



BROOKLYN COMMUNITY BOARD 14
FLATBUSH–MIDWOOD COMMUNITY DISTRICT
810 East 16th Street
Brooklyn, New York 11230

BILL DE BLASIO
Mayor

June 19, 2021

ERIC L. ADAMS
Borough President

Marisa Lago

ED POWELL
Chairman

Chair

SHAWN CAMPBELL
District Manager

New York City Planning Commissioner

120 Broadway - 31st Floor

New York, NY 10271

EXECUTIVE COMMITTEE

GAIL L. SMITH
First Vice-Chair

Dear Chair Lago and Members of the NYC Planning Commission:

CARMEN CERIO BELLE
Second Vice-Chair

Thank you for this opportunity to relay Brooklyn Community Board 14's comments on proposed zoning text amendments. First and foremost, Community Board 14 wishes to emphasize our concern regarding the timing of these proposed text amendments and the difficulty we face in scheduling public meetings to meaningfully discuss, absorb and vet these very detailed yet seemingly unfinished proposed text amendments. We stand with other Brooklyn Community Boards and strongly urge DCP to delay the final draft of the Fresh, Hotels, and Health and Fitness zoning text amendments until late October 2021. This would enable the Boards that have not had the benefit of presentations to hear from DCP at a public meeting and to consider the questions and concerns of their respective community members. It would give our own Board the opportunity to get answers and clarifications to the proposals as detailed below.

JOSEPH DWECK
Third Vice-Chair

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Secretary

SHAHID KHAN
Member-at-Large

STEVEN D. COHEN
Member-at-Large

ALVIN M. BERK
Chairman Emeritus

To rush complicated and impactful zoning text amendments through the process is akin to circumventing community input. Community members have nuanced feedback that will serve to improve good proposals and ensure they serve and enhance our various communities.

Please delay the final draft of the text amendments in order to consider Community Board 14's input as follows.

Recommendation of Zoning Text Amendment for Travel Easements and Accessibility:
This was certified by DCP on April 6th and heard at the April Community Environment meeting on April 13th. We still lack clarity on which subway stations this proposal would likely impact in CD 14 and whether those stations then tie into bus lines, etc. Would Transit be able to absorb additional maintenance responsibilities for elevators? Would this have to be funded with existing resources? How would this text amendment interface with 21d of DOT's Highway Rules, which requires DOT's review and approval of any private development within 100 feet of a tunnel, underpass or road bridge (i.e., most of CB 14's stations)?

While CB 14 appreciates the work of DCP and the presentation prepared for our Transportation and Community Environment Committees in April, the information that has been provided provokes more questions than it answers.

This proposal should be put on hold until the fall to allow more community input and additional clarification and review of implications.

Zoning Text Amendment for Physical Culture Establishments

This proposal was certified on May 19th and heard by CB14's Community Environment Committee on June 10th. It was further discussed at our full Board meeting on June 14th. While on its face there seems to be benefit for smaller local gyms and health facilities, the complete removal of community input and community notification regarding businesses that might have an impact in terms of noise, hours, and use of outdoor space (some gyms include outdoor running, or carries, etc. in the public right of way) causes a concern. Have any other proposals short of the onerous PCE but still inclusive of community concerns been considered? Can there be another mechanism that would require these facilities or city agencies with oversight, to provide Community Boards with data related noise, building or other complaints? There seems to have been no consideration, let alone a mechanism to address those facilities that opened their buildings without a permit and then tried to retroactively legalize. Where will these buildings fall into the text amendment?

The proposal to have DOB add building code to ensure that heavy equipment or weights are properly staged in a building seems only to be in the idea phase. It makes more sense for Boards to be able to review that code in tandem with considering this zoning text amendment. Furthermore, the assignment of new DOB code enforcement and response to complaints is a concern unless there is a commitment to supplement their resources accordingly. We are also unclear as to whether additional DOB building codes are necessary for potential "hot" yoga studios or facilities with water amenities such hot tubs, pools or cold plunges.

Noise complaints are notoriously difficult to enforce, and even something that seems innocuous, such as a yoga studio, might have music, chants or other sounds that could prompt complaints from neighbors but not reach high decibel criteria. Would enforcement fall strictly within the purview of the Department of Environmental Protection? Are additional resources anticipated?

Neighboring community districts have expressed serious concerns about the inclusion of massage therapy facilities in this text amendment, given issues with illegal activities associated with current businesses. This text amendment could exacerbate the issues and undermine current enforcement abilities.

CB14 recommends that this proposal be delayed into late October 2021 to ensure that these questions and concerns expressed by other boards are considered.

Fresh Districts

CB14 was not in the original nor expanded cohort. Should CB14 come into consideration, we would like to see a robust presentation for consideration. This is a program in which many community members have expressed interest. There are several one-story grocery stores in CD14. Properties like these often come under land speculation. Including CD14 in the FRESH II cohort may help to ensure our one-story supermarkets are maximally incentivized in any new development plans and may promote retention of these markets. We are also curious as to whether DCP has considered any potential unintended consequences in district that border a Fresh District, if they don't have that same designation.

Hotels

The data upon which this proposal is based was gathered prior to the pandemic and should be put on pause until there is a clearer picture of tourism's return. The current common practice of using hotels for emergency congregant housing has resulted in mistrust from community members. The speed with which community boards are being asked to weigh in on this proposal does not allow for an assessment of other potential land uses in the zones where hotels would become as of right or the economic impacts on the community or neighborhood impacts associated with ancillary hotel businesses such as restaurants or hotel bars. Our board remains unclear as to how extended continuance, i.e. vacancy or conversion will be defined and what "uses" are permissible for up to six (6) years from date of adoption.

This proposal prompted a long and lively discussion among our board and community members. The timing of the proposal simply does not allow for meaningful community engagement.

CB14 recommends that this proposal be delayed into the late October 2021 to ensure that these questions and concerns expressed by other boards are considered.

Thank you for your consideration.

Sincerely,



Jo Ann Brown
Chairperson

cc: Hon. Mathieu Eugene, NYC Council, 40th CD
Hon. Farah Louis, NYC Council 45th CD
Hon. Kalman Yeger, NYC Council, 44th CD