

September 15, 2020

City Council Subcommittee on Zoning and Franchises Public Hearing  
Testimony of John Fontillas, Community Board 7 Land Use Chair  
Industry City Rezoning

My name is John Fontillas and I chair the Land Use Committee of Brooklyn Community Board 7.

In 2009, our 197a plan recognized the value of manufacturing and industrial businesses on Sunset Park's waterfront. In 2018, we began a comprehensive review process for this Application, emphasizing the importance of these industries to the neighborhood. Sunset Park residents participated and their input is documented in our report. Of the four land use actions before you, the Board voted no on the Special Permit and 40<sup>th</sup> Street Demapping.

Transforming Industry City into another waterfront retail mall and office complex will displace one of the last true manufacturing zones in the city, whose businesses provided good-paying jobs for local residents, many with only a high-school education and families to support.

We have already seen displacement of businesses and residents due to rising rents. Formula bigbox retail at Industry City will displace local family-owned businesses. Hotels that started out as national brands are now homeless shelters, or worse, centers for human trafficking. Increased traffic to retail and office uses will endanger children who use these streets to school. These changes threaten Sunset Park's character as a proud, hard-working, family-oriented, live-work community, especially for immigrants and people of color.

Since Covid-19, the Council may want a silver bullet plan that promises jobs and growth, but this plan will further the risks of housing insecurity, unemployment, lack of childcare and educational opportunity that community members are facing right now. The Special Permit actions do not address these core neighborhood issues. We urge the Council to revise the Special Permit so an agreement with the community towards partnership and benefits can be forged.

January 15, 2020

Dear Board Members,

First, I would like to express my gratitude for your work on the Industry City rezoning project. Thank you for the long hours and the many months of meetings and presentations. This has been a long road and as Community Board 7 reaches the end of its charter-mandated role as first reviewers in the ULURP, I want to remind you of several things.

Sunset Park is our community and our home and I believe we are all trying to do the right thing for this amazing place and its beautiful people. It is a unique and diverse neighborhood with a rich socio-cultural context and history. At the core of Sunset's character and identity is our gateway community status. At the turn of the 20th century Irish, Norwegian, and Scandinavian immigrants called this community home and worked the waterfront and kept the local and regional economies thriving for countless working-class families. At the turn of the 21st century it is Asian and Latino small-business owners who continue to sustain the local and regional economies.

This Board recognized early that the proposed rezoning is no ordinary private application. It is, in fact, the largest private application that seeks to rezone an industrial waterfront property ever in New York City's history. The proposed project's overarching goal is to remake over 6 million square feet of property; this project is twice the size of the Freedom Tower and rivals some of the Administration's own rezoning initiatives. In addition, I personally believe — and have heard many of you say — that ULURP is a flawed process that does not favor community-led planning, and at the very least, meaningful participation. As a result, the Board mobilized a process of review in anticipation of this ULURP and our 60-day window of involvement. Over the last two years, this Board organized public hearings, committee meetings, speak-outs, and workshops; over 25 public engagements focused on this complex project with the goal of engaging in a comprehensive review process.

During this process, we gained new insights and we confirmed what we already knew. For example, we knew at the outset that the lack of affordable housing is our community's number one priority. We entered the process firmly rooted in the notion that Sunset's waterfront has historically been, and should continue into the future to be, a working industrial waterfront. (In fact, this was codified through our 197A Plan, that this Board adopted in 2009.) We heard the voices of multiple stakeholders. We heard the anxiety that exists among some of our most vulnerable neighbors and allies about gentrification and displacement. We also heard from small businesses (on and off IC property), home owners, and other community stakeholders who support the project and have a vested interest in preserving and expanding the industrial/manufacturing character of our waterfront.

Let us also keep in my mind the reasons we are here (weighing in on this very consequential rezoning); lack of comprehensive planning on the part of the City, as evidenced by the lack of affordable housing; the number of recent deaths caused by traffic and congestion; lack of living-wage jobs; and the need for increased training and education to be made available to local residents to get these jobs. These are issues that affect neighborhoods across the city and are immense needs in Sunset Park specifically. Let us not forget that these issues are the City's responsibilities.

I also want to remind you of the City's unfortunate response to our request for engagement during this critical moment in time. The City's response (via Anita Lermont OF CPC) was basically that this rezoning application, again, the largest private industrial rezoning in the city, encompassing 80 acres of land, was not suitable for the type of negotiation and assistance offered to all of the other community rezoning this Administration has pursued recently, like Inwood, East New York, and East Harlem. Those communities received significant promises to improve conditions in exchange for changing the zoning rules that apply to their neighborhood. The City said it had no responsibility to do the same here in Sunset Park.

Furthermore, when the application was certified by City Planning in November 2019, it was more than 3,000 pages long. CPC expected that a 50-member board of volunteers, with very little planning expertise, was supposed to review it in 60 days, and over the holiday period. How can something this complex that affects so many issues in the neighborhood get the attention it needs, and for the Board to make an informed decision and reach consensus around its particulars?

Notwithstanding all of these structural and institutional obstacles, the Board has admirably tried to the best of its ability, to stress the issues that affect our community greatly. We expect and demand the Borough President, City Planning Commission, and City Council to carefully read the Issue Sections included in our response and to formulate and require changes in the application that address those issues directly.

Finally, as we head into tonight's vote, I ask that we respect each other perspectives and opinions; that we debate the substance of the proposals before us and not attack each other's characters and motives. Let's listen and ask questions, and let's ask for help from one another. Let's struggle through this together. We don't always have the answers, but we can work through them together. Be comfortable in the uncomfortable as we build community together. Honor each other for who we are. Hold relationships at a higher value than the conflict we may experience. I don't know what the outcome of tonight will be, what I do know is that we have worked really hard and we have gone above and beyond what is required from our charter-mandated responsibility to create a community-led process, and for that, I am very proud of this Board.

In Solidarity,

Cesar Zuniga  
Chair, Community Board 7

# Sunset Park Waterfront and Industry City Rezoning

## Community Process Summary

January 2020

**NYC** Brooklyn 7  
Community Board

# Community Process Overview

## November 2017 - Draft Scope of Work

In September 2017, Industry City (IC) issued a draft scope of work to redevelop and re-tenant the IC complex with a mixed-use project containing manufacturing, commercial, and community facility uses. The proposed mixed uses would, in combination, establish what IC terms an "Innovation Economy Hub", or a combination of forward-looking industries including tech start-ups, creative companies, and next-generation manufacturers that claim to drive much of the nation's high-wage job gains.

The rezoning would enable renovation of 5.3 million square feet of existing structures and construction of approximately 1.27 million square feet of new structures and allow for a total of 6.57 million square feet of new commercial, retail, office, event, academic and hotel spaces across the 19 buildings of the Industry City campus.

## 2018 Town Halls

Given the potential impact of the Industry City rezoning on Sunset Park's commercial and industrial businesses, employment base, and residential population, Community Board 7 initiated a series of town halls to map local needs and assets and ensure that new development takes into account community desires and concerns. While traditionally rezoning applications undergo a time-constricted Uniform Land Use Review Procedure (ULURP) process that includes Community Board review, CB7 advocated to delay the certification of the Industry City rezoning application and ULURP process to ensure sufficient time was dedicated to a community-led, thorough review of the application.

Starting in July 2018, this community-led review process included a series of five town halls to facilitate community dialogue on the potential impacts of the rezoning on the Sunset Park community. The final town hall enabled the CEO of Industry City, Andrew Kimball, to present and field questions on the rezoning proposal. The series of town halls conducted would also ensure that public review and comments were on record for inclusion in the final Community Board rezoning vote process.

The community workshops covered the following areas:

- July 23, 2018: Visioning
- August 13, 2018: Jobs and Economic Development
- September 17, 2018: Environment and Transportation
- October 12, 2018: Economic Effects
- November 5, 2018: Industry City Proposal

## 2019 Community Meetings

After the 2018 Town Halls, the Community Board hosted a series of community meetings that would reflect on the community engagement work conducted so far, and provide clarity and key technical background on the Industry City application, zoning practices and the ULURP process. The community meetings covered the following topic areas:

- Meeting 1 - Recap of 2018 Efforts
- Meeting 2 - Zoning Primer
- Meeting 3 - Councilmember Presentation

In preparation for certification of the Application, the Community Board began a series of Public Speakouts to take testimony on the Application. These Speakouts were followed by the Official Public Hearing which was continued over due to the number of speakers who wanted to testify on record.

- October 4, 2019: Public Speakout #1
- November 6, 2019: Public Speakout #2
- December 9-11, 2019: Public Hearing

## ULURP Process

The Uniform Land Use Review Procedure (ULURP) is a standardized procedure for the public review of applications affecting the land use of the city. Community Boards are key to facilitating the public review of rezoning applications that fall within its purview. After the rezoning application is submitted, the Department of City Planning certifies that the application is available for public review, which commences the 60-day Community Board review process.

Within 60 days of receiving the certified application, the Community Board is required to hold a public hearing and adopt and submit a written recommendation to the City Planning Commission, the applicant, the Borough President and when appropriate, the Borough Board. Within 30 days of receipt of a Community Board recommendation, the Borough President is required to submit a written recommendation to the City Planning Commission, who then has 60 days to review and approve the application. The City Council then has 50 days to conduct the final stage of review.

After certification of the Industry City rezoning application, the Community Board will conduct a 60-day review that consists of the following steps:

- November 6, 2019: Application received by the Board
- November 7-17, 2019: CB7 Committees Review
 

Immigration	Health
Youth/Education	Environment/Public Safety
Economic Development	Housing
Land Use/Landmarks	
- January 4, 2020: Land Use Committee Review
- January 15, 2020: Community Board Vote

## The Six Phases of the Uniform Land Use Review Process



# Community Board 7's 197A Plan

Under Section 197-A of the New York City Charter, community boards may propose plans for the development, growth, and improvement of land within their districts. Once reviewed and approved by the City Planning Commission and adopted by the City Council, 197-A plans serve as a guide for city agencies' policies and actions to be aligned with the communities' shared vision for development.

In 1997, Community Board 7 proposed a 197-A plan which outlined a set of community priorities for waterfront development in Sunset Park that are economically viable, environmentally sustainable, and supports the communities' needs. The plan was built upon a vision of the Sunset Park waterfront as a sustainable mixed-use neighborhood that promotes regional and local economic development, fosters a healthy living and working environment, and reconnects upland residential communities in Brooklyn Community District 7 to the waterfront. In 2009, The City Council adopted Community Board 7's 197-A Plan, which outlined the following community priorities:

- To promote industrial redevelopment and job creation in Sunset Park while retaining existing industrial jobs.
- To maximize waterfront access and open space opportunities in combination with industrial and waterfront redevelopment.
- To preserve existing industrial, commercial and residential uses and fabric in the area east of First Avenue.
- To encourage development that places a minimal environmental burden on adjacent residential communities.
- To preserve and celebrate Sunset Park's rich maritime and industrial heritage.

Historically, the Sunset Park upland communities have been disconnected from their waterfront and, until the 197-A Plan was adopted, largely excluded from discussions on the economic development of the waterfront. CB7's 197-A Plan provided Sunset Park residents and businesses the opportunity to have a say in revitalization efforts and ensure that future waterfront development served to benefit the local community, in addition to the city and region more broadly. Given the importance of honoring the community-based vision outlined in the 197-A Plan, the Community Board aims to ensure a response to the Industry City rezoning proposal that is aligned with the priorities and community interests outlined in the 197-A Plan.



## Recent Initiatives on the Waterfront

Recent initiatives at Brooklyn Army Terminal (BAT), Bush Terminal, and South Brooklyn Marine Terminal (SBMT) promise increased job creation and development of the Sunset Park waterfront into a hub for commercial and industrial manufacturing, fashion, media, and innovation.

### Brooklyn Army Terminal (BAT)

A space developed in 1918 as a military supply base and army headquarters, and later purchased by New York City in 1981, BAT is undergoing widescale transformations to become a modern manufacturing hub. As part of the New York Works plan, the Mayor has prioritized investments in city-owned properties like BAT to fuel the city's industrial sector and create well paying, accessible jobs. In May of 2018, NYCEDC unveiled over 500,000 square feet of new industrial space for over 1,000 new jobs, completing work that spanned five mayoral administrations to fully transform and modernize the former military supply base. The announcement also welcomed new tenants and unveiled improved public space. Public spaces on the BAT campus aim to open up the space to the community and increase connectivity to the waterfront and NYC Ferry. Currently, 3,800 people are employed at 100 companies at Brooklyn Army Terminal.

### Made in NY - Bush Terminal

NYCEDC selected the Bush Terminal campus for the site of a \$136 million investment to develop a media and garment production hub and light manufacturing facility on the Sunset Park waterfront, with spaces also available for film and media production and other services. Infrastructure and public space components were designed with the goal of creating more sustainable and accessible waterfront spaces. The campus will offer spaces ranging from 2,000 to 20,000-square feet and is slated to be completed in 2021.

### South Brooklyn Marine Terminal

Built in the 1960s, the 88-acre SBMT served as a container terminal into the 1980s. Since then, it has largely been used for handling break-bulk and project cargo. Since 2011, NYCEDC has worked to rehabilitate and reactivate SBMT, a container terminal used for handling break-bulk and project cargo built in the 1960s. They have invested over \$115 million in terminal infrastructure improvements, site preparation, and dredging, including \$20 million to extend freight rail infrastructure.

In May 2018, Red Hook Container Terminal and Industry City signed a lease with NYCEDC to lease 64.5 acres of the renamed Sustainable South Brooklyn Marine Terminal (SSBMT) to reactivate 64.5 acres of the terminal and move over 900,000 metric tons of material annually through the port. The marine activity is anticipated to bring new industrial uses and 250 new jobs to the South Brooklyn waterfront.



Brooklyn Army Terminal



Made in NY Campus at Bush Terminal



South Brooklyn Marine Terminal

## Industry City Rezoning Proposal

Industry City is seeking to redevelop and re-tenant the Industry City complex with a mixed-use project containing manufacturing, commercial, and community facility uses to establish an "Innovation Economy Hub."

### #1 - A Zoning Text amendment to establish the Special Sunset Park Innovation District;

1. The Special District will be subject to M1 performance standards.
2. Each manufacturing district incorporates performance standards limiting the type of industrial nuisances permitted such as noise, vibration, emissions, odor, radiation, fire and explosive hazards, humidity, heat and glare.
3. M1 district performance standards are the most stringent manufacturing district standard.

### #2 - A Zoning Map amendment to map the Special District and to change the zoning district from an M3-1 to an M2-4 district;

4. M3-1 zoning districts are intended for heavy industries that generate noise, traffic, or pollutants like water pollution and power plants, along with lighter industrial uses like food distributors, manufacturers, and warehouses.
5. Office and certain limited retail uses are also permitted in M3 districts.
6. Residential and most community facility uses, such as colleges, universities, or libraries, are not permitted.
7. Large retail establishments such as variety stores, furniture stores, clothing stores, department stores, or dry goods stores are not permitted.
8. The M3-1 district has a maxi commercial/manufacturing floor-area ratio (FAR) of 2.0 and parking requirements vary by use.

The Proposed Actions would map an M2-4 district over the majority of the Area which is currently mapped M3-1, with a small portion of the Affected Area remaining an M1-2 district (see Figure 4).

9. M2-4 districts generally permit commercial uses and manufacturing uses with lower performance standards than in M1 districts.
10. Residential uses are not permitted in M2-4 districts. The maximum FAR is 5.0 and the maximum base height before setback is 85 feet with sky exposure plane which begins 85 feet above the base.
11. Parking is not required in M2-4 districts.

### #3 - A Special Permit to modify, bulk, use, parking and public access area requirements pursuant to findings and site plan;

#### MODIFICATION OF BULK REGULATIONS

12. The underlying height, setback, and yard regulations would be modified along with required street wall locations, resulting in a contextual envelope.
13. As described above, there are no height limits in M2-4 districts, as building heights and setbacks are governed by the sky exposure plane. For M2-4 districts a building may rise to 85 feet or 6 stories, whichever is less, before being required to set back. (see Figure 6 and 7).

#### MODIFICATION OF UNDERLYING USE REGULATIONS

14. Permitted as-of-right uses will be M1 district uses. In addition, the following uses will be permitted as-of-right: colleges and universities; libraries, museums, and non-commercial art galleries (UG 3A), large-scale retail (UG-10A), and hotels (UG 5).
15. UG 5 uses (hotels) would only be permitted through a special permit (see Action #3 below).



16. All permitted uses must meet M1 performance standards.
17. The special permit would add controls over the scale and location of certain uses. The as-of-right UG 3A uses would be capped at an overall zoning square footage (zsf) of 625,000 sf (approximately 0.47 FAR) with a per-establishment cap of 250,000 sf.
18. Retail or service establishments would be permitted up to an overall cap of 900,000 sf (approximately 0.68 FAR).
19. The location and size of retail uses would be restricted to above the level of the second story ceiling in Subarea A of the Finger Buildings Subdistrict, Gateway Subdistrict, and the 39th Street Subdistrict; and in Subarea B of the Finger Buildings Subdistrict and in the IC West district, above the level of the first story ceiling, uses in Use Groups 6A, 6C, and 10A shall be limited to all eating or drinking establishments (up to 10,000 sf per establishment size limitation); depositories for storage of office records, microfilm, or computer tapes; data processing; photographic or motion picture production studios; and radio or television studios.
20. With respect to lower floors: In Subarea B of the Finger Buildings Subdistrict and in the IC West district, uses listed in Use Groups 6A, 6C, and 10A subject to a 40,000 sf per establishment size limitation below the level of the first story ceiling. In the Gateway Subdistrict, uses listed in Use Groups 6A, 6C, and 10A shall be limited to 40,000 sf per establishment size limitation below the level of the second story ceiling (see Figure 8).
21. The proposed special permit would allow for a hotel use, per the hotel special permit. The Applicant plans, initially, to apply for a special permit for one of the two hotels located in the proposed new Building 21. The Applicant envisions applying for a hotel special permit for the second hotel at a later point in time, to be located at the proposed new Gateway Building.

#### ESTABLISH CONTROLS FOR CO-LOCATION OF CERTAIN USES

22. UG 3A (colleges and universities; libraries, museums, or non-commercial art galleries) and UG 5 (hotels) that are permitted by the special permit would be restricted from co-locating near potentially heavier or more noxious uses. Any permitted UG3A or UG5 may only locate in the same building as, or share a common wall with a building containing manufacturing or commercial uses upon certification by a licensed

# Industry City Rezoning Proposal

architect or engineer to the Department of Buildings that that such manufacturing or commercial use:

- Does not have a New York City or New York State environmental rating of "A," "B," or "C" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental certificate or New York State Department of Environmental Conservation state facility permit;
- Is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances; and
- Is not a use listed in UG 18.

23. The reverse is also true, in that any new manufacturing or commercial uses that meet any of the three criteria listed above will be restricted from locating in the same building as any existing UG 3A (college/universities, libraries, etc) and UG 5 (hotels) uses.

### SUPPLEMENT AND/OR MODIFY PARKING AND CURB CUT REGULATIONS

- 24. Parking regulations will be modified to control locations of curb cuts and access to loading docks and parking facilities.
- 25. Prior to the conversion of existing floor area to retail or service establishment uses, Chair Certification that accessory parking spaces, as required by the special permit, have been provided in advance for such conversion.

### PUBLIC ACCESS AREA REQUIREMENT

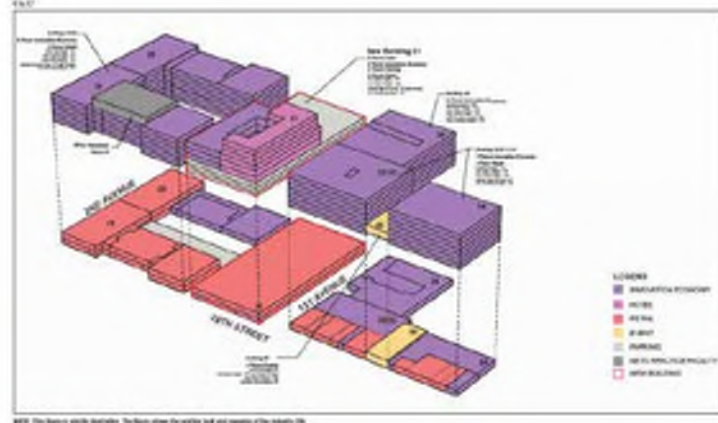
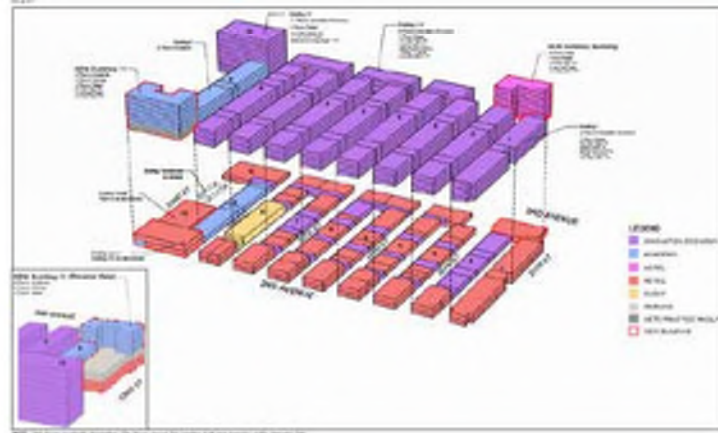
26. If Building 24 is developed, enlarged, or subject to a use change that is not predominantly industrial, there will be two options for the provision of public access: one option would be development of the portion of the unbuilt-upon apron owned by the applicant, which could result in approximately 5,600 sf of publicly accessible open space. The other option would be triggered if the applicant voluntarily comes into control of the adjacent city-owned portion of the apron. Should this occur, development of a larger publicly accessible open space including a portion of Block 662, Lot 1 would require additional discretionary approvals by the City Planning Commission and could result in the development of 10,500 sf of additional publicly accessible open space as compared to that which would be provided on just the applicant's property.

### A SPECIAL PERMIT FOR A HOTEL USE;

The Special Permit described in the section above would also allow for a special permit to allow a hotel use. Concurrent with the application for the above-referenced actions, the Applicant is seeking approval of a special permit to allow a hotel use within the proposed new Building 21 within the 39th Street Subdistrict.

### #4 - A change to the City Map to demap 40th Street between 1st Avenue and 2nd Avenue.

As shown on Figure 3, the Applicant proposes to demap 40th Street between 1st and 2nd Avenues. 40th Street between 1st and 2nd Avenues is currently in private ownership and unimproved for street purposes.



# 2018 Town Hall 1 - Visioning

The first town hall, held on July 23, 2018, aimed to provide an opportunity to review the proposed Industry City rezoning, engage in a community conversation on the perceived benefits and concerns around waterfront development, and outline the planned forums and processes for community engagement and feedback on the proposed Industry City rezoning.

Community members were asked four key questions during the town hall:

- What positive aspects of the waterfront do we want to preserve?
- What are the aspects of the waterfront we want to improve?
- How can future waterfront development benefit the neighborhood?
- What concerns does the proposed waterfront development raise?

The questions yielded the following responses from the community:

### Waterfront Positives:

- Waterfront views
- Manufacturing jobs
- Walk to work
- Great buildings that are already there
- Creative energy
- Diversity
- Food
- Green space
- Keep the port active
- Ferry
- Feels safer, more open to community

- Connecting educational institutions/high school with job opportunities
- Tourism/commerce
- Focus on resiliency/green spaces
- Preserve manufacturing, train youth for these jobs
- Support of local small business – mom & pops
- Landmarking / preservation
- Transportation to/from waterfront
- Access to area for pedestrians and bikes

### Waterfront Things To Improve:

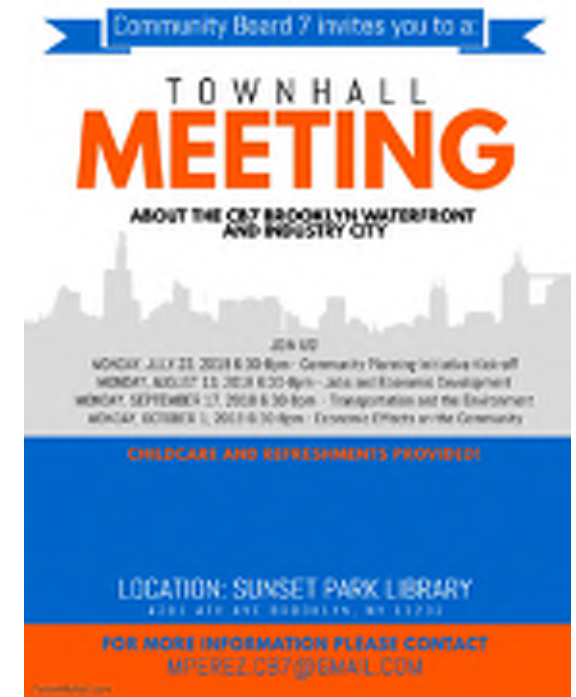
- Access
- Support / protect local small businesses
- Community engagement
- Resiliency
- Transport to and from waterfront
- Park / green space
- Job development – manufacturing, green jobs
- Entrepreneurship/incubators
- Infrastructure – flooding, sidewalks, sanitation, pot-holes
- Third Ave – unwelcoming, poor lighting
- Lack of parking
- Safety of roads and sidewalks

### Development Concerns:

- Landlords will increase rent, property taxes increase
- Displace seniors and small businesses
- Lack of affordable housing
- Less parking
- Replacing well-paying jobs with service jobs
- Job recruitment within community – transparency
- Changing Sunset Park's culture – lack of diversity, higher-income earners: impact funding allocations, class segregation – "playground for the rich"
- Increased construction of hotels
- Increased population – demand on infrastructure and services, school overcrowding
- Health issues from increased pollution

### Development Benefits:

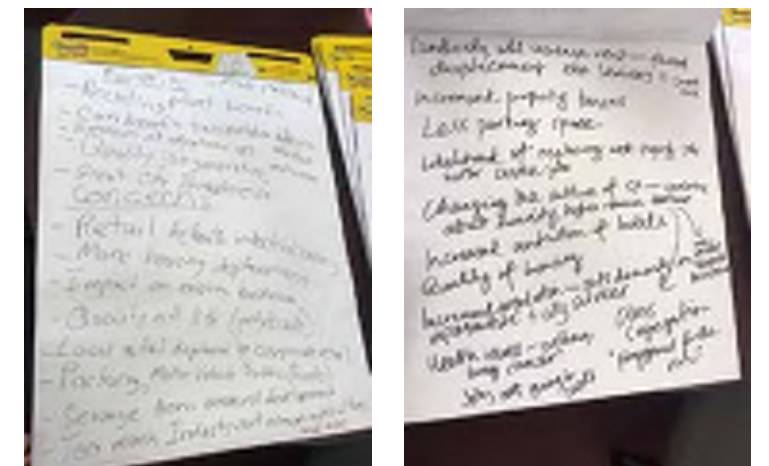
- JOBS, JOBS, JOBS – LIVING WAGE
- More truck traffic
- Quality of life
- Privatization of public assets



Community Announcement Flyer



Workshop #1 - Visioning  
Photo credit: Anita Bulan



Workshop #1 - Visioning  
Note Sheets

## 2018 Town Hall 2 - Jobs

Held on August 13, 2018, the second town hall provided an opportunity to discuss the Industry City rezoning through the lens of the potential impacts and opportunities for jobs and economic development in Sunset Park.

Four subject matter experts, including Jesse Solomon from the Southwest Brooklyn Industrial Business District, Daniel Veliz and Lilianna Polo-McKenna from Opportunities for a Better Tomorrow, and Marcela Mitaynes from Neighbors Helping Neighbors facilitated small group discussions on the implications of the Industry City rezoning on the Sunset Park community with a particular focus on jobs and economic development.

The discussions yielded the following findings:

Priorities/Questions Identified in Opportunities for a Better Tomorrow Discussion Group:

- Transform workforce development
- How can we support immigrant families in Sunset Park?
- How can OBT's programs connect and scale with IC to provide pipeline of employment?
- Offer variety of training in different sectors
- OBT programs for adult populations, middle-aged/mid-career
- Help small biz owners with tech
- Outreach to immigrant communities, language barriers

Priorities/Questions Identified in Neighbors Helping Neighbors Discussion Group:

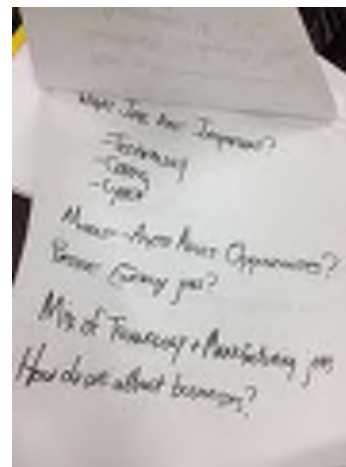
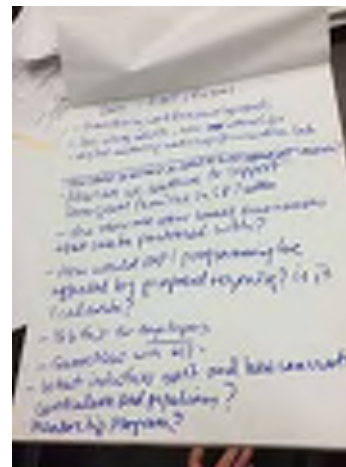
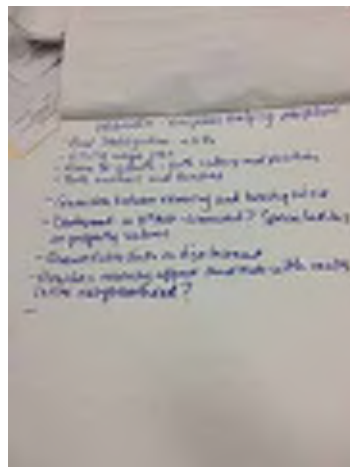
- Living wage jobs
- Displacement – IC development will push people out
- How does this affect people with roots in neighborhood?
- Hotel and retail jobs do not provide ladder to success
- Need stronger employment foundation, jobs with better pay
- Construction work – working longer, harder for lower wages
- Concern about luxury retail, new residents that can afford it
- Can there be an MOU for tenants related to local hiring?

Priorities/Questions Identified in Neighbors Helping Neighbors Discussion Group:

- 2000-2014 SBIDC seen 56% growth in business
- 5.6% unemployment – 11% in manufacturing
- Manufacturing becoming highly specialized
- Skills gap – more training needed for newer jobs
- Tech, coding, cyber, new energy jobs



Workshop #2 - Jobs  
Photo credit: Julio Pena III



Workshop #2 - Jobs Note Sheets

## 2018 Town Hall 3 - Environment and Transit

In September 2018, the Community Board hosted a Town Hall facilitated by two subject matter experts, Ryan Chavez from Uprose, and Ryan Lynch from the Borough President's office. They facilitated a discussion on the transportation- and environment-related implications and potential impacts of the Industry City rezoning.

Town Hall 3 Community Comments:

- Change inherent in Sunset Park's history – immigration, working and middle class character, ethnic diversity, industrial employment base
- Can industry and the innovation economy co-exist?
- Are manufacturing jobs more important than service, hotel and retail sector jobs?
- Why should the public invest in innovation economy?
- What is pathway for community members to access these jobs?
- Not just IC, EDC operates and manages as much space as IC on waterfront, needs to be transparent and engaged with community
- Climate change will affect Sunset Park's industrial areas significantly – how to respond?
- Opportunity for renewable energy industries
- Break down barrier of the Gowanus Expressway, increased mobility
- Reduction of truck trips in region may cause more trucks in Sunset Park.
- IC Rezoning is the "most radical and consequential proposal" to affect Sunset Park's fabric, culture and essence



Workshop #3 - Environment and Transit  
Photo credit: Anita Bulan



Truck Traffic on 1st Avenue  
Photo credit: Sam Schwartz Associates  
Sunset Park Waterfront Transportation /study



Bush Terminal Park  
Photo credit: NYCParks.gov

## 2018 Town Hall 4 - Economic Effects

The fourth presentation was conducted on October 12, 2018 by Tarry Hum, a Professor at Queens College, former Sunset Park resident, and outspoken voice on the economic effects of gentrification on displacement. Hum's presentation focused on the trend of private investment and consequent wave of displacement and rising prices in the Sunset Park community and highlighted the following key trends and statistics:

### Sunset Park Statistics

- NYU Furman Center says that Sunset Park is classified as gentrifying meaning defining "gentrifying" neighborhoods as areas that were relatively low-income in 1990 (among the bottom 40% in the city), but then experienced higher than median neighborhood rent growth in the following 20 years.
- 37.5% of Sunset Park residents aged 25 years and older lack a high school diploma.
- Low per capita income: The Sunset Park 2016 per capita income (or the average income per person in given area) was USD 13,000 for the Asian community, and USD 15,000 for the Latino community, while non-hispanic whites and other part of city experienced higher per capita incomes.
- High poverty rates: In Sunset Park, the poverty rate for the Asian community is 38%, and for the Latino community it is 33%.
- NYC mostly renters - low home ownership rate at 29.9%, and lowest rental vacancy rate at 2.4%.
- Economy: As late as 2000 manufacturing in Sunset Park largest industry sector, employed more than 9,000 workers, with majority, or 52%, in the apparel and garment manufacturing industry, but this number has been significantly reduced as of 2018.
- 2015 healthcare services was largest employer with 10,000 workers, hospitals ambulatory healthcare services and home health aides.

### IC Trends

- Number of commercial real estate sales increased by 30% in post Jamestown Properties acquisition from 2013-2015. It included two large transactions: the Sunset Industrial Park and Brooklyn rail building. Even if these two sales were excluded, commercial real estate prices adjusted for inflation were 29% higher post Jamestown Property period.

