



CITY PLANNING COMMISSION

March 6, 2024 / Calendar No. 3

N 240010 ZRY

IN THE MATTER OF an application submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to support economic growth and resiliency in New York City.

This application (N 240010 ZRY) for an amendment to the Zoning Resolution was filed by the Department of City Planning (DCP) on October 30, 2023, to update zoning regulations to support economic growth and resiliency in New York City.

This text amendment, known as City of Yes for Economic Opportunity (COYEO), is a comprehensive overhaul of zoning regulations that would: (1) make it easier for businesses to find space and grow by lifting barriers so businesses can be closer to their customers; (2) boost growing industries by reducing zoning impediments for emerging business types; (3) enable more business-friendly streetscapes by delivering active, safe, and walkable streets for businesses and residents; and (4) create new opportunities for local businesses to open by establishing new zoning tools to boost job growth and business expansion. COYEO would support economic growth and resiliency by allowing existing non-residential space to be repurposed for alternative non-residential uses and by providing businesses with additional flexibility to grow and thrive in New York City.

The proposed zoning text amendment, which would apply to all 59 of the City's Community Districts, would update use definitions and allowances within existing Commercial and Manufacturing zoning districts to clarify which commercial and industrial uses are allowed within these districts. The amendment would also add or modify discretionary actions that could be pursued in the future, including Special Permits of the Board of Standards and Appeals (BSA), Authorizations and Special Permits of the City Planning Commission (CPC). Lastly, the amendment would add new Commercial and Manufacturing zoning districts to the Zoning Resolution that could be applied to specific geographies in the future via a separate discretionary ULURP action. No new zoning districts would be mapped by the proposed amendment.

RELATED ACTIONS

In addition to this application for a zoning text amendment (N 240010 ZRY), that is the subject of this report, the proposed amendment also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

N 240011 ZRY	Amendment to the Zoning Resolution to add new Manufacturing (M) zoning district with various densities, updated bulk regulations to enable loft-like building typologies, and right-sized parking and loading regulations.
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BACKGROUND

New York City’s commercial and industrial zoning regulations date to the adoption of the 1961 Zoning Resolution, which created eight distinct commercial districts and three distinct manufacturing districts with varying bulk, parking and loading, and use standards, drawing from a Use Group list that sought to categorize activities into related functional categories. These regulations combine to dictate and constrain where a business can operate, what kinds of business activities they can conduct in their space, how big they can be, and myriad other parameters. Most of these regulations remain in place today despite the significant changes to the city’s economy since these regulations were originally written in the late 1950s. As a result, today’s regulations often seem outdated, irrelevant, and complex, defining uses as varied as telegraph offices, typewriter repair, or “shoddy” (wool) manufacturing, but failing to acknowledge common business activities such as cell phone stores, 3-D printing, or laser tag. As a result, many businesses today either cannot locate in commercial areas or face ambiguity associated with their siting ability—resulting in additional regulatory costs, precarious legality, or curtailed business planning.

A commercial zoning framework that has failed to keep pace with the evolution of the city’s economy has real negative consequences for small businesses and for the city. For individual businesses, the cost may be reflected in the time and money spent navigating regulations, or in finding a suitable site in the city or beyond. For the city, increasing the cost and difficulty of siting businesses may result in fewer business and job opportunities and an increased vacancy or inability to tenant spaces. Furthermore, increased cost and complexity of regulation favors larger businesses with greater resources to absorb higher regulatory costs, while smaller businesses have less ability to risk time and money on complex regulatory hurdles.

The COVID-19 pandemic resulted in a compressed period of business closures, re-openings, and adaptations in 2020 that underscored the importance of zoning rules that adapt to modern business needs.

RECENT ECONOMIC TRENDS

The Growth and Adaptation of New York City's Economy over the 20th and early 21st Century

By early 2020, New York City's economy was comprised of 4.7 million jobs in 280,000 establishments as it experienced peak employment levels following decades of dramatic transformation from a predominantly manufacturing and port city into a global office and services center. Employment across the city grew more than 40 percent since the late 1960s, with jobs nearly doubling in the boroughs outside Manhattan during this period. From 1969 to 2000, the composition of the city's employment changed considerably, with a 70 percent decline in manufacturing-based jobs and an 80 percent increase in services jobs, a trend that continued into the 21st century.

During the decade leading up to the COVID-19 pandemic, the city's economy and population grew even more rapidly. Between 2008 and 2019, the city gained more than 790,000 private sector jobs and saw investment and employment gains in all five boroughs, with growth across a diverse range of industry sectors. This period of economic expansion supported the lowest unemployment rate in decades as well as rising wages for New Yorkers. This growth brought higher tax revenue, which the City used to reinvest in services and infrastructure.

Economic success also came with challenges. The combination of job growth in the Manhattan Central Business Districts (CBDs) and residential growth in the other boroughs constrained CBD-bound transit capacity. The greatest concentration of jobs accessible to workers of all skill levels and educational backgrounds were in the Manhattan core, so workers living in other boroughs and elsewhere in the region often experienced long and sometimes unreliable commutes. At the same time, competition for commercial space created challenges for small businesses seeking to locate and grow in the city. Older and historically more affordable office space—often referred to as Class B and C offices—had become increasingly popular with tech and other industries, and rents for Class B and Class C offices approached or sometimes exceeded rent for newer Class A office space. This further reduced the supply of lower cost space for nonprofits, start-ups, and other companies that could not afford to pay Class A rents.

As the availability of traditional office space became increasingly constrained, a wider range of industries considered operating out of historically industrial areas. For example, life sciences companies that outgrew university labs or incubator space struggled to find lab space in New York City where they could take advantage of the rich labor pool of the city and region and began seeking out the large and often unencumbered floor plates common in industrial loft-style buildings. Emerging job clusters in industrial areas created new economic opportunities, but also increased demand for a largely static supply of space, increasing rents for industrial or other existing businesses, especially in areas with low-density regulations that date to a different era of the city's economy.

Continual technological advancements and economic evolution were increasingly at odds with land use regulations that were developed in the middle of the 20th century, exacerbating the problem of matching demand for space to supply, leaving buildings underutilized and stifling opportunities for innovation and job growth. For example, modern businesses combining industrial and non-industrial functions struggled to navigate rules that seek to separate uses, requiring small-scale brewpubs or coffee roasters to locate in distant Manufacturing districts, rather than in the neighborhoods they aimed to serve.

The COVID-19 Pandemic Highlights the Need for Flexible and Resilient Zoning

The COVID-19 pandemic unleashed enormous disruption and underscored the necessity of sufficiently flexible zoning that would allow businesses to adapt to an ever-changing economy. The COVID-19 pandemic required many business owners to change operations practically overnight, such as restaurants adding grocery options, expanding delivery, and repurposing outdoor space. In some instances, regulations had to be modified or suspended under emergency authority to allow for businesses to adapt. Other businesses sought to modify operations by introducing production or wholesale components, offering more experiential or service-based offerings to draw customers back in, offering less retail and more delivery-based options, or subdividing space to share operations or infrastructure across multiple businesses.

Nevertheless, despite desperate attempts to adapt to extraordinary times, in the first three months of the COVID-19 pandemic, New York City lost 900,000 of its 4.7 million jobs—an unprecedented economic shock. By the second quarter (Q2) of 2020, nearly 12,000 businesses throughout the city had permanently closed—more than twice the number of permanent closures in Q2 2019, and 20,500 businesses had temporarily closed—nearly six times higher than the number of temporary closures in Q2 2019.

Though the total number of jobs in New York City has recovered, recovery has been unevenly distributed across the city, and the economic landscape overall looks quite different. Manhattan, particularly Midtown and lower Manhattan, and the Bronx have been slower to recover job losses, with those boroughs at 96 percent and 98 percent of pre-COVID employment, respectively, as of Q1 2023. Storefront vacancy sits at approximately 11.6 percent across the city, up from 10.5 percent in February 2020. Similarly, while the number of registered businesses in the city has fully recovered from pandemic losses, there are approximately 3,800 fewer services businesses – like dry cleaners and salons, and 700 fewer hospitality businesses, like restaurants and hotels.

In some cases, once the emergency authority allowing for some of the operational flexibility expired, businesses, having shifted resources over to a system that was no longer permitted under zoning, no longer had a viable model for operating post-pandemic. Examples of the barber who was serving clients in the backyard of their home, or the florist utilizing the opportunity to serve customers outdoors, found themselves again having to pivot. The City has worked to update regulations to retain the flexibility that worked during the pandemic: New York City now has a permanent outdoor dining program, and components of the City of Yes for Economic Opportunity

seek to modify pre-pandemic zoning regulations in a way that better reflect the evolving economy and support small and large businesses.

Changing consumer trends and an evolving economy present challenges and opportunities for neighborhood commercial corridors

Even before the COVID-19 pandemic, the rise of e-commerce delivery drove declines among dry goods retail businesses that historically populated the city's neighborhood commercial corridors. By 2021, New York City had 750 fewer clothing stores than it did in 2008, representing a 20 percent decline in those businesses. Meanwhile, non-store retailers (i.e., e-commerce) selling a wide range of goods without a brick-and-mortar storefront location, but registered to addresses in the city, grew by 130 percent in the same period, from 787 businesses to 1,800. DCP has conducted extensive research on storefront vacancy and the health of neighborhood retail corridors, publishing two recent reports: *Assessing Storefront Vacancy in NYC: 24 Neighborhood Case Studies* (2019) and *Retail Activity in NYC: COVID Recovery Across 24 Neighborhoods* (2020). The reports analyzed 10,000 storefronts across 24 locally and regionally serving retail corridors throughout the city to develop a data-driven understanding of retail and storefront uses and how they may be changing. The 2019 report found no geographic or rental cost patterns that could explain vacancy rates but suggested that corridors with zoning regulations that were highly prescriptive or out of step with the economy had greater difficulty leasing spaces, contributing to vacancy rates.

Recent analysis conducted by DCP underscores that the pandemic has exacerbated pre-existing trends in the city's commercial corridors, with notable declines in dry-goods retail businesses. Four thousand four hundred fashion, home, and hobby retail businesses opened in storefronts across the city since March 2020, but about 5,900 have also closed. Shifts in consumer spending patterns also led to an accelerated rise in the number of eating and drinking establishments, as well as other types of local services businesses, such as pharmacies and personal care stores. Since March 2020, around 12,500 food and beverage and essentials retail businesses – which includes businesses such as grocery stores and pharmacies – have opened in storefronts across the city, representing a net increase of 1,800 storefronts since the start of the pandemic. That shift toward food and beverage also represents a longer-term trend. Since 2000, the city's food and beverage jobs increased by 138,500 and food and beverage businesses increased by 10,000, representing a 90 percent and 80 percent increase, respectively, over the last two decades, despite the impact of the pandemic.

Despite macroeconomic and local shifts away from dry goods retail toward more service-orientated and experiential businesses along neighborhood commercial corridors, City zoning regulations place restrictions on non-retail businesses in many commercial districts. This forces categories of businesses with growing demand further away from customers and increases competition for space in the zoning districts where those businesses are permitted.

Remote work requires reinvention in Central Business Districts and a recognition of the new role of business in and near homes

New York City has long benefitted from the success of its central business districts (CBDs). Together, Midtown, Midtown South, and Lower Manhattan represent 38 percent of jobs and 80 percent of total office space, which as a sector generated 25 percent of the City's property tax revenues and two-thirds of total Gross Domestic Product. Furthermore, these areas underpin New York City's retail and services economy, housing 40 percent of the city's local services jobs, including retail, hospitality, and other services. Moreover, the city's CBDs are designed as regional and global hubs that support a massive influx of workers and visitors, with a combined 28 subway service lines, 25 commuter rail lines, 11 ferry routes, a dense local and regional bus network, and a robust bicycle share system with over 1,500 stations. These systems connect millions of workers, visitors, and tourists to the activities available in the city's densest areas. For decades, a virtuous cycle of investment, economic activity, and job generation has been underpinned by the demand for high-value office jobs to centrally locate in the city's CBDs.

The pandemic and ensuing wide-scale adoption of remote work has disrupted office demand and, with it, the economic ecosystem of the city's CBDs. The share of New York City residents who reported primarily working from home rose from 6 percent of the resident labor force in 2019 to 16 percent of the resident labor force by 2022. That increase was true throughout the city, with especially high gains in Manhattan and North Brooklyn where as many as 30 percent of residents reported working primarily from home in 2022. New York City, like cities across the country, remains only partially "back to the office" – with average office building use at 50 percent to 75 percent of pre-COVID visitation levels. As a result, millions of square feet of commercial real estate are underutilized, with space continuing to hit the market and looking for a new purpose.

Consumer spending remains below pre-COVID rates in the city's CBDs, and storefront vacancy is among the highest in areas with considerable office footprints. While consumer spending in core CBDs in Manhattan, Downtown Brooklyn, and Long Island City has declined, consumer spending has risen in emerging economic hubs across the city, such as Fordham Plaza, Forest Hills, and St. George/Stapleton. Credit card spending is also up in residential neighborhoods outside of Manhattan, reflecting new patterns of consumer demand as workers spend larger periods of their day in home neighborhoods.

At the same time, DCP's 2020 study of locally and regionally serving retail corridors across the city reveals that the impacts to the CBD's economic ecosystem did not bare out similarly in more locally serving corridors. *Retail Activity in NYC: COVID Recovery Across 24 Neighborhoods* (2020), conducted during the height of the pandemic, found that locally serving retail corridors such as Kingsbridge, Jackson Heights, and Hamilton Heights had a higher proportion of open and operating businesses, compared with regional destinations and areas impacted by reduced commuting and tourism, such as Flatiron/Union Square, SoHo/NoHo, and Canal Street, which were found to have the lowest proportion of open businesses. While lacking the scale and scope of business to offset losses to the CBD's economy resulting from the COVID-19 pandemic, the

impact of the city’s labor force spending more time and money in their home neighborhoods appeared to have substantial implications for local commercial vacancy rates.

Most evidence suggests that remote work will likely remain in the future, with today’s levels of activity reflecting a reasonable “new normal”. This trend underpins strong desires from property owners and stakeholders in commercial areas to consider all possible strategies to reposition vacant spaces for new kinds of uses and tenant mixes, and the need to make accommodations for workers increasingly choosing to work in and near their residences.

Emerging industries can help accelerate the city’s economic growth and create good jobs

As property owners, businesses and the City seek new opportunity to ensure that commercial corridors and office buildings can be re-populated with new and expanding businesses and support the growth of new sectors. New York City is home to several emerging industries that have the potential to support its economic recovery from the pandemic, but sometimes face restrictive or ambiguous zoning regulations that inhibit business location or expansion. In many instances, the city’s zoning has not kept up with the needs of emerging industries.

Life Sciences: With nine major research centers, over 50 hospitals, and a highly talented and diverse workforce, New York City has all the resources to be a global leader in the life sciences industry. A 2021 DCP report, *Life Sciences in the NYC Metro*, found that the metropolitan region has more than 5,000 life sciences businesses and nearly 150,000 life sciences jobs, and that the city has been a growing focal point of the industry. The life sciences industry was critical during the pandemic, when local companies were able to deliver vaccines, therapeutic treatments, diagnostic and testing systems, personal protective equipment, and innovative medical devices such as emergency ventilators, represented by over five million square feet of life sciences laboratories currently under construction in the city. While life science labs have certain specific needs, such as for building ventilation systems, they often have otherwise similar space requirements to those of traditional offices. Yet language written into the zoning long ago—when life science laboratories operated differently than they do today—limits many of these uses to manufacturing districts and makes it challenging for them to co-locate with other commercial or institutional activities.

Small-scale clean production: Manufacturers of niche products—such as small-batch food, apparel, and furniture—tend to serve local consumers and want to co-locate with retail or service components of their business. In recent years, New York City has seen the growth of maker-based businesses, for instance, experiencing 510 percent growth in the number of breweries, 140 percent growth in the number of coffee roasters, and 42 percent growth in specialty food, fruit and vegetable manufacturing over the last decade. There are also seven times as many distilleries in the city today versus a decade ago, growing from three to 23. As business models change with technology, the spectrum between office-based and manufacturing businesses is blurring. For example, a business that uses three-dimensional printing or manufactures custom circuit boards may have operational and space needs resembling those of both office and manufacturing

businesses. Small, niche manufacturers, such as artisanal, advanced, and food and beverage manufacturing, are better able to operate in industrial mixed-use buildings and generally (but not always) produce fewer fumes, noise, and truck traffic, which can be a nuisance to other tenants. They also generally do not require as many special mechanical systems and have limited off-street parking and loading needs.

Despite changes in consumer trends and advances in clean production methods, modern businesses combining retail with wholesale or light industrial activities have struggled to locate in commercial areas due to zoning restrictions, often requiring businesses such as breweries and coffee roasters, wholesale bakeries, 3-D printers, and distilleries to locate in industrial areas, often far away from their customers.

Film and television production: New York City has long played a vital role in the global film and television industry, and an expansive range of businesses comprise the city's film and television ecosystem, making it one of the largest and most multifaceted in the world. In 2019, the film and television industry in the city supported approximately 185,000 total jobs, \$18.1 billion in total wages, and generated \$81.6 billion in total economic output. Businesses range from motion picture and video production, talent, subscription programming, television broadcasting, advertising and media buying, postproduction and other services, and distribution and consumption. These sectors are mutually reinforcing, and each plays a crucial role in the industry's value chain, from the production of film and television content through to its consumption by viewers and enthusiasts. Over the last 15 years, the industry has added roughly 35,000 direct jobs, growing at an annual rate of 3 percent and outpacing the citywide job growth over this period.

New York City is home to about 60 qualified production facilities—as defined by the Film Production Tax Credit Program—located in all five boroughs and concentrated in Manhattan, Brooklyn, and Queens. These facilities constitute almost two million square feet of production space, and this figure is expected to nearly double in the next few years as existing expansion projects are completed and new facilities open. These facilities also vary in type and size: a handful are very large, multi-stage facilities widely regarded as world-class film and television production hubs; most others are smaller, single- or several-stage facilities. Soundstages are often repurposed industrial buildings, such as warehouses and hangars; as a result, soundstage space is concentrated in formerly industrial areas. The growing presence of production facilities in these neighborhoods has helped revitalize local economies. Between 2001 and 2019, jobs in the motion picture and video production sector grew at an annual rate of 9 percent in Brooklyn and 8 percent in Queens (compared to 3 percent citywide), reflecting in part the expansion of soundstages and production facilities in these two boroughs. This pipeline of projects has revealed significant drawbacks in zoning rules that make siting new production facilities quite challenging, due to constraints of traditional Manufacturing district zoning regulations with regard to bulk, loading, and parking. Several projects have come before the City Planning Commission for rezonings and other actions in recent years to facilitate new soundstages.

Amusements and experiential retail: Consumer demand for experiential businesses and those in the amusement and recreation industry—such as trampoline parks, virtual skydiving, escape

rooms, and virtual reality arcades—are expanding the diversity of business types that desire to locate in commercial areas. The number of amusement and recreation businesses in the city has increased from 960 in 2010 to 1,400 in 2023 – primarily in Coney Island or in manufacturing-zoned areas of the city, as current zoning rules largely prohibit them in commercially zoned districts. Multiple real estate brokerages have written regarding the shift in retail to more experience-based offerings, which are thriving especially in areas like SoHo, where existing mixed-use zoning has been more permissive of these creative offerings.

Nightlife: Live entertainment and nightlife venues, including comedy clubs and dance halls, showcase the vitality and creativity of New Yorkers. A 2019 report from the New York City Mayor’s Office of Media and Entertainment (MOME) found that New York City’s nightlife industry supports nearly 300,000 jobs and generates \$35 billion in economic output. Despite the importance of this industry to the city’s recovery and continued economic growth, the city’s zoning has not kept up. The zoning includes outdated restrictions holding back certain businesses from locating in many commercial districts of the city, especially in high density and centrally located areas such as Midtown Manhattan.

Urban Agriculture: Nineteen million pounds of food are supplied annually to New York City via a complex local and global supply chain. As part of a multi-pronged effort to increase food security, equity, and economic opportunity, the City adopted a goal of increasing urban farming, including the establishment, in 2021, of the first Mayor’s Office of Urban Agriculture (MOUA). Today, the city is home to numerous community growers, as well as new commercial growing operations taking advantage of rooftop allowances created by the Zone Green citywide zoning text amendment of 2012 (N 120132 ZRY). Advances in hydroponic and aquaponic agricultural cultivation present opportunities for vertical indoor urban farms, but zoning regulations prohibit these kinds of businesses from locating in empty office or storefront spaces in Commercial districts.

EXISTING USE AND COMMERCIAL ZONING REGULATIONS

The Zoning Resolution’s land use regulations were developed based on New York City’s economy of the 1950s and have not kept pace with its evolving economy. The 1961 Zoning Resolution (ZR), itself an update from the 1916 code, reflects how the city’s economy transformed from World War I to an auto-focused, post-World War II era. The ZR largely separates residential, commercial, and manufacturing uses, requires compliance with a substantial range of off-street loading and parking regulations, and significantly limits densities in many commercial and industrial areas.

Use

The 1961 ZR regulates land use according to the activities, or “uses,” contained within delineated zoning districts. The ZR defines use as “any purpose for which a building or other structure or an open tract of land may be designed, arranged, intended, maintained or occupied”; or “any activity,

occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on an open tract of land” (ZR 12-10).

Uses in the 1961 ZR were based, in part, on the Standard Industrial Code (SIC) classification system that the federal government used in the 1950s to classify businesses. The SIC classification system has since been replaced by the North American Industry Classification System (NAICS), but the ZR has not been updated to reflect the federal government’s adoption of NAICS nearly 30 years ago.

Use Groups

The ZR divides individual uses into 18 “Use Groups” (UGs) based on uses deemed suitable to be contained in similar zoning districts over 60 years ago. Use Groups 1 and 2 are “residential,” while Use Groups 3 and 4 are “community facilities,” such as schools, libraries and hospitals. Use Groups 5 through 9 are “local retail and service uses,” 10 through 12 are “regional shopping and large entertainment facilities”, 13 through 15 are “recreation” uses, 16 is “automotive service and semi-industrial”, and 17 and 18 are for “manufacturing and other heavy industrial” uses. This Use Group framework has been largely unchanged since 1961.

The uses within Use Groups themselves may reflect a collection of uses the drafters of the 1961 Zoning Resolution thought made sense together but do not, in contemporary practice, represent a coherent category of businesses based on building typology or industry sector. For instance, this lack of alignment between uses and Use Groups results in certain production and entertainment uses appearing in a Use Group alongside retail and services uses. For example, Use Group 6 contains bakeries, dressmaking shops, and eating and drinking establishments with live entertainment. Similar uses are also often listed in multiple Use Groups, such as “Candy or ice cream stores” being listed in Use Groups 6, 12, and 14, further confusing business owners, City agencies, and the public. The current Use Group system makes it challenging for users to understand where businesses can and cannot locate, effectively requiring users to read all of the Use Groups to understand the regulations. While many aspects of the 1961 ZR became common in the zoning codes of other cities, the Use Group concept saw little uptake and is quite old-fashioned compared to the zoning rules in other cities. In the last few decades, many other cities, including San Antonio, TX, St. Petersburg, FL, and Tacoma, WA have adopted NAICS for maintaining use classifications of businesses that stay up to date with how business practices and technological changes continue to shape local economies.

Changes in Use Regulations Since 1961

While the original ZR drafters assumed that the use regulations would be kept fresh through continual changes to the rules, the difficulties in undertaking citywide zoning changes have greatly limited changes over time. Since 1961, most of the changes to use regulations in the ZR have been

applied to select uses or geographies, creating a patchwork update to the existing framework rather than a comprehensive reform.

On a citywide basis, updates to use regulations since 1961 have included minor additions of defined uses such as veterinary medicine (1971), indoor golf centers (1964), and outdoor skateboard parks (1978) (N 770542 ZRY). Other changes include the addition of clothing rental as a permitted use within Use Group 6 (in C1 zoning districts) in 1970, the reclassification of auto body repair from Use Group 17 to Use Group 16 in 1965 to allow those establishments in C8 zoning districts and allowing shoe repair to occur on the ground floor within 50 feet of the street in C5 zoning districts in 1993 (N 930327C ZRY). The specificity and limited scope of such citywide use changes are indicative of a use regulation framework that is ill-suited for adaptation and unable to anticipate changes in economic activity.

In other instances, DCP has advanced citywide text amendments to modify use regulations, including those for physical culture establishments (PCEs), live entertainment, and a Special Permit for scientific research and testing laboratories. These text amendments have modernized use regulations for select business types and fit into the existing use framework, rather than provide an overarching framework through which future changes could be applied.

Since 1961, the ZR has also seen the addition of numerous special districts, many of which further specify lists of uses permitted and excluded within a defined geography.

Where zoning has been unable to keep pace with a changing economy, the New York City Department of Buildings (DOB), the Board of Standards and Appeals (BSA), the City Planning Commission (CPC), and the judicial process have served to clarify where certain new or not explicitly defined uses are permitted. Small business owners often need to hire professional expeditors, land use attorneys, engineering firms, or consultants to interpret the ZR and the decades-old use regulations, a process that can cost small businesses months of lost revenue and rent on a storefront not yet open for business.

For the first decade after 1961, the drafters' view of uses reflecting current industry classifications mostly held, as new uses were added to regulate emerging business types. But, as the process of adopting citywide zoning text amendments became more complex, fewer changes occurred in the following decades, and the changes that did occur tended to focus on limiting uses, whether new or existing. In fact, no comprehensive update to the current use terms has occurred since their original adoption in 1961—and rarely have new uses been added—to reflect the many changes and additions to businesses in the more than six decades since the ZR's original adoption. Effectively, the work of keeping the overall use framework in line with the city's economy has been put off for multiple decades, resulting in citywide use regulations that are obsolete, inconsistent, or confusing.

Commercial Districts

The ZR contains eight broad categories of commercial “C” zoning districts and allocates Use Groups across these districts. Each category is described below.

C1 and C2 Commercial Districts

The ZR contains two types of similar zoning districts designed for neighborhood commercial corridors: C1 and C2 districts. These districts can be found either as mapped standalone districts in high-density locations in Manhattan or as overlay districts in combination with Residence districts in residential contexts ranging from R1 to R10.

The ZR classifies C1 districts as “Local Retail Districts” consisting of a “wide range of retail stores and personal service establishments” that can meet “frequently recurring needs.” As they were conceived, C1 districts were meant to “promote convenient shopping” and “continuous retail frontage” (ZR 31-11).

In contrast, C2 districts were created in the 1961 ZR as “Local Service Districts” consisting of “a wide range of essential local services not involving regular local shopping.” Because of a perception that local services businesses “are less frequently visited by customers” and “tend to break the continuity of retail frontage,” the 1961 ZR excluded many local services uses from C1 districts that were found in C2 districts, such as repair and rentals, large gyms, funeral homes, trade schools, medical labs, pawn shops, and dance/theater studios (UG 7B, 8B, and 9A). Also, excluded from C1 districts were small amusements and places of assembly, such as theaters, bowling alleys, billiard halls, and banquet halls (UG 8A); small wholesale establishments (UG 7C and 9B); and auto service, including light installation, rentals, and parking facilities (UG 7D and 8C). Even though the range of uses permitted in C2 districts was far more expansive than those permitted in C1 districts, the uses permitted in C2 districts were ones that “create relatively few objectionable influences for nearby residential areas” and therefore were considered appropriate within a residential neighborhood context.

In practice, however, there are few meaningful distinctions between the types of businesses that exist in C1 and C2 districts. A 1990s DCP examination of businesses across the city found there to be more businesses in Use Groups 7, 8, and 9 in C1 districts than in C2 districts—despite businesses in those use groups not being allowed as-of-right in C1 districts. A DCP examination of existing businesses in 2022 corroborated these earlier findings and found that there are 1,500 businesses in C1 districts in Use Groups 7, 8, and 9, suggesting a wide range of non-conforming uses.

Because of the unnecessary and outdated limitations on use within C1 districts, over the last few decades, DCP-led zoning map amendments have changed many C1 districts to C2 districts to facilitate economic development and greater business diversity with the wider range of uses

allowed by C2 districts. From 1994 to 2022, the share of C1 districts citywide has decreased from 63 percent to 51 percent, resulting in an additional 585 acres of land zoned as C2.

C3 Commercial Districts

C3 districts generally permit waterfront recreational activities, primarily boating and fishing, in areas along the waterfront that are usually adjacent to Residence districts. In addition to facilities for docking, renting, servicing and storing fishing and pleasure boats, permitted activities include aquatic sports equipment sales and rentals, bicycle shops, ice cream stores and public and private beaches. These waterfront uses are listed in Use Group 14. C3 districts also permit residences and community facilities (UG 1–4). Notably, in C3 districts eating or drinking establishments require a BSA Special Permit in order to operate, providing an additional hurdle for small business owners seeking to operate in low-margin industries.

C4, C5, and C6 Commercial Districts

The ZR also contains three varieties of commercial districts designed for higher density or more centrally located areas: C4, C5, and C6 districts.

C4 districts, or “General Commercial Districts,” were designed in the 1961 ZR for intensive commercial activity drawing on a relatively large service area, such as department stores and other large-scale retail businesses. Some service uses were permitted, but those that can locate elsewhere were not permitted (or were not permitted to locate on the ground floor) to prevent perceived interruption of retail continuity. Consequently, C4 districts placed restrictions on uses like bike repair, exterminators, small contractors, auto tire shops, and custom manufacturing.

C5 districts, or “Restricted Central Commercial Districts,” were designated for central office, retail, and wholesale activities of citywide, regional, and national significance. Notably, the C5 district also permitted “custom manufacturing establishments which are generally associated with the predominant retail activities” (ZR 31-15), including apparel design and manufacturing.

To make conditions favorable to the principal activities of C4 and C5 districts (e.g., shopping and offices), zoning excluded a range of service businesses from the ground floor within 50 feet of the street. In general, these are: entertainment uses (billiards and bowling); instructional facilities; production spaces; studios; laboratories; places of assembly (banquet halls/meeting halls); and other local service uses (pawn shops, loan office, clothing rental, catering) and various non-automotive repair uses.

C6 districts, or “General Central Commercial Districts,” were designed to provide for the varied and specialized commercial activities requiring a central location. Retail shopping was considered important but was not intended to be a major function of C6 districts. C6 districts included areas with intensive employment on upper floors and ground-floor uses that provide services for those

businesses and their employees. On this basis, planners at the time did not place the ground-floor restrictions and use limitations that exist in C4 and C5 districts on C6 districts.

Over time, zoning text changes have allowed additional service uses along the ground floor in C4 and C5 districts, demonstrating subsequent land use rationale for removing the constraints of these provisions. For example, the regulations were changed to allow additional uses on the ground floor, including shoe repair (1993), public auction rooms (1997) (N 970636 ZRY), television studios in the Fifth Avenue Subdistrict of the Midtown Special District (1999) (N 990497 ZRY), and theaters in the Fulton Mall special district (2001) (N 000244 B1 ZRY). Most notably, changes to the Lower Manhattan Special District in 1998 (N 980314 ZRM) allowed all C5 uses on the ground floor except on a handful of retail continuity streets, allowed theaters and a few other places of assembly (e.g., billiards, funeral homes), and craft production and repair uses (e.g., appliance repair, construction contractors) that are otherwise prohibited in C5 districts. These changes preceded the transformation of lower Manhattan into a mixed-use area, but facilitated the location of businesses, such as theaters, that had previously been restricted, as additional residents populated the area.

Since the 1960s, C5 districts have seen little expansion from their original cores in East Midtown and lower Manhattan. Meanwhile, the C6 district, originally centered in western Midtown, has been used as the main tool for higher density commercial business growth, since it permits a wider range of uses than C5. Over the last couple of decades, the C6 district has been used in Hudson Yards, Downtown Brooklyn, and Downtown Jamaica.

C7 Commercial Districts

The C7 district, designated in the ZR as a “commercial amusement” district, was “designed to encourage open commercial amusement parks,” such as Coney Island, and had broad allowances for use. In 1961, C7 districts permitted housing, community facilities, and all commercial uses except Use Group 11 (custom manufacturing) and Use Group 16 (automotive and semi-industrial). In 1972, permitted uses were restricted to Use Groups 12 through 15 to preserve the unique amusement uses in Coney Island (CP 21829).

Currently, C7 districts are mapped only in three locations, and only one—Coney Island—currently has amusement uses. The other two locations mapped with a C7 district have uses that do not conform with the district’s use regulations. The Coney Island Special Purpose District effectively overrides the use regulations for the area, providing the possibility of repurposing the C7 designation without materially affecting use allowances in Coney Island.

C8 Commercial Districts

C8 districts, bridging commercial and manufacturing uses, provide for motor vehicle repair and maintenance shops and other heavy commercial services that often require large amounts of land. Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car

washes—although all commercial uses (except large, open amusements) as well as certain community facilities are permitted in C8 districts. Housing, however, is not permitted, and performance standards are imposed for certain semi-industrial uses (UG 11A and 16).

C8 districts are mapped mainly along major traffic arteries, such as Boston Road in the Bronx and Coney Island Avenue in Brooklyn, where concentrations of automotive uses have developed.

Manufacturing Districts

In addition to commercial zoning districts, there are three types of Manufacturing Districts that are distinguishable from each other primarily by the intensity of industrial uses permitted within them, and the range of permitted non-industrial activities allowed. Intensity of industrial activity permitted is partially based on what uses are allowed and partly based on Performance Standards, a set of environmental regulations in the Zoning Resolution that limit the amount and type of industrial nuisances permitted for a variety of potentially noxious elements including noise, vibration, smoke, odor and fire hazard. Each district type is further subdivided into individual districts characterized by different floor area ratios (FARs) and parking requirements, with increasing intensity of industrial use and density generally indicated by the accompanying increasing numeric suffix. The three Manufacturing district categories are:

- (1) M1 – Light Manufacturing Districts.** M1 districts allow a range of industrial, commercial, and community facility uses and, in some cases, act as transition zones between residential areas and areas with heavier industrial activity (such as M3 districts). M1 districts allow Use Groups 4, 6-14 (generally retail and commercial uses) and 16-17 as-of-right and Use Group 5 (hotels) with a Special Permit. It does not permit Use Group 18 uses which are the most intensive industrial uses (such as cement factories). Manufacturing districts generally do not permit residential uses but, in some rare instances, allow residential under very specific circumstances (e.g., M1-6D). Unlike M2 and M3 districts, M1 districts can also be paired with other zoning districts, such as residential districts, to create what is sometimes referred to as “MX” districts.
- (2) M2 – Medium Manufacturing Districts.** M2 districts have lower performance standards than M1 districts. Although not widely mapped, M2 districts are usually found in or near waterfront areas. M2 districts allow Use Groups 6-14 (generally retail and commercial uses) and 16-17 (generally industrial uses) as-of-right. Community facilities and hotels are not allowed in M2 or M3 districts. Certain categories of retail and service uses in Use Groups 6A, 6C, 9A, 10A and 12B are limited in size or not permitted at all. The most intense Use Group 18 industrial activity is not permitted in an M2 district.
- (3) M3 – Heavy Manufacturing Districts.** Originally designed to accommodate essential heavy manufacturing uses and facilities, such as power plants and foundries, which generate high amounts of noise, truck traffic, or pollutants, M3 districts today are home

to many businesses, including open industrial uses such as recycling facilities and cement production. M3 districts allow Use Groups 6-14 (generally retail and commercial uses) and 16-18 (generally industrial) as-of-right. Certain categories of retail and service uses in Use Groups 6A, 6C, 9A, 10A and 12B are limited in size or not permitted at all.

Prior to 1961, industrial businesses were relegated to “industrial”, “business” or “unrestricted” areas of the city which allowed a wide range of business uses but ensured their segregation from residential areas. At the time of the adoption of the 1961 zoning regulations, the manufacturing sector was the predominant use in industrial areas, so these industrial districts were renamed “Manufacturing Districts” despite widespread non-conforming housing and allowing for a wide range of other industrial, commercial, and retail uses.

Before the 1961 ZR, many flexible industrial building typologies were built, commonly in a loft-like style, which resulted in the construction of highly adaptable space that could accommodate a range of tenants. In these loft-style structures, co-location of production, wholesale, office, and retail uses often occurred in the same building or even on the same floor, resulting in a supply of multipurpose space that could accommodate and respond to the needs of growing businesses. Many loft buildings were not purpose-built developments and generally were built without a specific type of business in mind. The characteristics of these buildings—including high ceiling heights, wide column spacing, and large floorplates—has meant that many of these historic loft buildings have been able to adapt, and they remain occupied through economic cycles and changes in tenant demand even more than a century following their original construction.

By the late 1950s, globalization and technological advances in production had started to catalyze New York City’s transition away from a manufacturing-based economy. The 1961 ZR reflected planners’ thinking of the time that future job intensity would be focused primarily in dense office districts in Midtown or in far-flung low-scale production in more suburban settings. As a result, the 1961 ZR subjected new construction buildings in M districts to single-story or low-density FAR, infeasible sky exposure plane requirements, high yard requirements, and high parking requirements that assumed primacy of car commuting in the future. In many instances, the 1961 ZR prohibited new construction versions of the flexible loft-like buildings that populated the city historically.

These outdated M districts remain largely unchanged. Approximately 70 percent of buildings in the city’s M districts were built before 1961, and M districts are home to many tenanted buildings that are larger than what would be allowed under the 1961 ZR. M districts are also overwhelmingly low density. Approximately 96 percent of the city’s M districts are zoned for a maximum of 2.0 FAR of commercial, which significantly limits physical vertical business expansion without a costly and time-intensive rezoning process. Additionally, approximately one in five buildings in M districts are above their allowable FAR, preventing many kinds of renovations that businesses may need to continue or expand their operations.

New York City needs new M district zoning tools to enable modern loft-like buildings to support and grow businesses in the city’s industrial areas. Buildings that can be adaptable and meet the

needs of a range of business types and sizes—as the city’s loft buildings historically have done—would ensure economic resilience for the city in the face of future disruptions and changing economic trends.

Commercial Activity in Residence Districts

The 1961 ZR was created at a time when commercial uses were often separated from residences on the basis that, over time, more New Yorkers would use personal vehicles to drive to corridors or auto-oriented shopping centers in C districts for local goods and services. Indeed, today’s zoning still reflects a vision of commercial activity “designed to meet the needs of the automobile shopper,” as the 1961 City Planning Commission Rezoning New York City handbook states.

While the drafters of the 1961 ZR mapped Commercial Districts over most of the city’s retail corridors, they often placed more-dispersed commercial businesses in Residence districts. This subjected businesses in R districts to non-conformance regulations that made it more difficult to maintain their business and precluded reoccupation if the business closed for more than two years. Recognizing the issues this caused in many parts of the City, in the 1970s DCP modified the zoning to allow stores in R5-R7 medium density residence districts to be reoccupied regardless of how long the business was closed. These discontinuance regulations, found in ZR 52-61, have allowed many stores to reopen and fulfill a vital service role in their neighborhood.

Home occupation provisions have been included in the ZR since 1961 and have allowed many small businesses to begin. These rules allow a wide range of business types to operate from a dwelling unit, except they limit some uses such as barbers and nail salons in a very class-based way. In recent special districts, home occupations regulations have been adjusted to allow for these uses, expand the allowable percentage of a dwelling unit associated with a home-based business, and increase the allowable number of employees associated with a home-based business.

Today, outside of Commercial districts, approximately 630,000 New Yorkers are working at 77,000 private sector businesses located in residentially zoned areas of the city. Those businesses reflect a mix of home-based businesses, community facility-type businesses generally allowed to locate in Residence districts, such as doctor’s offices and daycares, and businesses in historic non-conforming storefronts or loft buildings not typically allowed in areas zoned for residential use. However, the city’s zoning has not kept pace with, and often inhibits, business activity and job creation in places not explicitly allowed to allow for such activities. In the City’s Historic Districts, discontinuance regulations with a two-year limit on commercial activation contribute to more than 850 vacant storefronts in Historic Districts, 250 of which are in Residence districts. Since COVID-19, the share of New York City residents working from home rose from around 5 percent in 2019 to 16 percent of resident workers in 2022. There are also more than 110,000 New Yorkers who reported that they were self-employed and working from home, underscoring the contribution of home-based businesses to neighborhood and overall city economic vibrancy.

Over the last 60 years, much has changed—many New Yorkers travel to shops by walking or taking transit, and hybrid work has further revealed the benefits of having retail options close to home. Many business uses may not only be appropriate in residential neighborhoods but may facilitate beneficial connections between residents and businesses within hyper-local economies, creating jobs and activating existing commercial corridors.

Streetscape rules

The 1961 Zoning Resolution had few regulations focused on the interaction between the sidewalk and ground floors of buildings. Since then, planners have increasingly recognized the importance of this relationship and the ZR has seen the addition of many types of “streetscape” regulations. These rules, unlike use and bulk regulations, do not apply citywide. Instead, different sets of streetscape regulations have been applied in different areas over time (typically through the mapping of special purpose districts). While these regulations differ, they tend to include regulations for design elements like ground floor uses, transparency, and lobby dimensions. DCP has looked to bring more coherence to the various streetscape regulations over time to make them easier to administer and comply with – for example, in 2016, standards were established for measuring transparency and ground floor use depth. While there remain many different sets of streetscape regulations in the ZR today, they apply in a limited portion of the city’s commercial corridors, since most of the city is not covered by special purpose districts. This leaves most commercial corridors without any streetscape standards to protect against negative elements like blank walls or at-grade parking lots which can harm the walkable commercial character of a street.

Proposed Text Amendment

New York City’s economy has evolved significantly since the zoning rules which govern uses were written. Many of the limitations that the 1961 zoning regulations placed on businesses are not only no longer serving the needs of neighborhoods but are creating significant limitations for businesses trying to find space in the city, constricting economic growth and contributing to vacancy. The proposed COYEO citywide zoning initiative would make it easier to locate or grow a business in New York City while reducing the number of the city’s current storefront and office vacancies by modernizing and clarifying the city’s zoning, allowing a wider variety of activities and uses that would create vibrancy on commercial streets, and lowering the cost and time of starting or opening a new business. This initiative falls broadly into four key categories:

Goal 1: Make it easier for businesses to find space and grow by lifting barriers so businesses can be closer to their customers.

This zoning text amendment represents the first comprehensive update of use regulations since 1961, and updating and simplifying use regulations citywide would remove

confusion and ambiguity that exists in the current zoning, enabling small business owners, property owners, City and State officials, and other community stakeholders to more easily understand where businesses can locate and what they can do in their space. Doing so would also allow for vacant spaces to be more easily activated, alleviating storefront vacancy while creating more vibrancy along the city's commercial corridors. Allowing existing spaces to be repurposed would support economic recovery and resiliency, enabling the city to be more responsive to changing economic conditions. This clarity should also lower the time and cost of establishing or growing a business in New York City.

Goal 2: Boost growing industries by reducing zoning impediments for emerging business types.

Certain industries face unique restrictions or ambiguity in how they are currently regulated in zoning. The proposal would address these situations to enable the growth of these industries to thrive across the city, catalyzing the city's economic recovery.

Goal 3: Enable more business-friendly streetscapes by delivering active, safe, and walkable streets for businesses and residents.

The proposal would establish clear and consistent streetscape regulations citywide. In doing so, zoning would prioritize the public realm of commercial streets with spaces designed to be attractive and activate city sidewalks, fostering economic vibrancy and activity along the city's commercial corridors.

Goal 4: Create new opportunities for local businesses to open by establishing new zoning tools to boost job growth and business expansion.

In many situations, current zoning regulations can inhibit the development of new commercial and industrial spaces, holding back opportunities for creating jobs that are close to where people live and serve the city's communities. The proposal would ease pathways to create spaces that can support job growth across the city, especially in transit-accessible locations in all five boroughs.

A. Make it easier for businesses to find space and grow

COYEO proposes to update existing use regulations in the ZR to allow for a wider range of appropriate activities to occur in many commercial areas.

1. **Lift time limits to reactivating vacant storefronts**
2. **Simplify rules for business types allowed on commercial streets**
3. **Expand opportunities for small-scale clean production**
4. **Modernize loading dock rules so buildings can adapt over time**
5. **Enable commercial activity on upper floors**
6. **Simplify and modernize how businesses are classified in zoning**

1. Lift time limits to reactivating vacant storefronts

This proposal would allow nonconforming vacant storefronts in residence and historic districts to legally re-tenant their space in locations where it is not already allowed.

Today, many residential areas of the city have non-conforming stores, such as corner grocery stores or ‘bodegas’, whose commercial use pre-dates current zoning that would not allow for commercial use. These stores can remain active in perpetuity, but there is limited protection for continued operation of these storefronts as retail in the event of prolonged vacancy, as occurred in the recent pandemic. Current regulations for non-conforming commercial uses in Residence districts allow for the reoccupation of a vacant commercial storefront via Section 52-61 of the ZR, provided that the commercial use does not close for more than two years. However, provisions applicable in R5-R7 districts (except Historic Districts) allow vacant commercial spaces to be reopened regardless of the amount of time vacant. Non-conforming stores can serve vital roles in areas with limited retail availability, and the provisions of 52-61 unduly restrict the continued use of these neighborhood assets in certain areas, and adding additional uncertainty about if businesses can operate long-term can make it harder for businesses to obtain loans.

COYEO would ease regulations on the reactivation of vacant retail spaces by expanding the applicability of Section 52-61 to all Residence districts as well as Historic Districts. This change to the ZR would support the economic stability of neighborhoods, while promoting walkability and access to local goods and services.

2. Simplify rules for business types allowed on commercial streets

This proposal would simplify zoning regulations to permit the same range of commercial businesses on similar commercial street types – consolidating use differences between the two kinds of zoning districts for neighborhood commercial corridors and local streets (C1 and C2 districts) and consolidating the use differences among the four kinds of zoning districts meant for centrally located areas and Central Business Districts (C4, C5, C6, and C7 districts).

Today, zoning restricts many kinds of local services uses that are allowed in C2 Commercial districts from locating in C1 Commercial districts, despite C1 and C2 districts, also known as ‘overlays’, being mapped in similar contexts and—in many instances—being mapped along the same street or across the street from each other. Similarly, today’s zoning restricts many kinds of commercial uses that are allowed in C6 Commercial Districts from locating in C4 Commercial districts and C5 Commercial districts, despite similar contexts and mapping locations for all three districts. Furthermore, today zoning places limitations within C4 and C5 districts on certain uses, including instructional facilities, dance studios, and clothing rental establishments, from locating within 50 feet of the street wall if located on the ground floor of a building. Uses subject to this prohibition were perceived to be detrimental to commercial corridor by virtue of having less foot

traffic (e.g., an art studio) or for classist perceptions of occupants (e.g., billiard parlors). The current rules effectively bar these uses, which are allowed in the district, from ground floor tenancy and can exacerbate vacancy while also unnecessarily restricting small businesses from locating in spaces that could be suitable but for the zoning restriction.

COYEO would simplify the arbitrary distinctions between these zoning districts to allow the same range of uses in C1 and C2 districts, effectively enabling some additional uses within C1 districts. These uses include business services, bike rental and repair, and theaters (i.e., some uses found in current Use Groups 7, 8, 9 and 14). COYEO would also broaden the range of uses allowed in C4 and C5 districts to match those currently allowed in C6 districts—uses including small-scale service and repair, wholesale, and custom manufacturing businesses, as well as amusements like movie theaters and places of assembly (i.e., some uses found in current Use Groups 7, 8, 11, and 12). In C4, C5, and Special Purpose Districts with existing limitations on use from locating within 50 feet of the street wall if located on the ground floor of a building, COYEO would remove this distance from streetwall restrictions.

3. **Expand opportunities for small-scale clean production**

This proposal would provide additional location options for small-scale, clean production space and other light industrial activities.

The ZR currently limits many production activities to M districts, however notable exceptions exist based on retail-production hybrid businesses common at the time of its adoption in 1961. For example, bakeries, dressmaking, tailoring, and hat-making are all permitted uses in any commercial district (UG 6), printing shops are permitted in C2, C4-C6 (UG 9), and custom manufacturing of books, ceramics, clothing, hair products, jewelry, medical or dental instruments, musical instruments, orthopedic or medical appliances, printed products, and watchmaking are permitted in C5 or C6 districts (UG 11).

However, the existing commercial district allowances for production activities are limited by their specificity and preclude many kinds of production activities that are broadly seen as appropriate and desirable uses to occur in certain commercial districts, including 3D printing, woodworking shops, and small-scale food and beverage manufacturing such as microbreweries and coffee roasters. Additionally, the current zoning restricts some production uses to a small amount of on-site production space for retail activities (e.g., a small baking area in a bakery).

COYEO proposes to allow certain additional production activities to occur in commercial districts. These production uses align with light industrial uses currently permitted in special mixed use (MX) districts and include but are not limited to ice cream shops, bakeries, brewpubs, pottery stores, woodworking shops, 3-D printers, and apparel makers. These production uses are defined according to industries within NAICS.

The proposal would allow these small-scale production uses up to 5,000 square feet (SF) on the ground floor in C1 and C2 districts, allowing activities compatible in size with other retail and service storefronts commonly found in these zoning districts. In C4, C5, C6, and C7 districts, clean production activities would be allowed up to 10,000 SF on the ground floor—with no size restrictions above the ground floor.

In all instances, to be able to operate in Commercial districts, clean production uses would be subject to environmental requirements already required in Special Mixed Use Districts that stipulate the business must certify that a production or manufacturing activity would not have emissions that exceed the “ABC” standard found in New York City Administrative Code 24-153, or would generate a “right to know” filing with the City for storing or using potentially hazardous substances. Failure to follow environmental standards could result in DOB zoning violations, DEP enforcement, and potential closure.

Additionally, to avoid potential air quality effects for residences, uses must design any required emission stacks to vent at the highest tier of the building or above the height of the immediately adjacent buildings, whichever is higher.

4. Modernize loading dock rules so buildings can adapt over time

The proposal would remove the possible requirement of providing additional loading berths for a change of use in an existing building.

Loading berths or docks are used to efficiently transfer goods between a vehicle and a building. Sections 36-60 and 44-50 of the ZR specify the minimum number of loading berths a building is required to provide based on the use that is occupying the building. Loading requirements are distinct from how zoning treats parking requirements, in that the loading requirements apply to new developments, enlargements, and changes of use, whereas additional parking is not required for a change of use. As a result, when an existing building changes from one use to another, loading rules require building owners to add loading berths to reflect the new use – a costly physical retrofit the building user may not want or need. In effect, these regulations discourage the tenanting of space to certain businesses, make full occupancy harder for larger industrial buildings, and make it harder for the city’s building stock to evolve and stay occupied over time.

Recognizing the constraints of the current loading regulations, Special Districts such as the Special Gowanus District and the Special Flushing Waterfront District provide businesses with additional flexibility for tenanting by not requiring additional loading berths for a change of use in an existing building.

COYEO would allow buildings to more easily evolve over time by not requiring additional loading berths for a change of use in an existing building. While new buildings would continue to be required to provide loading berths according to the uses intended to occupy the space, this proposal

would allow existing buildings to evolve their tenant mix over time without adjusting the number of loading berths.

In addition, the proposal would update the dimensions of required loading berths to bring them in line with recent changes in special purpose districts and the Manhattan Core. The dimensions for box trucks listed in the current text (33') does not match contemporary standards (37') and compliance with the rule can lead to trucks onto the sidewalk. To better ensure loading does not impact the streetscape, these would be made consistent citywide.

