

**DISTRICT OFFICE**

4417 4<sup>th</sup> AVE  
BROOKLYN, NY 11220  
**TEL:** (718) 439-9012  
**FAX:** (347) 599-0604

**CITY HALL OFFICE**

250 BROADWAY, SUITE 1728  
NEW YORK, NY 10007  
**TEL:** (212) 788-7372  
**FAX:** (212) 788-7768

**E-MAIL:** [District38@council.nyc.gov](mailto:District38@council.nyc.gov)



THE COUNCIL  
OF  
THE CITY OF NEW YORK

**Alexa Avilés**

COUNCIL MEMBER  
38<sup>th</sup> DISTRICT, BROOKLYN

**CHAIR**

IMMIGRATION

**COMMITTEES**

PUBLIC HOUSING

TASKFORCE TO COMBAT HATE

ECONOMIC DEVELOPMENT

HOUSING AND BUILDINGS

GENERAL WELFARE

ENVIRONMENTAL PROTECTION, RESILIENCY, AND

WATERFRONTS

April 5, 2024

Commissioner Garodnick;

Over the past few months, members of the New York City Council have carefully considered the proposal put forth by the Department of City Planning under City of Yes: Zoning for Economic Opportunity. While we recognize the need to update the use regulations in the Zoning Resolution, we the undersigned have serious concerns that the opportunity to regulate the rapid proliferation of large-scale “Last Mile” warehousing and distribution facilities has been omitted from this series of 18 proposals. Five enormous last-mile warehouses of up to over 1.1 million square feet each are currently operating or under construction in the small area of Red Hook alone, as well as in other communities with industrial areas such as Hunts Point and East New York, both of which are also seeing a rapid expansion of these facilities.

As Department of City Planning (DCP) has had many conversations with my office regarding the problems posed to District 38 and others as a result of the unregulated expansion of last mile warehouses, I am sure that both you and your staff are aware of how a dearth of regulatory tools continues to negatively impact resident health and safety, as well as the growth and development of other types of industry within our Industrial Business Zones (IBZ). To recap, the clustering and over-saturation of Last Mile facilities, particularly within Environmental Justice communities, has resulted in the following:

1. An increase in traffic congestion caused by an increase of mid-size and oversized delivery vehicles, resulting in pedestrian safety and vehicular traffic concerns, as well as a strain on already overburdened local infrastructure.
2. An increase in exhaust and particulate matter, and resulting health impacts, as a result of increased delivery truck traffic.
3. Industrial homogeneity in our IBZs, limiting opportunity for a more diverse set of small to mid-size manufacturers.
4. Limited availability of employers, job types, and overall opportunities in the IBZs.
5. Limited access to and use of our critical waterfront as these facilities are currently allowed to occupy essential core industrial and waterfront sites as-of-right without any required provision to facilitate maritime freight.

Other states and municipalities across the country are increasingly moving to regulate the proliferation and practices of last-mile distribution centers to address these challenges. We believe not only that the City has an obligation to mitigate these impacts, but that DCP must develop the appropriate tools to effectively regulate last-mile facilities. An effective regulatory framework must be put into place now given that our communities are suffering from the negative impacts of last-mile facilities every day and continue to be faced with more and more of these facilities being developed “as of right” in the absence of regulation.

As we approach the vote on the Zoning for Economic Opportunity (ZEO) text amendment, each of us will be looking towards DCP to undertake the following measures with urgency:

1. Define last mile facilities in zoning to effectively plan for this relatively new type of facility and the impacts they are having on our communities.
  - We would like to see DCP engage in conversation with impacted communities and advocates as a first step within six months of the ZEO vote. As you know, defining last mile facilities is a critical step in making both zoning and legislative advances.
2. Restrict the over-concentration of last-mile facilities through use of innovative tools, which may include a special permit. Consideration should be given to proximity not just to other last mile facilities, but to vulnerable populations, including, but not limited to; public housing, schools, parks, and nursing homes.
  - Similar to our first objective, we would like to see engagement with impacted communities and advocates happen within six months of the ZEO vote, with a suite of tools developed for consideration before the end of 2025.
3. Limit truck and van traffic and mitigate pollution impacts, thereby increasing air quality and pedestrian safety. Mitigation efforts may include, but are not limited to, air quality monitoring, tree planting, the encouragement of alternative modes of transportation, including electric vehicles, rail and bikes for delivery to and from the facility, and may employ tools that include, but are not limited to, curb cuts, loading regulations, and operating hours provisions in a special permit.
  - These potential tools already exist; we just need to put them into effect. A final proposed set of regulations should be presented to impacted communities by the end of 2024 to avoid any further losses in community health.
4. Create industrial waterfront zoning provisions that compel investments and/or preservation of maritime freight access in line with parallel city goals and plans. This may include the development of additional zoning tools as part of the forthcoming citywide Industrial Development Strategic Plan, and/or during future rezonings of particular IBZs to create more customized tools.
  - During a time of economic transition, it is critical that we prevent private interest from occupying waterfront land in the IBZ without supporting maritime freight, a critical resource that would otherwise bring us closer to policy goals, such as the development of the Blue Highway, and to assist in meeting city and state climate targets set forth in the CLCPA.