### Tarry Hum Identified Gaps in Waterfront Development Data

- Some say IC rezoning is a catalyst for economic development and jobs, though Tarry Hum is concerned it catalyze displacement which can be cataclysmic for the Sunset Park communities' working class. Tarry claims the rezoning will catalyze more investment capital, but that there is little evidence that the community will benefit from this tide of investments.
- New federal opportunity zones under Trump offer tax cuts for investment in disadvantaged areas, though there is limited knowledge on the potential impact on investment and development. Part of Sunset Park was designated an opportunity zone.

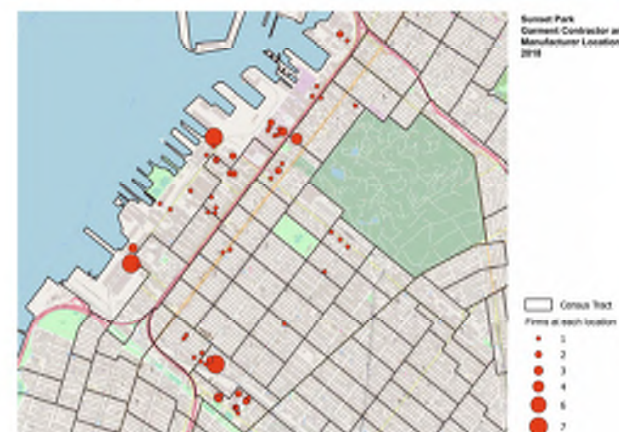


Workshop #4 Speaker - Prof. Tarry Hum  
Economic Effects  
Photo credit: Sing Tao Daily

### Sunset Park Garment Contractors and Manufacturers 2012



### Sunset Park Garment Contractors and Manufacturers 2018



## 2018 Town Hall 5 - Industry City Presentation

The final town hall was a presentation by Industry City CEO, Andrew Kimball. The presentation provided the opportunity for IC to present background information on the proposed rezoning and frame the proposed changes and impacts of the rezoning on the Sunset Park waterfront.

Industry City made the following statements:

- Industry City is a national model for innovation economy and local partnerships around job creation
- New technology allows for advanced manufacturing, new methods not like industry 20 or 30 years ago, industry is now design and prototyping, film and TV
- Opportunity to connect the community with IC businesses
- Private industrial complex vs. Navy Yard and Army Terminal - rare for private owner to undertake redevelopment without public investment
- Under new ownership, IC has brought back complex, reduced vacancy, small maker spaces, incubate companies, affordable
- Aim for 15,000 jobs, 6.6 million square feet of space
- IC survey of workers – 2000 responses of 6,500 workers
- 57% lived in Brooklyn, 50% under 35, 57% people of color, 51% have less than four year degree, 33% no college at all, 35% coming from surrounding neighborhoods
- Local companies getting contracts, \$100 M of \$300 M invested comes back to Brooklyn
- Academic institution connection, vocational collaboration, connect with community through tech
- OBT and Innovation Lab – job search assistance, tech start coding program, connect people to current jobs, small business training, summer internships, ESOL and citizenship classes
- Growth in neighborhood residents assisted – 30% of placements from 11220 and 11232
- Long game – make sure PS 94 5th grader is prepared and can get a job when they graduate
- No housing in development, adaptive reuse of existing buildings is sustainable
- Want expanded retail to complement upper floor uses, not to displace neighborhood merchants, want to support 5th Ave.
- Hotel use essential to businesses in complex – conference and meeting space, union hotels, need to be confirmed through public approval process
- Change zoning use from heavy manufacturing M3-1 to light manufacturing, M2-4, restrict noxious uses, lower emissions
- Expand waterfront access, ferry service, bike lanes, expanded greenway, safer underpass at 36th St
- New walkways and loading docks – seriousness about industrial activity
- Electrical upgrades, natural gas vs. oil, committed to Mayor's carbon reduction goal and resiliency investments
- Aim to generate \$5 billion dollars in economic activity.



Industry City Presentation - Town Hall  
Photo Credit: John Fontillas

Industry City rezoning summary:

- Provide a broader range of land uses
- 3.57M sf of Innovation Economy uses
- 900,000 sf of retail
- 700,000 sf of new academic, hotel and event space
- Propose 13,000 on-site jobs at full buildout- \$5B in economic activity
- Rezoning plan to promote an "Innovation Economy Hub"
- Focus on: Art, Design, Film, Fashion, Manufacturing, Technology and Food Sectors
- Collaborative Hub concept
- Entrepreneurs and small business owners work through cross-collaboration, inspiration and business growth

## 2018 Community Board Display

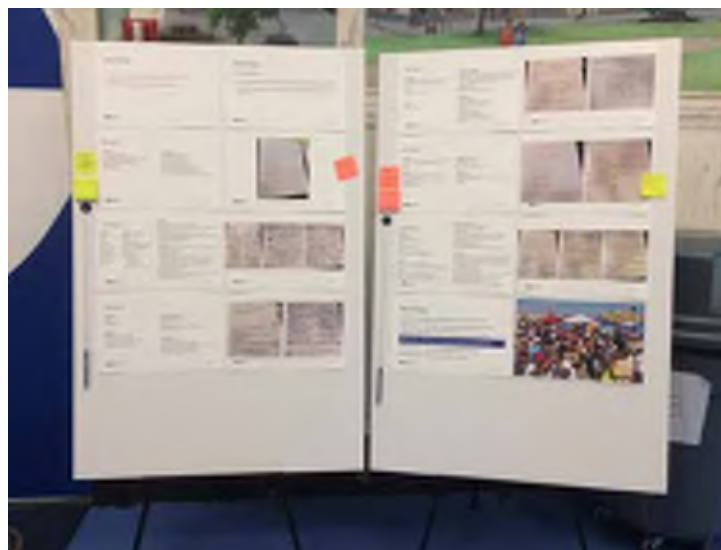
During the Industry City rezoning community engagement process, CB7 put together a board display which provided information on the rezoning and gave community members an opportunity to post public comments and questions. The comments posted were aligned with the feedback produced during the series of town halls, and most commonly mentioned priority areas centered around more living wage jobs for Sunset Park residents, increased access to affordable housing, and access to more open space.

The following public comments were posted on the board display:

- “Its all about jobs for the community.”
- “Integrate neighborhood jobs with population needs (health aides with senior homes)”
- “Preserve Irving Bush Statues + HQ”
- “Playground at Bush terminal @ picnic tables”
- “Youth vocational training with career pathways, citibikes/ MTA”
- “The oil being dumped in the water along with chemicles deing dumped from factories!”
- “Increase of hotels changing our skyline, increase in property taxes”
- “Vocational high schools”
- “Quality job keep people in Sunset & able to afford the neighborhood – very good”
- “Jobs are not going to be for old sunset park residents.”
- “We need indoor cricket game practice nets”
- “Consider more affordable housing”
- “Need a flea market”
- “Save our Finnish co-ops”
- “Mechanisms that constrain landlords to stabilize residential rent.”
- “Retain + grow good paying jobs”
- “Where do the government workers go?”
- “What is being done to ensure job opportunities go to Sunset residents (and Sunset stays affordable)?”
- “Consider including a microbusiness space where individuals can rent a table to sell their crafts. Recruit local artisans.”
- “Invest in open space. More park land on waterfront and more amenities in those parks.”
- “Living wage jobs! Paid internships, paid apprenticeships, on-the-job training”
- “Recreational center for the children”
- “Consider more affordable housing.”
- “Increase jobs in renewable energy, solar, and turbine, expand recycling, keep jobs and businesses local”
- “More open space”
- “We need low-income housing”
- “We need more parking space.”
- “Better day care centers in Sunset Park.”
- “Sidewalk repair for strollers, carts, and wheelchairs.”
- “Private development corporations nor most city organizations/community board/city council care about us. Money will always be a priority and not the people.”
- “Please create a super shallow area for seniors and children in the pool.”
- “Incentives for solar/wind on roofs, green roofs, more trees”
- “Keep low-income families in Sunset Park.”
- “Support local businesses”
- “Remember the people born and raised in Sunset Park.



Community Board Display at Board Offices  
Photo Credit: John Fontillas



## Community Assessment Reports

### Economics - State Comptroller

The Office of the NY State Comptroller issued a report in 2017 that outlines key indicators and trends on economic development in Sunset Park. The following are key statistics outlined in the report:

- Since 1990, population has grown twice as fast as NYC overall
- Immigrants represent 49% of population (2014) vs NYC 37%
- Asians fastest growing segment since 1990 – 241% increase
- Number of businesses increased by 56% between 2000-2014
- Private sector employment increased by almost 10%, 39,920 jobs
- Health care largest employment sector, 25% of jobs
- Manufacturing 11.3% private sector jobs, highest concentration in City
- Restaurants, bars, hotels less than 6% of jobs, but 20% of jobs added since 2010
- Since 2009, median household income of area residents increased twice as fast as Brooklyn overall, but poverty and affordable housing remain concerns
- School enrollment rose by 55% during past 15 years, school overcrowding still a problem.

### Housing - NYU Wagner

In 2019, NYU Wagner student produced a study to address the housing insecurity facing Sunset Park residents, as a result of increasing income inequality and a tightening housing market. The Study, “Housing Sunset Park: A Community Oriented Ten-Year Plan” was a collaborative undertaking between the NYU Wagner Capstone Team and Brooklyn Community Board 7.

CB7 engaged the NYU Wagner Capstone Team to assess the current housing environment and develop recommendations to guide future housing and land use decisions. Through a community workshop, community survey, stakeholder interviews, site visits, case study reviews, legal policy assessment, and evaluation of current financial programs, the team analyzed the existing conditions and housing trends in the neighborhood. Best practices were evaluated to develop recommendations for the preservation and development of affordable housing within the Study Area. The report and recommendations the NYU Wagner students produced aims to guide the Community Board in future land use and zoning decisions. Key study recommendations are outlined on Page 17.

Key Housing Study Statistics:

- 40% of Sunset Park residents moved to Sunset Park in past 9 years, indicating a large transitory population.
- 78% of Sunset Park residents are renters.
- There are high rent burdened households in Sunset Park, with 30% of residents in the housing study area paying 50% or more of their salary on rent

### Early Childhood Development and School Readiness - NYU Langone

With support from the Bezos Family Foundation, NYU Langone conducted a Community Assessment to inform the design of Together Growing Strong, an initiative with the goal of transforming the health, wellbeing, and developmental trajectories of young children and their families in Sunset Park, during a pivotal time in early brain development.

The two-year Community Assessment produced findings to guide specific interventions in addressing school readiness in Sunset Park. This work used both qualitative and quantitative methodologic approaches to understand the early childhood context in Sunset Park, the community’s strengths, and the opportunities to invest in improving school readiness for all children in the community. Specifically, NYU Langone acquired and analyzed administrative data, surveyed over 400 parents of kindergarten children in seven public schools zoned solely for Sunset Park residents, interviewed more than 20 community stakeholders, and conducted four focus groups with parents and kindergarten teachers. Findings from NYU’s mixed-method approach highlight the importance of understanding and addressing the needs of the diverse population within Sunset Park. Several themes emerged from this work:

- Families from the different cultures in Sunset Park think about school readiness and the roles of parents and schools very differently, which will have large implications for program development and family engagement.
- In general, particularly in the Latinx community, parents are looking for guidance on how to increase interactions with their children in ways that will effectively promote children’s social-emotional and cognitive development.
- As immigrants, many parents in Sunset Park grew up with different expectations about childrearing, the parent-child relationship, and children’s behavior in school.
- Families are experiencing a high level of stress and are living in overcrowded conditions, both of which can impact how parents engage with their children.
- Children who attend preschool are reported by kindergarten teachers and parents as being more prepared for school, but some families find it difficult to enroll in preschool due to financial strain and work schedules; others, particularly families of children 0–3, prefer family, friend, and neighbor care arrangements to licensed daycares and preschools. In addition, many families report one parent to be a homemaker.



Land Use					
Goals	Objectives	Timeline	Actions	Agency or Private Entity	Funding Type / Sources
<b>Preservation</b>	Acquisition of existing housing units to preserve affordability	Short to medium term	Approach current owners	NYC Housing Preservation & Development (HPD), NYC Housing Development Corporation (HDC)	HPD Pillars, NYC Acquisition Fund
<b>New Production</b>	Production of new housing units	Short to medium term	Add capacity for residential density where contextually appropriate	Dept. of City Planning (DCP), NYC HDC, NYC HPD, Private Developers	Tax-Exempt Bonds, Qualified Opportunity Fund, Private Capital, Tax Exemptions and or Abatements
<b>Housing Program Design</b>	Design a housing program to match community need	Medium to long term	Work with state and local agencies to develop housing programs that target neighborhood income demographics	DHCR, HPD, HDC	N/A - Policy design
<b>Expanding and Strengthening Tenant Protections</b>	Just Cause Eviction Legislation	Short to medium term	State Senate and local government support for Good Cause Eviction proposal	State & Local Government, Elected Officials, NY City Council	N/A - Legislative action
	Rent Stabilization enforcement	Short to medium term	Renewal of rent stabilization laws with amendments expanding tenant protections	State & Local Government & Elected Officials	N/A - Legislative action
	Tenant Rights' Advocacy	Short to medium term	City and State funding for local not-for profit organizations in affected neighborhoods	HPD & Department of Housing and Community Renewal (DHCR)	HPD Partners in Preservation Pilot Program
	Creation of a local restricted unit database	Short to medium term	Establish a research and data team to track rent-restricted units	DHCR, HPD, Brooklyn Community Board 7	Brooklyn Borough President, City Council
<b>Revisit Sunset Park 197-A Plan</b>	Realign plan with community goals	Long term	Community Stakeholder outreach, Asses	NY City Council, City Planning Commission (CPC), NYC DCP, Brooklyn Community Board 7	N/A
Financing Programs					
Goals	Objectives	Timeline	Actions	Agency or Private Entity	Funding Type
<b>Qualified Opportunity Fund</b>	Establish a fund to attract investment in Brooklyn Community Board 7	Medium to long term	Designate a fund manager. Outline fund objectives.	Internal Revenue Service (IRS), fund manager, investors	Private investment
<b>Transfer of Development Rights</b>	Acquire and warehouse development capacity	Medium to long term	Purchase development rights from underused sites, to be redirected to development areas approved by the community	DCP, HPD, NY City Council	HPD, EDC

## 2019 Community Meeting 1 - Recap of Previous Reviews

On June 17, 2019, Community Board 7 conducted a town hall that recapped the 2018 Town Hall meetings. The purpose of the recap was to re-engage community members who had been a part of the key discussions since the 2018 Town Halls commenced, and to enable community members who were just tuning in to the discussions to understand the context and previous community engagement work conducted, and to become equipped to engage in the feedback and learning process moving forward.

The recap included an update on a new website created, [friendsof-cb7.org](http://friendsof-cb7.org), which provided a resource platform documenting background materials on the proposed rezoning and documentation of the community engagement process and research conducted to date.



## 2019 Community Meeting 2 - Zoning Primer

On July 17, 2019, CB7 held a community meeting to review the zoning application and outline CB7's role in the rezoning application review process. George Janes, urban planner, presented a review of the current zoning, proposed rezoning, the land use process, and how the Community Board can effectively participate in the ULURP. The following outlines the key points from Janes' presentation:

### Current Zoning:

- Industry City is zoned M3-1. M3 districts are designated for areas with heavy industries that generate noise, traffic or pollutants. Typical uses include power plants, solid waste transfer facilities and recycling plants, and fuel supply depots.
- According to Janes, M3-1 is not a suitable zoning fit for the current Industry City buildings, because the buildings are too big for an M3-1 and don't provide enough parking. This means that the existing buildings are "non-complying" or:
  - Zoning would not allow these buildings to be built today
  - No expansions or additions are allowed, even internally
  - If they are destroyed by fire or disaster, they cannot be rebuilt as they are today
- It is reasonable for owners of non-complying buildings to seek zoning changes for compliance

- The proposal would bring compliance, and:
  - Remove (de-map) a portion of 40th Street
  - Change zoning from M3-1 to M2-4 to allow more density (about 20% more than existing buildings, about 150% more than M3-1)
  - Allow for 3 new buildings and additions (up to 1,300,000 SF more)
  - Add ~1,800 parking spaces
  - Allow for a wider range of uses including:
    - Hotels, Large-scale retail (e.g. large department stores like Target), Libraries, Colleges, Museums & art galleries, All uses allowed in M1 (many stores and services, not otherwise allowed)

### Proposed Rezoning:

- More flexible uses: Industry City can tenant out to most non-residential uses
- More uses that provide more on-site services: makes all of Industry City's space more attractive, and a one stop for all needs
- More flexible building form: Industry City can get waivers for standard height and setback
- Huge parking garages that normally need special approvals/waivers
- More floor area particularly from the de-mapped street
- Limitations of proposed rezoning
  - Hotels would require a special permit
  - No more than 900,000 SF for retail uses
  - No more than 625,000 SF for museums/educational uses
  - Most retail limited to the lower two floors
- However, the proposed Industry City uses will produce more jobs: about 6,000 additional workers at the Industry City site



Zoning Primer Meeting with George Janes  
Credit: CB7

## 2019 Community Meeting 3 - CM Menchaca Presentation

On September 16th 2019, Council Member Carlos Menchaca conducted a presentation an Industry City, sharing his official position on the rezoning. Menchaca's presentation framed the rezoning by outlining key challenges that need to be addressed and considered in the rezoning process, including high rents, tenant harassment, poor housing quality, loss of manufacturing, underemployment, and school overcrowding. Menchaca presented key priority areas for addressing challenges and ensuring community-informed development of the waterfront and in Sunset Park, including the following:

- No hotels
- Restricted retail
- Development of a 'manufacturing hub' at Industry City
- Development of a public technical high school and adult training center
- More funding for tenant education and organizing
- Access to free lawyers in housing court for Sunset Park residents
- A manufacturing hub managed by a not-for-profit
- Enhanced funds and space for jobs training and worker support
- Incentivizes for Industry City tenants to buy from local businesses
- Funding to support the preservation of affordable housing
- Funding to support tenant organizing in Sunset Park
- Roof space at Industry City donated to expand the Sunset Park Solar Cooperative



CM Menchaca Public Meeting  
Photo credit: Anna Quinn - Sunset Park Patch

Menchaca's presentation outlined that the rezoning is conditional on community-driven investments and protections, and outlined the potential ways the City Council, Mayor, and Industry City could play a role in implementing protections and making investments.

- City Council: Regulate and legislate to ensure there are no hotels, to limit amount and location of retail, and ensure manufacturing uses
- Mayor: Invest in new technical public high school with adult programming at Industry City, invest in small businesses and worker cooperatives, and invest in stabilizing housing
- Industry City: Fund tenant organizing, expand and enhance the Innovation Lab, incentivize Industry City tenants to buy local, and invest in mission-driven manufacturing space



CM Menchaca Public Meeting  
Photo credit: Owen Maldonado - Kings County Politics



CM Menchaca Public Meeting  
Photo credit: Owen Maldonado - Kings County Politics

## Summary of Community Comments

- Need for living wage jobs and training for all Sunset Park community members (including youth and adult, underemployed, vulnerable populations)
- Safe, accessible outdoor waterfront space and parks
- Opportunities for youth (vocational training, vocational high schools, recreational opportunities)
- Environmentally resilient waterfront (including proliferation of renewable energy, and climate resilient measures)
- Access to affordable, rent-stabilized housing
- Support and increased opportunities and protections for local and small businesses and entrepreneurs (access to tech, training opportunities)
- Concerns on potential economic and displacement effects of developing luxury hotels and retail in the community
- Improved access to quality childcare and schools
- Preserve and maintain character and culture of Sunset Park, including ethnically diverse, low-income population, industrial employment base, low-rise historic buildings, and waterfront views
- Consideration of the needs and voices of long-time residents, and low-income, non-English speaking, and immigrant population in decision-making processes
- Concern that Industry City rezoning will contribute to displacement, increases in property taxes
- Better management of truck traffic, road safety, and improved infrastructure (roads, sidewalks)
- Health issues that may arise from increased pollution and need for services tailored to seniors
- Increased transportation and pedestrian access to the waterfront (MTA/bike share, ferry, etc) and parking

## October 3 Public Speakout

In order to provide multiple opportunities for the public to comment on the Industry City rezoning application, the Board organized a series of Public Speakout sessions. The Board did this in spite of a delay in the certification of the application. The first Public Speakout occurred at PS 24 on 38th Street in Sunset Park. 40 persons submitted testimony that evening. Topics discussed included support for the rezoning because of the significant changes for the better that have already occurred in the waterfront district due to Industry City's investment. Several Industry City tenants testified to the education and training opportunities available to the community. Those not in favor of the rezoning were concerned with the disregard for working class members of the community, and the fear of displacement, gentrification and prioritization of retail and office uses over manufacturing. Many against the proposal cited the direct negative impact on local immigrant communities.



Public Speakout at PS24  
Photo Credit: CB7

## November 6 Public Speakout

The November 6 Public Speakout was held in the Sunset Park High School Auditorium. 27 people testified that evening. Several community members testified that the Industry City rezoning proposal would increase environmental degradation and climate change and does not reflect the advanced possibilities afforded by green resilient industrial strategies. Other community members were working closely together to develop a Community Benefits Agreement to bring Industry City and the community together. Some members advocated for a larger comprehensive plan that would encompass the entire Sunset Park community in order to avoid piecemeal planning and rezoning efforts in the future.



Public Speakout at Sunset Park High School  
Photo Credit: CB7

## DCP Certification and ULURP Initiation

The Department of City Planning certified the Industry City rezoning application at its hearing on October 28, 2019. This event took the Board by surprise - discussions about a delay in certification were ongoing between Councilmember Menchaca and Industry City the week prior.

On November 6, a 3500 page document including the application, the DEIS and appendices was delivered to the Board by messenger. The Board proceeded to upload the documents to its friendsofcb7.org website and asked DCP for translations of relevant documents into Spanish and Chinese. One significant concern of the Board was certification of the application in November. Due to the holiday season, the Board would have to complete its review when many board members have other family and schedule commitments. The timing of the application at the end of the year effectively reduced the Board's schedule for review to 30-35 days, rather than 60 days.

## December 9-11 Public Hearing

The Board's official public hearing was held on December 9, 2019 at the Grand Prospect Hall on Prospect Avenue. Approximately 300 persons attended the hearing. Ethan Goodman of Fox Rothschild, Industry City's land use counsel, presented the rezoning application, going over the proposed four land use actions. 45 persons spoke at this event.

An additional 15 persons had signed up to provide testimony, however, rental of the hall had to end at 9:30pm. The Board announced that the public hearing would be continued at the Board Hearing Room on December 11, 2019, in order to provide time for these persons to provide testimony in person.

Additional written testimony was received by the Board in the weeks after the hearing. This testimony is included in our review package under separate cover.



Public Hearing at Grand Prospect Hall  
Photo Credit: John Fontillas

## CB7 Committee Meetings

The Board recognized early on that the application's scope and breadth was too large for one committee to take on. The Board agreed that its standing committees would take the lead in reviewing the application and the DEIS, to increase participation of board members and to harness its collective expertise in understanding the issues. The following committees conducted multiple hearings and meetings:

Immigration Committee - Jimmy Li, chair  
 Housing Committee - Marcela Mitaynes, chair  
 Transportation and Transit - Zach Jasie, chair  
 Health - Cynthia Rodriguez, chair  
 Environment and Sanitation - Joseph Canale, chair  
 Public Safety - Sam Sierra, chair  
 Economic Development/Waterfront - Dan Murphy, chair  
 Youth and Education - Julio Pena III, chair  
 Land Use/Landmarks - John Fontillas, chair



Committee Meeting - Transportation, Health and Economic Development  
 Photo Credit: CB7

The following topics were developed in the committee process and formed the basis of the recommendations listed in the Board's response:

### Immigration

- Sunset Park is a "gateway neighborhood" for immigrants, the community's diversity is its greatest strength.
- Industry City is part of the community and must share its values and directly support its residents and businesses.

### Housing

- Speculation and rising rents is leading to displacement of many vulnerable community members.
- Influx of retail and commercial office tenants will attract significantly higher income families, leading to displacement and gentrification.

### Transportation and Transit

- Increased truck traffic due to e-commerce deliveries and retail is a big concern
- Pedestrian safety is paramount, especially with new schools coming online.
- Transit improvements needed at subway, bus, ferry and bike modes, to increase safety as well as encourage use of transit modes besides personal vehicles
- DEIS deficient in review of potential conflicts. More study needed in determining mitigation of traffic impacts.

### Health

- Sunset Park's children and elderly are directly affected by air pollution caused by increased truck and car traffic in the district.
- Degraded environmental and physical conditions in Sunset Park's housing stock has leads to negative health outcomes.

### Environment and Public Safety

- Sunset Park's waterfront is at risk of climate change, floodwater and extreme weather events.
- IC is an opportunity to demonstrate new technologies for resilience and climate adaptation
- ICs building and capital plant should aim for the highest level of energy efficiency

### Economic Development

- IC's focus on retail, hotels and office space does not match the community's plan for a manufacturing waterfront.
- Allowing big box, formula retail directly at odds with the 197-a plan.
- The board is concerned that rising rents due to speculative development will displace small and medium size industrial businesses which employ many residents.

### Youth and Education

- The Board believes it is vitally important to provide employment and training programs for local youth.
- IC should partner with local schools and educational institutions to extend opportunities to residents.

### Land Use and Landmarks

- The Land Use Committee reviewed the reports provided by the standing committees of the board and crafted a set of land use recommendations to address key issues.
- These recommendations were developed over 12 hours of Committee review and discussion, with representatives of the Applicant and general public in attendance and broadcast live on the Board's Facebook page.



Land Use Committee Work Session  
 Photo Credit: CB7

## Board Vote

On January 15, the Board convened its regularly scheduled meeting in the Hearing Room. Land Use Chair, John Fontillas, described the two part process the Board would be using to vote on the four land use actions. He stated that the Land Use Committee had developed a set of recommendations and referred the Board to the draft sent to Board members earlier that week. The first part of the process would be to review the recommendations, take amendments, if any, then vote on the set of recommendations for the record. The second part of the process would be to review the specific resolutions regarding the four actions, to take amendments and/or substitutions to the resolutions, then to vote on the four actions as amended.

### First Part

1. Adopted executive summary for the recommendations to avoid having to read whole document for record.
2. Call for amendments to the recommendations:
3. Antoinette Martinez offered: Add "Applicant to hire locally and provide a living wage and benefits, health care, paid time off, retirement savings, and professional career development for contracted and internal employees, and to work with its tenants to do the same." Vote to add was approved by show of hands.
4. Vote on amended group of recommendations was approved by show of hands.

### Second Part

5. Read land use section in total into the record.
6. Call for amendments to land use section text:
  - a. Dan Murphy offered: On A69 recommendation - Demap 40th St, affirm statement as written in executive summary (disapproval with conditions – Peter Wong questioned if adding conditions was approved by the Land Use Committee). Vote to affirm was approved.
  - b. Justin Collins offered: Add a recommendation "Prohibit additional retail uses on any floor in any of the 39th St Buildings." Vote to add was approved.
  - c. Antoinette Martinez offered: Revise the A66 recommendation to read: "In order to maintain view corridors from Sunset Park to Lower Manhattan and the waterfront, the special permit drawings shall be amended to include a maximum building height of 90' (change from 110') for Buildings 11, 21 and Gateway." Vote to add was not approved.
  - d. David Estrada offered: Revise A48a recommendation to read: "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 (change from 2,500 sf) per establishment, except this limit may be increased upon (submission of a proposal, variance?) review and approval by the Board. Vote to add was approved.
7. Vote on amendments in this section was approved.
8. Call for substitutions, strike outs, change in language of the actions.
  - a. Marcela Mitaynes offered: "In A44 - Mapping the Special District, revise "The Committee recommends APPROVAL" to "The Board recommends DISAPPROVAL". Vote to change failed.
  - b. Nick Azadian offered: "In A45 – Zoning Text Amendment, revise "The Committee recommends APPROVAL" to "The Board recommends DISAPPROVAL". Vote to change failed.
  - c. Fred Wolff offered: "In A69 – Demap 40th St, revise "The Committee recommends APPROVAL" to "The Board recommends DISAPPROVAL". Vote to change was approved.
9. Called for Final Vote on the amended actions:
  - a. A44 – Map Special District, "The Board recommends DISAPPROVAL". Vote on recommendation failed.
  - b. A45 – Zoning Text Amendment, "The Board recommends DISAPPROVAL". Vote on recommendation failed.
  - c. A63 – Special Permit, "The Board recommends DISAPPROVAL". Vote on recommendation was approved.
  - d. A69 – Demap 40th St, "The Board recommends DISAPPROVAL". Vote on recommendation was approved.
10. Two motions to reconsider were moved and seconded:
  - e. A44 – Map Special District - Vote to reconsider did not reach 2/3rd threshold to reconsider.
  - f. A45 – Zoning Text Amendment – Vote to reconsider did not reach 2/3rd threshold to reconsider.
11. Having no other motions, report was closed.



Board Vote during January Meeting  
 Photo Credit: John Fontillas

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 #C-190296 ZMK
- Zoning Text Amendment – ULURP #N-190298 ZRK
- Zoning Special Permit – ULURP #C-190297 ZSK
- Related Change in City Map – ULURP #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.

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:

John Fontillas

Brooklyn Community Board 7  
Land Use and Landmarks Committee Chair

### INTRODUCTION TO SUNSET PARK

Sunset Park is a Brooklyn community with a unique physical context and socio-cultural history. Residential uplands crown the ancient Terminal Moraine and occupy some of the highest points in the city. Overlooking a broad plain at the bay's edge, this waterfront drew factories, warehouses and businesses dependent on access to shipping, the port and railroads. Several large warehouses were constructed by the Bush Terminal Company between 1892 and 1925. These are the buildings that are subject to the rezoning application.

After the 4<sup>th</sup> Avenue subway was completed in 1910, the blocks from 3<sup>rd</sup> Avenue to 7<sup>th</sup> Avenue were fully developed within 10 years, with brownstone and rowhouses occupying the rocky land. The development of Sunset Park occurred during a time of great migration into the city. Irish, Italian and Scandinavian immigrants moved into newly built homes, finding work on the wharves and shipping warehouses like those in their homelands. By the 1930s, the neighborhood was a vital walk-to-work residential district. The two-family rowhouses with a separate rental apartment on the top floor gave working-class families entry into the middle class.

Construction of the Gowanus Expressway and white flight to suburbs in the 1950s and 1960s led to significant changes in the neighborhood. As the original immigrant groups moved to the suburbs, Puerto Rican and Dominican arrivals began to grow their own communities. By the 1970s, lack of public investment in schools and community services, socioeconomic problems and the rise of gangs led to disinvestment, abandoned homes and made life difficult for the families that remained.

In the 1980s, the return to the city movement encouraged restoration of the venerable rowhouses, as longtime residents and families displaced from other parts of Brooklyn came to Sunset Park seeking affordable homes. In the 1990s, Mexican and Central American immigration increased, drawn to the existing Spanish-speaking community. Chinese immigrants from the Fujian province began to purchase homes along the 8<sup>th</sup> Avenue business corridor with their population increasing steadily by the 2000s. Today, Sunset Park is a diverse community with no one ethnic group in the majority.

### ISSUE 1 – IMMIGRATION/IDENTITY

#### Our Community

Sunset Park historically has been a "gateway neighborhood" for many new arrivals to America. It performs a role other immigrant communities have played during the city's history, helping to land new immigrants, acclimate them to the United States, and to provide a social and cultural haven in which to build their own American dream. This is a neighborhood where small immigrant businesses begin, families start to build working capital and an ethnic community develops in a nurturing environment. The community takes very seriously its role to welcome all immigrants, documented and undocumented, recognizing this process defines the essential character of Sunset Park, the city and the nation.

The Sunset Park community finds value in a neighborhood that is not homogenous and insists on equity and fairness in community affairs and the dignity that comes with that. However, like all communities, we often fall short of these goals. Immigrants face staggering barriers to housing protection, access to health care, and work discrimination. Many newcomers are extremely vulnerable because they do not know services are available to them, especially those who are not fluent in English or live in small owner-managed properties.

### Public Commitment to Immigrant Residents and Businesses

The Board insists Industry City (IC) should publicly promote the neighborhood's immigrant character and history if it is seeking approval of its rezoning request from the community. IC is part of Sunset Park and vice versa. It is not an island detached from the neighborhood. Its fortunes are directly tied to the quality of life in Sunset Park. This community connection should be publicized in the project's marketing and leasing materials and these materials should be published in the four primary languages spoken in Sunset Park: English, Spanish, Cantonese and Arabic. The community must see evidence that Industry City is invested in the goals of the entire neighborhood and fully embraces the aspirations of its residents.

#### Impact on Existing Community Jobs

The Board is concerned about manufacturing job loss and the closures of small businesses on 5<sup>th</sup> and 8<sup>th</sup> Avenues which employ many community residents. Neighborhood businesses are typically small storefronts or small industrial concerns, owned by a diverse group of immigrant and local residents focused on neighborhood or borough-based customers. Many of these businesses reinvest in the community and provide affordable shopping and living wages for the community. Retaining these neighborhood businesses and the community character they represent are vital to maintaining the social fabric of Sunset Park.

Building ownership in Sunset Park is not dominated by large corporations; many buildings are owned by local families or individual owners. This business ecology has developed a unique blend of "Mom and Pop" and national retail brands, with few vacancies over the past decade. However, the Board has received reports of increased landlord harassment and a permit crackdown by the city, with many business-owners believing they are being forced out. The prospect of a large retail development that would draw customers away from local business districts is increasing speculation and the fear of rising rents, especially those businesses located in the waterfront district.