5. Enable commercial uses on upper floors in mixed-use buildings

The proposal would update the location and bulk rules for commercial uses in mixed use buildings (buildings with residences) in local and regional commercial districts.

In C1, C2, and C3 districts, the proposal would allow commercial uses on the second story of all mixed-use buildings and would allow the same FAR for Commercial and Community Facility uses.

Today, in C1 and C2 districts in low density residential districts, commercial uses are not allowed on the second story, if in a mixed-use residential and commercial building. Nonetheless, community facility uses with many similar characteristics as commercial uses, such as medical offices or day care centers, may locate on second floors and are allowed additional density. However, these provisions are not consistent across all C1, C2, and C3 districts, limiting options for new construction as well as changes in use from Community Facilities to commercial uses.

In high density C1 and C2 districts and in the floodplain, commercial uses can occupy the second story of buildings containing residences. In addition, several Special Purpose Districts, including Bay Street Corridor, Clinton, Downtown Brooklyn, Downtown Far Rockaway, Inwood and Jerome, as well as areas for transit easements, allow commercial uses to occupy the lowest two floors of a mixed-use building.

The proposal would allow commercial uses on the second story of all mixed-use buildings in C1, C2, and C3 districts, as is already allowed in high density districts and the floodplain. These commercial uses could be on the same second story as residences as long as these uses were separated from each other. Commercial uses would continue to not be able to locate on floors above residences in these districts.

The proposal would also allow the same FAR for Community Facility and Commercial uses to enable the adaptive reuse of second-story spaces in mixed-use buildings for commercial uses in low-density commercial 'overlay' districts.

Currently, in C1 and C2 commercial 'overlay' districts mapped within low-density Residence districts, such as R3-2, R4, and R5, commercial uses are allowed up to 1.0 FAR, but Community Facility uses are allowed up to between 1.6 and 2.0 FAR, depending on the residential district.

This allows sufficient density to enable doctors' offices and other community facility uses to locate on the second floor of mixed-use buildings with residences. However, these same spaces cannot be utilized by other kinds of neighborhood-serving uses such as offices or other appropriate neighborhood commercial uses if these spaces became vacant, limiting occupancy and options. Equalizing the density between Commercial and Community Facility uses would also make many mixed-use buildings with commercial uses on the second floor in low density districts built before 1961, that are non-complying under current zoning, in compliance with zoning.

In C4, C5, and C6 districts, the proposal would allow commercial uses occupy separate parts of the same story or to locate above residences

In C4, C5, and C6 districts, commercial uses are already allowed to be on multiple stories. They can only be located below residences, except many special purpose districts already allow them to locate on the same story as residences if there is no access between them. For instance, many Special Purpose Districts, such as East Harlem, Gowanus, Inwood, Long Island City, Lincoln Square, Battery Park City, Forest Hills, Harlem River, Willets Point, Southern Hunters Point, Flushing West, St. George, and Coney Island have implemented regulations for new construction that allow for residences and commercial uses to occupy the same level of a building, provided that: (a) no access exists between such uses at any level containing dwelling units, and (b) no commercial uses are "directly located" over any dwelling units. This inconsistent application of when residences and commercial uses, such as offices, are allowed to occupy the same floor, limits options for building conversions to other uses and limits options for new buildings that contain both residences and non-residential uses.

The 1961 ZR did not anticipate changes in work culture, workplace amenities, or remote work that would necessitate live/work/play Central Business Districts. As a result, zoning creates unnecessary prohibitions on commercial uses above the ground floor in residential buildings, restricting business activity that workers, residents, and visitors can enjoy. The East Midtown Special District allows for a handful of arts, entertainment, and recreational uses at or above stories with residences, provided that no access exists between the residential use and non-residential use. This East Midtown allowance permits upper story restaurants, and observation decks, where they would not otherwise be permitted. Outside of East Midtown, Coney Island, Southern Roosevelt, MX, Southern Roosevelt, Article 1 Chapter V allow non-residential uses to locate above residential uses. Outside of these allowances, current zoning rules prohibit commercial uses above residences in any building as-of-right, though a few Special Districts include a discretionary path by CPC authorization.

Consistent with recommendations in *New New York: Making New York Work for Everyone* (2022) action plan, COYEO would allow for more flexibility that can support the City's goals to reimagine New York's business districts as vibrant 24/7 destinations. COYEO would allow commercial uses and residential uses on the same floor citywide, including the requirements for separate direct access points or entrances for commercial and residential uses. These reforms would make it easier to allow for new construction buildings that contain both residences and commercial uses. This

change would also enable easier adaptive reuse of buildings, particularly in Manhattan's Central Business Districts.

In addition, the proposal would allow commercial uses to be located above residences in these districts to promote active rooftop spaces. This is already permitted for conversions of older existing buildings. COYEO would allow commercial uses to be located over dwelling units provided that sufficient separation of residential uses from commercial uses exists within the building. This proposal would not result in new permitted floor area but would create additional flexibility in where commercial uses can locate in mixed-use buildings.

When locating above the ground floor, production uses (see Proposal #3) or commercial uses that have a rated capacity (e.g. Eating or Drinking Establishments, Theaters, etc.) that are permitted on the same story as a residential use, or on a story higher than that occupied by residential uses, when adjacent to residential must either separate from residences or attenuate high noise-generating uses:

- **Separate:** Provide separation of the noise-generating portion of uses from residential units by a 15-foot vertical or horizontal buffer use distance which must include at least one partition wall. Buffer uses are uses other than residential living unit or noise-generating portion of a use. Buffer may include portions of a noise-generating use such as lobbies, offices, storage, or any other non-noise generating portions of that use.
- **Attenuate:** Provide floor, ceiling, or partition wall attenuation certified by a licensed architect or engineer to the Department of Buildings such that no activity shall create a sound level in excess of ambient sound levels when measured inside a receiving residential unit.

6. Simplify and modernize the way businesses are classified in zoning

The proposal would re-organize Use Groups and update use terms to better reflect modern commercial and industrial activities.

The proposal would reorganize Use Groups to better reflect land use categories in New York City

Today's Use Groups consist of 18 somewhat unrelated uses that were believed in 1961 to be appropriate in individual commercial districts. The current Use Groups lead to unnecessary confusion or ambiguity for individuals seeking to understand how a particular use is regulated.

COYEO would reorganize the current uses in the 18 "Use Groups " into 10 categories that better reflect the land use activities that occur in the city (e.g., housing, retail/service, storage, production, etc.). While this change would not, on its own, change any zoning regulations, it would make it easier to understand what rules apply. Outlined below is an overview of the proposed Use Groups:

UG 1: Agriculture and Open Uses

- UG 2: Residential Uses
- UG 3: Community Facilities
 - 3A: Community Facility with Sleeping Accommodations
 - 3B: Community Facility without Sleeping Accommodations
- UG 4: Public Service Facilities and Infrastructure
 - 4A: Public Service Buildings
 - 4B: Utility Infrastructure
 - 4C: Renewable Energy and Green Infrastructure
- UG 5: Transient Accommodations
- UG 6: Retail and Services
- UG 7: Offices and Laboratories
- UG 8: Recreation, Entertainment, and Assembly Spaces
- UG 9: Storage
 - 9A: General Storage
 - 9B: Specialized Storage
 - 9C: Vehicle Storage
- UG 10: Production

The proposal would update use terms to make it easier to understand what uses are permitted in which zoning districts.

Most uses defined in the ZR today are copied from a 1950s classification of businesses that understandably did not anticipate changing technologies and resulting changes in business activity. Consequently, the ZR contains antiquated uses while not including many uses commonplace in today's economy. Many industries and job-generating economic activities found in New York City today were not in widespread existence when the ZR was adopted in 1961. Over the last six decades, advances in technology and changing business trends have meant the creation of new types of businesses, many of which are not mentioned in current zoning. This lack of clarity can make it difficult for business owners to know where they can locate and what they can do in their space. For example, the ZR clearly defines telegraph offices, but does not have a clear designation for cell phone repair stores. Furthermore, the ZR is inconsistent in the level of detail with which it defines uses across different sectors. For example, the ZR provides great specificity for manufacturing uses while excluding entire categories of personal care services like nail salons and tattoo parlors.

COYEO would update the list of retail/service (Use Group 6) and production (Use Group 10) uses to reflect the current range of activities in these categories. This would remove some of the ZRs most outdated terminology (telegraph office, shoddy manufacturing, etc.). The uses within these

two categories would be assigned to zoning districts and parking categories based on the current rules today.

COYEO would rationalize existing retail, service, and manufacturing uses by creating a new framework for use in the ZR based on the nationally recognized NAICS, which is maintained and updated by the federal government every five years. The NAICS system provides increasing granularity in describing individual sectors, ranging from 2-digit codes which categorize broad sectors for example Code 54 “professional, scientific and technical services to 6-digit codes which categorizes small sub-industries for example Code 541213 “Tax Preparation Services”. This proposal would target the 3- or 4- digit level of sector specificity. Doing so would strike a balance of allowing enough specificity to differentiate between types of retailers and manufacturers (and thereby toggle on and off size, open use, environmental, and other restrictions), while being broad enough to consolidate some closely related uses together.

This proposed use framework would update the retail/service and manufacturing definitions to better reflect the range of uses that exist in the city today, while also providing flexibility to respond to the city’s continuously changing economy with a framework can easily accommodate new uses in the future. This rationalized use classification would also enable business owners the ability to more easily understand where they can locate throughout the city. While not all the NAICS sectors would be assigned to a Use Group structure, doing so for retail, services, and manufacturing would help to organize the Zoning Resolution’s most specific categories.

The proposal would update inconsistent rules for certain uses

In addition to the changes described above, several uses require unique treatment to reflect both the overall goals of the proposal and particular land use characteristics of these uses. COYEO would modify zoning to update these uses should be regulated as part of the overall use reforms.

- **Prisons:** Currently, Prisons (Use Group 8D) are allowed in C2, C4, C6, C8, or M1, M2, or M3 districts. COYEO would restrict Prisons from C2 districts.
- **Variety stores:** Currently, variety stores, such as “dollar” stores, are treated in zoning differently than how other similar retail uses, such as department stores and clothing stores, are treated. COYEO would create consistency between these similar retail uses, by limiting their size to 10,000 SF in M1 districts. As is the case today, these uses would be limited to 10,000 SF in C1 and C2 districts, and no size restriction would be placed on variety stores in C4, C5, C6, C7, and C8 districts, and these uses would not be permitted in M2 and M3 districts.
- **Distilleries:** Currently, distilleries are treated separately from other alcohol producers and subject to performance standards that effectively mean they are only allowed in M3 districts. Existing regulations can be difficult for prospective businesses to meet and are not reflective of advances in technology that lower or eliminate unwanted effects of these uses. In Gowanus and Brooklyn Navy Yard Special Purpose Districts, the ZR was amended to enable location of distillery uses in all M districts in those geographies subject to requirements in the fire code. The proposal would exempt alcoholic beverage manufacturing from the performance standards

regulating fire. These standards have been superseded by FDNY requirements. This would allow these uses in the broader range of M districts.

- **Wholesale uses:** Wholesale businesses (which sell goods in large quantities to be sold to others) are treated in zoning differently than other similar uses in that this use has a size restriction on the amount of interior storage space that can be allowed within the overall establishment. The current interior storage requirement is difficult to determine and results in ambiguous interpretation. COYEO would reclassify wholesale businesses and define these businesses based on overall size rather than an interior storage component, making it easier to regulate these businesses. COYEO would allow wholesale uses in C1 and C2 districts up to 2,500 SF, and in C4, C5, and C6 districts up to 5,000 SF on the ground floor with no restriction on upper floors if that storage is related to business storage. COYEO would not meaningfully change the ways these uses are regulated but would make existing regulations easier to understand and comply with.

The proposal would modernize and seek to maintain consistency between current and future use framework

As the changes described above seek to simplify and modernize the terms used to classify businesses, the proposal would make updates in zoning that intend to rationalize and maintain general consistency between other zoning regulations related to current and proposed uses.

The proposal would make changes to the organizational structure of the parking and loading requirements to make them easier to understand. These changes would not affect the rules themselves. The primary change would be to switch the Parking Requirement Categories (PRCs) from a framework based on a confusing mix of uses to one based on the calculation method for parking. Doing this would make it easier to find and understand the requirements for different uses. It would also allow the parking requirement to more easily be included in the use group charts in Article II, Chapter II. The proposal would also create Loading Requirement Categories (LRCs), similar to the new PRCs for parking. This would create a framework based on the calculation method for loading, rather than based on a confusing mix of uses.

There are Special Purpose Districts with use terms that do not appear in the underlying zoning or have antiquated use terms dating back to the creation of the Special Purpose District. The proposal would update Special District rules to refer to these new classifications and other adjustments that bring proposal into alignment with Special Districts as described above.

B. Support Growing Industries

7. **Clarify rules to permit indoor agriculture**
8. **Give life sciences companies more certainty to grow**
9. **Support nightlife with common-sense rules for dancing and live entertainment**
10. **Create more opportunities for amusements to locate**
11. **Enable entrepreneurship with modern rules for home-based businesses**

7. Clarify rules to permit indoor agriculture

The proposal would clarify enclosure rules for Commercial districts on what activities can occur outdoors and indoors.

The proposal would specify that some uses can have outdoor components.

Zoning requires commercial activity to be indoors in Commercial districts, with exceptions for situations like table service, serving windows, and agriculture, which is required to be outdoors. Current zoning can make it difficult for businesses to understand or to comply with enclosure requirements. For example, florists and plant shops face ambiguity on whether they can have an outdoor component of their business within the zoning lot.

COYEO would remove ambiguity or confusion by clarifying that florists and lawn and garden retailers are permitted to have open portions of their use.

The proposal would allow indoor agriculture in Commercial districts.

Agriculture is a permitted use in any zoning district, but in Residence and Commercial districts Use Group 4B agriculture is subject to an open use requirement that precludes completely enclosed (i.e. indoor) operations. The rise of vertical farming and hydroponic and aquaponic agriculture create the potential for more localized food production in neighborhood contexts.

COYEO would clarify enclosure rules to enable indoor urban agriculture uses in Commercial districts.

8. Give life sciences companies more certainty to grow

The proposal would simplify the use definition for a laboratory and expand geographic applicability of the current Scientific Research and Development Facility Special Permit.

The proposal would simplify the use definition for a laboratory to codify its current interpretation.

The ZR currently permits laboratories in most commercial districts (UG 9A), while laboratories that are producing high volumes of products for commercial sale, or have the potential for environmental hazards, are limited to industrial areas (UG 17). However, the existing Use Group 9A definition of a laboratory is outdated and narrowly defined as being for “medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates ...” creating ambiguity to what extent laboratory activities not explicitly mentioned are permitted. The existing Use Group 17 terminology of “Laboratories, research, experimental or testing” only serves to add to the confusion as to whether experiments are permitted in Commercial Districts. In 2016, the City sought to clarify with a “Life Sciences in Commercial Zoning Districts” memo

that the Use Group 9 version of a laboratory also includes “the synthesis and manipulation of chemical substances, biological matter, and animal models” as “integral activities in commercial medical laboratories devoted to research and testing”, as referenced in ZR 32-18, and that “activities in these laboratories may also include the assembly of medical technologies, diagnostic devices, and research instrumentation for use in prototype experimentation, pre-clinical studies or clinical testing.”

The proposal would update the terminology for laboratories in Commercial districts, clarifying the extraneous terminology in the current "medical or dental laboratory" definition to make the ZR up to date with the City's interpretation that laboratories of all types are permissible in Commercial districts subject to environmental conditions. The proposal would similarly simplify the terminology for laboratories in Manufacturing districts to remove ambiguity that exists in the current use term.

The proposal would retain the requirement that laboratories in Commercial districts are ones “not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects.” All laboratories must be certified and designed by licensed professionals as not conducting operations that could pose danger of objectionable effects, and must follow other City, State, and Federal regulations in their operations.

The proposal would allow commercial laboratories to co-locate with hospitals and universities

Non-profit research laboratories within hospitals or universities can operate today using community facility regulations, but many commercial laboratories, which have relationships to and benefit from proximity to hospitals and universities, lack zoning allowances to operate and co-locate these facilities in areas not designated as Commercial districts. Currently, a Scientific Research and Development Facility Special Permit may enable the location of a commercial laboratory and provides bulk modifications that are useful for the construction of such facilities, but the Special Permit is limited by its narrow geographic applicability of C6 and C2-7 districts.

The proposal would update the existing scientific research and development facility permit to reflect changes to the underlying laboratory use and to create more opportunities for the permit's usage. While the current permit is limited to C6 and C2-7 districts, the proposal would update this to apply in all Commercial districts, as well as community facility campuses. This would allow for commercial laboratory opportunities on a greater range of sites. The permit's requirements would be updated to reflect this broadened applicability. The Special Permit is a discretionary action that would require environmental review analysis, Community Board review, and City Council approval at the time of application and would not be available as-of-right as a result of this proposal. These changes would create pathways that enable expansion in the locations where new laboratories are permitted.

9. Support nightlife with common-sense rules for dancing and live entertainment

The proposal would clarify the distinction between “eating or drinking establishments,” and “eating or drinking establishments with entertainment that has cover charges or specified showtimes,” while removing zoning’s role in regulating the act of dancing.

Despite the repeal of the City’s Cabaret Law in 2017 (Local Law 214), current zoning distinguishes between eating and drinking establishments with live music, and those where patrons also dance, restricting the latter category in most commercial areas. Furthermore, other forms of live scheduled entertainment such as comedy and open mic nights face varying restrictions on their ability to occur within eating or drinking establishments. In today’s zoning, there are five separate uses for entertainment within eating or drinking establishments, each with their own regulations on the type, location, and size of the entertainment, creating ample confusion for business operators and communities alike.

Today, Eating or Drinking Establishments are allowed without a zoning-defined capacity limitation as-of-right in C1, C2, C4, C5, C6, C8, and M1-M3 districts (current Use Group 6A). These bars or restaurants are allowed to have music, live or pre-recorded, for which there is no cover charge or specified showtime. Commonly, this form of music takes the form of background music for bar or restaurant patrons to enjoy. Zoning is ambiguous as to whether incidental or spontaneous dancing is permitted.

Any bar or restaurant is permitted to host *musical* entertainment with a cover charge or specified showtime, provided the capacity of the business is limited to 200 persons or fewer (current Use Group 6C). Zoning specifies that dancing is not permitted.

Eating or drinking establishments hosting *non-musical* entertainment, such as live comedy or open mic nights, are limited in zoning today to a capacity of 200 persons or fewer and limited as-of-right to C1-5:9, C2-5:8, C4, C6, C8, and M1-M3 (except M1-5B). Businesses seeking to locate in C1-1:4, C2-1:4, C3, C5, or M1-5B have to apply for a BSA Special Permit in order to locate (current Use Group 6C). Zoning specifies that dancing is not permitted.

Bars or restaurants within hotels may host entertainment and dancing without capacity limitation in C4, C5, C6, C8, M1-M3 districts (current Use Group 10A).

Eating or drinking establishments with a capacity of more than 200 persons may host entertainment or dancing in C4, C6, C7, C8, and M1-M3 (except M1-5B, M1-6M). In C4 and in C6-1:4 districts, these businesses are required to meet additional standards for minimum lobby size and distance from Residential districts. C2, C3, C4, C6-4, M1-5B, M1-5M and M1-6M districts, the Special Hudson Square District and the Special Tribeca Mixed Use District, a business can obtain a Special Permit from the BSA to operate. (current Use Group 12A).

Questions have been raised about the continued regulation of the act of dancing, performing, or other personal acts of expression given the discriminatory history of the Cabaret Law in New York City.

COYEO would seek to consolidate and clarify the distinctions between categories of eating or drinking establishments based primarily on capacity rather than use. Eating and drinking establishments without cover charges or specified showtimes would continue to operate without occupancy limitation as they do today, and this existing use would be made as-of-right in C3 districts. Eating or drinking establishments with forms of scheduled entertainment such as music, comedy, or dancing, that have cover charges or specified showtimes, would be consolidated from the existing Use Group 6C, 10A, and 12A categories into one use. In C1-C3 districts, these businesses would be limited to the pre-existing Use Group 6C capacity limitation of 200 persons or fewer. This change would allow small venues that host concerts to permit patrons to dance without violating the zoning. Venues over 200 people would be newly allowed in C5 districts, enabling larger nightlife and entertainment businesses as a key component of the economic recovery of the city's Central Business Districts in Midtown and Lower Manhattan.

The proposed changes would allow modern regulations governing live scheduled entertainment to better reflect the ways in which these uses interact with surrounding businesses and residences, allowing these activities in appropriate zoning districts while ensuring quality of life.

10. Create more opportunities for amusements to locate

The proposal would consolidate existing amusements uses into categories based on whether the business operates in a building or outside.

Amusements are a type of experiential retail business that is a growing source of jobs and entertainment for New Yorkers and visitors alike and generally are uses well-suited to reusing under-utilized storefront and office space, particularly in places like Midtown Manhattan. Amusements uses range from children's arcades, bowling alleys, mini golf, outdoor driving ranges, and virtual reality (VR) gaming establishments. Current zoning categorizes these uses differently according to factors such as whether they are indoor or outdoor, but also with arbitrary factors such as the number of bowling lanes provided. In C2, C4, C6, C8, and M1-M3 districts, certain small indoor amusements such as billiard parlors, model hobby car centers, and bowling alleys are permitted, but the latter is limited to 16 lanes (current Use Group 8A). In C4, C6-C8, and M1-M3 districts, certain indoor amusements are permitted without size restriction, including bowling alleys, billiard parlors, indoor golf, and skating rinks. However, in C5 districts, indoor amusements like theaters, bowling alleys, and small auditoriums are not permitted in C5 districts today despite being allowed in similar densities and contexts in C6 districts. Outdoor amusements are permitted in C7, C8, and M districts. This list of certain and particular amusement and recreation uses has failed to keep up with changes in consumer trends, and new types of experiential and immersive businesses often struggle to know under which existing zoning use they might be regulated. Because of the ambiguity in current zoning, many businesses are effectively relegated to C7 and M districts, which are more generally permissive of all amusement types regardless of whether they are specifically defined.

COYEO would create new opportunities for amusement businesses to locate and grow across the city by distilling the current inconsistent and specific lists of amusement use applicability into two new uses terms defined in zoning: “amusement or recreation facilities” and “amusement parks.” An “amusement or recreation facility” would replace several outdated, specific uses listed throughout the current use groups like table tennis halls and model car hobby centers and is meant to broaden the range of amusement and recreation uses considered by the ZR. This use would be limited to 10,000 SF in C1 and C2 districts and must be indoors in C1-C6 districts. Open versions of the use would require a BSA permit in those districts. An “outdoor amusement park” would be a new term meant to reflect a broad range of current outdoor amusement uses found in the ZR, and includes uses like “amusement parks”, but also outdated concepts like “freak shows” and “dodgem scooters.” The use would be restricted from C1-C6 districts and would be limited to 10,000 SF in C7, C8, and M districts.

11. Enable entrepreneurship with modern rules for home-based businesses

The proposal would modernize regulations for home-based businesses (referred to as Home Occupations in the ZR).

Home businesses are a critical way that New Yorkers can make a living. ZR 12-10 defines home occupation in a way that allows many kinds of business to occur in the home while establishing physical limitations that limit the impact of businesses on their neighbors, such as prohibiting signage or the sale of goods not produced on-site. The ZR also allows many types of home occupations, such as law offices and music instruction, while explicitly restricting others, such as barber shops, interior decorators’ offices, or advertising or public relations agencies. Home occupations are limited to 25 percent of the size of a dwelling unit or 500 square feet, whichever is less. Home-based businesses are prohibited from selling items not produced on-site, having exterior displays or displays of goods visible from the outside, or storing materials or products outside of the home. Furthermore, home businesses must not produce any noise, smoke, dust, particulate matter, odor, or any other nuisance—and violations can be reported to the New York City Department of Buildings.

Several Special Districts, including the SoHo-NoHo Mixed Use Districts, the Tribeca Mixed Use District, the Queens Plaza Subdistrict, and the Special Mixed Use District (MX), as well as the regulations in Article I Chapter V for Residential Conversions, have modernized home business regulations in the ZR to allow for a wider range of home-based businesses, expansion of the percentage of the dwelling unit allowed for accessory business activity, and allowances for up to 3 employees registered to the home business. However, the underlying rules for home-based businesses outside of these geographic exceptions have not been changed to reflect the realities of remote work in a post-Covid-19 world, and are holding back many entrepreneurs, freelancers, and other self-employed New Yorkers from being able to make a living or grow their business from home.

COYEO would remove outdated limits on uses and size restrictions so that zoning is not getting in the way of entrepreneurs conducting limited business activities in their homes. The proposal

would modernize home business regulations by eliminating the list of non-permitted uses and allow home businesses to expand in size to 49 percent of floor area and 3 employees. Per the general provisions noted above in ZR 12-10, home businesses would continue to be subject to rules that ensure they are good neighbors.

C. Foster Vibrant Neighborhoods

- 12. Introduce corridor design rules that ensure buildings contribute to surroundings**
- 13. Reduce conflicts between auto repair shops and pedestrians**
- 14. Encourage safe and sustainable deliveries with micro-distribution**

12. Introduce corridor design rules that ensure buildings contribute to surroundings

The proposal would activate the city's commercial corridors by establishing clear and consistent streetscape regulations.

The 1961 ZR did not address streetscape or urban design regulations directly, and instead urban design considerations were addressed by different use allowances and prohibitions on ground floors as part of "use" restrictions. Since 1961, Special Purpose Districts created throughout the city have created a patchwork of streetscape regulations to ensure an active and safe ground-floor pedestrian experience and help support retail corridors. However, this patchwork of regulations has been inconsistent and therefore difficult to enforce and for businesses to conform with. In some instances, the regulations have not been effective or have not necessarily been able to account for every lot configuration.

In current zoning, certain zoning districts and Special Purpose Districts have ground-floor design requirements to improve the quality of the streetscape and promote a lively and engaging pedestrian experience. Currently, streetscape rules vary greatly across special districts. For instance, some Special Purpose Districts allow only specific uses on the ground floor. In other cases, streetscape rules such as transparency, lobby width, ground floor depth, parking wrap or screening, curb cuts, and blank walls exist, but at varying degrees that do not relate to the stated purpose of the Special District. This lack of consistency makes it hard to understand what types of rules exist and where they should be applied.

Across the city today, auto-oriented uses, such as drive-throughs, and street-facing parking negatively impact the quality of a commercial streetscape by inhibiting pedestrian activity and walkability. Additionally, blank walls lack visual interest and can affect pedestrian feelings of safety. Curb cuts and open parking tend to attract vehicular activity at the expense of pedestrians. On commercial streets, where walkability should be the priority, the impact of these uses is

exacerbated. In addition, inactive ground-floor uses, such as residential dwelling units and long lobbies, can be detrimental to surrounding retail activity and street character.

To ensure the success of commercial corridors and ease the regulatory process for small businesses to comply with streetscape rules, the proposal would also create consistent ground-floor design requirements to ensure that retail and commercial streets remain active and attractive. COYEO would establish a tiered approach to streetscape regulations, with rules that are responsive to pedestrian street character, increasing in regulatory strength in areas with stronger existing active commercial context.

For **new buildings**, COYEO would create a tiered approach to streetscape regulations, with rules that intend to respond to local street character. Rules generally would apply cumulatively and aim to strike a balance that prevents the worst streetscape outcomes relative to the context, while also being simple enough that they are not cost-prohibitive for small businesses and building owners.

The three tiers are described below.

Tier A consists of streets in C1-C2, C4-C7, and MX districts. In these areas, parking lots must be placed to the side or rear of a building. For in-building parking, screening must be provided. No drive-throughs permitted, except by BSA permit. Blank wall mitigations must be provided. Rules would not apply to areas near highway entrances or large shopping centers that are far from transit.

Tier B consists of streets in C1-C2, C4-C7, and MX districts within the Transit Zone. In these areas, Tier A rules apply and the following additional streetscape regulations come into effect:

- Active uses with transparency required at grade
- Max lobby length of 50'.
- Parking must be within a completely enclosed building.
- No curb cuts for parking or loading berths if there is also frontage on another street.

For zoning lots with few active ground floors in the surrounding area, or those adjacent to or across from Residence or Manufacturing districts or infrastructure, only parking wrap/location and blank wall rules would apply.

Tier C applies along designated streets in Special Purpose Districts and special geographies (e.g. C districts mapped in or with a RDE of an R9 or R10 district & C1, C2 and C4s in Staten Island). In these geographies, Tier A and Tier B rules apply, along with additional rules for lobby areas. Doing so would improve ground floor use regulations by bringing more consistency to the range of permitted active uses and cover a more robust list of building elements through ground floor streetscape regulation. In addition, unique rules in some Special Purpose Districts, such as those covering establishment sizes for ground floor uses or special building elements, would be maintained.

13. Reduce conflicts between auto repair shops and pedestrians

Today, auto installation, service, and repair uses are mostly restricted to C8, M1, M2, and M3 districts (current UG16B), with notable exceptions for auto glass shops, repair for auto seat covers or convertible tops, and tires replacement, which are today allowed in C2 and C6 districts (current UG 7D). Auto repair is an important source of employment and jobs and provides a local service in commercial areas but can frequently create pedestrian conflicts as auto use migrates to sidewalks and curb lanes. In practice, conflicts are indistinguishable in stores currently permitted under the Use Group 7 vs. Use Group 16 regulations.

COYEO would consolidate the range of auto servicing uses into two zoning-defined categories: “light” or “heavy” motor vehicle repair and maintenance shops. “Heavy” forms of vehicle repair shops would reference NY state licensing requirements for heavier forms of vehicle repair shops. New businesses that are required to register with the DMV could locate in C8 and M districts, mirroring regulations in Use Group 16 today. Those repair uses that are not required to register with the DMV would be considered “light” motor vehicle repair and maintenance and would be able to locate in most Commercial districts with a BSA special permit to ensure new businesses can open, but with an increased ability to ensure oversight of land use conflicts caused by auto operations in pedestrian areas.

14. Encourage safe and sustainable deliveries with micro-distribution

As the city grows and with it the rise of e-commerce and home delivery of goods has increased, creating increased truck traffic and congestion, the city has established policies of encouraging alternative freight deliveries including having the “last mile” of delivery performed by pedestrian or bicycle. Zoning, however, is not able to accommodate delivery activity within indoor spaces in Commercial districts except for online grocery order fulfillment per a 2022 Department of Buildings zoning bulletin (2022-011). As a result, delivery activity often occurs only on sidewalks and streets, exacerbating truck congestion and leading to conflicts with pedestrians and cyclists.

To better reflect this goal and the need for small-scale distribution centers in commercial areas, the proposal would include a new use called a “Micro-Distribution Facility”. The use would be restricted to 2,500 sf in C1 and C2 districts. In C4-C7, it would be allowed up to 5k sf on the ground floor and up to 10k above. Larger establishments in these districts would require a discretionary action. This new use would replace the small-scale “moving or storage office” that was identified by DOB as the most similar use to the online grocery microfulfillment centers recently seen in the city.

Goal 4: Create Opportunities for Future Growth

COYEO proposes to create new discretionary zoning tools to unlock future development, grow jobs and foster inclusive economic growth.

15. Facilitate local commercial space on residential campuses
16. Create process for allowing corner stores in residential areas
17. Rationalize waiver process for business adaptation and growth
18. Create new kinds of zoning districts for future job hubs

15. Facilitate local commercial space on residential campuses

Many large-scale residential campuses, such as NYCHA, are zoned as Residence districts, so local retail, services, and maker-spaces cannot easily locate. No zoning tools exist to allow commercial uses on residential campuses other than a full area-wide rezoning, which may be too costly, time-consuming, or not appropriate for many locations.

The proposal would allow the City Planning Commission to approve larger-scale commercial spaces in Residence districts on campus sites. The use would be subject to size restrictions (15,000 SF) and locational restrictions. The authorization would be subject to both environmental review and Community Board approval, with conditions that stipulate approval only if development would not create traffic congestion or environmental concerns.

16. Create process for allowing corner stores in residential areas

The proposal would create a pathway for a new neighborhood-serving business to locate in a Residence district.

In most Residence districts there is no path to allow a new neighborhood store. The Zoning for Coastal Food Resiliency (ZCFR) citywide text amendment (2021) created a BSA Special Permit to allow new, small professional offices in Residence districts in the floodplain, but areas not along the city's coastline do not have a similar discretionary pathway that could allow for the creation of new locally-serving spaces.

COYEO would create a new CPC Authorization to allow for up to 2,500 SF of retail, service, or office uses to locate in a Residence district, provided that the commercial storefront is located within at least 100 feet from an intersection.

17. Rationalize waiver process for business adaptation and growth

The proposal would rationalize and supplement existing discretionary zoning tools to address gaps that prevent businesses a path to expand or adapt.

The proposal would give commercial businesses pathways to expand or adapt their business without having to relocate

Many growing businesses run into physical constraints of zoning that are incompatible with business expansion plans. For instance, a clothing store may be so successful that it wants to take over the next storefront, but discovers it is size-limited in many C districts. Today, these businesses have no paths forward. For uses that have existing BSA Special Permit pathways available, term lengths vary inconsistently between 3-, 5- and 10-year renewals, making the process of seeking a BSA Special Permit more confusing.

The proposal would create a new permit for retail / service, amusement, and production uses that would allow the BSA to modify the size, enclosure, and other requirements for permitted uses. This would provide limited flexibility for uses to make modifications to the underlying regulations. The permit would not have applicability if other permits for a specific use exist, or if the use is not permitted in a specific zoning districts. The BSA would be limited to doubling the maximum size of a use. Beyond that, a similar new CPC permit would be required. This extends the typical framework where the BSA can permit uses only up to a certain point, after which CPC review is required. The proposal would also add requirements for how long the BSA could grant use special permits for. A first term could be for a maximum of 10 years and the length for renewals would be at the Board's discretion. This is consistent with recent changes made to permits during the Zoning for Coastal Flood Resiliency project. The proposal would also make clear that the BSA could revoke a use permit if the use is not operating pursuant to the requirements the BSA set for the permit.

The proposal would create a new discretionary zoning tool to allow the City Planning Commission to waive limited bulk rules

Many growing businesses run into physical constraints of zoning that are incompatible with the shape of their building. For instance, a soundstage requires high walls, which in many districts conflict with zoning limitations on maximum street-wall heights. Today these businesses would have no path except a rezoning to be able to build.

The proposal would allow the City Planning Commission to approve changes to the building envelope controls to permit a loft-like building form, allowing businesses to seek limited bulk relief to construct new buildings that exceed current setback and yard requirements. The authorization would be available in Manufacturing districts and most Commercial districts. The envelope would be limited to what is proposed for the new C7 Commercial district at the applicable density.

18. Create new kinds of zoning districts for future job hubs

The creation of new Manufacturing districts is included in a separate zoning text amendment (N 240011 ZRY), which is being considered concurrently with the rest of the zoning changes in the proposal.

The proposal would create new zoning districts that for use in future mapping actions.

While numerous new zoning districts have been built in recent decades to update the physical forms presented by the 1961 zones, these have focused on residence districts or commercial districts where residences are permitted. Districts not permitting residences have seen no new innovations since 1961. Consequently, zoning options available for job-intensive zoning purposes have gaps in density and height options, are hampered by outdated bulk regulations, and are relatively uniform in their approach to use mixes (excepting environmental standards). The maximum allowable FAR of M districts goes from 1.0 to 2.0 to 5.0 to 10.0. However, many loft buildings that pre-date the 1961 ZR are built at densities between these thresholds, include 3-4 FAR and 6-8 FAR. These are the type of buildings that can help the city meet the needs of a range of business types and sizes—as the city’s loft buildings have historically—that would ensure economic resilience for the city in the face of future disruptions and changing economic trends.

As a result of the city’s limited job-intensive zoning districts offerings, area-wide rezonings have relied on special district mechanisms to manufacture a better range of bulk, height and use options (most recently, the Gowanus Special District), while many individual developments have applied for rezonings using M1-5, one of the only higher density non-residential zoning options. Several projects in Brooklyn and Queens have utilized the Industrial Business Incentive Area (IBIA) which seeks to address some of these bulk issues while linking the production of commercial space to industrial space via special permit.

COYEO proposes to create a range of new job-intensive, non-residential zoning options to enable job growth. These new districts would range from 2-15 FAR, address longstanding bulk and physical challenges, and come in several use-mix options:

- **New M3-A “Core” districts** at 2 and 3 FAR which would be designed to allow for industrial expansion while preserving core industrial areas by introducing limited additional FAR, addressing bulk challenges, and restricting non-industrial uses;
- **New M2-A “Transition” districts**, ranging from 2 to 5 FAR, which would encourage redevelopment while providing higher FAR preference for industrial uses;
- **New M1-A “Growth” districts**, ranging from 2 to 15 FAR, which would mimic the use mix of today’s M1 districts while addressing bulk and physical limitations of development; and

- **New C7 districts**, ranging from 2 to 15 FAR, which would permit all Commercial uses except Use Group 16, and permit Community Facility uses without sleeping accommodations. This district would repurpose the existing amusement focused C7, mapped in few locations.

ENVIRONMENTAL REVIEW

The application (N 240010 ZRY) 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 City Planning Commission. The designated CEQR number is 24DCP004Y.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on October 30, 2023.

WATERFRONT REVITALIZATION PROGRAM

This application was reviewed by the Department of City Planning 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 March 15, 2018, 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 23-098.

This action was determined to be consistent with the policies of the WRP.

PUBLIC REVIEW

The application (N 240010 ZRY) was duly referred on October 30, 2023 to all 59 community boards in all five boroughs, to all borough boards, and to all borough presidents for information and review, in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Fifty-six community boards adopted resolutions regarding the proposed zoning text amendments, many of which included comments on the proposal and recommendations for modifications. The complete recommendations received from all Community Boards are attached to this report. A summary of the Community Board votes and of comments received in their recommendation follows:

Community Board	Recommendations	Conditions
Manhattan CB 1	Favorable *	Yes
Manhattan CB 2	Unfavorable	No
Manhattan CB 3	Unfavorable	Yes
Manhattan CB 4	Unfavorable	Yes
Manhattan CB 5	Unfavorable	Yes
Manhattan CB 6	Favorable	No
Manhattan CB 7	Favorable	Yes
Manhattan CB 8	Favorable *	Yes
Manhattan CB 9	Favorable	Yes
Manhattan CB 10	Favorable	Yes
Manhattan CB 11	Favorable	Yes
Manhattan CB 12	Favorable	Yes
Bronx CB 1		
Bronx CB 2	Favorable	Yes
Bronx CB 3	Favorable	No
Bronx CB 4	Favorable	Yes
Bronx CB 5	Favorable	No
Bronx CB 6	Favorable	Yes
Bronx CB 7	Favorable	Yes

Bronx CB 8	Unfavorable ** for (N 240010 ZRY); Favorable for (N 240011 ZRY)	Yes
Bronx CB 9	Favorable	Yes
Bronx CB 10	Unfavorable	No
Bronx CB 11	Unfavorable	No
Bronx CB 12	Unfavorable	No
Brooklyn CB 1	Favorable	Yes
Brooklyn CB 2	Favorable	Yes
Brooklyn CB 3	Unfavorable	No
Brooklyn CB 4	Unfavorable	Yes
Brooklyn CB 5	Unfavorable	No
Brooklyn CB 6	Favorable	Yes
Brooklyn CB 7	Unfavorable *	Yes
Brooklyn CB 8	Unfavorable	Yes
Brooklyn CB 9	Unfavorable	No
Brooklyn CB 10	Unfavorable	No
Brooklyn CB 11	Unfavorable	Yes
Brooklyn CB 12		
Brooklyn CB 13	Unfavorable	Yes
Brooklyn CB 14	Favorable	Yes
Brooklyn CB 15	Favorable	Yes
Brooklyn CB 16		
Brooklyn CB 17	Unfavorable	No
Brooklyn CB 18	Unfavorable	No
Queens CB 1	Unfavorable	Yes

Queens CB 2	Favorable	Yes
Queens CB 3	Unfavorable	No
Queens CB 4	Unfavorable	No
Queens CB 5	Unfavorable	No
Queens CB 6	Favorable	Yes
Queens CB 7	Unfavorable	No
Queens CB 8	Unfavorable	No
Queens CB 9	Unfavorable	No
Queens CB 10	Favorable	Yes
Queens CB 11	Unfavorable	No
Queens CB 12	Unfavorable	No
Queens CB 13	Unfavorable	No
Queens CB 14	Unfavorable	No
Staten Island CB 1	Unfavorable	No
Staten Island CB 2	Unfavorable	No
Staten Island CB 3	Unfavorable	No

As outlined above, 56 of the 59 community boards submitted resolutions on the application. Of these, 21 recommended approval or approval with conditions, 32 recommended disapproval or disapproval with conditions, three opted to take no stance on the overall proposal and instead voted whether to approve individual components, but were required in ZAP to choose an option nonetheless (indicated with an * in the table above), and one waived their review of the application due to no motion passing, but indicated “unfavorable” in ZAP (indicated with ** in the table above). Most community boards expressed support for the proposal’s overall goal of modernizing New York City’s zoning regulations to support the city’s economic goals. However, community boards raised concerns about a variety of zoning and non-zoning issues relating to the proposal. These concerns, along with specific recommendations on various aspects of the proposal, are detailed below.

Non-zoning concerns

Scope, Scale, and Strategy

Various community boards expressed concerns regarding the scope and scale of the proposal. These boards expressed concern that the proposal was too “expansive” or “ambitious” and that the timeframe for review by the boards was insufficient. There were concerns regarding the proposal’s citywide applicability. A few community boards expressed its opinion that the proposal, which was analyzed for potential environmental impacts in an Environmental Assessment Statement, should have been subject to a more stringent Environmental Impact Statement.

Several boards felt that the City, overall, should be doing more work on education and outreach on issues related to economic and workforce development. There were various concerns about enforcement, monitoring, and compliance. Some community boards requested further clarity on the specific ways in which stakeholder input helped shape the proposal.

Enforcement of other City and State regulations

Various community boards expressed questions and concerns about how enforcement would work not just with regard to current zoning and proposed zoning, but also about other City and State regulations that overlap with particular issues. For example, zoning cannot regulate illegal activity but several community boards raised concerns about the proliferation of illicit cannabis dispensaries. Many community boards also raised questions around New York City Department of Environmental Protection (DEP) and New York State Liquor Authority (SLA) enforcement for particular kinds of businesses such as nightlife establishments. Many of the questions and concerns raised arose from the context of what is allowed under current zoning rather than from the substance of the proposed changes.

Goal 1: Make it easier for businesses to find space and grow

Proposal 1: Lift time limits on reactivating vacant storefronts

In general, community boards expressed support for the goal of reactivating vacant storefronts. Some boards provided recommendations as to the process for activation of non-conforming uses and concern for the range of potential business types that could use the reactivated space. Three boards, as well as the Manhattan Borough Board, requested that the reactivation of non-

conforming uses require community board review and approval, despite such reactivation being as-of-right in the areas where ZR 52-61 currently applies. One board requested the provisions exclude eating or drinking establishments, while another requested the proposal changes only apply to “existing use groups” and not newly proposed use groups. Lastly, one community board expressed support for the proposal conditional on a requirement that the non-conforming storefront have LPC approval in Historic Districts, a requirement that currently exists.

Proposal 2: Simplify rules for business types allowed on commercial streets

Some community boards which expressed support for this proposal noted it as a “commonsense” change that “the majority of residents would assume this is how zoning functions.” Other community boards expressed concerns eliminating the differences in use allowances between C1 and C2 districts, especially around particular uses such as auto body shops or laboratories. Two boards specifically noted that commercial overlays should not be first considered a commercial district, a clarification in the proposed zoning text that has no practical effect.

Community boards with a concentration of C4, C5, C6, or C7 districts generally expressed support for consolidating the range of uses across these districts and some lauded the approach. One board described the status quo between C5 and C6 districts as being an “artificial demarcation” that was “dictated by the 1961 zoning configuration” and one did not make sense to maintain.

Proposal 3: Expand opportunities for small-scale clean production

Many community boards raised questions about whether certain “heavy” industrial uses may be permitted to locate in Commercial districts, particularly those considered to be current Use Group 18. Some community boards expressed concern regarding potential for environmental impacts such as air quality, noise, or traffic congestion resulting from the location of these business types along C1 or C2 districts. Out of concern of potential deadening effects to the vibrancy of the street and competition with retail uses, some community boards requested a requirement that production uses locating on the ground floor in C1 or C2 districts contain an accessory retail component or otherwise be open to the public.

Proposal 4: Modernize loading dock rules so buildings can adapt over time

Community boards that expressed support for this proposal generally mentioned the building adaption that could result from no longer requiring buildings add loading docks for a change of

use. Some boards also expressed they thought the proposal would allow a wider diversity of businesses to open, as one board wrote that “zoning should not be used to arbitrarily compel businesses to pay for infrastructure that they have no intent to use.”

Some community boards expressed concerns regarding a perceived potential for the removal of requirements for additional loading docks for a change of use in an existing building to exacerbate existing street and sidewalk congestion. A few community boards requested that each change in use that might otherwise require additional loading docks be reviewed in a formal process on a case-by-case basis, similar to how existing zoning would consider BSA Special Permits for a waiver of loading requirements.

Proposal 5: Enable commercial activity on upper floors

Concerns regarding upper floor commercial allowances were consistent throughout the city but were less focused on concerns toward new construction than towards existing residential buildings—especially in commercial overlays. The specific concern expressed from several community boards was that such allowances could induce the conversion of existing residential units into commercial units, causing a decline in the city’s available housing supply. Community boards were generally content with the full use and entrance separation requirements, but many boards raised questions and concerns around potential quality of life issues such as noise or air quality, particular for uses such as eating or drinking establishments when locating in existing buildings. Some boards expressed questions and confusion about when the additional environmental regulations for noise, air quality, and vibration would be required.

The most frequently requested modification from community boards was to preclude the proposal from allowing existing residential to convert to commercial use. Other requested modifications included only allowing this proposal to apply in new construction and not in existing buildings, to exclude certain uses, or to exclude certain zoning districts, community districts, or Special Districts from the proposal.

Proposal 6: Simplify and modernize how businesses are classified in zoning

Some community boards recognized that this proposal would not change zoning regulations for particular uses and is about making the zoning easier to understand and represents “well-needed modernization.” Other community boards expressed concerns that the proposed Use Group structure “amounts to a rezoning” and does not address the potential for some uses to create environmental impacts, erroneously perceiving that this proposal would create changes to where a particular use can locate. A couple of boards requested that DCP better distinguish between

commercial uses that "serve primarily residential neighborhoods and do not create meaningfully increased risk of noise, pollution, or other hazards or noxious effects for residential neighbors" from those that do have that potential.

Goal 2: Boost growing industries

Proposal 7: Clarify rules to permit indoor urban agriculture

The vast majority of the concern from Community Boards regarding this proposal was not about the concept of indoor urban agriculture but about the potential for cannabis cultivation being enabled as a result of the proposed zoning changes. Most of the concerns noted were about cannabis in a general sense, but a few community boards cited specific concerns such as the potential for overloading electrical capacity of buildings, causing odor or security issues, or generalized quality of life concerns. Notably, cannabis cultivation is already allowed in a greenhouse in a Commercial district absent any changes to zoning but would require state licensure from the Office of Cannabis Management. In all instances, to cite a new urban agriculture business would require a change of use, and therefore inspections for compliance with all Building Code, Fire Code, Electrical Code, and Mechanical Code regulations from the Department of Buildings prior to a certificate of occupancy being issued for use of the space.

Boards were divided in their modifications recommended in response to their concerns with regard to agriculture. Many community boards asked for an explicit or implicit prohibition on cannabis cultivation in particular and not on that from other types of agriculture use. Some boards requested agriculture uses be restricted to the ground floor, while others requested that agriculture be prohibited on the ground floor. Still others recommended that agriculture uses have a retail use requirement or otherwise be open to the public. Lastly, a few boards perceived that agriculture, when considered a Community Facility use, could inadvertently be in competition with residential space.

Proposal 8: Give life sciences companies more certainty to grow

A few community boards expressed concern regarding the allowance of commercial laboratories in C1 and C2 districts, despite laboratories being allowed in C2 districts under today's zoning. Recommended modifications here generally focused on the elimination of laboratories as an allowable use, or otherwise restricting their use in buildings containing residences. A few community boards expressed confusion and concern regarding perceived vagueness of the "objectionable effects" language that is currently in the Zoning Resolution and was copied in the referred text, asking for greater clarity as to what would be permitted. Several community boards

raised a concern regarding the potential risk posed by “high containment” (i.e. Centers for Disease Control Biosafety Level 3 or 4), citing a 2016 New York City Department of Health and Mental Hygiene memorandum requiring the registration of such laboratories for the purpose of tracking and emergency preparedness.

Proposal 9: Support nightlife with common-sense rules for dancing and live entertainment

Several community boards recognized the desire to address the “cabaret policy” that currently restricts the act of dancing in many places where live music is already allowed, and some supported dancing as an accessory use in compliance with commercial zoning. However, several community boards objected to this proposal on the basis of quality-of-life concerns regarding existing eating or drinking establishments, citing the potential for noise, traffic, sidewalk congestion, safety concerns, and garbage. Many of these boards called for assurances of adequate enforcement from City and state agencies with regulatory authority overseeing nightlife establishments.

Some boards also called attention to the intersection between Proposal #9 and Proposal #5 and the potential of nightlife establishments on upper floors creating quality-of-life concerns. In response, some boards called for this class of businesses to both separate by at least 15’ vertically and horizontally as well as attenuate their sound regardless of occupancy size, or to be limited to locate only in new construction buildings.

Proposal 10: Create more opportunities for amusements to locate

Some community boards expressed support for the introduction of certain amusement uses in C1 and C2 districts, such as children’s entertainment centers and virtual reality, while others felt that the proposed use definition of Amusements or Recreation Facilities was too broad and asked for greater specificity as to what would and would not be allowed under this definition. Some boards expressed concerns regarding the potential for quality-of-life issues related to these businesses, citing the potential for noise and traffic in particular. A few boards expressed concern regarding the potential for the proposal to enable large-scale “thrill rides.”

Proposal 11: Enable entrepreneurship with modern rules for home-based businesses

Community boards expressed a range of questions and concern on this proposal. Most frequently, boards expressed concern regarding potential quality-of-life issues related to fire safety or fumes, and asked whether such nuisances were prohibited if not explicitly mentioned.

Several boards also expressed concerns regarding enforcement of both existing and proposed zoning, citing lack of staff capacity at the Department of Buildings as a primary concern.

Perceptions that the use of dwelling units as home occupations could more directly compete with housing and thereby reduce the housing supply through unit combinations or use of additional bedrooms for business activity were expressed. Several boards called for a reinstatement of a square footage cap on the portion of a dwelling unit that could be used for home occupation activity. Other boards called for additional clarity as to what kinds of hazards might not be allowed in conjunction with a home occupation.

