

Community Board 7

Last Mile Trucking Committee

June 1, 2022

CB7 Committee Members In Attendance: Katie Walsh, Nick Azadian, Cynthia Gonzalez, Sam Sierra

Absent: Gladys Bruno, Cynthia Felix, John Fontillas

Watch: <https://www.youtube.com/watch?v=HZuJhE7iv4>

Chair Cesar Zuniga also joined and several CB7 members attended

HERE IS THE TEXT FOR THE SPECIAL AMENDMENT (See Appendix as well)

<https://bit.ly/specialtext1>

Background for Special Text Amendment <https://bit.ly/specialtext2>

Katie Walsh,

- Lot of panelists from the Community Board 7 and others
- We have been meeting over a year, we kicked off last May, but have been talking about this issue for such a long time.
- The epidemic of folks being killed on our streets, asthma, traffic violence to join
- Community Board 7 hosted our first meeting in May, Community Board 6 members joined. We heard from the community
- July 2021, Dept City Planning, Dept of Transportation, joined the meeting and outlining the issues and problems, what could the agencies do to move forward?
- We heard that these are “as of right” there wasn’t regulation to change behavior, just incentives. Way zoning, codes, regulations allows for these types of facilities. We heard from City Planning what special text amendment on what a roadmap a look like, what would need to change, what would need to happen
- We had elected representation in July meeting from State Assembly Office – what state level of regulation, to identify what the issues could be. Invitation in their office to have research and policy.
- When October 2021 meeting happened – the Indirect Source Rule was introduced, given where that stands, the indirect source rule – would create the framework that could regulate these facilities in a different way.
- We also heard from organizations from what became the Last Mile Coalition. These organizations started to talk about different tools and mechanisms.
- This committee outlined challenges and concerns, we brought this to the full Community Board 7 to ask agencies and elected to take action. Letter went out to the offices in early 2022.
- There have been a steady stream of follow-up: from Congress, Assemblymembers, State Senate, Attorney General’s office. There is a growing recognition. This is not a CB7 alone issue. we are the looking at all the tools in the toolbox.

- Brings me to me to today, a few weeks ago, Special Text amendment, what would need to change in terms of zoning? In our committee, support the special text, once we had some legal review. Community board 7 had our full meeting on May 18<sup>th</sup>.
- Same day, we received letter from special text amendment, in response, the community board 7 we didn't take a vote, on special text in our June meeting.
- We are gathering because we told the full board that we said we would host this meeting to listen and then report back
- When you speak please do identify if you live in the neighborhood

Cesar Zuniga, Chair

- We are committed to finding solutions to what is a huge problem in our district. Sometimes solutions aren't perfect. Sometimes time to acknowledge, that good enough is good enough
- We said we are committed to solutions. We said we'd work with stakeholders to move the needle. As a community board, we acknowledge we represent a cross section of stakeholders. Our work is to give everyone a voice, make our decisions in the best interest for most of us is home. But we are committed to acting after we have listened.

Jenny Zhang, Chief of Staff Assembly Member

- Indirect Source Rule, it's in Environment committee, 3 are in the committee, and 6 – cosponsors. We are power mapping, which facilities exist in their district, where they have been in the past on this kind of regulation.
- We didn't expect this to pass this session. Our plan was to hit ground running and do prep work now and next year is to get cosponsor and get it passed next year.
- Remainder of this meeting on the city zoning text. Both these pieces of legislation were worked on with Last Mile Coalition. These two pieces of legislation work hand in hand. Only city can do zoning, while Indirect source rule to regulate, the zoning text amendment is the most important piece. That is why we support this.
- Organizing around the indirect source rule, developing a campaign plan that works in conjunction with the city zoning text amendment.
- Stress two pieces of regulation that work hand in hand. We don't intend to target any small businesses in this effort.
- **Assembly member Mitaynes is signed onto text amendment**