To support the community, the Board wants a commitment from IC to hire locally, to provide a living wage to its employees and to work with its tenants to do the same. The Board would like IC to commit to strengthening participatory employment goals to foster Minority/Women-owned Business Enterprises (MWBE), Living Wage and Work Safety Protections in its construction, marketing and leasing activities.

### BE IT RESOLVED

- A1 Applicant to provide public commitment of support of Sunset Park's immigrant community and to feature the community's location and neighborhood as part of its marketing and leasing materials. Materials to be provided in Sunset Park's primary languages (English, Spanish, Cantonese and Arabic).
- A2 Applicant to partner with local community-based organizations to provide information on partnerships and services.
- A3 Applicant to provide transparency as to which businesses they are leasing to by providing a report of marketing and leasing activities biannually to the Board.
- A4 Applicant to do outreach to local Sunset Park businesses for construction, maintenance and leasing subcontracts in the project area.
- A5 Update EIS analysis to determine impact of rezoning on

## Final Resolution and Recommendations (continued)

local businesses in an expanded trade area extending from 1<sup>st</sup> to 8<sup>th</sup> Avenues and from 15<sup>th</sup> Street to the LIRR Cut.

- A6 Applicant to provide donations, sponsorships and assistance as requested by local community organizations in CD7 to help support and enhance neighborhood cultural and social programs.
- A7 Applicant to meet MWBE, Living Wage and Safety Protection Local Laws during construction/fitout of spaces.

predominant housing type – owner-occupied rowhouses. Tenants in this type of housing stock have none of the protections gained from the swath of rent regulations and laws adopted by the city and state. Furthermore, many of these landlords are long term residents who may have provided lower than market rate rents to tenants based on years of cohabitating within the same home and the owners of such buildings viewing their renters more like neighbors than as tenants. Naturally, when these buildings are sold to new owners, these types of arrangements end and the new owners raise rents significantly. In the worst cases, the seller takes on the task of evicting current tenants before closing so the house can be delivered to the new owner free and clear of renters.

### Impact on Local Community

The impact of speculation and rising rents on Sunset Park leads to gentrification of the neighborhood. There is increased risk of many current low-income units coming out of rent protection and families who have lived there for generations being replaced with wealthier families. Those vulnerable families are faced with stark choices of where to relocate to, often to neighborhoods at a distance that do not provide the same social and cultural support that Sunset Park does. Commutes to work become longer. Childcare expenses become a necessity because of the longer commute and family and trusted neighbors who could have helped out are now far away. Home stability is threatened when faced with the pressure to move into a smaller, often more expensive apartment.

Sunset Park's immigrant community has more vulnerabilities and fewer protections against being displaced. The barriers of language, culture, and knowledge of services works against those at risk of displacement. As many of these immigrant families also fall below the area median income, much of the affordable housing and preferential rents available are still priced beyond their reach. These conditions result in the disproportional displacement of working-class families in Sunset Park, further contributing to the segregation of the city along income and racial lines.

### Lack of Comprehensive Planning

The Board is extremely concerned about the precedents shown by recent rezonings of Williamsburg and Long Island City. These former waterfront manufacturing districts were also remade and their neighboring communities lost long-time residents, diversity and community culture. The destructive change in neighborhood character was tangible and profound. In contrast, the changes described in the introduction to Sunset Park were organic changes resulting from waves of immigration and succession. The rezoning stokes community fears of loss and displacement. Many believe change will come at them directly and will attack those most vulnerable.

IC proclaims the solution to the community's needs is through a single perspective, that of jobs, regardless of the type of job it is. This limited focus on jobs is to be accomplished through rezoning for use, bulk and area. The Board soundly rejects this narrow vision of planning. Zoning is a blunt land use tool. It does not comprehensively address underlying social and economic issues and furthers a type of top-down planning at odds with a well-rounded community plan built through consensus.

### Flaws in Project Analysis

The Application and DEIS do not analyze the project's impact on housing. In particular:

- No racial/ethnic impact study conducted examining impact of proposed rezoning on inequity, direct/indirect residential displacement, direct/indirect business displacement, etc. in CD7.

### BE IT FURTHER RESOLVED

- B1 Landmarks Preservation Commission to review the Finger Buildings (former Bush Terminal warehouses) for New York City Landmark designation and for the State to designate State and National Historic Register status.

## ISSUE 2 – HOUSING AND DISPLACEMENT

### Housing Affordability

The most critical issue in the district is affordable housing and displacement of long-time residents due to explosive rent increases. The Board commissioned NYU Wagner to do an in-depth study of its housing crisis last year. The report found that Sunset Park has a high rate of renters and 60% of these residents are paying rents that are more than 30% of their income. This is significantly higher than the rest of the borough. Further, 33.5% of households are severely rent-burdened, or paying more than 50% of their income toward rent.

Due to Sunset Park's physically built out urban context, few new buildings can be constructed in the district. Of the nearly 30,000 housing units in the district, 66% were built prior to 1939. Since 2010, only 305 units have been constructed. As a result, overcrowding of existing rental units is a major issue. 9.1% of Sunset Park rental units are considered severely overcrowded, nearly double the rate of Brooklyn as a whole. With few locations to increase the supply of affordable housing, the Board recognizes that preservation of existing affordable units is the only way to stem this crisis.

The severe rent burden on residents is coupled with rising evictions, correlation of lower median incomes and higher levels of residential migration, leading to Sunset Park residents being extremely vulnerable to potential displacement. Much of the testimony provided by residents during the Board's public outreach described a palpable fear of being displaced, where longtime residents and families, who have lived much of their lives in the neighborhood, contributed to its well-being, and sustained it during times of limited city assistance, are facing the inability to stay in the neighborhood because of rising rents. The loss of family connections, the long distance to available housing affordable for a family, the interruption of children's lives at school, and the forced departure of long-time community members leads to significant destruction of the cultural characteristics of the community.

### Speculation and Rising Rent Prices

How will the rezoning affect residential housing stability? There are no agreed upon methods on how to interpret displacement data and this data is often incomplete. But many residents clearly believe that a large influx of high-paying jobs brought about by IC will influence housing prices and the influx of new people with higher incomes will displace current residents.

Sunset Park is especially vulnerable to speculation because of its

## Final Resolution and Recommendations (continued)

- No creation of a local restricted unit database to allow for research and data tracking of rent restricted units.
- No community specific study examining preservation of existing affordable housing units.
- No identification of possible, potential development sites for new affordable housing and or preservation purchases.
- No procurement of existing 2-5 family housing to be placed into affordable housing stock.
- No survey of community specific, commercial businesses that cater to the current population and how the loss of these businesses is going to impact the population. (Change in products sold to cater to the new, incoming population).
- No comprehensive analytical data or study results available examining increased harassment pressures (e.g. rent increases, lack of lease renewals or short-term renewals, unjust evictions, etc.) for residential and commercial businesses in CD7 pre/post Industry City ownership change in 2013 to present.
- No identification of accurate direct displacement, and no identification of mitigation efforts for directly displaced residential/commercial tenants in proposed site area along 3<sup>rd</sup> Avenue.
- No comprehensive study examining the impact/effects of other project developments currently in progress in CD7.
- No available studies examining home and property sale price changes for homeowners pre/post Industry City ownership change in 2013 to present.
- No comprehensive study examining the impact/effects of several other project developments currently in progress in CD7 as well as no study of neighboring current or potential rezonings (i.e. Gowanus rezoning) or past rezonings of Sunset Park and their impacts on direct/indirect displacement, housing affordability, etc.

To be able to consider and evaluate if the rezoning will fundamentally change the character, diversity and makeup of Sunset Park, there is a definite need for further information.

### BE IT RESOLVED

- A8 Applicant to provide racial/ethnic impact study prior and post rezoning that includes a more diverse and comprehensive data set (school attendance, churches, etc.) for purposes of determining the true nature of primary and secondary displacement of residents and businesses. Study shall be modeled on Council legislation Intro 1572-2019.
- A9 Applicant shall provide significant contributions to a community led and controlled housing fund for preservation of existing affordable units and construction of new affordable units.
- A10 Applicant shall provide funding to support residential and business anti-harassment legal services, enforcement of tenant protections, legal services against unjust evictions.
- A11 Applicant shall provide funding for directly displaced residential tenants in future proposed site area along 3<sup>rd</sup> Avenue. Applicant shall further provide funding for storage of resident possessions, temporary housing at the same cost to tenants, and rent stabilized apartments at the same cost to the displaced tenants, or rental subsidies equal to the difference of the tenants current rent vs. market rate apartments which may be available at the time of displacement.

A12 Applicant shall provide funding for directly displaced businesses in future site area along 3<sup>rd</sup> Avenue. This funding shall include costs of temporary storage for business materials, stipend for disruptions of business, space for rent at the same rent as the displaced business.

A13 Applicant to provide report and analysis of Private Equity Fund/Opportunity Zone proposal to provide funding for preservation of affordable units in CD7.

A14 Applicant to fund affordable housing analysis report if NYCHPD does not meet deadline – see B2 below.

### BE IT FURTHER RESOLVED

- B2 NYCHPD shall fund analysis report prepared by a third-party community organization selected by the Board examining preservation of existing affordable housing units, home and property sale price changes for homeowners from 2013 to present, identification of possible potential development sites for new affordable housing and/or preservation purchases. If NYCHPD has not funded and completed study within 1-year post-rezoning, Applicant shall fund report.
- B3 Per NYC Department of City Planning Executive Director Anita Laremont's letter to Council Member Menchaca and CB7 Board Chair Cesar Zuniga, NYCHPD to provide a list of the 18 locations of Certificate of No Harassment program properties in CD7, and locations of 448 homes in CD7 where affordability has been preserved and to what extent.
- B4 NYCHPD to provide record of outreach in CD7 where information about relevant housing affordability and tenant protection programs or services have been provided to homeowners and renters (in English, Spanish and Cantonese and Arabic languages).
- B5 Per Anita Laremont's letter to Menchaca/Zuniga, NYCHRA Office of Civil Justice (OCJ) to provide a list of the 300 Council District 38 households served in FY2019, breaking down households by Community District. Provide a hard count of the number of evictions avoided among these households. OCJ to provide record of outreach in CD7 where information about these programs have been provided to homeowners and renters (in English, Spanish, Cantonese and Arabic languages).
- B6 City shall provide additional anti-harassment legal services, enforcement of tenant protections, legal services against unjust evictions and funding for such initiatives to affected residents in CD7.
- B7 City to develop a community-specific strategy to mitigate displacement pressures with input from the Board and to provide funding to implement the results of the study.
- B8 Expand city pilot program by NYCHPD to fund basement conversions into legal dwellings in CD7.
- B9 City to ensure stricter review and community notice of DOB applications as it applies to changes in FAR usage and/or deductions and variances.
- B10 Ensure Community Board notice and review of any City Planning Commission decisions relating to the neighborhood, including special permits, special districts, variances, etc.

## Final Resolution and Recommendations (continued)

- B11 NYCHPD and NYCHDC shall create a public-private partnership for purposes of affordable housing development and preservation, as well as procurement of existing 2-3 family houses to be placed into affordable housing stock in CD7 (HPD Pillars, NYC Acquisition Fund).
- B12 City to fund targeted outreach for NYCHPD homeowner repair and retrofitting programs and to make a concerted effort to make these programs known to residents in CD7.
- B13 State of New York Mortgage Authority (SONYMA) and NYCHPD to fund and provide outreach for their down-payment assistance programs for purchasing of co-operative and or condominium type units and rental assistance programs within CD7.
- B14 City shall modify CEQR standards to include review of direct/indirect housing and business displacement for all applications. EIS should expand review area to encompass the full neighborhood represented by CD7; expand study to include other developments currently in process and their effects on CD7.

the Board wants to increase safety by reviewing and modifying 3<sup>rd</sup> Avenue's road design as well.

### Parking

The Board believes parking demand is driven primarily by retail uses, therefore it seeks to limit the amount of retail generating uses and restrict other uses in order to reduce the number of cars stored near the site. The Board also believes that the amount of parking at IC should be limited as much as possible and the tenants at the complex should encourage their workers and patrons to use public transit. The Board is concerned about induced demand – more parking will encourage more trips by car to IC.

### Accessibility Concerns

Access for people with disabilities is missing at key IC intersections, with a lack of safety measures, such as crosswalk ramps and bumpouts at street corners. NYCDOT was ordered to improve intersections, but we do not know what the schedule for improvements is in the project area.

One growing concern is the safety of children crossing 3<sup>rd</sup> Avenue to schools located near or west of the Avenue. As these facilities add students, the Board demands that the city and state review the conditions of 3<sup>rd</sup> Avenue and the Gowanus Expressway structure to create safe, secure and accessible paths to school.

The Brooklyn Waterfront Greenway transits across the waterfront. The Board would like IC to work closely with the Greenway and the city to create continuous access across the district and to the waterfront.

### Transit and Bicycles

The Board understands that the MTA has announced an ADA station upgrade for the 36<sup>th</sup> St. Subway station. This capital program project is very important for users of this station. The Board would also like the MTA to review the size and capacity of station stairs up to street level. With only two narrow stairways from the station towards IC, these stairways cannot accommodate the potential future worker flow projected by IC.

MTA should also review bus service capacity and schedules to increase intermodal connections.

The Board would like NYCDOT to review the location of a Ferry Terminal adjacent to the project area to provide transit connections to the NYC Ferry network.

Market the IC Shuttle as free to the public.

Bike safety is a major concern because of a recent spate of injuries and deaths. There is also a lack of CitiBike facilities in district. The only two stations are located at IC which are often full, forcing riders to return their bikes to the nearest open stations in Gowanus to complete their rides.

Related to the Board's request for traffic calming, the Board would like the city to review a dedicated bike route along 3<sup>rd</sup> Avenue.

### Analysis Deficiencies

DEIS must include new schools, potential bike lanes, ferry stops, and impacts related to recent 4<sup>th</sup> Avenue improvements. The Board would like to call attention to the DEIS's report of 14 un-mitigatable intersections made worse by the project. This will lead to significant impacts beyond the study area.

## ISSUE 3 - TRAFFIC/TRANSIT

### Truck Congestion

The Board is concerned about current truck congestion and increased congestion due to the rise of e-commerce/last-mile distribution warehousing. Three proposals for last-mile warehouse facilities have been publicized in the past year within or adjacent to the district. Many of these delivery trucks will add to the street network directly. The Board is actively seeking to deter these last-mile facilities due to the lack of street capacity necessary to accommodate them in the neighborhood.

Another contributor to truck congestion is the lack of ramps onto the Gowanus Expressway at 39<sup>th</sup> Street. Although this has been studied since the late 1980s, access improvements to this stretch of the expressway have not occurred since it was expanded in the late 1950s. With no onramps between 65<sup>th</sup> Street and Hicks Street, large numbers of trucks are stuck navigating the narrow streets of Sunset Park to get to the highway. This is another project that requires the involvement of city, state and federal agencies. These ramps are 50 years overdue and the streetscape of our neighborhood suffers greatly from the inability to get trucks out of the neighborhood.

Traffic impact analysis should include review of the South Brooklyn Marine Terminal (SBMT) and Made in NY Campus developments and how many additional trucks will serve these sites. Activation of SBMT as an intermodal logistics yard will result in increased connections between the waterside port and ship traffic with landside truck and rail traffic. The confluence of these activities will have a huge effect on neighborhood streets such as 39<sup>th</sup> Street and 2<sup>nd</sup> Avenue. Pedestrian and retail activities will need to be designed carefully so they can coexist with manufacturing traffic across this 40-acre site.

### Pedestrian Safety

The Board's most important concern is the impact of increased traffic resulting from this rezoning application on pedestrian safety. The Vision Zero program tracks the impacts of traffic on 3<sup>rd</sup> Avenue. Unfortunately, it has recorded five pedestrian deaths in past year, the 4<sup>th</sup> highest in districts measured. CB7 has already tested potential traffic mitigation changes in the district. Changes to 4<sup>th</sup> Avenue reduced traffic lanes but improved flow. Based on this experience,

## Final Resolution and Recommendations (continued)

### BE IT RESOLVED

- A15 Applicant to develop and implement pedestrian streetscape plan focused on improving pedestrian amenities, safety, accessibility, and security at private and public streets adjacent to IC sites.
- A16 Applicant to pay for traffic studies prior to and at 1-year, 3-year, 5-year, 10-year and 15-year time periods post-rezoning showing impacts to street network and traffic conditions, including further mitigation, including but not limited to adjustments to signal phasing and timing, traffic management strategies and parking regulation changes.
- A17 Applicant to plan and implement improvements to waterfront access along its waterfront perimeter and to partner with city agencies to improve and build public waterfront access.

### BE IT FURTHER RESOLVED

- B15 NYCDOT to provide comprehensive truck route study of CD7.
- B16 NYCDOT to conduct future traffic studies including truck distribution hub traffic planned or under construction in CD7 and CD6, EDC-managed developments and properties such as Made in NY campus, Brooklyn Army Terminal and SBMT, commercial waste hauling, congestion pricing, and new schools opening along the 3<sup>rd</sup> Avenue corridor.
- B17 NYCDOT to complete a Safe Routes to School study for schools along the 3<sup>rd</sup> Avenue corridor.
- B18 MTA to review additional exits from the 36<sup>th</sup> Street subway station, as well as reopening existing secondary entrances at all stations in CD7. MTA to provide study of capacity improvements to existing bus lines serving the project area.
- B19 NYSDOT to provide study for additional vehicular ramp entrances onto southbound and northbound BQE at 39<sup>th</sup> Street.
- B20 NYCDOT to provide schedule of installation of pedestrian crossing improvements throughout CD7.
- B21 NYCDOT to provide study for pedestrian safety measures within waterfront IBZ area, including - curb bumpouts, traffic calming devices, painted curbs vs. steel, wider, higher visibility crosswalks, American with Disabilities Act (ADA) accessibility at all crosswalks in the area, accessible markers, sound and visibility aids, cane detection, widening sidewalks on key pedestrian routes, planters, and protected bike lanes.
- B22 NYCDOT/MTA to provide study for ferry transit hub (bus to ferry) at the foot of 39<sup>th</sup> Street or other locations on the Sunset Park waterfront.
- B23 NYCDOT to provide study for elimination of parking along right side of southbound 3<sup>rd</sup> Avenue and improved access to and circulation in the parking fields under the Gowanus Expressway.
- B24 NYCDOT to review transit entrance improvement FAR bonus for development sites along 4<sup>th</sup> Avenue from 37<sup>th</sup> Street to 32<sup>nd</sup> Street.
- B25 NYPD to step up enforcement of local traffic laws in project

area – double parking, truck routes.

- B26 City to provide schedule of implementation of roadway improvements listed in CB7's Community Needs Assessment.

## ISSUE 4 - ENVIRONMENT/HEALTH

### Air Pollution

The quality of life of Sunset Park residents is fully tied to the quality of its environment. In the past few decades, residents have suffered from the effects of the 3<sup>rd</sup> Avenue and Gowanus Expressway corridors. A 2012 SUNY Downstate study showed elevated levels of asthma, emphysema, and advanced lung diseases in the Sunset Park population especially in children 0-5 years old.

Daily traffic counts along the Gowanus average 200,000 vehicles, with traffic often diverted to local streets below. High levels of truck and traffic emissions are leading to high levels of pollution in the district.

Deceptive environmental assessments have consistently underreported impacts on the community. Air quality analyses often focus on regional models rather than local health impacts. Environmental assessments show that lower-income neighborhoods experience larger exposure to emissions and higher health burdens.

### Socioeconomic Factors

In addition to environmental concerns, socioeconomic factors also lead to negative health outcomes. Socioeconomic factors contributing to negative health outcomes in Sunset Park include the high number of residents living without health insurance or are underinsured and the variety of barriers to health services faced by immigrants due to language and communication barriers. Widespread overcrowding and housing instability are contributing to serious mental health issues throughout the neighborhood.

Of the City's 59 Community Districts, Community District 7 had the 2<sup>nd</sup> highest rate of housing code violations in 2018. Poor housing conditions have serious health consequences, particularly for children in Sunset Park. Negligent landlords in the neighborhood fail to maintain apartments, leading to a variety of health risks.

### Climate Change and Resiliency

Industry City's project area was inundated by Superstorm Sandy in 2012. Floodwaters were contaminated by the legacy of brownfield wastes from adjacent sites. What is IC doing to prepare their building complex, and what is the City planning to do to protect the entire waterfront IBZ district? The Board would like IC to contribute to greater sustainability and resilience for the waterfront and the neighborhood generally.

The Board believes it is necessary to do a comprehensive study to remediate and develop mitigation strategies for brownfield sites within and adjacent to the project area.

### Energy, Infrastructure and Sustainability

Sunset Park's waterfront should be at the forefront of climate change resiliency innovation and resource recovery and management. The Sunset Park IBZ is the last truly industrial waterfront in the City. Significant public properties in the area mean that public interest projects and investments can help build a significant hub for these activities, for manufacturing industries and workforce training

as well.

The Bush Terminal buildings were constructed in the early part of the 20<sup>th</sup> century, with limited infrastructure systems. Fitout of this building area to meet contemporary space needs will increase energy use and flows to sewer and water infrastructure. To manage resource needs, the Board recommends all new construction at IC shall conform with Local Law 97's 2030 requirements for energy and emission performance immediately.

The impact of IC's development on the local power grid and its plan for significant new construction within the complex requires a comprehensive resource plan. To limit impact on constricted storm-water facilities, IC shall manage all stormwater on site. The Board would also like IC to explore use of a co-generation plant to provide campus energy needs. The Board would like IC to provide details of site-wide recycling and resource recovery programs.

**BE IT RESOLVED**

- A18 Applicant to review lease structure to attract triple bottom line businesses and encourage green leases to improve levels of corporate social responsibility.
- A19 Applicant to study and report on alternative and renewable energy sources to serve new and renovated spaces in the complex, in order to reduce reliance on existing energy infrastructure, such as construction of a co-generation plant to serve entire campus' summer peak heating demand for process and domestic hot water production or use of Upper New York Bay water for heat exchange for heating/cooling for compressorized systems.
- A20 Applicant to develop design guidelines for tenants to encourage sustainable building practice for energy efficiency in all new construction and interior renovations.
- A21 Applicant to develop and implement site-wide recycling plan, including sustainable waste and composting.
- A22 Applicant to fund third-party neighborhood-wide climate impact analysis and brownfield site remediation and mitigation strategies study for Board.
- A23 Applicant to comply with Energy Efficiency Local Laws, in particular Local Law 97 in its entirety adhering to the 2030 requirements starting in 2024, mandating biannual reporting of progress to Board.
- A24 Applicant to manage all site stormwater within project area utilizing storm tanks to keep roof area available for Local Law 92/94 compliance.
- A25 Applicant shall comply with Local Laws 92 and 94 whereas solar coverage shall be the predominant means of compliance.
- A26 Applicant to participate in and provide funding for a new waterfront IBZ BID to manage security and sanitation on adjacent public and private streets.
- A27 Applicant to provide funding to improve and maintain Sunset Park, Bush Terminal Park, D'Emic Playground, Gonzalo Plascencia Playground and Pena Herrera Park.

**BE IT FURTHER RESOLVED**

- B27 Per Anita Laremont's letter to Menchaca/Zuniga, DCP to provide a schedule of implementation and completion

regarding environmental infrastructure as listed in CB7's Community Districts Needs.

- B28 City to assist in the organization of a Business Improvement District to provide safety and sanitation services within the waterfront IBZ district.
- B29 NYCDEP to provide a list of improvements to project area sewer system and combined sewer outflows at the waterfront and the schedule for their completion.
- B30 NYSDEC to conduct study proposed by Assemblymember Felix Ortiz to measure air pollution changes around CD7 school locations.
- B31 Con Ed, National Grid and NYCDEP to study existing electric, gas, water and sewer distribution systems inclusive of percentage maximum capacity throughout the district, develop recommendations for improvement, and provide report to CB7.
- B32 NYSERDA to provide technical assistance to companies in the waterfront IBZ to implement clean energy as part of their business plans and services.

**ISSUE 5 - JOBS/ECONOMIC DEVELOPMENT**

Sunset Park's 197-a plan advocated for the support and development of the industrial job base along its waterfront. It listed the following goals for the waterfront:

- Increase activation of vacant space without discouraging industrial uses
- Strengthen the Southwest Brooklyn Industrial Business Zone
- Preserve affordable manufacturing and industrial space
- Promote the retrofitting of privately owned multi-story industrial loft buildings to accommodate new manufacturing and industrial uses

The following specific uses were encouraged:

- Manufacturing and industrial uses
- Job intensive, high performance, state of the art maritime, industrial and related transportation uses

The following specific uses were discouraged:

- Discourage retail and office development between 3<sup>rd</sup> and 1<sup>st</sup> Avenues unless it directly supports or services industrial uses or reinforces waterfront access corridors.

The Board is concerned that the rezoning application will not prioritize or encourage the preservation or expansion of manufacturing uses as stated in our 197-a plan. This prioritization is also reflected in recent city public policy statements, including NYCEDC's Sunset Park Waterfront Vision Plan, the Mayor's Industrial Action Plan, Waterfront Revitalization Program, Vision 2020 Comprehensive Waterfront Plan, New York Works, NYCDEP's Green Infrastructure Plan, and the Southwest Brooklyn Industrial Business Zone.

**Business Displacement**

The rezoning's impact on industrial businesses within the waterfront area was not studied due to the analysis limits mandated by CEQR. IC has not provided aggregate data on local hiring placements, skill and training level requirements, wage rates and benefits for jobs within the project area. This information along with space buildout projections, potential business rents and their associated impact on neighborhood businesses is important information for the Board

to assess as part of its review. The Board is concerned the rezoning will cause substantial rent increases to existing local and small manufacturing businesses in the waterfront IBZ and will lead to their displacement out of the district.

**Innovative Economy Uses**

IC emphasizes they want to transition to new uses at the complex that are part of the Innovation Economy. Innovation Economy uses (under IC's definition) allow for significant formula retail, big box retail and technology offices in the use group mix. These uses are not preferred in our 197-a plan. IC has also increased office uses at the complex whose employers offer jobs that are inaccessible to residents because of education and training requirements. The Board prefers IC to maintain a significant commitment towards manufacturing uses at the complex to ensure there are available jobs for members of the local community.

**Manufacturing Jobs**

The Sunset Park Industrial Business Zone is one of the few remaining viable and robust manufacturing districts in NYC. Industrial zones are at risk throughout the city – physical infrastructure is failing, non-industrial uses are invading, there is no protection for industrial businesses from rising rents and displacement. A recent Southwest Brooklyn Industrial Business Corporation (SBIDC) study shows its industrial workforce is closely aligned with Sunset Park's population. SBIDC is also doing well economically when compared to the city-at-large.

NYC manufacturing zones unfortunately require no manufacturing floor area and allow unlimited office space as-of-right. The Board would like to ensure some amount of floor area for manufacturing uses and not see it completely replaced with office uses. The Board prefers manufacturing uses because they provide better benefits, career advancement, a living wage, and would like to see significant area set aside to be managed by a nonprofit like the Greenpoint Manufacturing Design Center in order to stabilize/subsidize rents.

It is essential to develop strategies to assist industry in the Sunset Park waterfront IBZ, such as providing funding to a non-profit with a mission to improve conditions in the IBZ (BID or LDC). Another important means to assist would be to fund STEAM education facilities in CD7 to ensure local employment by providing training programs, apprenticeship programs and continuing education for adults.

**Retail, Hotel and Warehousing**

As per the discussion in the Issue Sections, the Board believes several use groups IC is proposing in the project do not comply with neighborhood planning principles. Expanding retail jobs is not preferred because these jobs pay wages that are lower than manufacturing jobs with similar education requirements. In particular, the Board believes formula retail uses are not in keeping with neighborhood character. The Board will not accept hotel uses in district and the low wage jobs these uses attract. The Board has been on record against the expansion of hotel uses in industrial districts which lead to incompatible conflicts with manufacturing uses nearby. Lastly, the Board is strongly against e-commerce / last-mile warehousing at the site because of the increased truck traffic that results from its siting. Similarly, the Board would like to restrict retail self-storage warehousing in the project site due to the same traffic issues.

**Clean Energy Jobs Alternative**

Clean energy jobs are preferred compared to retail employment. Analysis shows jobs in these industries provide better pay for residents with lower educational levels. The Board wants a broad

public commitment from IC to grow and expand these industries at the complex.

**Employment Support for Adults with Disabilities**

The Board would like to see a commitment from IC and its tenants to support work and training for persons with disabilities. This underserved population is a large and stable population and efforts to expand their participation would advance the community's goal of employment for all.

**BE IT RESOLVED**

- A28 Applicant to provide a non-profit managed manufacturing set aside of floor area in perpetuity, to be not less than 1.5M sf in total, to include lease protections for existing businesses and preferential rents, to promote manufacturing, arts and arts production (except for UG6C Commercial Galleries), job development, strengthen business development activities and address affordability and manufacturing business challenges.
- A29 As part of the non-profit managed manufacturing set aside, Applicant shall ensure business incubator space for start-up businesses and workspaces for artists will be provided.
- A30 Applicant to provide mandatory mediation procedure when IC renegotiates leases with existing businesses and tenants within the project area.
- A31 Applicant commits to creating a finance mechanism such as a property tax assessment that would enhance industrial business creation – an industrial BID – similar to efforts at West Shore Staten Island, Brownsville, and JFK Airport.
- A32 Applicant to market and provide leasing preference to businesses that comply with CLCPA (Climate Leadership and Community Protection Act). Applicant to provide public commitment to expand Clean Energy Job uses/employment on site.
- A33 Applicant's construction, maintenance, and purchasing activities to comply with City wage rules, MWBE preference, safety protections and collective bargaining rules.
- A34 Applicant to provide plan to maintain and increase local resident population served by the Innovation Lab over next 20 years.
- A35 Applicant to commit to partnership with non-profit organization to provide supportive employment services for underserved people, including older adults and adults with disabilities.

**BE IT FURTHER RESOLVED**

- B33 NYCSBS to target deployment of programs and incentives, such as the Commercial Lease Assistance Program, to local Sunset Park businesses, both within and beyond the project area. Provide record of outreach (in Sunset Park's four primary languages: English, Spanish, Cantonese and Arabic).
- B34 NYCEDC to provide information on use of HireNYC and NYCIDA benefits by IC or tenants in the complex.

## Final Resolution and Recommendations (continued)

B35 City Council to pass Small Business Jobs Survival Act to protect and strengthen negotiation positions of small businesses in lease renewals and protect against displacement due to demolition and new construction – Council Intro 737-2018.

Although the Board is not averse to educational facilities at IC, community facility uses should be defined and partners identified to the Board prior to lease. The Board prefers a local Community College to expand at IC to provide workforce program connections. A vocational/technical high school is desired in CD7 modeled on the STEAM program at Brooklyn Navy Yard, with programs for children and adults.

### **BE IT RESOLVED**

- A36 Applicant to commit to continuing collaborative partnerships with public schools within CD7.
- A37 Applicant to commit to and implement local and first source hiring policies focusing on local zip codes to target specific community needs and strengths and agree to penalties if these benchmarks are not met.
- A38 Applicant to provide public commitment and funding support for vocational training, adult education, ESL and literacy programs.
- A39 Applicant to provide tech training programs, with focus on encouraging women, persons of color, persons with disabilities and other underrepresented group participation.
- A40 Applicant to prioritize explicit living wage provisions for all businesses within and including landlord management and operations personnel.
- A41 Applicant to identify potential Community Facility partners and educational tenants to Board prior to lease signing. Applicant shall not lease to for-profit education providers.
- A42 Applicant to include Corporate Social Responsibility Pledge with leases. Companies leasing space shall commit to pro-diversity measures, corporate social responsibility measures and community engagement.
- A43 Applicant to lease classroom space in project area to CUNY and SUNY to provide programs in green jobs and specialized skills training.
- A44 Applicant to hire locally and provide a living wage and benefits, health care, paid time off, retirement savings, and professional career development for contracted and internal employees, and to work with its tenants to do the same. (Amendment)

### **BE IT FURTHER RESOLVED**

- B36 DOE to explore founding of a vocational/technical high school in CD7 modeled on STEAM program at Brooklyn Navy Yard, with programs for children and adults.
- B37 CUNY, SUNY and local community colleges to explore location of programs and services at IC.
- B38 City to provide fiber optic broadband STEM education funding in local schools.
- B39 City to fund new local public parks, additional playground and recreational space.

## **ISSUE 6 - YOUTH/EDUCATION**

### **Our Youth, Our Future**

The Industry City proposal offers an opportunity to address community needs regarding youth employment and education indicators. The skills gap for the community's young people needs to be closed in order for them to access careers in advancing manufacturing on the waterfront. The Board would like IC to favor local youth for training, although it understands the lack of current training in the population makes this goal difficult. However, for the sake of the community, it is important to try and provide resident youth with opportunities for advancement.

### **Local Hiring**

Sunset Park is one of the city's largest walk to work communities and this relationship is the foundation of the community. It is essential that Sunset Park's young people find means to participate in local waterfront businesses. We must provide ways for young people to connect with mentors, make social and business connections, and develop marketable employment skills.

### **Funding for Training and Educational Skills**

Existing educational opportunities are limited because of the lack of wealth in the community. Afterschool programs, technology in schools, and other supportive resources that are common in higher income neighborhoods are in short supply in Sunset Park. Parents do not have the time and monetary resources to contribute to these programs.

To prepare children for future jobs, assistance is needed from the city and business sector. The Board would like IC to commit funds to assisting local educational programs. The Innovation Lab is doing great work, but it needs to increase its capacity to support young people from across the neighborhood. The city must expand vocational training, certificate programs, internships and other skill enhancement programs. The city must expand afterschool programs and 18-24 age job training.