Goal 3: Enable more business-friendly streetscapes

Proposal 12: Introduce corridor design rules that promote better active ground floors

Comments on ground floor design guidelines were generally positive and several community boards recognized how the streetscape proposal would address several deficiencies in the current zoning for ground floor design. In particular, boards expressed support for minimizing blank walls, requiring transparency, and other “enhancements to the pedestrian experience [that] will make our commercial districts more vibrant.” Concern for this proposal mostly reflected that of a citywide approach, as some boards expressed a desire to see regulations tailored to their particular community’s needs. To that end, some community boards expressed opposition to any changes to their Special District rules inconsistent with the stated intent of those districts.

Proposal 13: Reduce conflicts between auto repair shops and pedestrians

Feedback on this proposal was largely positive citywide as many community boards expressed a belief that auto repair uses are incompatible with areas with large numbers of pedestrians. Much of the opposition on this proposal was due to misunderstanding the intent of the proposal to require discretionary approval for uses in districts where the use is allowed as-of-right, or because the community board expressed that the proposal was not restrictive enough in its treatment of these uses. Some community boards requested that auto repair shops go through a CPC Special Permit process, as opposed to a Board of Standards and Appeals Special Permit process. Other community boards expressed disappointment that the proposal would not retroactively close existing auto repair shops in C districts. A few boards expressed concern in providing auto repair businesses with a discretionary pathway in C1 districts, as these businesses have no such pathway today.

Several community boards raised questions about what kinds of business activity would constitute light motor vehicle repair and maintenance and therefore be eligible for location in

Commercial districts under the proposed zoning. These boards recommended a modification to the proposal clarifying such activities.

Proposal 14: Encourage safe and sustainable deliveries with micro-distribution

Some boards that supported this proposal noted the small size allowances allowed as-of-right with discretionary action required above that limited size threshold as appropriate, as well as the proposal's potential to address existing conflicts with pedestrians and other vehicles in the sidewalk or curb lane. Some boards expressed concerns regarding potential quality-of-life issues, such as these facilities drawing more truck traffic on commercial streets and fears that these facilities could lead to sidewalk blockages with large quantities of packages and other materials in movement being placed in such areas. Other boards expressed potential for safety issues, such as uncertified e-bike battery storage occurring in buildings with residents.

Some boards expressed concern that micro-distribution uses could remain as “dark stores” despite minimum transparency requirements as introduced in Proposal #12 on streetscape. In response, a few boards recommended a modification that micro-distribution facilities be required to have a public-facing component from which to pick-up and drop-off packages. One board suggested the City look into programs that offer financial incentives to move the complete operations of a micro-distribution facility (i.e loading, parking, and distribution) to be within a building.

Goal 4: Create new opportunities for businesses

Proposal 15: Facilitate local commercial space on residential campuses

Boards that supported this proposal generally noted the demonstrated need for localized retail, services, and maker-space at NYCHA and other large-scale residential campuses and how this proposal could address those spatial gaps. As one board wrote, “this has a great potential of activating campuses and our community in a positive way.” In particular, several boards noted the need for supermarket space from which fresh food could be provided to near-by residents.

Some boards raised questions regarding the process that would be undertaken to utilize the proposed zoning tool and to what extent NYCHA residents and/or the community board would be involved in that process. Some boards expressed concerns about the potential loss of off-street parking, green space, conversion of existing housing, and a lack of control over potential tenants. A few boards expressed that the level of discretionary review was not sufficiently high and called for a CPC Special Permit instead of an Authorization.

Proposal 16: Create process for allowing corner stores in residential areas

Some boards expressed support for the proposal because, in their view, it would provide a necessary pathway to approving limited commercial space in residential areas. As one board wrote; “Corner stores provide opportunities for small businesses in the neighborhood to get their start, provide building owners an opportunity for extra income, and allow residents to reduce their travel time if they live far away from a commercial district.”

Concerns about this proposal ranged from potential quality-of-life issues to process-related objections, to a generalized objection to the idea of businesses in Residence districts. Several boards expressed concern about potential uses that could be permitted under the proposal. In response, some boards asked the proposal be restricted to permitting only certain uses such as offices and grocery stores.

Several boards also expressed concerns about whether the community board would have sufficient review so as to prevent those uses from being able to use the space. Several boards misunderstood the proposal as allowing corner stores as-of-right or that the practical effect of the proposal would be to have corner stores on *every* corner lot within residential neighborhoods rather than a limited, case-by-case consideration. Even so, some community boards asked for the discretionary action, if approved, to require Council Member approval.

In areas of the city where distance exists between residential and local commercial districts it was noted from some boards that this separation was as a result of local preference and that such trips could be made by vehicle.

Proposal 17: Rationalize waiver process for adapting spaces for industries like film

Boards in support of this proposal generally recognized that zoning is limited in its ability to allow adaptations of businesses and buildings when circumstances change and that formal appeals processes are warranted. With regard to bulk authorizations for film studios in particular, some boards were receptive to the spatial needs of modern industrial and other space users and that a full ULURP process was not necessary for every such application.

Some boards expressed concern regarding the role of the Board of Standards and Appeals in granting Special Permits and felt such Special Permits were better left to the City Planning Commission. Some others raised concerns regarding the bulk of such structures and if they could cause aesthetic or quality of life issues when adjacent to residential districts.

Proposal 18: Create new kinds of zoning districts for future job hubs

Community boards with concentrations of existing M districts generally voted in favor of the creation of new M districts, sharing the City’s goal of growing the industrial economy and echoed the testimony provided by their local industrial service providers.

On the details of the proposal, specifically the M3A “Core” district, comments included requests to reduce the 1 FAR non-industrial allowance to 10,000 square feet and to add 4 and 5 FAR offerings. On the M2-A “Transition” district, requests were made to mandate an industrial component be on the ground floor of buildings and that the FAR incentive attributed to the industrial component be increased to a consistent 1 FAR among all offerings. For the M1-A “Growth” district, comments included requests that the industrial use receive a preferential FAR and that the City should bolster its efforts in offering financial incentives to industrial businesses.

Borough Board Review

The complete Borough Board Resolutions are appended to this report and are summarized below.

Manhattan

On January 18, 2024, the Manhattan Borough Board voted to recommend the following for each of the proposals that component proposals within City of Yes for Economic Opportunity:

General Comments:

- The Department of City Planning should have a plan that demonstrates that the appropriate City agencies have both the capacity and funding to address the enforcement elements of these proposals.
- Special zoning districts should be given special consideration and in some cases exemption from the new provisions

Proposal 1: Remove time limits on reactivating vacant storefronts with grandfathered uses

– Recommend approval with the following condition:

- Require community board review and approval for the reactivation of non-conforming uses

Proposal 2: Simplify types of businesses allowed in commercial districts - Recommend approval

Proposal 3: Expand locations for small-scale clean production facilities – no action

Proposal 4: Lessen loading berth requirements for use changes in commercial buildings –
Recommend disapproval unless the following conditions are met:

- Require a special permit that includes findings that consider local traffic as well as any residential uses that might exist in the building
- Require community board review and vote on applications for loading berth reductions for existing buildings
- Require on site storage on sites that receive loading berth reductions

Proposal 5: Allow commercial uses on the second story of mixed-use buildings in low density districts – No action

Proposal 6: Update, simplify, and modernize use group categories for businesses –
Recommend approval with the following condition:

- Exclude Governor's Island from modifications to Use Groups to preserve intention of special district

Proposal 7: Allow indoor agriculture and clarify enclosure requirements – Recommend
disapproval unless the following conditions are met:

- Exclude the growth of agricultural products that are controlled substances
- Permit agricultural uses only in buildings with commercial and manufacturing uses, not residential uses
- Require a ground floor accessory retail component for agricultural uses within a commercial district
- Reduce allowable FAR for agricultural uses to be less than the FAR for residential uses
- Establish guardrails for environmental impacts including, but not limited to, water, odor, and rodents

Proposal 8: Clarify and update laboratory uses - No action

Proposal 9: Clarify and reorganize drinking and eating establishments – Recommend
disapproval unless the following conditions are met:

- Create performance standards for nightlife establishments with input from Community Boards
- Permit proposal only within commercial areas
- Exclude Madison Avenue from changes to nightlife regulations
- Revise unlimited occupancy rules for C3-C8 and M districts

- Require nightclubs to abide by SLA procedures for the local community board to provide input on issues like hours of operation and noise

Proposal 10: Expand opportunities for amusement uses – *Recommend approval with the following conditions:*

- Indoor amusements smaller than 10,000 square feet should require a CPC permit, and outdoor amusements should also require a CPC permit instead of a BSA special permit
- Indoor amusement facilities should conform to existing height and bulk regulations

Proposal 11: Modernize rules to facilitate more home-based businesses – *Recommend disapproval unless the following conditions are met:*

- Square footage of the home occupation should be capped at 500 square feet or 49% of the apartment, whichever is smaller
- The number of visitors to a building should be limited via limitations to the hours and the number of clients and deliveries per week that can visit a home business
- Include a notification requirement to neighbors that there is a home-based business
- Establish a mediation system, similar to the Mediating Establishment and Neighborhood Disputes (MEND) initiative that resolves disputes regarding nightlife establishments, for neighbors and business owners to resolve disputes regarding nuisances
- Limit the number of employees to 3 and the total number of people in the apartments to 5 people
- The home-based business locations should be primarily residences
- There should be a cap on the number of home-based businesses within a residential building
- Restrict co-op and condo unit combinations for home business expansion

Proposal 12: Update streetscape requirements – *Recommend disapproval unless the following conditions are met:*

- These provisions should not apply to special zoning districts
- Permissible sidewalk facing uses should include ground floor apartments, not just residential lobbies, as long as they have appropriate window treatments and lighting
- There should be special requirements for communities that have been historically disinvested in and subject to redlining, subject to community board and Public Design Commission review

Proposal 13: Update motor vehicle repair uses/categorization – *Recommend approval with the following conditions:*

- Repair shops should be subject to a CPC special permit instead of a BSA special permit and include findings that ensure minimal disruptions on sidewalks
- Require analysis of current auto-repair uses in the surrounding two-block radius to determine and prevent oversaturation
- Provide minimum distance requirements for uses such as schools, parks, and healthcare

Proposal 14: Allow Micro Distribution Facilities – *no action*

Proposal 15: Allow residential campuses to include commercial space – *Recommend approval with the following conditions:*

- Applicants should be required to demonstrate campus residents’ support for the siting of their proposed commercial use, including on NYCHA campuses
- Require Community Board review and vote on application of non-residential uses on residential campuses

Proposal 16: Allowing corner stores in residential areas – *no action*

Proposal 17: Streamline waiver processes – *Recommend disapproval unless the following condition is met:*

- Require Department of Buildings standard of appeals review and approval

Proposal 18: Create new manufacturing Districts – *Recommend approval*

Bronx

On January 29, 2024, the Bronx Borough Board voted to recommend approval of the proposed text amendment. The resolution to support the text amendment did not pass by a vote of nine in favor of support, five opposed to support, and eight abstentions.

Brooklyn

On February 6, 2024 the Brooklyn Borough Board voted on whether it would make a recommendation in favor of the proposal. The vote failed by a vote of six in favor of support, eleven opposed to support, and twelve abstentions, resulting in no recommendation as to whether to adopt.

Queens

No resolution was received from the Queens Borough Board.

Staten Island

No resolution was received from the Staten Island Borough Board.

Borough President Review

The complete Borough President resolutions are appended to this report and are summarized below.

Manhattan

On January 30, 2024, the Manhattan Borough President submitted a recommendation in favor of approval of the application with the following conditions on each of the 18 component proposals within City of Yes for Economic Opportunity:

“Proposal 1: Remove time limits on reactivating vacant storefronts with grandfathered uses – *Recommend approval*

Proposal 2: Simplify types of businesses allowed in commercial districts – *Recommend approval*

Proposal 3: Expand locations for small-scale clean production facilities – *Recommend approval with the following modification:*

- Include a requirement for an accessory retail component in low-density districts

Proposal 4: Lessen loading berth requirements for use changes in commercial buildings – *Recommend approval*

Proposal 5: Allow commercial uses on the second story of mixed-use buildings in low-density districts – *Recommend approval with the following modification:*

- Apply this provision only to new developments

Proposal 6: Update, simplify, and modernize use group categories for businesses – *Recommend approval*

Proposal 7: Allow indoor agriculture and clarify enclosure requirements – *Recommend approval with the following modification:*

- Exclude the growth of agricultural products that are controlled substances

Proposal 8: Clarify and update laboratory uses – *Recommend approval with the following modification:*

- Require biosafety safeguards for all establishments

Proposal 9: Clarify and reorganize drinking and eating establishments – *Recommend approval*

Proposal 10: Expand opportunities for amusement uses – *Recommend approval*

Proposal 11: Modernize rules to facilitate more home-based businesses – *Recommend approval with the following modifications:*

- The City should establish a system similar to the Mediating Establishment and Neighborhood Disputes (MEND) initiative to resolve issues between neighbors
- The square footage of the home occupation should be capped at 500 square feet or 49% of the apartment, whichever is smaller

Proposal 12: Update streetscape requirements – *Recommend approval*

Proposal 13: Update motor vehicle repair uses/categorization – *Recommend approval*

Proposal 14: Allow micro distribution facilities – *Recommend approval with the following modification:*

- Facilities should be required to allocate a portion of their square footage for loading operations to prevent congestion on streets and sidewalks.

Proposal 15: Allow residential campuses to include commercial space – *Recommend approval with the following modification:*

- In addition to community board and CPC review, campus commercial proposals on New York City Housing Authority (NYCHA) campuses should be reviewed by residents

Proposal 16: Allowing corner stores in residential areas – *Recommend approval*

Proposal 17: Streamline waiver processes – *Recommend approval*

Proposal 18: Create new manufacturing districts – *Recommend approval with the following modification:*

- Buildings should be required to set aside ground-floor area for manufacturing uses to ensure access to loading docks for manufacturing tenants”

Bronx

On January 8, 2024, the Bronx Borough President submitted a recommendation in favor of approval of the application with the following conditions on each of the 18 component proposals within City of Yes for Economic Opportunity:

“Proposal 1: Lift zoning barriers to reactivate vacant storefronts. *I have no objection and support this proposal.*

Proposal 2: Simplify rules for types of businesses allowed on commercial streets. *I have no objection and support this proposal.*

Proposal 3: Expand opportunities for small sale clean production. *I have no objection and support this proposal.*

Proposal 4: Modernize loading dock rules to allow buildings to adapt over time. *I have no objection and support this proposal.*

Proposal 5: Enable commercial activities on upper floors.

I believe this proposal, as drafted, achieves its stated goal, but I have some concerns. My first concern was understanding how residential and commercial activities could co-locate on the same floor. Under the proposal, the zoning will still require a separation of uses because any residential and non-residential uses located on the same floor would be required to have a physical separation between them. In my opinion, this is similar to when a commercial building abuts a residential building, but, under the proposal, any non-residential use would have the added requirement of ensuring that noise is mitigated.

My second concern was how commercial uses may work when located above a residential use. The proposed zoning makes it clear that it will be a very high bar for existing residential buildings to comply with these regulations because any buildings that are not built to eliminate noise will not be able to meet the noise requirement. Additionally, there are requirements for separate elevators which will make it very difficult and expensive for most existing residential buildings to conform to the proposed regulations, making these buildings unable to convert.

However, I believe the more likely outcome of this proposal will be commercial buildings having the flexibility to add residential uses. This is a very positive outcome for the city, especially while we are in the midst of a housing crisis. Based on how commercial buildings are built, it is far more likely that an existing commercial building would be able to meet the noise mitigation requirements. This proposal has the added benefit of creating more opportunities for locating residential uses across the city. In addition to the ground floor, upper floors nearly always command a real estate premium, but commercial uses are generally not permitted on upper floors when there is residential in the building. This proposal will “unlock” the ability for

commercial buildings to add residential uses that may not have been permitted in certain situations, for example, if there was a top floor restaurant.

While my first two concerns were addressed, my final concern is on-going, which is ensuring the public understands the requirements for where residential and non-residential uses may locate. Allowing commercial above and on the same level as residential does not mean residential buildings will be permitted to just add these uses without going to the Department of Buildings to get the proper approvals. Requiring that buildings meet these requirements to show compliance with noise mitigation and having separate elevators is a high bar for a reason. Building code rules would also have to be complied with, including showing that the building could handle any increased demand on its electrical systems, that it would meet FDNY capacity requirements, and that it obtained a new certificate of occupancy. The only way this proposal will work is if the city enforces these requirements. So, *while I am in support of this proposal, I do so with the caveat that enforcement is paramount.*

Proposal 6: Simplify and modernize use terms that specify where businesses can locate. *I have no objection and support this proposal.*

Proposal 7: Clarify indoor rules to enable urban agriculture. *I have no objection and support this proposal.*

Proposal 8: Give life science companies the certainty to grow. *I have no objection and support this proposal.*

Proposal 9: Support nightlife with common sense dancing and live entertainment rules.

This proposal is finally addressing the discriminatory cabaret laws that were repealed while I was in the City Council but still exist in the zoning resolution. In addition, many of the regulations surrounding eating, drinking, music, live entertainment, and dancing are difficult to understand. This proposal will create a set of requirements based on capacity limits for the venue rather than for each of the different use types.

The ongoing concerns raised around nightlife are typically tied to noise and enforcement. While there are no easy solutions, the city needs to do a better job of enforcing noise complaints related to late night entertainment. I recommend that the Mayor's Office of Nightlife proactively identify businesses with noise-related issues and work with them through education, advising on building improvements that would reduce noise pollution, and by issuing violations more aggressively if those efforts fail.

Proposal 10: Simplify rules so amusements and experiential businesses can flourish. *I have no objection and support this proposal.*

Proposal 11: Enable entrepreneurship for home occupations.

I believe this proposal will be both well received and criticized depending on how it will impact that person. As technology continues to improve, with remote capabilities being more widespread and normalized, there is an ever-increasing range of businesses that make sense to permit as homebased businesses. Not directly regulating what businesses are permitted or not permitted, but rather regulating how those businesses impact their neighbors addresses this concern effectively. These small businesses would have limitations on the amount of the home that can be used and would have to have a limited number of employees to avoid foot traffic, but most importantly, they would be required to maintain existing noise requirements.

This is the one proposal that gives me pause because I have some concerns about unintended consequences. While I believe most businesses will be “good actors”, my concerns are for the handful of “bad actors” that will inevitably occur. This proposal also has a low bar for entry because it doesn’t require a certificate of occupancy change for a building. Small businesses and entrepreneurs are incredibly important for our city, and we need to continue to find ways to support them. While I am not fully opposed to this proposal, I am also not in support. I believe there needs to be a limit to the number of people that can be in any home-business, so in addition to the proposed three-employee maximum, I propose there should be a five-person maximum capacity that may be permitted in a home-based business to reduce the amount of regular foot traffic that would occur. Home-based businesses should also identify their business type and register their home address when getting a business license or certificate as well as send an annual notarized letter to the landlord, building management, and tenant association, as applicable, so the building is aware that there is a home-based business operating in the building. This will help target noise complaints and identify any non-tenants in a building so issues can be addressed, as needed. Additionally, to ensure there are no fire safety issues, any business above a certain electrical need should be required to have an electrical inspection to ensure the existing wiring can handle the demand.

Proposal 12: Introduce corridor design rules that ensure buildings contribute to surroundings. *I have no objection and support this proposal.*

Proposal 13: Reduce conflict between auto repair and pedestrians on commercial streets. *I have no objection and support this proposal.*

Proposal 14: Encourage more sustainable freight movement by allowing micro-distribution in commercial areas. *I have no objection and support this proposal.*

Proposal 15: Facilitate local commercial space on residential campuses.

When thinking of this proposal and who it may help, I focus on the residents living in NYCHA housing. Nearly 1 in 17 New Yorkers live in NYCHA supported housing, accounting for over 528,000 residents across 335 conventional public housing and PACT developments.

This proposal would provide a new option for up to 15,000 square feet of commercial use to be located in residential districts when located on a residential campus. While this does extend beyond NYCHA campuses, the proposal is not as-of-right and would require a level of oversight with a City Planning Commission authorization which would require an environmental review and Community Board referral.

While I do not believe it is within scope, I recommend modifying the text to permit grocery stores upon the granting of a FRESH zoning approval, with the requirement that it is on a campus with affordable housing, regardless of the size of the grocery store. This is a trade-off that makes sense and would create an opportunity to provide fresh food to residents that are living in food deserts. This scope would be limited to FRESH grocery stores as there are specific requirements that would need to be met.

Proposal 16: Create a process for allowing corner stores residential areas. This proposal would have a high bar for approval as it would require discretionary approval from the City Planning Commission through an authorization, an environmental review, and referral to the local Community Board. The commercial use would also be limited to 2,500-square-feet and within 100 feet of an intersection. I believe this is important to create a pathway for these corner commercial uses, such as local bodegas, as there are no options today besides a rezoning of a larger area. *I have no objection and support this proposal.*

Proposal 17: Rationalize waiver process for business adaption and growth. Given the proposed oversight by the Planning Commission or the Board of Standards and Appeals, *I have no objection and support this proposal.*

Proposal 18: Create new kinds of zoning districts for the future. This proposal would create new zoning districts that do not exist today for manufacturing uses. There has been a disconnect with the bulk regulations that exist in manufacturing districts today, and this text will add additional options for what may be needed. While none of the new districts will be immediately applicable because these zoning districts do not yet exist anywhere in the city, I am encouraged that the city is working to keep good paying manufacturing jobs here in New York by creating these new zoning options. In order for any of these zoning regulations to apply, they would need to go through a rezoning with a full ULURP. *I have no objection and support this proposal.*

In conclusion, I want to commend the Department of City Planning for their commitment to finding ways of streamlining the current zoning regulations while maintaining zoning's core intent to protect public health, safety, and general welfare. Urgently addressing outdated zoning ordinances is crucial to support local businesses that are vital to our city and neighborhoods.

I want to thank Mayor Adams and Department of City Planning Director Dan Garodnick for their leadership in supporting and advancing this important proposal and I recommend approving these applications, with my observations and modifications included.”

Brooklyn

On January 24, 2024, the Brooklyn Borough President submitted the following recommendation for each of the component proposals within City of Yes for Economic Opportunity:

“1. Reactivate storefronts *(Approve)*

The Borough President supports proposals that reactivate vacant storefronts along existing retail corridors and within neighborhoods, and supports expanding this provision to cover all Residence Districts instead of limiting it to R5, R6, and R7 Districts. According to a recent report from the Association for Neighborhood & Housing Development (ANHD) analyzing storefront vacancy data from 2019 and 2020, there are “troubling vacancy rates in outerborough [sic] ethnic enclaves such as Flushing Chinatown, Sunset Park, and Brighton Beach.” We must take measures to help stabilize neighborhoods by allowing more small, local businesses to locate and thrive.

2. Simplify district types *(Approve)*

The Borough President appreciates DCP’s effort to make zoning more predictable for small businesses and understands the rationale for allowing similar uses along both sides of commercial and retail corridors. The Borough President heard community concerns about potential nuisance uses being newly allowed across C1/C2 and C4/C5/C6, and requests that DCP review the new uses being permitted across the districts and contemplate whether a square footage cap is appropriate on some of these new uses.

3. Small-scale production *(Approve)*

Borough President Reynoso has long been advocating for DCP to create new tools to facilitate inclusion of light manufacturing space in mixed-use buildings. He supports this proposal but wants to be clear that it should not be used as a rationale for rezoning any more of the city’s Manufacturing zones, which remain necessary to support a broader range of industrial uses.

4. Loading docks *(Approve with modifications)*

Borough President Reynoso supports proposals that provide flexibility for manufacturing businesses. However, he is concerned about unintentionally creating a legalized loophole for particularly traffic-generating uses such as last-mile facilities or other warehouses. For example, the Borough President wants to avoid a scenario where a business could legally occupy a building with few loading docks, report one use to the Department of Buildings, and a few months later begin operating as a last-mile warehouse or other business with a high level of truck throughput. If the cost savings were significant enough, such a loophole could have the secondary effect of increasing displacement pressure on existing manufacturing businesses. Borough President Reynoso believes the most appropriate way to guard against such a scenario

is to add extra scrutiny for last-mile warehouse facilities through a new special permit (elaborated in response to Proposal 14).

5. Upper floor commercial (*Disapprove with modifications*)

The Borough President shares DCP's desire to see vibrant commercial corridors and increased opportunities for small businesses. However, Brooklynites have shared valid concerns about this proposal, including about privacy, safety, pollution, potential loss of residential units, and especially noise. On the issue of preventing access between commercial and residential uses, DCP has noted that separate entrances, stairwells, lobbies, etc., would be required; however, the zoning text does not include this level of specificity. The Borough President requests that "access" be more specifically defined in order to preclude any potential ambiguity that could lead to safety and privacy issues.

Additionally, the Borough President agrees that co-locating eating and drinking establishments in residential buildings is likely to generate noise that would negatively impact residents' quality of life. When bars and restaurants locate adjacent to or above residential, they should be required to implement both the 15 ft. and wall/ceiling buffer, and the prescribed sound attenuation measures, not one or the other. Even so, this will be an ongoing enforcement challenge that is going to require a more proactive response than residents in existing mixed-use areas with restaurants and bars on the ground floor feel they are currently receiving.

Finally, the Borough President shares concerns that this proposal could lead to the loss of residential units. While DCP has stated that it is unlikely that a landlord would retrofit an existing residential building to accommodate commercial due to the cost of separating the two uses, there is nothing in the zoning that would prevent this from happening. New York City's housing crisis is so dire that we cannot afford to lose existing units, let alone run the risk of existing tenants being displaced. The Borough President recommends including a provision that no commercial space will be allowed that displaces existing residences.

Given the concerns outlined above, and the proliferation of vacant storefronts throughout the city, the Borough President questions whether this proposal is necessary to achieve DCP's stated goals.

6. Use terms (*Approve with conditions*)

Borough President Reynoso agrees that the uses and Use Groups currently written in the Zoning Resolution need to be updated. Use Groups should never have been allowed to become so outdated in the first place. The Borough President requests that DCP use this Zoning Text Amendment to set a precedent that uses and Use Groups be updated in a standalone Zoning Text Amendment on a decennial basis. Combining a use group reorganization with the other 17

proposals in this Zoning Text Amendment has exacerbated the difficulty of thoroughly reviewing the draft zoning text.

Updating and defining new land uses is a core responsibility and competency of DCP. However, the status quo for updating uses is too reactive and relies too heavily on outside advocacy. For example, in the last decade, last-mile warehouses have emerged as a significant land use affecting the daily lives of New Yorkers. As a participant of the Red Hook Traffic and Truck Study, DCP should be aware of the impact of this land use on environmental justice communities. The Borough President will further elaborate on this issue under Proposal 14, but the lack of action on defining this pressing use underscores the need for a more proactive, regular approach to updating uses and use groups. Such an approach would also help obviate the need for unusual text amendments such as the Citywide Zoning Text Amendment for gaming facilities, which, as drafted at the time of this recommendation, combines adding a new use to the Zoning Resolution with waiving the regulations of the entire Zoning Resolution for said use in favor of a separate approval process.

While Borough President Reynoso supports the removal of antiquated terms, some of the proposed simplifications go too far, particularly the new amusement use proposed for Use Group 8. Consolidating uses such as bowling alleys, skating rinks, and pool halls from four different Use Groups into one makes sense, but renaming all of these uses to the vague “amusement or recreation facilities” seems counterproductive, especially since Use Group 6 is proposed to include many uses similar or adjacent to entertainment and recreation. If the goal is for businesses to reference uses more easily, such a vague name could create more confusion than before and create ambiguity between nightlife and amusements.

Borough President Reynoso feels that currently, use and Use Group information is needlessly difficult and confusing for members of the public to access. While reorganizing the Zoning Resolution is a step in the right direction, the public should not have to rely on referencing clunky zoning text in order to find information on uses. Currently, there is no resource where every use and Use Group is exhaustively listed in one place; the closest is a page of the NYC Zoning Handbook that directs the reader to different parts of the Zoning Resolution for each use group. DCP should provide a reader-friendly supplement to the NYC Zoning Handbook that exhaustively lists all uses, use groups, and in which zoning districts they are permitted.

Some of the City’s tools, particularly PLUTO/MapPLUTO and ZoLa, the City’s Zoning and Land Use Map, are good resources that are widely used by subject matter experts and the public alike. Unfortunately, use and Use Groups are not currently included in this data. In the spirit of improving the transparency, legibility, and access of the City’s land use regulations, Borough President Reynoso requests that DCP work with the Department of Finance (DOF), the Department of Buildings (DOB), and the Office of Technology and Innovation (OTI) to update record and record-keeping systems to include this information.

In summary, Borough President Reynoso supports the effort to rationalize and reorganize Use Groups provided that:

1. DCP commits to setting a precedent for use group updates on a decennial basis
2. “Last-mile warehouse” is added as a use (further discussed under Proposal 14)
3. The proposed “amusements and recreation facilities” is broken out into more specific uses, consolidated under UG 8
4. DCP provides reader-friendly reference materials other than the Zoning Resolution
5. DCP works with relevant partner agencies to publish use and Use Groups data on a parcel level through PLUTO, MapPLUTO, and the City’s Planning and Land Use Map (ZoLa)

7. Urban agriculture *(Approve with conditions)*

While the draft zoning text allows for agricultural uses “provided that no offensive odors or dust are created,” the Borough President remains concerned that the text does not discuss noise, vibrations, and, while indoor agriculture is typically less chemical-intensive than outdoor agriculture, the potential usage and disposal of chemicals or pesticides. If any chemicals are used in indoor growing operations, the Borough President recommends that commercial buildings with agricultural uses comply with standards for hazardous material storage and transportation that align with those set forth in other sections of the ZR, particularly in relation to any buildings with agricultural use in areas subject to flooding.

Further, recent reports show vertical farming involves significant energy usage when compared to greenhouses. The Borough President wants to ensure that renewable energy sources are used to help power these facilities, and he would like DCP to provide clarity on how energy efficiency standards will be measured, how energy use will be regulated, and how the energy related to this use will tie into recent regulations passed in City of Yes for Carbon Neutrality.

Finally, The Borough President received community feedback concerning the regulation of cannabis-production facilities as a permitted use within urban agriculture. The State administers Adult-Use Conditional Cultivator licenses, which growing facilities would need to obtain in order to operate in New York City. The Borough President echoes community concerns around the need for continued enforcement of unlicensed facilities, and asks that DCP contemplate the appropriateness of a CPC Authorization for facilities that exceed a certain square footage to provide an opportunity to assess both agricultural use and energy usage.

8. Life sciences *(Approve with conditions)*

Existing zoning text only allows for laboratories to locate within hospital or educational settings, which are equipped to deal with the handling, storage, and disposal of hazardous materials. The proposed text allows these facilities to locate in mixed-use buildings. While it defines “laboratories” in a way that implies hazardous substances cannot be used, the performance

standards dictated correspond to regulations for M1 districts. The Borough President would like DCP to revisit this requirement, as stricter environmental and disposal standards may be necessary when laboratories are co-located with residences.

The Borough President reiterates these concerns in relation to the BSA Special Permit defined in 73-171, which allows for ground floor offices in Residence Districts located in flood zones. The Borough President requests that DCP take measures to ensure that hazardous substances are strictly regulated for these uses in Residence Districts and to track buildings that are requesting this special permit and be prepared to address if there is a proliferation of these uses on the ground floor in areas vulnerable to climate change.

9. Nightlife (*Approve with modifications*)

When he was a Member of the City Council, Borough President Reynoso supported the effort to overturn the outdated Cabaret Law, which was often unfairly applied to target nightlife establishments in communities of color. DCP has described this proposal as an effort to both to match zoning with the post-Cabaret Law regulatory framework, and to take the pressure off of

Manufacturing districts, to which many types of nightlife establishments are currently restricted. The Borough President agrees with both these goals, but has three important concerns with the proposal as it currently exists.

First, as described in comments on Proposal 5 above, the Borough President is concerned about the quality-of-life impacts that eating and drinking establishments may have on adjacent residents when co-located in residential buildings, and is asking that when bars and restaurants locate adjacent to or above residences, they be required to implement both required buffer space and sound attenuation measures.

Second, as a supporter of our city's vibrant industrial sector, Borough President Reynoso has long advocated for the removal of nightlife establishments from core industrial districts. These districts exist to support heavy manufacturing uses, some of which depend on access to water. Adding nightlife to these areas can create dangerous conditions for the public and can prevent the manufacturing sector from expanding. While he appreciates that nightlife establishments are barred from the proposed M3A districts, this does nothing to stop proliferation of nightlife in existing M3 zones. This process presents the opportunity to update the existing M3 district to disallow further expansion of nightlife into core industrial areas without pursuing new mapping actions.

Third, the Borough President is concerned that the proposed BSA permit process allowing businesses to expand up to 200% may have unintended consequences for M districts. A restaurant expanding from one small commercial storefront into another is quite different from a warehouse sized club in a manufacturing zone taking over an adjacent warehouse. While the

required findings specifically address impact on residential and mixed-use neighborhoods, they are silent about the impact on manufacturing businesses. Further proposed changes to these special permit processes are discussed in the recommendation for Proposal 17.

10. Amusements *(Approve with modifications)*

As with nightlife, Borough President Reynoso has advocated for the removal of amusement establishments from core industrial districts. The Borough President echoes his concerns in response to Proposal 9: while he welcomes the potential to relieve pressure by loosening restrictions for amusements in commercial districts, he requests that the existing M3 district be updated to disallow further expansion of these uses into core industrial areas without pursuing new mapping actions.

The Borough President echoes his concern about simplified amusement uses in response to Proposal 6: while consolidating amusement uses under one use group makes sense, collapsing commonly understood terms such as “bowling alley” or “skating rink” into “amusement and recreation facilities” invites unnecessary ambiguity. If such terms become antiquated in the future, Borough President Reynoso encourages DCP to adjust them in future decennial use group updates, as requested in response to Proposal 6.

11. Home occupations *(Approve with modifications)*

While the Borough President understands that many more New Yorkers are working from home, he wants to ensure the proposal does not incentivize larger apartments to be used for business uses rather than dedicated living space for families. To that end, the Borough President requests that DCP reinstate a square footage limit within the “Home occupation” definition in Section 12-10, specifically within (a)(3), with an increase to 750 square feet of floor area. While the provision would only allow for the resident plus three additional persons not residing in the unit, small firms of this size could still be encouraged to locate in the city’s commercial centers and in vacant storefronts along retail corridors.

12. Streetscape *(Approve with modifications)*

Borough President Reynoso supports the expansion of streetscape regulations beyond the bounds of special districts. Every commercial corridor in the city deserves to have quality streetscapes, not just the areas with the circumstances or resources to obtain a special district designation. To that end, the Borough President urges DCP to draft a bolder vision of this proposal to include more of the so-called “automotive corridors,” shopping centers, and areas near freeways that are exempted in the draft zoning text.

This proposal is in alignment with the priorities identified in the Borough President’s Comprehensive Plan for Brooklyn, particularly the Healthy Streets & Environment framework.

Improved streetscapes will be part of a just transition to a healthier, decarbonized public realm. Tier A identifies auto-oriented uses and street-facing parking as an issue to resolve but excludes C8 districts, the most prominent “automotive” district in the Zoning Resolution. As seen in the attached map, (Proposal 12: Streetscape Design Tiers) C8 is widely mapped throughout the borough, often connecting other commercial streetscapes. In urban design parlance, these districts too often serve as an “edge” that separates neighborhoods when they could be serving as “paths” that encourage lively corridors and public spaces.

Borough President Reynoso requests that DCP extend the line of reasoning behind Tier A to envision what better streetscapes might look like in automotive corridors as well, whether that means including C8 districts within Tier A, or developing a new tier of regulations for C8 districts, shopping centers, and areas near freeways. As seen in the attached map, there are already several areas where C8 districts and special districts overlap.

As outlined in the Comprehensive Plan for Brooklyn, Borough President Reynoso is committed to the preservation of manufacturing jobs and land in the borough. Manufacturing areas do have different needs than central business districts, but it is possible to design better streetscapes with those needs in mind. The Borough President is concerned that by excluding C8 districts from these regulations entirely, DCP is abetting the idea that the only way to improve streets is to remove the potential for manufacturing uses entirely.

As drafted, the proposal includes a carve out for street fronts within 1,000 ft of a freeway entrance. A strong street wall can be a defining component of a street’s “friction” - surrounding context that encourages drivers to be aware of their surroundings and drive more carefully. For this reason, allowing an automotive-oriented buffer surrounding freeway off-ramps may just expand the area where cars drive at inappropriate and dangerous speeds rather than making anyone safer.

In the attached map, the areas in red have been explicitly excluded from streetscape regulations, either due to proximity to freeway on-ramps, lot size, or distance from transit. Particularly of note is the concentration of red around BQE access-ramps in South Williamsburg, Downtown Brooklyn, Carroll Gardens, and Gowanus. Currently the City and State are undertaking a major redesign effort for the Brooklyn-Queens Expressway (BQE) aimed at repairing the harm and disruption it has caused these very neighborhoods. Borough President Reynoso holds steadfast in demanding a corridor-wide approach to repairing the BQE. The Zoning Resolution is just one tool at the City’s disposal, but it should assist in proactively mitigating and retrofitting hostile streetscapes.

Borough President Reynoso supports the proposal to require a BSA permit for drivethroughs [sic], rather than allowing them as-of-right in some districts.

13. Auto repair *(Approve with modifications)*

Borough President Reynoso supports rationalizing the classification of auto servicing uses, restricting heavy servicing to C8 and M districts, and requiring light auto servicing uses only by special permit in C1-C7 districts. However, Borough President Reynoso requests that this special permit be reviewed by the City Planning Commission rather than the BSA.

Borough President Reynoso agrees with DCP that the core issue at hand is the conflict between pedestrians and automotive work and storage spilling out onto sidewalks. This issue is inherently concerned with the public realm and deserves more public participation than the BSA process provides.

Borough President Reynoso is concerned that this proposal is promising more than it can deliver. Rationalizing regulation is a step in the right direction, but lack of enforcement is the elephant in the room. New Yorkers who read a summary of this proposal may walk away with the impression that if passed, the cars cluttering sidewalks in their neighborhood may finally be removed. This proposal includes no new enforcement mechanisms to achieve this goal. Instead, the strategy is focused on containing some future auto repair shops to C8 and M districts. (It is unclear how many auto servicing businesses are expected to qualify as “light” and be eligible for the BSA permit process proposed for C1-C7 districts, as DCP has not provided analysis on the proposed classification and left it to the public’s imagination.)

In this context, the Borough President echoes his concern from Proposal 12, that C8 districts are being written off as automotive corridors instead of included in a vision for a better, healthier public realm. As such, Borough President Reynoso requests the City accompany this zoning change with improved enforcement on businesses, City agencies, and private individuals that unlawfully store vehicles on sidewalks, bike lanes, and other public places across the city.

14. Micro-distribution *(Approve with modifications)*

One of the lasting impacts of the pandemic is that e-commerce is here to stay. It is incumbent upon the City to address its impacts, especially increased truck traffic and associated effects on air quality, traffic congestion, and street safety. Borough President Reynoso strongly supports the shift from large last-mile warehouse facilities to smaller, community-oriented microdistribution centers, and appreciates the Department of Transportation’s work on this issue and the proposed changes here to support it.

In order to necessitate even fewer truck trips in our communities and encourage the use of cargo bicycles for delivery, the Borough President would support an increase in square footage allowed on the ground floor for these facilities up to 5,000 sq. ft. in C1 and C2 districts, and 10,000 sq. ft. In C4-C7, in line with the Use Group 10 size limitations outlined in 32-202. Paired with updated streetscape requirements in this proposal and considering the high number of storefront vacancies in the city, use of some ground-floor spaces for micro-distribution rather than retail seems to be a reasonable tradeoff given the environmental benefits. However, the Borough

President is concerned that excessive siting of these facilities could counter this progress and hinder local retail expansion. Therefore, he encourages DCP to explore creating a reasonable district cap or other mechanism to limit the total number of these facilities allowed.

Supporting micro-distribution centers only solves for half of the problem, doing nothing to address the proliferation of last-mile warehouse facilities in Manufacturing districts. A May 2023 analysis by Consumer Reports showed two large last-mile warehouses operating in or near Red Hook, with three more under construction and three more in the planning phase. According to this report, a business on Van Brunt Street sometimes recorded more than 1,200 trucks or vans passing per day, and this was with only two of the eight facilities operating. The impacts on the surrounding community's health and safety cannot be understated. Additionally, more warehouses means less space for manufacturing businesses and associated well-paying jobs. Yet nothing in the current zoning prevents this concentration of facilities from existing or these warehouses from expanding further.

To address this, Borough President Reynoso, along with local elected officials, advocates, and residents, has submitted a proposed zoning text amendment to create a special permit process that will ensure that when last-mile warehouses locate in the city, they are held to certain environmental standards, and that there is oversight over siting such that one community cannot become overburdened by these facilities, as Red Hook already is.

The Borough President calls on DCP to include this zoning text amendment in City of Yes for Economic Opportunity, or commit to implementing it as a follow-up action sponsored by the Department. As demonstrated by many facets of the City of Yes proposal, when new uses, careers, and technologies proliferate in the city, it is DCP's responsibility to address these through zoning by creating new use groups and adding regulations as appropriate. Last-mile and ecommerce presents perhaps the biggest change to our current retail landscape, and is a citywide issue that cannot continue to go unaddressed. Draft text is provided in the Appendix below.

15. Campus commercial *(Approve with modifications)*

Borough President Reynoso agrees that residential campuses can benefit from conveniently located retail and service businesses. However, our city's NYCHA campuses are likely to be the most impacted by this proposal, and historically NYCHA residents are underrepresented on community boards. Therefore, while this may not be something that can be addressed through zoning, the Borough President requests that NYCHA provide a written commitment to engage its residents regarding what they would like to see in any new commercial facilities to be located on their campuses and provide this information to the appropriate community board to inform comments on any relevant proposal.

16. Corner stores *(Approve)*

Borough President Reynoso supports this proposal and its potential to enliven the streetscape in our communities and provide convenient retail options for local residents. This proposal is in alignment with the Borough President's Comprehensive Plan for Brooklyn, particularly the Healthy Streets & Environment framework.

17. Better waiver processes (*Approve with modifications*)

The Borough President is concerned with any process that would limit public input, including special permits issued through the Board of Standards and Appeals. While the Borough President understands that obtaining approvals can be unwieldy for applicants, there should be sufficient public purpose, outside of streamlining bureaucracy, to issue a BSA special permit. Property owners purchased their property with an understanding of the existing regulations that govern the site, and any approvals should be granted only while maintaining sufficient public purpose.

In the proposed updated text for Section 73-03, the Borough President would like to understand what research was used to determine that 10 years should be the maximum allowable length for a new permit. Further, the Borough President requests more clarity in the zoning text on what would trigger a revocation of these special permits. Additionally, the Borough President remains concerned that without sufficient square footage caps on non-industrial uses in M districts, the city will continue to see losses of manufacturing space in favor of uses that do not provide well-paying, career-pathway jobs.

As such, he proposes changes to Section 42-16 (which is referenced in the new BSA Special Permits 73-161 and 73-162 and new CPC Special Permit 74-161). The Borough President recommends a 10,000 square foot maximum on Use Group 6 (Retail and Services) uses in M districts, which would denote all uses with an "S" in the Use Group tables and subject these uses to size restrictions. The Borough President requests further conversations with DCP to discuss whether it is appropriate to contemplate a maximum of 1 FAR or an increase of 200 percent, whichever is less, of non-industrial uses within Special Permit 73-161 section (a)(1), which permits modifications to size limitations for uses denoted with an "S" in the Use Group tables; and the feasibility of a BSA special permit process that is limited to commercial districts and a CPC special permit process required for any such change in a manufacturing zone.

18. New loft-style zoning districts (*Disapprove with conditions*)

The Borough President's Office is unaware of a precedent wherein DCP proposed new districts on this scale with no associated mapping action. This is not common practice because it is essential to map districts in order to understand their potential conflicts and impacts. In this instance, each of the proposed districts (Core, Transition, Growth) is named in a way that denotes location, implying that DCP has already analyzed where each district would be appropriate. Yet the agency has not shared this analysis with the public, making all comments on this proposal based entirely on speculation.

As a result, this proposal leaves the future of our city's industrial zones in question. What happens if a developer proposes a growth district in an existing core industrial area, for example? Would DCP consider this proposal appropriate for certification, and if so upon what criteria would the agency base this decision? Many existing core industrial businesses are dependent upon waterfront and/or rail access, which the Borough President wants to encourage in order to address impacts of truck traffic on our communities. It is critical that we retain core industrial space for these uses, as well facilities that may have environmental or safety impacts or loading requirements that would impact their neighbors. (This is the rationale upon which the concept of zoning was developed.)

Further, the Borough President wishes to highlight the connection between incentive programs and land use. Other sectors, such as residential development, have enjoyed easier-to-access tax incentive and abatement programs at all scales of development, from 420-c to 421-a to exemption programs for existing homeowners. Relevant incentive programs for manufacturers in New York City are mostly limited to Industrial and Commercial Abatement Program (ICAP) grants and NYC Industrial Development Agency (IDA) tax incentives. There are drawbacks and challenges to both of these programs, including the need for legal assistance and a dedicated staff member or consultant to assist through the application process.

The IDA program is complicated and expensive and is not designed for multi-tenanted buildings. The Borough President expresses additional concerns that, because the IDA program is not designed for multi-tenanted buildings, very few new buildings developed under these proposed zoning districts will be able to take advantage of it since the proposed new districts seek to facilitate these types of loftstyle [sic] buildings.

ICAP is similarly difficult during the application stage, and because applications must be submitted during construction, there is no guarantee of receiving the benefit. Manufacturers must take on steep financial risk to participate in these programs, which is prohibitive for many small firms. The Borough President recommends that the Manufacturing and Industrial Innovation Council through the Mayor's Office of Talent and Workforce Development function as a central hub to assist businesses through the application process for these programs to lower the burden for smaller businesses.

The Borough President is also concerned about the timing of this proposal in relation to Local Law 172 of 2023, which requires DCP, along with the Department of Small Business Services and the Economic Development Corporation, to develop a citywide industrial development strategic plan by the end of 2025. The research and data required to be analyzed in this plan should inform future land use choices, not the other way around.

In lieu of spatial analysis from DCP, the Borough President's Office has undertaken a mapping exercise to roughly estimate impacts on the borough's Industrial Business Zones (IBZs) and neighboring manufacturing areas. Although DCP includes limited spatial guidance within City of

Yes for Economic Opportunity, DCP's 2019 North Brooklyn Industry and Innovation Plan included a land use framework with areas marked as core, transition, and growth. Given the overlap in goals and verbiage, we consider this plan to be a precursor to the new M-Zones proposal. As a result, North Brooklyn already has a rough picture of where DCP envisions these new districts could be mapped. As a matter of fairness, DCP owes it to the other IBZs to provide a similar level of analysis for these new M-Districts citywide.

To better estimate the spatial distribution of the new districts, the Borough President's Office mapped the districts based on the criteria outlined in the North Brooklyn Industry and Innovation Plan:

- M3A "Core"
 - Heavier manufacturing zoning (M3, M2)
 - Non-residential land uses (land use categories 5-12)
 - Large lot size (> 10,000 sf)
 - Low rise buildings (< 2 floors)
 - Under-built FAR
 - Further from transit (> ¼ mile)
 - Adjacent to maritime and freight rail rights of way
- M2A "Transition"
 - Medium manufacturing zoning (M2, M1)
 - Non-residential land uses (Land Use Categories 5-12)
 - Large lot size (> 10,000 sf)
 - Low rise buildings (< 2 floors)
 - Under-built FAR
 - Further from transit (> ¼ mile)
- M1A "Growth"
 - Light manufacturing and mixed-use zoning (M1, MX, M1-D)
 - Mix of land uses (Land Use Categories 1-12)
 - Smaller lot size (< 10,000 sf)
 - Medium and high rise buildings (> 2 floors)
 - Over-built FAR
 - Near transit (< ¼ mile)

While DCP is not pursuing a wholesale re-mapping, this exercise allows an estimation of where future re-mapping actions might be pursued or encouraged by DCP. The Borough President's Office welcomes DCP to supplement or correct any of these assumptions by publishing their own spatial analysis. Further, while no actual districts are being mapped, these new tools do establish a core periphery paradigm that understands manufacturing areas in terms of their spatial relationship to an anchoring core industrial area.

Even when not being mapped, this paradigm will inform land use rationale across manufacturing areas of the whole city. For example, framing the M2A as “Transition” suggests that higher density, medium-performance-standard manufacturing uses are not appropriate in their own right, but only as a function of their proximity to neighboring industrial core. As elaborated in IBZ-specific analysis below, there are many areas where this core-periphery paradigm does not apply so neatly.

This mapping exercise yielded the following area-specific observations and concerns:

Flatlands-Fairfield

The Flatlands-Fairfield IBZ straddles a three-mile stretch of the Bay Ridge Branch, a rail line currently used for freight and the proposed right of way for the MTA’s Interborough Express (IBX). If planned responsibly, this dual-purpose freight and passenger rail line will be a unique asset and opportunity for the IBZ.

However as currently proposed, these new M-districts give mixed signals about how the Department of City Planning envisions the future of this corridor. The new M3A Core district emphasizes freight rail, but the M1A Growth district emphasizes proximity to transit. This dichotomy may make sense in places like North Brooklyn, where rail lines are exclusively freight or transit and maritime access is, for the most part, far away from the subway. This framework is less clear in Flatlands-Fairfield. At the time of this recommendation, the MTA is tentatively proposing IBX stations at Utica Avenue, Remsen Avenue, and Linden Boulevard. Designating a ¼ mile buffer of M1A Growth around each station would substantially disrupt the continuity of the industrial core in this IBZ. While there are other criteria listed in the North Brooklyn Industry and Innovation Plan, access to transit is particularly influential. These overlapping frameworks create an ambiguity where individual ULURP applications could argue a land use rationale for either M3A Core or M1A Growth districts on the very same lot and lead to a poorly planned patchwork of industrial and non-industrial uses over time. DCP’s proposal to only provide zoning district options without executing any re-mapping is especially insufficient for cases like these.

The unique dual freight/passenger corridor deserves specific study under the citywide industrial development strategic plan legally mandated by LL 127 of 2023. It may be that these districts could be combined in a compatible fashion, but this area is large and important enough that it deserves deliberate attention. In his Comprehensive Plan for Brooklyn, Borough President Reynoso outlined frameworks for growth in both housing and manufacturing densities, largely with the Flatlands-Fairfield IBZ in mind. Proposing new tools before refining an industrial strategy for this IBZ is putting the cart before the horse.

Southwest Brooklyn

Due to its proximity to the waterfront, large lot sizes, underbuilt FAR, and heavier manufacturing and utilities zoning, the waterfront spine of the Southwest Brooklyn IBZ fits DCP's criteria for the new M3A Core district. But areas further inland surrounding the southern portion of Gowanus Canal and inland parcels closer to 3rd Avenue and Sunset Park are less clear. This ambiguity further informs the Borough President's concerns that the proposed M1A Growth district is redundant with the existing condition.

