes the development site (Lots 18 and 24), as well as four lots that are not owned or controlled by the applicant (Lots 12, 14, 26, and 29).

Within the development site, Lot 18 is a 30,387-square-foot through lot with approximately 181 feet of frontage on Flushing Avenue and approximately 216 feet of frontage on Jefferson Street, with a depth of approximately 168 feet. Lot 18 is currently occupied by a one-story 30,388-square-foot vacant warehouse building with a floor area ratio (FAR) of 0.80. Lot 24 is a 6,675-

square-foot through lot with approximately 40 feet of frontage on Flushing Avenue and approximately 216 feet of frontage on Jefferson Street, with a depth of approximately 168 feet. Lot 24 is currently vacant. There is one 16-foot curb cut on the Flushing Avenue frontage of the property and a 20-foot curb cut located along Jefferson Street.

The project area includes non-applicant owned Lots 12 (p/o), 26, 29, and 40. Lot 12 is a 19,265-square-foot through lot and is currently occupied by a one-story 19,874-square-foot (0.98 FAR) lumber warehouse. Lot 26 is a 15,200-square-foot through lot and is occupied by a three-story 45,780-square-foot (2.97 FAR) warehouse. Lot 29 is a 18,529-square-foot through lot and is occupied by a one-story approximately 20,475-square-foot (1.05 FAR) commercial building. Lot 40 is a 7,450-square-foot through lot and is occupied by a one-story 7,613-square-foot (0.97 FAR) warehouse.

The surrounding area is characterized by a mix of industrial, commercial, and residential uses, with building heights ranging between one to four stories. One- to three-story retail and light industrial warehouse buildings as well as mixed-use loft buildings are located along Flushing and Irving avenues, which are occupied by a range of uses, including artist loft spaces, a lumber distribution center, and wholesale trading businesses. Two- to four-story residential apartment buildings are located to the south of the project area. There are concentrations of entertainment-related uses, such as eating and drinking establishments with musical entertainment within Avenue, Troutman Street, and Jefferson Street. There are one- to three-story light industrial buildings across Flushing Avenue to the west, and there is currently a nine-story hotel under construction at 25 Stewart Avenue across from the project area. Community facilities within the surrounding area include SCO Family of Services and United Revival Mennonite Church. SCO is located directly north of the project area Flushing avenues and provides transitional housing to vulnerable populations. United Church is located one block south of the development site along Irving and Melrose streets. The nearest park to the surrounding area is Maria Hernandez Park, an approximately 300,000-square-foot park, located 0.2 miles west of project area.

The project area is well served by public transit. The Jefferson Street subway station, which provides service to the L train, is located along Wyckoff Avenue and Jefferson Street, and has an entrance within the project area on Lot 40. The L train provides transit access between Eighth Avenue on the west side of Manhattan and Canarsie Rockaway Parkway in southern Brooklyn. The B57 bus line has two stops within two blocks of the project area, along Flushing Avenue and Thames Street. The bus runs from Red Hook, Brooklyn to Maspeth, Queens.

The project area is located within the North Brooklyn Industrial Business Zone (IBZ), the third largest in New York City, covering hundreds of blocks along Newtown Creek in the Greenpoint, East Williamsburg and Bushwick neighborhoods. IBZs were established in 2006 and aimed to signal a commitment to land use and public policies that encourage the retention and growth of industrial businesses. In addition to providing direct business assistance to existing manufacturing firms and relocation tax credits for businesses that relocate within the IBZ, the city committed to preclude any zoning actions within the IBZ that would result in residential development. In 2018, the Department of City Planning released the North Brooklyn Industry and Innovation Plan, which included a land use framework for the North Brooklyn IBZ that would support the continued operation and growth of the businesses within the IBZ. The project area is in a “Growth District,” the goals of which are to support transit-oriented job growth in a mix of sectors by allowing greater density and reducing parking requirements near transit.

The project area is located within an M1-1 zoning district. M1-1 districts allow for a maximum FAR of 1.0 for industrial and commercial uses and 2.4 for community facility uses. In M1-1 zoning districts, off-street parking and loading requirements vary by use but have a parking requirement for office space at one space per 300 square feet of floor area.