### **Lack of Support for Children and Adults with Disabilities**

Children and adults with disabilities are bussed out of the neighborhood to find opportunities in employment/education. There is a lack of services for children with disabilities, at schools and other programs. There is a lack of services for adults with disabilities, even though one third have college degrees and two thirds have high school degrees. The Board would like IC to partner with organizations that support children and adults with disabilities for long term success.

### **Educational Support**

Sunset Park's lack of school seats and facilities has led to a crisis in accommodating its increasing school age population. The Board would like IC and local agencies to help fund and support new educational and early childhood facilities in the district and to expand after-school programming at existing school sites.

## Final Resolution and Recommendations (continued)

## **ISSUE 7 - LAND USE/PROCESS**

### **Mapping the Special District**

We understand the Applicant would like to map and define an area of the Sunset Park waterfront as a special district, and to change the zoning district from M3-1 to M2-4. The Board did not affirm a position on this action.

### **The Special District**

We understand the Applicant seeks to create a Zoning Text amendment to establish the Special Industry City District ("SICD"), and also modify sections of the Zoning Resolution. The Board did not affirm a position on this action.

### **The Special Permit**

The Board does not agree with the use regulations and locations and height, bulk and setback requirements listed in the Special Permit application. See proposed conditions listed below. Bulk and building envelopes shall be revised per all required dimensions and building heights as noted below.

The Board requests that the following uses are prioritized: manufacturing, small retail, educational training, clean energy businesses, office only as ancillary to manufacturing uses, showrooms, arts and culture, garment manufacturing and accessory retail, community facilities.

The Board requests that the following uses not be included in the special district: hotels, formula retail, chain and big box stores, e-commerce and last-mile distribution warehouse facilities, self-service storage facilities, warehousing other than ancillary to manufacturing, universities and education programs that are inaccessible to residents based on income or are for-profit entities and public schools for students younger than high school-aged youth.

### **Parking**

Parking capacity is driven by retail use. The Board prefers to reduce the overall area permitted to retail use to curtail the number of parking spaces. All zoning calculations shall show the number of spaces required and the calculation of square foot area for the number of spaces the area corresponds to. The Applicant shall provide the assumption of parking space area used in calculations.

Use groups that require parking should include those listed in the application: 6A, 6C, 7B, 8A, 8B, 9A, 12A, 12B, 14A.

### **BE IT RESOLVED**

### **Zoning Map Amendment – ULURP Number: 190296ZMK**

A45 THE BOARD DID NOT AFFIRM A POSITION ON THIS ACTION.

### **Zoning Text Amendment – ULURP Number: N190298ZRK**

A46 THE BOARD DID NOT AFFIRM A POSITION ON THIS ACTION.

## **Zoning Special Permit – ULURP Number: 190297ZSK**

A47 THE BOARD VOTED TO DISAPPROVE OF THE SPECIAL PERMIT, unless the conditions listed in Issue Sections 1-6 are met and the following changes are made (A63):

### **Limit Retail Uses**

C10 Prohibit additional retail uses on any floor in any of the 39<sup>th</sup> Street Buildings (Buildings 19, 20, 22-23, 24, 25, 26, and Building 21) (Amendment).

C11 Retail uses shall be limited to 10,000 sf per establishment. Overall retail uses are limited to 300,000 sf total. Retail uses shall include Use Groups (UG) 6A, 6C, 7B, 8A, 8B, 9A, 12A, 12B and 14A (A50).

C12 To prevent conflict with manufacturing uses and their loading requirements, primary access to retail use storefronts is not permitted on numbered street frontages in the Finger Building area (A51).

C13 Retail storefronts shall be accessed from a common area, courtyard or corridor, which shall have a primary entrance on or within 100' from the streetline of 2<sup>nd</sup> or 3<sup>rd</sup> Avenues (A52).

C14 The ground level of internal courtyards between Finger Buildings must be left unbuilt and open to the public within reasonable hours of operation. Overbuilt floor areas within and/or above courtyard areas must start at least 30' above the existing 1<sup>st</sup> Floor level and must be setback from 2<sup>nd</sup> Avenue by 30'.

C15 Nightclubs uses with a capacity of over 200 persons (UG12D) shall not be permitted within the project area (A54).

C16 Formula Retail Establishments are not permitted in the project area, as defined:  
"[a] retail sales establishment which, along with ten or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark."(A55)

### **Parking**

C17 Accessory parking shall be as provided in the application, except that it shall also include all newly permitted retail and service establishments, including retail, local service and eating and drinking establishments in UG 6A/6C and such parking shall be provided when such uses reach a 40,000 square feet threshold and beyond (A56).

C18 30% of all parking spaces shall support electric car charging. Multiple contiguous parking spaces must each support charging even if they are all filled at once. Each charging adapter should be considered as supporting only one parking space (A57).



### Prioritizing Manufacturing and Industrial Uses

- C19 Buildout and/or renovation of floor area must be governed in stages – for every square foot of office use (UG 6B) granted a new Temporary or Permanent Certificate of Occupancy (TCO), or an equivalent post-rezoning, there must be one square foot of studio, manufacturing or industrial use (UGs 11, 16, 17, 18) in operation per TCO (A58).
- C20 Manufacturing uses must have clear access 24 hours a day, 7 days a week to common service corridors, freight elevators, and loading docks on streets to ensure active industrial spaces (A59).
- C21 Hotel uses (UG 5) shall not be permitted within the project area (A60).

### Transparency and Oversight

- C22 Findings must authorize a Community Advisory Committee organized by the Community Board to receive biannual updates on Industry City's goals, commitments and progress regarding Local Laws and Special Permit findings (A61).
- C23 Applicant shall notify the Board three months prior to submitting a change in the Large Scale Development Plan for CPC certification, attend a monthly meeting of the Board to present the change, and provide an updated report on leasing, job development, and progress on fulfilling recommendations listed in this Response prior to certification (A62).

### Special Permit Drawings

- C24 The Special Permit drawings shall be amended to note a minimum street wall height of 85 feet (A64).
- C25 In order to maintain view corridors from Sunset Park to Lower Manhattan, the Special Permit drawings shall be amended to include a maximum building height of 110' for Buildings 11, 21 and the Gateway Building (A65).
- C26 Applicant must provide an up-to-date Master Leasing Plan showing ground floor public spaces, primary and secondary public entrance locations, loading and service dock areas, street and service access doors, mechanical equipment areas and areas dedicated for lease by use. Plan shall show square footage for all areas indicated (A67).

### Demap 40<sup>th</sup> Street - ULURP Number: 160146MMK

- A48 THE BOARD VOTED TO DISAPPROVE THE DEMAPPING OF 40TH STREET unless the conditions listed in Issue Sections 1-6 and the Special Permit are met. The Board reiterates that no hotel uses shall be located at this site.

The fifty volunteer members of Community Board 7 collectively represent the communities of Sunset Park and Windsor Terrace, Brooklyn. It is their persistent effort and stalwart contributions that made this report possible.

- Cesar Zuniga
- Julio Pena III
- Patricia Ruiz
- Cynthia Vandenbosch
- Cynthia Gonzalez
- Karen Rolnick
- Anita Bulan
- Victor Swinton
- Samuel Sierra

Chairperson  
1st Vice Chair  
2nd Vice Chair  
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- Grisel Amador
- Genesis Aquino
- Alexa Aviles
- Nicholas Azadian
- Joan Botti
- Stacy Boyd
- Gladys Bruno
- Julixa Campusano
- Joseph Canale
- Denny Chen
- Justin Collins
- Beatrice DeSapio
- David Estrada
- Cynthia Felix
- John Fontillas
- Kin Fung
- John Garcia
- Anthony Giglio
- Hector Gonzalez
- Kenny Guan
- Zachary Jasie
- John Johnston
- Beverly Kleinman
- Wai Ko
- Barbara R. Lee
- Christina Lem
- Jianghua Li
- Paul Mak
- Antionette Martinez
- Arelis Martinez
- Lynn Massimo
- Marilyn Melman
- Marcela Mitaynes
- Dan Murphy
- Gloria Rodriguez-Novoa
- Rovika Rajkishun
- Brian Slater
- Katherine Walsh
- Fred Wolf
- Peter Wong

Additional thanks for the support and counsel provided by Community Board 7's long-serving staff, directors of land use at the Brooklyn Borough President and Councilmember Carlos Menchaca's offices, and our zoning consultants at George Janes and Associates.

- Jeremy Laufer
  - Maria Gonzalez
  - Natasha Cordero
  - Mia Perez
  - Richard Bearak
  - Renae Widdison
  - George Janes
  - Marie Winfield
- District Manager  
Community Coordinator  
Community Associate  
Project Manager
- Brooklyn Borough President's Office  
Councilmember C. Menchaca's Office
- George Janes and Associates  
George Janes and Associates

**From:** [Aldo Cano](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Testimony on Industry City (L.U. 674.675.676. and677) No to rezoning  
**Date:** Thursday, September 17, 2020 11:54:45 PM

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To: Subcommittee on Zoning and Franchises  
Carlos Menchaca Council Member for 38 District, Brooklyn NY

Subject: Testimony on Industry City (L.U. 674.675.676. and 677)

From: Aldo Cano Treviño  
[acanotrevino@gmail.com](mailto:acanotrevino@gmail.com)  
zip code 11220  
neighborhood: Sunset Park

My name is Aldo Cano Treviño, my husband and I immigrated to New York from Mexico. We have lived in Sunset Park for the past 10 years and truly love this great diverse neighborhood. Our neighborhood is composed of people who feel proud about their contribution to the development of this part of Brooklyn. I have met and had great conversations with Sunset Parkers of Scandinavian descent, Irish, Italian, Puerto Rican, Dominican, Mexican, Ecuadorian, Colombian, Guatemalan, Pakistani, Palestinian, and so many others that make this neighborhood special.

Not one of those conversations have ever started with how real estate developers have made this neighborhood great. They talk about the people and their contribution to improve the quality of life in our community, like creating a community garden, organizing a dance festival or street fair, or a literacy event in a local library.

I believe that the rezoning of Industry City is not the answer to the betterment of this part of our city, its people are, and I urge you to listen to our voices and support our representative, Council Member Carlos Menchaca, on the decision of Land Use.

We need to go back to the table and assure that we have a sustainable plan for our neighborhood and its residents. We cannot allow real estate developers who don't live or care to live in this part of New York City, dictate how we must live. The current president has emboldened many to feel the right to dictate, please don't allow this to happen in Sunset Park. I feel that their interest is purely monetary and have no interest in the well being of the people who live here. Their meddling in this issue has even created division in City Council and have had New Yorkers question its integrity and ethics.

New York is a resilient city, composed of diverse, kind, strong, knowledgeable people. Please listen to us.

Thank you,

Aldo Cano Treviño  
Sunset Park Brooklyn  
11220

**Written Testimony on the Industry City re-zoning  
Submitted to the New York City Council  
Sub-Committee on Zoning and Franchises  
18 September 2020  
LU 674, 675, 676, 677**

*by Leonel Lima Ponce, RA*

Hello, I am Leonel Lima Ponce, and I am the Academic Coordinator at Pratt Institute's Master of Science in Sustainable Environmental Systems, and faculty in the Graduate Center for Planning and the Environment. However, I am testifying in my capacity as a private individual, a registered architect in the State of New York, and a sustainability professional.

**I urge the New York City Council and its members to vote NO, and reject the Industry City rezoning proposal and all its actions (LU 674, 675, 676, 677).**

I would like to point out three arguments for my opposition in this document, namely: (1) Industry City and Jamestown Property's abuse of the ULURP process, failing to document its impacts on the FEIS, eschewing clear mitigation measures for project impacts, ignoring viable long term Alternatives to its re-zoning plans, and showcasing the Applicant's disregard for the intersecting crises of climate change, COVID-19 and racial injustice, in its proposal and FEIS; and (2) the Applicant's deliberate obfuscation of job numbers in face of Alternatives, such as the Sunset Park GRID, that provide more sustainable and well-compensated careers, which align with our City and State's current policies and future investments.

This is by no means an exhaustive list of my personal objections, nor those of community residents, planning and policy professionals, economists, and advocates from a broad spectrum of sectors and disciplines. Of note, valid objections such as ongoing and accelerated displacement of the local immigrant community residents, rises in commercial and residential rents in the neighborhood, and a broader concern with the appropriateness of zoning as the City's almost exclusively used planning tool (especially during these unprecedented times of pandemic and economic turmoil) must be considered and, where relevant, appropriately responded to by Industry City in any revision of its application. However, given the Applicant's posturing and tone during its testimony at the Sub-committee's hearing, it seems unlikely that there will be any revision to the application. Promises from such a developer, to paraphrase local Council-member Carlos Menchaca, are not sufficient, especially given the ongoing unwillingness to remedy critical failings of the applications under review.

Below is a more detailed accounting of my objections, which I sincerely hope you will take into account as you make your decisions on these applications.

***1. The Applicant has taken advantage of the ULURP process, bypassing requirements of CEQR and the Waterfront Revitalization Program, and ignoring viable long-term Alternatives, thus setting dangerous precedents for future private and City re-zoning applications.***

While many re-zoning and other applications subject to the ULURP process initially contain errors, omissions, or out of date information, specifically in the existing conditions and analysis of impact, they can be updated and revised for accuracy and currency. In fact, it is required by the City Environmental Quality Review manual, Chapter 2, Section 300, that “Timeliness of data is also important. If the review process becomes prolonged because of changes in the proposed project or other difficulties encountered during the approval process, changes in existing conditions may require further assessment.” (CEQR Technical Manual, 2014, accessed Sept. 18, 2020). The applications at hand ignore this mandate, remaining essentially unchanged since 2017. During this time, conditions have shifted in Sunset Park, as displacement has taken place and rents have risen, two new NY Panel on Climate Change reports have been issued, the CLCPA and CMA legislation have been passed and are being promulgated into rules and policy, and COVID-19 has emerged with its economic impacts. While the FEIS briefly acknowledges the new policy landscape, it minimally addresses it – and does not address the pandemic. The re-zoning application is out of date, and must be revised.

Other, specific existing conditions reporting requirements are glossed over in the Draft and Final Environmental Impact Statements, as the Applicant provides inconsistent and confusing data. A couple of examples pointed out in my comments on the DEIS (delivered through the Collective for Community Culture and the Environment), and still applicable to the FEIS, include:

- Inconsistent data used to measure current energy use, which does not match the reported Local Law 84 benchmarking data. Therefore, additional energy use expected under the re-zoning and its impact.
- Even so, over 100% additional power demand is calculated by the applicant in the With Action scenario, clearly constituting a significant impact locally. This is particularly true for Sunset Park, which is already inequitably burdened with a number of polluting peaker power plants.
- Minimal detail is shared as to the pathways for compliance with evolving NYC Energy Conservation Code and relevant Greenhouse Gas emissions standards, giving little to no plan for compliance with the CMA and CLCPA beyond conformance with resulting building code revisions.

The re-zoning application fails to include viable Alternatives such as the Sunset Park Green Resilient Industrial District (GRID), as proposed by UPROSE, Protect Our Working Waterfront

Alliance, and their community partners. The GRID proposal has been prepared and is being advanced through collaboration with credible planning, design, legal professionals from the CCCE and Pratt Institute, among others, many of whom have expressed their expertise in breaking down the failures of the proposed re-zoning applications; their long term service to the City, its residents, and its underserved frontline communities; and their vocal and detailed opposition to the proposed re-zoning. In recent months, with the support of a foundation grant and through the tireless work of this coalition and emerging professionals in the planning and sustainable development fields, distinct components of the GRID proposal are being further developed. These proposals have garnered the interest of the City, and pilot projects are being discussed with the NYC Economic Development Corporation. Further evidence of this proposal's feasibility can be found in the passage of NYC's Climate Mobilization Act (CMA) and NY State's Climate Leadership and Community Protection Act (CLCPA), and the proposals within Council Speaker Johnson's Securing Our Future plan, which will bring green jobs and regenerative economic investment that can be captured within the Sunset Park waterfront, to the benefit of the neighborhood's and entire city's current and future workforce. But the Applicant does not analyze the GRID proposal in its Alternatives section of the FEIS.

In spite of these factors, LU 674, 675, 676, and 677 submitted before the Council remains essentially unchanged, and the burden of proof is shifted to dissenting voices and community activists. **Is this really the purpose of the ULURP process, and who does it serve?**

***2. The "innovation economy" jobs proposed by Industry City's application and promoted in its special zoning district are unclear in their number, makeup, and connection to industry, and ignore the potential local green industrial jobs, careers, and regenerative economy that could be enacted under the Green Resilient Industrial District Alternative.***

Before discussing the nature of the jobs and careers that would help Sunset Park, Brooklyn, and New York City recover from the ongoing pandemic and secure its climate resilient, sustainable future, it is important to note that the job projections correlated with the re-zoning proposal and advertised by the Applicant over media outlets (and at the beginning of the Sub-Committee's hearing) are inconsistent, at best. While reports, articles and op-eds in the public eye tout 20,000 jobs that could result from the re-zoning, upon further questioning during the hearing, Industry City CEO Andrew Kimball explicitly stated, upon questioning, that the expected number of jobs would equal roughly 7,000, on top of 8,000 jobs already generated by the current, as-of-right development. This sleight of hand does not inspire confidence in the Applicant's honest intentions or commitment to the community and its workforce, and obfuscates the true potential impact of the proposal on the neighborhood. In fact, a cynic may easily describe this as an application of disaster capitalism and shock doctrine, wherein private and corporate interests exploit a crisis to establish controversial and questionable policies, while citizens are too

distracted to engage and develop an adequate response, and resist effectively. The current pandemic and the ensuing fear of further economic decline by local officials and residents, including some of the members of this Council, has set the stage for such an action. But make no mistake, the promised 20,000 jobs are yet another nebulous number. What types of jobs would or could these be, and for whom?

Industry City touts its job creation in the innovation economy, without ever defining it. While there are indeed some light manufacturing spaces within the current complex, and there is indeed promise in its model for an innovation lab and workforce development and university training hubs, these could prove to be the exception and not the rule. If one looks to Industry City's webpages, its imagery and its marketing is directed at young and upwardly mobile people, and of a place of leisure, retail, and offices - images of amenities and well-lit open office spaces abound, and light manufacturing images are few and far between ([www.industrycity.com/leasing](http://www.industrycity.com/leasing), accessed 09/15/2020). The Applicant raves about 30% of its employees being residents "of nearby communities", but there is no detailed account or public record of what kinds of jobs these residents have, or of how long these residents have been in the neighborhood. Are they new arrivals, young designers and office workers who have displaced previous residents? Without transparency and clear accounting, it is difficult to know.

In contrast, New York City's sustainable policies and rules, like the Climate Mobilization Act and Local Law 97, can clearly place Sunset Park at the forefront of sustainable development in the United States. These milestones can move us towards climate mitigation, adaptation, and resilience, and begin to rectify inequitable environmental burdens. However, these policy advances alone cannot drive us to a more just, healthy and prosperous city. After all, who will put into them into practice, and build our sustainable future?

To successfully face the growing threat of climate change, we must also prepare our infrastructure and economy to transition from a polluting, extractive model to an economy that lowers its ecological and carbon footprint across all sectors, **and** provides opportunities for local, green, resilient jobs and careers. as outlined by NYSERDA's 2019 New York Clean Energy Industry Report, nearly 159,000 clean energy jobs were created in the State in 2018, and the rate of growth of 8.6% since 2016 is double that of the rest of the New York's economy during that time - and the fastest growing sector overall (NYSERDA, *2019 New York Clean Energy Industry Report*, accessed 09/15/2020). These growing job sectors are going to be increasingly available as the CLCPA and CMA are implemented; but there is no guarantee that these jobs will come to the New York City region. This Just Transition relies on industry and manufacturing, and Sunset Park's working waterfront has immense potential to lead it – if there is a plan in place.

The proposed re-zoning runs counter to this transition. Hotels, market-rate retail, and nebulous innovation economy spaces *are still in the application, and are not needed* in an industrial zone at risk of Sea Level Rise and future storms, and in an economy impacted by COVID.

So what's the Alternative?

The GRID vision is centered on the expansion of green manufacturing jobs and a regenerative economy for Sunset Park's waterfront. It is centered on a number of principles on climate adaptation and green port development, but its economic and workforce development model can be broken down into some distinct components that can foster existing and emerging, local residents and assets towards a just recovery from COVID. It is an achievable vision of a self-sufficient, interconnected, regional sustainable economy hub, a thriving and healthy immigrant neighborhood, and a model for climate adaptation:

**It is local – and regional.** Urban farmers and cooks work in a local food supply chain, growing on residential and industrial roof, backyards, floating garden barges, and aeroponic and hydroponic farms in waterfront warehouses. Logistics engineers coordinate shipping of produce from upstate farms.

**It is productive.** Through training the trainers educational programs run out of UPROSE's Climate Justice Center and expanded through its network of block representatives, small scale anaerobic digesters are assembled, installed, and managed in storefronts throughout the neighborhood. Local food waste recovery workers feed the digesters and collect liquid fertilizer and biogas daily. The gas powers restaurant stoves, and the fertilizer sold to neighborhood farmers. Similar systems at waterfront aeroponic farms convert gas to hydrogen, powering micro-hauling bicycles that transport food to restaurants, and other goods back to the waterfront.

**It is regenerative.** A local landscape contractor purchases crushed glass from the SIMS recycling facility, compost from local gardens and backyards, and stores them on the second floor of an industrial loft building. She grows sedum, grasses, and vegetables on a greenhouse on the roof, and installs productive green roofs at local schools and multi-family buildings.

**It is centered on just transitions.** Trained in a Co-op Accelerator, an auto mechanic starts an electric bicycle micro-hauling business to transport goods from break bulk waterfront sites to local businesses. At a Regenerative Economy Co-op Accelerator, a new venture formed by local youth trained in renewable energy installations disassembles end of life renewable components for safe re-use.

**It is water dependent.** In partnership with local shipping businesses, maritime education programs akin to the Harbor School, local universities, and regional and international partners, a



Resilience Water Hub, Local SBMT workers at an offshore wind staging area receive turbine components via barge, and other parts are machined in locally owned shops.

**It mitigates climate change.** DSNY, FabScrap and local textile industries collaborate to fabricate new insulating materials from leftover textiles, selling them to local energy retrofit contractors. Renewable energy contractors store solar photovoltaic cells in industrial warehouses, and help maintain energy storage facilities that have replaced polluting peaker power plants. Benchmarking and energy efficiency start-ups emerging from the Co-op Accelerator

**It is adaptive to climate change.** At the Resilience Water Hub, local youth help research, design, and build living breakwater modules for coastal protection.

This is not just a pie-in-the sky vision. These and other uses, led by community and the city, could happen on the proposed re-zoning sites. While we cannot predict the specific green jobs that emerge in Sunset Park with certainty at this time, the stage is set for their growth. The GRID team is advancing to prepare market studies for these emerging industries, with a specific focus on the potential of Sunset Park to become a hub for climate adaptation jobs. The current IBZ and industrial zoning have preserved the latent potential of the neighborhood. The large footprints, flexible spaces and load-bearing capacities of these industrial buildings make them ideal for the uses described above, as do the large unbuilt lots that could be staging and storage facilities. The close proximity to the water and its connection to local, regional, and international networks enhances its market potential. The presence of a workforce trained and ready to train others in manufacturing, construction, mechanics, shipping, and logistics makes Sunset Park an ideal place for a 21<sup>st</sup> century economy, capacitated by the CLCPA and CMA.

Instead, the re-zoning proposal perpetuates unsustainable development precedents, subverts the local economy, glazes over climate change in its EIS, and does not even innovate. It limits “economy” to big box retail, vacant storefronts, and few industrial uses. It limits the potential of Sunset Park to face the challenges of climate change – as a Green Resilient **Industrial** District.

**Therefore, I again urge you to vote NO and reject the Industry City rezoning proposal and all its actions, and to consider the Sunset Park GRID as a serious, comprehensive community-based vision that leverages the existing and emerging resources of the City and State in efficient, sustainable, healthy, and regenerative manners, and which merits support from the City. Nothing less than the future of Sunset Park, Brooklyn, and perhaps New York City, are at stake.**

**From:** [Betty Yu](#)  
**To:** [Land Use Testimony](#)  
**Subject:** REVISED - Please ignore last email - CORRECT Written Testimony Submission (from 9/15 at the Subcommittee on Zoning and Franchises on Industry City (L.U. 674, 675, 676, & 677))  
**Date:** Saturday, September 19, 2020 1:38:54 AM

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To Whom It May Concern,

I signed up to testify on September 15th but didn't have a chance to. This is my Written Testimony Submission (from 9/15 at the Subcommittee on Zoning and Franchises on Industry City (L.U. 674, 675, 676, & 677))

**Written Testimony Submission (from 9/15 at the Subcommittee on Zoning and Franchises on Industry City (L.U. 674, 675, 676, & 677))**

My name is Betty Yu and I am testifying on behalf of the Protect 8th Avenue Coalition made up of Sunset Park residents, activists, organizers and stakeholders who have come together to raise awareness about the negative impact that new developments may have on the Sunset Park 8th Ave community. We strongly oppose this Industry City's rezoning plan. I grew up in Sunset Park Brooklyn and my parents still reside in this community. Industry City has and will continue to dramatically transform the community – leading to rising rents that will displace working class tenants and small businesses, congestion, traffic, poor air quality and further neglect of community needs.

*This is strictly a profit driven development with ZERO community benefits or give backs.*

My parents who moved into Sunset Park in 1980 have lived in the community for 40 years. We are deeply concerned by how Industry has and will lead to gentrification of the neighborhood and eventual displacement of working class residents like my parents in the neighborhood. The ripple effect will be immense and I know many people and small businesses in the 4<sup>th</sup> avenue area who are against this Industry City development and see no community give back for the immediate neighborhood.

I strongly oppose giving developers this land grab, expanding IC, giving them massive tax cuts, and creating housing that is not for people like myself or parents. We know this is not for our community.

The community residents, tenants and small businesses who will be greatly impacted by this monstrous development for decades to come. The community has already said "no" they don't want this development. City Council Member Carlos Menchaca has said "no". We want real viable alternatives - living wage green jobs for the community residents and affordable housing not luxury housing, innovation start-ups

for people who don't look like us or high end hotels and stores that we can't afford. Consulting with JUST the business elites of the Sunset Park community is NOT community consent or open dialogue. Community Board 7 member Kenny Guan, president of Guan Realty Corp. who helped write a "community" letter on behalf of the Brooklyn Chinatown 8th Avenue elite certainly doesn't speak for most of the low-income Chinese immigrant tenants of our neighborhood.

And I will close with these excerpts from Queens College Professor Tarry's Hum's new piece:

<https://www.gothamgazette.com/opinion/9752-busting-industry-city-rezoning-myths-brooklyn-development-menchaca>

"Amid the ongoing economic toll of the COVID-19 pandemic, the rezoning of Industry City has taken on heightened urgency as an engine of job creation in a city facing "a severe blow" to its local economy and "distressingly high" unemployment rates, particularly among immigrants and communities of color.

Community concerns about Industry City have long centered on the questionable promise of entry-level, good-paying jobs for working class New Yorkers. Despite the fanfare about an Innovation Lab to connect Sunset Park residents to employment at Industry City, the only account of workforce training and placement outcomes showed paltry gains for individuals seeking employment. In a one-year period between May 2018 and May 2019, the Innovation Lab helped place 114 individuals of whom 91 secured employment in Industry City "innovation economy jobs" such as maintenance/building services, security guards, dispatchers, food production, and retail.

Despite the perception that Industry City does not benefit from public subsidies, three Industry City buildings have been paying significantly reduced property taxes for nearly two decades. In the case of 639 2nd Avenue, which is one of Industry City's nine city block-long "finger buildings" connected by a public corridor of boutique retailers dubbed Innovation Alley, its current estimated market value is \$36,331,000 but the 2020/2021 taxes will be based on an assessed value of a mere \$9,446,240. The 25-year ICIP benefit period for 639 2nd Avenue will end on June 30, 2027. For 882 3rd Avenue, a 12-story building with commercial office tenants, Industry City's 2020/2021 tax bill will be based on an assessed value of \$21,827,520, which is significantly less than half the property's market value at approximately \$60 million. Industry City's commercial property tax exemptions are, in fact, a public subsidy."

Thank you,  
Betty Yu  
Protect 8th Avenue Coalition  
[bettyyu21@gmail.com](mailto:bettyyu21@gmail.com)

[protect8thavebk@gmail.com](mailto:protect8thavebk@gmail.com)

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Betty Yu

M.F.A. in Integrated Media Arts

International Center of Photography Certificate in New Media Narratives

[www.bettyyu.net](http://www.bettyyu.net) | documenting social justice | [Instagram](#)

[Resistance in Progress](#) | Queens Museum (Sept. 16 - Jan 17)

[Brooklyn Utopias](#) | in-person and online exhibition at Brooklyn Stone House (Aug. 20 - Oct 18)

[Intimate / Distant](#) | International Center of Photography [exhibition](#) | a new multimedia project

[Your Reflection, This Memory](#) | En Foco Fellowship online exhibition

[Chinatown Art Brigade](#) | a cultural collective that recognizes the power of art to advance social justice

Upcoming exhibitions: [Imagining De-Gentrified Futures](#) | Apexart Gallery (Opens Nov. 5th)



**Testimony to the New York City Council  
Subcommittee on Zoning and Franchises  
Industry City Rezoning Application**

By Lew Daly  
Senior Policy Analyst  
September 15, 2020

Thank you to Council Members for this opportunity to comment on Industry City's application to rezone more than 3 million square feet of Sunset Park's industrial waterfront area. My name is Lew Daly and I am a Senior Policy Analyst with Demos, a public policy think tank focusing on racial and economic justice and based in New York City.

The rezoning application in question should be denied. It is a flawed proposal based on a failed model of commercial development with consistently bad results for working class communities, locally-owned businesses, and vulnerable populations. While others opposing this application are speaking to significant concerns that I also share--about racialized gentrification and displacement, about the borderline absurdity of business-as-usual real estate proposals like this one in the new pandemic era, and about the proposal's fundamental disregard of New York State's and New York City's new and expanding legislative mandates on fighting climate change—I will focus on the central question of jobs in my remarks.

- First, Industry City's projection of supporting 15,000 or 20,000 jobs masks the fact that only 7,000 new jobs are projected to be added with the expansion. Further, none of these projections are explained or subject to peer review. Hence, IC's jobs story raises many more questions than it answers and should be viewed with skepticism. Is the 15,000 figure a projected average number of jobs supported in a given year after the expansion? Does this projection net out jobs that disappears when businesses close and/or move? Does it assume 100 percent occupancy of an expanded Industry City? How many jobs will be supported with a more likely scenario of 50-75 percent occupancy, or even less in the pandemic era?
- What about job quality? What percentage of employment will be comprised of permanent, high-paying, full time jobs for local residents? What is the median wage for the 10 percent of jobs IC claims are held by local residents today? The fact is, when it comes to local employment, over-promising on jobs numbers, and underperforming on job quality, is a hallmark of proposals like this one.

- The IC job placement center has placed only about 45 Sunset Park residents in IC jobs annually between 2016-2019. At that rate, job placement by IC will take more than 30 years to fill even 10 percent of its projected 15,000 jobs with Sunset Park residents.
- IC previously surveyed employment of its tenants to produce employment statistics. Why is no data presented on wages, racial demographics of employment, and especially wages and benefits of Sunset Park residents of color employed by IC tenants?
- Roughly half of IC’s rezoning is for retail and office space, which means increasing the supply of lower-wage jobs in Sunset Park, and downward pressure on wages. At the same time, the rezoning would be a death knell for Sunset Park’s manufacturing potential and especially for creating good green jobs of the future that are needed to meet state- and city-wide climate mandates. Instead, the rezoning will further lock Sunset Park into a pattern of retail jobs replacing industrial jobs, and average wages will fall as retail employment expands at the expense of manufacturing.
- Green economy jobs in renewable energy production and energy efficiency pay on average about [\\$26 per hour](#), according to Brookings Institution, compared to average retail wages of about [\\$13 per hour](#).
- Other estimates also including education levels show that workers with a high school diploma or less hold good jobs in the clean energy sector ([more so](#) than in other sectors). This is important for Sunset Park because more than two-thirds of community residents hold only a high school diploma or less. Rezoning for a high-tech campus is mismatched for the education levels of most Sunset Park residents and promises displacement by a high-earning, mostly white people from outside the community.

<b>Compensation of Workers in New York Clean Energy Industries by Educational Credential: Direct and Indirect Jobs Only</b>			
Average (Mean) Total Compensation	Building Retrofits	Wind	Solar
Workers with a high school degree or less	\$60,900	\$70,900	\$68,200
Workers with some college or Associates Degree, but not a BA	\$69,000	\$80,200	\$84,000

Source: Quarterly Census of Employment and Wages, Bureau of Economic Analysis, Current Population Survey 2012-2015 (in 2015 dollars).

