



IN THE MATTER OF an application submitted by 19-20 Bush Terminal Owner LP pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

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

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

This application for a City Map amendment was filed by the applicant, 19-20 Bush Terminal Owner L.P., on December 22, 2015. The applicant proposes the elimination, discontinuance and closing of 40th Street between First and Second Avenues in order to facilitate a mixed-use development containing approximately 6.6 million square feet of industrial, commercial, and community facility uses in the Sunset Park neighborhood of Brooklyn, Community District 7.

RELATED ACTIONS

In addition to the City Map amendment (C 160146 MMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 190296 ZMK A zoning map amendment to change an M3-1 District to an M2-4 District and to establish a Special Industry City District (IC).

N 190298 ZRK A zoning text amendment to establish the Special Industry City District (IC) and create a new special permit to modify use, bulk, and other requirements within the newly-created special district.

C 190297 ZSK A special permit to modify use, bulk, and other requirements within the IC.

BACKGROUND

A full background discussion and description of this project appears in the report for the related zoning map amendment (C 190296 ZMK).

ENVIRONMENTAL REVIEW

This application (C 160146 MMK) in conjunction with the applications for the related actions (C 190296 ZMK, N 190298 ZRK, C 190297 ZSK) were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR Number is 18DCP034K. The lead agency is the City Planning Commission.

A summary of the environmental review appears in the report for the related zoning map amendment (C 190296 ZMK).

UNIFORM LAND USE REVIEW

This application (C 160146 MMK) in conjunction with the applications for the related actions (C 190296 ZMK and C 190297 ZSK) were certified as complete by the Department of City Planning on October 28, 2019, and was duly referred to Community Board 7 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 190298 ZRK), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 7 held a public hearing on this application (C 160146 MMK), in conjunction with the related actions, on December 9, 2019. On January 15, 2020 the Community Board adopted a resolution recommending disapproval with modifications/conditions by a vote of 31 in favor, 13 opposed and three abstentions.

A summary of the Community Board's recommendation and conditions appears in the report for the related zoning map amendment (C 190296 ZMK).

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 160146 MMK), in conjunction with the related applications for a zoning text amendment (N 190298 ZRK), zoning map amendment (C 190296 ZMK), and special permit (C 190297 ZSK) on December 9, 2019 and issued a recommendation of to approve the application with modifications/conditions.

A summary of the Borough President's recommendation and modifications/conditions appears in the report for the related zoning map amendment (C 190296 ZMK).

City Planning Commission Public Hearing

On February 5, 2020 (Calendar No. 6), the City Planning Commission scheduled February 19, 2020 for a public hearing on this application (C 160146 MMK) and the related applications. The hearing was duly held on February 19, 2020 (Calendar No. 28). There were 26 speakers in favor and 26 in opposition.

A summary of the City Planning Commission public hearing appears in the report for the related actions for a zoning map amendment (C 190296 ZMK).

Waterfront Revitalization Program Consistency Review

This application (C 160146 MMK) and the related actions (C 190296 ZMK, N 190298 ZRK, C 190297 ZSK) were reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP) as amended, approved by the New

York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 15-049.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application for a City Map amendment (C 160146 MMK), in conjunction with the related applications, is appropriate. A full description of the Commission's consideration appears in the report for the related zoning mapping amendment (C 190296 ZMK).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition of real property related thereto to be appropriate, adopts the following resolution:

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 7, 2020 with respect to this application (CEQR No. 18DCP034K), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, those project components related to environment and mitigation measures that were identified as practicable.