Christina Bottega, Legislative Director, Councilmember Alexa Aviles

- We are not able to introduce legislation in June the "licensure"
- July and August are break – use the summer is for boots on the ground, power mapping, turn to advocates. Hope you hear from us in next two weeks.
- Councilmember Aviles supports the text amendment – we have to employ every method we have

**Kevin Garcia, Transportation Planner, New York Environmental Justice Network (and part of Last Mile Coalition)**

**Summer Sandoval**

- Announced Last Mile Coalition, in Nov meeting for CB7 Special Committee shared planned for a zoning text amendment
- We have been gathering feedback from the community on livability, small business, from various stakeholders that CB7 created last year
- The zoning text amendment – we’re not creating from scratch built off similar strategies from different states and cities. this is not a New York City alone – unregulated rise of last mile fulfillment centers. We’re building momentum for things that have been tried and tested.
- Shared values – protect industrial spaces, industrial businesses and local, family sustaining, local jobs.
- Unregulated market of fulfillment centers – a real threat to the community on all these issues we have all elevated
- Ask of CB7 – you all played important role to work collectively on this issue. Join as a co-applicant, which span from local electeds that include Sunset Park, Red Hook, South Bronx
- We met with DCP, they are happy to keep going through the application

**Hilary, Lawyer at EarthJustice**

- Overview because we have discussed it before – a proposal to require a special permit for any last mile warehouse in the city
- Defined as at least 50,000 sq floor space for warehouse activities and it has as
- primary purpose temporary storage and redistribution retail goods receiving good one mode of transit and redistribution
- this definition is based on other zoning ordinances and also based on definition in the indirect source rule with New York State
- the goal of the proposed amendment is to require some planning and some review.
- Right now, no public notice, no environmental review
- The requirement would require land use procedural – community boards participation and environmental review
- A few proposed requirements – deal with clustering – tend to be cited close to each other; required to be setback from each other and schools/parks “special receptors”
- A requirement – dept of health If facility could increase local truck traffic undue increase in congestion, this would allow Dept city planning to make a decision
- A few other tools that the proposal would give – truck traffic – require other modes of transit.

Kevin

- Zoning text amendment would require review to allow the city to take into consideration safety issues, deal with traffic, City is aiming to deal with climate change and environmental justice issues, and other vehicle pollution and environmental facilities
- One concern raised by SBDIC – is the fear for the “surge” of the facilities if regulation comes in., we can’t do anything to stop them now. So, there’s nothing to stop it now. This isn’t a reason to stop the effort, these are being built
- One concern around jobs – warehouse operators will have to report number of jobs in the special permit process, this can allow for the public to call for better paying jobs.
- Concern about “other uses” for the last mile.

Hilary

- We crafted the legislation for the language for “last mile” specifically refers to e-commerce goods where temporarily stored; it does not include warehouses serving industrial businesses

Kevin

- This doesn’t kill the industry; it seeks to regulate them.
- What we are trying to do is make the warehouse operators better neighbors
- DOT has said they can’t do anything
- If CB7 joins as a co-applicant, you are given a seat at the table for meeting with DCP and organizing on the next steps for the application

Chris Walters, Industrial Jobs Coalition

- Fight and protect industrial jobs sector, we have experience on needs
- We want to be part of the conversation – we have met with Assembly Member Mitaynes on the Indirect Source Rule
- We only recently learned about the special text amendment so want to share our concerns.
- We hope that community board will slow down your process so that all stakeholders in the city can be consulted

Jesse Solomon

- SBDIC, ANDH, BACH Network which also represents Maspeth (lots of last mile facilities)
- Leah Evergreen from North Brooklyn Industrial Center
- Brenda Greenpoint Design Center who builds manufacturing space – affordable manufacturing
- You all saw my letter – the day before the CB7 meeting we had met with Summer/Kevin
- We did not expect the community board before the vote – we just want to be involved in the conversation. Since we helped with hotel and self-storage special permits – it built a lot of cohesion in our group. It involved us talking to every community board to get it involved since they have such an important role.
- High level concerns – once a special permit, it will cause speculation we have seen this before.
- Signal from Amazon saying they are saturated, and developers building more