- Less certain but potentially harmful is the impact of the Industry City “campus” on surrounding local businesses. Mixed-use tech and retail complexes often mean that higher-paid tech staff or academic staff spend their money on higher priced food, entertainment, and other amenities within or around the campus instead of at neighborhood “mom and pop” businesses. This reduces the “indirect jobs” that developers often tout. Tech companies are also known for supplying a lot of free food and services to employees, undercutting local businesses.
- An earlier and unsuccessful proposal from Industry City (only made public through a Freedom of Information Act request) connected the current rezoning plan to a proposal for a massive multi-partner deal bringing Amazon’s “HQ2” to Sunset Park—this was two years prior to the very public defeat of Amazon in Long Island City last year--is arguably more revealing of Industry City’s true intentions for the Sunset Park waterfront as compared to their public relations efforts for the current rezoning application. The [proposal](#) outright claims that Industry City is the only “ecosystem” in New York City that can “match the style and scale of Amazon’s activities in South Lake Union,” referring to the Seattle neighborhood that was essentially torn down by Amazon to make way for building its world headquarters virtually as its own private city within the actual city. Skyrocketing rents and homelessness was the resulting new normal of “Amazonia’s” [takeover](#) of downtown Seattle. If Industry City was actively pursuing an Amazonian fate for Southwest Brooklyn only three years ago, why should anyone believe that the proposed commercial rezoning today is not simply setting the stage for a another tech behemoth or even Amazon itself to take over the entire waterfront and the community beyond.

Voting yes on this proposal is essentially giving a real estate behemoth license to foreclose the good green jobs of the future that Sunset Park residents deserve and that our city and state climate policies require for achieving a zero emissions economy by 2050. A Demos study found that investments necessary to achieve the state’s new climate goals will support about 150,000 jobs over a decade. Who will get these higher quality jobs under the state’s climate mandates depends on community planning and leadership in support of the right kind of development for people and planet alike. The Green Resilient Industrial District proposed by UPROSE and other community groups is a compelling proposal precisely along these lines. In contrast, saying yes to Industry City means that Sunset Park will be denied a major opportunity to revive and repurpose its industrial waterfront as a regional hub for clean energy production and manufacturing.

The bottom line is that Sunset Park's valuable, high-potential waterfront should not be sacrificed for yet more commercial development that is depressing wages for working class New Yorkers, killing small businesses all over New York City, and holding all of us back from the fight against climate change. I urge you to defend this immigrant working-class stronghold and stand with Sunset Park by saying no to Industry City.

Thank you for your consideration of my comments on this vital planning decision.



Written Testimony to City Council Subcommittee on Zoning and Franchises  
Industry City Rezoning Proposal (L.U. 674, 675, 676, & 677)  
Sept. 15, 2020

My name is Eva Hanhardt. I am an urban and environmental planner and have taught City and Environmental Planning at Pratt Institute; worked as a planner at the Departments of City Planning, Environmental Protection and Ports and Trade (when it was a separate agency) and was Director of the Planning Center at the Municipal Art Society. As a planner at the Waterfront Division of the Dept. of City Planning, I worked on the first Comprehensive Waterfront Plan where I was responsible for the Working Waterfront and worked on the Waterfront Zoning. Currently I am a member of the Collective of Community, Culture and Environment - an MWBE women's consulting firm.

In this testimony I want to focus on 5 major issues relating to the Industry City application.

1) **The FEIS is outdated given COVID 19**

NYC and its economy have been changed by COVID 19 ...yet the Industry City application remains essentially unchanged. Although required by CEQR Manual to be **Timely**, the **FEIS** is not based on current "existing conditions." **To accurately forecast future conditions and analyze impacts the FEIS must be updated** – considering COVID19 in the No Action and in all three With Action Scenarios.

- **300. EXISTING CONDITIONS**

*After the build year and study area have been established, the next step is to describe current conditions. This must be performed for each technical area that may be affected by the project. The assessment of existing conditions, which can be measured, observed, or otherwise be tested in the field, establishes a baseline from which future conditions may be projected. Assessment of existing conditions may require data from other sources (such as the census), and, for some technical areas, use of mathematical computation or modeling. **Timeliness of data is also important. If the review process becomes prolonged because of changes in the proposed project or other difficulties encountered during the approval process, changes in existing conditions may require further assessment.***

- **400. SPECIALIZED ENVIRONMENTAL IMPACT STATEMENTS**

***☑ Newly discovered information arises about significant adverse effects that were not previously analyzed;**  
**or**  
**☑ A change in circumstances related to the project has occurred.***

***In considering the need to prepare an SEIS, in the case of newly discovered information, the agency should weigh the importance and relevance of the information and the current state of information in the EIS. 6 NYCRR 617.9(a)(7). The scope of the SEIS is targeted to specifically address only those issues that meet these requirements.***

***The need for an SEIS may become apparent after the acceptance of the DEIS and up to the time that agency findings are filed, following the completion of the FEIS. SEISs may also be prepared after findings have been made if changes are proposed for the project that requires additional discretionary approval. In this case, the assessment as to whether an SEIS is needed should also consider whether an aspect of the original EIS has grown stale, i.e. whether the passage of time since the original environmental review was conducted has resulted in a change of circumstances, such as the existing traffic conditions or neighborhood character, that may now result in the project, as modified, causing significant adverse environmental impacts that were not sufficiently disclosed in the original EIS. If the assessment indicates that the project may result in a new, previously undisclosed significant impact, an SEIS is appropriate and the agency would then prepare an SEIS. If the assessment indicates that it is unlikely that there will be new previously undisclosed potential significant adverse impacts, the preparation of an SEIS is not required.***

***The preparation of an SEIS is subject to the full procedures that govern the preparation of an EIS, including the scoping process and required public hearings. In addition, supplemental findings statements may be***

necessary.

*In the event that the lead agency determines that it is appropriate to consider whether an SEIS is necessary, it is recommended that the lead agency document this assessment in a technical memorandum. The technical memorandum should be prepared by the lead agency for its files and should bear the same CEQR number as that of the original EIS. A technical memorandum examines whether changes in the project, newly discovered information, or changes in circumstances have the potential to result in any new, previously undisclosed Impacts.*

*In the event the technical memorandum assessment indicates that the preparation of an SEIS is or may be warranted, the lead agency should prepare an EAS or, if appropriate, may proceed to the issuance of a Positive Declaration. In the event the technical memorandum assessment indicates that the preparation of an SEIS is not warranted, no further documentation or analysis is needed*

## 2) The FEIS does not consider feasible alternatives such as UPROSE's Green Resilient Industrial District (GRID)

CEQR Manual guidelines state:

*“The EIS should consider a range of reasonable alternatives to the project that have the potential to reduce or eliminate a proposed project’s impacts and that are feasible, considering the objectives and capabilities of the project sponsor”*

- **CHAPTER 2 , A. DEFINING THE ACTION FOR THE ENVIRONMENTAL ANALYSIS, Section 220. PROJECT OBJECTIVES AND THEIR ROLES IN DEFINING ALTERNATIVES**  
*Defining the project's objectives is also important because it may help define the range of alternatives analyzed in the EIS. The EIS considers a range of reasonable alternatives to the project that have the potential to reduce or eliminate a proposed project’s impacts and that are feasible, considering the objectives and capabilities of the project sponsor. Reasonable and feasible alternatives should not automatically be excluded from consideration simply because the applicant has not proposed to pursue them. Choosing reasonable alternatives is discussed in detail in Chapter 23, “Alternatives*

Yet, the DEIS and FEIS evaluates only the No Action and No Significant Unmitigated Impact alternatives, **omitting another feasible alternative that could reduce or avoid many of the proposed rezoning’s impacts - one based on the provisions of Subarea C of the Green Resilient Industrial District (GRID) proposed by UPROSE..** This alternative would allow the applicant to achieve their objectives of bringing good jobs to Industry City while addressing climate change and NYC’s need for preservation of industrial capacity. **The GRID must also be evaluated. ( See Attachment 1 )**

## 3) The Industry City proposed Innovation Hub economic development model is inappropriate for Sunset Park and with current conditions, given COVID 19, is unrealistic.

Even before COVID19, the IC proposal was inappropriate for Sunset Park. The proposed rezoning with its focus on retail, hotels, office, and entertainment is inconsistent with the goals of 27 Community, City, State and Federal Plans, Programs and Policies developed from 1992 to 2019- all calling for maritime, industrial and green development. These include CB 7’s 197a Plan, BOA Plans, EDC’s Sunset Park Vision Plan, One NY 2050, Vision 2020, Freight NYC, the Climate Mobilization Act and Climate Leadership and Community Protection Act. **(see Attachment 2)**

Furthermore, today, under current conditions resulting from the COVID19 pandemic, Industry City’s projections of increasing jobs to 15,000 (or 20,000 as recently claimed) are unrealistic as these economic sectors have been decimated and their market future is completely unknown.

Bruce Katz, the author of the Brookings report on Innovation Districts on which the Industry City development model and rezoning are based, notes: **“labeling something innovative does not make it so.”** As currently proposed in the DEIS and FEIS, Industry City’s rezoning is neither “innovative” nor needed in

Sunset Park. Claiming the goal is to create an “Innovation Economy Hub”, the FEIS never explains why the establishment of an “Innovation Economy Hub” in a dense and resource rich urban area like NYC is infeasible without the development of 900,000 sq ft of retail, 2 hotels, 625,000 sq ft of academic space, and additional parking.

The Industry City approach is especially problematic given that experiences in San Francisco, Seattle and in other NYC industrial neighborhoods have shown that the proposed model of development drives up real estate prices, and leads to gentrification and displacement of local businesses and residents.

**4) The Industry City rezoning would jeopardize implementation of a more relevant, needed and feasible economic development model that would generate Green and Industrial jobs for NYC residents and businesses .**

**As an Industrial Business Zone and Significant Maritime and Industrial Area, with deep water access, Sunset Park is ideally suited to take advantage of the commitments in the City’s Climate Mobilization Act and the State’s Climate Leadership and Community Protection Act. With preservation of industrial land, buildings and businesses, of the projected 190,000 jobs, potentially at least 26,000 could be located in Sunset Park with jobs going to City residents.** Without available Industrial space these jobs will go to other parts of NY State or to New Jersey or Connecticut businesses and residents. In order to meet the City and State commitments, NYC will end up paying wages and costs, both direct and indirect, that will not take place in NYC. **In addition, the Biden/Harris Climate Change and Climate Justice Plan proposes \$2 trillion**, and NYC must be prepared to assure that a certain percentage of the jobs generated will go to NYC residents and businesses

Green jobs represent many different occupations -**Construction Laborers, Carpenters, Electricians, Plumbers, Truck Drivers, Construction Supervisors, Boilermakers, Painters, Construction Equipment Operators, Pipefitters, Pipe layers, Machinists, Electrical Assemblers, Metalworkers, Inspectors, Engineering Technicians, Drafters, Accountants, Office Workers and more.**

Significantly, a high percentage ( around 50%) of these jobs in energy efficiency, clean energy production and environmental management are open to those with a High School education or less and can pay \$60,000 - \$70,000. (see Attachments 3-5)

Yet, market pressures resulting from competition with newly allowed uses that can pay more per square foot could jeopardize NYC’s ability both to assure that these green industrial jobs go to City residents and to achieve climate preparedness, resilience, and adaptation.

**5) The Industry City Proposal does not recognize or reflect the urgency of proactively preparing for todays and tomorrow’s inevitable crises**

**Having hollowed out its production capacity and ignored the vulnerabilities of its population, NYC was unprepared for the COVID crisis.** Instead, with the exception of the conversion of some remaining manufacturing businesses in areas such as Sunset Park, NYC had to pay -competing with other cities, states and national governments - to get the PPE supplies, masks and ventilators from foreign sources that have preserved greater production capacity.

**In approving Industry City’s application, the City risks being unprepared again for this and future health crises and for the inevitable impacts of Climate Change – including but not limited to the significant adverse impacts of flooding, storm surge, extreme heat and sea level rise.** We must not

assume that the ravages and costs of Hurricane Sandy or the intense heat of Summer 2020 cannot happen again – even more severely.

Instead the City must commit to an economic development model, as proposed by UPROSE in the GRID, that will actually provide well paying jobs that address real needs and opportunities and will proactively prepare all of NYC for today’s and future crises such as the existential threat of climate change.

I, therefore, urge you to disapprove the Industry City rezoning. It is not the only, least impacting or best development plan for Industry City, Sunset Park or New York City

## ATTACHMENTS

### Attachment 1 – UPROSE GRID Plan



<https://www.uprose.org/the-grid>

### Attachment 2 – Community, City, State and Federal Plans, Policies

**These goals are NOT new!**  
They build on existing community, city, state & federal plans, programs & policies...

2019 | CCCE | UPROSE | POWWA

Year	Plan/Policy
2006	Industrial Business Zones – Southwest Brooklyn
IBZ -	
2014	80x50 (One City Built to Last)
2009	EDC Sunset Park Vision Plan
1992	NYC Comprehensive Waterfront Plan
2011	Vision 2020-NYC Comprehensive Waterfront Plan
2011	Waterfront Revitalization Program
2007/2011	PlaNYC 2030
2009	Greener, Greater Buildings Plan (GGBP)
2009	NYC Green Infrastructure Plan
2015	One New York: The Plan for a Strong and Just City (OneNYC)
2019	One New York 2050
2014	Engines of Opportunity Report
2015	Industrial Action Plan
2018	Freight NYC
2019	Port NYC
2018	NYC Carbon Challenge
2018	NYC Retrofit Accelerator
2018	Community Retrofit NYC
2019	NYC Climate Mobilization Act

**Community Plans**

2009	Community Board 7 197a Plan
2012	Sunset Park BOA
2008	Sunset Park Greenway Plan

**NY State & Federal Programs & Policies**

1975	NYSERDA Programs, Services and Funding
2007	NY State Pollution Prevention Institute
2019	NY State Climate Leadership and Community Protection Act
2019	Green New Deal Bill

15

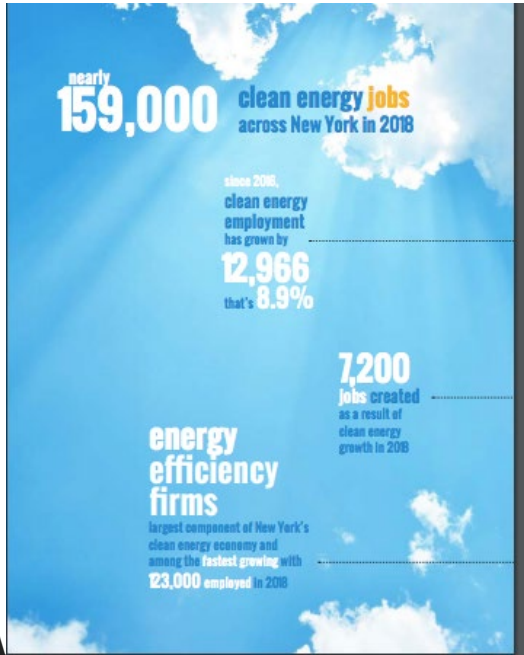
# Attachment 3 – Green Jobs

**NYSERA –**

[Preview attachment 2019-ny-clean-energy-industry-report \(2\) \(1\).pdf](#)



[2019-ny-clean-energy-industry-report \(2\) \(1\).pdf](#)



clean energy jobs grew **4.8%** last year

**158,744** people employed by clean energy industries in New York State

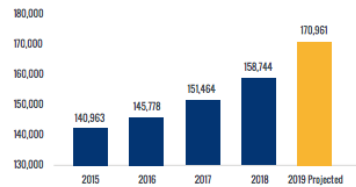
energy efficiency continued as leading technology of clean energy employment

## Clean Energy Industry Overview

### Overall Employment

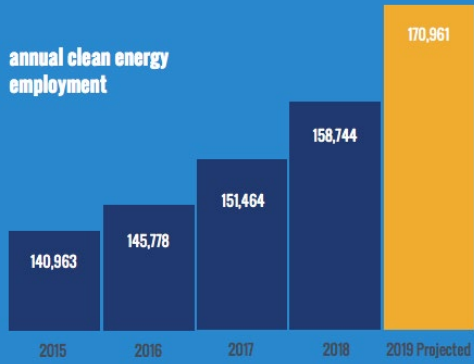
As of 2018, the clean energy industry employed 158,744 people in New York State. Clean energy jobs increased 4.8% from 2017 to 2018, outpacing the total job growth of 1.8% in the State and 3.4% nationally.<sup>3</sup> Clean energy employers and stakeholders expect jobs to increase by 12,217—or 7.7%—through 2019.

Figure 1. Annual Clean Energy Employment in New York (2016–2019)\*



**A**

New York's ambitious clean energy and climate goals have had a significant impact on New York State's clean energy economy.



## Attachment 4 – Green Jobs

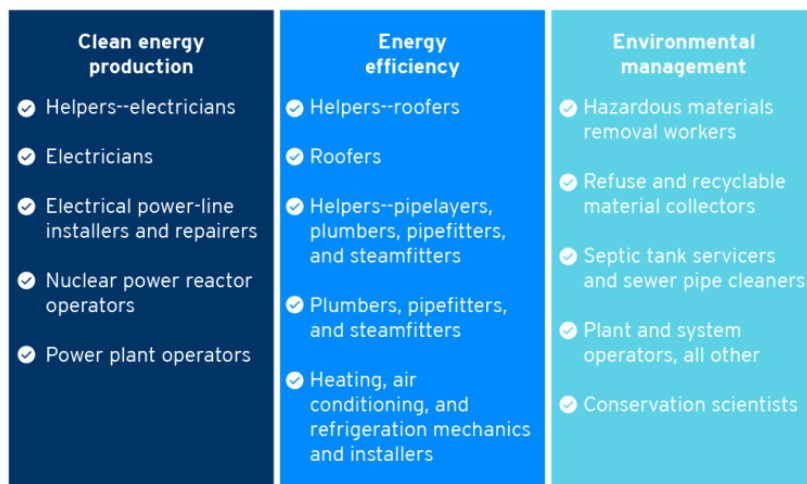
**Brookings Institute**

<https://www.brookings.edu/research/advancing-inclusion-through-clean-energy-jobs/>

- **The transition to the clean energy economy will primarily involve 320 unique occupations spread across three major industrial sectors: *clean energy production, energy efficiency, and environmental management*.** These occupations represent a range of workplace responsibilities, from jobs unique to the energy sector to support services found throughout the broader economy.

FIGURE 1

Select occupations across three major industrial sectors within the clean energy economy transition

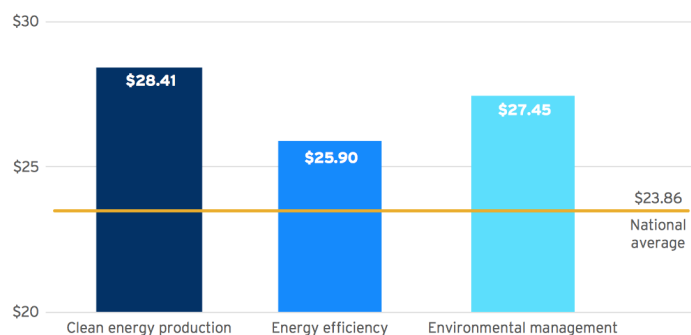


Source: Brookings analysis of Occupational Employment Statistics data

- **Workers in clean energy earn higher and more equitable wages when compared to all workers nationally.** Mean hourly wages exceed national averages by 8 to 19 percent. Clean energy economy wages are also more equitable; workers at lower ends of the income spectrum can earn \$5 to \$10 more per hour than other jobs

FIGURE 1

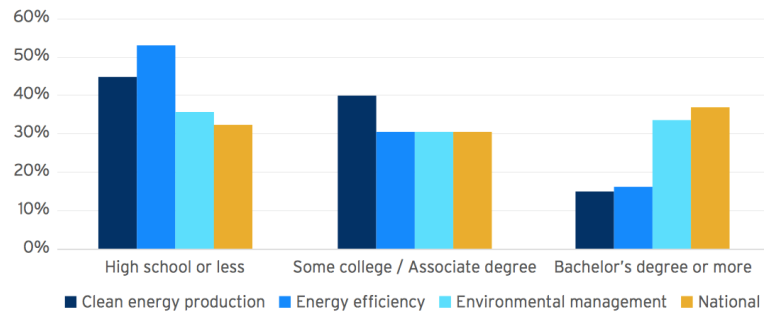
Mean hourly wages by clean energy economy sector, 2016



◦ Source: Brookings analysis of Occupational Employment Statistics data

FIGURE 4

**Educational attainment by workers in clean energy economy sectors, 2016**



Source: Brookings analysis of Occupational Employment Statistics and Employment Projections data

## Attachment 5 -

This is a Report on which the NY State Climate Leadership and Community Protection Act is based.

### **PERI ( Political Economy Reseach Institute Reports Clean Energy Investments for New York State: An Economic Framework for Promoting Climate Stabilization and Expanding Good Job Opportunities**

by: Robert Pollin, Heidi Garrett-Peltier, Jeannette Wicks-Lim

November 13, 2017 - Research Report

<https://w-nyww.peri.umass.edu/publication/item/1032-green-new-deal-for-u-s-states>

<https://www.peri.umass.edu/publication/item/1026-clean-energy-investments-for-new-york-state-an-economic-framework-for-promoting-climate-stabilization-and-expanding-good-job-opportunities>

#### Summary findings:

#### **Job Creation through Clean Energy Investments**

Making the large-scale investments in clean energy projects capable of achieving the 50 percent emissions reduction target by 2030 will generate between **145,000 and 160,000 jobs per year in the state.**

**New job opportunities will be created in a wide range of areas, including construction, sales, management, electrical, assembly, engineering, and office support.**

Current average total compensation in these occupations ranges between **\$63,000 – \$114,000.**

**Employment growth in these areas should create increased opportunities both for women and minority workers to be employed and to raise unionization rates.**

Higher unionization rates should promote gains in compensation and better working conditions in the affected industries.

**Table 1.** Clean Energy Employment Growth by Technology in New York (2016–2018)

Technology	Employment			Change, 2016-18		Change, 2017-18	
	2016	2017	2018		%		%
Energy Efficiency	110,582	117,339	123,292	12,710	11.49%	5,953	5.1%
Renewable Electric Power Generation	22,409	22,064	22,023	-386	-1.72%	(40)	-0.2%
Alternative Transportation	8,409	7,881	8,624	215	2.56%	743	9.4%
Renewable Fuels	2,965	2,590	2,654	-311	-10.49%	64	2.5%
Grid Modernization and Energy Storage	1,412	1,590	2,151	739	52.34%	561	35.3%

**TABLE 2.**

**Compensation of Workers in New York Clean Energy Industries by Educational Credential**  
*Direct and Indirect Jobs Only*

Average (mean) Total Compensation	Building Retrofits	Wind	Solar
Workers with a high school degree or less	\$60,000	\$70,900	\$68,200
Workers with some college or associate degree, but not a BA	\$69,000	\$80,200	\$84,000

**TABLE 17**  
**Annual Job Creation in New York State through Combined Clean Energy Investment Program**

**JOB ESTIMATE FOR 2021**

Industry	Number of Direct and Indirect Jobs Created	Number of Direct, Indirect and Induced Jobs Created
<b>\$8.7 billion in Energy Efficiency</b>		
1) Building Retrofits	40,248 (25.1% of total)	51,220
2) Industrial efficiency	6,838 (4.3% of total)	9,335
3) Electrical grid upgrades	4,977 (3.1% of total)	6,639
4) Public transportation expansion/upgrades	7,960 (5.0% of total)	9,796
5) Total Energy Efficiency Job Creation	60,023 (37.5% of total)	76,990
<b>\$22 billion in Clean Renewables</b>		
6) Wind	37,019 (23.1% of total)	55,837
7) Solar	50,148 (31.3% of total)	72,635
8) Geothermal	12,900 (8.1% of total)	17,400
9) Total Clean Renewable Job Creation	100,067 (62.5% of total)	145,872
<b>10) TOTAL</b>	<b>160,090</b>	<b>220,862</b>
<b>11) TOTAL AS SHARE OF 2015 NEW YORK STATE EMPLOYMENT</b>	<b>1.8%</b>	<b>2.5%</b>
<b>JOB ESTIMATE FOR 2030</b>		
<b>12) 2030 JOB ESTIMATE, with 1 percent annual productivity growth</b>	<b>145,000</b>	<b>200,000</b>

Sources: See Tables 13 – 16.



**TABLE 19**  
**Educational Credentials and Race/Gender Composition of Workers in**  
**New York State Clean Energy Industries: Direct and Indirect Jobs Only**

	Energy Efficiency Investments				Clean Renewable Energy Investments		
	1. Building Retrofits (40,248 workers)	2. Industrial Efficiency (6,838 workers)	3. Grid Upgrades (4,977 workers)	4. Mass Transit (7,960 workers)	5. Wind (37,019 workers)	6. Solar (50,148 workers)	7. Geothermal (12,900 workers)
Share with high school degree or less	49.0%	26.9%	38.8%	49.6%	40.2%	35.2%	35.3%
Share with some college or Associate degree	27.8%	21.6%	28.1%	26.3%	27.9%	26.1%	30.9%
Share with Bachelor's degree or higher	23.1%	51.5%	33.1%	24.2%	31.9%	38.7%	33.9%
<b>Racial and Gender Composition of workforce</b>							
Pct. non-white	37.0%	27.9%	28.7%	54.5%	28.9%	29.0%	31.1%
Pct. female	20.4%	35.1%	22.1%	20.0%	25.4%	28.3%	26.1%

Sources: See Appendix 4.

**TABLE 20**  
**Building Retrofits: Prevalent Job Types in New York Industry**  
 (Job categories with 5 percent or more employment)

Job Category	Percentage of Total Industry Employment	Representative Occupations
Construction	44.1%	Construction Laborers, Carpenters, Electricians, First-Line Construction Supervisors, Plumbers
Sales	13.6%	Retail Salespersons, First-Line Sales Supervisors, Cashiers, Wholesale Sales Representatives, Real Estate Brokers
Management	12.5%	Construction Managers, Chief Executives, Marketing and Sales Managers, Operations Managers, Financial Managers
Office and administrative support	7.4%	Secretaries, Bookkeeping Clerks, Accounting Clerks, Customer Service Representatives, Stock Clerks

Sources: See Appendix 4.

**TABLE 21**  
**Industrial Efficiency, Electric Grid Upgrades, Public Transportation Expansion/**  
**Upgrades: Prevalent Job Types in New York Industry**  
 (Job categories with 5 percent or more employment)

Job Category	Percentage of Total Industry Employment	Representative Occupations
Transportation and material moving	17.7%	Bus Drivers, Truck Drivers, Freight and Stock Laborers, Packers, Transportation Attendants
Construction	13.9%	Construction Laborers, Carpenters, Electricians, Boilermakers, Painters
Business and Financial Operations	12.1%	Management Analysts, Accountants, Market Research Analysts, Purchasing Agents, Wholesale Buyers
Management	11.5%	Construction Managers, Marketing Managers, Chief Executives, Industrial Production Managers, Operations Managers
Production	9.5%	Electrical Assemblers, First-Line Production Supervisors, Machinists, Metalworkers, Inspectors
Office and administrative support	8.4%	Secretaries, Bookkeeping Clerks, Accounting Clerks, Customer Service Representatives, Information Clerks
Architecture and Engineering	6.4%	Engineering Technicians, Electrical Engineers, Mechanical Engineers, Drafters, Industrial Engineers
Sales	5.7%	Wholesale Representatives, Retail Salespersons, First-Line Sales Supervisors, Cashiers, Real Estate Brokers

Sources: See Appendix 4.

**TABLE 22**  
**Wind/Solar/Geothermal: Prevalent Job Types in New York Industry**  
 (Job categories with 5 percent or more employment)

Job Category	Percentage of Total Industry Employment	Representative Occupations
Construction	20.9%	Construction Supervisors, Construction Equipment Operators, Electricians, Pipelayers and Pipefitters
Management	12.9%	Construction Managers, Chief Executives, Marketing Managers, Industrial Production Managers, Operations Managers
Production	11.6%	First-Line Production Supervisors, Power Plant Operators, Inspectors
Office and administrative support	10.9%	Secretaries, Bookkeeping Clerks, Accounting Clerks, Customer Service Representatives, Information Clerks
Architecture and Engineering	6.7%	Engineering Technicians, Mechanical Engineers, Drafters, Industrial Engineers, Electrical Engineers
Business and Financial Operations	6.2%	Accountants, Purchasing Agents, Market Research Analysts, Human Resource workers, Management Analysts
Sales	5.5%	Wholesale Representatives, Retail Salespersons, First-Line Sales Supervisors, Advertising Sales Agents, Cashiers

Sources: See Appendix 4.

**From:** [Paul DeMuro](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Industry City (L.U. 674, 675, 676, & 677) [AGAINST]  
**Date:** Friday, September 18, 2020 12:07:15 PM

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Paul DeMuro  
321 61st street #C3  
Brooklyn NY 11220

RE: Industry City (L.U. 674, 675, 676, & 677)

NO REZONING!

Hello, my name is Paul DeMuro, a middle school art teacher. I have lived and worked in Sunset Park for the past 9 years. I stand with my neighbors, over 4000 of whom have signed a petition against this rezoning, as well as nearly all of our local elected officials, and community groups and nonprofits, who have spent countless hours working with community members saying NO to this rezoning while envisioning a different path for our waterfront.

It seems to me, obvious, that IC's main goal is maximum profits as landlords, and this plan is essential to that. Industry city's end goal isn't to create a coding camp utopia for our neighborhood. But I am not here to say what Industry City should be under the current zoning restrictions.

The owners of this complex took a speculative gamble when they purchased it with those restrictions in place. That gamble is not the burden of the residents of this neighborhood. Of course it is ICs right to seek that this zoning be changed. But that is not a process to be determined without the feedback of the current residents, and those current residents have spoken and have said NO emphatically to this proposal, rightly skeptical of an easily overturned CBA.. I join them in this rejection.

I want to talk about "Innovation", which has become somewhat of a singular slogan for Industry City. Yet when we talk about Innovation, that is the introduction of something NEW, and the kind of advancements we need in this city (and more broadly this country), Industry City's plan is anything but Innovative, in fact it relies on very traditional and stagnated modes of growth: namely charging expensive rents to chain stores, luxury hotels (still in the written proposal as far as I know, despite what was said today), private universities, and novelty boutiques, while keeping the option open to sell the entire complex in just a few years time. Industry City's model is to raise rents as high as possible for its international investors, making the property desirable for a flip. It has become second nature for politicians to accept the terms of developers, and that is a model that needs rethinking. A new model can set a precedent for real investment in this neighborhood and beyond, that puts in place ironclad promises generated by the community.

I just want to end by pointing out the obvious, and that is despite all of the promises in the presentation that started this meeting, Industry City's interest at the end of the day is to maximize its own profits, the profits of investors that have nothing to do with Sunset Park, and does not have its best interests as a priority.

Pre-covid, during “normal” times, I would consider this model unacceptable and in fact not “Innovative” direction for our waterfront. Filled with jobs that pay far less than manufacturing jobs, opening the floodgates for yet another luxury segment of the citywide waterfront that threatens the residents with displacement through skyrocketing rents. Yet post covid, as retail giants are falling and the tourism and hotel sector (hotels and conference centers are still in the application) have become precarious, this proposal has become downright dated.

Thank you.  
Paul DeMuro

**From:** [Devyn Fusaro](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Industry City Rezoning TESTIMONY  
**Date:** Friday, September 18, 2020 3:14:34 PM

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Speaker Johnson,

As residents and taxpayers, **we urge you to vote NO on the rezoning of Industry City.** Sunset Park is not for sale to Jamestown Properties, or any gentrifying corporation. A “NO” vote is a vote to respect Sunset Park residents, their livelihoods, and our shared future. **Do not miss the opportunity to develop this area for sustainable economic and environmental planning. Listening to this frontline community and its organizers and following their lead ensures this city’s next step is on the path of a [Just Transition](#).**

This is a critical moment wherein you can use your legislative power to support people over corporations and lay the foundation for sustainable alternatives proposed by community organizations such as UPROSE, which proposes [the GRID - The Green Resilient Industrial District](#), among other initiatives, instead. Sunset Park is a predominantly working-class community and enabling gentrification that rips people from their homes under the guise of a shortsighted “new jobs” campaign is a form of colonization that compounds the climate crises of COVID-19 and increasingly inclement weather, both of which affect Sunset Park and similar communities tenfold.

Legislatively, you can take the working waterfront of Industry City and Sunset Park residents in one of two directions: one that leads to displacement, corporate gain, and an unsustainable future, or another that leads to community investment and ushers a Just Transition in response to the economic and climate crisis.

**The people have spoken and we urge you to vote NO on this rezoning. We demand that you invest in, listen to, and center frontline communities in the reimagining of our city’s future. The choice is yours and we’ll be watching and remembering come November 2021, when city council members are on the ballot.**

Sincerely,

Eleanor Lambert (District 2)  
Devyn Inez Fusaro (District 3)

**From:** [michelle rosenberg](#)  
**To:** [Land Use Testimony](#)  
**Cc:** [Levin, Stephen](#); [District2](#)  
**Subject:** please VOTE NO on Industry City Rezoning  
**Date:** Friday, September 18, 2020 10:43:13 AM

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My name is Michelle Rosenberg and I am an artist that lives in the Lower East Side, owns property in the East Village (Carlina Rivera's district) and rents studio space in the Brooklyn Navy Yard (in Stephen Levin's district).

I am asking you to vote "NO" on Industry City's rezoning application.

It is very important to keep affordable neighborhoods affordable. Allowing profit-driven developers to mold the city in their own vision and not give the same power to existing residents is both unethical and unwise.

I don't live there, so I shouldn't have any say in this struggle.. but neither do the politically-driven council members who have vowed to help the developers.

The "new jobs" that are being discussed are useless if the residents of the district can't afford to live there. "Jobs" can be created anywhere... and creating "jobs" should never be an excuse to risk displacement.

Please act responsibly and protect Sunset Park.