The surrounding area is mapped with M1-1, M1-2, and R6 zoning districts. M1-1 zoning districts are mapped north and south of the project area along Flushing Avenue, in between Wyckoff and Irving avenues and M1-2 zoning districts are mapped north and west of the project area. R6 zoning districts are mapped south of the project area throughout the residential Bushwick neighborhood.

M1-2 zoning districts allow a maximum FAR of 2.0 for industrial and commercial uses and 4.8 for community facility uses. In M1-2 zoning districts, off-street parking and loading requirements vary by use but have a parking requirement for office space at a one space per 300 square feet. R6 zoning districts are residential zoning districts that are widely mapped in medium density areas of the city and allow a wide range of building types. In these districts, there are two sets of bulk regulations: height factor regulations and Quality Housing regulations. For height factor buildings, the district allows a maximum FAR from 0.78 to 2.43 for residential use and a corresponding required open space ratio range of 27.5 to 37.5 percent. For Quality Housing buildings, a maximum FAR of 3.0 is permitted for buildings on or within 100 feet of a wide street. For height factor buildings, 70 percent of dwelling units require parking, while for Quality Housing buildings, 50 percent of dwelling units require parking. For Quality Housing standard buildings, the maximum building height for narrow streets is 55 feet and for wide streets is 75 feet.

The applicant proposes to develop a new 189,559-square-foot development, consisting of two buildings. The proposed development would consist of a single-story, 18-foot-tall commercial building and a nine-story mixed commercial and industrial building separated by an approximately 28-foot-wide pedestrian alleyway. The single-story structure and first two floors and cellar floor of the nine-story building would contain a combined total of approximately 36,730 square feet (0.97 FAR) of retail floor area, the second and third floors of the proposed nine-story building would contain approximately 37,846 square feet (1.0 FAR) of light industrial floor area, and the remaining floors would contain approximately 114,983 square feet (3.03 FAR) of commercial office floor area. The proposed development would have a total FAR of 5.0.

The nine-story building would rise to a maximum height of 138 feet. The building would contain a street wall of 85 feet along both the Flushing Avenue and Jefferson Street frontages, after which the building would set back 28 feet. The first three floors would contain 18-foot floor-to-ceiling heights, while the remaining six floors would contain 14-foot floor-to-ceiling heights. Private open spaces would be located on the second and sixth floors. Three loading bays would

be provided with a single 30-foot-wide curb cut along Flushing Avenue. No accessory parking spaces would be required under the proposed M1-5 zoning district.

To facilitate the proposed development, the applicant proposes a zoning map amendment to rezone the project area from an M1-1 zoning district to an M1-5 zoning district. The proposed M1-5 district would be mapped approximately 250 feet north of Irving Avenue between Flushing Avenue and Jefferson Street.

The proposed M1-5 district is a medium-density zoning district that allows a wide range of light industrial and commercial uses at a maximum FAR of 5.0. Certain community facility uses are allowed at a maximum FAR of 6.5, and no residential uses are allowed. The building height is regulated by a sky exposure plane envelope, limiting the base height to a maximum of 85 feet or six stories, whichever is less. No parking is required.

This application (C 210314 ZMK) required a Racial Equity Report on Housing and Opportunity, pursuant to Local Law 78 of 2021, due to the increase in non-residential floor area of at least 200,000 square feet. According to the Displacement Risk Index (DRI), an index that estimates risk levels of residential displacement, Bushwick North is at the highest level of displacement risk. In 2021, approximately eight percent of the population in Bushwick identified as Asian, 15 percent identified as Black, 47 percent identified as Hispanic, and 24 percent identified as White. In 2021, the median household income for Bushwick was \$74,890, compared to New York City's median income \$72,150. The poverty rate in Bushwick was approximately 24 percent in 2021 compared to 18 percent citywide.

ENVIRONMENTAL REVIEW

This application (C 210314 ZMK) 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 lead is the City Planning Commission. The designated CEQR number is 21DCP199K.

It was determined that this application may have a significant effect on the environment, and that an Environmental Impact Statement (EIS) would be required. A Positive Declaration was issued on May 23, 2022, and subsequently distributed, published, and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on May 23, 2022. A public scoping meeting was held on June 23, 2022, and the Final Scope of Work was issued on February 10, 2023.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on February 10, 2023. Pursuant to SEQRA regulations and the CEQR procedure, a joint public hearing was held on May 24, 2023, in conjunction with the public hearing on the related Uniform Land Use Review Procedure (ULURP) item (C 210314 ZMK). A Final Environmental Impact Statement (FEIS) reflecting comments made during the public review process was completed, and a Notice of Completion for the FEIS was issued on June 16, 2023.

Significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-674) on the project sites as specified in the Environmental Assessment Statement dated May 23, 2022, and Chapters 5 and 6 of the FEIS, respectively.

The application, as analyzed in the FEIS, contained Project Components Related to the Environment (PCREs), which are set forth in Chapter 4, "Transportation." To ensure the implementation of the PCREs, the applicant will enter the Restrictive Declaration at the time of approval of land use-related actions and prior to issuance of any permits.

The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to transportation (vehicular and pedestrian). The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 9

“Mitigation” of the FEIS. To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in the Restrictive Declaration.

UNIFORM LAND USE REVIEW

This application (C 210314 ZMK) was certified as complete by the Department of City Planning on February 13, 2023, and was duly referred to Brooklyn Community Board 4 and the Brooklyn Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b),

Community Board Public Hearing

On March 16, 2023, Brooklyn Community Board 4 held a public hearing on this application (C 210314 ZMK) and on that date, by a vote of 25 in favor, one against, and two abstaining, adopted a resolution recommending approval of the application without conditions. The board noted that the project is in line with the goals and vision for industrial zoning and economic development priorities outlined within the Bushwick Community Plan.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on May 8, 2023, on the application (C 210314 ZMK), and issued a recommendation on May 10, 2023, to approve the application with the following conditions.

“The Brooklyn Borough President recommends that the City Planning Commission and City Council approve this application with the following conditions:

1. The rezoning area is modified to remove Lots 29 and 40.
2. The applicant enters into an agreement with the local community to ensure the proposed development is built in accordance with the applicant’s description during ULURP.
3. The applicant submits a commitment letter to the local Council Member outlining their proposed development and any other agreements made with the local Council Member.”

City Planning Commission Public Hearing

On May 10, 2023, the City Planning Commission scheduled May 24, 2023, for a public hearing on this application (C 210314 ZMK). The hearing was duly held on May 24, 2023 (Calendar No. 12). Six speakers testified in favor of the application, and none in opposition.

Three speakers from the applicant team spoke in favor of the application, providing an overview of the proposal, project area, and surrounding context. Additionally, the representatives explained the application would support high-quality working-class light-manufacturing jobs and the proposed buildings would incorporate green technology measures.

There were no other speakers and the hearing on this application was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 210314 ZMK), is appropriate.

The action will facilitate the development of a new nine-story, 189,559-square-foot mixed commercial and industrial development at 1160 Flushing Avenue, including 36,730 square feet of retail, 37,846 square feet of industrial, and 114,983 square feet of office space. The project area is located at the intersection of Flushing and Wyckoff avenues, two major corridors in the area, and is adjacent to the L-train's Jefferson Street subway station providing access to Manhattan in less than 20 minutes, providing an opportune location for higher-density job growth.

The Commission is pleased that the action aligns with the goals of the North Brooklyn Industry and Innovation Plan. The plan outlined strategies to better align local land use policy in the North Brooklyn IBZ with the needs of today's businesses to support a diverse and equitable economy. As part of the plan, which identified areas for industrial retention and growth as well as areas for job growth in diverse sectors near transit, the proposed project area geography was designated as part of the "Growth District" reflecting the area's superior transit access. The action complements the goals of the Growth District to support job growth in a mix of sectors by

increasing density, modifying building envelopes, and reducing off-street parking and loading requirements.

The Commission believes that the proposed M1-5 zoning district is appropriate based on the surrounding context and land use conditions. The existing M1-1 zoning district was originally mapped in 1961 and is no longer appropriate for this location. M1-1 zoning districts allow for 1.0 FAR for industrial and commercial uses and 2.4 FAR for community facility uses and requires a significant amount of off-street parking. As the number and type of jobs in the North Brooklyn IBZ continue to evolve, the M1-1 zoning district's suburban-style development regulations are no longer relevant and hinder the expansion of tertiary job clusters in walk-to-work neighborhoods like Bushwick.