- Jobs – we have seen high wages in this sector

#### Leah Archibald

- Williamsburg, Bushwick – we have a different building stock, smaller buildings, we aren't Red Hook or Maspeth
- Turning into our problem – there's no industrial neighborhood that is immune from last mile. We all have dog in the fight
- Concerns about the zoning text amendment – this isn't like a rezoning; it's a zoning text amendment is for the whole city. You are hoping to be applicant, it's not just for CB7, every industrial neighborhood. It's so important to make sure that you have gathered as much input as possible. For your own goals, because there are a few things in here, concerned with the way it's written even though intent is not scoop up non – last mile facilities. We don't want to hurt food distribution.
- Make sure it's 'airtight' when I look at state legislation it's air tight – because you're only regulating the activity not the land
- Land use is a lot harder for Dept City Planning
- Other concern is one must do to get special permit – pretty hard to comply with. Marine highway limits dependent with that
- Make sure not negative unintended consequences

#### Jesse Solomon

- **Once this goes to DCP, it will multiyear long thing about defining last mile facilities before it even moves ahead**
- Sahadis, Uncommon Goods – we don't want them to be impacted.
  - Note this was later clarified by Last Mile Coalition, these businesses not impacted by this special text amendment
- In Red Hook – condemned warehouses – writing a letter for the State to invest in the piers, we think to address this need state to invest in the piers. Too much truck traffic.

#### Charles Yu, Long Island City

- Proposal unintended consequences – would it create more pollution? The demand for deliveries won't go away, the truck traffic will have to travel longer distances from other parts of New York
- If we want to support more environmentally friendly options, then we need last mile facilities. To get the goods on the bikes

#### Michaela, SBDIC

- When getting feedback for Indirect Source Rule, one thing we learned from workforce, we have done a fully fleshed analysis having them move to other places could be a missed opportunity.

- Last mile logistics companies – unionization efforts – down the line there could be more regulation, where last mile logistics could be better regulated to provide jobs. Would we lose out?

#### Ryan, Business Outreach Center Network

- Clustering being restricted – if we switch to electric vehicles, we’d need this infrastructure close to each other. Do we want clustering?

#### Chris

- Moving something forward where there’s no consensus to not all stakeholders – so hard to move a zoning text amendment. If DCP wants to see something move forward like hotels and storage, they
- They have endless ability to slow down – they can ask for rewrites of Environmental Impact Statements, ultimately City Planning Commission reserve right to no vote
- We are supportive of this strategy – make sure everyone is aware of real fight that takes, that it can take out of other possible approaches

#### Quincy, work out of Masbeth

- Logistics facilities increase dramatically. We have been trying to grapple with this for more than 5 years.
- Seeing that there is energy to regulate the logistics facilities – for us is something we would support. we want to make sure it’s done right and thoughtfully, so it has a chance to be successful
- The pushback on self-storage was massive. With the logistics facilities, there is going to be a big fight, if it goes forward, it has a good chance to be successful

#### Jesse Solomon

- In summary our concerns we said are
  - 1. We’re concerned this will lead to more speculation. We are interested in “non-discretionary actions” to influence design of the facilities. We want more maritime
  - Thinking through the jobs this sector provides and future of jobs. And not sure what’s to come, maybe logistics are good paying jobs? We just don’t know yet
  - “unintended consequences” that we don’t know yet what they are
- Lawsuits that might come up – which impacts industrial sector.
- Dept City Planning not often an ally. Chipping away at industrial space. inviting them to regulate an industrial space.

#### Quincy

- Special permit for a self storage unit – in masbeth, Community Board voted No on a Home Depot
- The council member could vote against how the community board voted.