Much of southern Gowanus fits the criteria for M1A Growth: smaller lot sizes, multi-story buildings, higher levels of built out FAR, and proximity to transit at the Smith-9th Street station. The Gowanus Neighborhood Plan, approved in 2021, mapped a Special Mixed-Use District with similar goals as the proposed M1A Growth district, promoting mixed industrial and non-industrial uses with no requirement for manufacturing. It is plausible to imagine either DCP or private applicants citing this precedent to argue for mapping a new M1A Growth district further south along the canal. If the name "Transition" is to have any meaning, it should apply to areas such as the southern stretch of the Gowanus Canal, which sits in between a growth-oriented rezoning to the north and the core waterfront industrial to the south and west. The M1A Growth district is redundant in this area – its goals were already achieved in the Gowanus Neighborhood Plan in 2021.

Sunset Park presents a similar situation: the waterfront aligns with the new M3A Core district, but the M1-2D district already mapped along 3rd Avenue sets a precedent for mixed non-industrial uses. Without an adequately developed industrial strategy, future ULURP applications following DCP's criteria and guidance might create a patchwork of M1A Growth districts directly adjacent to M3A Core districts, with little M2A Transition.

East New York:

The East New York IBZ presents similar issues as discussed under Flatlands-Fairfield. In this case, the co-location of freight and passenger rail is already a reality, as the MTA's L Train runs parallel to the Bay Ridge Branch. As outlined in the Comprehensive Plan for Brooklyn, Borough President Reynoso supports the expansion of both freight and transit throughput along this line. Retaining and increasing freight rail access will be essential to getting more trucks off the road. The East New York IBZ is an even narrower corridor than Flatlands-Fairfield. Striking the balance between increased housing and manufacturing density and retaining access to critical infrastructure requires area-specific attention. The new proposed manufacturing districts are not sufficient to this task and the M1A Growth district opens the door to future ULURP applications eroding the industrial character of the IBZ.

Greenpoint-Williamsburg:

There are no remaining areas near the Greenpoint-Williamsburg IBZ that lend themselves to the new M3A Core district: all the waterfront heavy industrial districts near Bushwick Inlet have

been remapped over time. With overbuilt FAR, multi-story buildings, and smaller lots, much of the area today fits the criteria for the M1A Growth district, and the neighboring MX-8 districts mapped in 2005 set a precedent for replacing industrial uses with commercial, retail, and residential development. With no remaining core heavy industrial area, the land use rationale for mapping future M2A Transition districts is especially murky. The Borough President is concerned that this new manufacturing district framework would encourage the proliferation of M1A Growth districts across the entirety of the IBZ and further erosion of the remaining Greenpoint-Williamsburg industrial areas.

Brooklyn Navy Yard:

Like Southwest Brooklyn, the Brooklyn Navy Yard is anchored by heavy industrial zoning along the waterfront, lending itself to the new M3A Core designation. The light industrial neighborhoods of DUMBO and Vinegar Hill to the west are outside of the IBZ boundary but host significant manufacturing and utility infrastructure. The Consolidated Edison site in Vinegar Hill is set to become one of the city's "clean energy hubs" where offshore wind energy will be linked to the electrical grid. Yet neighboring areas of DUMBO have been rezoned to a variety of MX districts more aligned with the proposed M1A Growth district.

Southeast of the Navy Yard, Wallabout is a district of old loft-style manufacturing buildings that this proposal looks to encourage. These loft-style buildings are surrounded by a growing residential neighborhood and commercial corridors along Flushing and Myrtle Avenues that exert pressure on the existing manufacturing businesses. As with the other IBZs, the M1A Growth district seems redundant to outcomes already achieved by DCP's MX rezonings in DUMBO, and many of the areas physically in between these Growth-oriented districts and the Core industrial areas align with the land use rationale for the Growth district as well. A stronger, more deliberate strategy is needed to assert a meaningful Transition area should look like near the Brooklyn Navy Yard. The Borough President urges DCP to develop an industrial strategy that protects manufacturing in Vinegar Hill and Wallabout, both through the citywide industrial strategy and DCP's CBDG-DR funded study of Wallabout Bay.

Proposed M-Districts

In considering the proposed M-Districts in this text amendment, the Borough President has centered his review on how the City can effectively and equitably transition to a green economy and guarantee greatest public benefit. The Borough President believes that we must zone as part of a larger plan, not zone to unleash development of any kind. The pandemic further clarified that the ability to manufacture goods locally is essential, and the Borough President is concerned that the City has not adequately studied the consequences of losing manufacturing space. What does this loss mean in the context of our abilities to justly transition to a green economy? What does this loss mean for job access for those without advanced degrees or who do not speak English as a first language? How do we quantify the potential for jobs that we have lost and

continue to lose as manufacturing land is rezoned to allow for other uses? Further, it is difficult to analyze mixed-use manufacturing districts absent studies on the IBIA program and existing MX districts. The Borough President requests that DCP study the outcomes of all projects mapped through these tools and assess their associated manufacturing square footages and job counts. The Borough President also hopes to reframe the conversation as not only meeting minimum requirements for job-intensive uses, but maximizing areas for these uses.

Core Industrial Districts (M3A):

The Borough President believes that Core Districts should protect industrial against all other uses. Manufacturing businesses have few as-of-right options where they can locate, and face challenges with nearby non-compatible uses that make their business operations difficult and drive up land costs. In order to achieve the goals of introducing as few non-industrial uses in this district as possible, the Borough President requests the following changes to the Core Districts:

1. Instate a cap of 10,000 square feet per zoning lot of non-industrial use instead of the proposed 1 FAR cap on everything not defined as a qualifying use.
2. Require that a portion of the ground floor be dedicated to industrial space qualifying uses with access to freight elevators and loading docks.
3. The Borough President wishes to expand opportunities for multi-story, multi-tenant manufacturing space across the Borough. To that end, he recommends that DCP create additional M3A districts that provide higher FAR for qualifying uses—an M3-3A District which would allow 4.0 FAR of qualifying uses, and an M3-4A District with 5.0 FAR for qualifying uses.
4. The Borough President recommends that no additional nightlife be introduced in the Core. While existing uses may be grandfathered in, sites mapped with Core Districts after the text amendment adoption date should not be permitted to include nightlife, entertainment, or amusement uses.
5. Sites that have access to freight and rail must preserve this access for current or future manufacturing uses.

Transition Districts (M2A):

Absent requirements for qualifying uses, the Transition Districts could function as other existing non-manufacturing districts. DCP describes the Use Regulations in Section 42-36 as a proposal which “would allow a wider range of uses in the M1A and M2A districts as compared to other Manufacturing Districts. This would include additional forms of retail, amusement and community facility uses. Retail and service uses, which typically are restricted or limited to a maximum size, would be permitted without restriction in the new districts. In addition, entertainment uses and all community facilities without sleeping accommodations would be permitted.”

The Borough President recommends that the Transition Districts consider the original intentions of IBZ ombudsman areas, which, as cited in a 2021 report from the State, were “created as transitional mixed-use zones where industrial uses could coexist with other use types.”

Transition Districts should be mapped as such and managed by the city’s Industrial Business Service Providers, who could provide services to manufacturing businesses in these areas and can help monitor new development to ensure minimum industrial requirements are met.

The Borough President recommends the following changes to the Transition Districts:

1. That no commercial floor area, including that dedicated to Use Groups 3B, 6, and 8, shall be permitted in Transition Districts without a minimum requirement for qualifying uses. The Borough President recommends seeking feedback from Industrial Business Service Providers to understand the minimum meaningful square footage requirements for manufacturing use to determine this requirement. For example, if businesses require at least 5,000 square feet to sufficiently perform their operations, a minimum could be set as the lesser of 1 FAR or 5,000 square feet dedicated to qualifying uses.
2. Additional requirements to the ground floor, including that half of the ground floor be dedicated to qualifying uses and that these qualifying uses have access to freight elevators and loading docks.
3. Section 42-361(a)(1) must instate a 10,000 square foot size limitation on all Use Group 6 uses in M2A Districts.
4. In Section 43-132, decrease the maximum permitted FAR for other uses of 1.5 and 2.5 to 1 FAR and 2 FAR.

Growth Districts (M1A):

The Borough President recommends eliminating the proposed Growth Districts. As stated previously, the Borough President believes all manufacturing districts should have a minimum square footage requirement for qualifying uses. The Borough President believes the proposed Transition Districts and existing M Districts provide sufficient flexibility for introducing nonmanufacturing uses in manufacturing districts—manufacturers who want to expand their businesses face challenges with insufficient floor area and burdensome parking requirements, not with limitations on permitted uses. Additionally, the Borough President hesitates on introducing another district with no size limitations on non-manufacturing uses, which feels particularly aggressive in the current retail and commercial real estate market.

Given the proliferation of MX districts and non-conforming uses in existing M-zones, the Borough President believes this district is unnecessary to achieve DCP’s stated goals. The Borough President is currently reviewing a ULURP application for 41 Richards Street, which proposes to add additional light manufacturing density in a loft-style building envelope. Both the applicant and DCP have stated that this project is in alignment with the goals of the City of Yes for Economic Opportunity. The applicant and DCP also stated that if these proposed new M-

districts were available to be mapped, the M1A-4 “Growth” district would be the most appropriate district for their proposal, but with that said, the already-existing M1-5 district being sought by the applicant provides more building envelope flexibility than the new proposed district. According to the applicant, a significant restraint of the existing M1-1 zoning is the excessive parking requirement. Adding a new, un-mapped “Growth” district does not address this deficiency of current M1-1 districts. Borough President Reynoso recommends that DCP repurpose the capacity and time spent on developing a new, unmapped non-manufacturing district on amending deficiencies in the already-mapped zoning districts identified by already existing manufacturing businesses in the city.

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council *approve or disapprove proposals associated with this application with the above-mentioned modifications and conditions.*”

Queens

On January 23, 2024, the Queens Borough president submitted a recommendation in favor of approval of the application with the following conditions:

- “The Department of City Planning (DCP), in tandem with HPD and NYCHA, should continue to educate NYCHA tenants and tenant association representatives about Proposal 18. If the zoning text amendment should be adopted, DCP and NYCHA should quarterly report their outreach efforts within NYCHA campuses to the Borough President and respective Council Members within Queens districts for the first two (2) years of adoption;
- Throughout the remaining ULURP process, DCP should periodically send all compiled resources on this zoning text amendment to all Queens Community Boards; and
- For future citywide zoning text amendments, DCP should consider creating an interactive tool that the general public can use to “test” out various land use scenarios. Because these zoning text amendments can be dense, even with static resources, it is important that all members of the public (including Community Board members) may work through scenarios that impact their daily lives.”

Staten Island

On January 30, 2024, the Staten Island Borough President submitted a letter recommending disapproval of the application.

City Planning Commission Public Hearing

On January 3, 2024 (Calendar No. 1), the CPC scheduled January 24, 2024 for a public hearing on this application (N 240010 ZRY), in conjunction with the related application for a zoning text amendment (N 240011 ZRY). The hearing was duly held on January 24, 2024 (Calendar No. 30). There were forty-nine speakers in favor of the application and thirty-two in opposition.

Speakers testifying in favor of the proposal included the Bronx Borough President, the New York City Council Member from District 4, the Commissioner of the New York City Department of Small Business Services, the Chief Strategy Officer of the New York City Economic Development Corporation (NYCEDC), the Deputy Commissioner of External Affairs for the New York City Department of Buildings, the Executive Director of the New York City Office of Nightlife, the Executive Director of the NYC Mayor's Office of Urban Agriculture, and the Executive Director of "New" New York in the NYC Mayor's Office, and the Executive Director of Get Stuff Built in the Mayor's Office of Policy, Planning, and Delivery.

Additional speakers in favor of the proposal included representatives from NYC Hospitality Alliance, Citizens Housing and Planning Council (CHPC), New York Building Congress, Uprose, Long Island City Partnership (LICP), Downtown Brooklyn Partnership, Southwest Brooklyn Industrial Development Corporation (SBIDC), El Puente, Regional Plan Association (RPA), Atlantic Avenue BID, Dance NYC, Garment District Alliance, Prologis, Downtown Alliance, Real Estate Board of New York (REBNY), Silvercup Studios, Brooklyn Chamber of Commerce, Newtown Creek Alliance (NCA), Association of Neighborhood and Housing Development (ANHD), Dance Parade, Latino Restaurant Association, and the Union Square Partnership.

Many representatives testifying in favor of the proposal noted the importance of removing impediments in zoning that hinder New York City's economy's ability to recover from the pandemic and adapt to new economic conditions. A number of favorable testimonies suggested and recommended modifications to the proposals to ensure they met the intended spirit of creating more flexibility and clarity for businesses.

The Deputy Commissioner of External Affairs of the Department of Buildings, who spoke in favor of the proposal, noted that the initiatives were designed in consultation with DOB, and responded to many issues raised by DOB during their administration of the zoning resolution. They also elaborated on their current enforcement procedures and affirmed sufficient staffing levels and expectations that their administration of zoning was not hindered by these proposals.

On the subject of Proposal 2 which calls for an updating of rules regarding where businesses can open and simplification of district types, a representative of the Downtown Alliance testified in strong support of the tools and flexibility for small business owners provided by the proposals. They noted that vibrant ground floor uses define a successful business district and that Lower

Manhattan was facing serious headwinds due to e-commerce even before COVID. Other issues such as continued inflation and a labor shortage are contributing to an uncertain environment. The representative testified that all of this means that the city needs to take the initiative to create flexibility for ground floor retail space including maker spaces and urban agriculture.

Several attendees including members from organizations such as the NY Building Congress, Long Island City Partnership, Downtown Brooklyn Partnership, Small Business Services, Bronx Chamber of Commerce, Downtown Alliance and the Regional Plan Association testified in favor of the increased flexibility caused by Proposal 2 in addition to others which would help allow the city recover from the COVID-19 related recession which impacted the city between 2020 and 2023.

On the subject of Proposal 7 concerning urban agriculture allowances, a representative from the Mayor's Office of Urban Agriculture spoke in favor. They stated that the proposal directly supports environmental justice, the green economy and that this would prove to be a "game changer for urban agriculture in the city."

Several members of the nightlife, arts and cultural communities spoke strongly in favor of Proposal 9 which would allow for a clarification and streamlining of rules around where dancing and nightlife activities may be permitted in commercial districts. Several speakers from organizations such as the NYC Hospitality and Alliance and Dance Parade spoke strongly in favor of this rule revision and the positive impact it would have on a range of communities including small business operators and immigrants. The organization Legalize Dance NYC submitted a petition in favor of Proposal 9 signed by 3,473 individuals.

The Executive Director of the New York City Office of Nightlife also spoke in favor of Proposal 9, noting that the city has a long history of restricting dancing and that the proposed zoning text action corresponds with report issued by his office with similar recommendations. He stated that the proposal removes outdated restrictions and promotes neighborhood corridors with small and vibrant venues. The Executive Director testified that nightlife at such a scale can flourish while minimizing environmental impacts. Responding to concerns about enforcement, they spoke to State Liquor Authority (SLA) and other entities that can impose restrictions and regulate. MEND NYC – a program that is a collaboration between the Office of Administrative Trials and Hearings (OATH)'s Center for Creative Conflict Resolution (CCCR) and the Office of Nightlife – also acts to resolve conflicts between venues and complainants in 80 percent of recorded cases.

The Bronx Borough President spoke in favor of Proposal 9 noting that she was supportive of the repeal of the Cabaret Law and any vestiges of planning code residually attached to that law and that the streamlining of rules as part of City of Yes for Economic Opportunity but wants to make sure good faith enforcement is done to ensure quality of life for communities.

The Councilmember representing District 4 in Manhattan spoke in favor of Proposal 9, focusing primarily on the benefits of allowing dancing in bars and restaurants. He noted the work of the NYC Council in repealing cabaret licenses, and the natural progression to addressing the restrictions still within zoning.

On the topic of Proposal 11 on home occupations, the Bronx Borough President expressed her support of home-based businesses but believes those businesses should notify building management and register as any business in a commercial frontage would. She also expressed concern about home businesses straining older buildings electrical capacity, noting that many are already near capacity. With that concern in mind, she believes those home-based businesses should register as well as they are concerned about fires or excess use of electrical capacity in older buildings.

On the topic of Proposal 14 which would allow for micro-distribution facilities in C districts, a representative from Prologis was complimentary of the proposal but spoke to advocate for larger square footage and upper floor allowances for micro-distribution facilities in C districts saying that they needed to allow up to 15,000 square feet in order to maximize functionality.

On Proposal 15, which would create a pathway to develop local commercial space on residential campuses, she noted that while it would likely be outside of scope for the Commission to consider, but that the text should be revised to permit grocery stores upon the granting of a FRESH zoning approval with the requirement that it be on-campus with affordable housing regardless of the size of that grocery store. This would provide an opportunity to induce grocery store development in high need areas.

Several speakers expressed their initial concern that the proposals would usurp Special District zoning regulations but that meeting with City officials and attending community meetings allowed them to feel at ease that no such overarching reform were to occur and that the zoning protections detailed in each would be maintained.

Several speakers spoke on Proposals 17 and 18 related to M zones and the industrial economy. They expressed a desire for modest modifications to the new zones including higher FAR offerings in the M3A and an industrial space requirement in the M2A transition district. The Bronx Borough President conveyed this sentiment regarding the M2A district as well. A speaker stated that the proposal would allow more sound stages and support space without changing any of the zoning lines. Proposal 17 in particular would allow tall, square buildings necessary for film studios. They noted public concern about maintaining a voice in the approval process and believed that the CPC authorization proposal was sufficient and makes rules clearer without rezoning of entire city while enabling more jobs in NY.

Several attendees spoke in favor of the proposals, including those related to industrial but expressed disappointment that this text did not address their concerns with “last-mile”

distribution facilities and asked the city to restrict their ability to site as-of-right, and instead establish a special permit process for the review of such facilities.

Several individuals attended the hearing to express their opposition to specific proposals and City of Yes for Economic Opportunity generally. Representatives from the Oakwood Civic Association, Landmark West, Friends of the Upper East Side Historic District, Queens Civic Congress, Movement to Protect the People, Brooklyn Community Board 9, Broadway Community Alliance of Riverdale, NY Environmental Justice Alliance, New York City Council Member of District 1, Forest Hills Community and Civic Association, East Village Community Coalition, Manhattan Community Board 3, Jackson Heights Beautification Group, South Beach Civic Association of Staten Island, Historic Districts Council, Bayswater Civic Association, Clark Avenue Civic Association, Carnegie Hill Neighbors as well as individual citizens.

The primary themes of those who testified in opposition to the text amendments were that the proposal was too large and that certain proposals would aggravate existing quality of life issues in the city. More specifically, those concerns were about potential externalities arising from commercial and industrial businesses, the possibility of negative quality of life issues from streamlined nightlife allowances and the size and scope of the eighteen proposed revisions. Opposition to various amendments included several factual misunderstandings, with many of those testifying believing certain proposals to be as-of-right allowances rather than the development of new categories of applicable instances of CPC Authorization. A number of the testimonies in opposition included calls to withdraw the application entirely or to remove certain sections of the proposal including those related to home occupations, nightlife establishments, upper floor commercial, or expanded allowance of small-scale production into C districts. A consistent theme regarding the vastness of the proposal, perception of limited time for community feedback, and a sense that these proposals would occur in competition with the City's housing goals.

Multiple speakers expressed concern about Proposal 3, allowing more small-scale production in C districts. The proposal would allow small-scale production in C1-C3 districts up to 5,000 square feet and 10,000 on the ground floor level in C4-C7 districts. The New York City Council Member representing District 1 in Manhattan expressed concern that small scale manufacturing allowances in C1 and C2 districts would negatively impact commercial and residential districts and cause issues like “dark” stores as the proposal does not require an ancillary retail component. A dark store is a retail frontage location that is not open to customers and behaves as an industrial use such as a center for fulfillment operations. Several speakers expressed a similar desire that small-scale production uses in these areas would need to include an accessory retail component in order to maintain levels of activity on commercial corridors or that allowances only be made for local or pre-existing businesses. Other speakers expressed concern about the possible introduction of hazardous materials in C districts noting fears about potential health and fire safety impacts.

On Proposal 5, which proposes to allow commercial uses on upper floors in mixed-use buildings within commercial zoning districts, speakers in opposition stated that this proposal may exacerbate the housing crisis by incentivizing the conversion of existing residential units for commercial use. Other speakers stated that such an allowance may exacerbate the retail vacancy crisis as it would open up a considerable amount of space to commercial use. One speaker testified that they believed that confusion about the proposed environmental regulations pertaining to when a use was subject to additional environmental requirements could lead to conflicts especially as it pertained to upper-floor and rooftop restaurants and bars.

Proposal 7, which would allow indoor agriculture in commercial zoning districts, a speaker expressed concern that such an allowance would be extended to Residential districts under Proposal 11, the home occupation proposal, and that, because the urban agriculture industry was so lucrative, it could induce the replacement of residential housing units with commercial agricultural growing operations.

Rules regarding dancing and live comedy shows in Commercial districts would be clarified as a result of Proposal 9. This proposal drew several quality-of-life and enforcement related concerns. The New York City Council Member from District 1 expressed concern about noise from commercial establishments and spoke of complaints emanating from Pier 17 at the South Street Seaport. Other speakers raised concerns that expanded nightlife could degrade quality of life due to noise and rowdy behavior, and that the perception that existing enforcement mechanisms were insufficient and could be overwhelmed by the material changes following the implementation of these proposed reforms.

Regarding Proposal 10, which would allow for amusements up to certain maximum sizes in commercial zoning districts, a speaker expressed opposition to the encroachment of amusements into C districts, generally, and noted concerns about potential negative externalities from nightlife and restaurant venues related to amusement uses.

Regarding Proposal 11, which would add flexibility to allowances in home occupations, speakers expressed concerns that residents could be exposed to potential odors and hazardous fumes from hair products were barbershops or beauty parlors to be permitted as a home occupation. Others testified that the proposal could adversely impact the existing residential context of communities by allowing a wider allowance for home business operation in residential zoning district. A speaker expressed concern that auto repair uses could be allowed to locate in residential zoning district in connection with a home occupation and this would exacerbate quality of life and parking issues. Speakers expressed concern that this proposal did not provide adequate protections for small businesses or residents and could reduce residential housing supply by allowing apartments to become places of business.

On Proposal 12, which would promote consistent and improved ground floor streetscape design rules, a representative from CHPC testified that the organization was concerned about potential impact on housing if such rules were *requiring* non-residential space.

On Proposal 14, which would allow for small-scale distribution hubs as-of-right in commercial zoning districts, a speaker suggested that the proposal be modified to require a City Planning

Commission Zoning Authorization, rather than allowing them as-of-right up to 2,500 square feet in a C1 or C2 district.

On Proposal 15, which would create a City Planning Commission Zoning Authorization for local retail stores on residential campuses, speakers in opposition testified that they believed NYCHA campuses needed grocery stores and not additional outlets selling fast food or alcohol, and that increased density on residential campuses could come at the expense of off-street parking or green space.

There was also concern that an assemblage of residential parcels so as to create a larger parcel in a Residential district could unlock a pathway to permitting commercial construction up to 15,000 square feet – a concern being about the character of residential areas being changed by such a use development. One speaker noted the need for any such development on a NYCHA campus to include the feedback of residents, which would occur were this new authorization pathway developed as it would go before CPC who would ask this question.

Several speakers spoke to voice their opposition to Proposal 16 which would create a CPC authorization allowing for small retail up to 2,500 square feet on the corner zoning lot of an intersection in a Residence district. A representative of the Oakwood Civic Association on Staten Island expressed concern about cannabis products being sold out of such spaces were they approved. The speaker was concerned that the CPC authorization mechanism for corner stores in R districts would lead to the proliferation of stores selling cannabis products. Others expressed a belief that such allowances if approved could have negative impacts on residential neighborhoods and degrade their character through the allowance of uses generating harmful externalities like noise and additional traffic.

On Proposal 17 to create a CPC authorization pathway for bulk waivers, some speakers conveyed their opposition. Speakers expressed concern that the bulk-waiver allowance pathway could allow for abuses and change the character of neighborhoods. A consistent theme was that were an authorization pathway created, that if approved, structures resulting from such an Authorization could degrade the aesthetic conditions of commercial corridors and Manufacturing districts.

Several individuals spoke with concern about how the proposal could impact existing special districts. They noted that zoning maps for the special districts was unchanged even though use groups 16-18 are set to become obsolete as a result of the proposal.

On Proposal 18, which creates new M districts with additional FAR offerings, speakers were generally in favor but requested modifications including restrictions or a special permit for Last Mile distribution facilities.

There were no other speakers and the hearing closed.

Written testimony

In addition to the testimony heard at its hearing, the Commission also received testimony in writing from individuals and organizations regarding the proposal. Several individuals wrote to express their support of specific proposals and City of Yes for Economic Opportunity generally. Those included a mix of individual citizens as well as representatives from the Association for a Better New York (ABNY), American Institute of Architects of New York (AIANY), Association for Neighborhood & Housing Development (ANHD), Atlantic Avenue BID, Building & Construction Trades Council of Greater New York (BCTC), Bronx Chamber of Commerce, Citizens Housing Planning Council (CHPC), CBRE, Cushman & Wakefield, Dance Parade, Inc., Downtown Alliance, Downtown Brooklyn Partnership, Evergreen, Five Borough Jobs Coalition, Fried, Frank, Harris, Shriver & Jacobson LLP, Fusha Dance Company, Garment District Alliance, Greenpoint Manufacturing and Design Center, Hudson Square BID, Kramer Levin Naftalis & Frankel LLP, the Last-Mile Coalition, LegalizeDance.org, Mai Kaidee Thai Vegan Restaurant, Manhattan Chamber of Commerce, Municipal Art Society of New York, the New York City Council Member from the 6th District, New York City Department of Cultural Affairs, New York City Economic Development Corporation, New York City Department of Housing Preservation & Development, New York City Department of Transportation, New York City Housing Authority, New York City Mayor's Office of Policy, Planning and Delivery, New York City Office of Nightlife, NYC Hospitality Alliance, New York State Latino Restaurant Bar & Lounge Association, "New" New York, New York Building Congress, Partnership for New York City, Prologis, Real Estate Board of New York, Red Hook Business Alliance, Safety Partners, Sheppard Mullin, Southwest Brooklyn Industrial Development Corporation (SBIDC), Trucking Association of New York, and 30 New Yorkers speaking as residents or small-business owners.

Many of the representatives who provided written testimony also provided oral testimony on the date of the hearing. Of comments written regarding City of Yes for Economic Opportunity and not stated in person at the hearing, comments focused on the perceived benefits to the city of increased flexibility of use allowances and the easing of interpretation of the zoning code, thereby reducing operational and regulatory burdens on small businesses.

The New York City Department of Transportation provided written support on Proposal 14 which would allow for micro-distribution facilities in C districts. DOT stated that they were particularly supportive of micro-distribution in commercial areas because this proposal would encourage last-mile deliveries to shift from larger vehicles to smaller, low- or no-emission vehicles, enabling the development of local delivery hubs for safe and sustainable deliveries to occur and reduce the need for large format facilities driving quality of life concerns. DOT testified that the proposal would complement and enhance the implementation of DOT's microhub pilot.

The Commissioner of the New York City Department of Health and Mental Hygiene wrote to express that DOHMH had reviewed the proposed zoning changes for laboratories and "do not

have any public health concerns” regarding these changes. The letter also clarified the purpose of a 2016 amendment of the Health Code referenced in some public testimony and Community Board resolutions was to “maintain awareness of specific laboratories that may handle certain types of pathogens as part of their research activities, as an added precaution in the event of an emergency.”

A representative of Kramer Levin provided comment to ensure that projects in the advanced planning stages are not adversely affected by the City of Yes changes in substantive zoning controls – especially those involving streetscape. The second comment was a request to provide a template for a future zoning action that brings the general “vesting” provisions of the Zoning Resolution into the 21st century. Additional suggested modifications included an allowance to vest by filing a work permit application prior to the date of the application of the zoning change.

The Red Hook Business alliance wrote in support of the proposal but shared the view of many other written and oral testimonies in requesting setbacks along waterways to facilitate future maritime use and for the city to address the proliferation of last mile warehouses. Many industrial advocates testified and wrote in support of City of Yes for Economic Opportunity while calling on the city to implement a special permit process or restrictions on the development of new last-mile distribution facilities which they believe to be encroaching on other industrial uses and driving quality of life issues in adjacent residential districts.

Some members of Queens Community Board 3 submitted testimony in support, noting that despite the board voting against the proposal, that it has strong support from many members of the board. In particular, members highlighted the importance of Proposals 2 (simplify rules for businesses on commercial streets), 3 (expand opportunities for small-scale, clean production), 7 (indoor agriculture), 8 (laboratories), and 10 (amusements) as being important for removing archaic zoning rules that separate uses and limit opportunities to fill empty storefronts.

A representative of CBRE wrote in support of a number of proposals in City of Yes. Among them, the clear definition provided to laboratories and life science facilities, the allowance of amusement uses into C districts, the removal of prohibitions on indoor agriculture and the expansion of allowance for home occupations. They stated that City of Yes for Economic Opportunity tackles the challenges associated with arcane and confusing zoning laws which are impeding the repurposing and re-tenanting of spaces.

Other organizations and individuals wrote to the Commission to express support for the goals and intent of the zoning proposals in City of Yes for Economic Opportunity but expressed concerns regarding particular components of the proposal. These organizations included FRIENDS of the Upper East Side Historic Districts, Carnegie Hill Neighbors, Historic Districts Council, the City Councilmember for the 1st District, and the Pratt Center for Community Development. Many of these organizations and individuals expressed a desire to see the proposal maintain the intent of any Special Purpose Districts in their geographic vicinity, the potential for

quality-of-life concerns arising from particular uses such as nightlife establishments, and assurances that the proposed zoning changes would not increase competition with housing—which the vast majority of those submitting testimony contended was of critical importance,

The Association for Neighborhood & Housing Development (ANHD), Evergreen, Greenpoint Manufacturing and Design Center (GMDC), Pratt Center for Community Development, and Southwest Brooklyn Industrial Development Corporation (SBIDC), testified largely in support of City of Yes for Economic Opportunity overall but requested modifications to the proposed new M districts (Proposal 18). Evergreen and SBIDC, in particular, were supportive of the expanded allowance of small-scale production (Proposal #3), life sciences (Proposal #8), nightlife in Commercial districts (Proposal #9), amusements (Proposal #10) and micro-distribution (Proposal #14) as the organizations contended these proposals would serve to take some degree of market pressure off of existing M districts. The organizations also submitted testimony largely in support of other aspects of City of Yes for Economic Opportunity, including updated loading requirements for a change of use (Proposal #4), updates to the use group classification system (Proposal #6), and bulk waivers for film studios and other uses (Proposal #17). Regarding the proposal to create new M districts, these organizations expressed support for the development of new districts with a range of FAR offerings and more flexible setback and height, and parking and loading requirements. Their comments on the new M3-A “Core” district were consistent that all non-industrial uses should be limited to 10,000 sf per zoning lot, that 4 and 5 FAR offerings be offered, and that any qualifying use in the district be at least partially located on the ground floor. On M-2A “Transition” district, these groups advocated for an increase in the size of the incentive bonus and to require a portion of any qualifying use be at least partially located on the ground floor. For the M1-A “Growth” district, their request was that the new zones include a 15% FAR bonus for qualifying uses and as with M2-A and M3-A, that a portion of and qualifying use be located on the first floor.

In addition to the testimony heard at its hearing, the Commission also received testimony in writing from individuals and organizations to express their opposition to specific proposals and City of Yes for Economic Opportunity generally. This written testimony included three individual citizens and representatives from the Queens Civic Congress, Bay Improvement Group, the Bay Ridge Conservancy, Bergen Beach Civic Association, Brooklyn Community Board 10, Brooklyn Community Board 18, the City Club of New York’s Preservation Committee, the City Council Member from the 46th District, the Committee for Environmentally Sound Development, East Village Community Coalition, Flatlands Civic Association, George M. Janes & Associates, Landmark West, Madison Marine Homecrest Civic Association, Mill Basin Civic Association, Queens Community Board 5, and 15 New Yorkers speaking as residents.

As with those who testified in support, representatives opposed also provided oral testimony on the date of the hearing. Of comments written regarding City of Yes for Economic Opportunity and not stated in person at the hearing, they focused on the size and scope of the proposal and

took issue with what they perceived to be a one-size fits all approach to the recommendations. Written concerns mirrored those verbalized at the hearing including a fear that these proposals would blur the lines between Commercial and Residence districts and reduce quality of life in lower density locales. The Bay Ridge Conservancy provided written testimony which was similar to oral opposition testimony that the city's enforcement mechanisms are already lacking and that these changes could exacerbate fire and building safety challenges.

One written testimony focused specifically on Proposal 15 which would allow for a pathway to CPC Authorization of retail on residential campuses. The written concern was that such a pathway would induce the redevelopment of green space and surface parking lots particularly in New York City Housing Authority campuses and that the development of retail at the expense of trees would reduce quality of life and exacerbate the impacts of climate change.

Proposal 16 which would develop a pathway to CPC special authorization for corner stores in Residence districts drew a sharp rebuke from Brooklyn Community Board 18 and the Flatlands Civic Association. As with oral comments on this proposal, fears were expressed that this would lead to a severe impact on quality of life in Residence districts.

CONSIDERATION

The Commission believes that the application for the text amendment (N 240010 ZRY), in conjunction with the related application (N 240011 ZRY), as modified herein, are appropriate.

The Commission is pleased to support this first comprehensive revision to the city's zoning use regulations to help ease the operation and location of businesses since the enactment of the Zoning Resolution in 1961. Borne out of the need to help the city's economy recover from the recent pandemic, these revisions will not only adjust the Zoning Resolution to reflect recent changes to new models and modes of work, but also provide a long overdue update and modernization of the rules.

The 1961 Zoning Resolution's use regulations—the primary mechanism underpinning its rules to locate a business in New York City—have remained unchanged since their original adoption and remain firmly rooted in a historic economic context dating to the city's time just after World War II. Over the last 62 years, New York City's economy has changed dramatically, particularly since the recent pandemic, with an accelerated shift towards new models and modes of working. The pandemic highlighted even further how the current Zoning Resolution no longer serves the

city's economy by restricting the ability of businesses to locate, expand, or even understand anachronistic rules.

It is clear from quantitative metrics of business closures, vacancies, ridership data, and from lived experience that the economy of New York City has undergone a dramatic shift since the beginning of this decade. The shift towards new models and modes of working, and new and different needs and stresses on our neighborhood and central commercial districts will be a “new normal” with sustained shifts in demand for space and business operational changes. However, these shifts are only the newest form of adaptations in an ever-dynamic city economy where new business types and modes are a feature and an essential ingredient in the city's health. Despite change being an inherent feature of the city's dynamic economy, the zoning resolution's use regulations – the building blocks underpinning our ability to locate business in New York City – have remained firmly rooted in a historic economic context. This initiative has highlighted the many ways in which that history no longer serves our current businesses well, restricting their ability to locate, expand, or even understand anachronistic rules.

The Commission heard many perspectives on these proposals, ranging from businesses or patrons who would be benefitted by new rules, industry experts who spoke about the costs and chilling effects of complex and ambiguous regulations, other colleagues in government who clarified how complementary City oversight and programs interact with zoning. Many spoke about how the current rules make things hard, and why changes are needed. The Commission believes the proposal as modified will address those needs.

However, the Commission also heard from many residents who fear how flexibility in zoning may combine with lax enforcement to result in an erosion of quality of life in areas, much of the city, where commercial uses and residences are in close proximity. The Commission takes these concerns seriously; New York City is fundamentally a mixed-use city, with few areas of the city exhibiting characteristics of a single use, including even low-density residential areas which contain thousands of businesses legally operating inside homes without ill effects to their occupants or neighbors, such as medical or daycare facilities, or legal nonconforming and historic commercial businesses. This mixing, and the variety of services and lifestyles it supports, are critical elements of our city. But so too it is our responsibility to ensure that the zoning supports that mixed-use character does so carefully to protect quality of life and health. To that end, the Commission recognizes how this zoning text amendment will aid in the clarity of the Zoning Resolution's interpretation and enforcement. The Commission believes this proposal, as modified, appropriately achieves that balance.

Goal 1: Make it easier for businesses to find space and grow

The Commission applauds the goal of creating new opportunities for businesses to find space and grow by revising unnecessary zoning restrictions on location and types of businesses otherwise appropriate in commercial areas. The Commission believes these six proposals, as modified, are appropriate in fostering a Zoning Resolution that is more simple, adaptable, and modern and can provide entrepreneurs, small business owners, City agencies, and the public with more clear and consistent regulations for business location. Throughout the review process, concerns expressed focused on whether the removal of these restrictions might create new conflicts with residents in mixed-use settings. Some concerns appear to stem from confusion regarding the protections already in place for residents, to which the Commission seeks to clarify the terms of its approval below. Additionally, a number of modifications within the proposal seek to further ameliorate the potential for conflicts.

Proposal 1: Lift time limits on reactivating vacant storefronts

The Commission believes that the proposal to ease regulations on the reactivation of vacant retail spaces by expanding the applicability of Section 52-61 from R5, R6 and R7 zoning districts to all residential zoning districts, as well as Historic Districts, is appropriate.

The proposal will allow nonconforming vacant storefronts in all residential zoning districts and in historic districts to legally re-tenant their space with local retail regardless of the amount of time they were vacant, will allow the continued use of these neighborhood resources in local neighborhoods, enliven local corridors, shorten residents' distance to local stores, as well as add long-term certainty for businesses to operate in these areas and make it easier for them to obtain loans.

The Commission notes widespread support for allowing legal non-conforming stores to remain active storefronts in Residence districts and in Historic Districts. Many older residential areas of the city were built with small stores at corners or rows of 'Mom and Pop' stores with housing above to serve local neighborhood residents. Where these stores and businesses were not mapped in a commercial district as part of the 1961 Zoning Resolution, they became non-conforming – allowed to continue operating in perpetuity. However, if they became vacant and remained vacant for longer than two years, such as occurred during economic downturns especially in economically disadvantaged communities and the recent pandemic, then these spaces could not be reactivated for commercial use and instead had to conform to the residential zoning and could only be used for either residential or community facility use. This has led to widespread vacancies of such former stores and their conversion for non-commercial uses, resulting in the disruption of retail continuity that further helped to deteriorate economic conditions along local shopping corridors. Changes to the Zoning Resolution subsequent to 1961 exempted such stores in buildings in R5, R6 and R7 zoning districts from the limitation on reactivation and thus allowing them to revert to a local retail use after a vacancy of more than two years. However,

any such store in any other zoning district, or in a historic district, could not take advantage of this provision.

The Commission heard concerns that the proposal could make it more difficult to convert non-conforming retail space to housing. The Commission finds no land use basis for that concern given that the zoning today as well as the proposal do not prevent that conversion but rather make ground floor adaptation easier.

Proposal 2: Simplify rules for business types allowed on commercial streets

The Commission believes that the proposal to allow the same uses in C1-C2 and in C4-C7 districts is appropriate.

The proposal will rectify the virtually indistinguishable context but bifurcated use regulations of C1 and C2 districts. The Commission acknowledges that C1 and C2 districts are today paired often along the same commercial corridor or on opposite sides of the same block yet restrict certain business types in identical contexts. The Commission notes the national and local decline in dry goods retail storefront businesses, the increase in local services establishments and jobs, and how this proposal is a logical pairing of local service and retail in many neighborhoods that today already offer both designations, thereby reducing barriers to commercial reoccupation. The Commission acknowledges widespread community board support for the goal of simplifying distinctions between businesses allowed in local commercial districts.

The Commission heard concerns raised around whether allowing the same uses in C1 and C2 districts protects the unique nature of each commercial street. The Commission believes the proposal does protect the nature of particular neighborhood commercial corridors because it is not the particular list of permitted uses, but rather the unique mix of particular zoning districts and the contextual residential configuration of the zoning map that creates neighborhood uniqueness.

Additionally, concerns were raised that allowing certain uses into C1 districts, such as laboratories, bike repair, or billiard parlors and pool halls, might have impacts on traffic, neighborhood character, or quality of life. The Commission takes these concerns seriously but finds no compelling evidence that quality of life in C2 districts, where the wider range of uses is found, has been materially impacted by the allowances of this wider range of uses; to the contrary, C2 district streets include many of the city's most diverse, healthy, and beloved local commercial corridors. Indeed, even while these particular uses are restricted, the Commission notes that many exist today in C1 districts as legal non-conforming, accessory, or complementary use types (bike sales, ambulatory medical facilities), all without creating neighborhood impacts. The only exception is motor vehicle repair and maintenance, where the

Commission notes specific concerns regarding adequate site planning needs and has therefore restricted all as-of-right siting in C1-C7 districts as part of Proposal #13. The Commission believes that the widespread benefit of streamlined rules that apply consistently to similar corridors in similar contexts is compelling, and that the introduction of these limited new use types is appropriate.

The proposal also simplifies the distinctions between C4, C5, and C6 Commercial districts, which currently allow for different business types in similar contexts. The Commission acknowledges that zoning designations once designed for large department stores and servicing white-collar office workers must evolve to maintain the vibrancy and economic dynamism of the locations where they are mapped. The Commission notes broad approval for simplifying the city's centrally located and office district zoning designations, with minimal concerns raised regarding this aspect of the proposal.

The proposal also transforms the C7 Commercial district from an amusement uses zoning district (superseded in Coney Island by special district rules) and repurposes it as a loft-style non-residential, commercial zoning district. The Commission supports the creation of this new zoning tool, which will be useful in future rezoning efforts to allow for commercial and community facility uses without residential uses.

Proposal 3: Expand opportunities for small-scale clean production

The Commission believes that the proposal to allow a limited number of light manufacturing production uses to locate in commercial zoning districts, subject to environmental conditions and size limitations, as modified, is appropriate. This revision marks the largest expansion of space available for small-scale, light manufacturing since the Zoning Resolution's adoption in 1961.

The 1961 Zoning Resolution allowed a limited number of light manufacturing activities, common in central business districts at the time, such as watch repair and jewelry-making, to locate in Commercial districts, while relegating any other light manufacturing uses to Manufacturing districts. In the more than six decades since, the nature of manufacturing has changed with many smaller forms of production, such as microbreweries, ceramics makers, custom apparel, food producers and others to proliferate safely and add to a vibrant commercial mix in mixed-use neighborhoods.

The Commission has repeatedly recognized the value of encouraging light industrial uses in mixed-use contexts, enabling such mixing through the "MX" designation now present in over 30 areas around the city as varied as Tribeca, Port Morris, the South Bronx, Brownsville, DUMBO, Bushwick, Borough Park, and most recently Gowanus and Soho. The Commission also notes a national context where similar liberalizations have allowed for light manufacturing in commercial areas in Baltimore, Maryland; Washington, D.C; Portland, Maine; Hoboken, New

Jersey; Nashville, Tennessee; Indianapolis, Indiana; Fairfax County, Virginia, and many others. Given the widespread adoption of light industrial reforms in zoning, this proposal is in line with both a local and a national trend of reforming of zoning regulations to enable mixed-use manufacturing and residential buildings.

Regarding the concerns about the sufficiency of environmental standards in protecting residents from any noxious effects of small-scale, light manufacturing uses, the Commission notes that the conditions for locating light manufacturing uses in a Commercial district, as noted in proposed Section 32-203 (Use Group 10 – uses subject to additional conditions), are identical to those provisions already used in MX areas widely mapped across the city in mixed use contexts. These provisions require that all uses meet M1 Performance Standards and prohibit uses based on storage of chemicals or hazardous materials, the level of air pollutants associated with the operation, and regulation other operational features such as noise, vibration, and dust. These standards must be met prior to the issuance of a Certificate of Occupancy by the Department of Buildings. The Commission believes these rules address the concerns raised, but as described by Department staff, supports post adoption efforts to provide further public-facing educative resources that help explain the standards to which Production businesses will be subject to non-technical audiences in both industry and the general public.

The Commission heard concerns that certain permitted production uses might be noxious in mixed use neighborhoods. The Commission notes that the referred text restricted many production uses considered to be highly noxious (and listed in Use Group 18 today) such as animal slaughter, tanneries, and sawmills. Any other noxious production uses would have been restricted by the environmental standards described above. However, to further address this concern, the Commission modifies the list of permitted production uses to more clearly restrict remaining Use Group 18 such as sugar manufacturing and glass making. The Commission believes that this change creates more predictability and clarity in the zoning text.

Regarding the concerns about the potential of a deadening effect of light manufacturing businesses on a ground floor of a retail corridor and without being required to be open to the public, the Commission notes that zoning does not regulate whether people may enter into any business located along a commercial corridor, and that many businesses allowed today on the ground floor in Commercial districts do not have a public-facing nature of their operations. Furthermore, the new streetscape provisions as part of Proposal 12 will require transparency and other provisions to ensure active commercial streets provisions and believes that these are sufficient to address the concerns.

Proposal 4: Modernize loading dock rules so buildings can adapt over time

The Commission believes that the proposal to waive loading requirements for changes of use is appropriate.

The proposal will remove the often-unnecessary mandate that a building add additional loading docks just for a change of use in an existing building, allowing older buildings in particular to adapt over time and more easily fill empty upper floor commercial space.

The Commission acknowledges how antiquated loading regulations can inhibit the ability for existing buildings to adapt over time and present additional barriers to tenaning otherwise suitable space for businesses. The Commission notes widespread agreement in the goals and substance of the proposal.

Regarding concerns for the potential of this proposal to contribute to obstruction of the sidewalk, traffic congestion, and other unintended consequences, the Commission notes that the Department of Transportation has existing programs focused on managing curb and sidewalk access, including overnight loading and a micro-hubs pilot to regulate dedicated curb space. The proposal does not limit the number of loading docks and allows the expansion of the number of loading docks in accordance with building tenant needs. Loading regulations for new buildings will remain unchanged and based on the mix of uses proposed for the building being constructed.

Proposal 5: Enable commercial activity on upper floors

The Commission believes that enabling more mixing of commercial and residential uses above the ground floor, as modified, is appropriate.

The proposal will expand applicability citywide of several provisions already applicable in some areas of the city with proven track records of increasing commercial flexibility without incident. This proposal will allow older buildings to more easily adapt over time and for new buildings to be built in more places that contain a mix of different uses.

C1 and C2 Commercial districts regulations vary greatly which commercial uses may occupy a second story; within an R3-2, R4, or R5 Residence district, commercial uses are allowed on the second story in a building without residences, but are not provided enough floor area to locate on that story. In C1 and C2 Commercial districts within all R6, R7 or R8 Residence districts, commercial uses are allowed on the second story of buildings, but not if the building includes residences. In high density C1 and C2 Commerical districts within all R9 or R10 Residence districts, and in the floodplain, commercial uses can occupy the second story of a new building that includes residences. In addition, several special districts, including Bay Street Corridor, Clinton, Downtown Brooklyn, Downtown Far Rockaway, Inwood and Jerome Avenue, as well as areas transit easements, allow commercial uses to occupy the lowest two floors of a building with residences.

The proposal will consolidate these varying restrictions to allow commercial uses on the second story of all mixed use buildings citywide, bringing all current second story nonconforming commercial spaces into conformance, allowing second story community facility spaces to access a wider range of new tenants when vacant, and allowing newly-constructed buildings to have more flexibility in the use of second stories.

The proposal will also allow commercial uses to occupy separate space of the same story of a building, or in C4, C5, and C6 Commercial districts where commercial uses above the second story are already allowed, to locate above residences. In all C1 and C2 Commercial districts, commercial uses and residential uses are prohibited from occupying the same floor. In C4, C5, and C6 Commercial districts, commercial uses are allowed to be on multiple stories but are inhibited by “stacking” rules that require residential uses to be above commercial uses.

Many Special Districts, such as Flushing Waterfront, Forest Hills, Governors Island, Gowanus, East Harlem, Harlem River Waterfront, Hudson Yards, Inwood, Lincoln Square, Midtown, Southern Hunters Point, St. George, West Chelsea and Willets Point Special Districts, and Mixed Use (MX) Districts have implemented regulations that allow for residences and commercial uses to occupy the same level of a building. Special Districts including Midtown, Southern Roosevelt Island, Long Island City, and West Chelsea allow non-residential uses to locate above residential uses. Outside of these allowances, current zoning rules prohibit commercial uses above residences in any building as-of-right, though a few Special Districts include a discretionary path by CPC authorization. In all cases, commercial and residential uses are required to have separated physical access.

The Commission recognizes that location of use regulations in the Zoning Resolution can inhibit the ability for buildings to adapt over time or for new developments to contain a mix of uses. The underlying zoning perpetuates the failure of Euclidean zoning’s use separations within vertical space – failing to imagine rooftop commercial uses on a residential building, partial residential conversions where multi-core large buildings convert a wing, or even the potential for a second story doctor’s office to become a yoga studio.

Regarding the concerns raised about the potential for quality-of-life for residents on the same floor or below new commercial uses, including the potential for excessive noise or safety concerns for particular uses, such as eating or drinking establishments or health and fitness establishments, and under which circumstances the proposed new environmental standards of ZR 32-423 would apply, the Commission acknowledges these concerns and believes it is prudent to clarify when the proposed environmental standards of ZR 32-423 would apply. The Commission therefore modifies this proposal to clearly identify the business classes subject to new environmental conditions to include all Use Group VI(B) (Services), Use Group VIII (Amusements & Places of Assembly), and Use Group X (Production). Given the clarified requirements for physical separation and sound attenuation, the Commission believes the mixing of uses as proposed is appropriate.

The Commission also heard concerns from Community Boards and in public testimony that the proposal to allow commercial uses on upper floors of a mixed-use building could reduce the housing supply by allowing existing dwelling units to be converted to non-residential use. The Commission acknowledges testimony from affordable housing experts that the proposed flexibility for allowing commercial and residential uses on upper floors of a building would not induce competition between such uses and in fact are beneficial to giving office buildings the flexibility to adapt over time by removing the “stacking rules” that today require commercial uses to be located below residences in most high-density areas of the city. The Commission notes that the proposal, in fact, may facilitate more housing in the city by removing the use “stacking” restrictions which will allow underutilized commercial buildings to convert to residential use in high density zoning districts over time. Nonetheless, to prevent any potential loss of existing housing, the Commission modifies this proposal to preclude existing residential space from being converted to commercial use.

Proposal 6: Simplify and modernize how businesses are classified in zoning

The Commission believes that the reorganization of the current eighteen Use Groups into ten Use Groups, and the updating of use terminology and associated references, as modified, is appropriate.

The proposal maintains the uses within the current eighteen Use Groups in the Zoning Resolution but consolidates their number into ten Use Groups to modernize outdated use terminology and reflect today’s economy.

The Commission believes the modernization of use terms and Use Groups is long overdue and a change with ample benefits for New Yorkers in simplifying a use framework within the Zoning Resolution that is largely the same as the one created in 1961. By updating and consolidating the 426 separately defined use terms found in the zoning, the proposal will ease the process of knowing where a business can locate and what kinds of size, enclosure, environmental, or other limitations they may potentially be subject to facilitate their location. Business types not commonly found in the economy of the 1960s will be provided clear guidance for which zoning districts they may locate in and under what conditions. By reorganizing the Use Groups to categories based on business class and building type, the proposal will enable those trying to understand the zoning to have a more rational resource for determining their classification.

The Commission notes the widespread support for updating the zoning’s use framework received both from community boards and through public testimony.