The Commission notes that the density and height allowed under the M1-5 zoning district more appropriately suits the project area. M1-5 zoning districts allow for 5.0 FAR for industrial and commercial uses, 6.5 FAR for community facility uses and does not have an off-street parking requirement. The Commission notes that the M1-5 zoning district is appropriate for the project area due to the area's proximity to transit, a growing residential population in Bushwick, and location within a strong neighborhood jobs and commercial hub. The M1-5 zoning district will remove off-street parking requirements that can prevent new job spaces from being developed and that encourage people to drive to the area from outside of the neighborhood. The M1-5 zoning will also allow for commercial and industrial uses at greater densities, which will provide an alternative to what often occurs in more restrictive M1 districts, where existing buildings often convert to a retail and commercial use or redevelop with only one or two stories, limiting the potential number of jobs.

The Commission notes that the flexibility afforded by the proposed M1-5 zoning district, both in the zoning envelope as well as use groups, are important as the city considers post-pandemic business recovery and resiliency policies. Additional use restrictions and complicated mechanisms may inadvertently limit new development and ultimately slow job growth for area residents. As can be seen on surrounding blocks, the area is already a vibrant mix of industrial,

commercial, and housing today, and the Commission supports growing this mix and allowing flexible growth at this extremely transit-rich location.

The Commission is also pleased that the development will provide a one-story annex building with a 28-foot-wide pedestrian alley connecting Jefferson Street to Flushing Avenue. The Commission notes there are no current connections through this long block and is pleased that the development will enhance pedestrian access in the Growth District.

Regarding the Brooklyn Borough President’s recommendations to modify the application and remove the non-applicant owned Lots 29 and 40 from the proposed zoning district boundary, the Commission believes that zoning boundaries should be drawn with a clear land use rationale and conform to the norms of a well-considered plan. The rationale for including the applicant’s mid-block development site as well as the non-applicant lots is based on extending the proposed zoning district boundary westward from the Wyckoff Avenue mixed-use corridor frontage and the Jefferson Street L-train subway station, allowing a higher density M-district near public transit. The proposed zoning district and boundary also reflects the land use framework established in the North Brooklyn Plan, which aimed at concentrating the highest amount of density on Wyckoff Avenue. Reducing the boundary to only the applicant’s development site weakens the rationale by leaving the lowest density districts on top of the subway station.

The Commission notes the borough president’s recommendations that the applicant enters into an agreement with the local community to ensure the proposed development is built in accordance with the applicant’s description during the public review process and that the applicant submits a commitment letter to the local Council Member outlining their proposed development and any other agreements made with the local Council Member, but notes that these recommendations are beyond the scope of this application.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on June 16, 2023, with respect to this application

(CEQR No. 21DCP199K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action that are set forth in this report; and

2. 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; and

3. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated May 9, 2023, those project components related to the environment and mitigation measures that were identified as practicable.

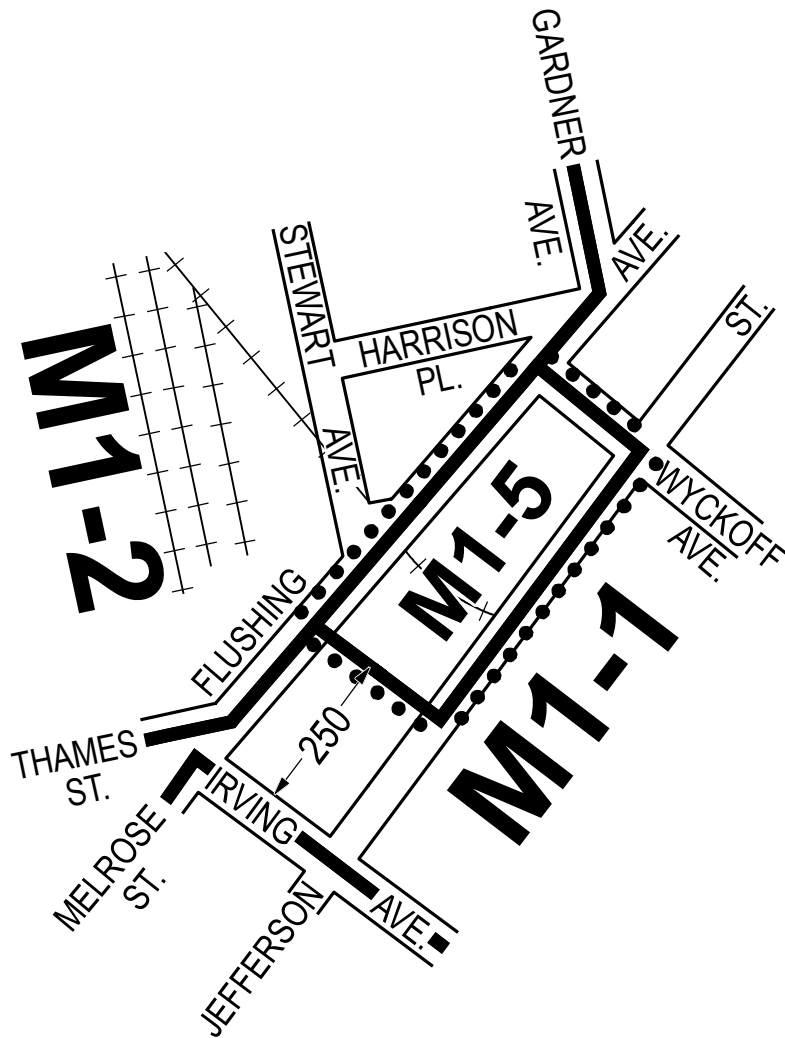
The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic, and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No.13b, changing from an M1-1 District to an M1-5 District property bounded by Flushing Avenue, Wyckoff Avenue, Jefferson Street and a line 250 feet northeasterly of Irving Avenue, Borough of Brooklyn, Community District 4, as shown on a diagram (for illustrative purposes only) dated February 13, 2023, and subject to the conditions of CEQR Declaration E-674.