### **Sam Sierra, Community Board 7**

- Concerned that we haven't heard enough about deaths on 3<sup>rd</sup> avenue – noone is mentioning is talking about pedestrian safety, then we can frame this around safety, we're missing this emphasis enough

### **Nick Azadian**

- Do you have more specific language?

### **Leah**

- Not an attorney so can't say what to say. Right now with the definition of last mile facility – drew inspiration from other cities
- Should look at underlying set of uses. Don't want anyone to get scooped up

### **Nick**

- Types of jobs ?

### **Jesse**

- Overall manufacturing is pretty small part of NYC jobs
- Food production – meat market major facility by BAT
- Component manufacturing – not retail production
- Warehousing for retail, or medical, construction supplies, camco (construction supplies)

### **Leah/Jesse**

Special woodworking, metal working, and food production

Garment overall – but now it's increasing in South Brooklyn

### **Nick**

- If there is not growth – there's a reason last mile is because the growth of the industry, lack of other industries from other employers than they once were
- 50,000 people citywide, you don't have the economic driver whatever industry is coming. If we can't encourage we want, you are left with whatever is there

### **Jesse Solomon**

- Facilities we are concerned about last mile – having taken properties that were vacant for years
- Growth in Amazon driving force
- SBDIC have been so hard to figure out how to incentivize industrial uses in vertical properties (Sunset Industrial Yards, it's very expensive, most businesses DO NOT want sizes this large, these sites this large massive vacant lots, can't activate – the city is not willing to limit other types on non industrial uses. We have special permit – we want restrictions on big box retail or office space, city has been very intentional that they could activate spaces

### Nick Azadian

- We need this restriction in this form, but we also need to incentivize other uses. And hopefully less hazardous

### Cindy

- Don't want to see small businesses have to leave. Who are the businesses that will be impacted?

### Jesse

- Could impact future companies? We're not sure how and who it would impact

### Summer

- The State has committed to offshore wind, we have alternatives for these sites that are not these last mile trucking facilities. So much opportunity for direct and indirect clean energy.
- Companies in the clean energy economy are saying it's hard to find good industrial space; labor protected jobs

### Hilary

- **Reiterate only apply to new facilities, to warehouses that has primary storage primary redistribution, not the retail or selling of goods**
- **Proposal is including a requirement no undue pedestrian safety risk, study those risks**

### Cesar

- Complicated issue moving parts – what's clear to clear is that we are all concerned, with similar things, from CB7, we started over a year ago, primarily around impacts truck traffic has on pedestrians, environmental justice, new traffic can mean for environment that is overburdened, we have been on record for decades, for working industrial waterfront, no question sso supportive – industry city rezoning, huge significance, to industrial waterfront, hearing that echoed.
- Our solution is on what's on the table – is the text amendment. Concerns are clear. I am really want to hear solutions..... whether it's specific language you want to see in the amendment or any others.
- We've been talking about for over a year, the whole process, this is the time, to consider alternatives to language, if that's possible, we need to find a way to engage in this conversation, we're at the point where we need to be mindful of not wanting perfect to be enemy of the good, want to hear real solutions and concerns to this

### Jesse

- Did not ask you to delay vote
- This is not the only time to discuss process with SBIDC, We want to be part of working with you, in helping to develop language
- For IJC, we don't know even if we support this special permit. We are not sure if unified stance. If we DO have a unified stance, then come talk to us. This is going to take us awhile to figure out if we support a special text



- As Chris said at start of the meeting – this is city wide text
- I don't share your confidence that noone else will be impacted.
- Recognize this process will take awhile

Leah

- We might be useful allies for you since it will need to go to every community board.
- Everyone with industrial business zones and then ask us what we think. If there is language we're aligned on

Jesse

- Broadly on solutions – we want to talk non discretionary actions to push waterfront facilities to move logistics on the water
- Ultimately – whether you regulate with special permit

Cynthia G.

