



**IN THE MATTER OF** an application submitted by Mihata Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-94 of the Zoning Resolution to allow an increase in the maximum permitted floor area in accordance with Section 74-943 (Permitted floor area increase) for a development occupied by Business-Enhancing uses and Incentive uses and, in conjunction therewith, to modify publicly accessible open space design requirements of Section 37-70 (PUBLIC PLAZAS), to modify the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES), and to modify the loading berth requirements of Section 44-50 (OFF-STREET LOADING REGULATIONS), in connection with a proposed 10-story building within an Industrial Business Incentive Area, on property located at 20 Berry Street (Block 2283, Lots 25, 28, 31, 33, 35, 38, 41 and 43), in an M1-2 District, Borough of Brooklyn, Community District 1.

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This application for a special permit (C 240273 ZSK), pursuant to Zoning Resolution (ZR) Section 74-94 (Industrial Business Incentive Areas), was filed by Mihata Corp. on February 14, 2024. This application, in conjunction with the related actions, would facilitate the construction of an approximately 192,000-square-foot mixed office, retail, and industrial development, as well as a 9,690-square-foot publicly accessible open space, at 20 Berry Street in the Williamsburg neighborhood of Brooklyn, Community District 1.

### **RELATED ACTIONS**

In addition to the proposed special permit (C 240273 ZSK) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently with this application:

**C 240271 ZMK**      Zoning map amendment to change an M1-1 zoning district to an M1-2 zoning district.

**N 240272 ZRK**          Zoning text amendment to ZR Section 74-948 to add an Industrial Business Incentive Area (IBIA).

## **BACKGROUND**

The applicant, Mihata Corp., seeks a zoning special permit, zoning map amendment, and zoning text amendment to facilitate an approximately 192,000-square-foot mixed office, retail, and industrial development, as well as a 9,690-square-foot publicly accessible open space, at 20 Berry Street in the Williamsburg neighborhood of Brooklyn, Community District 1.

The project area, coterminous with the development site, consists of a 40,000-square-foot zoning lot with eight tax lots (Block 2283, Lots 25, 28, 31, 33, 35, 41, and 43), bounded by North 13<sup>th</sup> Street to the north, North 12<sup>th</sup> Street to the south, Berry Street to the east, and Wythe Avenue to the west. The project area is improved with a one-story warehouse, totaling a built floor area ratio (FAR) of 1.0. The project area occupies 200 feet of frontage along North 12<sup>th</sup> Street, North 13<sup>th</sup> Street, and Berry Street, all of which are 60 feet wide. The project area contains eight curb cuts, including two curb cuts on North 12<sup>th</sup> Street, three curb cuts on Berry Street, and three curb cuts on North 13<sup>th</sup> Street

The surrounding area consists of a mix of commercial, industrial, and residential uses. Commercial and industrial uses are concentrated to the west and north of the project area, generally characterized by single-story warehouse buildings and loft-style buildings containing offices, eating and drinking establishments, retail, hotels (including the 250-foot-tall William Vale Hotel), distribution-based uses, and other mixed use commercial and industrial buildings (25 Kent Avenue and 103 North 13<sup>th</sup> Street). Residential uses are located to the south of the project area and characterized by three- to eight-story apartment buildings, along with converted loft-style buildings. Further north of the project area, along the East River waterfront, are tower-style residential buildings, as well as three- to five-story walk up residential buildings further upland in Greenpoint. Community facilities within the surrounding area include A-Tech High School, a career and technical education school located adjacent to McCarren Park and to the north of the project area.

The area is well-served by open space, situated between two large open spaces. McCarren Park, a 36-acre park operated by the Department of Parks and Recreation (DPR), is located directly east of the project area across Berry Street, and East River State Park is located southwest of the project area, at Kent Avenue between North Seventh and North Ninth streets. Across the street from the development site are the McCarren Park's tennis courts and an asphalt area, known as Blacktop, that is planned to be converted to synthetic turf as part of a renovation led by DPR. Properties adjacent to the East River are included in the Greenpoint-Williamsburg Waterfront Access Plan, and areas to the west and west of the project area are planned to be part of the future Bushwick Inlet Park, part of which has been constructed and opened to the public in 2013. When fully built out, Bushwick Inlet Park will span 28 acres between North Ninth Street and Quay Street. The project area is also located within the 500-year or 0.2 percent annual chance floodplain, also referred to as the Shaded X Zone, which has a lower risk of coastal flooding.

The surrounding area is well-served by public transportation, with access to subway lines, bus lines, and the East River Ferry. The G subway line at Nassau Ave is approximately 0.3 miles to the east, providing service between Brooklyn and Queens. The L subway line at the Bedford Avenue stop is located approximately 0.4 miles to the northwest, providing service between Manhattan and Brooklyn. In addition, the North Williamsburg Ferry Station is located approximately 0.7 miles southwest of the project area with service between Wall Street and Hunters Point South. The B32 bus runs along Kent Avenue and south along Wythe Avenue to the west of the project area with service between Long Island City and Williamsburg, while the B62 runs north along Bedford Avenue and Driggs Avenue, providing a connection between Long Island City and Downtown Brooklyn. The project area is located within the Inner Transit Zone (ITZ).

Zoning districts mapped within the surrounding area include: M1-1, M1-2, M1-5, R6A/C2-4, M1-2/R6A (MX-8), and M1-2/R7A (MX-8). The project area and portions of blocks to the north fronting McCarren Park are mapped with M1-1 zoning districts, which permit 1.0 FAR for commercial and industrial uses and a maximum of 2.4 FAR for certain community facilities. The project area and remainder of blocks to the west are mapped with an M1-2 zoning district, which

permits a maximum FAR of 2.0 for commercial and industrial uses, and 4.8 FAR for certain community facilities. M1-1 and M1-2 districts allow a maximum base height of 30 feet and 60 feet, respectively, after which building height is governed by the sky exposure plane. Off-streets parking is generally required at a ratio of one parking space for every 300 square feet of commercial use and 1,000 square feet of industrial use.

As part of the 2005 Greenpoint-Williamsburg Rezoning (C 050111(A) ZMK, et al.), portions of the surrounding area were rezoned from an M3-1 district, which allows heavy, unenclosed industrial uses, to an M1-2 district, which allows light industrial and commercial uses. The rezoning was intended to better reflect the types of existing industrial and commercial uses that had come to occupy the area and ensure that any new industrial uses would be fully enclosed and compatible with nearby residential and mixed-use neighborhoods. In addition, blocks to the south and east of the project area were mapped with M1-2/R6A and M1-2/R7A districts, which are mixed use (MX) zoning districts that pair contextual residential districts with manufacturing districts. The rezoning also rezoned over 180 blocks of the Greenpoint-Williamsburg waterfront from M3-1 heavy industrial to R6 and R8 residential districts. Since 2005, the neighborhood has experienced continuing growth in residential uses, mixed-use developments, and repurposing of industrial buildings for a wide range of uses.

The project area is located within the Greenpoint-Williamsburg Industrial Business Zone (IBZ), which was established in 2006. Citywide, IBZs were mapped in locations that could best support industrial uses, offer tax incentives for industrial businesses, and are serviced by non-profit industrial business service providers that provide additional services including job training and business support. The service provider for Greenpoint-Williamsburg is Evergreen Exchange.

In 2016, the Commission approved an application for a zoning text amendment that designated a block (Block 2282, Lot 1), located west of the project area at 25 Kent Avenue, as an Industrial Business Incentive Area (IBIA) and created two special permits available to developments or enlargements within this area (N 160126 ZRK). The IBIA was designed to support job densification and the creation of new industrial space through zoning mechanisms that reduce

parking and loading, create loft-style building envelopes, and link industrial use requirements to new commercial space. The special permit pursuant to ZR Section 74-943 allows an increase in FAR from 2.0 to 4.8 FAR if specific industrial, manufacturing, and commercial uses are provided, coupled with a modified bulk envelope. The special permit pursuant to ZR Section 74-944 permits modifications to public plaza requirements, as well as reductions or waivers of off-street parking and loading requirements.