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

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter that based on the environmental determination and the consideration described in this report, the application (C 160146 MMK) for the amendment to the City Map involving:

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

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

RESOLVED, that pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED, that pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map Nos. X-2750 and V-2751 dated November 26, 2018 providing for the elimination, discontinuance and closing of 40th Street between First and Second Avenues, said street to be discontinued and closed being more particularly described as follows:

TECHNICAL DESCRIPTION OF THE ELIMINATION, DISCONTINUANCE AND CLOSING OF 40TH STREET BETWEEN FIRST AND SECOND AVENUES

Starting at a point located at the intersection of the southerly line of First Avenue and the westerly line of 39th Street, as those points are laid out on the City Map, thence running 200.353 feet, in a westerly direction, along said southerly line of First Avenue to the point or place of beginning:

1. Thence, running 700 feet, in a southerly direction, along a line that makes a deflection angle to the left of 90 degrees with the previous course, to a point of intersection with the northerly line of Second Avenue;
2. Thence, running 60 feet, in a westerly direction, along a line that makes a deflection angle to the right of 90 degrees with the previous course, to a point:
3. Thence, running 700 feet, in a northerly direction, along a line that makes a deflection angle to the right of 90 degrees with the previous course, to a point of intersection with the northerly line of First Avenue;
4. Thence, running 60 feet, in an easterly direction, along a line that makes a deflection angle to the right of 90 degrees with the previous course, to the point or place of beginning.

Said street lands to be discontinued and closed contain an area of 42,000 square feet, or 0.964 acres, more or less.

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. X-2750 and V-2751 dated November 26, 2018 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (C 160146 MMK), duly adopted by the City Planning Commission on August 19, 2020 (Calendar No. 16), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

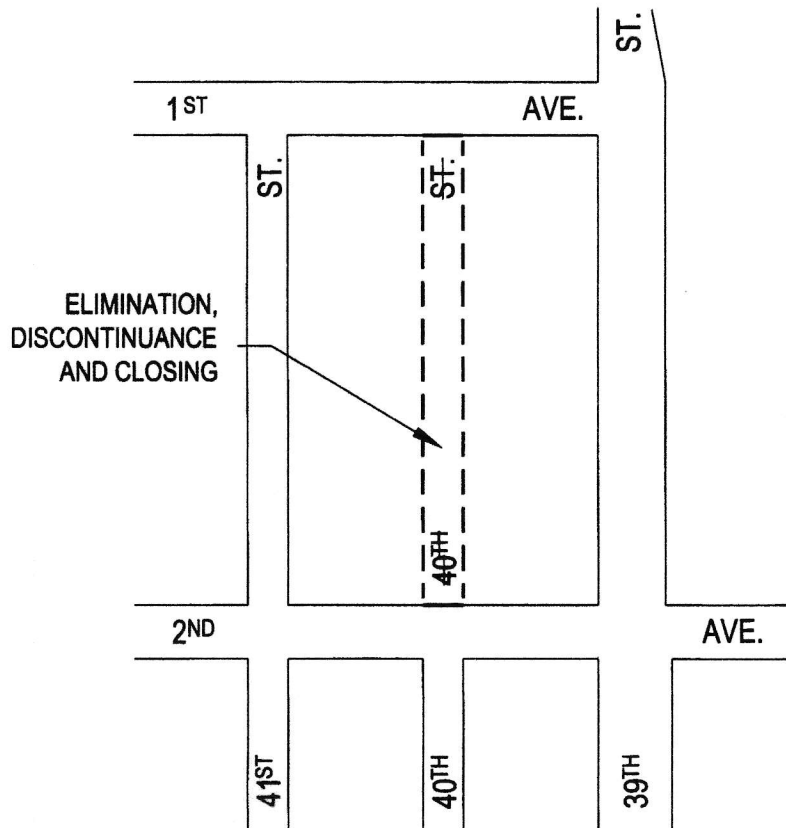
MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice-Chairman*

**ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III, JOSEPH I. DOUEK,
RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,
LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*

DAVID J. BURNEY, *Commissioner VOTING NO*

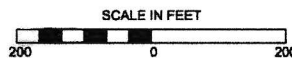
MICHELLE de la UZ, *Commissioner RECUSED*



New York, Certification Date
OCTOBER 28, 2019

CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
MAP CHANGE
ON SECTIONAL MAP
16
BOROUGH OF
BROOKLYN

P. Montgomery
P. Montgomery, P.E.
Chief Engineer



- NOTE:**
- Indicates line of street legally adopted.
 - Indicates line of street proposed to be established.
 - - - Indicates line of street proposed to be eliminated.
(Discontinuance and closing shown on Alt. Map No. V-2751)

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.