The above resolution (C 210314 ZMK), duly adopted by the City Planning Commission on June 28, 2023 (Calendar No. 10), 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.

DANIEL R. GARODNICK, Esq., *Chair*
KENNETH J. KNUCKLES, Esq., *Vice Chairman*
GAIL BENJAMIN, ALFRED C. CERULLO III., ANTHONY CROWELL, Esq.,
JOSEPH I. DOUEK, DAVID GOLD Esq., ORLANDO MARIN,
RAJ RAMPERSHAD, *Commissioners*

JUAN CAMILO OSORIO, *Commissioner, VOTING NO*



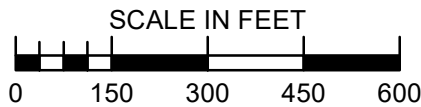
CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

13b
 BOROUGH OF
BROOKLYN



New York, Certification Date:
 February 13, 2023

S. Lenard
 S. Lenard, Director
 Technical Review Division



NOTE:

- Indicates Zoning District Boundary
-** The area enclosed by the dotted line is proposed to be rezoned by changing from a M1-1 District to an M1-5 District.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: 1160 Flushing Avenue	
Applicant: 1160 Flushing Avenue LLC	Applicant's Primary Contact: Elizabeth Canela
Application # 210314ZMK	Borough:
CEQR Number: 21DCP199K	Validated Community Districts: K04

Docket Description:
IN THE MATTER OF an application submitted by 1160 Flushing Avenue LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, changing from an M1-1 District to an M1-5 District property bounded by Flushing Avenue, Wyckoff Avenue, Jefferson Street and a line 250 feet northeasterly of Irving Avenue, Borough of Brooklyn, Community District 4, as shown on a diagram (for illustrative purposes only) dated February 13, 2023, and subject to the conditions of CEQR Declaration E-674.

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 25	# Against: 1	# Abstaining: 2	Total members appointed to the board: 28
Date of Vote: 3/16/2023 4:00 AM		Vote Location: Hope Gardens Multi-Service Senior Center (195 Linden Street)	

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

Date of Public Hearing: 3/15/2023 10:00 PM	
Was a quorum present? Yes	<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>
Public Hearing Location:	Hope Gardens Multi-Service Center (195 Linden Street) and Zoom (https://us02web.zoom.us/webinar/register/WN_rYKCI7OTRP-XMq_5B5i6YQ)

CONSIDERATION:

Recommendation submitted by	BK CB4	Date: 4/10/2023 10:54 PM
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THE CITY OF
NEW YORK