Best,  
Michelle Rosenberg  
415 Grand Street E1206  
New York, NY  
10002  
917-447-0577

**From:** [Rebecca Harshbarger](#)  
**To:** [Land Use Testimony](#)  
**Cc:** [Britney Espinoza](#); [Jeremy Kaplan](#); [Jorge Muniz](#); [Lynn Tondrick](#); [Shanna Castillo](#); [antoINETte martinez](#)  
**Subject:** Re: Please Vote No on Rezoning - Thank You  
**Date:** Friday, September 18, 2020 10:22:25 PM

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Corrected a typo, apologies:

My name is Rebecca Harshbarger, and I first moved to Sunset Park in 2008. I care deeply about my neighborhood, and I oppose the rezoning and do not want to see our waterfront transformed into luxury retail and business hotels. Our community wants to preserve our existing industrial waterfront and the many jobs it creates and maintains for our neighbors. Industry City has been out of place with our wonderful immigrant community since I've been there. Whether it's \$25 cups of coffee (you can buy a coffee machine for the same amount of money) or idling orange vans that shuttle people so they don't have to walk one block in our community from the subway, Industry City has not been a good neighbor. Our elected officials have heard our community clearly and do not support this rezoning, including our Council Member, state senator Zellnor Myrie, elect state senator Jabari Brisport, and elect assemblymember Marcela Mitaynes. Please join them in voting no as well.

Thank you very much for taking the time to read this,  
Rebecca Harshbarger

September 15, 2020

Testimony of Cynthia VandenBosch to the NYC Council Land Use Committee,  
Subcommittee on Zoning and Franchises, in Opposition to the Proposed Rezoning of  
Industry City

Respected Members of the New York City Council:

My name is Cindy VandenBosch. I am a small business owner and I live and work in the district and am the secretary of Brooklyn Community Board 7. Today I am speaking on my own behalf after thoughtfully listening to and considering the perspectives of my neighbors as part of the work the community has done in the district over the past several years.

This private application covers 16 blocks in a neighborhood that has maintained a strong industrial waterfront and workforce for generations. I am concerned about the scope and scale of this proposal in its current form and the impact the rezoning will have on displacing manufacturing and retail businesses on the industrial waterfront and people who have lived in Sunset Park for decades.

The fundamental issue is that the applicant is legally bound to make decisions that maximize shareholder value and is accountable to private investors, not the public. The motives and mechanisms for accountability are fundamentally different from city-owned, non-profit managed industrial sites, which is why we don't see industrial retention at the heart of this application, and instead see carefully-crafted language about an "innovation economy" concept that includes luxury hotels and 900,000 square feet of unrestricted retail space (equivalent to six Costcos' worth of retail within a matter of blocks). The fact that these conflicting uses are still in the application makes it clear to me that manufacturing businesses will be pushed out or priced out, and that IC's "Innovation Economy" model will, in fact, play out as an "Inequitable Economy" for the longtime businesses and residents of Sunset Park, something we have seen happen in other cities where "innovation districts" have widened racial and economic disparities.<sup>1</sup>

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<sup>1</sup> *Pratt Center Project: Equitable Innovation Economies*, Pratt Center for Community Development accessed online on January 14, 2020 at <https://www.prattcenter.net/equitable-innovation-economies>  
Note: The Pratt Center for Community Development in collaboration with PolicyLink and the Urban Manufacturing Alliance (UMA) has launched an initiative to examine this issue and help cities pursue more inclusive growth strategies in innovation and manufacturing, which includes NYC, the results of which may be useful for addressing some of the concerns laid out within this letter.



We have learned from COVID that industrial retention matters in the city. We can and should harness the strength of Sunset Park's industrial zone and manufacturing sector to address economic, educational, and racial disparities through models like the Brooklyn STEAM Center and apprenticeship programs for adults to bridge the skills gap. Industry City can be an important piece of that puzzle, as long as it remains one of the largest industrial complexes on the Brooklyn waterfront.

Due to these concerns, I oppose the application in its current form and urge you to help us keep Sunset Park's often overlooked and underappreciated population working on the industrial waterfront, living in their neighborhood, and benefiting from equitable growth through education and thoughtful policymaking.

Thank you for your time,

A handwritten signature in black ink, appearing to read "Cynthia VandenBosch". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Cynthia VandenBosch

TESTIMONY TO THE NEW YORK CITY COUNCIL'S SUBCOMMITTEE ON ZONING AND FRANCHISES  
**AGAINST THE INDUSTRY CITY REZONING PROPOSAL** September 15, 2020

My name is Devyani Guha. I am an urban planner with over 20 years of experience in community-based planning. The proposed rezoning of Industry City is predicated on the promise of jobs without much substantiation on where and how these jobs will be created, especially in the current situation brought about by COVID-19. I urge you to look at Industry City's job projections carefully, separating reality from hype.

The DEIS states that the rezoning will lead to a total of 15,000 jobs. Of those, 8,000 already existed pre-pandemic. Thus, the rezoning is supposed to yield an additional 7,000 jobs at Industry City, not 20,000 jobs as cited in the media. There has been a complete lack of transparency and many inconsistencies on the part of Industry City regarding their job projections leaving the public at a loss in fact checking their projections and raising many questions.

We do not know much about the projected 7000 jobs at Industry City. Will they be new or relocated? Will they meet the community's real needs? Will they provide good livelihoods? We have also heard varying numbers for off-site jobs ranging from 5000 - 8000. It is not clear what these offsite jobs are. Nor do we know where these indirect jobs would be located - Brooklyn? New York? New Jersey? Will the off-site jobs be permanent or temporary? Given the vague information regarding these off-site jobs, I have to believe that they are pure speculation.

Industry City's job projections are underpinned by jobs in the Food and Accommodation, Arts and Entertainment, and Technology, Advertising, Media and Information (TAMI) sectors. However, given the current conditions in these sectors, can Industry City actually create these jobs?

We do know that:

- The Accommodation sector and the Arts and Entertainment sector are struggling, having lost 69% and 65% of their pre-pandemic jobs respectively.<sup>1</sup> The Partnership for New York City believes that these sectors will "require drastic intervention in order to survive."<sup>2</sup>
- The office market is not expected to recover until at least 2022<sup>3</sup>.
  - 25% of employers intend to reduce their office footprint.
  - 16% plan to relocate their jobs from New York City to the suburbs.
  - 50% companies expect to reduce their office occupancy to 75% of their pre-pandemic occupancy.
- In Brooklyn, new office developments are only about 15-25% leased.<sup>4</sup>
- Another 6 million square feet of new office space will hit Brooklyn by 2024, likely creating a glut of office spaces.<sup>5</sup>

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<sup>1</sup> <https://comptroller.nyc.gov/newsroom/new-york-by-the-numbers-weekly-economic-and-fiscal-outlook-no-6-june-22-2020/>

<sup>2</sup> <https://pfnyc.org/wp-content/uploads/2020/07/actionandcollaboration.pdf>

<sup>3</sup> <https://pfnyc.org/wp-content/uploads/2020/07/actionandcollaboration.pdf>

<sup>4</sup> <https://www.bisnow.com/new-york/news/office/brooklyn-office-players-question-how-the-borough-will-fit-into-post-pandemic-puzzle-104517>

<sup>5</sup> <https://www.bisnow.com/new-york/news/office/brooklyn-office-players-question-how-the-borough-will-fit-into-post-pandemic-puzzle-104517>

- Tech start-ups that often locate in Brooklyn have lost 10-20% of their employees and their revenues are expected to be down by 50% for a while.<sup>6 7</sup>
- Sunset Park's Whale building is in financial trouble due to a lack of creative tenants.<sup>8</sup>

Given these dire market conditions, Industry City's job projections seem to be a product of magical thinking.

While Industry City backs its promises regarding jobs with its reputation, based on their own data their track record of hiring in Sunset Park has been weak.

- In 2018-19, they placed 114 people in jobs, 41 of them being from Sunset Park.<sup>9</sup>
- In 2017, just 2.8% of Sunset Park's workforce was employed at Industry City in 2017.<sup>10</sup>

Forty one percent of the Sunset Park community holds a high school diploma or less. Yet, the majority of the jobs projected by Industry City focus on offices, retail and hotels, most of which do not match the community's educational profile or provide good livelihoods. The industrial sector however, is an essential part of New York City's resiliency and provides well paid jobs.

- New York City Planning found that the industrial sector provides 30% of jobs that pay more than \$50,000 per year to workers without Bachelor's degrees.<sup>11</sup>
- The EDC has noted the agility and flexibility with which the City's industrial sector businesses pivoted to address the need for PPE and ventilators during the COVID-19 crisis.<sup>12</sup>
- The recent CMA and CLCPA legislations present great opportunities for the creation of green industrial jobs in building retrofits and clean energy production that are well paid and match Sunset Park needs.

The primary use at Industry City should remain industrial, with at least 50% of the jobs dedicated to green uses as proposed in UPROSE's *Green Resilient Industrial District* plan.<sup>13</sup>

The City Council should demand accountability from Industry City, ask hard questions, and put the community's real needs at the heart of its decision by voting **No**.

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<sup>6</sup> <https://pfnyc.org/wp-content/uploads/2020/07/actionandcollaboration.pdf>

<sup>7</sup> <https://nycfuture.org/research/tech-disrupted>

<sup>8</sup> <https://www.wsj.com/articles/commercial-real-estates-havens-suddenly-not-so-safe-11589889600?mod=searchresults&page=1&pos=2>

<sup>9</sup> <https://drive.google.com/file/d/13DWgUp7ky9RQ4WqH8lZlcNa90FASYWcd/view?usp=sharing>

<sup>10</sup> Based on Industry City's data on 1 in 5 worker who live and work in Sunset Park are employed at Industry City. This ratio is applied to the Census's Longitudinal Employer-Household Dynamics data for zip codes 11220 and 11232 to arrive at percentage of Sunset Park's workforce employed at Industry City.

<sup>11</sup> <https://www1.nyc.gov/assets/planning/download/pdf/about/dcp-priorities/data-expertise/nyc-workers-without-bachelor-degree-info-brief.pdf>

<sup>12</sup> <https://edc.nyc/article/five-ways-nycedc-is-supporting-new-york-city-covid-19-response>

<sup>13</sup> <https://www.uprose.org/the-grid>

**TESTIMONY TO THE NEW YORK CITY COUNCIL'S SUBCOMMITTEE ON ZONING AND  
FRANCHISES AGAINST THE INDUSTRY CITY REZONING PROPOSAL**

September 15, 2020

My name is Juan Camilo Osorio. I am an Assistant Professor in urban planning at Pratt Institute, but testifying as myself. As documented in UPROSE's Green Resilient Industrial District plan, the proposed rezoning is inconsistent with three decades of local planning for maritime and industrial business – and is based on outdated pre COVID-19 data that ignores its impacts on the community and the real estate market. In addition, there are two important inconsistencies with waterfront City policies and regulation established in “Vision 2020” (the Comprehensive Waterfront Plan) and the Waterfront Revitalization Program (or WRP) approved by the City Council in 2013:

**1. The proposal does not promote water-dependent and industrial uses,** it does the opposite focusing on expanding high-end retail and commercial -- while required to demonstrate support to maritime and industrial development given its location in the Significant Maritime and Industrial Area (see attachment 01). It hinders the City's blueprint for the South Brooklyn Marine Terminal, limiting industrial job expansion -- and ignores “Vision 2020's” requirement to market marine transport to reduce truck traffic (see attachment 02).

**2. It doesn't use the latest climate change projections published by the NY Panel on Climate Change, which required by WRP (see attachment 03) -- and uses outdated data in its inventory of hazardous substances, beyond the six-month threshold allowed by the CEQR Manual (see attachment 04).** It doesn't include any detail on adaptation strategies to sea level rise, or chemical dispersion. Where Sunset Park could be leading the nation in turning adaptation needs into resilient green jobs. Regarding Council Member Moya's question on the need for green jobs, according to a 2019 NYSERDA report, nearly 159,000 people worked on clean energy in 2018, statewide (more than biotech), and were projected to nearly 171,000 for 2019 – an 8.9% increase since 2016, stronger than the State's overall economic growth (3.4%) – without yet implementing the state's climate change legislation, which will seek these services somewhere else (see attachment 05), and Sunset Park will miss the opportunity to create industrial jobs estimated to pay (in average) between \$63,000 – \$114,000 (see attachment 06).

So, instead of displacing industry, the applicant should expand water-dependent industrial infrastructure to produce the supplies for building retrofits and renewable energy (like offshore wind) – but we need to plan for this to happen seeking justice and equity. Instead, you heard the applicant refer to Philadelphia as a model of success, which peer reviewed research uses to define “green gentrification” (see attachment 07).

For these reasons, I urge the City Council to reject the rezoning -- as it compromises the future of the working waterfront. Thank you.



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## **ATTACHMENT 01**

City of New York. 2016. Waterfront Revitalization Program. [online]. Policy 2: Maritime and Industrial Development. Available from: <https://www1.nyc.gov/site/planning/planning-level/waterfront/wrp/wrp.page>

*(See excerpt on the next page)*

# THE NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM

JUNE 2016



**NYC**  
PLANNING

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## **POLICY TWO**

### **SUPPORT WATER-DEPENDENT AND INDUSTRIAL USES IN NEW YORK CITY COASTAL AREAS THAT ARE WELL-SUITED TO THEIR CONTINUED OPERATION.**

#### **Introduction**

New York City's working waterfront is vital to the city's economy. The working waterfront includes airborne and waterborne cargo operations—including containers, roll-on-roll-off, dry and liquid bulk, and heavy lift operations—and passenger transportation. In addition, it includes industrial activity and municipal and public utility services, including energy generation, storage and distribution facilities, and waste management and recycling services. By necessity, the waterfront is home to the marine terminals that are part of the Port of New York and New Jersey—the third biggest port in the country and the largest on the East Coast—as well as the many tugboat and barge operators, marinas, and ship-repair outfits that provide maritime support services to the Port.

The city's maritime businesses are supported by a vast waterfront infrastructure—much of it created at a time when New York was still a manufacturing powerhouse with a sizable export trade. This infrastructure includes the publicly owned marine terminals such as the Hunts Point Terminal in the Bronx, New York Container Terminal in Staten Island, the Red Hook Container Terminal and Bush Terminal in Brooklyn, and the cruise terminals in Manhattan and Brooklyn. There are also many piers, boat tie-ups, and bulkheads throughout the city that support industrial uses. Maintenance of many of these facilities is critical to the efficiency and safety of water-dependent businesses on the working waterfront.

Industrial areas within the city's Coastal Zone contain a wide variety of industrial and commercial uses that support the local and regional economy and provide valuable services for local workers and businesses. Many of these uses are neither water-dependent nor wholly industrial in nature, but nevertheless can support the economic health of an industrial area.

Challenges facing the working waterfront today include promoting more environmentally sustainable business operations along the shore and providing public access where practicable, as described further in Policy 8. In addition, the working waterfront will likely face increasing risks from flooding and storm surges in the future due to climate change. Severe storm events pose potential risks of structural damage, interruption of services and operation, and property loss. In a severe event, hazardous and other industrial materials stored improperly could create environmental hazards and endanger workers, inland residents, and adjacent natural resources. As described further in Policy 6 of the WRP, projects should consider vulnerabilities to and impacts of sea level rise, coastal flooding, and storm surge over their lifespan.

#### **Significant Maritime and Industrial Areas**

Working waterfront uses have locational requirements that make portions of the Coastal Zone especially valuable as industrial areas. These areas have been recognized by the designation of the seven Significant Maritime and Industrial Areas (SMIAs): South Bronx, Newtown Creek,

Brooklyn Navy Yard, Red Hook Container Terminal, Sunset Park/Erie Basin, Kill Van Kull, and Staten Island West Shore. (See maps in Part III.) The criteria used to delineate these areas generally include concentrations of M2 and M3 zoned land; suitable hydrographic conditions for maritime-related uses; presence of or potential for intermodal transportation, marine terminal and pier infrastructure; concentrations of water-dependent and industrial activity; relatively good transportation access and proximity to markets; relatively few residents; and availability of publicly owned land. All seven of these areas exhibit combinations of most of these characteristics.

### **The Arthur Kill Ecologically Sensitive Maritime and Industrial Area**

On the northwest waterfront of Staten Island is an area that is particularly well-suited for maritime and industrial uses also possesses significant natural resources and ecological systems. There is no other area within the city's Coastal Zone which presents a similar mix of opportunities and constraints. It is well-suited for a mix of maritime and industrial development, with large tracts of vacant, industrially zoned land, close proximity to the New York Container Terminal, connections to rail and highways, and access to deep water. The area, along with the adjacent SNWA, also includes one of the most extensive concentrations of intact tidal wetlands in the city, rivaled only by Jamaica Bay and East River/Long Island Sound. In addition to tidal wetlands, the area also includes freshwater wetlands, ponds, vernal pools, meadows, grasslands, and woodland pockets. These features provide habitat for a diverse variety of flora and fauna.

Recognizing the need for a balanced relationship between industrial uses and natural resources, this area has been designated an Ecologically Sensitive Maritime and Industrial Area (ESMIA). Many large vacant sites within the ESMIA were historically utilized for industrial uses and are likely in need of remediation. Redevelopment for productive uses presents the opportunity for restoration of adjacent natural resources. Within the ESMIA, activities that support maritime and industrial activity and which are designed to protect and restore natural features and systems are consistent with this policy. Development should avoid disturbing intact wetlands and should concentrate development on degraded inland sites and shorelines that are, or have been in the past, bulkheaded.

Development projects within the ESMIA should utilize sustainable stormwater management, industrial pollution prevention, and other sustainable design strategies to minimize impacts on adjacent resources. Such strategies include but are not limited to vegetated buffers, preservation of hydrological connectivity and natural drainage patterns, use of ecological beneficial edge designs, and minimization of impervious surfaces.

In other areas in or adjacent to the SMIA's where wetlands, RECs, or other significant natural resources are present, development proposals should utilize the principles of and design strategies of ecologically sensitive maritime and industrial development, to the extent practicable.

### **Policies for the SMIA's and the ESMIA**



Within the SMIA and ESMIA, the goals of the WRP are to support industrial and maritime activity. The policies also support municipal and public utility services and energy generation, in well-suited locations. For projects within SMIA, Policy 2.1 has priority over all other policies of the WRP. For projects within the ESMIA, Policies 2.2 and 4.2 have priority over all other policies of the WRP. However, all projects should be reviewed with consideration of a site's specific features, its location and all the relevant policies of the WRP.

While the SMIA and the ESMIA encompass areas best suited for water-dependent uses, they also include much of the city's land zoned for industrial uses. Therefore, the policies of the SMIA and ESMIA also seek to support the many industrial uses essential to the functioning of the city and the local and regional economy that are not water-dependent and cannot incorporate water-dependent elements. Given the manufacturing zoning and the historic role these areas have played in the city's industrial economy, the largest share of future upland development is likely to be for industrial uses, most of which are as-of-right and therefore not likely to be subject to WRP consistency review.

In some instances, projects that include non-water dependent or non-industrial components can spur investment in waterfront infrastructure, support maritime and industrial uses and contribute to a healthy business environment in the SMIA.

Public investment within the SMIA and the ESMIA should be targeted to improve transportation access and maritime and industrial operations, with an additional focus on the protection and restoration of natural resources in the ESMIA. Public investment in both the SMIA and ESMIA should integrate sustainable practices, pollution prevention, and climate resilience.

Maintenance dredging is essential to the operation and preservation of working waterfront uses and is consistent with the intent of this policy. The consistency review and determination for such a project should focus on ensuring a beneficial placement method and minimizing impacts on neighboring communities.

Most of the SMIA and the ESMIA have the site conditions necessary to support the development and expansion of rail freight facilities and intermodal freight movement, in addition to other working waterfront uses. Projects that facilitate, support, or result in the construction and operation of rail freight facilities and intermodal freight transportation support the goals of Policy 2 and the intent of the SMIA or ESMIA designation.

While certain policies are prioritized for projects located within SMIA and the ESMIA, projects located within those areas must be reviewed for consistency with all other relevant policies in the WRP. For example, while public access is not required for industrial uses, per the Zoning Resolution, the creation of public access areas within SMIA and the ESMIA is nevertheless encouraged as long as the design of the public areas does not inhibit current or anticipated industrial operations or compromise security or public safety. As per Policy 8, opportunities to incorporate compatible waterfront public access within industrial areas should be considered as part of public and private projects in order to expand public access to waterfront neighborhoods

with limited existing access. For guidance on best practices for designing waterfront public access see Policy 8.6. Public parks, esplanades, piers, and bikeway routes along the industrial waterfront are also not inconsistent with Policy 2 as long as they do not inhibit the efficient operation of maritime and industrial activities or compromise security or public safety. Likewise, as per Policy 4, industrial projects and non-industrial projects located in industrial areas, should use strategies, when practicable, to protect and restore the quality and function of coastal ecological systems. And per Policy 7, to protect public health and safety and natural resources in coastal industrial areas and adjacent communities, best practices for the siting of facilities storing hazardous materials should be utilized to the extent practicable.

### **Working Waterfront Uses outside the ESMIA or SMIA**

The city's two major airports, by virtue of their location and significance to the local and regional economy, are important waterfront facilities that merit special attention. They are treated as water-dependent uses within the Zoning Resolution. Public actions should ensure that the safety and operational needs of the airports are met while protecting the environmental resources in Jamaica and Flushing Bays to the maximum extent feasible.

Outside the SMIA or the ESMIA, determination of the suitability of an area for working waterfront uses will depend on the compatibility of these uses with surrounding uses and natural features and an evaluation of the area's long-term best use.

### **Priority Marine Activity Zones**

Areas with a concentration of water-dependent activity or sites that are key nodes in the waterborne transportation network, and which have the infrastructure to support these uses, have been designated as Priority Marine Activity Zones (PMAZs) (see maps in Part III). These shorelines are used for vessel docking, berthing, or tie-up and the shoreline infrastructure, such as bulkheads, docks, piers, and fendering, is designed to support such uses. For purposes of maintaining the city's waterborne transportation network, actions that affect the design of shoreline structures, in-water structures, and other pieces of infrastructure within the Priority Marine Activity Zones should prioritize designs that accommodate water-dependent uses. In-kind, in-place bulkhead replacement and repair, and replacement of docks or other maritime infrastructure in Priority Marine Activity Zones should be considered maintenance activities and are consistent with Policy 2.

The PMAZs encompass the areas within the seven SMIA where there is currently a water-dependent industrial use or there is potential for such use given the site and waterway conditions. The PMAZs also include areas outside the SMIA, such as a portion of the ESMIA, as well as smaller clusters of maritime uses, such as Eastchester, Flushing Bay, and southeast Staten Island. Also included are sites strategic for heavy-lift deliveries.

### **Related Regulations**

Working waterfront uses, regardless of location within or outside an SMIA or the ESMIA, are regulated by other local, state, and national programs with air and water quality standards, as well as requirements for the safe storage and handling of hazardous materials and the

development of emergency preparedness plans. For a list of regulations related to hazardous materials, see Policy 7 of the WRP or Appendix B. In addition, certain City actions pertaining to City uses on the waterfront are subject to the Criteria for Location of City Facilities (The Fair Share Criteria) established by the City Planning Commission pursuant to Section 203 of the New York City Charter.

## **2.1 Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.**

- A. Promote the development and operation of maritime and industrial uses and measures that support these uses such as dredging for navigation and maintenance purposes. In some instances, projects that include non-water dependent or non-industrial components can spur investment in waterfront infrastructure, support maritime and industrial uses and contribute to a healthy business environment in the SMIA through enabling the adaptive reuse of buildings, the cleanup of brownfield sites, the provision of services, and improvements to upland infrastructure.
- B. Actions that would inhibit the safe and efficient operation of the SMIA as industrial or maritime areas should be avoided.
- C. Maintain sufficient manufacturing zoning in SMIA to permit the industrial and water-dependent uses that are essential to the city's economy and the operation of utilities, energy facilities and city services.
- D. Non-water-dependent uses on in-water or over-water structures should be undertaken in accordance with the Zoning Resolution, and those projects undertaken in non-zoned areas should use the standards of the Zoning Resolution as guidance.
- E. Promote the development of temporary and permanent maritime hubs to support maritime operations. Maritime hubs are sites which contain some of the following features: tie-up space, removal of bilges, grey water and sludge, refueling, water and electric connections, crew change capacity, proximity to groceries and restaurants, and proximity to transit. A hub could also integrate commercial, recreational, tourist, and/or educational uses within the same complex. Hubs should be located close to active maritime facilities, anchorage, and berthing locations to minimize travel distances.
- F. Promote remediation, redevelopment, and re-use of contaminated sites. Explore opportunities for bioremediation.
- G. Target public investment to improve transportation access for maritime and industrial operations. Public investment should integrate sustainable practices, pollution prevention, and climate resilience into the design and operation of facilities.

- H. Support the construction and operation of rail freight facilities and intermodal freight transportation.
- I. Promote the development and operation of working waterfront uses in a manner that protects the health and well-being of surrounding communities, businesses and local workers, and natural resources. In reviewing proposed projects within SMIA's, consideration should be given to suitable hydrologic and site conditions; presence and condition of waterfront infrastructure; appropriate zoning; proximity and access to rail and truck transportation routes; suitable access to markets, customers and delivery networks; adequate and appropriate buffering from surrounding residents; existing development patterns; sustainable stormwater management strategies; ecologically beneficial edge design, industrial pollution prevention; and other best practices for sustainable development. In areas in or adjacent to the SMIA's where wetlands, RECs, or other significant natural resources are present, development should utilize the principles of and design strategies of ecologically sensitive maritime and industrial development, to the extent practicable.
- J. Per Policy 3.5, within Priority Marine Activity Zones, in-kind, in-place replacement and repair of bulkheads, docks, piers, wharves and other maritime infrastructure should be considered consistent; actions which would preclude the subsequent use or future adaptation of the shoreline for vessel docking, berthing, or tie-up should be discouraged; and priority should be given towards shoreline design, erosion prevention, and flood control measures that allow for water-dependent uses. For areas outside the Priority Marine Activity Zones, other WRP goals or economic considerations may take precedence over the preservation or improvement of shorefront infrastructure to support waterborne transportation.
- K. Prioritize maritime, maritime support, and water-dependent uses when siting municipal facilities and disposing publicly owned property. Discourage the location of non-water-dependent municipal facilities, other than parks, on sites with waterfront access, unless available upland sites are not feasible or appropriate for the intended use.

**2.2 Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.**

- A. Maritime, industrial, and compatible upland development should be sited so to minimize fragmentation and other negative impacts to the coastal ecosystem as described in Policy 4.2 of the WRP. Development proposals should include features related to the preservation and restoration of ecological systems as determined by site-specific considerations.
- B. Evaluate site-specific characteristics when determining whether redevelopment or ecological enhancement is most suitable. For instance, sites with extensive wetlands

should consider ecological enhancement, while sites with extensive prior development, fill, and/or contamination should be considered suitable for industrial development. For sites with an existing bulkhead, or those which have been bulkheaded in the past, the maintenance and preservation of the bulkhead and development of maritime and/or water-dependent uses should be considered suitable. In areas without an existing bulkhead, natural shoreline treatments should be considered. Similarly, upland areas beyond wetland boundaries should be considered suitable for development with appropriate buffer zones, while existing wetlands should be preserved and restored.

- C. Encourage measures that restore the shoreline infrastructure for water-dependent use on sites which are best suited to support port and other maritime operations and which do not significantly encroach on natural resources.
- D. Per Policy 3.5, within Priority Marine Activity Zones, in-kind, in-place replacement and repair of bulkheads, docks, piers, wharves and other maritime infrastructure should be considered consistent; actions which would preclude the subsequent use or future adaptation of the shoreline for vessel docking or tie-up should be discouraged; and priority should be given towards shoreline design, erosion prevention, and flood-control measures that allow for continuation of water-dependent uses. For areas outside the Priority Marine Activity Zones, other WRP goals, or economic considerations, may take precedence over the preservation or improvement of shorefront infrastructure to support waterborne transportation.
- E. Promote the development of temporary and permanent maritime hubs to support maritime operations (see description in 2.1.D).
- F. Promote the development and operation of industrial uses in a manner that protects the health and well-being of surrounding communities, businesses and local workers, and natural resources. In reviewing proposed projects within the ESMIA, consideration should be given to suitable hydrologic and site conditions; presence and condition of waterfront infrastructure; appropriate zoning; proximity and access to rail and truck transportation routes; suitable access to markets, customers and delivery networks; adequate and appropriate buffering from surrounding residents; and existing development patterns.
- G. Support the construction and operation of rail freight facilities and intermodal freight transportation.
- H. Target public investment to improve transportation access for maritime and industrial operations and the protection and restoration of natural resources. Public investment should also be used to support emergency preparedness planning, and the integration of sustainable practices, pollution prevention, and climate resilience into the design and operation of facilities.

- I. Utilize stormwater management, industrial pollution prevention, and sustainable development best practices, such as the Staten Island Bluebelt program and other leading industry methods, in the development of maritime and industrial sites so as to promote the preservation and restoration of significant natural resources. Other potential design strategies include, but are not limited to, the use of vegetated buffers, preservation of hydrological connectivity and natural drainage patterns, minimization of impervious surfaces, and ecologically beneficial edge designs.
- J. For the planning and design of projects with disturbance over 1 acre—except for maintenance to existing facilities (including in-kind replacement of structures)—a natural resources assessment should be prepared whether or not the project meets the threshold criteria described in Chapter 11, Section 200 of the CEQR Technical Manual. The assessment methodology laid out in Chapter 11, Section 300 of the CEQR Technical Manual should be used as the basis for preparing the natural resources assessment. This assessment should be used to guide site layout and design
- K. Where practicable, remediate and restore wetland and other ecological complexes into a connected network so as to improve their survival as natural, self-regulating systems.
- L. Promote remediation, redevelopment, and re-use of contaminated sites. Explore opportunities for bioremediation.
- M. Encourage the creation of mitigation strategies, such as banking or in-lieu fee programs, in order to further the development of maritime or industrial uses and the preservation, remediation, or restoration of key sites.

**2.3 Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.**

- A. Criteria to determine areas appropriate for working waterfront uses outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area include suitable hydrologic and site conditions; presence and condition of waterfront infrastructure; appropriate zoning; proximity and access to rail and truck transportation routes; suitable access to markets, customers and delivery networks; adequate and appropriate buffering from surrounding residents; and existing development patterns.
- B. Promote the development and operation of working waterfront uses in a manner that protects the health and well-being of surrounding communities, businesses and local workers, and natural resources. In reviewing proposed projects, consideration should be given to suitable hydrologic and site conditions; presence and condition of waterfront infrastructure; appropriate zoning; proximity and access to rail and truck transportation routes; suitable access to markets, customers and delivery networks; adequate and appropriate buffering from surrounding residents; existing development patterns;

sustainable stormwater management strategies; ecologically beneficial edge design, industrial pollution prevention; and other best practices for sustainable development.

- C. Through continuation of existing zoning regulations and other means, support continuation of industrial uses in those areas outside SMIA that are well-located relative to customers and delivery networks and adequately buffered from surrounding residences.
- D. Permit heliports and other aviation facilities in areas well-situated to serve demand and where impacts on surrounding uses can be minimized.
- E. Support improvements to airport operations, passenger and freight access, and cargo-handling facilities.
- F. Promote the development of temporary and permanent maritime hubs to support maritime operations (see description in 2.1.D)
- G. Promote remediation, redevelopment, and re-use of contaminated sites. Explore opportunities for bioremediation.

#### **2.4 Provide infrastructure improvements necessary to support working waterfront uses.**

- A. Identify and implement public transportation improvements necessary to provide adequate truck access to working waterfront areas.
- B. Maintain and improve intermodal and rail freight facilities where feasible.
- C. Maintain and improve shorefront and navigational infrastructure in Priority Marine Activity Zones.
- D. Maintain safe navigation and channel depths necessary to accommodate port and other maritime activities, including off-shore channels used to access New York City's waterways and coast.
- E. Site port facilities in locations with hydrologic and hydraulic conditions most suited to the vessels.
- F. Dredged material must be placed using an approved method at an approved site. Priority for the placement of dredged materials should be given to beneficial uses, such as wetland creation, water quality improvements, beach nourishment, or port redevelopment.

- G. Maintain bridges over waterways to support transportation connections. Ensure clearance and safe vessel passage of navigation channels.

**2.5 Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.**

- A. Projects should consider potential risks relating to coastal flooding to features specific to each project, including but not limited to bulkheads, piers, docks, and other pieces of maritime infrastructure; shoreline erosion control structures; critical electrical and mechanical systems; temporary and long-term waste storage areas; fuel storage tanks; and hazardous material storage.



## **ATTACHMENT 02**

City of New York. 2011. VISION 2020: Comprehensive Waterfront Plan of the City of New York – Reach 14S - Brooklyn Upper Bay South [online]. Available from: <https://www1.nyc.gov/site/planning/plans/vision-2020-cwp/vision-2020-cwp.page>

*(See excerpt on the next page)*



VISION 2020

# NEW YORK CITY COMPREHENSIVE WATERFRONT PLAN

# REACH 14 S.-BROOKLYN UPPER BAY SOUTH

**Location:** Buttermilk Channel and New York Upper Bay from Atlantic Ave. to Owls Head

**Upland Neighborhoods:** Cobble Hill, Red Hook, Gowanus, Sunset Park, Carroll Gardens, Columbia Street Waterfront, Park Slope, Boerum Hill

## Neighborhood Strategies

### Reachwide

- Facilitate open space improvements at streetends in coordination with approved plans and zoning regulations for adjacent sites.
- Release Brooklyn Waterfront Greenway Master Plan, guiding the creation of a 14-mile waterfront path between Newtown Creek and the Shore Parkway Greenway.