Previously-approved IBIA developments in the surrounding area include: 25 Kent Avenue, an eight-story mixed-use industrial and commercial building approved in 2016 (C 160124 ZSK, C 160125, and N 160126 ZRK); 103 North 13<sup>th</sup> Street, a seven-story mixed industrial and commercial building that was approved in 2019 (C 190084 ZSK, C 190083 ZRK, and C 190085 ZSK); and 1 Wythe Avenue, an eight-story industrial and commercial building approved in 2021 that is currently under construction (C 210272 ZSK and N 210273 ZRK). Three blocks northwest of the project area is 12 Franklin Street, a proposed seven-story mixed-use industrial and commercial building approved in 2019 (C 180387 ZSK, N 180388 ZRK, and C 180389 ZSK), which was also granted a special permit renewal in 2023. In addition, within the surrounding area is the Acme Smoked Fish Rezoning where an application was approved in 2021 to facilitate a proposed nine-story mixed-use commercial and industrial building (C 210138 ZMK and C 210139 ZSK).

As noted above, the project area is located within the Greenpoint-Williamsburg IBZ, which was studied as part of the NYC Industrial Plan, a citywide plan released by the Department of City Planning (DCP) and agency partners in December 2025 to strengthen and modernize the city's industrial sector. As mandated by Local Law 172 of 2023, the plan included conducting research and analysis on trends for industrial areas, gathering feedback through engagement events and tools, identifying and designating Primary Industrial Areas (PIA), and developing recommendations for new and existing policies, programs, and land use tools. In addition to the designation of PIAs, Secondary Industrial Areas (SIA) and Neighborhood Industrial Zones were also identified to reflect the varied conditions within and objectives for different types of industrial areas. SIAs represent areas with a greater mix of commercial and industrial businesses and are intended to focus on retaining and growing industrial space within the context of a robust

and diverse jobs district. Neighborhood Industrial Zones are areas with the widest mix of uses and are close to residences and transit, where the continued presence of industrial uses is intended to be allowed in a manner that prioritizes pedestrian access. The NYC Industrial Plan designated the project area, and most of the Greenpoint-Williamsburg IBZ, as a Neighborhood Industrial Zone.

The proposed actions would facilitate the development of a new ten-story, mixed-use building containing commercial, industrial, and retail uses (Main Building) and a two-story free-standing building on the corner of Berry Street and North 12<sup>th</sup> Street (Corner Building). In total, the development would contain 192,000 square feet (4.8 FAR), with 80,000 square feet of Permitted Uses (2.0 FAR), 80,000 square feet of Incentive Uses (2.0 FAR), and 32,000 square feet of Required Industrial Uses (0.8 FAR). In addition, the proposed development would provide 9,690 square feet of publicly accessible open space.

Pursuant to ZR Section 74-96, “Permitted Uses” are any uses allowed by the underlying M1-2 zoning district; “Incentive Uses” are uses that are permitted in M1-2 zoning districts, but exclude hotels, retail, food, and beverage, and other entertainment and hospitality uses; and “Required Industrial Uses” are a set of certain light industrial uses (ZR74-941). As permitted under ZR Section 74-96, above the base maximum FAR of 2.0 in M1-2 districts, floor area may be increased by 3.5 square feet for each square foot of “Required Industrial Uses” up to a maximum FAR of 4.8, provided that the additional floor area beyond the maximum FAR of 2.0 is occupied by “Required Industrial Uses” and “Incentive Uses.” In total, the proposed development would include approximately 32,000 square feet (0.80 FAR) of industrial space, 23,600 square feet of retail space (0.59 FAR), 11,700 square feet (0.29 FAR) of restaurant space, and 122,600 square feet (3.07 FAR) of office space.

The ground floor of the Main Building would contain retail uses, open space, two loading berths, and an off-street parking entrance along North 13<sup>th</sup> Street. The cellar would contain a garage with 80 parking spaces and 29 bicycle parking spaces, as well as additional commercial and accessory storage space. The second and third floors would contain a mix of retail, office, and Required Industrial Uses, with a dedicated freight elevator providing access to the ground floor

loading area. The fifth through ninth floors would contain offices and the tenth floor would be occupied by restaurant use.

The Main Building's massing would be oriented towards the interior and northern portions of the site along North 13<sup>th</sup> Street. The Main Building would have a street wall height of 54 feet and rise to 135 feet after a ten-foot setback on the northwest portion and a 15-foot setback adjacent to North 12<sup>th</sup>, Berry, and North 13<sup>th</sup> streets. The Corner Building, located at the intersection of Berry and North 12<sup>th</sup> streets, is proposed to contain retail uses and rise to a height of 48 feet without a setback. The Main Building and Corner Building would be separated by open space, while connections between the buildings would be provided through the cellar level and a second-story walkway.

Approximately 24 percent of the project area would be publicly accessible open space, which would have portions fronting each street frontage and include plantings, seating, canopy trees, and other amenities. Totalling 9,690 square feet, the open space would be comprised of a 4,800 square-foot public plaza, located in a central portion along Berry Street and across the street from McCarren Park, and 4,890 square of additional space, designated as a public access area (PAA), flanking the public plaza and providing pedestrian connections to North 12<sup>th</sup> and North 13<sup>th</sup> streets.

To facilitate the proposed development, the applicant requests a zoning map amendment, zoning text amendment, and special permit.

The proposed zoning map amendment (C 240271 ZMK) would rezone the project area from an M1-1 zoning district to an M1-2 zoning district, encompassing the entire southeastern portion of the block starting from a distance of 250 feet to the east of Wythe Avenue. To be eligible for the IBIA special permit within Brooklyn, an application must be located within an M1-2 zoning district.

The proposed zoning text amendment (N 240272 ZRK) would modify ZR Section 74-94 to designate the project area as a new IBIA. The applicant also seeks a special permit (C 240273

ZSK) pursuant to ZR Section 74-943 (Permitted floor area increase) to increase the maximum FAR for specific industrial, manufacturing, and commercial uses set forth in Section 43-12, and ZR Section 74-944(a), (b), and (c) (Modifications in conjunction with a floor area increase) to modify public plaza requirements of ZR 37-70, off-street parking requirements of ZR Section 44-20, and the loading berth requirements of ZR Section 44-50.

Pursuant to ZR Section 74-943, the special permit would increase the permitted floor area by approximately 112,000 square feet (2.8 FAR) for a defined set of referenced industrial and commercial uses. This would include 32,000 square feet (0.8 FAR) of Required Industrial Uses and 80,000 square feet (2.0 FAR) of Incentive Uses, pursuant to ZR Section 74-94 and its related conditions and findings. The applicant also proposes to develop 80,000 square feet (2.0 FAR) of uses permitted in the underlying M1-2 zoning district. The special permit would also reduce the amount of required off-street accessory parking spaces from 728 to 80 parking spaces and reduce the number of required loading berths from eight to two.

Pursuant to ZR section 74-945(d), as a condition for providing a publicly accessible open space occupying at least 12 percent of the lot area and a minimum of 2,000 square feet, the applicant proposes to increase the building height from 110 feet to 135 feet and modify underlying street wall location regulations to set back the street wall, which is permitted up to 130 feet along the short dimension of a block. Pursuant to ZR section 74-944(b), the applicant seeks to modify public plaza regulations set forth in ZR section 37-70. The special permit would modify ZR 37-713 to allow the location of the publicly accessible open space to face McCarren Park and modify ZR 37-714(b) to front on an east-facing street line, despite the zoning lot having more than 40 feet of frontage on a south-facing street line. Additionally, the special permit would modify ZR 37-76(b) to allow the entrance to the building's principal use to be located more than 10 feet from the major portion of the publicly accessible open space and to allow the building entrance and lobby to occupy less than 20 feet of the public plaza frontage.