Brooklyn Community Board No. 4

1420 Bushwick Avenue, Suite 370
Brooklyn, New York, 11207-1422

Telephone: 718-628-8400
Email: bk04@cb.nyc.gov
Website: www.nyc.gov/brooklyn4

Robert Camacho - Chairperson
Celestina León - District Manager

**BUSHWICK
ELECTED OFFICIALS**

HON. ANTONIO REYNOSO
Borough President

HON. JENNIFER GUTIERREZ
34th Council District

HON. SANDY NURSE
37th Council District

**2022-23 EXECUTIVE
BOARD OFFICERS**

ROBERT CAMACHO
Chairperson

JOSHUA BROWN
1st Vice Chairperson

RAUL RUBIO
2nd Vice Chairperson

FELIX CEBALLOS
Recording Secretary

ELISEO RUIZ
Financial Secretary

JERRY VALENTIN
Treasurer

ELVENA DAVIS
Correspondence Secretary

JO-ENA BENNETT
Parliamentarian

April 3, 2023

Dan Garodnick
Director
NYC Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

RE: CEQR No. 21DCP199K, ULURP Nos. 21034ZMK

Dear Director Garodnick,

At the March 16th public hearing and regular meeting of Brooklyn Community Board 4, the full board voted in favor of the committee's recommendation of approval for the 1160 Flushing Avenue project with one opposed and two abstentions as well as the stipulation of the applicant incorporating feedback from the public hearing.

Those in attendance at both the committee meeting and full board meeting noted that the project is in line with the goals and vision for Bushwick's future outlined in the industrial zoning and economic development priorities within the [Bushwick Community Plan](#). Additionally, Evergreen Exchange's commitment as a community partner and a longtime community stakeholder highlighted the opportunity the project presents for Bushwick and surrounding communities.

Community Board 4 continues to support and advocate for projects that will improve the quality of life for all. Should you have any questions, please do not hesitate to contact me in the office at (718) 628-8400.

Sincerely,

A handwritten signature in blue ink that reads "Celestina Leon".

Celestina Leon
District Manager

Cc: Council Member Jennifer Gutierrez, 34th District
Brooklyn Borough President Antonio Reynoso



BOROUGH PRESIDENT RECOMMENDATION

Project Name: 1160 Flushing Avenue	
Applicant: 1160 Flushing Avenue LLC	Applicant's Administrator: Elizabeth Canela
Application # 210314ZMK	Borough: Brooklyn
CEQR Number: 21DCP199K	Validated Community Districts: K04

Docket Description:
 IN THE MATTER OF an application submitted by 1160 Flushing Avenue LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, changing from an M1-1 District to an M1-5 District property bounded by Flushing Avenue, Wyckoff Avenue, Jefferson Street and a line 250 feet northeasterly of Irving Avenue, Borough of Brooklyn, Community District 4, as shown on a diagram (for illustrative purposes only) dated February 13, 2023, and subject to the conditions of CEQR Declaration E-674.

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

RECOMMENDATION: Conditional Favorable

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

CONSIDERATION: The Brooklyn Borough President recommends that the City Planning Commission and City Council approve this application with the following conditions:

1. The rezoning area is modified to remove Lots 29 and 40.
2. The applicant enters into an agreement with the local community to ensure the proposed development is built in accordance with the applicant's description during ULURP.
3. The applicant submits a commitment letter to the local Council Member outlining their proposed development and any other agreements made with the local Council Member.

Recommendation submitted by	BK BP	Date: 5/10/2023 8:38 PM
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Brooklyn Borough President Antonio Reynoso
Brooklyn Borough Hall
209 Joralemon Street, Brooklyn, NY 11201

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
calendaroffice@planning.nyc.gov

Uniform Land Use Review Procedure (ULURP) Application
1160 FLUSHING AVENUE REZONING – C 210314 ZMK

Applications by 1160 Flushing Avenue LLC. pursuant to sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b:

1. Changing from an M1-1 District to an M1-5 District property bounded by Flushing Avenue, Wyckoff Avenue, Jefferson Street, and a line 250 feet northeasterly of Irving Avenue, Borough of Brooklyn, Community District 4, as shown on a diagram (for illustrative purposes only) dated February 13, 2023, and subject to the conditions of CEQR Declaration E-674.

The proposed actions would facilitate the demolition of the existing single-story building, and the construction of a single-story building and a nine-story building separated by a pedestrian alleyway. The proposed project will include 121,786 SF of commercial office space, 75,586 SF of retail uses, and 40,732 SF of light industrial uses. Three loading bays will be provided with a single curb cut along Flushing Avenue.