### Piers 7-12

1

- Support continuation of industrial uses.
- Build a multi-use path to connect Atlantic Basin to the Brooklyn waterfront greenway.
- Explore preservation of historic properties and creation of waterfront interpretive center focused on history of working waterfront.
- Support use of green port technology, such as shore power, clean energy, and use of waterborne freight transport.
- Minimize traffic conflicts between trucks and pedestrians/bicyclists.
- Pursue development of a “hub” for maritime support services in Atlantic Basin.
- Support opportunities for active publicly accessible use of cruise terminal on days when ship is not in port.
- Study opportunities for active water-related public uses in Atlantic Basin, such as recreation and educational programming.
- Market the Container Terminal as a distribution hub for containerized cargo destined for East of Hudson businesses.
- Provide additional berthing locations to commercial vessels along the north side of Atlantic Basin.

### Valentino Pier

2

- Explore creation of boathouse and other amenities.

### 280 Richards St.

3

- Support development compatible with adjacent water-dependent industry and explore public access opportunities.

### Gowanus Canal

4

- Complete pump station, force main and flushing tunnel upgrade to improve water quality.
- Participate in ongoing reviews of remedial investigation results and feasibility study for EPA’s clean up.
- Design and begin construction of the first phase of high-level storm sewers within to reduce CSOs in the canal as well as street flooding and sewer backups in adjacent neighborhoods.
- Support rezoning in underutilized areas, continuous public waterfront access, and cleanup of contaminated sites consistent with city, state, and federal standards.
- Explore opportunities for safe indirect-contact in-water recreation, in consultation with State and Federal regulators.
- Support continued industrial activities and preservation of historic properties.
- Support plans to use street-end parks and pervious surfaces to capture stormwater and provide education to the public.

### 3rd Ave./3rd St. Site

5

- Continue ongoing remediation efforts.
- Explore options for reuse along with providing public and visual access to waterfront.

### Public Place Site

6

- Support site remediation in cooperation with responsible parties and State and Federal regulators, and pursue planned housing development with public waterfront open space.

### Hamilton Avenue Marine Transfer Station

7

- Support development of planned marine waste transfer station.

### Sunset Park

8

- Support appropriate alignment of Brooklyn Waterfront Greenway, with point access to the waterfront where feasible and a safe, defined corridor to the new park that minimizes conflicts with uses in the Industrial Business Zone.
- Support recommendations of EDC’s Sunset Park Vision Plan for future infrastructure improvements to maximize efficient movement of goods, including Brooklyn Waterfront Rail Improvement project, reactivation of the South Brooklyn Marine Terminal, and activation of rail yard and marine transload facility at the 65th and 51st street rail yards.
- Relocate NYPD tow-pound at South Brooklyn Marine Terminal.
- Explore rehabilitation of Pier 6 for possible dry bulk/liquid operations, and maritime support operations.
- Explore locations for a maritime support services “hub,” where workboats can receive services such as provisioning, crew changes, wastewater removal, and fuel.
- Actively market marine transport as a option for local distribution and manufacturing businesses to reduce overall truck vehicle miles travelled (create a “Freight Village” around green transportation).
- Improve cross-harbor freight transportation, including reactivation of 65th Street float bridges and expanded use of rail freight via the “Southern Corridor” to the national rail freight network.
- Explore long-term opportunities for a deepwater container port in coordination with key stakeholders.
- Commence first phase of Brooklyn Army Terminal commercial life sciences and technology center, and support workforce development and training programs.
- Issue RFP for the lease and development of an approximately 130,000-square-foot property at the Bush Terminal Complex.

### Bush Terminal Piers Park

9

- Advance plans for park including remediation, and explore opportunities for enhanced upland connections.
- Explore opportunities for boat launch based on the criteria described in the Citywide Strategy.
- Explore funding for planned environmental education center.
- Design park access to minimize pedestrian and industrial business conflicts.
- Explore options for preservation of deteriorating piers.

**ATTACHMENT 03**

City of New York. 2016. Waterfront Revitalization Program. [online]. Policy 6: Flooding and Erosion.  
Available from: <https://www1.nyc.gov/site/planning/planning-level/waterfront/wrp/wrp.page>

*(See excerpt on the next page)*

## **POLICY SIX**

### **MINIMIZE LOSS OF LIFE, STRUCTURES, INFRASTRUCTURE, AND NATURAL RESOURCES CAUSED BY FLOODING AND EROSION, AND INCREASE RESILIENCE TO FUTURE CONDITIONS CREATED BY CLIMATE CHANGE.**

#### **Introduction**

This policy aims to reduce flooding and erosion hazards in order to protect life, structures, infrastructure, and natural resources. Much of New York City's social, economic, cultural, and natural resources are located in coastal areas that have risks from flooding and erosion. Storms such as Hurricanes Irene and Sandy have shed light on vulnerabilities facing waterfront communities that exist in the City today, and that are likely to increase due to climate change and sea level rise in the future. These risks should be identified and adaptive measures to manage these risks incorporated to the extent appropriate or practicable. In addition, new projects in coastal areas should be planned and designed to reduce risks posed by current and future coastal hazards and encourage the efficient use of public funding.

#### **Climate Resilience**

Climate change, a result of global greenhouse gas emissions, is expected to cause sea levels to rise, which will increase the risks of coastal flooding, storm surges, and erosion to New York City's Coastal Zone. The New York City Panel on Climate Change (NPCC), a group of leading climate change scientists and legal, insurance, and risk-management experts, was convened by the City to develop New York City-specific climate change projections.

These types of long-term projections necessarily include a degree of uncertainty regarding the rate and magnitude of sea level rise. Appendix D contains the latest projections for climate change. The NPCC may periodically issue updated climate change projections based on new data or analysis. While projections will continue to be refined in the future, current projections are useful for present planning purposes. It is anticipated that further adaptive actions can be taken in the future, when more refined projections become available. The intent of this policy is to facilitate decision-making in the present that can reduce existing and near-term risks without impeding the ability to take more informed adaptive actions in the future.

New York City is pursuing many initiatives to reduce greenhouse gas emissions. Following Hurricane Sandy, the Mayor's Special Initiative for Rebuilding and Resiliency identified ways to increase the resilience of the city's built and natural environments. Resilience is understood as the ability of systems and structures to withstand and recover quickly and independently from regionally characteristic and severe climate events. Because certain risks are unavoidable, a resilience strategy should not seek to eliminate all risks. Instead, public and private actors must identify and manage risks, take steps to minimize danger to lives and damage to property and natural systems from flooding and storms, and limit disruptions from storm events and the recovery time after such events. Building resilience will require actions not only by government, but also by utilities, private property owners, local residents, community-based organizations, local community groups, and businesses. Building resilience will also require regional

coordination of public and private entities to develop plans that address region-wide issues and strategies.

### **Climate Resilience Strategies**

Techniques to manage risks posed by flooding and erosion include the use of hard shoreline protection structures (such as bulkheads, revetments, flood gates, levees, or other permanent or temporary barriers), soft shoreline protection strategies (such as beach nourishment, vegetative plantings, or the creation or enhancement of wetlands, barrier islands, or reefs), the raising of land or the placement of fill to elevate projects above flood levels, the use of structures designed to resist or accommodate flooding, and/or non-structural measures such as the relocation of existing uses and restrictions on future uses. The study of how to assess and manage future climate risks is evolving, and many innovative strategies should be further studied and examined through pilot projects to increase the options available to address climate change.

The appropriate techniques for a given project depend on case-by-case considerations, including site-specific vulnerabilities and risks, impacts on adjacent sites and communities, wave and current action, density and land use, proximity of infrastructure, scale, and project life cycle, as well as consideration of all other relevant policies of the WRP. In addition, the costs and benefits of incorporating the resilience strategy, and the costs and benefits of the project as a whole, should be taken into consideration in determining an appropriate resilience strategy. When practicable, strategies to address flooding and erosion should advance the other goals of the WRP. For instance, a well-designed flood and storm surge protection project could also include public access and intertidal habitat.

Depending on the location of a specific site, existing/proposed uses, and the nature of a given project, the priorities of different policies should influence the decision for which strategies to employ. For instance, measures that protect or adapt existing uses and structures (without retreat or relocation) are most likely to be appropriate for the developed areas of New York City's Coastal Zone where significant existing private and public investments—including development; infrastructure and parkland; and regionally significant economic, social, and cultural activity—make retreat impractical and undesirable.

### **Shoreline Design**

Natural shorelines—such as beaches, wetlands, and dunes—protect inland areas from flooding and storm surges and provide stormwater filtration, ecosystem habitat, and recreation. When practicable, nearshore areas and riparian edges should be preserved, restored, and enhanced to protect significant public infrastructure investment and reduce coastal hazard impacts. Barrier landforms that protect significant public investment or natural resources should be maintained or restored. The benefits of erosion and flooding control structures should be balanced against the impacts upon adjacent properties and to the waterbody as a whole, which can include increased erosion, aesthetic impairments, loss of public recreational resources, loss of habitats, and water quality degradation.

by supporting efforts to close gaps in the hardened shoreline, repair breaches, and maintain the structure.

**6.2 Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone.**

- A. In the planning and design of all projects—except for the maintenance or in-kind, in-place replacement of existing facilities—identify the potential vulnerabilities of the project to the effects of sea level rise, coastal flooding, and storm surge over its usable life and the general consequences to the project of these types of events. This analysis should be conducted by an architect, engineer or other qualified professional. For projects with a usable lifespan beyond the timeframe of any available projections, the furthest projection by the New York City Panel on Climate Change shall be used. The scope of the analysis should take into account the nature of the action subject to consistency review, as well as the size and location of the project, and must examine, as applicable:
- Current conditions and the projected conditions with sea level rise and climate change.
  - Features of the project likely to be vulnerable to temporary flooding, frequent inundation, wave action, or erosion. Vulnerable features may include, for example, residential living areas, workplace areas, public access areas, plants and materials, critical electrical and mechanical systems, temporary and long-term waste storage areas, fuel storage tanks, energy generators, hazardous materials storage, or maritime infrastructure.
  - The general consequences of temporary flooding, frequent inundation, wave action, or erosion with respect to such vulnerable features.
  - The best available flood zones as established by FEMA, any associated base flood elevation, and the range of the projected future flood elevations based on sea level rise projections, as available.
- B. Identify and incorporate design techniques in projects that address the potential vulnerabilities and consequences identified and/or enhance the capacity to incorporate adaptive techniques in the future. Climate resilience techniques shall aim to protect health and well-being, minimize damage to systems and natural resources, prevent loss of property, and, to the extent practicable, promote economic growth and provide additional benefits such as provision of public space or intertidal habitat. The appropriate techniques for a given project depend on case-by-case considerations, including such factors as the project's lifespan, the costs, benefits and feasibility of incorporating a technique, and the potential adverse or positive effects of the techniques on ecological health, public health, urban design, economic activity, and public space. To the extent that potential techniques are identified but not incorporated, an explanation shall be provided as to why incorporating such techniques are not

appropriate or practicable for the given project, or how the project may be adapted to incorporate such measures in the future. The following are examples of potential techniques to be considered and incorporated into project design, as appropriate:

- Features which increase the project's ability to withstand sea level rise, coastal flooding and storm surge.
- Openings that allow the flood waters to enter and leave without causing disruption.
- Opportunities to elevate, encase, or design electrical and mechanical equipment to be submersible.
- Use of flood- and salt-water-resistant materials.
- Elevation of structures and usable space within a project to an appropriate design flood elevation that reduces risk with minimal impacts on public space and urban design. The selection of an appropriate design flood elevation shall consider projections of climate risks, the lifespan of the project, and specific risks associated with the project.
- The raising of land or the placement of fill to elevate projects above projected future flood levels.
- Selection of plantings suited to the current and projected future climate including selection of salt-water-tolerant species.
- Securing, elevating, or locating outside of the flood zones hazardous materials, temporary and long term waste storage areas, and/or fuel storage tanks to protect against the impacts of flooding and wave action due to storm surge.
- Incorporation of structural and non-structural shoreline treatments to attenuate waves and protect inland areas from coastal flooding.
- Incorporation of design features that allow projects to be adapted on an ongoing basis in response to changing climate projections and conditions

- C. Where opportunities exist, new structures directly on waterfront sites should incorporate site features to reduce the impacts of flooding, storm surge and wave action on inland structures and uses.

### **6.3 Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.**

- A. Implement public structural flood and erosion control projects when public economic and environmental benefits exceed public economic and environmental costs. Factors that may be considered in determining public benefit attributable to flood or erosion control measures include economic benefits derived from protection of water-dependent commerce and public infrastructure, protection or enhancement of significant natural resources, or protection of public open space and recreation facilities, or enhancement of the public realm through multifunctional coastal protection design.
- B. Give priority to actions that protect public health and safety, mitigate flooding and erosion problems caused by past public actions, protect areas of intensive development,



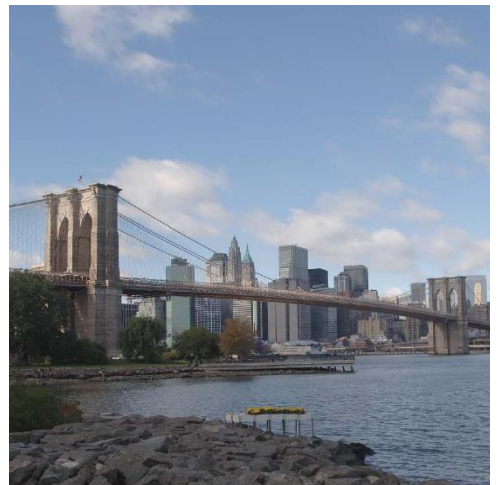
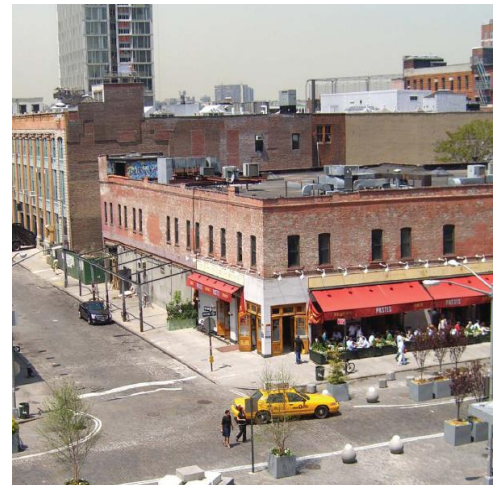
## **ATTACHMENT 04**

City of New York. 2014. City Environmental Quality Review (CEQR) Manual. [online]. Available from:  
<https://www1.nyc.gov/site/oec/environmental-quality-review/technical-manual.page>

*(See excerpt on the next page)*

# CEQR

## City Environmental Quality Review Technical Manual





- Rezoning to a residential or mixed-use district, if the area may have historically stored, used, disposed of, or generated hazardous materials, such as an area in a C8 zoning district.
- Development on a vacant or underutilized site if there is a reason to suspect contamination, illegal dumping, or historic/urban fill.
- Renovation of interior existing space on a site with potential vapor intrusion from on-site or off-site sources; compromised indoor air quality; or the presence of asbestos, PCBs, mercury, or lead-based paint.
- Development in an area with fill material of unknown origin. Fill material historically used in New York City includes dredged material that may contain petroleum, heavy metal, or PCB contamination and ash from the historical burning of garbage. In addition, former wetland areas or areas with fill material containing organic wastes may produce methane.
- Development on or near a government-listed or voluntary clean-up/brownfield site (*e.g.*, solid waste landfill site, inactive hazardous waste site, NYSDEC Brownfield Cleanup Program or Local Brownfield Cleanup Program site), current or former power generating/transmitting facilities, municipal incinerators, coal gasification or gas storage sites, current or former dry-cleaning facilities, or railroad tracks/rights-of-way.
- Development where underground and/or aboveground storage tanks (USTs or ASTs) are (or were) located on or near the site.

A list of facilities, activities, or conditions that warrant further assessment regarding the potential for hazardous materials is found in the [Appendix](#). Sites that have been potentially affected by the presence of existing or historical land uses involving hazardous materials, including those not contained in the [Appendix](#), should be examined further to evaluate possible exposure pathways and potential impacts on public health or the environment. As described in greater detail in the following sections, evaluation of a site for hazardous materials concerns should generally include a Phase I Environmental Site Assessment (ESA) in accordance with the most recent ASTM E-1527 Standard, and, if appropriate, a Phase II ESA in accordance with ASTM E-1903, including physical sampling of media (*e.g.*, soil, ground water, and soil gas) on the site of concern. If potential hazardous materials impacts are identified, mitigation and/or remediation in accordance with a Remedial Action Plan (RAP) would be required. In cases where the site is listed in the [Appendix](#) and sufficient site history is known, the site owner may elect not to complete a Phase I ESA described in Section 320 and proceed directly to a Phase II ESA as described in Section 330. In most cases, however, knowledge of the site history is not sufficient and completion of a Phase I ESA is strongly recommended.

### 300. ASSESSMENT METHODS

The hazardous materials assessment generally begins with a Phase I ESA, which is a qualitative evaluation of the environmental conditions present at a site, based on a review of available information, site observations, and interviews. As outlined in Section 320 below, the Phase I ESA is conducted in accordance with the standards established by the current ASTM Phase I ESA Standard and includes research and field observations (but typically not subsurface or building testing results) to determine whether the site may contain contamination from either past or present activities on the site or as a result of activities on adjacent or nearby properties. If a potential REC is identified during this assessment, then building and subsurface investigations are usually conducted as part of a Phase II ESA to confirm the presence and extent of the contamination.

Whenever possible, the Phase I and Phase II ESAs should reference and take into account proposed project plans to the extent they are known. For example, during the performance of the Phase I ESA, it may be sufficient to know that the existing building is to be demolished and excavation required. In contrast, when preparing the Phase II ESA Work Plan, which will guide the Phase II investigation, excavation depth(s) and the proposed conceptual foundation design may be necessary to define the appropriate investigation scope. Therefore, project plans (whether conceptual or final) should be referenced in, and attached to, the Phase II ESA Work Plan and any subsequent reports.



### 310. STUDY AREA

The first step in any hazardous materials assessment is to establish the study area. The project site and any associated excavation areas (e.g., for utilities, elevator pits, foundations) comprise the focus of the study area, but the area of study should also include any other areas that might have affected or may currently affect the project site. Usually in heavily urbanized settings, other areas include the adjacent properties and, at a minimum, properties within 400 feet of the project site. Regulatory database searches should be performed per the ASTM Phase I ESA Standard.

For the soil, ground water, or soil gas investigations associated with a Phase II ESA (discussed below in Section 330), the study area is typically limited to the project site itself. On a site, this sampling focuses on areas that have higher potential for (a) contamination, based on the results of the Phase I ESA; or (b) enhanced exposure pathways, based on the Phase I ESA and the activities that would be associated with the proposed project. For example, the scope of the Phase II ESA Work Plan for a project involving conversion of an existing building to a new use would likely have limited overlap with a project at the same site involving demolition that is followed by excavation for a new building with a cellar, basement, or multi-level basement.

### 320. PHASE I ENVIRONMENTAL SITE ASSESSMENT

The current ASTM Phase I ESA Standard should be consulted for the general scope of the qualitative Phase I ESA. For some proposed projects (e.g., area-wide rezonings), portions of the scope, such as site inspections, may not be possible. For other projects, such as zoning text amendments or other generic actions, actual affected sites may be unknown, and the analysis should consider what the potential impacts would be for a variety of different types of sites (see Section 400, below). Generally, Phase I ESAs should be no more than six months old when submitted as part of CEQR documentation. If more than six months old, the Phase I ESA should be updated with current regulatory database and site reconnaissance information. This may not be necessary if an adequate Phase II ESA will be performed to confirm the presence or absence of contamination. In addition to the ASTM Phase I ESA Standard, additional sources of information that are specific to New York City may assist in preparation of Phase I ESAs. These can be found in Section 731, “Sources of Data to Supplement ASTM Standards.”

#### 321. Assessment, Conclusions and Reporting

To identify and evaluate potential RECs at a project site, a Phase I ESA should be conducted. The Phase I ESA report typically includes the following kinds of information:

- Site and neighboring properties’ history, including required ASTM searches.
- Interviews with past and present owners and occupants.
- Surface and subsurface drainage patterns or infrastructure.
- Site reconnaissance findings.
- Federal, state, and local regulatory agency list review findings.
- Potential impacts from nearby sites, such as landfills, National Priority List (NPL) sites, Brownfield Cleanup Program (BCP) sites, surface impoundments, ASTs, USTs, leaking USTs (LUSTs) of unknown status, etc.
- On-site concerns, such as ASTs, USTs, and LUSTs of unknown status, dumping of hazardous materials, PCBs, etc.
- Previous environmental reports or sampling and analytical data.
- Discussion of the results of the Phase I ESA in the context of the proposed project.
- Recommendations for additional actions, if any.

## **ATTACHMENT 05**

New York State Energy Research and Development Authority. 2019. New York Clean Energy Industry Report. [online]. Available from: <https://www.nyserda.ny.gov/About/Publications/New-York-Clean-Energy-Industry-Report>

*(See excerpt on the next page)*



**NYSERDA**

2019

**New York  
Clean Energy  
Industry  
Report**

# Letter from NYSERDA President and CEO

I am proud to unveil the results of the third annual **New York Clean Energy Industry Report**—a critical source of insights that reveals important trends in New York’s growing clean energy industry. Under Governor Andrew M. Cuomo’s leadership, New York continues to be a national leader in the clean energy transition. This year’s report provides further evidence that statewide, residents and businesses are benefitting from the State’s growing clean energy economy which is serving as a catalyst for economic development and job growth.

01

Governor Cuomo’s **Green New Deal**, announced in January, is the most aggressive climate change program in the nation, establishing a goal to achieve a **zero-carbon electricity sector by 2040**, faster than any state in the nation, and **70 percent of renewable energy sources such as wind and solar by 2030**. To support the Governor’s bold program, New York passed the **Climate Leadership and Community Protection Act** which mandates a **reduction of greenhouse gas emissions by 85% from 1990 levels by 2050**.

New York’s push towards Governor Cuomo’s goal for a carbon-neutral economy across all sectors is providing the market confidence needed to drive meaningful economic growth and is expected to lead to clean energy job growth all across the State.

02

Key findings from this year’s report include:

- **Nearly 159,000 New Yorkers** are working in the clean energy industry across the State, more workers than the thriving biotech and agriculture industries.
- **New York’s clean energy economy saw 8.9% employment growth since 2016**, stronger growth than the State’s overall economy which grew 3.4% in that time.
- **Energy Efficiency continues to be the largest clean energy technology category** with 123,292 jobs, or 78% of all clean energy employment in New York.
- **All regions in New York are demonstrating strong clean energy workforce opportunities** that are changing the lives of New Yorkers by providing good paying jobs, cleaner air, and a more sustainable environment.
- **Over 80% of employers who hired clean energy workers in the past year had difficulty hiring**, with incoming talent lacking experience, training, or technical skills as well as industry-specific knowledge.

To address the growing need for a skilled clean energy workforce, the State is continuing to invest in workforce development and training initiatives to establish its pipeline and reduce businesses cost of attracting and hiring new workers. Together, we can change the landscape of New York’s green economy by preparing New York’s workforce for the industry’s growth and employer needs indicated in this year’s report.

**I am proud that NYSERDA continues to lead the State’s unwavering commitment to fighting climate change and engaging the clean energy sector in way that makes the Governor’s bold vision a reality.** New York is on a path to a carbon-neutral future that will improve our quality of life, steward our precious natural resources, and create a strong 21st century economy, while serving as a model for other states and the nation.

-----  
Alicia Barton — President and CEO, NYSERDA



nearly  
**159,000**

**clean energy jobs**  
across New York in 2018

since 2016,  
**clean energy**  
**employment**  
has grown by

**12,966**  
that's **8.9%**

**7,200**  
**jobs created**  
as a result of  
**clean energy**  
**growth in 2018**

## **energy** **efficiency** **firms**

largest component of New York's  
clean energy economy and  
among the fastest growing with  
**123,000** employed in 2018



# Executive Summary



Under Governor Andrew M. Cuomo, New York has established itself as a clean energy leader with our nation-leading clean energy goals and aggressive fight against climate change. The **2019 New York Clean Energy Industry Report** clearly shows that as a result of the State's bold energy policies, New York's clean energy economy continues to drive economic development and employment growth. Today's budding green economy is creating an opportunity to change the landscape of New York's workforce through investments in clean energy workforce development and training. With a majority of clean energy businesses expressing difficulty hiring workers, NYSERDA is committed to establishing a pipeline of workers to meet the significant demands of this growing industry.



**In January, Governor Cuomo announced his Green New Deal—the most aggressive climate change program in the nation - putting the State on a path to being entirely carbon-neutral across all sectors of the economy and establishing a goal to achieve a zero-carbon emissions electricity sector by 2040, faster than any state in the nation.**

04

Camilo Osorio

The Green New Deal calls for an unprecedented ramp up in renewable energy—**70 percent renewable energy by 2030**, which includes installing **9,000 megawatts of offshore wind by 2035**, **6,000 megawatts of distributed solar by 2025** and **3,000 megawatts of energy storage by 2030**.



Getty Images/Hero Images

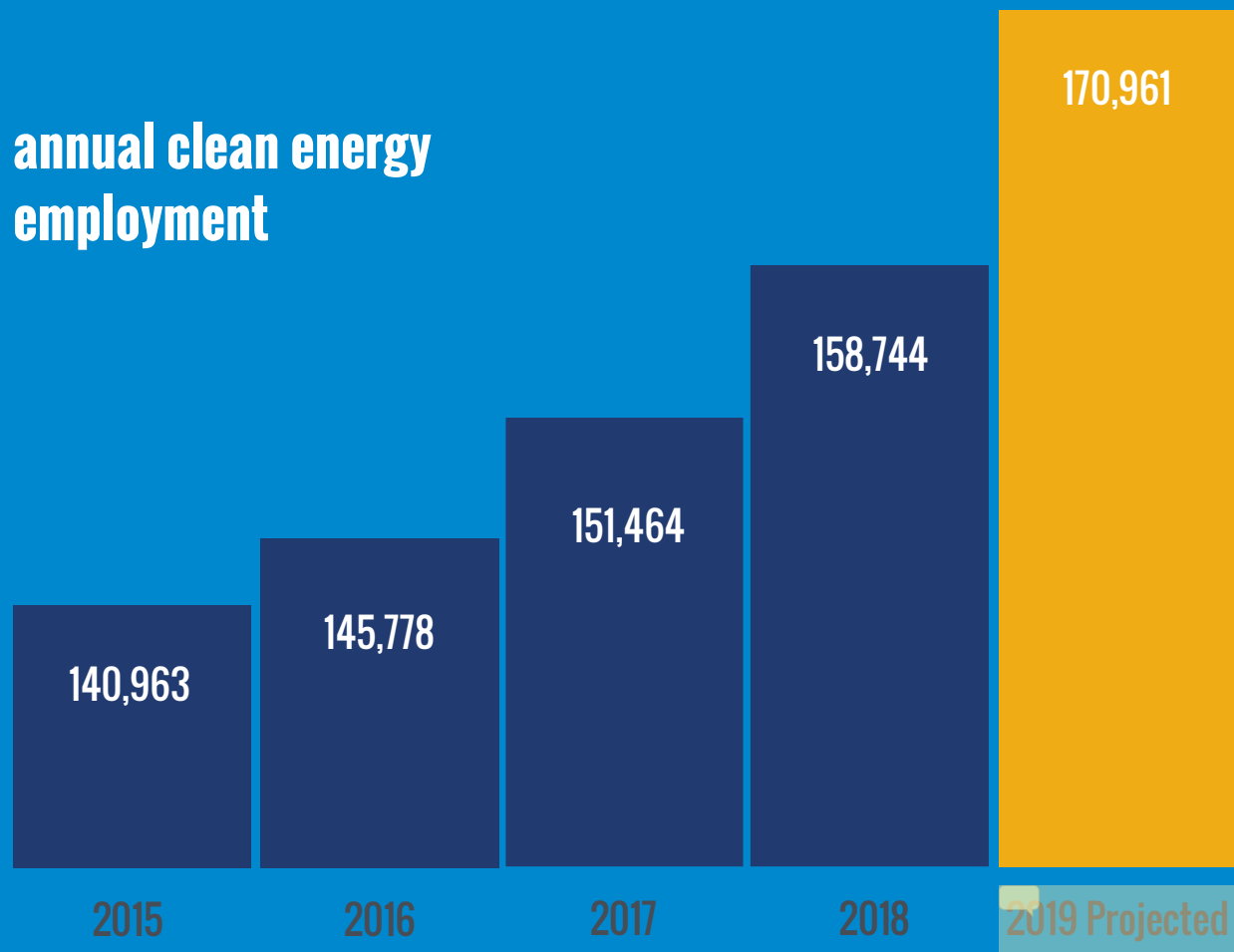
New York's landmark climate bill, the **Climate Leadership and Community Protection Act (CLCPA)**, adopted in July codifies the Governor's ambitious Green New Deal clean energy goals, and mandates **reducing greenhouse gas emissions 85 percent below 1990 levels by 2050**, setting a new standard for states and the nation to expedite the transition to a clean energy economy. To ensure no community is left behind in the clean energy transition, New York State agencies and authorities will work collaboratively with stakeholders toward a goal of investing **40 percent of clean energy and energy efficiency resources to benefit disadvantaged communities**.

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New York's ambitious clean energy and climate goals have had a significant impact on New York State's clean energy economy.

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**annual clean energy  
employment**



Principles of **just transitions** are critical to equitable economic growth in the State. As clean energy increasingly plays a role in the New York economy, some workers may find themselves needing to train for different skills. Just transitions include a broad set of activities such as environmental justice in siting activities, helping displaced workers find jobs in new or adjacent industries, and developing programs and policies to provide access to employment opportunity for traditionally underrepresented populations such as women and people of color.

The **2019 New York Clean Energy Industry Report** compares data on clean energy jobs, geographic distribution, and employee needs.

06

It reveals important patterns and trends to inform policy recommendations on how to meet New York's climate goals, help create jobs, and drive economic opportunity across the State.

Camilo Osorio

**Below is a summary of the key findings:**

## Clean energy employment continued to outpace national clean energy employment and statewide overall employment.

07

- In 2018, clean energy employment **in New York increased 4.8%** to nearly 159,000 workers, while increasing 2.7% nationally.<sup>1</sup>
- Since 2016, employment growth in the clean energy industry outpaced the overall New York economy. While overall employment in New York increased by 3.4%,<sup>2</sup> clean energy employment in the State increased by more than **double that rate at 8.9%**.
- Clean energy-related employment also accounted for a high proportion of overall employment growth across all sectors in New York accounting for approximately 6.7% of the 168,800 jobs created in New York in 2018.

Camilo Osorio

## Clean energy employers predicted hiring would continue to accelerate.

08

Employers and stakeholders were optimistic about continued growth in these sectors and reported that they **expect 7.7% job growth in 2019**, which would add more than 12,000 jobs.

Camilo Osorio

in 2018  
clean energy  
employment  
in New York  
increased 4.8%  
to nearly  
159,000 workers

## **ATTACHMENT 06**

Political Economy Research Institute, University of Massachusetts. 2017. Clean Energy Investments for New York State: An Economic Framework for Promoting Climate Stabilization and Promoting and Expanding Good Job Opportunities [online]. Available from: <https://www.peri.umass.edu/publication/item/1026-clean-energy-investments-for-new-york-state-an-economic-framework-for-promoting-climate-stabilization-and-expanding-good-job-opportunities>

*(See excerpt on the next page)*

# CLEAN ENERGY INVESTMENTS FOR NEW YORK STATE

An Economic Framework for Promoting Climate  
Stabilization and Expanding Good Job Opportunities



**By Robert Pollin, Heidi Garrett-Peltier, and Jeannette Wicks-Lim**

Department of Economics and Political Economy Research Institute (PERI)  
University of Massachusetts-Amherst

NOVEMBER 2017

# Highlights of Main Findings

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This study examines the benefits of large-scale green energy investments for New York State. It also proposes a policy framework for supporting such investments throughout the state.

Large-scale clean energy investments throughout New York State can advance two fundamental goals:

- Promoting global climate stabilization by reducing carbon dioxide (CO<sub>2</sub>) emissions and other greenhouse gas emissions.
- Expanding good job opportunities throughout the state.

## Reducing CO<sub>2</sub> Emissions

- The specific aim for clean energy investments will be to achieve, by 2030, a 50 percent reduction below the 1990 level in all human-caused carbon dioxide (CO<sub>2</sub>) emissions in New York State.
  - This translates into a CO<sub>2</sub> emissions level of 100 million tons by 2030.
  - Current emissions are at 170 million tons. The emissions reduction by 2030 therefore will need to be 40 percent relative to current levels.
  - CO<sub>2</sub> emissions will fall due to reduced consumption of oil, coal and natural gas in the state. The cuts in natural gas consumption will also support major reductions in methane emissions.

## Major Areas of Clean Energy Investments

- **Energy Efficiency.** Dramatically improving energy efficiency standards in New York's stock of buildings, automobiles and public transportation systems, and industrial production processes.
- **Clean Renewable Energy.** Dramatically expanding the supply of clean renewable energy sources—primarily wind, solar, and geothermal power—available at competitive prices to all sectors of New York State's economy.

## Job Creation through Clean Energy Investments

- Making the large-scale investments in clean energy projects capable of achieving the 50 percent emissions reduction target by 2030 will generate between 145,000 and 160,000 jobs per year in the state.
- New job opportunities will be created in a wide range of areas, including construction, sales, management, electrical assembly, engineering, and office support.

■ Current average total compensation in these occupations ranges between \$63,000 – \$114,000.

- Employment growth in these areas should create increased opportunities both for women and minority workers to be employed and to raise unionization rates.
- Higher unionization rates should promote gains in compensation and better working conditions in the affected industries.