To address concerns raised by the Department of Buildings that keeping the same names for Use Groups for what are different sets of uses could cause confusion in the long term as uses change

and certificates of occupancy are updated, the Commission modifies the proposal by relabeling the new use groups from Arabic to Roman numerals (from Use Group 3 and Use Group 4 to Use Group III, Use Group IV, etc.) to preclude any errors of translation from current use groups and also makes other modifications to correctly institute this change in the Resolution. This modification will allow clear distinction between the two sets of use groups over time and will further the ease of implementation and clarity of this new use framework by partitioners, small businesses, and residents.

Regarding the concern that translations from today's use groups to the new use groups could be interpreted as a change of use by the Department of Buildings, practitioners, or small businesses, the Commission modifies the proposal to include language developed with the Department of Buildings that will ensure that movement from one use group category to another will not be considered a change of use. This additional text clarifies that this administrative use re-categorization would not necessitate costly and time intensive change to the certificate of occupancy and would not trigger certain zoning regulations that otherwise apply to changes of use (such as waterfront public access regulations).

Regarding concerns raised that the proposal maintain the original intent of the Special Governors Island District's Open Space Subarea, the Commission concurs and therefore modifies this proposal to maintain the current allowances and ensure that eating and drinking establishments are limited to 200 persons and that open uses like skating rinks are permitted.

Goal 2: Boost growing industries

The proposals within Goal 2 seek to provide additional clarity and modernize zoning text for emerging industries facing ambiguous or outdated regulations. The Commission supports this goal and believes the proposals, as modified, are appropriate. Concerns were raised with regard to quality-of-life issues surrounding certain emerging industry types, and questions were raised regarding applicability or scope of some aspects of the current and proposed zoning language. Modifications within proposals for this goal seek to provide further clarity that can aid interpretation and enforcement of the zoning as well as address concerns raised during referral about.

Proposal 7: Clarify rules to permit indoor urban agriculture

The Commission believes that the proposal to allow the permitted Community Facility use of agriculture to be clearly enclosed, is appropriate.

The Commission recognizes that the enclosure barriers to urban agriculture unduly restrict the potential for business growth in Commercial districts, and that relieving this prohibition is appropriate and a positive step in unlocking a potential emerging industry. Today's zoning considers Use Group 4B agriculture as a community facility but requires it to be an open use, but yet permits greenhouses. Coupled with changes in Proposal 3 that allow for small-scale food processing businesses, as well as adopted changes to greenhouse and composting rules in City of Yes for Carbon Neutrality zoning text amendment, these changes make it substantially easier for a circular economy of food cultivation, production, processing, and waste management to occur in New York City neighborhoods, and thus greatly support environmental justice and food equity.

Regarding the preparedness of existing buildings to accommodate urban agriculture use, given structural, loading, and electrical requirements, the Commission notes that if a space was to be used for enclosed agriculture, it would have to comply with all Building Code requirements including specific requirements for floor loads, loading, and mechanical systems consistent with expectations for this use.

The Commission heard testimony requesting that growing facilities for cannabis plants be specifically restricted from utilizing this proposal. Zoning today does not distinguish between growing different types of plants as an agriculture use, but New York State law establishes license and siting procedures for cannabis cultivation that include both detailed review of operations, ownership and staffing, and Community Board review of potential sites. The Commission believes that applying additional zoning restrictions above and beyond the state's review process serves no clear land use objective and might in-fact inhibit the siting process through licensed channels. However, the Commission notes that compliance with other laws, including state licensure, is a prerequisite to zoning compliance, and nothing in this amendment should be construed to understand that non-licensed or illicit growing operations be deemed compliant with zoning.

The Commission also heard arguments that allowing indoor agriculture as a use in districts which allow a mix of uses inherently reduces space available for residential use, contrary to citywide objectives to increasing housing supply. The Commission notes that in Residence districts, agriculture is not permitted to be enclosed under the proposal, and thus generates no floor area that could reduce the floor area used by residences. Commercial districts, which widely allow a mix of residences, commercial uses and community facilities today, often provide a higher FAR for community facilities than for residences, also ensuring that the utilization of floor area is not "zero-sum". However, even in cases where the FAR options are equivalent, urban agriculture provides just one additional tenancing option for buildings that today may have the opportunity to be fully commercial, fully residential, fully community facility, or some combination in between. The Commission is not persuaded by the argument that reducing tenancing options by restricting agriculture uses would be a compelling strategy for achieving

additional housing production, and supports this change as consistent with the general purpose and intent of this proposal to create flexibility for repurposing commercial space, including for, but not limited to, for residential purposes.

Proposal 8: Give life sciences companies more certainty to grow

The Commission believes that the proposal to modernize use terms for laboratories and expand the geographic applicability of an existing special permit, as modified, is appropriate.

The Commission notes that City agencies have consistently acknowledged that the Zoning Resolution allows laboratories without “objectionable effects” in nearly all Commercial districts today as a Use Group 9 use. However, the Commission acknowledges that zoning regulations which govern laboratories within Commercial districts are outdated and ambiguous. A 2016 DOB, DCP, and EDC memorandum clarifying interpretation of the existing language has facilitated siting of numerous research laboratories, a clarification which this proposal incorporates and codifies. The Commission supports this effort and agrees that, in keeping with current practice, research laboratories are appropriate in Commercial districts.

The Commission received comments regarding the continued ambiguity of the “objectionable effects” standard retained between the existing zoning language and the proposal, with commenters seeking confirmation of what activities may constitute a hazard, or raising question of areas of potential hazard, such as disposal of medical waste, or proximity to high containment laboratories, as potentially novel areas for adjudication. The Commission also received testimony from life science experts who outlined many of the safety requirements in place for laboratories under Building Code, Fire Code, DEP right to know requirements, State and Federal guidance, sewer and waste removal, and federal chemical and biological standards. The Commission received additional comments from the New York City Department of Health and Mental Hygiene which further clarified its role in emergency preparedness planning and confirmed that DOHMH does not have any public health concerns regarding the proposed zoning changes. The Commission agrees that, given the complexity of the regulatory apparatus overseeing laboratories and the public interest in ensuring transparency and safety, the zoning should make every effort to be clear and specific regarding the environmental requirements that laboratories must meet in order to meet the requirements for siting in a commercial area. To this end, the Commission adopts text recommended by the Department of Buildings to refer to Building code section 427 which include the physical and operational standards for research laboratory construction. Additionally, as part of implementation the Department commits to working with sister agencies Department of Buildings and the Economic Development Corporation to update the 2016 interpretations memo regarding life sciences uses, to ensure it reflects the new text language and fully cross references all additional health and safety standards as an educational supplement to the industry and general public.

The Commission also believes the extension of the scientific development special permit to be available in all Commercial districts and community facility campuses, is appropriate. The Commission believes expanding the presence of the life sciences industry within New York City is a highly desirable outcome, and one the Zoning Resolution has sought to realize since the 1990s with the establishment of the ZR 74-48 scientific development special permit. The Commission has previously supported the extension of this special permit to facilitate research laboratories at Columbia University in Washington Heights, at NYU Alexandria Center, and for the NY Blood Center. The geographic expansion of applicability of this permit, while still requiring full discretionary review of any new facility, including an environmental review, opens the path to additional facilities like these that support job creation and cutting-edge innovation centers for the city. Some testimony noted that, in extending the permit to many areas where laboratories are as-of-right, the wording of the special permit might require applicants to unnecessarily seek a use permit in order to be granted the bulk relief necessary to accommodate laboratory footprints. To address this concern, the Commission adopts minor drafting revisions to allow new applicants to separately seek bulk and use waivers.

Proposal 9: Support nightlife with common-sense rules for dancing and live entertainment

The Commission believes that the proposal to regulate Eating or Drinking establishments providing entertainment based on capacity and not whether that entertainment takes the form of music, comedy, or dancing, as modified, is appropriate.

Today's zoning rules for nightlife are a jumbled litany of anachronisms and arbitrary distinctions – allowing music, but not allowing you to dance to said music, or perform poetry in the same space. The Commission received testimony from numerous members of the public and one Councilmember, who expressed surprise in having learned these rules remained on the books, since the repeal of the Cabaret law by the City Council led many to believe that dancing would now be legal in New York City. However, we also heard that while this administration has not prioritized enforcement of these rules, there are many historic cases where these rules have been used to shutter businesses, leading in part to legal challenges on constitutional grounds, only paused due to the progress in implementing repeals.

As many passionate advocates for freedom of expression testified to, the act of dancing is a natural part of human expression, and both an inherently unfair determinant for zoning, as well as a practically extraordinary difficult condition to enforce. Equally compelling is the legitimate concern that venues drawing large crowds, often at nighttime, have the potential to create noise and other quality of life impacts on host communities.

The city has multiple layers of regulation that affect nightlife, for which zoning is one component. In addition to compliance with zoning siting requirements, entertainment venues

must meet building code and fire code standards for place of assembly, be reviewed on a case-by-case basis by community boards and the state liquor authority for liquor licenses and be subject to the New York City Noise Code. The Commission heard testimony both concerning the potential deficiencies and laxity of enforcement, and the overly rigid nature of enforcement. The Commission also heard from the New York City Office of Nightlife (ONL), the specific office within the Department of Small Business Services to act as a liaison between the industry, City agencies, and communities, regarding the various efforts available to help address quality of life challenges. In December 2021, ONL and NYPD launched a new partnership known as Coordinating a United Resolution with Establishments, or CURE. The new CURE process requires precincts to establish direct, in-person communication with business owners and managers in conjunction with ONL, making them aware of potential violations and conditions of concern, and providing multiple opportunities for local business owners to correct issues before enforcement actions are taken. CURE ensures that venues which have demonstrated a clear and intentional disregard for community concerns by failing to heed multiple opportunities for cooperation with the NYPD and non-enforcement personnel at ONL may continue to face enforcement action. In cases involving complaints from local residents, ONL's Mediating Establishment and Neighborhood Disputes (MEND NYC) free mediation program will be engaged to help improve neighborhood relations through the support of neutral, third-party mediation. That program is administered in partnership with the Center for Creative Conflict Resolution at the NYC Office of Administrative Trials and Hearings, and boasts an 85% resolution rate for cases that proceed to mediation.

While the Commission supports these efforts and strongly encourages additional action on the part of the city to assist communities in addressing long standing quality of life infractions, we also recognize that using blanket restrictions on otherwise reasonable uses as a substitute to enforcement is a form of collateral damage to our economy that we cannot support. However, as in many other cases in zoning, a size limitation, as recommended here for all eating and drinking establishments with routine entertainment functions on neighborhood commercial streets, is both an appropriate and enforceable mechanism for delimiting the scope of a particularly intensive use.

A number of questions were raised to the commission regarding the clarity of the text in distinguishing between an eating or drinking establishment subject to the capacity limitations, and those not subject. As proposed, the text sought to combine prior categories of eating and drinking establishments “with musical entertainment”, “with non-musical entertainment”, and “with dancing”, into a single category of providing “entertainment with cover charge or specified showtime.” Questions were raised as to whether incidental and customary bar activities like a routine karaoke night or billiards tournament would remain understood as accessory, while on the other hand concerns that a bar might routinely hold large dance parties without size limitation by avoiding the specification of a showtime or the charging of a cover. To assist in drawing the distinction further for the public and future enforcement efforts, the Commission modifies the

proposed zoning text to add that the presence of a dance floor as a physical indicator of entertainment that triggers a business being in a separate capacity-limited use category of eating or drinking establishments. In routine practice today, DOB confirms that a dance floor would be understood either as a materially fixed or moveable additional floor, or demarcated space where tables and chairs have been removed. With this modification, the Commission seeks to affirm that the presence of at least one of: a) cover charge, b) specified showtime, or c) dance floor would subject the bar or restaurant to capacity limitations, lobby requirements, and distancing requirements in certain zoning districts; however, entertainment without the presence of one of these elements (e.g. karaoke nights or a DJ as background music) would not be subject to the size limitations on the use. As with a number of complex topics in this text, DCP plans to work with other City agencies to provide user friendly explanatory materials for the industry and general public.

Proposal 10: Create more opportunities for amusements to locate

The Commission believes that the proposal to simplify and modernize outdated and incomplete terms for amusement related businesses, and expand their allowance to all Commercial districts, limited to 10,000 square feet in C1 and C2 Commercial districts, as modified, is appropriate.

The proposal will replace a mix of already permitted uses with two separate uses and has size limits for them and limits on where permitted.

Today's zoning rules do not reflect wide consumer demand for experiential amusement and recreation businesses. The Commission notes the prevalence of new amusement businesses locating in the city's Manufacturing districts precisely because the zoning is clear these businesses are allowed in these locations, as well as amusement businesses locating across the city's border in Bergen County, Westchester County, and Nassau County. This proposal will enable business growth and innovation in a rapidly expanding facet of the city's economy and bring a wider range of experiential and family-friendly business types closer to where people live.

Questions were raised about whether the definitions for the two proposed amusement uses ("amusement and recreation facility" and "outdoor amusement park") were specific enough as to provide sufficient clarity as to the types of businesses would fall under the proposed use terms and which business types would fall under other use terms. In these defined terms, the proposal as referred listed a series of activities that would meet the definitions. To better ensure these use terms accommodate the widest possible range of uses, the Commission modifies the proposal by tying the use terms explicitly into the NAICS framework. This modification better accounts for the full range of uses the Department intended for these two new use terms.

Concerns were raised about potential quality-of-life concerns such as traffic and unintended consequences such as rental pressure or deadening of the streetwall activity. The Commission notes how many business types that fall under the proposed use term of Amusement or Recreation Facility are today already allowed in local Commercial districts – including billiard parlors and bowling alleys -- and how these businesses often resemble retail or local service establishments in terms of traffic and locational demand. The Commission also notes how the presence of the transparency requirements in the streetscape proposal would address concerns regarding deadening of the streetwall.

Concerns were also raised about the potential for the proposal to enable large-scale thrill rides or other large-scale indoor amusement uses, and whether amusements at such a scale could generate additional environmental impacts. The Commission acknowledges that amusement uses at a large scale could be enabled under the proposal, but only in places where other high-traffic generating uses such as retail or places of assembly are allowed under current zoning. The Commission notes that such uses must be in a completely enclosed building. The Commission further notes that the separately-defined “Outdoor Amusement Park” use term, which would include amusements customarily found in connection with places like Coney Island and would not see changes to zoning district allowances.

Proposal 11: Enable entrepreneurship with modern rules for home-based businesses

The Commission believes that the proposal to modernize rules for home occupations, as modified, is appropriate.

The proposal will modernize regulations for home-based businesses (referred to as “home occupations” in the ZR) citywide for the first time since 1961 by allowing formerly prohibited professions, such as advertising agencies, barber shops, interior decorators, real estate, insurance, or stockbrokers’ offices, while keeping in place protections to ensure they are good neighbors. The proposal will also make floor area limitations for home occupation activity more flexible and increase the allowance from one to three employees who can work in a home.

The Commission acknowledges the critical role that the existing regulations have had in allowing many New Yorkers to start their business in their home or conduct limited business operations since 1961, and especially since the recent COVID-19 pandemic. The Commission notes that current home occupation regulations allow many kinds of business to occur in the home while establishing physical limitations that limit the impact of businesses on their neighbors, such as prohibiting signage or the sale of goods not produced on-site. Many types of home occupations, such as law offices and music instruction, are allowed, while others are explicitly restricted, such as barber shops, interior decorators’ offices, or advertising or public relations agencies. Home occupations are limited to 25 percent of the size of a dwelling unit or

500 square feet, whichever is less. Home-based businesses are prohibited from selling items not produced on-site, having exterior displays or displays of goods visible from the outside, or storing materials or products outside of the home. Furthermore, home businesses must not produce any noise, smoke, dust, particulate matter, odor, or any other nuisance—and violations can be reported to the New York City Department of Buildings.

However, the Commission notes that the underlying rules for home-based businesses have not been changed to reflect the realities of remote work in a post-Covid-19 world, and are holding back many entrepreneurs, freelancers, and other self-employed New Yorkers from being able to make a living or grow their business from home. Common courtesy, and buildings' rules on allowable use within apartments in multi-family buildings, for example, have ensured that these home-based occupations have been able to take place without many concerns since 1961. However, the exclusive prohibition of certain professions in the existing rules cast a pall of doubt over whether some of these 'home occupations' could legally operate and the prior limit on floor area and number of employees curtailed this important work option where there was space to do so.

The Commission heard concerns by community boards, speakers at the Commission's public hearing, and in testimony submitted in writing, that the proposed increase in the amount of floor area in a home allowed to be occupied by a Home Occupation, currently 25 percent or a maximum of 500 square feet, whichever is less, to no more than 49 percent and without a stated limit was too large. The Commission also heard that the increase in the number of employees allowed to work in a home from one to three was too much. The Commission acknowledges these concerns but notes that several Special Districts, including the SoHo-NoHo Mixed Use Districts, the Tribeca Mixed Use District, the Queens Plaza Subdistrict, each of more than two dozen mapping actions involving the Special Mixed Use District (MX) zoning designation since the 1990s, as well as the regulations in Article I Chapter V for Residential Conversions, each have home occupation regulations for size and allowances for 3 employees identical to the proposal. While the Commission believes that the current limit is too restrictive, it also notes that the proposed rules may be overly generous and could lead to very large spaces in homes occupied by a home occupation. Therefore, the Commission modifies the proposal to reduce the maximum size to 49 percent or 1,000 square feet, whichever is less. This modification will ensure that there will be flexibility in how much space a resident may occupy in their home to best operate their business or profession without unduly restricting the ability to conduct a home occupation.

The Commission heard concerns from community boards and through testimony at the Commission's public hearing regarding concerns that existing language protecting residents against potential environmental hazards generated in connection with a home occupation is ambiguous and does not explicitly include certain potential environmental concerns. For instance, the Commission heard testimony that residents could potentially be exposed to hazardous fumes from hair products were hairdressers to be permitted as a home occupation. The

Commission notes that current zoning specifically prohibit offensive odors or noise from a home business and that many of these businesses, such as hairdressers or barbers, still require licensing by City agencies and include training and rules for the use and disposal of any hazardous materials used in hair care. However, the Commission agrees that the existing language prohibiting “other objectionable effects” does not explicitly include other potential hazards. Therefore, the Commission modifies the proposal to include that the potential for “fire, explosions, toxic and noxious matter, radiation, and other hazards,” are also meant to be restricted from home occupations. This modification will give entrepreneurs, residents, City agencies, and building management more clearly-defined regulations as to when a home occupation activity may in violation of the zoning.

Regarding concerns that the proposal could adversely impact the existing residential nature of apartment buildings and co-ops or condominiums by allowing for home business operation to occur within communal spaces within residential buildings, or that the proposal would reduce residential housing supply by allowing apartments to become places of business, the Commission notes that these home occupations must clearly be incidental to the home, the home occupation activity must be carried on within the home, and home occupations are further restricted from selling goods produced elsewhere and displaying any form of advertising to disturb the predominant residential character of a building or neighborhood. The proposal will allow and clarify that some additional professions and business, such as real estate offices, insurance sales and barber shops, are home occupations. However, the modest inclusion of these professions is not expected to lead to a proliferation of such newly allowed professions and change the character of residential buildings or neighborhoods at all. In fact, many of these professions already operated in many homes without issue except that they did not have the legal imprimatur of the Zoning Resolution and, as such, may have been non-conforming. However, the Commission acknowledges that existing zoning language that a home occupation must be “carried on within a dwelling unit” may be further clarified to explicitly exclude utilizing of common areas such as hallways, lobbies, and stairwells for the purposes of waiting, queuing, or other purposes, with the notable exception of employees or patrons of the home occupation traveling to the dwelling unit where the home occupation activity is occurring.

Goal 3: Enable more business-friendly streetscapes

The Commission heard numerous comments from Community Boards, business groups, and the design community supporting the importance of clear zoning rules for ensuring an active and pedestrian-oriented streetscape. Having not been included in the original 1961 Zoning Resolution, commercial streetscape rules have been developed piecemeal, and have significant geographical gaps, inconsistencies, and have not adequately addressed changing business operations, such as for auto repair in commercial areas or for a neighborhood delivery needs. As

such, Proposals 12, 13 and 14 received the most consensus approval from both community board, borough president, and CPC hearing testimony. There appears to be broad support for the principles underpinning these three components and their intention to ensure an equitable but flexible commercial streetscape approach citywide. The Commission heard particular support for the proposal elements which protect commercial streets from ground floor inactivity, from uses that prioritize pedestrians over auto or truck movement, and for protections that would further discourage unsanctioned uses of the sidewalk.

Proposal 12: Introduce corridor design rules that promote better active ground floors

The Commission believes that the proposal to create and simplify existing streetscape regulations, as modified herein, is appropriate.

The Commission notes how much of the city today does not have any existing regulations governing the streetscape and that in these areas new construction buildings often create detrimental effects for the surrounding commercial corridor and can create negative impacts for walkability, such as drive-throughs which would be limited to location by BSA Special Permit only under the proposal. In the places where streetscape regulations exist today, the Commission notes how the often inconsistent and sometimes ambiguous nature of these regulations makes the zoning more difficult for practitioners and small building owners to understand what they must do comply with the regulations. By creating a more clear and consistent set of zoning rules for ground floor design, the Commission believes this proposal has considerable potential to encourage businesses to create more safe, active, and walkable streets across every neighborhood in the city.

The Commission heard some concern in testimony regarding modifications to proposal 12 that would ensure flexibility remained for designing compliant ground floor layouts while continuing to meet modern building servicing and program needs, particularly given the wide variety of site configurations in the city. The Commission agrees it is prudent to ensure flexibility within areas where new streetscape design standards would apply. In response, in the areas where streetscape regulations would newly be required (Tier B), the modified text will reduce the requirement of for active uses to a minimum 30-foot depth along the entire frontage to instead apply to only 50 percent of the frontage, allowing for more varied use along these streets. It will also increase the threshold of commercial activity from 50 percent of the surrounding “social block” to 75 percent, ensuring that requirements only apply in places that have a continuous commercial presence.

In places with current streetscape rules (Tier C), concerns were raised regarding the rewording of active ground floor requirements to preclude commonly found lobby uses, such as mailrooms. Minor text modifications have been made to confirm that no change is intended to the

application of this rule within areas with prior lobby frontage restrictions. These modifications also provide greater clarity as to how the rules apply in these geographies.

The Commission additionally received testimony questioning whether ground floor residences ought to be exempted from ground floor activity requirements. Housing is a critical priority for the city, and the Commission acknowledges how any additional impediments to housing creation could be seen as contrary to the intent of this proposal. However, given the targeted geographies where new ground floor requirements would be in place, the modified threshold of existing commercial business concentrations that trigger compliance, and the flexibility for waivers, alternative rules, and ancillary residential uses, the new rules would have limited effect of discouraging any residential uses. The Commission notes that the presence of commercial uses, and the protection of existing neighborhood retail contexts is also part of a complete housing strategy, and that permitting residence-only developments, parking lots, or other deadening uses within an active commercial street, would not facilitate the city's wider housing opportunity objectives.

The Commission received testimony contemplating potential incorporation of additional geographies to receive streetscape protections, including C8 Commercial districts, industrial areas, areas of historic disinvestment or having experienced red-lining, and other areas with complex conditions such as shopping centers and areas near highway ramps. While it is not within the scope of this action to extend these rules to additional geographies, the Commission agrees that future areas may warrant addition consideration. Zoning has long provided highly liberal ground floor requirements to C8 and M districts given the highly truck and auto dependent nature of work performed in these areas. However, as the city grows, more geographies that contain both high pedestrian activity and truck activity are emerging, increasing the potential need for streetscape tools within predominantly industrial areas. Such tools have been used in mixed use industrial areas of Gowanus, Soho/Noho, and Long Island City in the past. The standardization of streetscape treatments within this proposal would make future extensions more systematic. While the presence of unique complex features like ramps or malls makes streetscape more difficult to regulate, the City has addressed some of these conditions through cross-access planning in Staten Island, which ensured connectivity and planting through auto-oriented corridors, or through DOT's "under the elevated" program which has successfully improved ramp areas of high pedestrian interest in a number of locations.

As with a number of proposals, the Commission notes the need for practitioner resources to familiarize with the new requirements. Where calculations are needed, care has been taken to craft analyses that can be completed with readily available public data on DCP's website, and anticipates additional training materials and presentations by department staff following implementation. In addition, the Commission has modified the proposal to include vesting language to ensure that people currently at the Department of Buildings for approvals or with them already in hand can continue under the previous rules.

Proposal 13: Reduce conflicts between auto repair shops and pedestrians

The Commission believes that this proposal, as modified herein, to continue to allow light motor vehicle maintenance and repair services in C1-C7 but subject these uses to a BSA Special Permit, is appropriate.

The Commission affirms that motor vehicle maintenance and repair uses are critical services for New Yorkers but believes they can have negative impacts in C1-C7 Commercial districts and notes that, in mixed-use and predominately residential contexts, have often caused conflicts with pedestrians. Given that potential for conflict, while the proposal often tries to broaden uses, the Commission believes that this particular use is appropriate to limit. Furthermore, the Commission believes it is good to consolidate the many separately defined auto repair uses today into two uses, one of which will not ever be permitted in C1-C7.

In most areas of the city, comments strongly reaffirmed the proposal's intent to curb negative effects of auto repair uses on commercial streets and sidewalks. However, questions were raised as to the precise nature of what kinds of motor vehicle maintenance and repair services would continue to be allowed to locate in Commercial districts, with requests from several Community Boards and elected officials to clarify the proposed zoning with a definition for Light Motor Vehicle Maintenance and Repair. In particular, the Commission heard comments that zoning should add more example uses to distinguish the light and heavy versions of the new "Motor Vehicle Repair and Maintenance Shop" defined term. The definition for these uses refers to distinctions made in the New York State Motor Vehicle Repair Shop Registration Act, which includes a series of uses considered "light" repair and maintenance. To make this distinction clearer to the readers of the Zoning Resolution, the Commission modifies this proposal by adding a list of example uses from the state law into the defined term.

A primary concern focused on perceived lack of enforcement over existing violations and co-option of sidewalk space by existing businesses. The Commission notes that use of streets, sidewalks, public plaza space remain illegal except where expressly permitted by DOT. Businesses and property owners illegally occupying public space may be fined, or have materials removed by the city. In recent years, DOT has increased its program offerings allowing for new and emerging uses of the sidewalk and curb for hybrid uses, but with an aim of ensuring pedestrian priority. To this effect, DOT maintains strict design controls and oversight when granting exclusive use of public space.

Additional concerns were raised about the nature of the BSA review process, whether it would be sufficient to achieve the objective of oversight of operations and address potential spillover, or whether a different process or reviewing body would be more appropriate. However, site plan review for particular features is a typical practice for the BSA, who already routinely handle

similar reviews for auto-related uses in Commercial districts, such as for auto service stations (ZR 73-211).

Requests to attach a similar discretionary review to other uses such as car dealerships, bike repair, or other forms of repair, were also received. The Commission notes that auto repair uses often have particular effects on its surroundings that these uses do not, as auto dealerships can be found in storefronts along retail streets and bicycle repair is commonly found in conjunction with other common neighborhood business types. While extending additional siting restrictions to uses already allowed as-of-right would not be within the scope of this proposal, the Department will continue to look at use updates in the future to better understand where consistent sidewalk issues may proliferate.

Proposal 14: Encourage safe and sustainable deliveries with micro-distribution

The Commission believes that the proposal to create a Micro-Distribution Facility use, permitted as-of-right in Commercial districts subject to size limitations, as modified herein is appropriate.

With the growing demand for package goods deliveries in New York City, the concept of decentralizing delivery hubs which could reduce the need for large delivery vehicles to travel greater distances, reducing congestion and making local streets safer, was well received.

Regarding concerns about how the Micro-Distribution Facility use would interact with changes to zoning adopted in City of Yes for Carbon Neutrality to allow for commercial vehicles within public parking garages, the Commission modifies the proposal to clarify that storage of items is considered a Micro-distribution Facility use and subject to the proposed size limitations.

Concerns regarding this proposal focused on the potential effects of new micro-distribution uses on commercial streets and any potential for increasing sidewalk or street congestion. While all new uses generate some degree of traffic, experience with the existence of post offices, allowed by virtue of “government” function, or UPS, by virtue of being a printshop as a primary use, suggest these businesses function similarly to other retail uses generally found on commercial streets. Size restrictions of 2,500 square feet in C1 and C2 districts, and 5,000 square feet ground floors in C4 and above, intrinsically limit the volume of business conducted and limit the potential for streetscape deadening effects, which are further limited by the design protections being extended in Proposal 12 on streetscape that would curtail blank or dark walls, parking garage or curb cut locations, and require transparency for active uses. While beyond the jurisdiction of zoning to consider, we note that requiring low-emission, pedestrian or bicycle supported delivery will be a condition of participation in the complementary microhub pilot program facilitated by the Department of Transportation.

Additionally, many concerns were received raised regarding the proliferation of large “last mile” warehouses, their potential for increased emissions in sensitive areas. While not studied within this proposal, the Commission recognizes the environmental and traffic congestion effects caused by last mile operations, particularly when concentrating in industrial areas proximate to highways. While continuing to consider possible land use remedies that may be appropriate for future actions, we note the extensive work being done in parallel by the Department of Transportation and other agencies to reduce emissions and encourage a more sustainable delivery system that expands the city’s use of low-emission vehicles, delivery by water, and cargo bikes – of which this proposal is an integral piece.

Goal 4: Create new opportunities for businesses

Proposal 15: Facilitate local commercial space on residential campuses

The Commission believes that the proposal to create a new Commission Authorization to facilitate a limited amount of commercial space on a large-scale site, as modified herein, is appropriate.

The Commission believes this proposal is a critical addition to the zoning toolkit that can help to address longstanding spatial inequities for access to resident needs, such as grocery stores or pharmacies, and space to start and grow a business, including shared commercial kitchens and other maker-spaces.

This proposal would create a zoning tool that could initiate a process to potentially locate limited commercial or maker-space on campuses zoned as Residence districts. The Commission notes broad support for the goal of this proposal to activate campuses and connect communities through access to local goods, services, or space to grow a new business.

Concerns were raised about the process of using the Authorization. The Commission believes this level of review is appropriate given the limited size of the possible commercial use and notes it is in line with the authorization for commercial uses through the Large Scale Residential Development (ZR 78-22). The Commission notes expressed desire for NYCHA resident involvement in the potential use of the CPC Authorization and programming for the site. NYCHA stated in written testimony submitted in support of the proposal that “any decision to include new or additional commercial space at a NYCHA campus would be the product of a thorough resident engagement process.” The Commission will modify the findings for this CPC Authorization to further clarify that the applicant must demonstrate the space will benefit the residents of the large-scale development where the space is sought to be located.

Proposal 16: Create process for allowing corner stores in residential areas

The Commission believes the creation of a Commission Authorization to facilitate the location of a small commercial space on a corner lot is necessary for limited circumstances in which no other zoning tool is available, and that the proposed Authorization is appropriate.

This proposal would create a zoning tool that could initiate a process to locate up to 2,500 square feet of local retail or services on a corner lot in a Residence district. The proposal creates a critical zoning tool to enable legal non-conforming businesses to be replaced in-kind in the event of destruction due to fire, flood, or other situation. The proposal could also be used in instances where a new development seeks to add locally serving storefront on the ground floor, a feature of New York City residential neighborhoods long before the 1961 zoning effectively banned the building typology across large swaths of the city.

Concerns raised include community input in the process of considering approval under this Authorization, potential for quality-of-life concerns from particular uses that may locate as a result of the Authorization. The Commission notes that an Authorization is already a high bar to meet, as it requires both environmental review and a referral to the Community Board in which the applicant seeks to use the Authorization. The Commission further notes that it has the authority under the findings of the Authorization to place limitations on the future use of the site, including the limiting of certain uses and other stipulations deemed necessary to ensure compliance with the findings of the Authorization.

Regarding the concerns that the Authorization could be used in a widespread fashion to alter the residential character of certain neighborhoods, the Commission notes that the proposed size limitation for the Authorization is very small (2,500 square feet) and that any larger amount of space would still require a zoning map change and therefore ULURP in order to effectuate. The Commission further notes that the findings for the Authorization explicitly state that the applicant must demonstrate the proposed use will “not alter the essential character of the neighborhood” in which the Authorization is being sought. The Commission also recognizes the high procedural requirement the Authorization’s conditions and findings present to potential applicants, particularly for small businesses and building owners, and that this required process is likely to significantly limit the situations under which an application is undertaken. However, the Commission believes the public review process is necessary to provide opportunity for community input on every use of the Authorization and that the findings are sufficient to protect the character of the existing neighborhood as any application is considered on a case-by-case basis.

Proposal 17: Rationalize waiver process for adapting spaces for industries like film

The Commission believes that the creation of an Authorization that gives relief to outdated bulk regulations, within tight limits, where no options currently exist, is appropriate.

Respondents to this proposal were primarily concerned that the proposed BSA and CPC review processes could take power away from the Community Boards. The development of a new pathway for such action is feared usurp existing zoning and communities are concerned that while they can provide a view, that view is not binding. The value of the proposal is primarily for the film industry and other high cube industrial space users. Existing zoning regulations require building forms are often incompatible with what is needed for industry to grow or the older loft buildings found in neighborhoods throughout the city. The Commission notes that the authorization can only grant waivers in line with the loft building envelopes established for the new C7 and M districts.

Additionally, while the Zoning Resolution has many discretionary actions for many different situations, there are often situations where businesses have no options available to them to be considered for changes to zoning allowances on a case-by-case basis. The Commission believes that the proposal to create consistent pathways to waive certain size, enclosure, and location of use regulations through separate BSA and CPC special permits are appropriate. The separate permits allow the BSA to grant a more-limited range of size relief, after which only CPC review (and ULURP) would be available and is in line with how existing use permits work in the Zoning Resolution. The other relief afforded by these discretionary actions is limited and appropriate as they allow for review of individual business situations. That said, the Commission makes some limited modifications to the BSA permits to address additional comments from the BSA to facilitate their review of applications. In addition, the Commission modifies the proposal to address situations where use permits are currently under review by either body.

Proposal 18: Create new kinds of zoning districts for future job hubs

The Commission believes that the proposal to create new zoning districts for future job hubs is appropriate.

Today's Manufacturing zoning districts lack a diversity of densities, onerous sky exposure planes, and high parking and loading requirements that collectively hold back job creation in many otherwise viable areas of the city. Unlike Commercial and Residence zoning districts, which have been augmented with a numerous new zoning districts and tools, including contextual zoning districts, since 1961 to respond to the city's diverse building typologies, modern building conditions and to unlock redevelopment opportunities, Manufacturing zoning districts have not changed substantially in the same period of time. This proposal would allow for a more nuanced range of modern Commercial and Manufacturing zoning districts that provide a loft-like building envelope alternative to today's limited options for mapping of non-

residential districts. These new districts provide a range of intermediate and higher densities, more flexible building envelopes, and right-sized parking and loading requirements that respond to the needs and physical form desired by modern commercial and industrial space users.

The suite of new zoning districts will provide nuance and policy options for future zoning map changes to respond to a variety of different land use conditions. The M1-A “Growth” districts, available in the widest range of densities and incorporating the widest range of allowable non-residential uses, as well as carrying the potential to be paired with Residence districts as an “MX” district, may provide a superior alternative for rezonings seeking to encourage a flexible mix of uses near transit and with residential uses.

The M2-A “Transition” districts, available in densities from 2-5 FAR, will be a useful zoning tool in traditionally strong industrial areas where a balance of new uses and industrial preservation is warranted. It achieves this goal by creating an ‘incentive’ FAR for the inclusion of specific industrial uses. This is the first as-of-right zoning tool that will be applicable citywide to allow industrial development through an ‘incentive’ FAR and responds directly to advocacy from industrial business operators seeking opportunities to create new models for vertically integrated flexible commercial and industrial space.

The M3-A “Core” district will be appropriate for areas that are predominantly and intensively industrial, where there is a policy goal to enable modest expansion of existing industry and critical infrastructure. In the M3-A districts, the zoning will restrict all non-industrial uses to 1 FAR.

Finally, the repurposed C7 district will reuse this obsolete zoning designation to provide a non-residential Commercial district, available at 2 to 15 FAR with a loft-like building envelope equivalent to that of the M1-A that will also be appropriate for laboratories or other innovation campus-type settings. The Commission supports these goals and these new job-space serving zoning districts which will provide more density and use options in future land use applications.

Regarding testimony requesting modifications to the proposed Manufacturing zoning district variants, including further restrictions to the M3-A districts, limiting all non-industrial uses to 10,000 square feet rather than to 1 FAR, restricting specific sites adjacent to maritime or rail infrastructure, the Commission believes a 10,000 square foot non-industrial restriction may impede the expansion and preservation of existing industrial facilities, which have on-site ancillary office, or the future incorporation of complementary uses, such as on-site retail or services. The Commission believes the 1 FAR limitation on non-industrial use provides is reasonable to allow for flexibility to industrial users to have ancillary, administrative office space and complementary, workforce-serving local retail and services in the most critical industrial areas. The Commission supports the development of maritime and rail alternatives, but believes that other direct forms of City investment, such as those being made to invest in marine freight locations, are a more promising means of developing truck-alternative infrastructure.

Regarding requested changes to the M2-A zoning district, including reducing the ‘base’ FAR provided to all allowed uses and thus increasing the incentive for the inclusion of industrial uses, the Commission notes that the proposed M2-A district provides sufficient new density incentives for industrial uses that exceed those of prior mixed commercial and industrial projects in the city. Therefore, the Commission believes the incentive as proposed in the M2-A is appropriate without unduly impacting flexibility and economic viability.

Regarding requests to require ground floors to be dedicated for industrial use, the Commission believes the inclusion of additional restrictions may reduce the viability of utilizing these new districts and its intended effect of triggering more mixed-use construction.

Regarding testimony requesting that the new M1-A "Growth" districts include a 15 percent FAR bonus for qualifying uses similar to though less intensive than the industrial incentive detailed in the new M2-A and M3-A zones, the Commission notes that the M1-A "Growth" district is for holistic economic development goals and that the tool's purpose is to allow industrial and non-industrial uses equally. The inclusion of additional restrictions may reduce the viability of utilizing these new districts and its intended effect of triggering more construction.

Regarding testimony requesting additional variants of the districts at higher densities, both as-of-right or by increased industrial incentives, the Commission notes, that the inclusion of additional district FAR options is outside the scope of this proposal. The Commission further notes that the range of FAR composition and zoning designations, from the 2 FAR option of M3-A to the 15 FAR option of M1-A, are intended to work as a spectrum reflecting policy goals of industrial preservation, thus favoring restriction, towards transformation and change, favoring flexibility. Creating additional M district variants at higher densities that have the same bulk, but more restricted use mixes, are counter to the stated goal and purpose of this suite of new zoning districts to create differentiated tools for preservation and transformation, and may create more confusion about the appropriate tool to use in situations calling for preservation versus redevelopment.

Conclusion

The Commission notes the myriad ways in which a complex regulatory environment is disproportionately affecting New York City’s small businesses. At this critical moment in the city’s economic recovery from the Covid-19 pandemic, the Commission seeks to ensure that New York City’s zoning regulations do not stand in the way of allowing businesses and buildings to adapt over time. The Commission applauds the work of the Department and others to identify opportunities to modernize regulations of the Zoning Resolution to fill empty storefronts and offices, catalyze the next generation of entrepreneurs, and support economic activity in neighborhoods across New York City. The Commission also appreciates the review of

community boards, practitioners, and the general public which provided recommendations that improve the proposal.

RESOLUTION

RESOLVED, that having the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on October 30, 2023 with respect to this application (CEQR No. 24DCP004Y), 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 Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

[VIEW THE TEXT AS ADOPTED BY THE CITY PLANNING COMMISSION](#)

The above resolution (N 240010 ZRY), duly adopted by the City Planning Commission on March 6, 2024 (Calendar No. 3), 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, ANTHONY CROWELL, Esq.,
JOSEPH I. DOUEK, DAVID GOLD, Esq., LEAH GOODRIDGE, Esq.,
RASMIA KIRMANI-FRYE, ORLANDO MARÍN, RAJ RAMPERSHAD, *Commissioners*

JUAN CAMILO OSORIO, *Commissioner, VOTING NO*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 22	# Against: 3	# Abstaining: 0	Total members appointed to the board: 25
Date of Vote: 1/9/2024 12:00 AM		Vote Location: 211 Ainslie Street, Brooklyn, NY 11211	

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

Date of Public Hearing: 12/19/2023 6:00 PM	
Was a quorum present? 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>
Public Hearing Location:	211 Ainslie Street, Brooklyn, NY 11211

CONSIDERATION: Please see the attached Land Use Report, DCP work sheet and Vote Sheet.		
Recommendation submitted by	BK CB1	Date: 1/17/2024 2:03 PM



COMMUNITY BOARD NO. 1
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②

LAND USE COMMITTEE:

Motion to support items #1 - #17 except for items #5 and #11 which present potential threats to the quality of life and safety of residents.

+ ADD DCP REPORT/PRESENTATION
+ REASONS STATED IN REPORT.

Motion made by: INDIG

Seconded by: KAMINSKI

DATE: 1/9/24

	YES	NO	ABS		Yes	NO	ABS
GINA ARGENTO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	KATIE DENNY HOROWITZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BOGDAN BACHOROWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SONIA IGLESIAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LISA BAMONTE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MOISHE INDIG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GINA BARROS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JACOB ITZKOWITZ	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ERIC BRUZAITIS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ROBERT JEFFERY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IRIS CABRERA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BOZENA KAMINSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILIP CAPONEGRO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CORY KANTIN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FRANK CARBONE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PAUL KELTERBORN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STEPHEN CHESLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAM KLAGSBALD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MICHAEL CHIRICHELLA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MARIE LEANZA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KEVIN COSTA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ADAM MEYERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
STEPHANIE CUEVAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SANTE MICELI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RONAN DALY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	TOBY MOSKOVITS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GIOVANNI D'AMATO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RABBI DAVID NIEDERMAN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ERIN DRINKWATER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MARY ODOMIROK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ARTHUR DYBANOWSKI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	JANICE PETERSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LLOYD FENG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AUSTIN PFERD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JULIA AMANDA FOSTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	MICHELLE ROJAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEALICE FULLER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	BELLA SABEL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRYSTAL GARCIA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ISAAC SOFER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOEL GOLDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SAMEER TALATI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANGELINA GRONTAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	DEL TEAGUE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOEL GROSS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	WILLIAM VEGA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DAVID HEIMLICH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SIMON WEISER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SABRINA HILPP	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

Time: 805 Tally: 22 YES 3 NO ABS RECUSAL



COMMUNITY BOARD No. 1

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HON. ANTONIO REYNOSO
BROOKLYN BOROUGH PRESIDENT



SIMON WEISER
FIRST VICE-CHAIRMAN

DEL TEAGUE
SECOND VICE-CHAIRPERSON

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FINANCIAL SECRETARY

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MEMBER-AT-LARGE

DEALICE FULLER
CHAIRPERSON

JOHANA PULGARIN
DISTRICT MANAGER

HON. LINCOLN RESTLER
COUNCILMEMBER, 33rd CD

HON. JENNIFER GUTIERREZ
COUNCILMEMBER, 34th CD

January 9, 2024

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 January 3, 2024

The Committee met on the evening of January 3, 2024, at 6:00 PM at 211 Ainslie Street.

Present: Teague; Chesler; Kaminski; Kelterborn; Sofer; Vega; Weiser

Absent: Drinkwater; Indig; Itzkowitz; Kantin; Meyers; Miceli; Rabbi Niederman; Pferd; Berger*; Kawochka*; Stone* (*non-board member)

Committee Report for the 1/3/24 Land Use/Landmarks committee meeting

7 members were present for the discussion, but only 5 remained for the final vote.

AGENDA

1. PRESENTATION: CITY OF YES: ECONOMIC OPPORTUNITY TEXT AMENDMENT -N 240010 ZRY and N240011 ZRY-

A proposal by the New York City Department of City Planning that would modernize our city's zoning rules so that businesses can find space, grow, and adapt to a dynamic economy. These changes would support

shops, workers, and vibrant neighborhoods. Q & A Session Presenter: Lucia Marquez Reagan, Borough Planner, Department of City Planning.

1. Recommendation regarding items #1 – 17 for the City of Yes for Economic

Opportunity

Support items #1 to #17, except for items #5 and #11. Do not support items #5 and #11 for the reasons stated in more detail in this report (in summary they present potential threats to the quality of life and safety of residents).

Vote: 4 yes, 1 no, 0 abstentions

Denial of support for Item #5 (Allow Commercial on Upper Floors)

Notwithstanding the requirement for separate lobbies and elevators for the interspersed businesses, the majority of members felt there was no clear showing of a need to so drastically change the character of our current residential situations in buildings where commercial space is now allowed on the ground floors. The new rules would allow businesses to be interspersed in various areas of buildings (on the same floor, below, or above the residential spaces), where currently only residences are allowed. The space taken for the required separate lobbies and elevators could otherwise be used for residential units, while we have a glut of unsightly, unused ground-floor commercial spaces. The majority felt these changes could result in unacceptable quality of life and safety issues for the residential tenants without any provision for overall oversight by the city.

There was also a serious concern about the allowance of as-of-right roof top restaurant/bars, with no input from the community board. This community has been plagued by the noise generated by roof top entertainment and is strongly opposed to any expansion of these businesses.

Denial of support for Item #11 (Home Occupations)

Currently, residential tenants/occupants are allowed to conduct certain proscribed businesses using up to 25% of their home with one additional person who does not reside in the home.

The alleged purpose of Item #11 is to support sole practitioners and freelancers to start and grow their businesses. However, the current rules already provide support for sole practitioners and freelancers. The increase in the allowable number of people working in the apartments from 1 to 3; the allowance of an increase of usable area of the home-based business from 25% to 49%; and the expansion of the types of uses, is a significant and unnecessary expansion of what is currently allowed in residential buildings. This will allow for a substantial increase in foot traffic of unidentified people with no provisions mandating supervision or verification of the incoming/outgoing clientele. The increase in the number of permitted workers and allowable apartment space threatens to become an unjustified invasion of the privacy of residents, and a threat to their quality of life and safety. Furthermore, there is no meaningful provision for oversight or enforcement powers for city agencies, community boards, or residents.

2. Recommendation regarding item #18 (New Loft style district) for the City of Yes For Economic Opportunity

After meeting with and obtaining input from representatives for Council member Gutierrez and Leah Archibald of Evergreen, and hearing feedback from residents and board members, the

committee unanimously agreed to recommend support of this provision with the following conditions, which we felt would provide important protections for our industry.

In the Core area, restrict commercial use to 10,000 SF; reallocate the remaining commercial FAR for industrial/manufacturing use.

Provide enforcement for incentives in all affected areas (Core, Transition, Growth).

The city should consider offering financial incentives for anyone.

who can offer fair market rents to increase the availability of affordable industrial real estate.

Vote: 5 yes, 0 no, 0 abstentions

Note: One member felt we should support Items #5 and 11.

Regarding Item #5, this member felt that the required separation zone, sound attenuation, and non-noise uses would effectively separate commercial and residential uses, would allow for a dynamic mixture of uses and more vibrant neighborhoods, with economic opportunities near where people live, and that the 1961 zoning code, which tried separated commercial and residential uses, is outdated.

Regarding Item #11, this member felt that the increases in the number of people from 1 to 3 and the expansion of the allowable area of the business from 25% to 49% of the home is just a marginal expansion of what is currently allowed, and would allow more clients convenient access to services and would help more startups grow within a living space until they can afford a separate commercial lease.

For Economic Opportunity

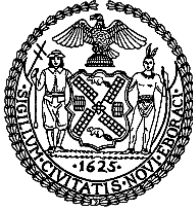
Optional Worksheet: Proposal Feedback

Instructions: If you choose to complete this optional worksheet, please review each part of the proposal. Check the box to express whether you support or do not support that specific component. You can leave comments in the requested modification section.

	Support	Do Not Support	Requested Modification
#1: Reactivate Storefronts			
#2: Simplify district types			
#3: Small-scale production			
#4: Loading docks			

	Support	Do Not Support	Requested Modification
#5: Upper floor commercial			(See Attached Report)
#6: Use terms			
#7: Urban agriculture			
#8: Life sciences			
#9: Nightlife			
#10: Amusement			
#11: Home occupations			(See Attached Report)

	Support	Do Not Support	Requested Modification
#12: Streetscape			
#13: Auto repair			
#14: Micro-distribution			
#15: Campus commercial			
#16: Corner stores			
#17: Better waiver process			
#18: New loft-style district			



JESSICA CHAIT
Chair

JESSE R. BODINE
District Manager

CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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February 12, 2024

Hon. Eric Adams
Mayor
City Hall
New York, NY 10007

Daniel Garodnick
Chair
Department of City Planning
120 Broadway, 31st Fl.
New York, NY 10271

RE "City of Yes" Economic Opportunity
Proposed Zoning Text Amendments
ULURP Number: N240010ZRY

Dear Mayor Adams and Chair Garodnick,

At the recommendation of the Clinton/Hell's Kitchen Land Use and the Chelsea Land Use Committees, Manhattan Community Board 4 (MCB4) at its February 7, 2024, meeting voted by a count of 35 in favor, 0 opposed, 1 Present-not-eligible, and 0 abstentions to **deny the proposed citywide zoning text amendments under the City of Yes for Economic Opportunity unless significant changes are made.**

Background

On November 8, 2023, Department of City Planning staff presented the proposed citywide zoning text amendment, City of Yes for Economic Opportunity (COYEO), to a joint meeting of MCB4's Clinton-Hell's Kitchen Land Use (C/HKLU) and Chelsea Land Use Committees (CLU). Questions from that joint meeting, plus questions from MCB4's Transportation Committee (TPC) and the Housing, Health, and Human Services Committee (HHHS) were gathered and submitted to DCP staff for follow up. Responses to those questions were circulated to the

respective committee members, and DCP staff joined the C/HKLU committee meeting on January 10, 2024, to discuss the issues in greater detail.

MCB4 wants to express special gratitude to DCP staff members Matt Waskiewicz, Andy Cantu, Abby Rider, and Jennifer Gravel for their collective and attentive engagement with our committee members.

Overriding Concerns about the Proposed Zoning Text

The proposed zoning text amendments are a major updating of commercial uses and how they are permitted within residentially zoned neighborhoods and residential buildings. MCB4 is generally in support of revisions to the zoning resolution to allow for expanded economic opportunities throughout the City. It is important for zoning text to change to reflect new means of work and life in today's society, especially the emergence of remote work. However, zoning text amendments cannot be a one size fits all; many of the proposed citywide text amendments do not work as intended at the neighborhood level. The proposed zoning text amendments need to address specific concerns of individual neighborhoods and different community districts.

MCB4 has three major and overriding concerns regarding this proposal:

1. The unintended consequences impacting existing apartments and households in existing residential buildings.
2. The lack of enforceability of the proposed changes and the lack of enforcement capacity of multiple agencies in protecting existing households under the proposed changes.
3. The broad language applying across the city without regard of the unique and diverse characteristics of individual neighborhoods across New York City.

Overall Recommendations

MCB4 recommends DCP institute three overriding changes to the proposed zoning text amendments and a companion City budget action.

Housing Issues

New York City continues to experience an affordable housing crisis. MCB4 recognizes and agrees with the intent of the proposed zoning changes designed to facilitate more business activity by updating outdated zoning classifications. However, as proposed text amendments will have a negative impact on the existing housing stock. MCB4's main concern is that residential quality of life will be diminished through the introduction of commercial uses into existing residential buildings.