- Is asking for legal counsel to make sure we know what to do?
- What do we need to do without legal help, so it looks like something other people will support?
- We can support special text, but it would also be wise, what other pushbacks might be who are going to hold us back

**Katie Walsh**

- George Janes gave some recommendations
- We will ask borough president office to do legal review
- When we vote – the process it will kick off, is very iterative, how use is defined that is part of the process itself
- The vote for this "listed as agenda, would be June 15<sup>th</sup>" before May 18<sup>th</sup> – we'd take this meeting, hear from everyone and then come back on June 15<sup>th</sup>
- It will include what's there now
- The problem we're trying to solve for looking at these facilities, outcomes to have better safety, solving a particular problem. Please read context document.

Public Comment followed

**Appendix**

Good afternoon Katy, Jeremy, Nick, Cesar, Christina and Alexa –

The members of the Industrial Jobs Coalition met today to debrief our meeting with the CB7 Last Mile Committee last week. The concerns we shared about this special permit still stand, and we need more time to come to consensus on whether a special permit zoning text amendment with improved language is a policy strategy that we would support as a group. As you know, once this application is submitted, DCP, CPC, and every community board will have the chance to weigh in on language amendments to the text. **Should DCP move this proposal forward, we will advise on language amendments during that time.**

We would appreciate staying actively engaged with the Community Board, the Council Member's office, and the Last Mile Coalition if you all move forward as applicants on this zoning text amendment. We are reaching out to the Last Mile Coalition to set up a follow up meeting to discuss our policy platform and other ways to improve the City's freight and logistics operations (including truck route alterations, investing in maritime freight networks, and alternative energy strategies for these buildings and trucks).

Please don't hesitate to reach out if you have any questions.

Best,

Jesse Solomon  
Executive Director  
**Southwest Brooklyn Industrial Development Corporation**  
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Cell: 908-723-1981  
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**Last-Mile Warehouse Special Permit Requirements  
TEXT AMENDMENT**

May 3, 2022

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**Article I  
GENERAL PROVISIONS**

**CHAPTER 2  
Construction of Language and Definitions**

**12-10  
DEFINITIONS**

\* \* \*

**Last-mile warehouse**

A “last-mile warehouse” is a warehouse that 1) contains at least 50,000 square feet of total floor space that is used for warehouse activities; and 2) has as its primary purpose the temporary storage and redistribution of e-commerce retail goods by receiving shipments from one mode of transport and redistributing goods via a vehicle with a rated capacity of less than 10,000 pounds.

\* \* \*

**Article III  
COMMERCIAL DISTRICT REGULATIONS**

**CHAPTER 2  
Use Regulations**

**32-10  
USES PERMITTED AS-OF-RIGHT  
Last-Mile Warehouse Special Permit  
Requirements May 3, 2022**

\* \* \*

**32-25  
Use Group 16**

\* \* \*

Warehouses\* [PRC-G], except for last-mile warehouses

\* \* \*

**32-30  
USES PERMITTED BY SPECIAL PERMIT**

\* \* \*

**32-32**

**By the City Planning Commission**

\* \* \*

C8

Amusement parks, children's, with sites of not less than 75,000 square feet nor more than 10 acres per establishment [PRC-E]

Last-mile warehouses

\* \* \*

**Article IV**

**MANUFACTURING DISTRICT REGULATIONS**

**CHAPTER 2**

**Use Regulations**

**42-10**

**USES PERMITTED AS-OF-RIGHT**

\* \* \*

**42-12**

**Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16**

\* \* \*

2

**Last-Mile Warehouse Special Permit Requirements May 3, 2022**

Use Groups 6A except that food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 10,000 square feet of *floor area* per establishment, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, and 14 and 16 as set forth in Sections 32-15 to 32-23, inclusive, and Section 32-25, except that warehouses shall not be last mile warehouses as defined in Section 12-10. However, in Community District 1, in the Borough of the Bronx, in M1-4 Districts, food stores, including supermarkets, grocery stores or delicatessen stores, shall be limited to 30,000 square feet of *floor area* per establishment. In addition, the regulations of this Section are modified, where applicable, by the regulations of Section 63-11 (Special Use Regulations for FRESH Food Stores in M1 Districts).