## Just Transition for Fossil Fuel Industry Dependent Workers and Communities

- Fossil fuel consumption in New York State consists almost entirely of natural gas and petroleum. Consumption of these fuels will need to fall by about 40 percent as of 2030 to bring the state’s total CO<sub>2</sub> emissions down to 100 million tons.
- About 13,400 workers in New York State are presently employed in nine industries that will be most heavily affected by this 40 percent fossil fuel consumption cut.
- Most of the job losses can be handled through attrition by retirement when workers reach age 65.
  - Regulations are needed to ensure that workers moving into retirement will have their full pensions available to them.
- About 67 workers per year in the nine heavily impacted industries will face displacement as New York State’s fossil fuel industry contracts through 2030.
  - A Just Transition program for these workers should include guaranteed reemployment as well as income, retraining, and relocation support.
  - We estimate the total costs of such support to be about \$300,000 per worker, amounting to \$18 million per year.
- A Just Transition program for heavily impacted communities could also be provided through channeling a relatively high proportion of new clean energy investments into these communities.

## A Clean Energy Investment Policy Framework

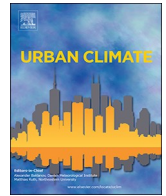
- We estimate that overall public plus private clean energy investments in New York State are currently in the range of \$6 – \$7 billion per year.
  - Overall investments will need to rise roughly five-fold in the state to achieve its emissions reduction target. This level of new investment is achievable within an effective policy framework.
- We estimate that New York State could successfully finance clean energy investments at this level on the basis of about \$4 – \$5.5 billion in annual public funding.
- We consider policies within three broad categories:
  - A polluter fee and related regulations;
  - Financial subsidies and incentives;
  - Direct public spending.

**ATTACHMENT 07**

Shokry, G., Connolly, J. J., & Anguelovski, I. (2020). Understanding climate gentrification and shifting landscapes of protection and vulnerability in green resilient Philadelphia. *Urban Climate*, 31.

*(See excerpt on the next page)*





## Understanding climate gentrification and shifting landscapes of protection and vulnerability in green resilient Philadelphia



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### ABSTRACT

As resilience strategies become a prominent orthodoxy in city planning, green infrastructure is increasingly deployed to enhance protection from climate risks and impacts. Yet, little is known about the social and racial impacts of such interventions citywide. In response, our study uses a quantitative and spatial analytical approach to assess whether interventions we call “green resilient infrastructure” (GRI) protect social groups traditionally most at risk and/or least able to adapt to climate impacts – or conversely, if the aggregate effect is maladaptive and inequitable outcomes (i.e. shifting vulnerability or climate gentrification). First, we performed a pre-post test of GRI siting distribution relative to socio-ecological vulnerability in Philadelphia neighborhoods. Second, we examined gentrification trends in relation to GRI siting and whether these interventions contribute to increasing the socio-ecological vulnerability of historically marginalized populations. Our findings point to a strong negative association between GRI siting and increased minority population, and a strong positive association between GRI siting, gentrification, and reduced minority population. The paper contributes to a better understanding of siting inequities and urban climate injustice dynamics and offers a new conceptual frame for critical urban adaptation research and practice of the pathways that shape uneven and unjust outcomes.

### 1. Introduction

As strategies to “build resilience” gain urgency and prominence in city planning, green infrastructure – rain gardens, green roofs, bioswales and climate-proof parks – are much heralded as a win-win solution for enhanced urban climate protection and security. These green climate adaptations are often highlighted for their economic and neighborhood attractiveness co-benefits in order to boost political salience and financial feasibility. Yet, as social-ecological resilience is frequently framed in the context of reducing vulnerability to “natural” disasters and extreme events, it is thus decoupled from the political-economic landscape of cities' historic and ongoing patterns of uneven and unsustainable growth. In this sense, urban adaptation may be repackaging “business as usual” land use planning practices that deprioritize the protection and security of vulnerable and minority residents, and reproducing uneven landscapes of social-ecological vulnerability.

In this paper we bring the critical adaptation planning and social-ecological resilience literature together with recent scholarship on urban green inequities and climate gentrification in order to analyze the extent to which green and resilient interventions protect vulnerable groups, or, on the contrary, result in new inequities and insecurities. Using data from Philadelphia, we examine how neighborhoods' social, racial, and real estate characteristics change over time in relation to the siting of green and resilient infrastructure, with a focus on processes of gentrification and increased vulnerability. Here, we seek to test whether social-ecological

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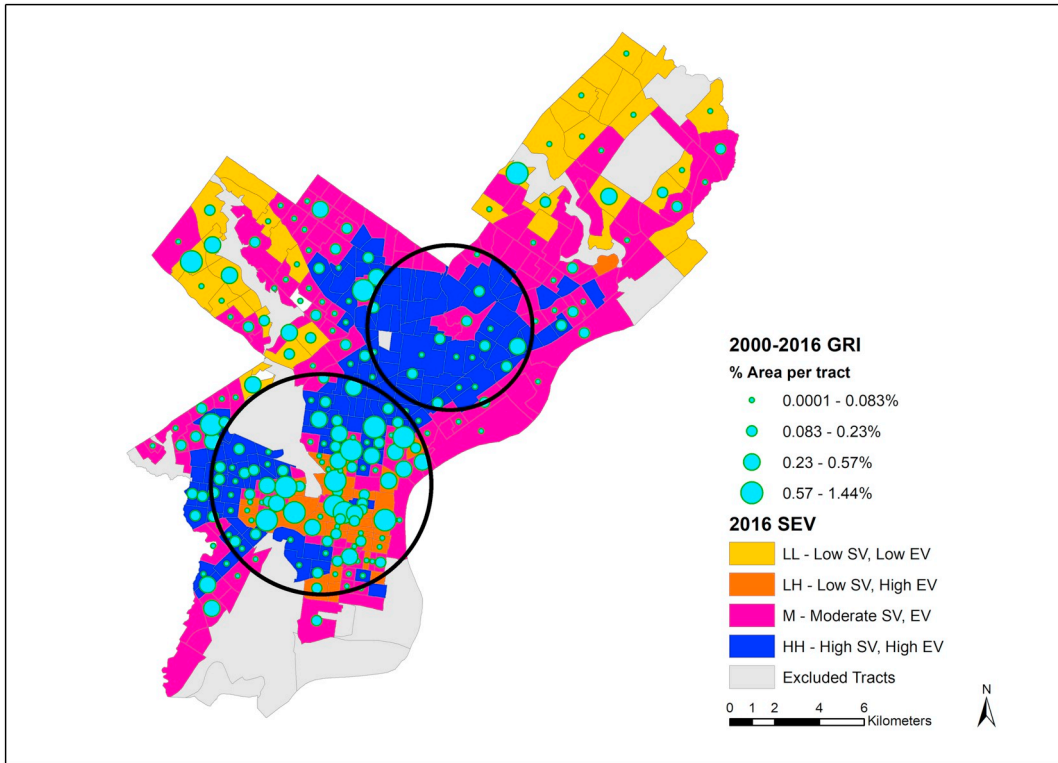


Fig. 4. Sites of Omission, SEV in 2016 and GRI from 2000 to 2016, in the City of Philadelphia. By 2016, the upper encircled area has grown more socially vulnerable and received relatively little to no GRI.

GRI tends to be sited in neighborhoods that were gentrifying in the previous period, showing that it is likely both cause and consequence of gentrification – it is likely integrated with and intensifies processes of gentrification.

We found that GRI siting in the first period (2000–2010) tends to precede moderate levels of gentrification in the second period (2011–2016), more so than preceding high gentrification levels (see Table 3d) for both average number (1.5) and average percent area (0.07%). Viewed in combination with the results in Table 3c, which also found higher levels of GRI in moderately gentrifying tracts from 2011 to 2016 (5.72 and 0.19%), these findings suggest that increasing amounts of GRI went to tracts that were highly gentrifying in the first period but in which gentrification had slowed to moderate levels by the second period.

5.2.5. Does earlier gentrification correlate with overall GRI or does earlier GRI correlate with overall gentrification?

Lastly, GRI in the first period strongly correlates with gentrification in the overall time period (see Table 3f) - increasing amounts of GRI see increasing degrees of gentrification. The reverse, however, is also true (see Table 3g) wherein increasing degrees of gentrification in the first period correlate with more GRI in the overall period. These findings may reflect the strong correlation between the two key variables, regardless of directionality, when both are considered over the whole study period. Green resilience gentrification may not occur subsequently to GRI siting – as we have defined Sites of Commission – but in conjunction with it, possibly generating a snowball effect, in which economically valued areas and more privileged residents are better protected at the expense of – and leading to the greater insecurity of – already more vulnerable residents.

5.2.6. Changes in minority populations/income and GRI siting from 2000 to 2016

Finally, we examined tracts that increased in concentration of socially vulnerable populations over time and had little to no GRI – the corollary to trends above where areas receiving GRI gentrified. These are also Sites of Commission because we may observe an increased concentration of more socially vulnerable groups in less protected areas and/or a worsening of conditions. We did not measure for absolute change in populations; rather we tested for our hypothesized association of a negative correlation between percent minority/low-income residents and percent White/higher-income populations.

Fig. 8 (left) shows the change in Black population from 2000 to 2016. The darkest red areas, totaling 24 tracts, represent an increase of 20–48 percentage points in Black residents. The blue areas represent a decrease in Black population during the time period, with most between 0 and 20%. We can observe an increase in percentage of Black residents where relatively few GRI have been installed and a decrease in the percentage of Black residents where high numbers of GRI cluster. These results were strongly significant for a negative association between GRI and Black population ( $p < .01$ ). Similar results were found for Hispanic residents

**Table 3**  
Gentrification Composite Scores and GRI concentrations (Counts and Percent Area).

	Composite gentrification score	Tract typologies	Average GRI count by tract typology	Average % GRI by tract typology
3a Does 2000-2016 GRI correlate with Gentrification in the same period?	0	<sup>a</sup> Non-gentrifying	2.36	0.080%
	1-2	Low gentrifying	4.87	0.120%
	3-4	Moderately gentrifying	5.88	0.208%
	5-6	Highly gentrifying	<b>9.8</b>	<b>0.400%</b>
		<i>r value:</i>	<i>0.9706**</i>	<i>0.9776**</i>
3b Does 2000-2010 GRI correlate with Gentrification in the same period?	0	<sup>a</sup> Non-gentrifying	0.35	0.013%
	1-2	Low gentrifying	0.78	0.030%
	3-4	Moderately gentrifying	1.13	0.040%
	5-6	Highly gentrifying	<b>1.3</b>	<b>0.060%</b>
		<i>r value:</i>	<i>0.9508**</i>	<i>0.9824**</i>
3c Does 2011-2016 GRI correlate with Gentrification in the same period?	0	<sup>a</sup> Non-gentrifying	2.36	0.069%
	1-2	Low gentrifying	2.11	0.110%
	3-4	Moderately gentrifying	<b>5.72</b>	<b>0.192%</b>
	5-6	Highly gentrifying	4.67	0.184%
		<i>r value:</i>	<i>0.7825</i>	<i>0.9027*</i>
3d Does 2000-2010 GRI correlate with 2011-2016 Gentrification?	0	<sup>a</sup> Non-gentrifying	0.4	0.013%
	1-2	Low gentrifying	0.44	0.010%
	3-4	Moderately gentrifying	<b>1.54</b>	<b>0.069%</b>
	5-6	Highly gentrifying	0.72	0.046%
		<i>r value:</i>	<i>0.4766</i>	<i>0.7243</i>
3e Does 2000-2010 Gentrification correlate with 2011-2016 GRI?	0	<sup>a</sup> Non-gentrifying	2.04	0.064%
	1-2	Low gentrifying	4.23	0.108%
	3-4	Moderately gentrifying	4.66	0.135%
	5-6	Highly gentrifying	<b>6.24</b>	<b>0.256%</b>
		<i>r value:</i>	<i>0.9353*</i>	<i>0.9620**</i>
3f Does 2000-2010 GRI correlate with 2000-2016 Gentrification?	0	<sup>a</sup> Non-gentrifying	0.34	0.013%
	1-2	Low gentrifying	0.7	0.019%
	3-4	Moderately gentrifying	1.02	0.053%
	5-6	Highly gentrifying	<b>2.34</b>	<b>0.076%</b>
		<i>r value:</i>	<i>0.9590**</i>	<i>0.9920***</i>
3g Does 2000-2010 Gentrification correlate with 2000-2016 GRI?	0	<sup>a</sup> Non-gentrifying	2.38	0.077%
	1-2	Low gentrifying	5.01	0.132%
	3-4	Moderately gentrifying	5.79	0.178%
	5-6	Highly gentrifying	<b>7.55</b>	<b>0.316%</b>
		<i>r value:</i>	<i>0.9433*</i>	<i>0.9769**</i>

<sup>a</sup> Non-gentrifying tracts included both non-gentrifiable tracts whose median incomes were above the citywide median, and gentrifiable tracts that did not gentrify. There were 183 non-gentrifiable tracts in 2000 and 181 in 2010.

\*\*\* Indicates significant at  $p < 0.01$ .

\*\* Indicates significant at  $p < 0.05$ .

\* Indicates significant at  $p < 0.10$ .

dynamics among social and racial groups and the potentially contested space onto which new green technologies enter (Connolly, 2018; Finewood et al., 2019), technocratic approaches ensure that more powerful actors will benefit most from “urban ecological security” (Hodson and Marvin, 2009).

## 6.2. Climate protection: a new pathway toward green resilience gentrification?

In our study, we found a significant positive correlation between GRI clustering and highly gentrifying neighborhoods in Philadelphia from 2000 to 2016. The discrepancy between GRI clustering in highly gentrifying tracts versus non-gentrifying tracts was 3 to 1 on average for the number of interventions and 4 times the amount of “greened acres”, Philadelphia's metric for green resilience infrastructure. We also found that the fastest gentrifying neighborhoods in the 2000s received the highest quantities and concentrations of GRI in the most recent years.

Our interpretation builds on nascent critical climate adaptation (Anguelovski et al., 2016), green gentrification (Anguelovski et al., 2018b; Checker, 2011; Curran and Hamilton, 2012; Gould and Lewis, 2017), and climate gentrification (Keenan et al., 2018) scholarship. By leaving open the direction of association between GRI and gentrification, our results suggest an important nuance – that gentrification correlates strongly with GRI and may also facilitate or accelerate climate protective infrastructure. It is a two-way relationship characterized

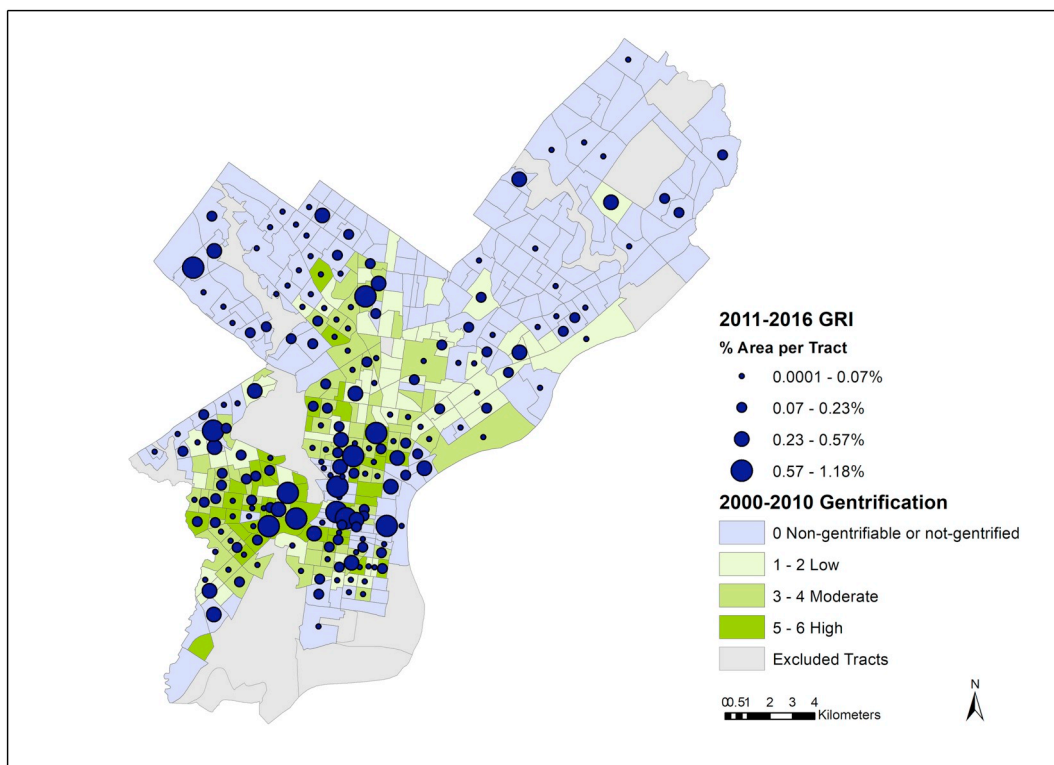


Fig. 7. Green Resilience Gentrification in Philadelphia: Sites of Commission, Gentrification 2000–2010 and GRI 2011–2016.

by the embeddedness of social and ecological processes rather than a linear causation pathway. The Philadelphia case therefore indicates a new bidirectional pathway not yet described in the climate gentrification literature, one in which public-private investment in climate protection in gentrifying neighborhoods results in new ecological enclaves for privileged White/high-income residents. Those residents then reinforce those enclaves by drawing further investment after gentrification, thus producing a new geography of risk in the city.

Moreover, by including a racial component, our approach produced a key finding. In Philadelphia, racial composition tends to be the strongest predictor of which areas receive GRI, suggesting that race plays a key role in siting, even more so than socioeconomic and real estate variables (Mohai and Saha, 2015). Such results advise extending the analysis of gentrification conceptualized solely as increased property values or as changes in the proportion of highly educated residents, to investigating which social and racial groups of residents benefit from green climate resilience strategies over the short and mid-term and whose long-term security and livelihood is undermined. Older discriminations, lurking in past zoning decisions, infrastructural investments, and housing affordances, may continue to haunt present-day decisions (Mohai et al., 2009).

Thus, our study contributes to better understanding climate gentrification as a process of climate *protection* gentrification and climate injustice. Fig. 9 presents a framework for understanding its pathways and implications by extending the theoretical development of sites of omission and commission that emerged from the analysis. Although we have not measured displacement – further research is needed – these results nonetheless point to trends that Black and Hispanic residents in Philadelphia seem to be shifting into less protected areas (future sites of commission should they gentrify with the siting of new GRI), and corroborate other findings that Philadelphia is re-segregating as minority middle-income neighborhoods grow more fragile with higher rates of eviction and foreclosure and declining incomes and employment (Reinvestment Fund, 2017). This re-segregation is thus marked by a new form of social-ecological polarization that arises from, on the one hand, an unequal distribution of environmental protections and possibly, on the other hand, a lack of social protections to prevent displacement. Even if physical displacement is always difficult to demonstrate in gentrification studies (Easton et al., 2019), the arrival of wealthier and whiter residents and the frequent next step (or accompanying step) of cultural and political gentrification (Hyra, 2015, 2017; Prince, 2014) signifies potential losses of social cohesion and political power, which are also key in urban adaptation and in harnessing adaptation projects and/or resources (Graham et al., 2016; Zografos et al., 2016). Therefore, coupled with patterns of gentrification, resilience efforts can lead to new landscapes of environmental insecurity and injustice by class and race characterized by increased livelihood insecurities, new climate protected enclaves for the privileged, privatized resilience, maladaptation and climate protection segregation.

### 6.3. Policy implications: new pathways and methodologies for a more just green climate protection

Using a spatial quantitative analysis, we attempted to uncover mechanisms by which environmental inequalities of climate

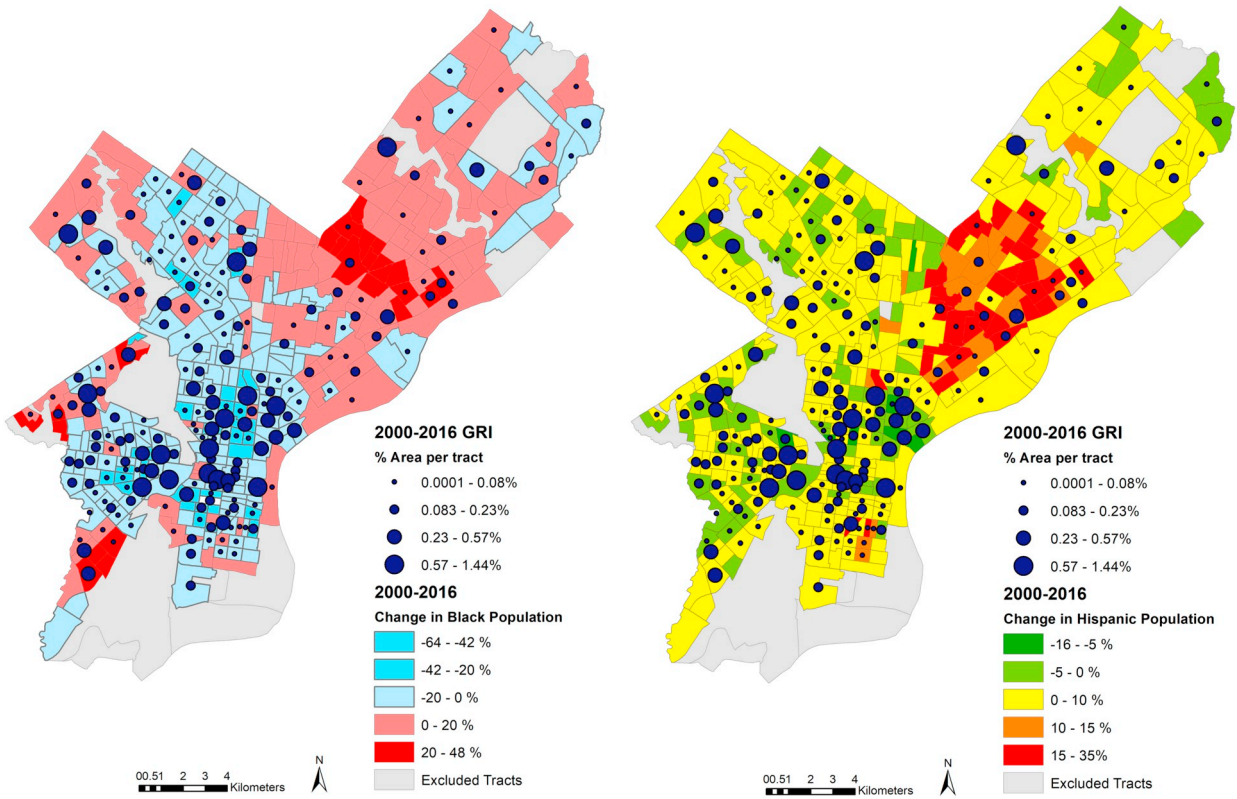


Fig. 8. GRI and Change in minority residents, Black (left) and Hispanic (right), 2000–2016 - Sites of Commission.

protection occur and perpetuate. Environmental inequalities today cannot be reversed by simply replacing “hazards” with “green amenities”, while leaving entrenched social, racial, and economic hierarchies untouched. We suggest here a process that re-couples an understanding of historic drivers of uneven geographies to the social-ecological model and to resiliency planning and explicitly ties a longitudinal approach to social-ecological vulnerability by integrating questions of gentrification and environmental and climate justice.

Based on our study, this requires 1) to evaluate social and ecological vulnerability across urban landscapes to ensure that green infrastructure not only builds resilience equitably, but is justice enhancing by prioritizing neighborhoods with higher socio-ecological vulnerability; 2) to analyze neighborhoods for vulnerability to gentrification/displacement and identify intersectional drivers of climate injustice; 3) to proactively put in place anti-gentrification and anti-displacement measures before projects are underway; and 4) to prioritize community-driven climate resilience approaches so that they can be responsive in real time to social-ecological processes and ensure that benefits belong to vulnerable residents.

To do so, GRI programs must carefully consider race, socioeconomic and real estate factors - among others - in addition to environmental and climate ones (Ranganathan and Bratman, 2019), and to go beyond technocratic, colorblind approaches to building resilience as they may subordinate alternative aspirations, politics and forms of knowledge (Finewood et al., 2019; Hardy et al., 2017). They should work closely with local organizations to prioritize GRI's wider adoption by lower-income residents, including fully subsidizing community driven efforts. They should also advocate alongside these organizations for protections ensuring that residents in long disinvested areas can stay in place if they choose. GRI programs can assist by endorsing tax breaks or incentives to low-income homeowners designed to keep housing costs and repairs (including green upgrades) down (Immergluck and Balan, 2018) and support a series of citywide community land trusts around GRI cluster areas or large-scale climate protection projects (i.e. waterfront resiliency redevelopments) which can secure long-term affordability and stability for lower-income residents

Table 4

Pearson correlation coefficients for selected gentrification variables by GRI siting period among census tracts in Philadelphia ( $n = 371$ ).

GRI siting period	Gentrification period	High-income residents	White (non-Hispanic)	Black (non-Hispanic)	Hispanic
2000–2016	2000–2016	0.173***	0.153***	−0.142**	−0.170***
2000–2010	2010–2016	0.036	−0.011	−0.016	−0.163***
2011–2016	2000–2010	0.170***	0.09	−0.162***	−0.136***

\*\*\* Indicates significant at  $p < 0.01$ .

### Pathways of Climate Gentrification in Green Resilient Infrastructure Siting

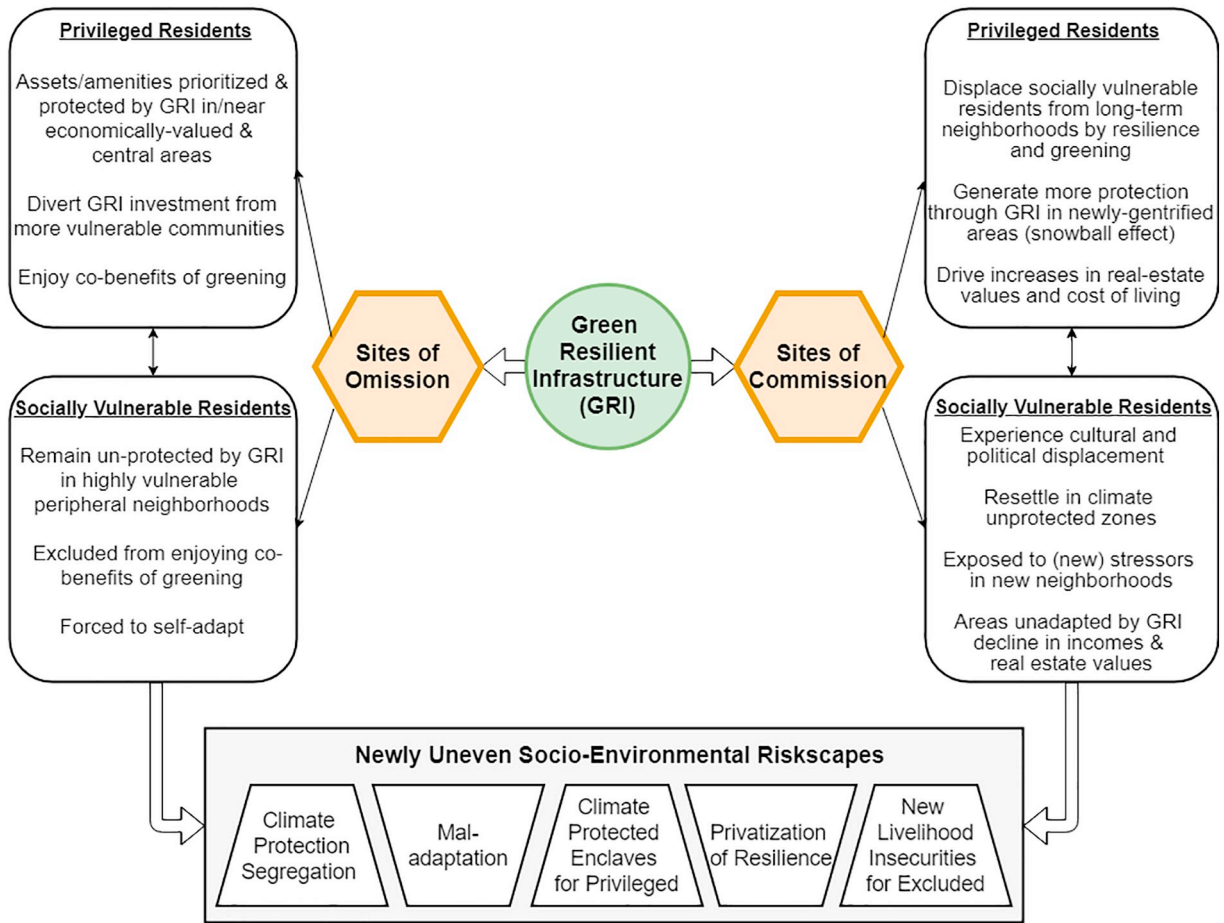


Fig. 9. Pathways of climate protection gentrification in green resilient infrastructure siting.

(Anguelovski, 2014; Thompson, 2015). They can further call for other complementary housing affordability, tenants' rights and land rights policies, which also help preserve social networks and important local cultural institutions and symbolic places (Wolch et al., 2014). This also means advocating against the hazardous features of so-called community development programs that largely benefit wealthier homeowners and developers (i.e. federal opportunity zones and long-term city tax abatements on all new construction and major renovations). These policies increase vulnerability to gentrification and displacement, reduce city resources and therefore hinder their ability to ensure climate protection for socio-ecologically vulnerable areas.

Lastly, there is real opportunity for GRI programs and partners to participate in more transformative urban climate justice and reparations efforts. For example, by allying with and promoting low-income and minority community-driven efforts, cities can boost local workforce development and minority owned businesses as part of a broader Green New Deal, labor reform or other green climate economy initiatives. Beyond infrastructure itself, any work that strengthens local organizational networks, social ties and place attachments is more likely to benefit long-lasting climate resiliency and justice (Graham et al., 2016).

### 7. Concluding reflections and future research directions

In sum, we found that shifting patterns of vulnerability in correlation with gentrification created new urban riskscapes in which low-income and minority residents were shifted into conditions of heightened socio-ecological insecurity. Based on findings in Philadelphia, green resilient infrastructure is enmeshed in these processes, creating new urban conditions for the privileged and enlarged social risk (insecurity) for vulnerable populations – a key missing consideration of land use planning and decision-making.

Therefore, future research is needed to understand the social and political barriers to adopting green resilient interventions in high vulnerability neighborhoods, including residents' perceptions of and resistance to resilience projects (Kaika, 2017) and their association of green resilience projects with locally unwanted land uses (green LULUs) and indicators of wealth, whiteness and status. People have indeed different perceptions of social-ecological risk and security shaped by confrontations within unequal power

**From:** [Katherine Walsh](#)  
**To:** [Land Use Testimony](#)  
**Subject:** Testimony for Industry City hearing on 9/15/2020  
**Date:** Friday, September 18, 2020 12:00:11 AM  
**Attachments:** [Public Testimony Industry City.docx](#)

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This is written testimony for Industry City hearing on 9/15/2020, which began at 10:00 am.

I am submitting this letter on behalf of myself **Katherine Walsh**

**September 10, 2020**

Dear Speaker Johnson,

As elected representatives within the Brooklyn Democratic Party, we write to ask you to respect the work and voices of Council Member Carlos Menchaca, of Brooklyn Community Board 7, and most of all, of the thousands of Sunset Park community members; We ask you to vote No on Industry City's current rezoning proposal.

As residents of New York City, we are painfully aware of the economic difficulties we find ourselves in due to the Covid-19 pandemic. That pain is our pain. But this is not a reason to move forward with a plan which clearly failed to win the support of the Sunset Park residents and officials who studied it most closely.

Not everyone listed above came to the same conclusions about IC. But all of their voices were ignored by the City Planning Commission this August. We ask the elected members of the New York City Council to not take the same anti-democratic action. We ask you to vote this proposal down.

Community Board 7 spent years analyzing IC's proposal, first presented in 2017. Residents organized town halls, speak-outs, and working groups in the spirit of vibrant discussion and debate. The end result was the production of dozens of specific, thoughtful recommended changes to IC's proposal, of which many were officially approved by CB7.

More than four thousand Sunset Park residents signed a local petition categorically rejecting the rezoning, believing it is clearly not in their benefit.

And then, in July, Council Member Carlos Menchaca officially announced his opposition to the proposal, declaring that an attempted negotiation between IC, self-selected community representatives, and the De Blasio Administration had proven insufficient to address local concerns.

All of these recommendations, opinions, and findings - the product of years of work and thousands of hours of time - were effectively ignored by the City Planning Commission, with nearly all commissioners approving IC's offering without modifications. "[The] vote by the CPC on Industry City was a betrayal of our community because it is obvious that our efforts and concerns were ignored," CB7 recently wrote to

your office, expressing the frustration felt by many in Sunset Park.

As you know, for years, members of the Council have deferred to one another on land use matters, believing that local members are most responsive to the needs of their constituents and best able to judge the merits of projects within their districts. Member deference creates accountability at the ballot box, where it belongs. If the City Council chooses to cast aside this common-sense precedent of member deference on a matter as large as this, it will officially eliminate a critical democratic check and sever the votes of constituents from the decision-making processes that affect their lives.

If the Council wishes to eliminate member deference, that should be discussed as part of a larger conversation reimagining the Uniform Land Use Review Procedure (ULURP) process itself, which is problematic in nature and weighted against the voices of local people - making the aforementioned efforts all the more worthy of respect.

But to ignore the voices of Community Board 7 and member deference at the same time, along with the voices of so many Sunset Park residents who did everything they could to make their opinions known, is the kind of anti-democratic action that we, as Brooklyn Democratic Party officials, cannot support.

We thank you for your thoughtful consideration of this critical matter.

Sincerely,

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