The proposed zoning text amendments allow for retrofitting existing residential buildings to allow higher percentages of commercial/retail uses. This action will create internal conflicts, enforcement issues, and serious noise concerns. MCB4 has local knowledge and experience of such conflicts in buildings throughout Hell's Kitchen and Chelsea. Residential buildings are not designed to accommodate the noise, vibrations, pedestrian traffic, deliveries, and waste disposal of commercial activities.

MCB4 has seen the impact of AirBnB usage decreasing available housing stock and remains concerned that a movement towards increasing commercial definitions into residential buildings will open an opportunity for “hotel” style lodging to proliferate.

The proposed text amendment would allow for mixing residential and commercial uses in the same building. Many of the mechanisms to properly protect and separate residential from commercial uses for privacy and security are suitable for new construction or office conversion to residential use, but difficult, costly or impossible in an existing residential building.

MCB4 supports the concept of mixed use but recommends the proposed zoning text apply only to new buildings or commercial conversions constructed or renovated after the zoning text referral date.

Concurrent Enforcement Funding and Penalties

Much of the proposed language in the zoning text amendments would necessitate increased enforcement, as highlighted by the presentation and subsequent answers to our questions posed to Department of City Planning (DCP) staff. Some of the enforcement agencies named include the Department of Buildings (DOB), Department of Transportation (DOT), Department of Consumer Affairs (DCA), and Department of Environmental Protection (DEP).

MCB4 experiences the challenges faced when city agencies do not have the staffing levels needed for enforcement:

- NYC DOB allowing illegal demolition of 170 apartments in 24 residential buildings Special Zoning Districts which prohibits demolition of residential buildings, due to lack of experienced plans examiners.
- NYC HPD allowing buildings with hundreds of housing code violations, with tenants living in hazardous and unsafe condition, due to lack of code enforcement inspectors and legal staff to bring civil actions to cure such violations.
- NYC DOT struggling to manage sidewalk sheds left in place for years, promoting illegal activity and unsafe streets, due to lack of enforcement agents.
- NYS OCM not shutting down the proliferation of illegal cannabis shops due to lack of a staff and the creation of any enforcement strategy.

Today, these city agencies, **with their current staffing**, have difficulty enforcing existing regulations. For example, as of January 30th, DEP employs 65 people for air and noise inspections for the entire city¹. Without a concomitant increase in enforcement funding, these agencies will not be able to enforce these new regulations.

The Mayor’s Office and the City Council must come to an agreement, as part of the review and approval of this zoning text, for increased and dedicated staffing at DOB, DEP, DCA, and DOT to enforce the new proposed zoning text to protect residential apartments and residents in order to preserve the current residential quality of life throughout the City.

¹ Per DEP Director of Noise Abatement

A schedule of increased penalties for violations of the proposed zoning text must be developed by affected agencies. Further, a time frame to adopt such penalties and an enforcement budget must be agreed to as part of this zoning action, so they can be noticed in the City Record and adopted, concurrently or soon after the adoption of these proposed zoning text amendments.

City-Wide Approach vs. Local Zoning Requirements

The proposed text amendment does not account for the specificity of the different Special Zoning and Historic Districts around the City. MCB4 appreciates the statements and the intent to protect our Special and Historic Districts. However, this proposal's wholesale approach has the distinct potential to run roughshod over our residential areas, diminish residential quality of life, and undermine the strength of our commercial districts. These Special Zoning Districts represent a nuanced and carefully crafted balance of preservation and development, which has allowed major increases in commercial and residential density to benefit both the City and the Westside.

The proposed zoning text must be modified, in specific areas, not to undermine the carefully crafted language in the Westside Special Zoning Districts—Special Clinton District, Special Hudson Yards District, Special Garment Center District, Chelsea Historic District, West Chelsea Historic District, and the Special West Chelsea District.

Specific to Hudson Yards, the changes to the Parking sections in Article 1 – Chapter 3 Comprehensive Off-Street Parking and Loading are extraordinarily broad, ubiquitous and near impossible to follow even for people used to reading zoning text. It is not clear whether there are just changes in nomenclature or if substantive changes are included. The revised language must maintain the terms of the Hudson Yards Parking that was the result of litigation. Circulating such a draft cannot be considered a proxy for consultation and transparency as mandated by ULURP and the City Charter.

MCB4 opposed these changes unless the Hudson Yard Parking language is maintained in its entirety and City Planning creates and circulates a summary document that allows the public to comment before seeking approval.

Zoning Text Sections Proposal Categories

The COYEO proposal includes 18 different category changes to the zoning code. Below are MCB4 concerns or issues within each of the DCP specific categories.

1. Lift time limits to reactivating vacant storefronts.

This zoning text has been in effect since 1973 under NYC ZR, Section 96-106. It has been successful in maintaining small scale commercial use in the midblock R8 districts, providing a vibrant street life.

MCB4 supports this zoning text amendment.

2. Simplify rules for business types allowed on commercial streets.

MCB4 opposes this zoning text amendment unless provisions are included in the text to protect residential tenants against noise and vibrations from physical cultural establishments (gyms), event space, and dance studios; against offensive odors or dust from agricultural businesses; and against the sale of agricultural products not produced on the same zoning lot.

3. Expand opportunities for small-scale clean production.

MCB4 supports the expansion for small scale clean production with conditions requiring that:

- *Provisions are included in the text to protect residential tenants against noise and vibrations from physical cultural establishments (gyms), event space, and dance studios; against offensive odors or dust from agricultural businesses; and against the sale of agricultural products not produced on the same zoning lot.*
- *Provision to include resolution of compliance for fire sprinklers, fire safety plans, and fire egress in buildings with fire escapes*
- *Provision to include resolution of compliance for ventilation to meet minimum distances from residential window and fire escapes*
- *Provision to include funding and enforcement mechanisms for DOB enforcement fire egress and ventilation requirements*

4. Modernize loading dock rules so buildings can adapt over time.

MCB4 takes no position on this proposed text amendment.

5. Allow commercial use in residential buildings on the same floor as or above floors with residential use.

This proposal seems contrary to the City's overarching goal of preserving and creating affordable housing. This proposal will accelerate the loss of affordable and market rate housing. The proposed protections for residents in mixed use buildings are inadequate based on our experience of such configurations.

This amendment would require retrofitting, which may not be adequately possible in many existing buildings. A 15-foot vertical and/or horizontal buffer or partition wall is simply not enough to separate commercial and residential uses. Businesses with deliveries or in-person customers will generate additional foot traffic in residential buildings disturbing quality of life and burdens on the physical components of the buildings (i.e.: elevators, stairwells, and hallways).

In buildings not built for such a mixture of uses, locating commercial uses above residential uses will generate immediate conflict. They will create significant adverse impacts not only to residents in the buildings but also to residents in adjoining buildings. This proposed action will put a major burden on agencies to inspect, issue summonses, enforce code violations and litigate if not resolved.

Rooftop commercial use severely impacts quality of life. Promoting active rooftop space is contradictory with the proposals of the City of Yes, Environment, where roof tops would be equipped with solar panels and green roofs. Bars and event space on roofs are extremely disruptive to the building residents and to residents in the surrounding buildings.

24/7 vibrancy is welcome in concept, but not at the expense of residential quality of life.

MCB4 opposes this zoning text amendment unless it is limited in use to new construction or office building conversion approved by the DOB after the zoning text referral date. This text must not apply to existing residential buildings.

6. Simplify and modernize how businesses are classified in zoning.

MCB4 takes no position on this except to ensure the current protections for our Special Districts must be maintained in this section.

7. Clarify rules to permit indoor urban agriculture.

MCB4 opposes this zoning text amendment unless provisions are included in the text:

- ***To restrict the use of toxic chemicals, notably nitrates.***
- ***To ensure odors and dust do not disturb existing residents.***
- ***To ensure structural stability of existing buildings, plus inclusion of additional funding for various agency inspections.***
- ***To ensure electrical, water, and sewer uses for agricultural businesses do not conflict with or impair existing residential use.***
- ***To ensure deliveries and waste removal do not negatively impact residential quality of life.***
- ***To prohibit commercial growth of cannabis in any building containing residential uses.***

8. Give life sciences companies more certainty to grow.

MCB4 does not have enough information to take a position at this time. MCB4 needs more information on the life science developments in other neighborhoods of Manhattan before determining a position.

9. Support nightlife with common-sense rules for dancing and live entertainment.

MCB4 believes that the proposed zoning changes allowing ticketed events at venues with capacities under 200 people risks compromising reasonable residential quality of

life. Allowing smaller venues -- which are often located in or surrounded by residential buildings -- to publicize events with specified showtimes, however, creates a serious risk that noisy, disruptive lines of patrons will form on the sidewalks outside the venues, disturbing nearby residents.

MCB4 believes that allowing dancing in venues under 200 people risks transforming such venues from relatively quiet restaurants and bars into noisy nightclubs where dancing is a central feature or attraction. We have learned that such clubs are significantly more disruptive to residents living above or near them than are typical restaurants and bars. Although MCB4 has no objection to incidental, occasional dancing by patrons of small venues, we believe allowing small venues to promote or feature patron dancing would be problematic.

MCB4 supports the proposed text for use of storefronts for dancing and live entertainment with capacities under 200 people with conditions:

- ***For venues under 200 people, the zoning allows events with specified showtimes only if the venue can accommodate patrons waiting for the event within the venue itself (rather than in sidewalk lines).***
- ***Zoning text modification to allow dancing in small venues only with no advertised or promoted dancing other than in connection with other venue events, and if the venue does not have a demarcated dance floor or other designated space specifically for patron dancing.***

10. Create more opportunities for amusements to locate.

MCB4 believes that amusement uses are not appropriate for C1 and C2 uses. These uses could absorb multiple storefronts with entirely indoor uses which decreases pedestrian street traffic. If a version of this text amendment is approved, the consolidation of multiple storefronts to accommodate amusement facilities should be prohibited and zoning protections are implemented to protect residential tenants against noise and vibration.

MCB4 opposes this zoning text amendment.

11. Enable entrepreneurship with modern rules for home-based businesses.

While MCB4 supports the movement towards more “Work from Home” environments and the need to revise zoning to allow for such changes, we have serious concerns about this proposal. Notably:

- The increase in the proposed amount of available commercial activity in residential buildings could lead to a reduction in housing units, both affordable and market rate.
- The proposal of using 49% of a residential apartment for business and having 3 employees on any residential floor will create conflict among neighbors.

- Customer Facing businesses, with multiple deliveries, will negatively impact the quality of life for existing residents, and the community.
- Allowing mix of commercial uses into residential buildings, i.e., a home office employing up to five people, brings not only workers, but customers of the business, creating problems for security and predictability, and is contrary to the peace and quiet enjoyment of a residential building.
- There are no indications that structural and physical issues will be addressed such as separate entrances, stairwells, hallways, and elevators for employees, customers, and deliveries, to ensure both security and privacy for residential tenants or owners.
- There is no language included to protect residents against hazardous situations such as fumes, high heat, and toxic chemicals (e.g.: situations with uncertified e-bike batteries, manufacturing supplies, and manufacturing waste).
- Allowing a manufacturing use in a residential building is a step backwards to 19th century practices of abusive cottage industries with attendant serious labor violations.
- Based on responses from DCP, this proposal will require enforcement of multiple issues across multiple agencies including HPD, DOHMH, FDNY, NYPD, and DOB.

MCB4 recommends removing this proposed zoning text, at this time, until further study can be completed to address these concerns and funding can be secured for the additional enforcement requirements.

12. Introduce corridor design rules that ensure buildings contribute to surroundings.

MCB4 supports this proposed text as long as the current zoning protections for our Special Districts are maintained and not in conflict with this proposal.

13. Reduce conflicts between auto repair shops and pedestrians.

MCB4 continues to work to protect sidewalk access for pedestrians and supports any efforts to keep sidewalks clear of commercial activity.

MCB4 takes no position on this proposed text amendment.

14. Encourage safe and sustainable deliveries with micro-distribution.

MCB4 supports the proposed text for use of storefronts for micro-distribution with conditions:

- ***Add zoning text to prohibit uncertified e-bikes and battery storage in residential buildings.***

- ***In a companion administrative action, the City needs to offer financial incentives to move micro-distribution businesses off the street into leased properties, inclusive of loading, parking, and distribution.***

15. Facilitate local commercial space on residential campuses.

MCB4 supports this proposed text for the integration of commercial space in large residential campuses (i.e.: NYCHA) as long as environmental protections and traffic mediation measures are required as part of such proposed use.

16. Create process for allowing corner stores in residential areas.

MCB4 does not have enough information to take a position, at this time. MCB4 requires further information on the impact of such zoning on other Manhattan neighborhoods before taking a position.

17. Rationalize waiver process for adapting spaces for industries like film.

MCB4 supports the development of film and television studios in the MCD4.

However, MCB4 has experienced issues with proposed film studio development that conflicts with the Special Clinton District. In the spring of 2003, the Studio City ULURP application, Number C010136PPM² proposed the construction of a 14-story, 250-foot-high structure on 11th Avenue between West 43rd and West 44th Street; the application was ultimately withdrawn.

The 2009 West Clinton Rezoning³ carefully negotiated bulk and density modifications to avoid future conflicts with proposed developments.

MCB4 supports the proposed revisions with modifications:

- ***That the text be modified to require a Special Permit, instead of a CPC authorization, in Area C-2 of the Special Clinton District, pursuant to Section 96-332 of the Special Clinton District.***

18. Create new kinds of zoning districts for future job hubs.

MCB4 does not have enough information to take a position at this time. MCB4 requires further information on the impact of such zoning on other Manhattan neighborhoods before taking a position.

MCB4 encourages the plan to promote economic activity and the aspirational goals of the City in undertaking this endeavor. However, the potential for the reduction of housing units, the possible

² Studio City ULURP: <https://zap.planning.nyc.gov/projects/P2001M0104>

³ [West Chelsea Rezoning](#)

negative impact on the quality of life on existing residents, and the need for increased enforcement resources as a result of the proposed zoning text amendments calls for greater study and understanding of the consequences of this action.

Sincerely,



Jessica Chait
Chair
Manhattan Community Board 4



Kerry Keenan
Co-Chair
Chelsea Land Use Committee



Jeffrey LeFrancois
Co-Chair
Chelsea Land Use Committee



Jean-Daniel Noland
Co-Chair
Clinton/Hell's Kitchen Land Use Committee



Paul Devlin
Co-Chair
Clinton/Hell's Kitchen Land Use Committee

Cc: Hon. Adrienne Adams, Speaker, NYC Council
Hon. Erik Bottcher, NYC Councilmember
Hon. Rafael Salamanca, Jr., Chair, NYC Council Committee on Land Use
Hon. Mark Levine, Manhattan Borough President
Vikki Barbero, Manhattan Community Board 5



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant: DCP - Department of City Planning (NYC)		Applicant's Primary Contact: MATTHEW WASKIEWICZ	
Application # N 240010 ZRY		Borough:	
CEQR Number: 24DCP004Y		Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 35	# Against: 0	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 2/7/2024 12:00 AM		Vote Location: 305 W. 44th Street (8/9 Ave)	

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

Date of Public Hearing: 12/6/2023 6:30 PM	
Was a quorum present? No	<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>
Public Hearing Location:	Pier 57 - 25 11th Avenue

CONSIDERATION: See attached

Recommendation submitted by	MN CB4	Date: 2/14/2024 1:57 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 23	# Against: 9	# Abstaining: 1	Total members appointed to the board: 46
Date of Vote: 2/8/2024 12:00 AM		Vote Location: 424 5th Avenue	

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

Date of Public Hearing: 1/24/2024 6:00 PM	
Was a quorum present? 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>
Public Hearing Location:	450 7th Avenue, Ste 2109 NY NY

CONSIDERATION: Please see attached CB5 Resolution.		
Recommendation submitted by	MN CB5	Date: 2/14/2024 12:36 PM

Manhattan Community Board Five

Nicholas Athanail, Chair

450 Seventh Avenue, Suite 2109
New York, NY 10123-2199
212.465.0907 f-212.465.1628

Marisa Maack, District Manager

February 09, 2024

Daniel Garodnick
Chair of the City Planning Commission
22 Reade Street
New York, NY 10007

Re: Resolution on City of Yes for Economic Opportunity Zoning Text Amendment

Dear Chair Garodnick:

At the regularly scheduled monthly Community Board Five meeting on Thursday, February 08, 2024, the following resolution passed with a vote of 23 in favor; 9 opposed; 1 abstaining:

WHEREAS, the Department of City Planning has introduced an ambitious set of Zoning Text changes that are part of the City of Yes and that aim to aggressively update the Zoning Resolution, and

WHEREAS, the DCP certified a citywide zoning initiative known as the City of Yes for Economic Opportunity for which they conducted an EAS that resulted in a negative declaration; and

WHEREAS, this initiative came from a panel appointed jointly by the Mayor and the Governor and named the New New York that gathered captains of industries and business leaders and produced a report titled Making New York Work for Everyone; and

WHEREAS, the report made recommendations that guided the drafting of the City of Yes for Economic Opportunity zoning proposal; and

WHEREAS, Manhattan Community Board Five has undertaken an extensive review, including in-depth meetings with applicable city agencies regarding the City of Yes for Economic Opportunity zoning text amendment; and

WHEREAS, the Board adopted a resolution in support of the City of Yes Zoning for Carbon Neutrality on June 8th, 2023, and anticipates further collaboration with the Department of City Planning on additional components of the City of Yes initiative; and

WHEREAS, the City of Yes for Economic Opportunity encompasses wide-ranging objectives included within its 18 components—each with varying impact levels and relevance to Manhattan Community Board Five;

WHEREAS, the City of Yes for Economic Opportunity includes many individual text amendments;

WHEREAS, the “City of Yes for Economic Opportunity” package of text amendments is grouped under 18 proposals organized under the following four goals:

A) Make it Easier for Businesses to Find Space and Grow;

- B) Boost Growing Industries;
- C) Enable More Business-Friendly Streetscapes; and
- D) Decarbonize Our Waste Streams; and

WHEREAS, the 18 components of the City of Yes for Economic Opportunity are divided among these four goals in the following manner:

UNDER GOAL A: Make it Easier for Businesses to Find Space and Grow

- 1. Lift time limits to reactivating vacant storefronts**
- 2. Simplify rules for business types allowed on commercial streets**
- 3. Expand opportunities for production**
- 4. Modernize loading dock rules so buildings can adapt over time**

1. Lift time limits to reactivating vacant storefronts

This proposal seeks to allow nonconforming vacant storefronts in residence to legally re-tenant their space in locations where it is not already allowed.

At present, non-conforming usage in residential districts is grandfathered, with the caveat that should a non-conforming use (for instance, a restaurant) cease to operate for a period greater than two years, that non-conforming use will no longer be permitted. This proposal seeks to remove the two-year restriction.

Community Board Five contains a relatively tiny fraction of residential districts, and therefore we do not oppose this proposal.

2. Simplify rules for business types allowed on commercial streets

This proposal would simplify zoning regulations to permit the same range of commercial businesses on similar commercial street types – consolidating use differences between the two kinds of zoning districts for neighborhood commercial corridors and local streets (C1 and C2 districts) and consolidating the use differences among the four kinds of zoning districts meant for centrally located areas and Central Business Districts (C4, C5, C6, and C7 districts).

As a heavily commercial district, Community Board Five would be majorly impacted by this proposed change. However, our district has become a much more homogenous district with various uses (for instance, theaters and banking) already spread across a previously artificial demarcation between the existing East/West bifurcation dictated by the 1961 zoning configuration.

We support the simplification and homogenization contained in this proposed change.

3. Expand opportunities for production

This proposal would allow many manufacturing uses in commercial zones.

We strongly oppose this proposal because we strongly support the underlying principles that originally created a division between manufacturing versus commercial zones. Over 95 percent of CB 5 is zoned commercial (which includes substantial residential units, as these are permitted as of right in commercial districts). Although the proposal discusses mitigation of noise, noxious fumes, and vibration, the enforcement surrounding these exact types of serious issues has proven completely lacking.

Additionally, CB 5 is on the cusp of a huge rezoning process, which would provide a much less blunt, more nuanced tool to deal with this set of issues as they relate to our Community Board district. Finally, we believe this proposal will negatively impact our surrounding Community Boards and those across all boroughs. Given this, we strongly oppose this proposal.

4. Modernize loading dock rules so buildings can adapt over time

The proposal would remove the possible requirement of providing additional loading berths for a change of use in an existing building.

As this proposal provides businesses with additional flexibility for tenancing by not requiring additional loading berths for a change of use in an existing building, Community Board Five is in full support of this proposal.

5. Enable commercial activity on the upper floors

The Proposal would update the location of use rules in mixed buildings (buildings with residences).

In C1, C2, and C3 districts, the Proposal would allow commercial uses on the second story of all mixed buildings. In C4, C5, and C6 districts, the Proposal would allow commercial uses to occupy separate parts of the same story or to locate above residences.

When located above the ground floor, the production uses (see Proposal #3) or commercial uses that have a rated capacity (e.g. Eating or Drinking Establishments, Theaters, etc.) that are permitted on the same story as residential use, or on a story higher than that occupied by residential uses, when adjacent to residential must either separate from residences or attenuate high noise-generating uses.

Given the potential for major disruptions by noise (as noted above, enforcement of noise and other significant factors diminishing residential quality-of-life is notoriously difficult and oftentimes non-existent), Community Board Five opposes this proposed amendment, in total.

6. Simplify and modernize the way businesses are classified in zoning

The proposal would re-organize Use Groups and update use terms to better reflect modern commercial and industrial activities *to better reflect land use categories in New York City.*

Community Board Five is in total support of this reorganization of Use Groups.

UNDER GOAL B: Support Growing Industries

- 7. Clarify rules to permit indoor agriculture**
- 8. Give life sciences companies more certainty to grow**
- 9. Support nightlife with common-sense rules for dancing and live entertainment**
- 10. Create more opportunities for amusements to locate**
- 11. Enable entrepreneurship with modern rules for home-based businesses**

7. Clarify rules to permit indoor agriculture

The proposal would clarify enclosure rules for Commercial Districts on what activities can occur outdoors and indoors.

Because of the cost inherent in scaling indoor agriculture in New York City, cannabis is primarily, if not solely the crop that would benefit from this proposed change in use. Indoor agriculture has been proven to require tremendously disproportionate amounts of resources compared to some other non-agricultural uses.... This is in direct conflict with the stated goals of the City, as endorsed by Community Boards recently.

As a result, Community Board Five strongly opposes this specific proposed use change.

8. Give life sciences companies more certainty to grow

The proposal would simplify the use definition for a laboratory and expand the geographic applicability of the current Scientific Research and Development Facility Special Permit.

These labs deal with live pathogens—under the jurisdiction of the NYC Department of Health—and can currently only be in manufacturing districts. A 2016 memo from NYC DOH noted the number of incidents in which labs notified and prepared to accept “dead” versions of deadly pathogens, but instead received “live” versions of these dangerous (and potentially deadly) infectious agents. Over a ten-year period, this potentially catastrophic mistake occurred 516 times.

The following levels have been assigned to potential pathogens, which would be transferred for study in laboratory settings:

- 1) Agents not known to cause disease in healthy humans;
- 2) Moderate risk agents known to cause disease by contact via mucous membrane exposure; (HIV, Streptococcus pneumonia, Salmonella)
- 3) Agents with a known ability for aerosol transmission that can cause serious or lethal infections and are indigenous or exotic in origin; (Tuberculosis, Coronavirus, Yellow Fever)
- 4) Agents with the highest level of danger. (Ebola, Smallpox)

Community Board Five has great concerns about bio-safety. Any lab conducting work with bio-levels number 2 through 4 must not be located in residential areas (which include commercial zones). We encourage the Department of City Planning to consider bifurcating these four levels into two groups: those in level 1, which are not known to cause harm to humans, and levels two and higher, which should be restricted to manufacturing districts—away from residential areas—and allowed only by special permit.

9. Support nightlife with common-sense rules for dancing and live entertainment

At present, eating or drinking establishments hosting *non-musical* entertainment, such as live comedy or open mic nights, are limited in zoning today to a capacity of 200 persons or fewer and limited as-of-right to C1-5:9, C2-5:8, C4, C6, C8, and M1-M3 (except M1-5B). Businesses seeking to locate in C1-1:4, C2-1:4, C3, C5, or M1-5B have to apply for a BSA Special Permit to locate (current Use Group 6C).

This proposal would remove restrictions on venues with capacities exceeding 200 (C4-C8 and M1-M3)—removing restrictions on use in a vast number of venues, allowing any method of operation, as-of-right. Proximity and density throughout mixed-used neighborhoods have already created serious problems for both residents and small businesses alike.

Community Board Five strongly opposes this proposed change in text amendment for use.

10. Create more opportunities for amusements to locate

- The proposal would consolidate existing amusements uses into categories based on whether the business operates in a building or outside.

While CB5 may support small facilities such as indoor playgrounds and table tennis facilities, this proposed zoning could see the development of large theme-park-like buildings, and the zoning text should make a clear distinction between small and large venues. Furthermore, the siting of certain amusement activities such as arcades in the vicinity of schools could create a conflict. Community Board Five is opposed to this broad zoning change, and encourages DCP to not permit large venues as-of-right.

11. Enable entrepreneurship with modern rules for home-based businesses

- The proposal would amend regulations for home-based businesses (referred to as Home Occupations in the ZR).
- Current regulations limit the kinds of businesses allowed and limit the physical proportion of the home in which business activities are allowed. At present, occupations, such as law offices and music instruction, while explicitly restricting others, such as barber shops, interior decorators' offices, or

advertising or public relations agencies. Home occupations are limited to 25% of the size of a dwelling unit or 500 square feet, whichever is less.

- This proposal would remove certain limits on uses and size restrictions by eliminating the list of non-permitted uses and allow home businesses to expand in size to 49% of floor area and 3 employees. Per the general provisions noted above in ZR 12-10, home businesses would continue to be subject to rules that ensure they are good neighbors.

Community Board Five has concerns regarding the possible negative impact this change in allowed use—specifically the potential to displace residents and increase housing costs, as well as the relative lack of protection afforded renters in this scenario (versus condo or co-op owners, who enjoy protections via enforcement of nuisance clauses for stiff penalties and swift removal of any violators from the premises). Additionally, certain uses may be in direct conflict with residential use and the permitted size increase may create a conflict with residential use and exacerbate the housing supply constraint.

C. Foster Vibrant Neighborhoods

12. Introduce corridor design rules that ensure buildings contribute to surroundings

13. Reduce conflicts between auto repair shops and pedestrians

14. Encourage safe and sustainable deliveries with micro-distribution

12. Introduce corridor design rules that ensure buildings contribute to surroundings

The proposal would activate the city's commercial corridors by establishing clear and consistent streetscape regulations.

Community Board Five supports this proposal.

13. Reduce conflicts between auto repair shops and pedestrians

This proposal does not impact CB Five.

14. Encourage safe and sustainable deliveries with micro-distribution

To facilitate small-scale distribution centers in commercial areas, the Proposal would include a new use called a "Micro-Distribution Facility". The use would be restricted to 2,500 sf in C1 and C2 districts. In C4-C7, it would be allowed up to 5k sf on the ground floor and up to 10k above. Larger establishments in these districts would require a discretionary action. This new use would replace the small-scale "moving or storage office" that was identified by DOB as the most similar use to the online grocery micro-fulfillment centers recently seen in the city.

Community Board Five fully supports this proposal.

D. Create Opportunities for Future Growth

COYEO proposes to create new discretionary zoning tools to unlock future development, grow jobs and foster inclusive economic growth.

15. Facilitate local commercial space on residential campuses

16. Create a process for allowing corner stores in residential areas

17. Rationalize waiver process for business adaptation and growth

18. Create new kinds of zoning districts for future job hubs

15. Facilitate local commercial space on residential campuses

As CB 5 has no large-scale residential campuses, we have no comment on this proposal.

16. Create a process for allowing corner stores in residential areas

Due to the relatively minimal impact this proposal has on CB 5, we have no comment on this proposal.

17. Rationalize the waiver process for business adaptation and growth

The Proposal would rationalize and supplement existing discretionary zoning tools to address gaps that prevent businesses from a path to expand or adapt. *The Proposal would create a new discretionary zoning tool to allow the City Planning Commission to waive limited bulk rules.*

Community Board Five opposes this proposal unless such projects are required to adhere to the existing ULURP process.

18. Create new kinds of zoning districts for future job hubs

The proposal would create new zoning districts for use in future mapping actions.

This proposal would create a range of new non-residential zoning options—with new districts which will range from 2-15 FAR, address longstanding bulk and physical challenges, and come in several use-mix options:

- **New M3A “Core” districts** at 2 and 3 FAR which will be designed to allow for industrial expansion while preserving core industrial areas by introducing limited additional FAR, addressing bulk challenges, and restricting non-industrial uses;
- **New M2A “Transition” districts**, ranging from 2 to 5 FAR, which will encourage redevelopment while providing higher FAR preference for industrial uses;
- **New M1A “Growth” districts**, ranging from 2 to 15 FAR, which will mimic the use mix of today’s M1 districts while addressing bulk and physical limitations of development; and
- **New C7 districts**, ranging from 2 to 15 FAR, which would permit most Commercial uses, and permit Community Facility uses without sleeping accommodations. This district would repurpose the existing amusement-focused C7, mapped in a few locations.

Community Board Five has serious concerns regarding the potential for a significant increase in bulk and massing, which must be addressed before we can fully endorse this proposal.

THEREFORE, BE IT RESOLVED, that Manhattan Community Board Five recommends denial of the application unless certain specific elements are removed or amended, and

FURTHER, BE IT RESOLVED because the following components of the City of Yes for Economic Opportunity do not impact Community Board Five, we neither oppose nor support their enactment:

- (1) Lift time limits to reactivating vacant storefronts
- (13) Auto Repair
- (15) Facilitate local commercial space on residential campuses
- (16) Create a process for allowing corner stores in residential areas

FURTHER, BE IT RESOLVED, that Manhattan Community Board Five supports the following components of the City of Yes for Economic Opportunity zoning text amendment:

- (2) Simplify rules for business types allowed on commercial streets
- (4) Modernize loading dock rules so buildings can adapt over time
- (6) Simplify and modernize the way businesses are classified in zoning
- (12) Introduce corridor design rules that ensure buildings contribute to surroundings
- (14) Encourage safe and sustainable deliveries with micro-distribution

FURTHER, BE IT RESOLVED, that Manhattan Community Board Five opposes the following components of the City of Yes for Economic Opportunity zoning text amendment as they are stated, or objects to the

following components unless requested modifications are reflected in the final version of the zoning text amendments:

- (3) Expand opportunities for production
- (5) Enable commercial activity on upper floors
- (7) Expand rules to permit indoor agriculture
- (8) Give life sciences companies more certainty to grow
- (9) Support nightlife with new rules for dancing and live entertainment
- (10) Create more opportunities for amusements to locate
- (11) Enable entrepreneurship with modern rules for home-based businesses
- (17) Rationalize waiver process for business adaptation and growth: “unless such projects are required to adhere to The City of New York’s existing ULURP process.”
- (18) Create new kinds of zoning districts for future job hubs: “unless concerns for potential significant increase in bulk and massing are addressed.”

Sincerely,



Vikki Barbero
Chair



Layla Law-Gisiko
Chair, Land Use, Housing and Zoning Committee

Cc: Hon. Mark Levine, Manhattan Borough President
CPC Commissioners

Valerie S. Mason
Chair

Will Brightbill
District Manager



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**The City of New York
Community Board 8 Manhattan**

January 31, 2024

Daniel R. Garodnick, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: City of Yes for Economic Opportunity Text Amendment (N240010ZRY)

Dear Chair Garodnick,

At the Full Board meeting of Community Board 8 Manhattan held on Wednesday, January 24, 2024, the board approved the following resolution by a vote of 38 in favor, 3 opposed, 1 abstention, and 0 not voting for cause:

WHEREAS, Community Board 8 Manhattan (CB8M) has conducted a comprehensive review and engaged in discussions with relevant city agencies regarding the City of Yes for Economic Opportunity (“COYEO”) zoning text amendment and engaged a land use and zoning expert to assist us in our review of COYEO;

WHEREAS, COYEO comprises 18 proposals of varying objectives, impact levels, and clarity, necessitating careful consideration and potential modifications;

WHEREAS, Community Board 8 Manhattan believes that in light of the sheer volume of COYEO changes and their complexity, the review period for COYEO should have been longer;

WHEREAS, COYEO proposes a myriad of changes to special zoning districts, in general but is not structured to accept comments to address the uniqueness of certain special districts which deeply concerns Community Board 8; we wish to make sure that these proposals do not have the effect of changing the unique character of our special districts, particularly the Special Madison Avenue Preservation District, and we request that the Department of City Planning engage in additional discussions with Community Board 8, our neighborhood groups, and our district’s City Councilmembers to address our concerns and related possible modifications to the COYEO proposals;

WHEREAS, with respect to COYEO proposal number 8 regarding Life Sciences, Community Board 8 Manhattan would request that if it is enacted despite our “no” that the text amendment specifically acknowledge and respect the existing restrictive declaration with respect to the New York Blood Center re-zoning;

WHEREAS, with respect to COYEO proposal number 16, while Community Board 8 Manhattan does not believe this proposal is right for our district, and disapprove its application in Community District 8, we recognize that it might be more appropriate for other parts of the city. DCP has explained that it was developed with other areas in mind, and do not object to it being proposed or implemented specifically for those areas rather than city-wide;

THEREFORE, BE IT RESOLVED that Community Board 8 Manhattan expresses its **unqualified favorable “yes” opinion** for the following proposals of COYEO zoning text amendment:

- (2) **Simplify District Types**
- (6) **Use Terms**; additionally, we recommend that the term “Uses” be amended to specifically add shelters and safe havens and identified to the appropriate use group.
- (13) **Auto repair**
- (18) **New Loft-style district**;

BE IT FURTHER RESOLVED that Community Board 8 Manhattan expresses its **conditional favorable “yes” opinion** of the following proposals of COYEO zoning text amendment, contingent on the incorporation of the following modifications:

- (3) **Small-scale Production**: Conditional upon such use to the extent sited on the ground floor store front of a commercial district, it must also contain a retail component;
- (7) **Urban Agriculture**: Conditional upon (a) establishing (i) regulations to ensure minimum negative environmental impacts, including odors, rodents, and other negative impacts such as guardrails for water use and (ii) creation and maintenance of a specific and adequate enforcement team and meaningful enforcement of such regulations, and (b) such use only being permitted in commercial or manufacturing zones, and not in residential zones or mixed buildings in any zone.
- (9) **Nightlife**: Conditional upon (a) exclusion of special districts (including the Special Madison Avenue Preservation District) from the changes and (b) establishing adequate regulations to ensure mitigation of environmental impacts for surrounding neighbors, including, hours of operation, noise levels, and traffic (both vehicular and pedestrian), with an adequately staffed enforcement team and meaningful fines and penalties for non-compliance;
- (10) **Amusement**: Conditional upon the removal of the BSA special permit (ZR 73-181) and the CPC special permit (ZR 74-181) that would permit waivers of the proposed underlying size and supplementary use regulations with respect to indoor amusements; and “no” to outdoor amusements being permitted to be sited anywhere other than where they are in accordance with the current zoning resolution;
- (14) **Micro-distribution**: Conditional upon (a) such locations only being sited on avenues other than Fifth, Madison, and Park Avenues and not side streets, (b) not being permitted in special districts, and (c) the establishment of regulations to address sidewalk capacity (prohibitions on pallets and vehicles on the sidewalk) and vehicular traffic directly in front of the micro-distribution location, noise levels during quiet hours, the appearance of the storefront and other logistical impacts within residential neighborhoods, together with the establishment of an adequately staffed enforcement team and meaningful fines and penalties;

BE IT FURTHER RESOLVED that Community Board 8 Manhattan expresses its **“no” unfavorable opinion** of the following proposals of COYEO zoning text amendment as follows:

- (1) **Reactivate Storefronts** (in addition, we would like the City to conduct a survey in the districts where there is currently no time limit on reactivation as to the effects, if any, on vacancies)
- (4) **Loading Docks**
- (5) **Upper Floor Commercial**
- (8) **Life Sciences**

- (11) **Home Occupations**
- (12) **Streetscape**; Community Board 8 Manhattan further requests that if this proposal is implemented, that it exclude special districts (including the Special Madison Avenue Preservation District) from the changes and (b) permit street abutting ground floor apartments, provided that there is appropriate provision for windows and ambient lighting of the streetscape (of the same type that is required by commercial businesses);
- (15) **Campus Commercial**
- (16) **Corner Stores**
- (17) **Better Waiver Process**

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

cc: Honorable Kathy Hochul, Governor of New York
Honorable Eric Adams, Mayor of the City of New York
Honorable Mark Levine, Manhattan Borough President
Honorable Jerry Nadler, 12th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable José M. Serrano, NYS Senator, 29th Senatorial District
Honorable Edward Gibbs, NYS Assembly Member 68th Assembly District
Honorable Alex Bores, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Keith Powers, NYC Council Member, 4th Council District
Honorable Julie Menin, NYC Council Member, 5th Council District
Honorable Diana Ayala, NYC Council Member, 8th Council District



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 38	# Against: 3	# Abstaining: 1	Total members appointed to the board: 42
Date of Vote: 1/24/2024 12:00 AM		Vote Location: MSK	

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

Date of Public Hearing: 1/24/2024 6:30 PM	
Was a quorum present? 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>
Public Hearing Location:	Memorial Sloan Kettering's Rockefeller Research Laboratories 430 East 67th Street and Zoom https://www.cb8m.com/event/28907/

CONSIDERATION: See attached resolution.		
Recommendation submitted by	MN CB8	Date: 2/12/2024 1:07 PM

LAND USE COMMITTEE RESOLUTION

Richard Asche, Co-Chairpersons

December 26, 2023 at 6:30pm via HYBRID

Re: City of Yes for Economic Opportunity.

Mayor Adams and the City Planning Commission have proposed numerous amendments to the NYC Zoning Resolution (“ZR”), intended to encourage a cleaner environment, boost economic opportunity and increase housing availability.

By resolution dated Ju 6 2023, CB7 approved the proposed amendments addressed to environmental protection. Currently under consideration is the second group of proposed amendments relating to economic opportunity (A third group relating to housing will be submitted in early 2024).

The proposed amendments are as follows:

1. Non-conforming uses: The proposed amendment would remove a two-year vacancy limitation on grandfathering of non-conforming uses in historical districts.
2. Elimination of restrictions on ground floor use of commercial space: The proposed amendment would eliminate restrictions on certain proposed commercial uses, such as dance studios, clothing rental and instructional activity.
3. Small scale clean production, i.e., manufacturing of items such as apparel, ceramics, brewed beverages, baked goods and jewelry. The proposed amendment would allow such uses to a maximum of 5,000 square feet in C1 and C2 districts and 10,000 square feet in C4-7 districts.
4. Loading dock rules: The proposed amendment would remove the ZR requirement that new tenants in existing buildings provide additional loading dock space depending upon their proposed usage.
5. Commercial activity on upper floors: The proposed amendment would allow second floor commercial use in all commercial districts and allow commercial use in C4-6 districts on floors above the second floor. Any commercial use above the second floor would require a 15-foot separation from residential space.
6. Simplification of classifications by reorganizing use groups based on a single sector or business types, and eliminating numerous obsolete uses.
7. Indoor urban agriculture: The proposed amendment would permit indoor commercial gardens in C districts and clarify the use of outdoor space by florists.
8. Life sciences: The proposed amendment would clarify the definition of a laboratory to allow life science businesses in C districts if they meet environmental standards. The proposal would also allow life sciences on community facility campuses by City Planning Commission special permit.
9. Nightlife: At present, dancing is not permitted in any commercial district. The proposed amendment would allow dancing in bars and restaurants, and restrict occupancy to 200 people in C1-3 districts; there would be no zoning occupancy limit for establishments in C4-8 districts and manufacturing districts. Businesses would still be subject to the Department of Buildings, Fire Department Marshal and State Liquor Authority permits and requirements.
10. Amusements: The proposed amendment would allow up to 10,000 square feet of amusement use (i.e., arcades, min golf, trampolines, etc.) in C1-2 districts and unlimited use in C4-7 districts. A special permit would be required for outdoor amusement activity.
11. Home-based businesses: The proposed amendment would expand permitted commercial use in residences from 25% to 49% of a unit’s square footage and would permit up to three employees of the business to work in the proprietor’s home.
12. Design rules to ensure that businesses contribute to their surroundings: The proposed amendment would provide for design requirements which would be stricter in for storefronts facing streets with high pedestrian activity. Such requirements would include, for example, minimum transparency.
13. “Light” auto repair shops: The proposed amendment would permit light vehicle repair in all commercial districts and heavy vehicle repair in C8 and M districts. Placement of light vehicle repair shops would be subject to a BSA permit in all C districts.
14. Micro-distribution: The proposed amendment would permit small scale distribution centers, limited to 2,500 square feet in C1 and 2 districts and 5,000 square feet in C4-7 districts.

15. Commercial use on residential campuses: The proposed amendment would permit commercial use of up to 15,000 square feet in large residential campuses, such as housing authority projects and large-scale residential projects such as Lincoln Towers and Park West Village.
16. Corner stores: The proposed amendment would allow commercial use of up to 2,500 square feet on street corners in residential districts, subject to environmental and community board review.
17. Rationalization of rules for BSA special permits to allow exceptions to the ZR including FAR limitations where required by the nature of the proposed business.
18. Zoning for future job hubs: The proposed amendment would create zoning districts for permitting labor intensive uses to increase job opportunities.

Community Board 7/ Manhattan finds that with the following exceptions, the proposed amendments will have the desired effect of increasing economic opportunity throughout the city. The exceptions are as follows:

Proposal 3 would permit small-scale manufacturing in commercial districts. CB7/M would approve this proposal if, but only if, the production activity is required to be ancillary to retail use, i.e., the sale of products manufactured on-site. Community Board 7 believes that ground floor commercial uses should encourage foot traffic and serve the need of local residents. A manufacturing facility without retail space would not necessarily local shoppers.

Proposal 5 would permit commercial activity on upper floors. CB7/M opposes this proposed amendment. Expansion of commercial activity in residential buildings will result in the reduction of available housing units. Further, the use of residential buildings for commercial purposes is likely to have a negative effect on the residents' quiet enjoyment of their homes. Expanding commercial activity on upper floors in residences is likely to result in an increase of foot traffic and elevator use.

Regulations governing noise and odor are cumbersome and difficult to enforce. Indeed, most co-op and condo buildings have rules limiting commercial use, but these rules have proven unenforceable:

Proposal 11 expands the use of home-based businesses in residential buildings. CB7 opposes this proposed amendment to the extent that it permits three employees to work in a tenant's home.

Proposal 18 seeks to create zoning districts for permitting labor intensive uses for the purpose of creating job opportunity. CB7/M opposes this proposed amendment because it is overbroad and imprecise.

THEREFORE, BE IT RESOLVED THAT Community Board 7 / Manhattan:

- **approves** the proposed economic development amendments with the exception of Amendments 3, 5, 11 and 18; and
- **opposes** those proposed amendments for the reasons set forth above.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 35	# Against: 2	# Abstaining: 0	Total members appointed to the board: 37
Date of Vote: 1/2/2024 12:00 AM		Vote Location: St Paul St Andrew's Church	

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

Date of Public Hearing: 1/3/2024 6:30 PM	
Was a quorum present? No	<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>
Public Hearing Location:	St Paul and St Andrew's Church

CONSIDERATION:		
Recommendation submitted by	MN CB7	Date: 1/18/2024 11:55 AM

SANDY MCKEE
CHAIR

JOHN KELLER, FIRST VICE CHAIR
MARK THOMPSON, SECOND VICE CHAIR



JESÚS PÉREZ
DISTRICT MANAGER

GABRIEL TURZO, TREASURER
BEATRICE DISMAN, ASST. TREASURER
LIVIA SHREDNICK, SECRETARY
RUPAL KAKKAD, ASST. SECRETARY

THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD SIX
211 EAST 43RD STREET, SUITE 1404
NEW YORK, NY 10017

VIA E-MAIL

January 16, 2024

Dan Garodnick
Director
Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Regarding the proposed City of Yes for Economic Opportunity Zoning Text Amendment

At the January 10, 2024 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

WHEREAS, Manhattan Community Board Six has conducted a comprehensive review and engaged in discussions with relevant city agencies regarding the City of Yes for Economic Opportunity zoning text amendment;

WHEREAS, the Board expressed its support for the principles of the City of Yes Zoning for Carbon Neutrality in a resolution on November 8th, 2023, and eagerly anticipated collaborating with the Department of City Planning on additional components of the City of Yes initiative;

WHEREAS, the Board noted that certain inquiries about different components of the proposal remain unanswered or unresolved, causing hesitation in providing full endorsement at this time;

WHEREAS, the City of Yes for Economic Opportunity comprises 18 components of varying objectives, impact levels, and clarity, necessitating careful consideration and potential modifications;

THEREFORE, BE IT RESOLVED that Manhattan Community Board Six expresses its **favorable** opinion for the following components of the City of Yes for Economic Opportunity zoning text amendment:

- (1) Reactivate Storefronts
- (2) Simplify District Types
- (3) Small-scale Production
- (4) Loading Docks
- (6) Use Terms
- (9) Nightlife

- (10) Amusement
- (12) Streetscape
- (13) Auto repair
- (16) Corner Stores
- (17) Better Waiver Process
- (18) New Loft-style district;

BE IT FURTHER RESOLVED that Manhattan Community Board Six expresses its **conditional favorable** opinion of the following components, contingent on the incorporation of the following modifications:

- (7) Urban Agriculture: Conditional upon establishing guardrails for environmental impacts, including odors, rodents, and other negative impacts on the surroundings
- (11) Home Occupations: Conditional upon keeping the 500 SF limit;

BE IT FURTHER RESOLVED that the Board expresses its **conditional unfavorable** opinion of the following components unless requested modifications are reflected in the final version of the zoning text amendment as follows:

- (5) Upper Floor Commercial: Conditional upon limiting to C4-C6 and areas of higher density, and not in C1-C2 and areas of lower density
- (8) Life Sciences: Conditional upon the addition of measures to ensure the safety and security of the neighboring areas by detailing the type of lab activities and levels of risk in case of accidents
- (14) Micro-distribution: Conditional upon the addition of measures to limit the negative impact on competition to small businesses, sidewalk capacity, noise levels during quiet hours, and other logistical impacts within residential neighborhoods
- (15) Campus Commercial: Conditional upon the addition of a requirement to obtain community approval.

VOTE: 41 In Favor 0 Opposed 0 Abstention 0 Not Entitled

Best regards,

A handwritten signature in blue ink, appearing to read 'Jesús Pérez', with a stylized, flowing script.

Jesús Pérez
District Manager

Cc: Hon. Mark Levine, Manhattan Borough President
Carlina Rivera, Council Member
Keith Powers, Council Member
Julie Menin, Council Member
Majed Abdulsamad, Chair, CB6 Land Use & Waterfront Committee

For Economic Opportunity

Optional Worksheet: Proposal Feedback

Instructions: If you choose to complete this optional worksheet, please review each part of the proposal. Check the box to express whether you support or do not support that specific component. You can leave comments in the requested modification section.

	Support	Do Not Support	Requested Modification
#1: Reactivate Storefronts			
#2: Simplify district types			
#3: Small-scale production			
#4: Loading docks			

	Support	Do Not Support	Requested Modification
#5: Upper floor commercial			Conditional upon limiting to C4-C6 and areas of higher density, and not in C1-C2 and areas of lower density
#6: Use terms			
#7: Urban agriculture			Conditional upon establishing guardrails for environmental impacts, including odors, rodents, and other negative impacts on the surroundings
#8: Life sciences			Conditional upon the addition of measures to ensure the safety and security of the neighboring areas by detailing the type of lab activities and levels of risk in case of accidents
#9: Nightlife			
#10: Amusement			
#11: Home occupations			

	Support	Do Not Support	Requested Modification
#12: Streetscape			
#13: Auto repair			
#14: Micro-distribution			Conditional upon the addition of measures to limit the negative impact on competition to small businesses, sidewalk capacity, noise levels during quiet hours, and other logistical impacts within residential neighborhoods
#15: Campus commercial			Conditional upon the addition of a requirement to obtain community approval
#16: Corner stores			
#17: Better waiver process			
#18: New loft-style district			

How to Submit:

If you choose to submit the optional worksheet, please upload it as a pdf to the [land use portal](#) as an attachment with your board's final resolution for Economic Opportunity. For any questions, please reach out to us at

EconomicOpportunity@planning.nyc.gov



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Favorable			
# In Favor: 41	# Against: 0	# Abstaining: 0	Total members appointed to the board: 41
Date of Vote: 1/10/2024 12:00 AM		Vote Location: 25 Waterside Plaza	

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

Date of Public Hearing: 11/27/2023 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	211 East 43rd Street, Suite 1404 and on Zoom

CONSIDERATION: See attached resolution.		
Recommendation submitted by	MN CB6	Date: 2/8/2024 4:03 PM

support low income home owners

Hannah west

homeowner - against

doesn't want to lose space, sunlight, solar panel on roof and increase of density next to her

puts a middle class home owner at a loss

Affordable housing is a red herring for developers to get wealthier

Neil Miller

mid town - open new york member

concerns of friends and family moving outside city

supports all changes because will create new housing opportunities throughout city

transit oriented development is especially good - more homes near transit will allow folks to live without cars and combat pollution

Elizabeth dennies

flatbush brooklyn - open new york board member

concerns of friends and family moving outside city

same as above

Alissa White

UWS resident - open new york member

in support of City of Yes to create affordable housing

Benjamin Wexler

in Support of City of Yes and Housing Opportunity

UAP - make sure it applies in every high-density district

David Gordon

LES resident - open new york member

pays more than half of income in rent

in support of City of Yes

parking minimums is great

Julia Bryant

Prospect Hights BK

concerns that plan is too fast and too big to comprehend
no increase of sewage treatment plans - basement apartments
death by floods and fires
say No to the City of Yes

Maria Betchy

homeowner in Broadway Flushing in Queens
for single family homeowber doesn't make sense
says they are eliminating single family home neighborhoods

Janine Nichols

resident of NYC - 70yo - renter- used to be an owner
Affordable Housing is never defined - an excuse to give developers tax breaks - all has resulted in luxury housing
Elimination of parking is burden to residents - it's not the parking that has been stoping the developments

Maxine Barnes

Prospect Gardens
20% additional to developers without oversight is unacceptable.
Have not seen any affordable developments in her area as a result of changes
AMI is no where near her community income
Seeing push out of black and brown residents
Need specific neighborhood needs

Teresa Westerdal

Central Brooklyn - member of CB9 Brooklyn
dismissive nature toward her and neighbors
development is booming and no oversight by DOB on developers - enforcement is futile
without more oversight of developers this will be a disaster
black and brown folks are leaving in droves - cannot afford

Open New York is a lie - Vote No on the City of Yes

Suen Chong

resident of Brooklyn CB9 - homeowner - renter previously
charts for UAP are more than 20%

Dillon Kennedy

[illegible]

[illegible]

[illegible]

DCP: Proposal is to aid neighborhoods that have disproportionate development by spreading it out

6. Will UAP policies apply to office conversions?

DCP: Other parts of CoY concern office conversions. Changes would allow buildings built up ~1990:

DCP: City is currently pushing for a state-wide law that would make office conversions more affordable

DCP: Also making conversions eligible to supportive housing, which wasn't possible before

Q: AMI should depend on neighborhood.