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: 1160 FLUSHING AVENUE REZONING – C 210314 ZMK

The applicant proposes to map an M1-5 Zoning District over the project area that is currently mapped M1-1. The applicant property has been mapped M1-1 since the 1961 Zoning Resolution was adopted. The project area is located within the “North Brooklyn Industry and Innovation Plan,” and an existing North Brooklyn Industrial Business Zone (IBZ), which represents the third largest IBZ in New York City. According to the New York City Economic Development Corporation, IBZs are “geographic areas that serve as safe havens for manufacturing and industrial firms.” The program includes industrial tax incentives and is located, exclusively, in areas with manufacturing-zoned land.

The Project Area includes several lots outside of applicant control, but fully within the M1-1 zoning district and North Brooklyn Industrial Business Zone. Lot 29 is a projected development site – expected to include a six-story, 5.0 FAR commercial office building with ground floor retail uses, whereas Lot 40 is a potential development site that could include a five-story, 5.0 FAR commercial office building with ground floor retail uses. The current neighborhood character of the area is defined by its industrial uses. The Borough President disagrees with the environmental review conclusion conducted in the EAS (CEQR # 21DCP199K) that the proposed rezoning would have no impacts on land use, zoning, or public policy. The total impacts of the proposed rezoning area would fundamentally shift the neighborhood character from industrial to commercial – undermining the important public policy goals outlined in the IBZ program.

The Department of City Planning recently amended the New York City Zoning Resolution to include a forward-thinking Industrial Business Incentive Area (IBIA) program (ZR Section 74-96) that would allow for applicants to secure additional commercial development rights (incentive uses) in exchange for requiring a certain amount of industrial square footage through a special permit site plan approval. The IBIA special permit site plan approval allows for targeted interventions for areas just like this. The plan approval guarantees the proposed development presented to the community will be built in general accordance with that plan. Instead of encouraging the applicant to utilize this important industrial business retention tool, the Department of City Planning has encouraged the applicant to utilize a tool that provides no guarantee of industrial retention or expansion. While the M1-5 zoning district achieves important public policy goals including reducing parking requirements for industrial and manufacturing business, it misses the mark in fulfilling the important public policy goals outlined in the IBZ program. Namely, protect IBZs by supporting industrial and manufacturing growth in IBZ areas. Instead, the proposed M1-5 rezoning area would have deleterious effects on industrial business growth in the area.

The applicant has partnered with Evergreen, a local organization that supports manufacturing, creative production, and industrial service businesses in North Brooklyn. The applicant has committed to 1.00 FAR (or 40,732 gross square feet) of light industrial uses. This reserved space is the only proposed industrial floor area expected to be built in the entire rezoning area. Evergreen has deep ties with the community and has supported industrial land use and business growth in the area for years.

Borough President Reynoso held a public hearing on this application on April 24, 2023. No members of the public testified on this item.

Community Board Position

Community Board 4 voted to approve this application on April 3, 2023.

Approval Rationale

Borough President Reynoso believes the applicant's proposed development is appropriate. The proposed development would add to the industrial neighborhood character while still balancing the desire for more commercial uses by the applicant.

However, he believes the proposed rezoning area is inappropriate, and should be modified to fulfill the only planning goals outlined in this area: to maintain and support the growth of industrial and manufacturing businesses. Therefore, the Borough President recommends modifying the rezoning area to just the applicant's property and remove Lots 29 and 40. The modification will not, and should not, undermine the applicant's development proposal. This modification will also allow the Borough President to agree with the conclusions of this project's EAS - that this proposed rezoning would have no effects on land use, zoning nor public policy.

Recommendation

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

1. The rezoning area is modified to remove Lots 29 and 40.
2. The applicant enters into an agreement with the local community to ensure the proposed development is built in accordance with the applicant's description during ULURP.
3. The applicant submits a commitment letter to the local Council Member outlining their proposed development and any other agreements made with the local Council Member.

Be it further resolved, the Borough President encourages the Department of City Planning to update the NYC Zoning Resolution to modify existing, or create new, manufacturing zoning districts that foster and prioritize industrial business growth in our IBZs.



May 8, 2023

BROOKLYN BOROUGH PRESIDENT

DATE