\* \* \*

**42-30  
USES PERMITTED BY SPECIAL PERMIT**

\* \* \*

**42-32  
By the City Planning Commission**

\* \* \*

M1 M2 M3

Last-mile warehouses

\* \* \*

**Article VII  
ADMINISTRATION**

**CHAPTER 4  
Special Permits by the City Planning Commission**

**74-40  
USE PERMITS**

\* \* \*

**74-49a  
Last-Mile Warehouses**

In C8, M1, M2, and M3 Districts the City Planning Commission may permit last-mile warehouses. For a special permit to be granted, applications shall comply with the conditions in paragraph (a), the findings of paragraph (b), and the additional requirements set forth in paragraph (c).

(a) Conditions

3

**Last-Mile Warehouse Special Permit  
Requirements May 3, 2022**

The following conditions must be met before the Commission may grant a special permit under this section:

- (1) any last-mile warehouse shall be a minimum of 1,000 feet from any school, park, nursing home, or public housing building;

- (2) any last-mile warehouse shall be a minimum of 1,000 feet from any other last-mile warehouse;
- (3) for any last-mile warehouse located in a Significant Maritime Industrial Area, 80% of deliveries to and from such last-mile warehouse shall be conducted by marine transport unless meeting this requirement is shown to be infeasible;

(b) Findings

As a condition for granting a special permit pursuant to this Section, the Commission shall first make the following findings:

- (1) the proposed last-mile warehouse will not result in undue vehicular congestion, pedestrian safety risks, or adverse impacts to road conditions;
- (2) the proposed last-mile warehouse will not increase air pollution in any Disadvantaged Community, as defined under the New York Climate Leadership and Community Protection Act, E.C.L. § 75-0101(5); or in any M1, M2, M3, or C8 District or adjacent residential area;
- (3) if the proposed last-mile warehouse will be located in a flood plain, it will comply with any applicable waterfront district zoning requirements.

(c) Additional requirements

- (1) All applications for the grant of a special permit pursuant to this Section shall be referred to the Department of Transportation for a report and recommendations on matters related to traffic congestion, pedestrian safety, and road conditions with regard to the proposed facility. If the report is received within 45 days from the date of the referral, the Commission shall give due consideration to the report and its recommendations.
- (2) All applications for the grant of a special permit pursuant to this Section shall be referred to the Department of Environmental Protection for a report and recommendations on matters related to air pollution and public health with regard to

**Last-Mile Warehouse Special Permit Requirements**

May 3, 2022

the proposed facility. If the report is received within 45 days from the date of the referral, the Commission shall give due consideration to the report and its recommendations.

(3) The Commission shall require any last-mile facility operator to submit an annual report including data regarding the number and age of trucks servicing the facility, the trucks' owners, and the routes used;

(4) In order to mitigate the impacts of last-mile facilities, the Commission may condition approval of a special permit pursuant to this Section on the use of alternative transportation, such as electric vehicles, rail, and bikes, for deliveries to and from the facility; the installation of solar panels, vehicle charging equipment, and/or battery storage at the facility; the provision of filtration systems at any school, park, nursing home, or public housing building within one mile of the facility; and time-of-use, hour-of-operation, or truck idling restrictions.

\* \* \*

**APPENDIX A – INDEX OF USES**

Warehouses [PRC-G]	<del>16</del>	<del>C8</del> M1 M2 M3
<u>Limited as to floor space and purpose</u>	<u>16</u>	<u>C8</u> M1 M2 M3
<u>Unlimited</u>		<u>C8**</u> M1** M2** M3**