The amount, type, and location of these uses, as well as the location and design of the open space, among other conditions, would be included in site and floor plans, recorded against the tax

lot as part of a Notice of Restrictions (NOR), and for the life of the building would be viewed as a precondition of the issuance of any building permit or certificate of occupancy.

### **ENVIRONMENTAL REVIEW**

This application (C 240273 ZSK), along with the related applications (N 240272 ZRK and C 240271 ZMK) was 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 lead is the CPC. The designated CEQR number is: 24DCP038K.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on September 12, 2025. The Negative Declaration includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-858). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY**

This application (C 240273 ZSK) was 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 Resource Act of 1981 (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 20-197. The action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

### **UNIFORM LAND USE REVIEW**

This application (C 240273 ZSK) and the related application (C 240271 ZMK) were certified as complete by the Department of City Planning (DCP) on September 15, 2025 and were duly referred to Brooklyn Community Board 1 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 (N 240272 ZRK), which was referred for information and review in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Brooklyn Community Board 1 held a public hearing on this application (C 240273 ZSK), along with the related applications, (N 240272 ZRK and C 240271 ZMK) on October 21, 2025. On November 18, 2025, by a vote of 31 in favor, none opposed, and with none abstaining, adopted a resolution recommending approval with conditions of this application with the following conditions:

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1. In the event there is roof access for the restaurant amplified sound or music is prohibited.
  2. The applicant will provide public restrooms during business hours.”

### **Borough President Recommendation**

On November 18, 2025, the Brooklyn Borough President held a public hearing on this application (C 240273 ZSK), along with the related applications (N 240272 ZRK and C 240271 ZMK), and on December 19, 2025, issued a recommendation to approve the application with the following conditions:

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- 1) All curb cuts for loading and parking access are limited to North 13th Street, as currently proposed by the applicant. All curb cuts onto Berry Street should be removed.
  - 2) The applicant continue working with relevant agencies to include a public restroom accessible from the proposed Privately Owned Public Spaces (POPS) plaza.
  - 3) The applicant further reduces the proposed parking to no more than 40 spaces.”

### **City Planning Commission Public Hearing**

On December 17, 2025 (Calendar No. 3), the CPC scheduled January 7, 2026, for a public hearing on this application (C 240273 ZSK) and the related applications for a zoning map amendment and zoning special permit (C 240271 ZMK and N 240272 ZRK). The hearing was duly held on January 7, 2026 (Calendar No. 23).

Three representatives from the applicant team spoke in favor of the application and presented an overview of the proposed development and land use actions, which would facilitate a 10-story development with a mix of light industrial, retail, restaurant space, offices, and publicly accessible open space. The applicant's representative summarized benefits that would serve the local community, such as stimulating economic development and job growth, supporting industrial uses and entrepreneurs, and creating resilient, publicly accessible open space. The applicant's representative explained that the development would replace eight existing curb cuts with a single curb cut located on North 13<sup>th</sup> Street, where off-street parking for 80 parking spaces and two loading docks would be accessed, which was designed to accommodate industrial users in coordination with Evergreen, the local IBZ service provider. The representative also noted how the proposal would be consistent with the recently released citywide Industrial Plan by bringing benefits to the industrial sector and nearby residents. Another representative spoke about the proposed uses and businesses, explaining that there is currently a shortage of office space under 2,000 square feet in Williamsburg, while industrial or maker uses could be focused on assembly, arts, jewelry, and architectural details. With respect to the overall massing and building design, the architect emphasized how the massing would be setback from Berry Street and buffered from McCarren Park, while the facade would include details related to the neighborhood's history.

The applicant's representatives clarified that the entire open space would be memorialized with a restriction against the property and include a portion subject to public plaza zoning regulations, as well as a second portion designated as a PAA, which the applicant is electively providing and cannot meet all the public plaza requirements. The applicant's architect elaborated how the open space would be oriented to face McCarren Park and designed to be accessed by all street frontages to increase visibility with an arcade that forms an entry to the commercial spaces and lobby. The architect further noted how the open space would include lighting and public art, along with greenery to capture, absorb, and treat stormwater.

In response to Community Board 1 and Borough President's recommendation to include a public restroom, the architect explained that there are nearby public restrooms in McCarren Park and that providing such an amenity would be onerous and detrimental given the project scale, in contrast to larger-scale developments that have included restrooms, such as Domino Park.

There were no other speakers, and the hearing was closed.

## **CONSIDERATION**

The CPC believes this application for a special zoning permit (C 240273 ZSK), in conjunction with the related applications (N 240272 ZRK and C 240271 ZMK), is appropriate.

The proposed actions will facilitate a new 10-story mixed commercial and industrial development with two buildings totaling 192,000 square feet (4.8 FAR), including 32,000 square feet of industrial space, in the Greenpoint-Williamsburg IBZ. In addition, the development will include 9,690 square feet of publicly accessible open space and contain 80 parking spaces, 29 bicycle parking spaces, and two loading berths.

The Commission believes that the special permit (C 240273 ZSK) pursuant to ZR Section 74-94 to increase the maximum permitted floor area and modify bulk, parking, loading, and open space regulations is appropriate. The special permit will facilitate the development of a new mixed-use commercial-industrial building containing 32,000 square feet (0.8 FAR) of new light industrial space (Required Industrial Uses) and 80,000 square feet (2.0 FAR) of office (Incentive Uses). The Required Industrial Uses will be located on the second and third floors, with access to a freight elevator and two off-street loading berths. The Commission notes that the industrial space will meet the requirements for a minimum horizontally contiguous area and has been designed to accommodate multiple light industrial tenants.

In addition, the increased density of commercial and industrial uses is at the same density of community facility uses permitted in the M1-2 zoning district, by providing 0.8 FAR of RIU to permit a maximum of 2.0 FAR of incentive uses for a total of 4.8 FAR which is the equivalent community facility FAR as-of-right. By permitting 2.0 FAR of incentive uses with the RIU, the building is able to maximize FAR under M1-2 districts, which is appropriate as it supports more job growth and higher job densities at a density that reflects nearby other commercial and industrial mixed-use buildings. The Commission believes additional commercial and industrial

density is appropriate at this transit-accessible location, which is near significant parks and open spaces and a growing residential population.

The underlying M1-2 district permits a base height of 60 feet and is governed by the sky exposure plane and does not facilitate loft-like envelopes. The Commission also believes that modifications to the height and setback regulations are appropriate, as the buildings have been designed to reflect loft-like buildings found in the surrounding neighborhood, and believes the proposed bulk modification to further increase the maximum allowable height from 110 to 135 feet, relating to the provision of publicly accessible open space, is appropriate. The Main Building will have a base height of 54 feet, rising to a height of 135 feet after setbacks, the same height as the 135-foot-tall development at 25 Kent Avenue and adjacent to the 250-foot-tall William Vale Hotel. The proposed envelope not only reflects the built context, but the Commission believes it provides more efficient floorplates and base heights, allows for higher floor-to-ceiling heights needed to accommodate modern industrial and commercial spaces, and maintains maximum flexibility for potential users. The additional 25 feet height granted by providing qualifying publicly accessible open space will result in greater flexibility to accommodate the publicly accessible open space, while still maintaining a loft-like envelope reflected in nearby buildings.