We support the Department’s efforts to create new “M” zone tools through the City of Yes Zoning for Economic Opportunity text amendment and look forward to engaging with you on the wider application during the Council’s review. However, since it is “out of scope” at this point to directly add policy on last-mile warehouses to the text amendment, DCP’s commitment to address this issue through urgent follow-up actions is essential. We must ensure that this critical issue does not continue to be

overlooked and that the growth of business and industry in our communities is equitable and sustainable.

Thank you for your consideration,



**Council Member Alexa Avilés**  
District 38, Brooklyn



**Council Member Rafael Salamanca, Jr.**  
Chair, Land Use Committee  
District 17, Bronx



**Council Member Julie Menin**  
District 5, Manhattan



**Council Member Christopher Marte**  
District 1, Lower Manhattan



**Council Member Carlina Rivera**  
District 2, Manhattan



**Council Member Shaun Abreu**  
District 7, Manhattan



**Council Member Chi Ossé**  
District 36, Brooklyn



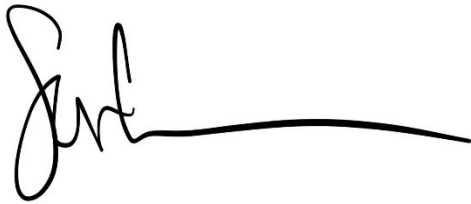
**Council Member Tiffany Cabán**  
District 22, Queens



**Council Member Jim Gennaro**  
District 24, Queens



**Council Member Shahana Hanif**  
District 39, Brooklyn



**Council Member Sandy Nurse**  
District 37, Brooklyn



**Council Member Julie Won**  
District 26, Queens



**Council Member Jennifer Gutiérrez**  
District 34, Brooklyn & Queens



**Council Member Lincoln Restler**  
District 33, Brooklyn



**Council Member &  
Majority Leader Amanda Farías**  
District 28, Bronx



**Council Member Chris Banks**  
District 42, Brooklyn



**Council Member Kevin C. Riley**  
Chair, Zoning & Franchises Subcommittee  
District 12, Bronx



**Council Member Erik Bottcher**  
District 3, Manhattan



**Council Member Justin Brannan**  
District 47, Brooklyn



**Council Member Crystal Hudson**  
District 35, Brooklyn



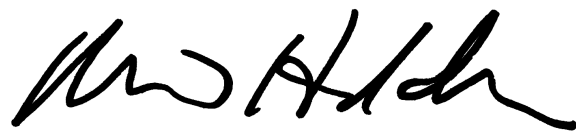
**Council Member Pierina Sanchez**  
District 14, Bronx



**Council Member Sandra Ung**  
District 20, Queens



**Council Member Carmen De La Rosa**  
District 10, Manhattan



**Council Member Robert F. Holden**  
District 30, Queens



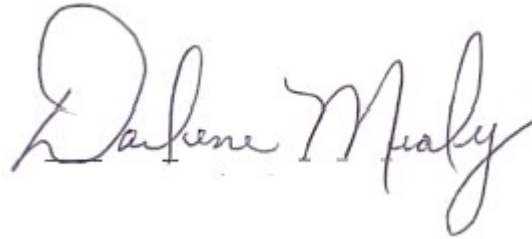
**Council Member Selvena N. Brooks-Powers**  
District 31, Queens



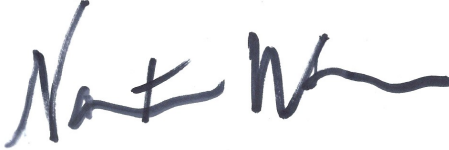
**Council Member Althea Stevens**  
District 16, Bronx



**Council Member Shekar Krishnan**  
District 25, Queens



**Council Member Darlene Mealy**  
District 41, Brooklyn



**Council Member Nantasha Williams**  
District 27, Queens

Cc: Genevieve Michel, Chief of Staff  
Danielle DeCerbo, Director of Intergovernmental Affairs