Q: Coalition for 100% affordability at 500 World Trade... wants more affordable units

DCP: Plug for income averaging

DCP: 100% affordable at 5 World Trade would essentially take up all of city's affordable housing supply

7. Why height changes?

DCP: To ensure that additional affordable units can be produced in a variety of lots, including mid-

8. What was the effect of parking mandates in other cities that have enacted them?

DCP: Close coordination with other cities. Some provided parking (often as much as previously provided)

DCP: Some places in NYC already have no parking mandates.

9. Is there an AMI percentage that DCP is aiming for?

DCP: Repeat: better than 80%

10. Will there be a tax abatement (like 421a) to subsidize affordable housing, and how will it interact?

DCP: Needs tax benefit to support affordable housing that is not funded by HPD.

DCP: City government currently lobbying for a new tax abatement to increase the number of affordable units

DCP: Without renewal, unlikely that private developers will build units at these AMIs.

11. How does NYC plan to build more housing while infrastructure is out of date?

DCP: Focus on a little bit of housing in every neighborhood.

DCP: Environmental review ongoing, will assess impacts on different geographies

12. How do you get net increase in units when building on sites with needed remediation if parking is limited?

DCP: Less likely to apply to existing buildings with parking spots, but does have discretionary approval

Q: Does income averaging work mathematically? Average or mean ☺?

DCP: Already exists in MIH.... Actually means choosing one of three fixed income bands rather than averaging

13. How will environmental review be conducted in an efficient manner, without housing being delayed?

DCP: Environmental review ongoing across neighborhoods

DCP: Will be reviewed similar to ULURP process, all steps of which have a clock to ensure timely review

DCP: >100 meetings to ensure stakeholders are prepared for public review

14. Are there tax incentives for 100% city-owned properties?

DCP: Clarification: this isn't a development plan, so example was theoretical; zoning text amendments

DCP: Intention is to make HPD build more total housing on these sites

15. (Representative of MCB5) Zero affordable units built in CB5 due to high land costs and high density

Q: Looking into social housing?

DCP: City looking to raise the FAR cap, so that there could be MIH units in CB5

DCP: Text amendment process can't plan actually plan social housing programs, but more generou

16. Many people need cars.... should be preparing for electric car infrastructure. Lack of parking w

Q: Why is it expensive to build parking?

DCP: Carbon neutrality text amendment just expanded greatly potential to build EV infrastructure

DCP: Goal is to rebalance relationship between parking and housing, since parking mandates preve

DCP: Underground parking is very expensive; real-world examples of over-mandated parking, with

17. Issues with AMI calculation, meaning different things in different areas and pre-tax

DCP: Calculated city-wide by federal HUD

DCP: Goal is to reach as low AMI as possible and then use income-averaging beyond that

18. What about landlords warehousing apartments (questioning need for more housing) and refus

Q: Manhattan is sinking... how will that affect weight of island?

DCP: There are not abnormal number of vacancies in rent-stabilized housing or otherwise

DCP: New units through MIH are likely to go to voucher holders.... units from UAP are likely to go t

DCP: Don't expect to see issues with sinking, but is covered by environmental review

19. Will income-averaging be required?

DCP: Not determined quite yet, will note

20. Can 100% affordable projects take advantage of UAP?

DCP: Yes, still working out details

21. Dissatisfied with past developer outreach on parking mandates. How will this be required?

22. Will construction in Flatbush that has already taken place count towards construction requiren

DCP: There are no construction requirements

DCP: Flatbush is an example of an over-burdened neighborhood; goal is to spread out developmer

23. Impacts on Landmarks review?

DCP: No impacts on LPC procedures

DCP: Provisions to allow owners of currently-unusable air rights on landmarked sites to sell them a

DCP: Many landmarks are struggling and can pay heightened maintenance costs with sold air right

24. How will CoY affect projects currently in the pipeline?

DCP: Likely to not be passed until later this year, so limited impacts as of now

[LOGGING OFF AT 8:30]

[Q&A SESSION ONGOING]

How will UAP help those coming out of homelessness?

increasing FAR across board for supportive housing

not all homeless need supportive and there is currently a set aside for homeless for affordable hou

Table 1 Existing and Proposed Maximum FAR

	Current		Proposed
	Basic FAR	AIRS FAR	UAP FAR
R6B	2.00	2.20	2.40
R6 narrow	2.20	3.90	3.90
R6 wide outside of MN Core	3.00	3.90	3.90
R6A	3.00	3.90	3.90
R7 narrow or in MN Core	3.44	5.00	5.00
R7 wide outside MN Core	4.00	5.00	5.00
R7A	4.00	5.00	5.00
R7B	3.00	3.90	3.90
R7D	4.20	5.60	5.60
R7X	5.00	6.00	6.00
R8B	4.00	4.00	4.80
R8 wide outside MN Core	7.20	7.20	8.70
R8 narrow or in MN Core	6.00	7.20	7.20
R8A	6.00	7.20	7.20
R8X	6.00	7.20	7.20
R9	7.50	7.50	9.00
R9A	7.50	7.50	9.00
R9X	9.00	9.70	10.80
R9D	9.00	10.00	10.80
R10	10.00	12.00	12.00
R10A	10.00	12.00	12.00
R10X	10.00	12.00	12.00

oval process (including public meetings and environmental review and likely CPC approval) for repu

s zoning is important to support HPD making social housing on, say, community land trusts

[Draft Scope Of Work 09262023 rev 09292023.pdf](#)

Change from AIRS FAR	Affordable increment
+0.20	0.40
0.00	1.70
0.00	0.90
0.00	0.90
0.00	1.56
0.00	1.00
0.00	1.00
0.00	0.90
0.00	1.40
0.00	1.00
+0.80	0.80
+1.50	1.50
0.00	1.20
0.00	1.20
0.00	1.20
+1.50	1.50
+1.50	1.50
+1.10	1.80
+0.80	1.80
0.00	2.00
0.00	2.00
0.00	2.00



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 28	# Against: 2	# Abstaining: 2	Total members appointed to the board: 32
Date of Vote: 1/18/2024 12:00 AM		Vote Location: 605 West 125th Street, NYC 10027	

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

Date of Public Hearing: 1/18/2024 6:30 PM	
Was a quorum present? 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>
Public Hearing Location:	Forum @Columbia University

CONSIDERATION: Please see the attachments for full explanation.		
Recommendation submitted by	MN CB9	Date: 2/5/2024 6:16 PM



January 31st, 2024

Hon. Dan Garodnick
Chair/Director
Dept. of City Planning
120 Broadway, 31st Fl.
New York, NY 10271

Dear Chair/Director Garodnick,

Reso RE: ‘City of Yes’ Zoning for Economic Opportunity Text Amendments

At its regularly scheduled General Board Meeting held in hybrid, on Thursday, January 18th, 2024. Manhattan Community Board No. 9 passed the following Reso RE: ‘City of Yes’ Zoning for Economic Opportunity Text Amendments by a vote of 28 in favor, 2 opposed, and 2 abstentions with 32 members present.

WHEREAS Manhattan Community Board 9 (MCB9) consists of primarily residential districts with and without C1 & C2 overlays (“commercial overlays on residential districts”); and

WHEREAS MCB9 has minimal C4, C6 and M districts and no C5 districts; and

WHEREAS MCB9 is already one of the most densely-developed Community Districts in the City; and

WHEREAS MCB9 already has a shortage of residential real estate and affordable housing and has long believed that there is a severe lack of affordable housing in the City; and

WHEREAS MCB9 believes that the creation of upper floor retail, expanded storefronts and corner bodegas will create an increased strain on existing real estate in the form of greater demand for limited square footage, raising rents; and

WHEREAS while MCB9 supports a vibrant nightlife and entertainment employment, it remains concerned about the potential for the negative side-effects of nightlife in the form of noise pollution and the potential for violence and narcotics activity causing negative impacts on residential units that may be located above such establishments in Commercial districts that are overlaid on Residential districts; and

WHEREAS MCB9 similarly believes that given the associated strain from new development, increases in Floor Area Ratio (FAR) above those normally permitted should be granted sparingly and only in proportion to the public good that additional FAR subsidizes; and

WHEREAS, MCB9 recognizes that noise pollution is a significant issue in the district, consistently ranking as one of the top complaints reported to 311 by residents; and

WHEREAS, excessive noise pollution has been scientifically linked to various negative health outcomes including stress, sleep disturbance, and cardiovascular issues, thereby impacting the overall quality of life and well-being of residents; and

WHEREAS, the proliferation of commercial establishments, especially those involved in small-scale productions, nightlife, and other potentially noisy activities, poses a risk of increasing noise pollution levels in residential areas; and

WHEREAS, many residential buildings within MCB9 share walls with commercial establishments, making these residences particularly vulnerable to noise intrusion and its adverse effects; and

WHEREAS the Department of City Planning (DCP) has proposed a Citywide Text Amendment, (the “Proposed Action”) to the New York City Zoning Resolution (ZR) to support economic growth and resiliency in New York City. The Proposed Action, known as City of Yes for Economic Opportunity (COYEO), is a comprehensive overhaul of zoning regulations that would: (1) make it easier for businesses to find space and grow by lifting barriers to enable businesses to locate closer to their customers; (2) support growing industries by reducing impediments for emerging business types; (3) foster vibrant neighborhoods by ensuring businesses contribute to active, safe, and walkable corridors; and (4) create new opportunities for local businesses to open by establishing new zoning tools to boost job growth and business expansion. COYEO would support economic growth and resiliency by allowing existing non-residential space to be repurposed for alternative non-residential uses and by providing businesses with additional flexibility to grow and thrive in New York City (NYC); and

WHEREAS ZEO’s stated purposes would primarily be to update use definitions and use allowances within existing Commercial and Manufacturing zoning districts. These changes would clarify what commercial and industrial uses are allowed and define the circumstances under which they are allowed by amending zoning use definitions. The proposed zoning text amendment would also add or modify discretionary actions that could be pursued in the future, including Special Permits of the Board of Standards and Appeals (BSA) and Authorizations and Special Permits of the City Planning Commission (CPC). Lastly, the proposed zoning text would add new Commercial and Manufacturing zoning districts to the Zoning Resolution that could be applied to specific geographies in the future via a separate rezoning action. No new districts would be mapped by the proposed zoning text amendment. Any proposal that seeks discretionary actions created by this proposed zoning text amendment would require environmental review at the time of application. The proposed zoning text amendment would apply to all 59 of the City’s Community Districts; and

WHEREAS while MCB9 supports clarifying language for florists and similar uses, MCB9 believes that indoor agriculture should not be permitted in Commercial districts and should instead be appropriately located in the already-available Manufacturing districts, outdoors, in greenhouses, or in special districts where such is already permitted; and

WHEREAS MCB9 remains unconvinced that “microdistribution centers” are a good use of commercial retail space, given that trucks will still need to unload packages at such sites, that so-called “dark stores” are already a problem in MCB9, and that smaller vehicles for delivery like electric bikes already are adding to pedestrian danger on our sidewalks; and

WHEREAS MCB9 believes that existing “microdistribution” solutions, such as the ability of residents to pick up packages at retail establishments that also serve helpful neighborhood retail purposes like Duane Reade or Whole Foods, are sufficient to meet this need and do not need the competition for commercial space from single-purpose mini-warehouses; and

WHEREAS MCB9 has concerns that certain portions of proposal 12’s corridor design rules may mandate uniform fonts that reduce the visual diversity of store signage and may not adequately accommodate languages with non-Roman characters like Arabic, Korean, Chinese, etc.; and

NOTING WITH CONCERN our fear that these proposals will put additional strain on other agencies with already tight budgets and limited staff to regulate these new as-of-right opportunities has the potential to cause significant negative impacts on the quality of life in the district; and

NOTING WITH CONCERN that many of the agencies responsible for enforcing provisions around environmental and other issues like noise, fumes, and sales of narcotics are already unable to adequately enforce existing regulations, as evidenced by the noise issues in MCD9 and the proliferation of illegal cannabis retail stores across the city; and

NOTING WITH CONCERN that, while MCB9 understands DCP’s desire to align zoning text use groups with the standard NAICs codes, Use Group 6 includes both neighborhood-serving retail that is appropriate for commercial overlays in residential areas (eg. grocery and convenience retailers, picture framing shops, record stores, specialty food retailers, book retailers, florists, etc.) and uses that may be noxious or hazardous to residents living above the use group (eg. crematoria, electric vehicle and battery swapping, boat fuel distributors, automotive rental and leasing, car washes, etc.), which could better serve the public by being grouped into subcategories (eg. “Use Group 6A (Neighborhood Retail)” and “Use Group 6B (Commercial Retail)”); and

OBJECTING IN FULL to the threat these proposals may bring to residential units lost due to expanding businesses that are given preference by landlords;

THEREFORE, BE IT RESOLVED that Manhattan Community Board 9 states its approval with no conditions to the following proposals in the text amendment of Zoning for Economic Opportunity:

- (4) Loading Docks
- (10) Amusement
- (15) Campus Commercial; and

THEREFORE, BE IT FURTHER RESOLVED that Manhattan Community Board 9 states its approval with conditions to the following proposals in the text amendment of Zoning for Economic Opportunity:

- (1) Reactivate Storefronts
 - Conditional on the requirement the proposal be amended to require LPC approval in Historic Districts.
- (2) Simplify District Types
 - Conditional on the requirement that transient accommodations and entertainment uses not be permitted in C1 & C2 overlays in a residential district.
- (3) Small-scale productions
 - Conditional on the requirement that the language establish guardrails for environmental impacts including noise, vibration, mold, vermin, drainage issues and other negative impacts on the surroundings in C1 & C2 overlays in a residential district.
- (6) Use Terms
 - Re-evaluate size and scope of Use Group 6 to include sub-categories (eg. “Use Group 6A (Neighborhood Retail)” and “Use Group 6B (Commercial Retail)”) to better distinguish between uses in the new Use Group 6 that serve primarily residential neighborhoods and do not create meaningfully increased risk of noise, pollution, or other hazards or noxious effects for residential neighbors, including and especially residences located in the same structure as the commercial use group.
- (7) Urban Agriculture
 - Agriculture should not be permitted in C districts, and MCB9 supports this proposal only on the condition that it be amended to only include the language clarifying florist type and food based businesses.
- (9) Nightlife
 - Conditional on the establishment of an uncapped permitting system (with no quota or limits) for live entertainment similar to outdoor dining, through which agencies that enforce issues relating to noise complaints and the use of violence or narcotics can suspend or revoke licenses and establish stipulations on the behavior of establishments with such licenses.

(11) Home Occupation

- Conditional on the requirement that residences used must be a primary residence & that the business space be limited to 500 sqft maximum of existing residential footage regardless of size of the residential unit, and that the amendment must not allow multiple residential units in a single building to be used by the same home-based business.

(12) Streetscape

- Conditional on the requirements describing opacity of windows and doors and additional flexibility be added around requirements on fonts for store signage and characters and letters in non-Roman writing systems.

(13) Auto Repair

- Conditional on language being amended to specify that such uses are not permitted in C1 & C2 overlays in a residential district.

(18) New loft-style district

- Conditional on the requirement that these new provisions not to apply in M districts in Manhattanville without additional ULURP actions; and

THEREFORE, BE IT FURTHER RESOLVED that Manhattan Community Board 9 states its opposition to the following proposals in the text amendment of Zoning for Economic Opportunity:

(5) Upper Floor Commercial

- MCB9 raises concerns of lost residential units due to preference of commercial space by landlords. This proposal contradicts the City's goal of creating housing. Without access to studies of potential displacement MCB9 cannot support this goal. MCB9 also expects that this proposal would increase quality of life and health complaints which are already not adequately addressed.

(8) Life Sciences

- MCB9 is concerned with hazardous materials and outbreaks endangering local residents, especially in high density areas. The board suggests a restriction to only on-site campus labs, not in surrounding buildings and not areas in C1 & C2 districts. There are also concerns, again, regarding increased quality of life and health complaints being addressed adequately within current budget allocations. Additionally, MCB9 has ample existing vacant manufacturing space for life sciences purposes, including laboratories. These existing spaces do not need other commercial spaces competing with them for laboratory businesses or organizations.

(14) Micro-distribution

- MCB9 expresses great concerns that these locations will not alleviate increased vehicle traffic in the district and may increase danger to pedestrians if e-bike use increases. If approved, CB9 requests mandatory studies for the specific site by DOT with consultation with NYPD for traffic enforcement considerations.

(16) Corner Stores

- MCB9 is concerned that the wide breadth of uses in the new Use Group 6 would allow uses in residential districts that not applicable to intention of this proposal. We suggest that this proposal, if passed, only apply to residential districts that are a set distance away from the nearest Commercial district or commercial overlay on a residential district.

(17) Better waiver process

- The Board of Standards and Appeals (BSA) and the City Planning Commission (CPC) already have powerful waiver powers under the zoning text. The proposed amendments would enhance these powers and essentially give the CPC unlimited power to change certain rules. Any changes to the waivers processes should be much more narrowly-scoped to address a specific set of well-defined problems.

THEREFORE, BE IT FURTHER RESOLVED, that MCB9 calls for stringent noise mitigation measures to be implemented in any new or existing commercial developments, particularly those in close proximity to residential areas, to safeguard residents from the harmful impacts of noise pollution; and

BE IT FURTHER RESOLVED, that MCB9 advocates for the enforcement of strict soundproofing standards in both new and existing commercial establishments that share walls with residential buildings, ensuring that noise levels remain within the permissible limits set by city ordinances; and

BE IT FURTHER RESOLVED, that MCB9 recommends the establishment of a mandatory assessment of potential noise impacts for any new commercial project or significant modifications to existing businesses, with a focus on evaluating and addressing the concerns of adjacent residential properties; and

BE IT FURTHER RESOLVED, that MCB9 encourages ongoing community engagement and dialogue between residents, business owners, and city agencies to proactively address noise complaints and develop collaborative solutions that respect the needs of all parties; and

BE IT FURTHER RESOLVED, that Manhattan Community Board 9 is committed to working with city officials, local businesses, and community members to create a harmonious living environment where economic development does not come at the cost of residents' health and quality of life; and

BE IT FURTHER RESOLVED that Manhattan Community Board 9 hereby stipulates that an emphasis shall be placed on the augmentation of building and code enforcement to ensure responsible development and strict compliance with all land use, zoning, and performance regulations; and

BE IT FINALLY RESOLVED that the Manhattan Community Board 9 directs the City to undertake necessary actions to implement the objectives and strategies outlined in the "City of Yes for Economic Opportunity" initiative, contingent upon the aforementioned exceptions and modifications, and to collaborate with local community boards, businesses, community organizations, and other relevant stakeholders.

If you have any questions and/or further information is needed, please do not hesitate contacting me or District Manager, Eutha Prince, at the board office (212) 864-6200. Sincerely,

Victor Edwards
Chair



cc: Hon. Eric Adams, Mayor

Hon. Brad Lander, New York City Comptroller
Hon. Mark Levine, Manhattan Borough President
Hon. Cordell Cleare, New York State Senate
Hon. Robert Jackson, New York State Senator
Hon. Daniel J. O'Donnell, Assembly Member
Hon. Inez Dickens, Assembly Member
Hon. Al Taylor, Assembly Member
Hon. Shaun Abreu, City Council Member
Hon. Yusef Salaam, City Council Member
Hon. Rafael Salamanca, Jr., City Council Member, Chair of Committee on Land Use
Mr. Zead Ramadan, Executive Director, West Harlem Development Corporation



BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Economic Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: MATTHEW WASKIEWICZ
Application # N 240010 ZRY	Borough: Citywide
CEQR Number: 24DCP004Y	Validated Community Districts:

Docket Description:
--

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	QN BP	Date: 1/23/2024 2:14 PM

Queens Borough President Recommendation

APPLICATION: City of Yes: Zoning for Economic Opportunity
COMMUNITY BOARD: Citywide

DOCKET DESCRIPTION

ULURP #N240010 ZRY – IN THE MATTER OF an application submitted by The NYC Department of City Planning for a citywide zoning text amendment to support economic growth and resiliency in New York City. This text amendment would facilitate the repurposing of existing nonresidential space by providing businesses with additional zoning flexibility to locate and expand. The proposed zoning text amendment would apply to all 59 of the city's Community Districts.

PUBLIC HEARING

A Public Hearing was held by the Queens Borough President both in the Borough President's Conference Room at 120-55 Queens Boulevard, Kew Gardens NY 11424 and via Zoom webinar and livestreamed on www.queensbp.org on Thursday, January 11, 2024 at 9:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There was one speaker. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Department of City Planning (DCP) is proposing a zoning text amendment to make it easier for businesses to find space and grow, reduce barriers, enhance neighborhoods, and create new opportunities for local businesses;
- There is a concurrent zoning text amendment certified at the same time as Zoning for Economic Opportunity called "Zoning for Economic Opportunity: M-Districts" (ULURP #N240011 ZRY) that details changes proposed in manufacturing districts of the Zoning Resolution;
- The proposed amendment emphasizes updates for definitions and allowances in Commercial and Manufacturing zoning districts through eighteen (18) proposals. Proposals 1-6 seek to lift zoning to reactivate vacant storefronts (Zoning Resolution (ZR) 52-61); simplify rules for types of business allowed on commercial streets (ZR 32-10; 32-423; 42-325); expand opportunities for small-scale clean production (ZR 32-20; 73-211; 74-211); modernize loading dock rules to allow buildings to adapt over time (ZR 36-63; 36-661); enable commercial activity on upper floors (ZR 32-421; 32-422) and to simplify and modernize use terms that specify where businesses can locate (32-10; 42-10). Proposals 7-11 seek to clarify indoor rules to enable urban agriculture (ZR 32-112); give life sciences companies the certainty to grow of business allowed on commercial streets (ZR 22-17; 32-17; 74-171; 42-325); support nightlife with common-sense dancing and live entertainment rules (ZR 32-162 (b); 32-163 (b) (3); 73-162); simplify rules so amusements & experiential businesses can flourish (ZR 12-10; 32-18; 42-18; 73-181; 73-182; 73-183; 74-181); and enable entrepreneurship for home occupations (ZR 12-10). Proposals 12-14 seek to introduce corridor design rules that ensure buildings contribute to surroundings (ZR 32-30; 32-413; 37-31; 73-311; 73-32); reduce conflicts between auto repair and pedestrians on commercial streets (ZR 12-10; 32-161 (b); 32-165; 73-164); and encourage more sustainable freight movement by allowing micro-distribution in commercial areas (ZR 32-191; 32-193 (c); 73-191; 74-191). Proposals 15-18 seek to facilitate local commercial space on residential campuses, such as NYCHA (ZR 75-12); create process for allowing corner stores in residential areas (ZR 22-16 (a); 75-11); rationalize waiver process for business adaptation and growth (ZR 73-03 (e)-(f); 73-161; 74-161; 75-21); and create new kinds of zoning districts for the future (33-00; 41-00; 42-00; 43-00; 44-00);
- The Department of City Planning made presentations to Queens Community Boards on various dates from November 2023 to January 2024. Community Board 1 voted against ULURP #240010 ZRY but voted in favor of ULURP #240011 ZRY; Community Boards 2, 3, 4, 5, and 14 all voted against ULURP #240010 ZRY, but did not upload Recommendations to the Zoning Applications Portal (ZAP) by the time the Borough President's Recommendation was written; Community Board 6 voted conditional approval for both ULURP #240010 and #240011 ZRY; Community Board 7, 8, 11 and 12 voted against both ULURP #240010 and #240011 ZRY; Community Board 9 voted against ULURP #240010 and waived their recommendation for ULURP #240011 ZRY; Community Board 10 voted to conditionally approve ULURP #240010 ZRY and approve #240011 ZRY; and Community Board 13 voted against ULURP #240010 and did not upload a Recommendation for #240011 ZRY. Reasons for opposing the text amendment included the limitation of Community Board and elected officials voices over future projects;

and decreased quality of life with new and numerous commercial activity that may be allowed in residential areas. Community Boards that approved or conditionally approved the text amendment felt the proposals were overall consistent and appropriate;

- At the Borough President’s Land Use Public Hearing, the applicant made a presentation on the proposed text amendment. The Borough President asked the Applicant to elaborate on the Community Boards’ oppositions, to which the Applicant replied there were perception issues between residential and commercial zoning – the City would still enforce any violations, and the City Planning Commission could impose restrictions on future applications pending Community Board feedback. The Borough President also asked about the Department of City Planning’s (DCP) proposal to facilitate local commercial space on residential campuses, particularly on NYCHA property and NYCHA properties currently converting through the Rental Assistance Demonstration (RAD) Program. The Applicant replied that DCP has been working with NYCHA and HPD on working through possible scenarios, such as grocery stores or maker spaces, and noted that this proposal may not apply to all NYCHA campuses throughout Queens and New York City. If NYCHA were to become a prospective applicant and apply for a commercial space, they would have to complete an Environmental Review process as well as notify its own residents as part of the public scoping process. The Borough President also asked about Proposal 13, which seeks to reduce conflicts between auto repair shops and pedestrians, to which the Applicant replied that any new auto repair shops that need curb/sidewalk space would need to go through site plan review with the Board of Standards and Appeals, which would mitigate these conflicts and ensure that variances need to go through periodic review. One speaker, the Community Board 5 Land Use Committee Chair, testified against the zoning text amendment, and the hearing was closed;
- The Borough President’s Office has received fifteen (15) letters of written testimony about Zoning for Economic Opportunity, fourteen (14) of which testified against and one (1) testified in favor of the zoning text amendment.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval with the following conditions:

- The Department of City Planning (DCP), in tandem with HPD and NYCHA, should continue to educate NYCHA tenants and tenant association representatives about Proposal 18. If the zoning text amendment should be adopted, DCP and NYCHA should quarterly report their outreach efforts within NYCHA campuses to the Borough President and respective Council Members within Queens districts for the first two (2) years of adoption;
- Throughout the remaining ULURP process, DCP should periodically send all compiled resources on this zoning text amendment to all Queens Community Boards; and
- For future citywide zoning text amendments, DCP should consider creating an interactive tool that the general public can use to “test” out various land use scenarios. Because these zoning text amendments can be dense, even with static resources, it is important that all members of the public (including Community Board members) may work through scenarios that impact their daily lives.

	01/23/2024
PRESIDENT, BOROUGH OF QUEENS	DATE



**City of New York
Community Board #1, Queens**

The Pistilli Grand Manor
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Donovan Richards
Borough President, Queens
Kahleel Bragg
Director, Community Boards

Chairperson
Florence Koulouris
District Manager

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Land Use & Zoning

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Margot Riphagen
Marisela Santos
Thomas Wright
Rosemary Yelton

January 29, 2024

Mr. Dan Garodnick, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

RE: N240011ZRY City of Yes Citywide Text Amendments for
Economic Opportunity - Manufacturing Districts

Dear Chair Garodnick:

On December 19, 2023, at a duly advertised public hearing held by Community Board 1 Queens (CB1Q), the Department of City Planning (DCP), presented the referenced application, part of the City of Yes Economic Opportunity text amendments. There were no questions or comments from Board members and no speakers from the general public testified.

After hearing the Land Use and Zoning Committee report at the Board's regular meeting on January 16, 2024, CB1Q voted to approve application N240010ZRY, text amendments for manufacturing districts, by a vote of 35 in favor, 1 opposed, 0 abstention and 0 not eligible to vote.

During the Land Use and Zoning Committee's review of the application, committee members found it to be straightforward, raising no issues that wouldn't be noted during ULURP review. No new M(A) districts would be mapped by this text amendment action and any new M1A, M2A and M3A district would require a complete ULURP application and EAS review.

The proposed text amendments update the manufacturing district regulations by establishing three new districts that allow increases in building heights and FAR, giving more flexibility to the built form of new industrial buildings. The amendments also include changes to parking and loading requirements in manufacturing districts. The intent of these changes is to encourage and accommodate new trends in industrial uses as well as to establish a higher density of industries, businesses and mixed-use buildings around transit

Sincerely,

Amy Hau
Acting Chairperson

Gerald Caliendo
Co-Chairs, Land Use and Zoning Committee

Elizabeth Erion

cc: Honorable Donovan Richards, BPQ
Honorable Michael Gianaris
Honorable Tiffany Caban
Honorable Julie Won
Honorable Nydia Velasquez
Honorable Toby Ann Stavisky
Honorable Jessica Ramos
Honorable Steven Raga
Honorable Jessica Gonzalez-Rojas
Vicky Garvey, Land Use, QBP
Alexis Wheeler, Director Queens Office DCP
Colin Ryan, DCP



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Community Board #1, Queens
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Kathleen Warnock
Public Safety
Ann Bruno
Antonio Meloni
Transportation
Dominic Stiller

January 29, 2024

Mr. Dan Garodnick, Chair
City Planning Commission
120 Broadway
New York, New York

RE: N240010ZRY City of Yes Citywide Text Amendments for
Economic Opportunity - Commercial Districts

Dear Chair Garodnick:

Community Board 1 Queens (CB1Q) held a duly advertised public hearing on December 19, 2023, during which the proposed City of Yes Economic Opportunity Text Amendments for commercial districts were presented by the Department of City Planning (DCP), followed by a Q & A for board members. There were no speakers from the general public on the text amendments. At its January 16, 2024 regular meeting, the Board's Land Use and Zoning Committee gave its report that included committee consensus on each of the 18 proposed text changes that was based on extensive review and discussion. Following the report and discussion with Board members, CB1Q conditionally disapproved DCP's application N240010ZRY for text amendments to commercial districts by a vote of 32 in favor, 4 opposed, 0 abstention and 0 not eligible to vote. The Board's conditions follow.

CONDITIONS

#1 Allow non-conforming uses to reoccupy storefronts that have been vacant for 2 or more years.

1. Require a BSA special permit to continue occupancy by non-conforming uses.
2. Consider a text amendment setting a time limit for occupancy by non-conforming uses.

#2 Simplify the Use categories, update the Use list and permit similar uses to locate in C1, C2 and C4 to C7 districts.

The board supports updating uses but limiting ground floor occupancy to 10,000 SF in C1, C2 districts unless reviewed by the CB.

#3 Allow small-scale, clean-production uses not categorized as manufacturing up to 5,000 SF in C1 and C2 and 10,000 SF in C4 to C7.

1. In C1, C2 and C4 districts any small-scale, clean-production use should be accessory to and associated with a retail use. The production use should occupy less than 50% of the storefront space, up to a max. of 5000 SF.
2. An accessory clean-production use should have the same or similar hours of operation to those of its associated primary retail use.

#5 Enable commercial activity on upper floors of residential buildings.

1. Require a CPC or BSA Special Permit with community board review for any commercial uses located on rooftops (e.g. restaurants, bars).
2. Limit upper floor commercial spaces to 10,000 SF.
3. No conversion of existing residential uses to commercial use should be permitted.

#7 Reduce obstacles for emerging business types and permit Indoor Urban Agriculture in all C districts.

More clarity is needed on how NYC zoning regulations and NYS rules for commercial cannabis production as a home occupation relate with respect to size, location (by zoning district when both commercial and residential uses are permitted), on-site sale and product distribution.

#8 Redefine Life Sciences businesses as a community facility as well as rules for location and expansion in all C districts if environmental safety standards met.

BOARD MEMBERS (cont.)

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Mackenzi Farquer
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Adam Fisher-Cox
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Evie Hantzopoulos
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Vanessa Jones-Hall
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Marisela Santos
Thomas Wright
Rosemary Yelton

#9 Nightlife Rules for dancing and live entertainment: Regulations to be based on capacity rather than type of live entertainment; permit all forms of entertainment, music, ticketed events in spaces with up to 200-person occupancy in C1 to C3; No limitation on size, activities and capacity in C4 to C8, M1 to M3; allow dancing where a building lobby is provided.

Specify in the regulation that occupancy should be limited by the FDNY occupancy standard that apply to the premises.

#11 Establish rules for home-based businesses. Delete existing list of prohibited home businesses. Increase allowable space for business use from 25% with a limit of 500 SF up to 49% of residential floor area. Allow up to 3 employees. Remove list of uses allowed as home occupations from Zoning Resolution.

1. The size of the business-related area should remain at 25% of the residential floor area.
2. Number of on-site employees should be limited to the legal tenant +1 employee.
3. Limit permitted home occupation uses to offices, hand-made products, crafts.

#14 Enable siting of micro-distribution centers near homes.

1. All micro-centers in commercial districts should be allowed only by CPC special permit that specifies a short, specific term limit, to allow DCP time to evaluate the operations of the center and collaborate with relevant agencies to determine if further limitations are warranted or findings for the permit need refinement.

#15 Commercial space on residential campuses permitted by CPC Authorization, to allow up to 15,000 SF of maker-space or clean-production uses C1 or C2 districts.

Support a CPC Authorization after consultation directly with tenant representatives of the affected NYCHA campus. (See comment section below for responses from CD1Q NYCHA tenant board members.)

SUPPORT AS PROPOSED

#4 Modernize rules to determine number of loading docks and remove the regulation that new tenants provide additional berths in a building based on a change in use within C districts.

The proposed rule change that applies to new uses is reasonable. Consider using building floor area to determine number of required off-street loading docks, but that can result in more traffic congestion by on-street truck deliveries.

#6 Simplify and modernize how businesses are classified.

Updating the uses is necessary but the benefit from reorganizing them into new categories is unclear.

#10 Amusement facilities in more accessible locations

No issue raised in committee's or board's discussions.

#12 Corridor Design Rules set ground floor storefront design to mandate 50% store window transparency, minimum lobby width and screened ground floor parking areas.

No issue raised in committee's or during committee and board discussions.

#13 Conflicts between auto repair and pedestrians

The Issue is the illegal use of sidewalks for vehicle servicing and parking. A BSA special permit is supported that will require on-site spaces. The special permit helps enforcement and gives the community and BSA a basis on which to deny future use of the property if any restrictions are not adhered to.

#16 Corner Stores in residential areas under a new CPC Authorization allowing up to 2,500 SF commercial use within 100' of intersection.

No issue raised in committee's or during committee and board discussions. Due to cost and time for approval, the committee didn't think there will be applications.

#17 Adapting Spaces for Industry by rationalizing the waiver process.

No issue raised in committee's or during committee and board discussions.

#18 New Loft Style Zoning Districts Update and upgrade M district regs to encourage multi-story, job-growth buildings near transit zones.

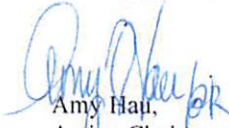
No new M(A) districts would be mapped by this action and any new M1A, M2A and M3A district would require a complete ULURP application and EAS review. A separate vote to approve application the manufacturing text amendments (N240010ZRY) was taken by CB1Q on January 16, 2024 by a vote of 35 in favor, 1 opposed, 0 abstention and 0 not eligible to vote.


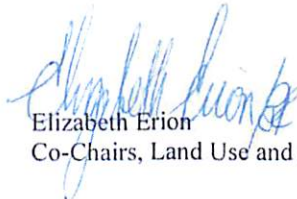
ISSUES RAISED THROUGHOUT THE REVIEW PROCESS BY BOARD MEMBERS AND LAND USE COMMITTEE

- The scope of these text amendments was just too vast to consider in a single, time-sensitive ULURP application.
- Compliance by building owners and their commercial tenants will be difficult to enforce, if not completely ignored, and will diminish further the quality of life for residents in and around C1 and C2 overlay districts.
- Enforcement is minimal at best or not at all by those City agencies responsible for assuring compliance with current noise and crowd regulations for eating and drinking establishments. This is due to reduced staffing, budget issues and a favorable government predisposition toward business. Although it is not within the purview of CPC, or regulated by zoning, enforcement personnel must be increased, especially in C1 and C2 districts with changes to nightlife and commercial uses.

- These text changes will significantly increase the incidence of quality of life and safety issues
 - Home occupation uses need to be well-defined in the text, including their possible impacts, especially in C1 and C2 districts. Within most of the housing stock in C1 and C2 districts in CD1Q and throughout Queens, home occupation clients, customers and employees cannot be physically separated from residential areas and tenants
 - There was no outreach in CD1Q to residents living within C1 and C2 districts. They were not included in the pre-ULURP discussions but are directly and negatively impacted by these changes.
 - The proposed zoning changes are written for the benefit of building owners - not for small businesses who rent or residential tenants.
 - Vacancies along shopping strips are the result of owner-speculation and exorbitantly high rents not affordable for small businesses.
 - After a specified number of years, pre-1961 non-complying and non-conforming uses should have to comply with zoning. Areas where such uses predominate should be appropriately rezoned.
- Regarding Proposal #3 to allow commercial and small-scale production uses in residential campus settings:
- 1. NYCHA tenants should determine the need for repurposing NYCHA-controlled commercial or community spaces within the development as well as determine which uses should re-occupy on-site vacancies.
 - 2. Reusing NYCHA spaces should require a full community review under ULURP or a CPC Authorization/Special Permit. NYCHA is trying to privatize public land. Spaces intended for clean-production uses or retail but can be used for library or community spaces for and by campus residents.
 - 3. CNY or NYCHA did not reach to tenant organizations at Astoria Houses or Queensbridge Houses prior to the CB presentation. Astoria Houses has a privately-developed building on campus that still has not yet replaced tenant parking removed for the development.

Sincerely yours,


Amy Han,
Acting Chairperson


Elizabeth Erion Gerald Caliendo
Co-Chairs, Land Use and Zoning Committee

cc: Honorable Donovan Richards, BPQ
Honorable Michael Gianaris
Honorable Tiffany Caban
Honorable Julie Won
Honorable Nydia Velasquez
Honorable Toby Ann Stavisky
Honorable Jessica Ramos
Honorable Steven Raga
Honorable Jessica Gonzalez-Rojas
Vicky Garvey, Land Use, QBP
Alexis Wheeler, Director Queens Office DCP
Colin Ryan, DCP



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 32	# Against: 4	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 1/16/2024 12:00 AM		Vote Location: Astoria World Manor	

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

Date of Public Hearing: 1/16/2024 6:30 PM	
Was a quorum present? 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>
Public Hearing Location:	Astoria World Manor 25-22 Astoria Blvd. Astoria NY

CONSIDERATION: CB1Queens vote on Commercial Districts for the City of Yes. Please see the attached document related to this item.		
Recommendation submitted by	QN CB1	Date: 2/8/2024 1:41 PM



ELIZABETH BRATON
Chairperson

COMMUNITY BOARD 10

CITY OF NEW YORK ♦ BOROUGH OF QUEENS
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SOUTH OZONE PARK, N.Y. 11420
TEL: (718) 843-4488
FAX: (718) 738-1184
E-MAIL: qn10@cb.nyc.gov



KARYN PETERSEN
District Manager

City of Yes for Economic Opportunity:

QCB10 Proposal Feedback:

Requested Modification:

- | | |
|------------------------------------|--|
| #1. Reactivate Storefronts Support | should only be permitted if they met the DOB requirements for loss of use & have a valid C of O / LNO for past occupancy & uses |
| #2 Simplify district types Support | none |
| #3 Small-scale production Support | CPC needs to define square footage sizes for those businesses especially if the commercial areas abut low density residential areas (R1-R5) |
| #4 Loading Docks Support | none |
| #5 Upper Floor Commercial Support | CPC to work with DOB to refine/reduce restrictions & cost to building alterations that need to provide Handicap access to meet ADA requirements to upper floor commercial establishments |
| #6 Use Terms Support | none |
| #7. Urban Agriculture Support | should only be allowed in higher commercial zoned districts and not in commercial areas abutting low density residential areas (R1-R5) |
| #8. Life Sciences Support | None |

#9. Nightlife	Do Not Support	Need more on locations permitted and in what zoning district? Noise controls are to be designed to set controls on commercial districts that are abutting low density residential areas (R1-R5)
#10. Amusement	Do Not Support	Should only be allowed in higher commercial Zoning districts and not located in commercial districts abutting low density residential areas (R1-R5)
#11. Home Occupations Support		Add in some kind of control on employees #'s & parking spaces/ comm. vehicles use by employees need to have controls -expand list of permitted occupations to include more professional uses -increase sq. footage of floor area to be used in building
#12 Streetscape Support		None
#13 Auto Repair Support		this would require more oversight by DOB inspectors -need to add noise controls & industrial waste regulations
#14 Micro-distribution Support		None
#15 Campus Commercial Support		None
#16 Corner Stores Support		need process to allow store fronts based on hours of operation -cannot be a 24 hr. operation -must take into consideration abutting lot uses & across street lines if schools or houses of worship exist
#17 Better waiver process Support		restrict to high commercial manufacturing district locations
#18 New Loft-Style District Support		none



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 25	# Against: 0	# Abstaining: 0	Total members appointed to the board: 48
Date of Vote: 1/4/2024 12:00 AM		Vote Location: Old Mill Yacht Club	

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

Date of Public Hearing: 12/7/2023 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	Old Mill Yacht Club 163-15 Cross Bay Blvd., Howard Beach NY 11414

CONSIDERATION: Recommend approval with modifications (see supporting documents attached)		
Recommendation submitted by	QN CB10	Date: 1/11/2024 4:34 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 36	# Against: 0	# Abstaining: 0	Total members appointed to the board: 37
Date of Vote: 1/18/2024 12:00 AM		Vote Location: 172-17 Linden Blvd.	

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

Date of Public Hearing:	
Was a quorum present? No	<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>
Public Hearing Location:	

CONSIDERATION: Recommendation is to deny application		
Recommendation submitted by	QN CB12	Date: 1/18/2024 10:43 AM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 44	# Abstaining: 1	Total members appointed to the board: 50
Date of Vote: 1/22/2024 12:00 AM		Vote Location: Virtual Meeting	

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

Date of Public Hearing:	
Was a quorum present? No	<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>
Public Hearing Location:	

CONSIDERATION: The Land Use Committee recommended to not support the motion to support. Discussion ensued as many members did not attend the two meetings that were held to inform on the 18 points. Because of the complexity of the text amendment, and many of the provisions detailed the membership found unpalatable, with the implication of going around community input if passed that were not in the community's best interest, it was decided that they would soundly vote against all of the provisions to demonstrate their distrust.		
Recommendation submitted by	QN CB13	Date: 1/30/2024 3:00 PM



February 2, 2024

COMMUNITY
BOARD #14

NYC Dept. of City Planning
Commissioner Dan Garodnick
120 Broadway 31st FL
New York, NY 10271

COMMUNITY BOARD #14
City of New York
Borough of Queens

DOLORES ORR
Chairperson

JONATHAN GASKA
District Manager

Re: City of Yes – Economic Opportunities Proposal

Dear Commissioner Garodnick:

After intense review and consideration of all the proposals for the City of Yes (Economic Opportunities) by our Economic Development Committee, in consultation with our Housing/Land Use Committee their recommendation to the full board was to oppose the City of Yes – Economic Opportunities.

On Monday – January 29, 2024 Community Board #14Q reviewed the committee's report. **With a quorum being present a motion was made to vote No for the City of Yes – Economic Opportunities Proposal.** With the exception of one abstention the vote to oppose this Economic Opportunities proposal was unanimous.

Below you will see a summary of some of our concerns/objections.

Goal 1: is to "Make it easier to find space and grow".

Goal 1's Six Recommendations are:

1. Lift limits to reactivating storefronts
2. Simplify rules for business types allowed on commercial streets
3. Expand Opportunities for small scale clean production.
4. Modernize Loading dock rules so buildings can adapt over time.
5. Enable commercial activities on upper floors.
6. Simplify modernize how businesses are classified in zoning.

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FACEBOOK: [cb14rockaway](https://www.facebook.com/cb14rockaway)

We oppose four of the six recommendations (#2, #3, #5, and #6). These are too vague in and/or ultimately would deprive the local Community Boards of providing input in the growth of our immediate communities in the future,



Goal 2: is to "Support growing industries"

Goal 2's Five Recommendations are:

7. Clarity rules to permit indoor agriculture urban agriculture.
8. Give life science companies certainty to grow.
9. Support nightlife with common sense rules for dancing and live entertainment.
10. Create more opportunities for amusement to locate.
11. Enable entrepreneurship with models for Home-based businesses.

We oppose two of the five recommendations (8 & # 11). Again, we feel these are too vague and did not clearly define the permissible uses of the c-district overlay. And will deny community boards having proper input, we live in the community and know our communities and these recommendations, without community board input could have a negative impact on our residential neighborhoods.

Goal 3- "Foster vibrant neighborhoods"

Goal 3's Three Recommendations are:

12. Promote better ground floor designs.
13. Reduce conflicts between auto repair shops and pedestrians.
14. Enable micro-distribution.

We oppose two of the three recommendations (#12 & #14) the proposals were too broad and we would need clarity on the overlay.

Goal 4: is to "New Opportunities for Businesses".

Goal 4's Four Recommendations are:

- 15 Facilitate local commercial space on residential campuses.
16. Create process for allowing corner stores in residential areas.
17. Rationalize waiver process for adapting spaces for industries like film.
18. Create new kinds of zoning districts for future job hubs.

We oppose all four of the recommendations. There are already clear methods in place within the current laws and City Charter to achieve these goals. These existing regulations clearly protect the character and development of each unique parts of our Neighborhoods, Boroughs and City.

Very truly yours,



Dolores Orr
Chair- CB14Q

cc: CM Brooks-Powers; CM Joann Ariola



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MATTHEW WASKIEWICZ
Application # N 240010 ZRY	Borough:
CEQR Number: 24DCP004Y	Validated Community Districts:

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 28	# Against: 0	# Abstaining: 1	Total members appointed to the board: 49
Date of Vote: 1/29/2024 7:00 PM		Vote Location: 333 Beach 90 Street, Far Rockaway, NY 11693	

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

Date of Public Hearing:	
Was a quorum present? 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>
Public Hearing Location:	

CONSIDERATION:		
Recommendation submitted by	QN CB14	Date: 2/15/2024 11:20 AM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 27	# Against: 3	# Abstaining: 0	Total members appointed to the board: 46
Date of Vote: 2/2/2024 12:00 AM		Vote Location: 43-31 39th Street, Sunnyside	

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

Date of Public Hearing:	
Was a quorum present? No	<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>
Public Hearing Location:	

CONSIDERATION: Please see attached letter		
Recommendation submitted by	QN CB2	Date: 2/28/2024 11:22 AM



Donovan Richards
Queens Borough President

Community Board No. 2

43-22 50th Street, 2nd Floor
Woodside, New York 11377

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Anatole Ashraf
Chairperson

Debra Markell Kleinert
District Manager

February 8, 2024

Mr. Daniel Garodnick
Chairperson
City Planning Commission
Calendar Information Office
120 Broadway, 31st Floor
New York, NY 10271

RE: **DCP ULURP Application – City of Yes for Economic Opportunity: ULURP Project Number: N 240010 ZRY**

Dear Mr. Garodnick:

On February 1, 2024, Community Board 2 held a public hearing concerning the DCP ULURP Application for **City of Yes for Economic Opportunity: ULURP Project Number: N 240010ZRY**

At that meeting, with a quorum present, a motion was made and seconded to support the application with the following stipulations:

- #9 Nightlife – All current regulations regarding noise and property damage must be strictly enforced. This stipulation aims to safeguard community well-being, public safety, and the overall quality of life for residents.
- #13 Auto Repair Shops – The establishment of new auto repair businesses in transit zones or on Vision Zero priority corridors should be restricted at the time of new applications. This stipulation is aimed to regulate the placement of such businesses to align with transportation and safety priorities.
- #14 Micro-distribution – New micro-distribution facilities shall not be located any closer than 1000 feet apart from one another. This stipulation aims to prevent the displacement of other businesses and community organizations by micro-distribution facilities.
- #15 Campus Commercial – A mechanism for review and approval by a vote of campus residents shall be added to the Special Permit procedure and shall be binding. This stipulation aims to ensure that developments targeting campus areas, particularly those like NYCHA, have the support of the residents within those communities.

“Serving the Communities of Long Island City, Sunnyside, Woodside, and Maspeth”

The vote was 27 (twenty-seven) in favor of the motion, (3) three opposed (0) none abstentions.

If you have any questions, please feel free to contact Community Board 2.

Sincerely,



Debra Markell Kleinert
District Manager

DMK/mag

cc: Honorable Grace Meng, US Congress
Honorable Nydia M. Velazquez, US Congress
Honorable Michael Gianaris, NY State Senate
Honorable Kristen Gonzalez, NY State Senate
Honorable Jessica Ramos, NY State Senate
Honorable Juan Ardila, NYS Assembly
Honorable Jessica Gonzalez-Rojas, NYS Assembly
Honorable Zohran Mamdani, NYS Assembly
Honorable Steven Raga, NYS Assembly
Honorable Robert Holden, NYC Council Member
Honorable Shekar Krishman, NYC Council Member
Honorable Julie Won, NYC Council Member
Honorable Donovan Richards, Queens Borough President
John O'Neill, Department of City Planning
Teal Delys, Department of City Planning
Bri Mejia, Department of City Planning
Anatole Ashraf, Chairperson, Community Board 2
Christine Hunter, Chair, Land Use & Housing Committee
Prameet Kumar, Vice Chair, Land Use & Housing Committee



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 22	# Against: 3	# Abstaining: 1	Total members appointed to the board: 26
Date of Vote: 1/18/2024 12:00 AM		Vote Location: Langston Hughes Library - 100-01 Northern Blvd., Corona, NY 11368	

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

Date of Public Hearing:	
Was a quorum present? No	<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>
Public Hearing Location:	

CONSIDERATION: QUEENS COMMUNITY BOARD3 VOTES NO. The proposal would essentially do away with any and all zoning restrictions. Uses that fall outside of current zoning would be permitted as of right. Very few applications would require environmental studies and there would be no public review. Thankfully, in place are ULURP and BSA, they are the tools that neighborhoods use to make change and help shape their community. With a vote of 22 in Favor, 3 Opposed, and 1 Abstention, the motion to disapprove the proposal was passed.		
Recommendation submitted by	QN CB3	Date: 2/15/2024 11:28 AM



COMMUNITY BOARD # 4Q

Serving: Corona, Corona Heights, Elmhurst, and Newtown

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Donovan Richards

Queens Borough President

Marialena Giampino

Chairperson

Ebony Young

Deputy Borough President

Christian Cassagnol

District Manager

City of Yes Proposal

Presented at the full Board Meeting January 9, 2024

CB4's ULURP/Zoning Committee voted to deny the proposal based on the following reasons:

The entire City of Yes proposal is a deregulation of zoning without community benefit. It is a one size fits all approach for the entire city while not fitting the needs or issues within our community. The lack of clarity on provisions to protect the small businesses and displacement and the safety of residents are severely lacking and a major concern. Also, regulatory oversight from various agencies is nonexistent with increased foot traffic, utility usage, sanitation and crime and safety.

Its text proposals were in an 1127-page document the ULURP/Zoning Committee had reviewed and made a 17-page summary.

Much talk about small businesses etc. but the zoning explained by the Dept. of City Planning on the micro distribution facilities there is nothing to prevent Amazon or another big corporation from buying all the distribution sites, even though they may be micro facility sites. No provisions to keep them for small businesses. There is vagueness of the proposal citing repair shops as an example. No lead plan for our district.

The rationale for the City of Yes proposal is touted for the economic benefit. However, there is no economic benefit and no guarantee that the deregulations give the developer the ability to do more without oversight from the Community Board or City Council.