The Commission also notes that the applicant intends to include resilient and sustainable design elements in the building and may need to comply with the unified stormwater rule. While the project area is located within the 500-year floodplain, which is at a lower risk of flooding, the applicant proposes to design the publicly accessible open space with permeable surfaces to capture and treat stormwater. The Commission is pleased by the resilient and sustainable building design and encourages the developer to implement additional sustainability measures.

The Commission believes that the modifications to public plaza requirements are appropriate and will result in a publicly accessible open space that serves as an amenity for pedestrians and workers, while facilitating a connection between nearby larger open spaces, such as McCarren Park and Bushwick Inlet Park. The Commission asserts that the modifications will further

enhance the public space by enabling it to be concentrated along Berry Street and directly face McCarren Park, located across the street to the east, making the space more easily accessible to pedestrians and activating the development on all three frontages.

The Commission acknowledges that the 9,690 square foot open space will be split into two areas: 4,800 square feet public plaza open space provided to meet ZR 74-945 requirements for additional height are subject to ZR 37-70 and designed in accordance with the public plaza regulations as modified by the applicant and the additional 4,890 square feet is governed by the site plan associated with the special permit approval. Both areas will be designed with features codified in the special permit drawings and referenced in an NOR, while the public plaza area is proposed to meet requirements of ZR Section 37-70 for paving, circulation paths, seating, hours of access, ADA accessibility, planting, lighting, signage, and other amenities. Additionally, the Commission is pleased that the proposed development provides a 15-foot sidewalk width on all frontages, an increase of sidewalk space on both North 13<sup>th</sup> Street and Berry Street of more than two feet than what exists at the site today.

Regarding the recommendation from the Borough President and Community Board to incorporate a public restroom, the Commission understands, as outlined in ZR 74-946(b), that the proposed modifications to the open space requirements must “result in publicly accessible open space of equivalent or greater value as a public amenity.” Here the proposed modifications would result in an open space that would face McCarren Park, have improved site connectivity and better contribute to the public realm to create an open space of greater value as a public amenity. In addition, the Commission notes that there are also restrooms accessible near the project area at McCarren Park. As the proposed modifications meet the finding of ZR 74-946(b) the Commission is unable to make a public restroom located at the development site a condition of approval for this application. Nonetheless, the Commission encourages the applicant to continue evaluating in a manner that does not compromise other features of the site plan and programming.

In addition, the Commission believes that the modifications to off-street parking and loading berth requirements are appropriate. The special permit will allow for a reduction of required accessory off-street parking, from 728 to 80 parking spaces. The underlying M1-2 district has high parking and loading requirements that exceed the needs of local businesses and can impede development of new light industrial and commercial buildings. Further, the requested parking waiver and proposed reduction in the loading requirements will not create or contribute to serious traffic congestion and will not inhibit vehicular and pedestrian movement. The special permit will also allow the reduction of accessory off-street loading berths from four to two loading berths, which will be accessible by a single, approximately 50-foot-wide curb cut along North 13<sup>th</sup> Street, the proposed parking waiver and reduction of off-street loading is appropriate, recognizing the physical impact that the existing parking and loading regulations would have on a project of this small scale.

Regarding the Borough President's recommendation related to curb cuts, the Commission wishes to clarify that existing curb cuts on Berry Street and North 13<sup>th</sup> Streets will be removed, such that a single curb cut will be provided on North 13<sup>th</sup> Street. This will ensure that curb cuts are not placed on North 12<sup>th</sup> Street and Berry Street, an active corridor fronting McCarren Park and heavily used by pedestrians and cyclists. The Commission is also pleased that the curb cut, loading, and off-street parking is being designed in a manner that maximizes freight elevator access and accommodates access from the loading berths, in recognition of the physical needs of future industrial and commercial users.

Regarding the Borough President's recommendation to further reduce off-street parking from 80 to 40 spaces, the Commission recognizes this would be beyond the scope of the proposed special permit and that the proposed reduction would provide flexibility to suit the needs of industrial and commercial users. With respect to the recommendation from Community Board 1 to prohibit music from a rooftop restaurant, the Commission notes that it is also beyond the application's scope but encourages the applicant to make efforts to address any noise concerns that arise in the future.

The Commission believes that the map amendment (C 240271 ZMK) rezoning the project area from an M1-1 zoning district to M1-2 zoning district is appropriate. The Commission notes that the rezoning facilitates the proposed development by permitting the applicant to seek additional actions (C 240273 ZSK) to modify underlying M1-2 district regulations not available for the current M1-1 zoning district designation, which in conjunction with the special permit, provide additional bulk and envelope flexibility. The Commission supports the creation of quality industrial and commercial space through providing additional flexibility and density, as well as reducing parking and loading requirements that reflect new tools such as Manufacturing districts with A suffix.

The Commission believes that the proposed zoning text amendment (N 240272 ZRK) modifying ZR Section 74-948 to add the project area as an IBIA, is appropriate. The project area is located within one-quarter mile of four previously approved IBIA projects. The proposed IBIA is also within the Greenpoint-Williamsburg IBZ and will be mapped M1-2 as part of a related action. Expanding the IBIA to include other sites with similar conditions has created the opportunity for mixed commercial and industrial projects at different scales in a rapidly evolving neighborhood, potentially attracting a wider range of businesses across multiple commercial and industrial sectors.

The Commission notes the proposed development's alignment with the goals of the NYC Industrial Plan, which designated the project area as a Neighborhood Industrial Zone, and recommends planning to allow the continued presence of industrial uses in an environment that prioritizes pedestrian access and supports a broad range of uses. The proposed development increases the density of industrial and commercial uses, reduces the number of parking spaces and loading berths, and creates additional open space with amenities that meet zoning requirements in a transit-oriented area with heavy pedestrian use.

## **FINDINGS**

The Commission hereby makes the following findings pursuant to ZR Section 74-946(a) of the zoning resolution, that the increase of the maximum permitted floor area ratio and bulk modifications will:

- (1) will promote a beneficial mix of required industrial and incentive uses;
- (2) will result in superior site planning, harmonious urban design relationships and a safe and enjoyable streetscape;
- (3) will result in a building that has a better design relationship with surrounding streets and adjacent open areas;
- (4) will result in a development or enlargement that will not have an adverse effect on the surrounding neighborhood; and
- (5) will, for yard or height and setback regulations, provide a better distribution of bulk on the zoning lot and will not unduly obstruct the access to light and air of surrounding streets and properties

The Commission hereby makes the following findings pursuant to ZR Section 74-946(b) of the zoning resolution, such modifications will result in a publicly accessible open space of equivalent or greater value as a public amenity.

The Commission hereby makes the following findings pursuant to ZR Section 74-946(c) where modifications to parking or loading regulations are proposed:

- (1) such reduction or waiver of required parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian movement;
- (2) the number of curb cuts provided are the minimum required for adequate access to off-street parking and loading berths, and such curb cuts are located so as to cause minimum disruption to traffic, including vehicular, bicycle and pedestrian circulation patterns;
- (3) the streets providing access to the development or enlargement are adequate to handle the traffic generated thereby, or provision has been made to handle such traffic; and
- (4) the reduction or waiver of loading berths requirements will not create or contribute to serious traffic congestion of unduly inhibit vehicular and pedestrian movement.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on September 12, 2025, with respect to this application (CEQR No. 24DCP038K), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Mihata Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-94 of the Zoning Resolution to allow an increase in the maximum permitted floor area in accordance with Section 74-943 (Permitted floor area increase) for a development occupied by Business-Enhancing uses and Incentive uses and, in conjunction therewith, to modify publicly accessible open space design requirements of Section 37-70 (PUBLIC PLAZAS), to modify the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES), and to modify the loading berth requirements of Section 44-50 (OFF-STREET LOADING REGULATIONS), in connection with a proposed 10-story building within an Industrial Business Incentive Area, on property located at 20 Berry Street (Block 2283, Lots 25, 28, 31, 33, 35, 38, 41 and 43), in an M1-2 District, Borough of Brooklyn, Community District 1, is approved, subject to the following conditions:

1. The property that is the subject of this application (C 240273 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Studio V Architecture, PLLC, filed with this application and incorporated in this Resolution:

<b><u>Drawing No.</u></b>	<b><u>Title</u></b>	<b><u>Last Date Revised</u></b>
Z-001.00	Zoning Analysis	06/05/2025
Z-010.00	Zoning Site Plan	06/05/2025
Z-100.00	Cellar/Subcellar Plan	06/05/2025
Z-101.00	1 <sup>st</sup> Floor Plan	06/05/2025
Z-102.00	2 <sup>nd</sup> and 3 <sup>rd</sup> Floor Plan	06/05/2025
Z-103.00	4 <sup>th</sup> and 5 <sup>th</sup> -6 <sup>th</sup> Floor Plan	06/05/2025
Z-104.00	7 <sup>th</sup> -9 <sup>th</sup> and 10 <sup>th</sup> Floor Plan	06/05/2025
Z-200.00	Elevations	06/05/2025
Z-210.00	Detail Elevations – Plaza Wall Compliance	06/05/2025
Z-211.00	Detail Elevations – Street Wall Compliance	06/05/2025
Z-300.00	Sections	06/05/2025
Z-301.00	Sections	06/05/2025
Z-302.00	Sections	06/05/2025
L-000	Zoning Lot Site Plan	06/05/2025
L-001	Public Plaza Plan	06/05/2025
L-100	Key + Dimension Plan	06/05/2025
L-101	Seating, Signage and Amenities Plan	06/05/2025
L-102	Materials, Paving and Grading Plan	06/05/2025
L-103	Planting Plan	06/05/2025
L-104	Irrigation Plan	06/05/2025
L-105	Permitted Obstruction Plan	06/05/2025
L-106	Lighting Plan	06/05/2025
L-107	Plaza Elevations	06/05/2025
L-108	Compliance Chart 1	06/05/2025

L-109	Compliance Chart 2	06/05/2025
L-110	Compliance Chart 3	06/05/2025
L-111	Compliance Chart 4	06/05/2025
L-112	Compliance Chart 5	06/05/2025
L-113	Compliance Chart 6	06/05/2025
L-114	Compliance Chart 7	06/05/2025
L-301	Section 1	06/05/2025
L-302	Section 2	06/05/2025
L-500	Paving, Curbs and Edges Details	06/05/2025
L-501	Site Furnishing Details	06/05/2025
L-502	Bench Details	06/05/2025
L-503	Signage Details	06/05/2025
L-504	Planting Details	06/05/2025

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such Development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Development pursuant to this resolution shall be allowed only after the Notice of Restrictions dated January 28<sup>th</sup>, 2026, executed by Mihata Corp., shall have been recorded in the Office of the Register of the City of New York, County of Brooklyn. In the event the property that is the subject of the application is developed, sold as, or

converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 240273 ZSK), duly adopted by the City Planning Commission on February 2, 2026 (Calendar No. 4), 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.

**DANIEL R. GARODNICK, Esq.,** *Chair*

**KENNETH J. KNUCKLES, Esq., *Vice Chairman***  
**GAIL BENJAMIN, ALFRED C. CERULLO III, Esq.,**  
**ANTHONY W. CROWELL, Esq., JOSEPH I. DOUEK,**  
**RASMIA KIRMANI FRYE, DAVID GOLD Esq., ORLANDO MARÍN,**  
**JUAN CAMILO OSORIO, Ph.D., RAJ RAMPERSHAD, *Commissioners***

**LEAH GOODRIDGE, Esq., *Commissioner, ABSTAIN***



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 20 Berry Street	
<b>Applicant:</b> hadi Hajjar	<b>Applicant's Primary Contact:</b> Diane Luebs
<b>Application #</b> 240271ZMK	<b>Borough:</b>
<b>CEQR Number:</b> 24DCP038K	<b>Validated Community Districts:</b> K01

**Docket Description:**  
IN THE MATTER OF an application submitted by Mihata Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c and 13a, by changing from an M1-1 District to an M1-2 District property bounded by North 13th Street, Berry Street, North 12th Street, and a line 250 feet southeasterly of Wythe Avenue, Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated September 15, 2025, and subject to the conditions of CEQR Declaration E-858.

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Favorable</b>			
<b># In Favor:</b> 31	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 31
<b>Date of Vote:</b> 11/18/2025 12:00 AM		<b>Vote Location:</b> 211 Ainslie Street, Brooklyn, NY 11211	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 10/21/2025 6:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	211 Ainslie Street, Brooklyn, NY 11211

<b>CONSIDERATION:</b> Please see the attached for CB 1's Recommendation, Land Use Report and Vote Sheet.		
Recommendation submitted by	BK CB1	Date: 11/20/2025 5:05 PM

**Brooklyn Community Board 1, Recommendation:**

**20 BERRY STREET, APPLICATION # C240273ZSK, CEQR # 24DCP038K**

A motion was made to approve the application with the following conditions:

- 1) In the event there is roof access for the restaurant amplified sound or music is prohibited.
- 2) The applicant will provide public restrooms during business hours.



# COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, NY 11211- 8813

PHONE: (718) 389-0009

FAX: (718) 389-0098

Email: [bk01@cb.nyc.gov](mailto:bk01@cb.nyc.gov)

Website: [www.nyc.gov/brooklyncb1](http://www.nyc.gov/brooklyncb1)

HON. ANTONIO REYNOSO  
BROOKLYN BOROUGH PRESIDENT



**SIMON WEISER**  
FIRST VICE-CHAIRMAN

**DEL TEAGUE**  
SECOND VICE-CHAIRPERSON

**GINA BARROS**  
THIRD VICE-CHAIRPERSON

**DAVID HEIMLICH**  
FINANCIAL SECRETARY

**SONIA IGLESIAS**  
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**PHILIP A. CAPONEGRO**  
MEMBER-AT-LARGE

**DEALICE FULLER**  
CHAIRPERSON

**JOHANA PULGARIN**  
DISTRICT MANAGER

**HON. LINCOLN RESTLER**  
COUNCILMEMBER, 33rd CD

**HON. JENNIFER GUTIERREZ**  
COUNCILMEMBER, 34th CD

November 18, 2025

## COMMITTEE REPORT

### **Land Use, ULURP, and Landmarks (Subcommittee) Committee**

TO: Chairperson Dealice Fuller and CB1 Board Members

FROM: Ms. Del Teague, Committee Chair  
Mr. Stephen Chesler, Committee Co-Chair  
Ms. Bozena Kaminski, Landmarks Subcommittee Co-Chair

RE: Land Use Committee Report from November 3, 2025

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The Committee met on the evening of November 3, 2025, at 6:00 PM at CB1 District Office, 435 Graham Avenue (Corner of Frost St), Brooklyn, NY. 11211

**Members of the Land Use, ULURP and Landmarks [subcommittee] Committee** Teague, Chair; Chesler, Co-Chair; Kaminski, Landmarks Subcommittee Co-Chair; Isaacs; Itzkowitz; Kawaguchi; Kelterborn; Rabbi Niederman; Pferd; Sofer; Vega; Weiser; Kantin\*; Kawochka\*; Nieves\*; Salgado\* (\*) *Non-Board Member*.

**Present:** Teague; Chesler; Isaacs; Kawaguchi; Kelterborn; Niederman; Pferd; Sofer; Weiser; Vega; Kawochka\*; Nieves\*.

**Absent:** Kaminski; Itzkowitz; Kantin\*; Salgado\*. (\**non-board member*)

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12 members present. A quorum was achieved.

## AGENDA:

1. **PRESENTATION APPLICATION # C260063PCY NEWTOWN CREEK COMBINED SEWER OVERFLOW (CSO) STORAGE TUNNEL PROJECT CEQR # 24DEP053Y:** IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for acquisition of properties listed and as specified below, Borough of Brooklyn, Community District 1 and Queens, Community Districts 2 and 5, and for site selection of such properties for a combined sewer overflow (CSO) retention system. Presenters: David Lee, Bureau of Environmental Planning & Analysis, Kate Edden, Bureau of Engineering Design and Construction, Drisana Hughes, Bureau of Public Affairs & Communication, Terrel Estes, Bureau of Environmental Planning & Analysis. DCAS Team: Shelton Getter, Assistant Director of Leasing and Acquisitions.

Construction of the CSO storage tunnel will include building 4 diversion facilities located at the 4 largest Newtown Creek CSO outfalls and a tunnel de-watering pump station adjacent to the creek. DEP and DCAS seek authority for site selection, and acquisition of two privately owned properties for 2 diversion facilities to be located in Brooklyn. They also seek authority to acquire 31 subterranean easements and a temporary ground level easement on private property located in our district. In addition, they seek authority to select sites of property already owned by the city. The tunnel will be constructed from 80 -130 feet below the ground surface.

The city anticipates the subterranean easements, which range from 25 -75 feet below ground, will have no economic impact on the property value. When asked if the owners will be compensated for these easements, the presenters said that they are hoping the owners will donate the rights. They assured us that the city will attempt to negotiate amicably with the owners, however, they could not give us specific details on these negotiations, or on the negotiations for the property acquisitions and the temporary above ground easement, because these will be handled by DCAS, which did not send any representatives to the committee meeting. The presenters suggested that the actual negotiations are not yet before us, because the application is only for authority to select sites and make the acquisitions. However, since DCAS did not appear, the presenters could not commit to whether the community board would have an opportunity to weigh in on the fairness of the negotiations in the future. The privately owned proposed acquisitions are being used currently as a warehouse and parking lot.

The presenters explained that it is expected that the tunnel will result in a 70% reduction in wastewater discharge into the creek.

The EIS impact statement did find adverse impact on traffic/transportation and noise.

**Noise Impact:** There will be adverse noise impact along the Newtown Creek Nature Walk for about 12 months and in the area of a future park, on North Henry Street, for the entire 10-year construction period for the full tunnel.

**Traffic/Transportation impact:** There will be unmitigable traffic impacts at Greenpoint Ave and Kingsland. Greenpoint Avenue will be open, but capacity will be significantly reduced along Greenpoint Avenue, especially by Humboldt Street, for about 4 years. The committee pointed out that the intersection of Greenpoint and Kingsland is heavily used by industry. The committee members asked why they are not planning to use barges to transport equipment instead of clogging up the roads which are already heavily used (soil will be excavated for 3 miles of tunnel). The presenters agreed that barging is appropriate but informed us that the city policy does not allow for telling contractors how to proceed. The city can try to make barging an obvious option and then “hope” the contractors will make that choice. The committee members felt strongly that this policy is unacceptable and agreed that we would insist on using barging whenever possible in order to avoid unnecessary traffic interruptions and excess truck traffic on our streets.

**Recommendation:**

A motion was made to approve the application with the following conditions:

- 1) DEP and DCAS will give proper notice to all property owners affected by easements and acquisitions.
- 2) DEP and DCAS will negotiate property value and economic hardship as part of the evaluation process.
- 3) The contractors **MUST BE REQUIRED** to utilize barging for traffic mitigation.
- 4) DEP and DCAS will continue to explore ways to increase the discharge volume from 70% to 90%.
- 5) The city will construct green infrastructure where possible.
- 6) Construction pollution controls should be beyond the required minimum.
- 7) DEP and DCAS will diligently explore avenues of noise mitigation

The motion passed unanimously: 11 yes, 0 no, 0 abstentions.

2. **PRESENTATION PROJECT 20 BERRY STREET, APPLICATION # C240273ZSK, CEQR # 24DCP038K ; IN THE MATTER OF** an application submitted by Mihata Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-94 of the Zoning Resolution to allow an increase in the maximum permitted floor area in accordance with Section 74-943 (Permitted floor area increase) for a development occupied by Business-Enhancing uses and Incentive uses and, in conjunction therewith, to modify publicly accessible open space design requirements of Section 37-70 (PUBLIC PLAZAS), to modify the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES), and to modify the loading berth requirements of Section 44-50 (OFF-STREET LOADING REGULATIONS), in connection with a proposed 10-story building within an Industrial Business Incentive Area\*, on property located at 20 Berry Street (Block 2283, Lots 25, 28, 31, 33, 35, 38, 41 and 43), in an M1-2\*\* District, Borough of Brooklyn,

Community District Presenter, Diane Luebs, Planning and Development Specialist, GoldmanHarris LLC.

Howard Goldman presented.

The applicant originally came before this committee with an informal preliminary presentation in March 2024 for community feedback prior to the public hearing and board vote. The proposed 10-story mixed-use building is in an Industrial Business Incentive Area [IBIA]. The proposed complex will house a restaurant, as well as commercial, retail, office and maker-use industrial spaces. The current M1-1 zoning will change to M 1-2 with a change of FAR from 1 to 2. The application has received support from Evergreen and the Brooklyn Chamber of Commerce.

The retail and office spaces will be small- scale. The development will provide 80 underground parking spaces. This number is a significant reduction from what would be required without the special permit. The developer felt that some parking should be provided in part because there may be a small supermarket within the complex. The presenter stated the intent is to provide appropriate space for small neighborhood businesses. The retail will probably provide mostly food service. The applicant estimates the complex will provide approximately 600 local jobs. The exterior will have artwork by local artists; substantial landscaping; a plaza facing McCarren Park that is accessible to the public 24 hours a day; and visible greenery on upper floors.

The restaurant will be on the top floor with possible roof access. The committee informed the presenter of the community's concerns about outdoor roof top spaces.

The committee felt the applicant should provide a service that would benefit the public and the portion of the adjacent park that is currently covered with concrete, and which has been funded for improvement. The committee suggested public restrooms in the complex would fit that goal, much like the indoor restrooms that have been provided in one of the Domino buildings adjacent to Domino Park. The committee discussed the alternative of asking the developer to contribute to the Parks Department for the building of restrooms in the park but felt there would be no guarantee that the city would use the funds for that purpose, especially since the city already has a plan which has been funded.

**Recommendation:**

A motion was made to approve the application with the following conditions:

1) In the event there is roof access for the restaurant amplified sound or music is prohibited.

2) The applicant will provide public restrooms during business hours.

The motion passed unanimously.

3. **PRESENTATION BSA CALENDAR # 2025-31-BZ,2025-32-A, 2025-33-A, 99 SUTTON STREET;** This variance application is submitted pursuant to Section 72-21 of

the Zoning Resolution of the City of New York, as amended (the “Zoning Resolution” or “ZR”). The applicant seeks to legalize the existing four-story plus cellar residential building, which includes 10 dwelling units in the lower level, contrary to ZR §§ 42-10, 43-12, and 54-31, as well as HMC § 27-2082 and MDL § 34.6. Presenter, Mr. Jed Weiss, Sheldon Lobel, P.C.

Richard Lobel presented.

The applicant seeks a variance to legalize the 10 existing cellar residential units in this 63-unit building, which was built in 1931 as a factory. Since then, it was converted subject to the Loft Law, and all of the units had been approved for residential use by DOB in 2008 and 2012. However, in 2024 DOB notified the owner that it intended to revoke the C of O for the 10 basement units as being illegal under current rules. The presenter informed the committee that when the owner asked DOB to produce their records showing what the prior approvals were based on, DOB could not find them.

The applicant asks for a variance as a justifiable reliance case under the case law that has found that if an owner justifiably relied in good faith on the city’s approval and if the owner could further show uniqueness of the site (here this manufacturing building became obsolete for factory use); financial hardship (here the work required and resultant loss of income would make it unfeasible to maintain the building at current rents); the current use fits the character of the neighborhood; the hardship is not self-created ( the good faith reliance on the prior city approval is a factor of this requirement); and the variance requested is the minimal needed.

The committee found the applicant met the above requirements. The committee also considered the fact that denial of the variance would mean these tenants would lose their homes.

**Recommendation:**

A motion was made to approve the variance with the condition that the applicant shows that EPA testing for the Meeker Avenue Plume has been done or has been scheduled.

The motion passed unanimously. 11 yes, 0 no, 0 abstentions.

4. **DISCUSSION RE: Drafts of poster and public notice requirements for Land Use, Landmarks, and BSA applicants.**

The committee unanimously approved the drafts which are attached to this report. Applicants will be given instructions to post a minimum of 30 flyers, to be posted on the premises, the four corners of the street in front of the building, and on the street behind. The applicant must notify the CB1 office via electronic mail of the posting, which must be done 10 days before the committee meeting. At the committee meeting the applicant shall provide evidence of the posting by date/time stamped photos, descriptions of the locations, and method of distribution.

**Recommendation:**

A motion was made to approve the drafts of the poster and the instructions for the public notice requirements for Land Use, Landmarks, and BSA applicants.  
The motion passed unanimously.

5. **NEW BUSINESS: Input regarding NYC Industrial Plan.**

The committee invited interested parties to come and join a discussion regarding the NYC Industrial Plan which is scheduled to be presented by DCP at the November 18, 2025, board meeting. Leah Archibald, representing Evergreen, and several residents and local business owners attended.

There are two IBZ's in CB1. The plan eliminates the Acme IBZ area; the eastern IBZ area has been diminished. Evergreen has hired a Fellow to conduct an economic impact study of industrial businesses in North Brooklyn. A draft of the study shows a total of 50,000 jobs have been created for people with high school or equivalent diplomas. In addition to possible job losses, Evergreen is concerned that the posting of this map will spark property price speculation, with developers assuming they will be able to turn toward more profitable residential uses. Evergreen is asking the city to take down the map to give it a chance to complete its study about the viability of IBZ's in our district.

Leah Archibald did concede that Greenpoint/Williamsburg IBZ has been leaning to entertainment uses but advised us that the Bushwick IBZ has remained more industrial. Several people questioned whether we should expect industry to continue in the Northside, which is mostly mixed use.

**Recommendation:**

A motion was made to recommend the following requests of DCP:

- 1) Take down the map and preserve our two IBZ's, as is.
- 2) Do not approve the proposed map until there is a comprehensive dialogue with CB1 with the data that was promised but not yet provided.
- 3) Allow Evergreen to complete its study on the Greenpoint/Williamsburg IBZ.

The motion was approved unanimously by the 9 members who were present for this discussion.

6. **OLD BUSINESS: Follow up on my request for additional committee member.**

At our last Executive Committee meeting the Chair informed me that she does not intend to grant my requested change to her assignment at this time.

Meeting Adjourned



# COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, NY 11211- 8813

PHONE: (718) 389-0009

FAX: (718) 389-0098

Email: [bk01@cb.nyc.gov](mailto:bk01@cb.nyc.gov)

Website: [www.nyc.gov/brooklyncb1](http://www.nyc.gov/brooklyncb1)

HON. ANTONIO REYNOSO  
BROOKLYN BOROUGH PRESIDENT



**SIMON WEISER**  
FIRST VICE-CHAIRMAN

**DEL TEAGUE**  
SECOND VICE-CHAIRPERSON

**GINA BARROS**  
THIRD VICE-CHAIRPERSON

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MEMBER-AT-LARGE

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CHAIRPERSON

**JOHANA PULGARIN**  
DISTRICT MANAGER

**HON. LINCOLN RESTLER**  
COUNCILMEMBER, 33rd CD

**HON. JENNIFER GUTIERREZ**  
COUNCILMEMBER, 34th CD

## NOTICE

## COMMITTEE MEETING

**DATE:**

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**TIME:**

---

**LOCATION:**

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**Subject:**

**\*\*The public is encouraged to attend and provide input\*\***

**DO NOT REMOVE UNTIL:** \_\_\_\_\_

*Posted according to the Administrative Code of the City of New York Section 10-119.*

BROOKLYN COMMUNITY BOARD ONE  
435 GRAHAM AVENUE,  
BROOKLYN, NY 11211

CERTIFICATION

NAME OF APPLICANT:

APPLICATION REGARDING:

DATE, TIME AND LOCATION OF PROCEEDING:

DATE:

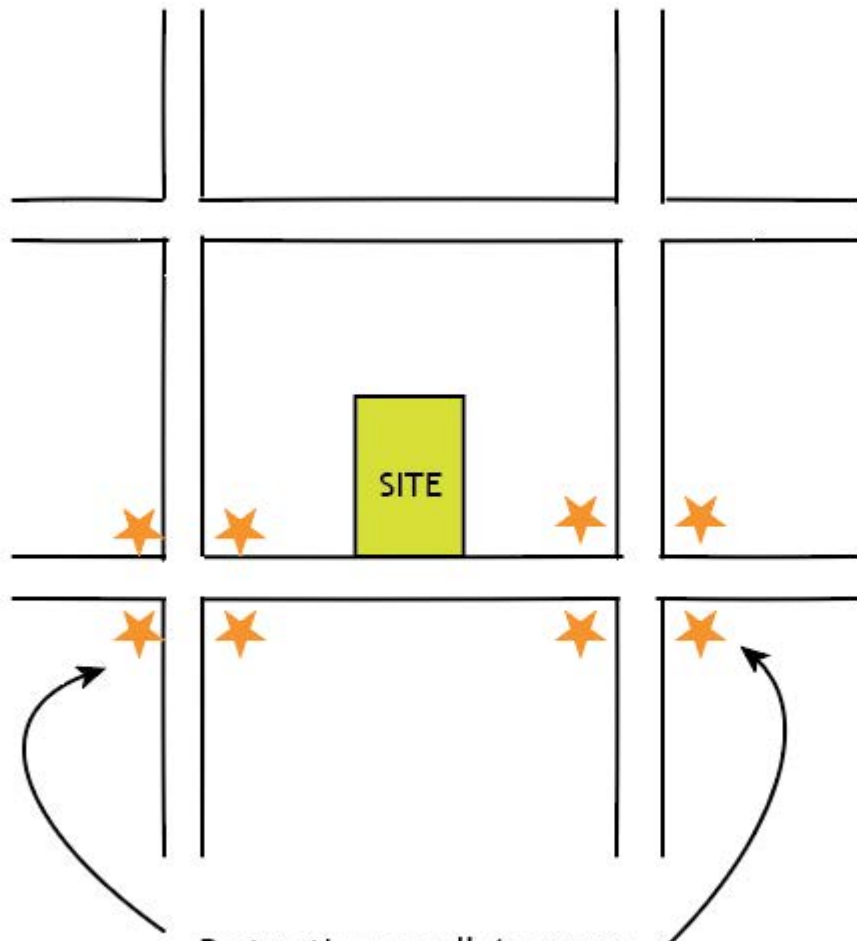
TIME:

LOCATION:

I hereby affirm that public notice has been provided as stated in the attachment to this certification.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Dated



Post notices on all 4 corners

**Brooklyn Community Board 1 Land Use/Landmarks Committee Instructions to Applicants for Posting Public Notice of their Land Use, Landmarks, and BSA Applications**

Dear Applicant:

In preparation for your upcoming appearance before the Community Board 1 Land Use/Landmarks Committee please note our requirement that you post notice of your Land Use, Landmarks, or BSA application as outlined below and in compliance with NYC code section 10-119:

1. A minimum number of 30 flyers must be distributed.
2. Generally, post on lampposts, traffic signal posts, and utility poles – do not post on trees.
3. Post on the applicant's premises.
4. Post on your street on the four corners at the end of the street and on the street behind the building.
5. The posting should be done 10 days before the appropriate committee meeting. The applicants shall notify the Community Board 1 office via electronic mail when the posting is complete with a map indicating where the flyers are posted. Also include the Certification Form with your signature and the date that it was posted.
6. At the committee meeting, please provide evidence of posting by date/time stamped photos, descriptions of the locations, and method of distribution.



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> 20 Berry Street	
<b>Applicant:</b> hadi Hajjar	<b>Applicant's Administrator:</b> Diane Luebs
<b>Application #</b> 240271ZMK	<b>Borough:</b> Brooklyn
<b>CEQR Number:</b> 24DCP038K	<b>Validated Community Districts:</b> K01

**Docket Description:**

IN THE MATTER OF an application submitted by Mihata Corp. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12c and 13a, by changing from an M1-1 District to an M1-2 District property bounded by North 13th Street, Berry Street, North 12th Street, and a line 250 feet southeasterly of Wythe Avenue, Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated September 15, 2025, and subject to the conditions of CEQR Declaration E-858.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Conditional Favorable

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**CONSIDERATION:**

Recommendation submitted by	BK BP	Date: 12/23/2025 10:31 AM
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# BROOKLYN BOROUGH PRESIDENT ANTONIO REYNOSO

## UNIFORM LAND USE REVIEW PROCESS (ULURP) APPLICATION

ULURP NUMBER	C240271ZMK N240272ZRK C240273ZSK 260016LDK
PROJECT NAME	20 Berry Street
APPLICANT TEAM	Hadi Hajjar, Mihata Corp.
PROJECT BRIEF	A zoning map amendment from M1-1 to M1-2, a zoning text amendment pursuant to ZR 74-94, and zoning special permits pursuant to Section 74-962 and 74-963 to facilitate a new 192,000 sf commercial and industrial building with publicly accessible open space at 20 Berry Street sought by private application by Mihata Corp. in the Williamsburg neighborhood of Brooklyn, Community District 1.
COMMUNITY DISTRICT	Brooklyn Community District 1
COUNCIL MEMBER	Council Member Lincoln Restler

## BROOKLYN BOROUGH PRESIDENT'S RECOMMENDATION

DATE	December 19, 2025		
<input type="checkbox"/>	FAVORABLE	<input type="checkbox"/>	UNFAVORABLE
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Brooklyn Borough President Antonio Reynoso

## **RECOMMENDATION FOR**

20 Berry Street – C240271ZMK, N240272ZRK, C240273ZSK, 260016LDK

BE IT RESOLVED that the Brooklyn Borough President, pursuant to Section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the conditions that:

- 1) All curb cuts for loading and parking access are limited to North 13<sup>th</sup> Street, as currently proposed by the applicant. All curb cuts onto Berry Street should be removed.
- 2) The applicant continue working with relevant agencies to include a public restroom accessible from the proposed Privately Owned Public Spaces (POPS) plaza.
- 3) The applicant further reduces the proposed parking to no more than 40 spaces.

## **PROJECT DESCRIPTION**

The Project Area is located at 20 Berry Street, occupying the eastern half of the block bounded by North 12<sup>th</sup> Street, Wythe Avenue, North 13<sup>th</sup> Street, and Berry Street. The Development Site is coterminous with the Project Area, and is composed of eight contiguous properties, improved with single story warehouse buildings all controlled by the applicant. The Development Site is located within an M1-1 district original to the 1961 Zoning Resolution. The Proposed Actions include a zoning map amendment from M1-1 to M1-2, a zoning text amendment to map the Project Area as an Industrial Business Incentive Area (IBIA), a zoning special permit to increase floor area ratio (FAR) within an IBIA and modify underlying height and setback regulations, a zoning special permit for a publicly accessible open space, a zoning special permit to reduce parking requirements. These actions will facilitate the construction of a new, 10-story commercial/manufacturing building fronting on Berry Street, and a two-story, free-standing retail pavilion at the corner of North 12<sup>th</sup> Street and Berry Street. The building will include approximately 32,000 square feet of light industrial uses, which will qualify the building for additional floor area under the IBIA program. The industrial uses will be on the second and third floors of the building. All other floors of the building will be occupied by either retail or office uses.

## **COMMUNITY BOARD POSITION**

Community Board 1 voted unanimously to approve this application, with the conditions that:

- 1) In the event there is roof access for the restaurant amplified sound or music is prohibited.
- 2) The applicant will provide public restrooms during business hours.

## **BOROUGH PRESIDENT PUBLIC HEARING**

The Borough President held a hearing on this item on November 18, 2025. Three members of the public provided testimony at the hearing, and the Borough President's Office received written testimony from five members of the public via email.

## APPROVAL RATIONALE

Borough President Reynoso finds the proposed actions appropriate. As outlined in *The 2025 Comprehensive Plan for Brooklyn*, industrial development and retention are essential for robust and equitable economic development of the borough. Borough President Reynoso maintains concerns about the encroachment of non-industrial, commercial uses into Industrial Business Zones (IBZs). However, given the Project Area's location on the edge of the IBZ and adjacent to McCarren Park, a mixed-use commercial-industrial building is appropriate as a transition between open space and the IBZ. Borough President Reynoso is encouraged that the proposed building will reincorporate the existing industrial floor area and is expected to yield an increment of 23 industrial jobs compared to the no-action condition.

Borough President Reynoso echoes public concerns about the amount of proposed off-street parking spaces at the site. While the Borough President appreciates that the applicant is already seeking a significant reduction from the 728 parking spaces required by the Zoning Resolution, he believes that this points to the outdated and excessive parking regulations of M1-1, M1-2, and M1-3 districts rather than whether this application has adequately right-sized the proposed parking. The Borough President understands the need for adequate parking and loading facilities for industrial uses and appreciates that the applicant has consulted with the Industrial Business Service Provider for the Greenpoint Williamsburg IBZ to determine whether the proposed parking facilities would be adequate. However, Borough President Reynoso is discouraged that many of the proposed 80 parking spaces are responding to projected demand for the office and retail uses rather than the needs of the industrial tenants of the building. Given the Development Site's location within a dense, transit-rich neighborhood, it is inappropriate to incentivize vehicular travel to the office and retail uses. The applicant's Environmental Assessment Statement estimates that the proposed development will yield 33 industrial jobs. As such, Borough President Reynoso recommends that the proposed parking waiver be amended to allow no more than 40 parking spaces.

Borough President Reynoso is encouraged by the proposed changes to curb cuts along the three street frontages of the Development Site, in particular the elimination of curb cuts along Berry Street. Eliminating curb cuts and loading entrances along Berry will eliminate potential conflicts between pedestrians and trucks and potentially allow an extension of the Berry Open Street north of North 12<sup>th</sup> Street. North 13<sup>th</sup> Street is an appropriate location for parking and loading entrance, as it is located deeper into the Industrial Business Zone.

Borough President Reynoso echoes the Community Board's call for a public restroom, accessible from the proposed Privately Owned Public Space (POPS) plaza. The Borough President encourages the applicant to engage with relevant agencies and other POPS participants on best practices for stewardship and maintenance of public restrooms near plaza and park space.