In regard to the housing impact, concerns were about gentrification and the lack of housing and how it will affect housing stock in our neighborhoods and in the future, especially with home occupations. For example, if someone can start a business and use 49%-50% of their apartment, people would buy three bedrooms for the business, what about families that need a three-bedroom apartment? (Proposal 11).

The requirements on the Environmental impact are very vague. The Board area is highly affected by climate change and the lack of oversight for the environmental impact for these proposals.

Vagueness and lack of oversight is overall noting two frequently used phrases— "Such use will not impair the character or future use of development of the surrounding area and we will make sure it will not be incompatible with or adversely affect the central character use of future growth of surrounding areas." This has re-occurred many times over. There is no specific way this will happen because of the lack of framework and less community oversight.

Lack of infrastructure to support changes, for example, home occupations expand the use cases for barber shops, kennels, and others, mentioning the changing water pressure in buildings. Who will oversee the plumbing changes in residential buildings because of the new businesses? What about security? Will tenants have to pay for more security/superintendent services because of the new businesses and unlimited number of people patronizing the business in a residential setting? Employees may be limited but not the number of people coming in for services.

In summary, the City of Yes proposal has a very harmful impact on the community without clear advantages or improvements to quality of life, environment, or economic development which is the purported purpose of the proposal.

Although the Dept. of City Planning made a presentation before the ULURP Committee, the agency was asked to return to present before the full Board for more clarity, the agency did not respond.

The Board voted to approve the ULURP/Zoning Committee's recommendation to deny the City of Yes proposal. The vote was 29 in favor, 2 opposed, with 2 abstentions. Motion to deny passed.

**QUEENS COMMUNITY 4 ELMHURST/CORONA
NYC CITY FOR YES ECONOMIC OPPORTUNITY PROPOSAL**

Goal 1: Make it easier for businesses to find space and grow:

Proposal #	S u p p o r t	Do Not Supp ort	What's Included (QCB4 Notes + NYCDCP- provided Summaries)	Concerns and Disadvantages

<p>Proposal #1: Lift time limits to reactivating vacant storefronts</p>	<p>X</p>	<ul style="list-style-type: none"> • Change the look, style, feel, comfort, and character of the neighborhood: Increased commercial activity might alter the quiet residential or historic district. 	<ul style="list-style-type: none"> • Zoning Resolution rules are complex. New regulations may not only apply to stores but vacant lands in contextual zone areas could allow any business or home to be built in vacant lots between homes. • Displacement: Gentrification risk by allowing upscale stores attracting wealthier home buyers and renters • Increased commercial activity under the proposals might alter the residential or historic look, style, feel, comfort, and character of the neighborhood..
<p>Proposal #2: Simplify rules for business types allowed on commercial streets</p>	<p>X</p>		<ul style="list-style-type: none"> • The district has some large apartment buildings, but most of the area is residential. Overbuilding and inadequate infrastructure flooding more usages without proper infrastructure is a disadvantage.

<p>Proposal # 3: Expand opportunities for small-scale clean production</p>		<p>X</p>	<ul style="list-style-type: none"> • Small-scale clean production like beer and businesses are in industrial areas and They would require screening to be allowed into commercial/ residential areas. • Traffic and loading the supplies made by the production • Enforcement to ensure businesses have been screened
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<p>Proposal #4: Loading dock rules so buildings can adapt over time</p>	<p>X</p>	<ul style="list-style-type: none"> • The City currently claims that zoning requires the number of loading berths be based on the mix of uses currently occupying a building, unlike parking requirements, which do not change as buildings evolve over time. • The City contends: When existing businesses expand or new types of businesses move into an existing building, they may be required to provide more loading bays than they need. This is often unnecessary and cost-prohibitive. • The city proposes the following solution: Remove the mandate for new commercial tenants in existing buildings to provide additional loading berths based on a change in use, allowing building occupancy to evolve over time. Includes other organizational changes to clarify and consolidate loading rules. 	<ul style="list-style-type: none"> • Removing the loading mandates would cause greater traffic jams and sidewalk interference. • In the Corona/Elmhurst area, loading trucks clog the streets, causing traffic jams, and the loading interferes with walking on the sidewalks, especially during the daytime. Without loading docks, the street jams and sidewalk conditions would be worse. Furthermore, NYC DCP still needs to identify those businesses or types of companies that do not require supplies from a loading truck and where they are located. • Removing the loading mandates would cause greater traffic jams and sidewalk interference.
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<p>Proposal #5: commercial activity on upper floors</p>	<p>X</p>	<p><u>Rationale:</u></p> <ul style="list-style-type: none"> • The city currently claims: in some Special Purpose Districts, in MX Districts, and in areas where Article I Chapter V applies, commercial or light industrial uses may occupy the same floor or locate above residences. • The issue the city also claims: In the rest of the city, commercial uses are not allowed on the same level as or above residences, which limits options for building renovations and new mixed-use buildings. <p><u>How:</u></p> <ul style="list-style-type: none"> • Allow commercial uses on the 2nd floor of a residential building in all commercial districts. • Permit commercial above or on the same level as residences in C4, C5, and C6 districts. • Physical separation required between residential and non-residential portions of the building. Potentially noisy 	<ul style="list-style-type: none"> • In a mixed use building commercial activity on upper floors would compete with residential space and rent. • In a housing crisis, opting for renovated or new building spaces for housing would offer a more beneficial usage than commercial floods. It could provide homes for many who are seeking a place to live. • Another disadvantage could be noise or people trespassing into residential areas.
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<p>Proposal #6: Simplify and modernize how businesses are classified in zoning</p>	<p>X</p>	<p><u>Rationale:</u></p> <ul style="list-style-type: none"> • The city's current zoning relies on a 1960s classification of industries to regulate where businesses can locate and categorize uses into "Use Groups" of businesses deemed compatible or similar at the time. • Issue the city claims: Outdated use terms and inconsistent categorization results in a Zoning Resolution that makes it difficult for businesses to know where they can locate and what they can do in their space. <p><u>The Proposed Action would:</u></p> <ul style="list-style-type: none"> • Reorganize the current Use Groups into more coherent categories based on similar sectors or business types, using updated terminology based on today's economy. • Update Special District rules to refer to these new classifications and other adjustments that bring Special Districts into 	<ul style="list-style-type: none"> • Commercialization of Residential community basically take away from the housing supply. • Transition Challenges: Businesses may face challenges transitioning from the current classification system to the proposed one. Adjusting to new terminology and categories could be time-consuming and may initially need clarification. • Potential Opposition: Some businesses or stakeholders may resist the changes, especially if they feel that the new classifications must accurately represent their activities or if the adjustments disrupt established practices. • Implementation Complexity: Reorganizing use Groups, updating terminology, and adjusting Special District rules involves a complex implementation. It may require significant resources, time, and coordination to ensure a smooth transition. • Unintended Consequences:
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Goal 2: Boot growing industries

Proposal #7: rules to permit indoor urban agriculture		X		<ul style="list-style-type: none">• Environmental impacts• Special Permits from CPC/BSA can circumvent certain use restrictions and bulk regulations without clear language about frameworks or evaluation requirements for the granting of these special permits.• Cannabis growing would be a disadvantage
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<p>Proposal #8: Life sciences companies more certainty to grow</p>	<p>X</p>	<ul style="list-style-type: none"> • PERMIT to allow Life Science Facilities in any commercial district, rather than just manufacturing. • While the current permit is limited to C6 and C2-7 districts, the Proposal would update this to apply in all Commercial Districts, as well as community facility campuses. This would allow for commercial laboratory opportunities on a greater range of sites. • The permit's requirements would be updated to reflect this broadened applicability. 	<ul style="list-style-type: none"> • The proposal includes a requirement for screening and licensing Life Science Companies in commercial areas in itself is indication that there is risk to this proposal. The oversight included is vague and does not address the concerns of the committee for the proposal. • The Special Permit is a discretionary action that would require environmental review analysis, Community Board review, and City Council approval at the time of application and would not be available as-of-right as a result of this proposal. • Gentrification risk is very real. The Proposed Action, followed by Yes Housing, apartment buildings to likely go above them for higher incomes renters and a few affordable apartments for area residents.
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<p>Proposal # 9: nightlife with common-sense rules for dancing and live entertainment</p>		<p>X</p>	<ul style="list-style-type: none"> • Currently nightclubs are not allowed in C1 - C3 beneath residencies→would be as right. C4 - would need a special permit if within 100 ft of residencies. What could be included: <ul style="list-style-type: none"> ◦ Entertainment ◦ Cover Charges ◦ Specified Show times • Allows Nightclubs up to 200 people as or right (no community board input nor special permit) 	<ul style="list-style-type: none"> • Concerns on noise and pedestrian and vehicle traffic for up to 200 people in a residential area • While the committee recognizes there are antiquated regulations around some of these areas (nightlife and entertainment), the proposals in their current form are not sufficient for rectifying these antiquated regulations while opening up the community to disruption, safety, and health concerns
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<p>Proposal #10: For amusements to locate</p>	<p>X</p>	<ul style="list-style-type: none"> • Allow amusements in more places • Small Scale in neighborhoods C1-C2 • Large scale central business districts C4-C8 • Outdoor still limited to C7 and C8 • <i>Note: Casinos are not addressed in this text amendment. That is a separate amendment being considered by the committee. There has been no NYCDCP presentation on that text amendment.</i> 	<ul style="list-style-type: none"> • 10,000 square feet in a residential as of a right without community input to consider the noise level and the cars and traffic by the people most affected. • While the committee recognizes there are antiquated regulations around some of these areas (nightlife and entertainment), the proposals in their current form are not sufficient for rectifying these antiquated regulations while opening up the community to disruption, safety, and health concerns. • Furthermore, we wonder about the impact on government and nonprofit cultural institutions with this deregulation. This is not addressed in the proposals.
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<p>Proposal # 11: Entrepreneurship with modern rules for home- based businesses</p>	<p>X</p>	<ul style="list-style-type: none"> • More types of businesses into home business • 1 nonresident employee → 3 • 25% → increase to 49% space • 500ft restriction lifted • Almost any business would now be allowed. New areas includes: <ul style="list-style-type: none"> ◦ Advertising/ Public Relations ◦ Barber Shops ◦ Beauty Parlors ◦ Commercial Stables or Kennels ◦ Ophthalmic Dispensing ◦ Real Estate or Insurance Offices ◦ Pharmacy ◦ Stockbroker Offices 	<ul style="list-style-type: none"> • Affects Housing Stock • Can lead to more commercial vacancy or boxing out of small businesses in commercial areas • Health, Environmental, and Quality of Life : <ul style="list-style-type: none"> ◦ Traffic - vehicle and pedestrian ◦ Parking ◦ Noise ◦ Odor ◦ Who is responsible for changes in residential buildings ◦ Ex. Need for increase security, water usage, etc. → who covers cost • Rent increases, Safety issues arrives too many strangers, • Three employee in a apt/home
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Goal 3: Enable more business-friendly streetscapes:

<p>Proposal #12: Corridor design rules that ensure buildings contribute to surroundings</p>	<p>X</p>	<ul style="list-style-type: none"> • The claim is that this is to create clear and consistent streetscape regulations citywide. This vague language does not inspire confidence. This is public land that may give commercial businesses more access/control with no oversight. • "Zoning would prioritize the public realm of commercial streets with spaces designed to be attractive and activate city sidewalks, fostering economic vitality and activity along the corridor." 	<ul style="list-style-type: none"> • Owner and developers responsibility to comply with new corridor design.
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<p>Proposal #13: Reduce Conflicts with Auto Repair</p>		<p>X</p> <ul style="list-style-type: none"> • Today, auto installation, service, and repair uses are mostly restricted to C8, M1, M2, and M3 districts (current UG16B), with notable exceptions for auto glass shops, repair for auto seat covers or convertible tops, and tires replacement, which are today allowed in C2 and C6 districts (current UG 7D). • Auto repair is an important source of employment and jobs and provides a local service in commercial areas but can frequently create pedestrian conflicts as auto use migrates to sidewalks and curb lanes. In practice, conflicts are indistinguishable in stores currently permitted under the UG 7 vs. UG 16 regulations. COYEO would consolidate the range of auto servicing uses into two zoning-defined categories: "light" or "heavy" motor vehicle repair and maintenance 	<ul style="list-style-type: none"> • Negative impact on the income and business of auto repair and installation services in our district • Environmental concerns • Electric Batteries and Fire concerns
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<p>Proposal #14: Enable Micro-Distribution</p>		<p>X</p>	<ul style="list-style-type: none"> • New As of Right Use • Used to be in manufacturing areas • Would not allow papering over windows • Would permit dark stores in C1/C2 less 2500 sf or in C4-C7 greater than 5K SF on the ground floor an 10K SF in levels above 	<ul style="list-style-type: none"> • Could interrupt pedestrian and vehicular traffic • Exhaust and other environmental concerns • Safety of storage and environmental impact • No retail component • Detracts from local business and residential life • When asked if this could be restricted to small local business (not allowed for multi-national or public) was told they could not do this and not "germane" to zoning. "Amazon won't do this, it's too small" was the answer. • Gentrification risk is very real. The Proposed Action, followed by Yes Housing, apartment buildings to likely go above them for higher incomes renters and a few affordable
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Goal 4: Proposals 15-18: Create new opportunities for businesses to open

<p>Proposal #15: Local commercial space on residential campuses</p>	<p>X</p>	<p>The Proposed Action would:</p> <ul style="list-style-type: none"> Many large-scale residential campuses, such as NYCHA, are zoned as Residence Districts, so local retail, services, and maker-spaces cannot easily locate. No zoning tools exist to allow commercial uses on residential campuses other than a full area-wide rezoning, which may be too costly, time-consuming, or not appropriate for many locations. Many large-scale residential campuses, such as NYCHA, are zoned as Residence Districts, so local retail, services, and maker-spaces cannot easily locate. No zoning tools exist to allow commercial uses on residential campuses other than a full area-wide rezoning, which may be too costly, time-consuming, or not appropriate for many locations. 	<ul style="list-style-type: none"> Large residential spaces like NYCHA housing would lose very affordable apartments to stores if residential units are converted into large commercial spaces Residential campuses should prioritize residential units. Why should a residential campus (i.e. NYCHA) allocate space for commercial stores during an affordable housing crisis? No clearly mentioned or identifiable process for campus residents or tenants to provide input on commercial developments. ZR 75-12, describes this proposal but doesn't reference the specific CPC authorization or Bulk Regulation mentioned. Language is broad especially as it applies to community input and community impact assessment. For example, "such #use#, including any permitted #signs#, will not alter the essential character of the neighborhood in which the #building# is located." New storefronts would be
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<p>Proposal #16: Process for allowing corner stores in residential areas</p>	<p>X</p>	<p>The Proposed Action would:</p> <ul style="list-style-type: none"> • create a pathway for a new neighborhood-serving business to locate in a Residence District. • In most Residence Districts there is no path to allow a new neighborhood store. The Zoning for Coastal Food Resiliency (ZCFR) citywide text amendment (2021) created a BSA Special Permit to allow new, small professional offices in Residence Districts in the floodplain, but areas not along the city's coastline do not have a similar discretionary pathway that could allow for the creation of new locally-serving spaces. • create a new CPC Authorization to allow for up to 2,500 SF of retail, service, or office uses to locate in a Residence District, provided that the 	<ul style="list-style-type: none"> • This proposal affects the community's quality of life and potentially the only safeguard is CPC authorization. • CPC (or BSA) authorization is all it would take for corner stores and large scale commercial spaces (see 75-12) to be approved for development in all residential districts (R1-R10). The conditions for authorization are ambiguous and don't explicitly state how the local community will be involved in the approval of these developments. • Special Permits from CPC/BSA can circumvent certain use restrictions and bulk regulations • Gentrification risk is very real. The Proposed Action, followed by Yes Housing, apartment buildings to likely go above them for higher incomes renters and a few affordable apartments for area residents.
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<p>Proposal #17: Waiver process for business adaptation and growth</p>	<p>X</p>	<p>The Proposed Action would:</p> <ul style="list-style-type: none"> • rationalize and supplement existing discretionary zoning tools to address gaps that prevent businesses a path to expand or adapt. • give commercial businesses pathways to expand or adapt their business without having to relocate • create a new permit for retail / service, amusement, and production uses that would allow the BSA to modify the size, enclosure, and other requirements for permitted uses. This would provide limited flexibility for uses to make modifications to the underlying regulations. The permit would not have applicability if other permits for a specific use exist, or if the use is not permitted in a specific zoning districts. The BSA 	<ul style="list-style-type: none"> • Special Permits from CPC/BSA can circumvent for a myriad of use restrictions and bulk regulations • 73-03 (e): For commercial uses that require a special permit, it seems sensible to institute a 10-year limit on granted permits. However, there is language here that, in certain circumstances, allows BSA to grant permits wherein the term exceeds 10 years and can arbitrarily determine a maximum term limit without any clarification as to what that process entails. • In cases where a special permit was previously granted or where a maximum term has not been specified, we suggest a default limit be instituted to encourage reevaluation of whether the circumstances warranting the original grant still apply upon an application of renewal [see 73-03(g)]--set it to 15 years. • This proposal is seemingly agreeable... However, the same issue of ambiguity surrounding
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<p>Proposal #18: Create new kinds of zoning districts for the future</p>	<p>X</p>	<ul style="list-style-type: none"> • The proposal would create new zoning districts for use in future mapping actions. • While numerous new zoning districts have been built in recent decades to update the physical forms presented by the 1961 zones, these have focused on residence districts or commercial districts where residences are permitted. Districts not permitting residences have seen no new innovations since 1961. • Consequently, zoning options available for job-intensive zoning purposes have gaps in density and height options, are hampered by outdated bulk regulations, and are relatively uniform in their approach to use mixes (excepting environmental standards). • The maximum allowable FAR of M districts goes from 1.0 to 2.0 to 5.0 to 10.0. However, many loft buildings that pre-date the 1961 ZR are built at densities between these thresholds. include 3-4 FAR 	<ul style="list-style-type: none"> • Essentially, doubling (at minimum) the allowable size and height for the proposed M1/2/3-A districts. No consideration for contextual zoning. • Special Permits from CPC/BSA can circumvent most use restrictions and bulk regulations • What incentives are there for the local community to support larger industrial developments, which will invariably produce more noise pollution and waste? • IMPORTANT TO NOTE: "Use Groups 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, are permitted in #Manufacturing Districts# subject to the provisions of the following Sections..." • Significant modifications to M1A and M2A Districts. All Use Group 6 - Retail & Service uses are permitted without size restrictions, in addition to Amusement/Entertainment (UG 8) and some limited community facility use (UG 3B). The adoption of these modifications would encourage
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- The maximum allowable FAR of M districts goes from 1.0 to 2.0 to 5.0 to 10.0. However, many loft buildings that pre-date the 1961 ZR are built at densities between these thresholds, include 3-4 FAR and 6-8 FAR. These are the type of buildings that can help
- **Amusement/Entertainment (UG 8) and some limited community facility use (UG 3B).** The adoption of these modifications would encourage the development of giant retail and amusement centers in manufacturing districts



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 29	# Against: 2	# Abstaining: 2	Total members appointed to the board: 33
Date of Vote: 1/9/2024 12:00 AM		Vote Location: Virtual	

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

Date of Public Hearing:	
Was a quorum present? No	<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>
Public Hearing Location:	

CONSIDERATION: Community Board 4 voted to deny the City of Yes text amendment. See attached letter and chart for the Board's concerns.		
Recommendation submitted by	QN CB4	Date: 2/2/2024 3:58 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 31	# Against: 3	# Abstaining: 0	Total members appointed to the board: 48
Date of Vote: 1/10/2024 12:00 AM		Vote Location: Christ the King HS 6802 Metropolitan Avenue in Middle Village, NY 11379	

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

Date of Public Hearing: 11/8/2023 7:30 PM	
Was a quorum present? 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>
Public Hearing Location:	Christ the King High School Cafeteria

<p>CONSIDERATION: The Department of City Planning is charged with leading the planning of strategic growth, and, therefore development in city communities. We were given an overview of proposed zoning text changes in this City of Yes for Economic Opportunity Proposal, which, to our knowledge, has turned into an exhaustive 1,200 page proposal with 18 strategic components of change, apparently to develop an environment of growth for commercial uses throughout New York City.</p> <p>Community Board 5, Queens tries to be thorough in its role to comment thoughtfully and respectfully, considering that our community district may be different than others. Even looking at our district, conditions are varied. While large parts of Maspeth, Middle Village and Glendale consist of one and two family homes, other sections are industrial and commercial. Ridgewood, while more concentrated, has much more multi-family housing with more commercial corridors. Ridgewood also has significant historic designation, which makes it even more complex.</p> <p>There are 18 components in this voluminous City of Yes Proposal, seeking to deregulate the city for business, often by spreading commercial activities into residential zones. The intent seems to be the creation of opportunities for businesses, by finding spaces for growth and to support new industries.</p> <p>Community Board 5, Queens overwhelmingly opposes this City of Yes Proposal, by a vote of 31 opposed to the entirety of this enormous proposal and 3 not opposed, because this plan severely limits the input from neighborhoods and Community Boards in the land use process through an increase in as-or-right allowances, where presently commercial uses are limited. This almost unanimous vote was taken at our January 10, 2024 monthly meeting.</p>		
Recommendation submitted by	QN CB5	Date: 2/15/2024 4:35 PM



COMMUNITY BOARD 6, QUEENS

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HEATHER BEERS-DIMITRIADIS
CHAIR

DONOVAN RICHARDS
BOROUGH PRESIDENT

At the January 10, 2024 meeting of Queens Community Board 6, the Board voted unanimously to **Approve all proposals with conditions** for City of Yes - Economic Opportunity.

Proposal	Initiative	Recommendation
1	Reactivate Storefronts	Provide proper enforcement of all applicable City and State regulations.
2	Simplify District Types	Provide proper enforcement of all applicable City and State regulations.
3	Small-Scale Production	Provide proper enforcement of all applicable City and State regulations.
4	Loading Docks	Provide proper enforcement of all applicable City and State regulations. Permit approval process to include limitations on hours of operation and a traffic study to confirm no adverse effects.
5	Upper Floor Commercial	Provide proper enforcement of all applicable City and State regulations. Ensure that proper separation and noise attenuation requirements are rigidly enforced by the DOB.
6	Use Terms	Provide proper enforcement of all applicable City and State regulations.
7	Urban Agriculture	Provide proper enforcement of all applicable City and State regulations. Agricultural uses shall specifically exclude cannabis production.
8	Life Sciences	Provide proper enforcement of all applicable City and State regulations.
9	Nightlife	Provide proper enforcement of all applicable City and State regulations. Adult entertainment would continue to be strictly banned. Ensure that proper separation and noise attenuation requirements are rigidly enforced by the DOB.
10	Amusement	Provide proper enforcement of all applicable City and State regulations.
11	Home Occupations	Provide proper enforcement of all applicable City and State regulations.
12	Streetscape	Provide proper enforcement of all applicable City and State regulations. The requirements under this proposal to be extended to DOB Alteration Type 1 and 2 applications.
13	Auto Repair	Provide proper enforcement of all applicable City and State regulations. BSA review shall be explicitly required.

14	Microdistribution	Provide proper enforcement of all applicable City and State regulations.
15	Campus Commercial	Provide proper enforcement of all applicable City and State regulations.
16	Corner Stores	Provide proper enforcement of all applicable City and State regulations. Designate corners as priority corners for the implementation of physical daylighting measures as called for in QCB6's resolution on daylighting.
17	Better Waiver Process	Provide proper enforcement of all applicable City and State regulations.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 33	# Against: 0	# Abstaining: 0	Total members appointed to the board: 40
Date of Vote: 1/10/2024 12:00 AM		Vote Location: 120-55 Queens Boulevard - Room 213	

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

Date of Public Hearing: 12/6/2023 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	120-55 Queens Boulevard - Room 213

CONSIDERATION: CB6 Voted in Favor of all proposals with recommendations for each one. See attached document for a list of these recommendations.		
Recommendation submitted by	QN CB6	Date: 1/17/2024 12:14 PM



Community Board Ten

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SANDY VALLAS

Vice Chairperson

SHIRLEY CHIN

Secretary

JANA TAOUBE

Treasurer

JAYNEMARIE CAPETANAKIS

Chair

JOSEPHINE BECKMANN

District Manager

January 23, 2024

Daniel R. Garodnick, Director
NYC City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: City of Yes – Economic Opportunity Text Amendment
ULURP No. N240010ZRY; CEQR No. 24DCP004Y

Dear Director Garodnick:

At a duly publicized meeting of Brooklyn Community Board 10 held on January 22, 2024, members voted 31 in favor with 1 recusal to submit an **unfavorable** opinion for the City of Yes – Economic Opportunity Text Amendment, ULURP No. N240010ZRY; CEQR No. 24DCP004Y, and to provide the Board's comments on the proposal.

The Zoning and Land Use Committee met many times to review the proposed text amendment, held a well-attended public meeting, and hosted a roundtable discussion with representatives from the local business community to gather input and discuss concerns about the text amendment. The Zoning and Land Use Committee Report and Recommendation including comments for each proposal is attached for your review. It is the hope of Community Board Ten that these comments will be considered and included in a modified text amendment prior to the final vote on the proposal.

Thank you in advance for your consideration. If you have any questions, please do not hesitate to contact the District Office.

Sincerely,

Jaynemarie Capetanakis

Chair

Josephine Beckmann

District Manager

JC/JB:dg
Att.

ANTONIO REYNOSO, BOROUGH PRESIDENT

Community Board Ten

Page - 2 -

cc: Borough President Antonio Reynoso
Council Member Alexa Aviles
Council Member Justin Brannan
Council Member David Carr
Council Member Susan Zhuang

ANTONIO REYNOSO, BOROUGH PRESIDENT

**City of Yes for Economic Opportunity
Zoning and Land Use Committee Report
CB #10-Brooklyn General Board Meeting, January 22, 2024
Zoning and Land Use Committee Meeting, January 9, 2024
Business Roundtable, January 17, 2024**

The Zoning and Land Use Committee met on January 9, 2024 in a hybrid meeting, on Zoom and in the CB 10 District Office. The Committee did not have an in-person quorum.

The Committee discussion centered on the City of Yes Economic Opportunity citywide zoning text amendment and the motion that the Zoning and Land Use Committee will submit ahead of the February City Planning Commission vote on this amendment.

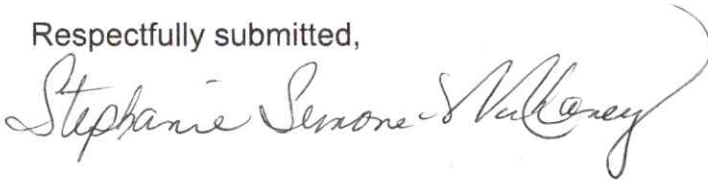
The City Planning Commission has instructed Community Boards to submit their resolutions and any accompanying statement through the CPC Zoning Application Portal or ZAP. Community Boards must select only one of four options: Favorable; Favorable with Conditions; Unfavorable or; Unfavorable with Conditions

The Zoning and Land Use Committee views the proposed citywide zoning text amendment unfavorably and made a motion to vote accordingly. (See attached motion)

On January 17, 2024 District Manager Beckmann, with members of the Zoning and Land Use Committee, hosted a Business Roundtable at the CB 10 District Office and met with representatives from the local business community: the Merchants of 3rd Avenue; the 5th Avenue Business Improvement District; and the 86th Street Business Improvement District. The Roundtable was an opportunity to provide information to and discuss concerns with local merchants and commercial property owners about the citywide text amendment. Discussion points included the potential impacts on local retail corridors and residence districts and the possibility of requesting an exemption for the Special Bay Ridge District from the zoning text amendment.

On Wednesday January 24, 2024 at 10:00 am, the NY City Planning Commission will hold a public hearing at 120 Broadway in Manhattan. Members of the public can sign up to testify in person. A link to participate remotely, with details on how to testify by video conference, will be posted on nyc.gov/engage one hour in advance of the meeting. If members of the public are not able to attend in person or virtually, they can also submit written testimony using this link [here](https://a002-irm.nyc.gov/EventRegistration/RegForm.aspx?eventGuid=fa206f3d-6400-4a95-8b39-87b1bfa975ef).
(<https://a002-irm.nyc.gov/EventRegistration/RegForm.aspx?eventGuid=fa206f3d-6400-4a95-8b39-87b1bfa975ef>) This link is available in the Community Board Ten Important Updates, News and Information email. Written testimony will be accepted until February 15.

Respectfully submitted,

A handwritten signature in black ink, reading "Stephanie Simone-Mahaney". The signature is fluid and cursive, with the first name "Stephanie" being the most prominent.

Stephanie Simone-Mahaney

Attachment: Draft Recommendation for the City of Yes Economic Opportunity Citywide Zoning Text Amendment

**City of Yes Economic Opportunity – Citywide Text Amendment DRAFT
Recommendation**

Zoning and Land Use Committee – January 9, 2024

While Brooklyn Community Board 10 supports economic opportunity in our great City and agrees that some change is needed to update terminology as well as remove outdated terms and add new industries that were not in existence in 1961, it views the proposed Zoning Text Amendment Unfavorably.

The extensive changes outlined in the text's 18 proposals raise many significant concerns. These include: prescribing a one-size-fits-all zoning resolution that ignores the realities and experiences of communities and their residents; allowing extensive and unfettered commercial development in residential neighborhoods throughout the city; expanding definitions of and removing prohibitions to home occupation businesses within residential buildings; expanding and reassigning use groups in the commercial overlays within residential districts; preventing community boards from addressing changes of use in their own community districts and; expanding as-of-right designations that will permanently remove tools for community review as well as agency oversight and enforcement.

Additionally, local merchants and commercial property owners expressed concern that changing permitted uses, previously assigned to higher C Districts, was not thoroughly analyzed, and may result in negative financial impacts to property values/commercial taxes as well as unintended conflicts along the retail corridors.

This proposal will have a disproportionate effect on Community Board 10 where 155 blocks are designated as a C1 district, the highest number among Brooklyn community boards.

Given the enormity of the text and the limited time granted to analyze its impact on our community district, CB 10 is not able to provide specific changes or edits to the text but would like the Department of City Planning to consider the following recommendations on the City of Yes for Economic Opportunity Text Amendment.

Therefore, the Zoning and Land Use Committee of Community Board 10 motioned to submit an unfavorable opinion and offer the following comments on each proposal.

Proposal 1: Reactivate storefronts

Non-conforming vacant storefronts in residence districts should not be permitted as-of-right to re-tenant their space in R1-R4 districts. This should be reviewed on a case-by-case basis.

Proposal 2: Simplify district types

Although we support some of the modernization of uses in the C1-C2 districts, we believe that the change of uses from the higher C districts to the lower C districts will amount to a rezoning.

The text must clarify that commercial overlays are NOT first considered a commercial district.

Proposal 3: Expand opportunities for small scale clean production

We do not support uses that would be permitted as of right in the C1 C2 districts which are Residence districts. Small scale production like woodworking, clay, glass, machinery manufacturing, small electrical manufacturing, clothing production, furniture and related manufacturing should remain in C4 districts or above.

Proposal 4: Loading docks

No objections

Proposal 5: Enable Upper Floor Commercial Activity

We do not support as- of-right commercial uses above the ground floor in the C1/C2 Residence districts. We believe this constitutes a rezoning and reduces the amount of residential units which are generally more affordable. Without further study on the potential loss of housing units, we cannot support this goal.

Proposal 6: Simplify and modernize how businesses are defined

Combining 18 use groups into 10 amounts to a rezoning. This changes as-of-right uses within CB 10 without any oversight or review by the Community Board.

Proposal 7: Clarify rules to permit indoor urban agriculture

We oppose as-of-right indoor agriculture in C1, C2 /Residence districts that would be included in ground floor use, second story use and home occupation use. The proposal includes cannabis cultivation if licensed by the state.

Proposal 8: Give Life Science companies more certainty to grow

We do not support research or high-containment labs in the C1/C2 districts. We do not support permitting research or high-containment labs as community facilities in a residence district.

Proposal 9: Support nightlife for dancing and live entertainment

We do not support as-of-right designation for nightclubs in the C1/C2 district. Nightclubs contribute to traffic, parking, law enforcement and quality of life issues.

Proposal 10: Create more opportunities for amusements to locate

The new use definition of Amusements or Recreation facilities is broad. While we do not object to inclusion of allowing amusement uses like children's entertainment areas, virtual reality, we are concerned that allowing as-of-right arcades/gaming cafes specifically in the C1/C2 districts will create noise, traffic and other quality of life issues.

Proposal 11: Home Occupations

We are opposed to expanding commercial uses within residence districts. City Planning has removed all prohibitions on commercial uses (as long as they conform to the definition of home occupations in 12-10) which leads to so many concerns:

- Illegal businesses would be easier to establish without a regulatory framework or strong enforcement mechanism in place
- There is no mandate to file home occupations with the Department of Buildings; this may complicate or thwart DOB inspections or FDNY fire response
- Fire regulations may be violated. Office machinery or equipment may overload circuits and cause fires
- Safety and security issues due to strangers, including customers and employees, in hallways and elevators of a residential building
- Increased foot traffic due to deliveries
- It will be easier to run an illegal business

- Because a greater percentage of a dwelling will be permitted for home occupations, the tax incentives will lower the cost of doing business in a home vs in a commercial space creating greater competition for available housing
- Noise issues
- Enforcement issues
- The lack of maximum capacity limitations for customers
- Those wishing to conduct a business will seek larger apartments, thus competing with families and making these apartments less affordable
- There is currently 100 million square feet of empty office space; why expand commercial uses into residence districts?
- The erosion of the residential nature of a residential building
- The de facto creation of a loft use or live-work situations
- The underlying assumption that many of the newly drafted rules will never be used to their fullest extent

Proposal 12: Streetscape designs

No objections were discussed

Proposal 13: Reduce conflicts between auto repair and pedestrians

Auto repair or auto leasing facilities expanded to the C1 districts (not currently allowed) will not reduce conflicts with pedestrians. The light auto repair shops, including tire repair, would be allowed in C1/C2 districts with BSA permit. Enforcement has been problematic in the past to address parked vehicles on sidewalks, cones blocking curb space, equipment blocking sidewalk access for pedestrians, and noise pollution. In the past small business owners and residents have expressed opposition to tire repair shops in the C1 District.

Proposal 14: Micro-distribution

The text amendment to allow warehousing usage broadly permits storage and warehousing goods with limited exceptions. The conversion of retail space to warehouses potentially transforms the character of neighborhood business districts and runs counter to the stated objectives of City of Yes to "revitalize" business districts.

Proposal 15: Campus commercial

We have not reviewed this as we do not have NYCHA developments and would yield to those Community Boards that do have NYCHA developments.

Proposal 16: Corner Stores

We do not support discretionary action without full public review. CPC does not hold public hearings on authorizations. Adding commercial uses to a residence district currently requires a rezoning generating a full ULURP application. This proposal would allow Use Group 6 and Use Group 7 commercial uses in lower density R1 and R2 districts. This would change the face of our communities and would allow retail and office development on any residential property within 100 ft of a corner.

Proposal 17: Rationalize the Waiver Process

Allowing expansion and bulk relief for commercial developments by BSA and CPC sign-offs removes the ability of communities to assess whether those businesses are still appropriate for their locations done through a typical ULURP action.

Proposal 18: New loft-style district

This proposal is specifically designed to lift the current 12 FAR Statewide to 15 FAR in order to allow more density and development that is inappropriate in scale. "No parking inside the expanded transit zone" creates more traffic. Changing zoning districts and increasing FAR requires much more study than is possible within the 90 days granted for review of this proposal.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 31	# Against: 0	# Abstaining: 1	Total members appointed to the board: 32
Date of Vote: 1/23/2024 12:00 AM		Vote Location: Knights of Columbus, 1305 86th Street, Brooklyn	

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

Date of Public Hearing: 1/23/2024 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	Knights of Columbus, 1305 86th Street, Brooklyn, NY 11228

CONSIDERATION: CB 10 Brooklyn voted to submit an unfavorable opinion for the City of Yes - Economic Opportunity text amendment and to provide comments to DCP on each of the proposals. See attached.		
Recommendation submitted by	BK CB10	Date: 1/23/2024 10:40 AM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 32	# Abstaining: 0	Total members appointed to the board: 48
Date of Vote: 12/13/2023 12:00 AM		Vote Location: 183-02 Union Turnpike Fresh Meadows, NY	

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

Date of Public Hearing: 12/13/2023 7:30 PM	
Was a quorum present? No	<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>
Public Hearing Location:	183-02 Union Turnpike Fresh Meadows, NY

CONSIDERATION:

Recommendation submitted by	QN CB8	Date: 12/21/2023 4:00 PM
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Queens Community Board 9
Land Use Committee
Resolution in Opposition
City of Yes – Economic Opportunity (EAS 24DCP004Y)

December 19, 2023

WHEREAS, Mayor Eric Adams and the Department of City Planning have certified a ULURP action under the banner of citywide zoning changes, called “City of Yes – Economic Opportunity”, proposing vast changes to land use particularly for commercial purposes, and

WHEREAS, the subject report makes numerous conclusions that are not supported by accurate or complete data, which conclusions could have significant and lasting negative implications on communities throughout the city, and

WHEREAS, misleading and irrelevant comparisons are made in the report to other municipalities related to residential communities in New York City, and

WHEREAS, certain incorrect assessments are presented in the report regarding rezoning actions by the city in recent years showing, contrary to facts, commercial zoning as being too restrictive to businesses, and

WHEREAS, contrary to the report’s intimations, the adoption of this plan would even further limit input from neighborhoods, Community Boards and elected officials in terms of planning and zoning among other issues raised, and

WHEREAS, contrary to the report’s conclusions, the actions being considered, including allowing unbridled commercial development in residential neighborhoods throughout the city regardless of underlying residential zoning, would be deleterious to the overall fabric of neighborhoods down to individual blocks, and

WHEREAS, Queens Community District 9 believes that a “deregulatory program” for commercial zoning as described by the staff at the Department of City Planning in terms of the “City of Yes – Economic Opportunity”, should it be adopted, is unnecessary and will have a wholly negative effect on the representative neighborhoods within its boundaries.

THEREFORE, Queens Community District 9 stands in opposition to the certified “City of Yes – Economic Opportunity”, particularly in opposition to A) lessening input from neighborhoods, Community Boards and elected officials in the planning, zoning and land use process through an increase in “as-of-right” conditions where presently commercial uses are limited or prohibited; and B) allowing unfettered commercial development on residential blocks throughout the city as per the 18 proposals included in this initiative.

By their own admission, Mayor Adams and the Department of City Planning's proposed City of Yes – Economic Opportunity (COYEO), is a massive deregulatory program. The vast majority of proposals in this package will do serious damage to not only our neighborhoods in Community Board ____ but communities throughout the city. **COYEO must be rejected in full.**

Here are short responses to each of the 18 proposed actions:

1. Lifting time limits to reactivating storefronts –
Legal non-conforming storefront uses that lapse should not be allowed to reopen at will. They should be negotiated on a case-by-case basis. **Reject.**
2. Simplify rules for business types allowed on commercial streets –
Changes in allowances of business types will seriously affect local commercial streets in lower-density districts in ways that are not being considered by the proposal. **Reject.**
3. Expand opportunities for small-scale clean production –
Allowing industry and production, no matter how clean, in a blanket fashion throughout the city is not appropriate. **Reject.**
4. Modernize loading dock rules so buildings can adapt over time –
Instead of allowing this for all loading berths and docks, create new Special District zoning districts for certain areas where there are large concentrations of buildings that would be affected. **Reject.**
5. Enable commercial activity on upper floors –
Clearly, this proposal would be a nightmare in lower-density neighborhoods. **Reject.**
6. Simplify and modernize the way businesses are classified in zoning –
Combining 18 Use Groups into 10 categories opens the door to inappropriate uses neighborhoods throughout the city. For modernization purposes, add new uses to existing Use Groups. **Reject.**

7. Clarify rules to permit indoor agriculture –

Based upon the intent of this proposal, allow vertical farming and indoor operations in high density districts only, as they will create major issues in lower-density areas. **Reject.**

8. Give life sciences companies more certainty to grow –

This is an absolutely terrible idea. Neighborhood commercial and lower-density districts are absolutely not organized or prepared to accommodate life sciences types of development and usage as defined in this proposal. **Reject.**

9. Support nightlife with common-sense rules for dancing and live entertainment –

Before this proposal is allowed citywide, it would make sense for a pilot program in a specific location for several years to see what the ramifications will actually be. **Reject.**

10. Create more opportunities for amusements to locate –

The size, scope and details of amusements in higher density commercial districts (C3-C6) are not described whatsoever in this proposal. Again, adding new uses to the existing framework makes more sense. **Reject.**

11. Enable entrepreneurship with modern rules for home-based businesses – **Absolutely not.**

Increasing allowable uses, square footage and employees in a primary residence is totally unacceptable. **Reject.**

12. Introduce corridor design rules that ensure buildings contribute to surroundings –

We need more mandatory streetscape design that caters to our unique neighborhoods, not uniform rules that dumb everything down while pretending they will make for better design standards. **Reject.**

13. Reduce conflicts between auto repair shops and pedestrians –

The problem with the conflict is that auto repair uses shouldn't be allowed in C2 and C6 districts at all – they should be in C8 zones. **Reject.**

14. Encourage safe and sustainable deliveries with micro-distribution –

It is our belief that this proposal will set up continuous conflict with other storefront operations on typical commercial strips. Micro-distribution should only be allowed through a Special Permit process with mandatory renewal on a two-year basis in targeted neighborhoods, not in every neighborhood. **Reject.**

15. Facilitate local commercial space on residential campuses –

This is an operation to allow large-scale commercial development in NYCHA and other campuses to make market-rate development in those places more attractive. This should be a ULURP action with a commercial overlay process, not CPC authorization.

Reject.

16. Create process for allowing corner stores in residential areas –

If adopted, would change the face of our communities and potentially allow retail and office commercial development on any residential property within 100 feet of a corner up to 2500 square feet in size where it is currently prohibited. While it would need City Planning Commission approval, we believe it will become a routine permitting process that will have extremely negative consequences. Unacceptable on every level. **Reject.**

17. Rationalize waiver process for business adaptation and growth –

Allowing expansion and bulk relief for commercial development by BSA and CPC sign offs makes no sense and removes the ability of communities to assess whether those businesses are still appropriate for their locations (done through a typical ULURP action). **Reject.**

18. Create new kinds of zoning districts for future job hubs –

This is a proposal that is specifically designed to be a vehicle to lift the Floor Area Ratio (FAR) cap (currently at a 12 FAR Statewide) to 15 in order to allow for still more density and development that's at an inappropriate scale. **Reject.**



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MATTHEW WASKIEWICZ
Application # N 240010 ZRY	Borough:
CEQR Number: 24DCP004Y	Validated Community Districts:

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 4	# Against: 30	# Abstaining: 5	Total members appointed to the board: 47
Date of Vote: 12/19/2023 12:00 AM		Vote Location: 120-55 Queens Boulevard, Kew Gardens NY 11424	

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

Date of Public Hearing: 12/19/2023 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	120-55 Queens Boulevard, Kew Gardens NY 11424

CONSIDERATION:		
Recommendation submitted by	QN CB9	Date: 1/3/2024 12:13 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 34	# Against: 0	# Abstaining: 0	Total members appointed to the board: 34
Date of Vote: 12/4/2023 12:00 AM		Vote Location: St. Luke RC Church	

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

Date of Public Hearing: 11/20/2023 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	St. Luke RC Church 16-34 Clintonville St., Whitestone, NY 11357

CONSIDERATION: Vote was unanimous 34 to 0 to disapprove "City of Yes" see attached report.

Recommendation submitted by	QN CB7	Date: 12/11/2023 12:47 PM
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For Economic Opportunity

Optional Worksheet: Proposal Feedback

Instructions: If you choose to complete this optional worksheet, please review each part of the proposal. Check the box to express whether you support or do not support that specific component. You can leave comments in the requested modification section.

	Support	Do Not Support	Requested Modification
#1: Reactivate Storefronts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#2: Simplify district types	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#3: Small-scale production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#4: Loading docks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

	Support	Do Not Support	Requested Modification
#5: Upper floor commercial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#6: Use terms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#7: Urban agriculture	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#8: Life sciences	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#9: Nightlife	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#10: Amusement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#11: Home occupations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

	Support	Do Not Support	Requested Modification
#12: Streetscape	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#13: Auto repair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#14: Micro-distribution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#15: Campus commercial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#16: Corner stores	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#17: Better waiver process	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#18: New loft-style district	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

“City of Chaos” AKA “City of Yes”

Proposal 1: Lift time limits to reactivating vacant storefronts

This would allow existing non-conforming storefronts in R Zones and Landmark Districts to be re-occupied after a two year vacancy. This should remain reviewable on a case-by-case basis.

➔ **We disapprove this proposal.**

Proposal 2: Simplify rules for business types allowed on commercial streets

This Zoning crossover should be clarified and consolidated in the USE GROUP definitions.

This cross-over zoning allows up-zoning without an EIS.

➔ **We disapprove this proposal.**

Proposal 3: Expand opportunities for small-scale clean production

The definition of “small-scale clean production” is very broad and confusing. This sounds like weed & hemp growers and massage parlors will be considered as “small-scale clean production”.

➔ **We disapprove this proposal.**

Proposal 4: Modernize loading dock rules so buildings can adapt over time

Many Landlords will indiscriminately convert their loading berths into storefronts. This will create illegal truck parking and unloading on the streets, because these new tenants will require loading. **Duh!**

➔ **We disapprove this proposal.**

Proposal 5: Enable commercial activity on upper floors

This proposal will allow weed & hemp growers and massage parlors to exist adjacent to residential apartments on the same upper floor. There will be continuous foot traffic on these multi-use floors and noise from floors above will eliminate quiet enjoyment for residents. This proposal would be a nightmare.

➔ **We disapprove this proposal.**

Proposal 6: Simplify and modernize the way businesses are classified in zoning

Further Use Groups clarification would be a much better solution.

➔ **We disapprove this proposal.**

Proposal 7: Clarify rules to permit indoor urban agriculture

This would allow weed & hemp growers to flourish adjacent to residents on the same floor.

➔ **We disapprove this proposal.**

Proposal 8: Give life sciences companies the certainty to grow

Since some weed & hemp growers use laboratory equipment, this proposal will allow growers to be classified as a “laboratories” and be located in C-Districts, This is a terrible idea, as local neighborhood commercial and lower-density districts are not equipped to accommodate life sciences usage proposed.

➔ **We disapprove this proposal.**

Proposal 9: Support nightlife with common-sense dancing and live entertainment rules

This proposal would allow “common sense” night club dancing in mixed-use residential buildings currently allowed in C1-C6 Districts. This horrible idea will require major enforcement the City simply cannot provide.

➔ **We disapprove this proposal.**

Proposal 10: Create more opportunities for amusements to locate

Amusement and other similar businesses create extreme amounts of noise. This proposal will allow business to be located in the same building with residential use on upper floors or on the same floor.

➔ **We disapprove this proposal.**

Proposal 11: Enable entrepreneurship with modern rules for home-based businesses

This proposal will allow hair salons with dryer noise, nail salons with toxic smells, and massage parlors next door to residential units. Horrible idea!

➔ **We disapprove this proposal.**

Proposal 12: Introduce design rules that ensure buildings contribute to surroundings

We need firm accountability and punishment for those who graffiti, rather than more restrictions on the blank wall design.

→ We disapprove this proposal.

Proposal 13: Reduce conflicts between auto repair shops and pedestrians

This proposal will allow “light” auto repair and maintenance shops in apartment buildings. Auto Repair should not be allowed in C2 – C6 Districts; they should only be allowed be in C8 zones.

→ We disapprove this proposal.

Proposal 14: Encourage safe and sustainable deliveries with micro-distribution

This proposal will create **more** truck congestion, since these large trucks will be allowed to unload to 2,500 SF “micro-distribution centers”. **2,500 SF is larger than typical storefronts that are 1,500- 2000 SF.** In essence , this proposal would allow a store on our street and sidewalks (sounds like the horrible Open Restaurant Law). Micro-distribution should only be allowed through Special Permit with renewal on a yearly basis and only in targeted neighborhoods.

→ We disapprove this proposal.

Proposal 15: Facilitate local commercial space on residential campuses

This proposal would allow large-scale commercial development in NYCHA and other campuses to provide market-rate development more attractive. This should be a ULURP action, not a CPC authorization.

→ We disapprove this proposal.

Proposal 16: Create process for allowing new corner stores in residential areas

This proposal would allow commercial use in lower density R1 and R2 districts. This would change the face of our communities and would allow retail and office development on any residential property within 100 feet of a corner. This proposal would only require CPC approval, and we believe it would eventually become a routine permitting process with extremely negative consequences.

→ We disapprove this proposal.

Proposal 17: Rationalize waiver process for business adaptation and growth

Zoning exists for good reasons. Allowing bulk relief for commercial development by BSA and CPC makes no sense and eliminates communities to assess whether those businesses are appropriate for their locations. This would replace current required ULURP actions.

➔ **We disapprove this proposal.**

Proposal 18: Create new kinds of zoning districts for future job hubs

This proposal is specifically designed to lift the current 12 FAR Statewide to 15 FAR in order to allow more density and development that is inappropriate in scale. This requires massive studies. "No parking inside the Expanded Transit Zone" creates more traffic.

➔ **We disapprove this proposal.**

Since the pandemic, vacancy rates of storefronts and offices are at an all-time high. Creating more storefront and office space from illegal use under current zoning will not create or expand more businesses. Businesses need a safe community with criminal accountability and a reasonable taxation rate.



BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Economic Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: MATTHEW WASKIEWICZ
Application # N 240010 ZRY	Borough: Citywide
CEQR Number: 24DCP004Y	Validated Community Districts:


Docket Description:
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Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Unfavorable

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

CONSIDERATION: 		
Recommendation submitted by	SI BP	Date: 1/31/2024 4:26 PM

<div><div>NYCPLANNING</div><div>DEPARTMENT OF CITY PLANNING CITY OF NEW YORK</div></div> <div><div>BOROUGH PRESIDENT RECOMMENDATION</div><div>Pursuant to the Uniform Land Use Review Procedure</div></div>	
<div>Application #: CEQR Number:</div> <div>N 240010 ZRY 24DCP004Y</div>	<div>Project Name:</div> <div>CITY OF YES FOR ECONOMIC OPPORTUNITY</div> <div>Borough(s): Community District Number(s):</div> <div>STATEN ISLAND 1, 2, 3</div>
<div>Please use the above application number on all correspondence concerning this application</div>	
<div>Docket Description:</div> <div><p>IN THE MATTER OF the NYC Department of City Planning is proposing a citywide zoning text amendment to support economic growth and resiliency in New York City. This text amendment would facilitate the repurposing of existing nonresidential space by providing businesses with additional zoning flexibility to locate and expand. The proposed zoning text amendment would apply to all 59 of the city's Community Districts.</p></div>	
<div>RECOMMENDATION:</div> <div><div><div><input type="checkbox"/> Approve</div><div><input checked="" type="checkbox"/> Disapprove</div></div><div><div><input type="checkbox"/> Approve with Modifications / Conditions</div><div><input type="checkbox"/> Disapprove with Modifications / Conditions</div></div></div>	
<div>Explanation of Recommendation, Conditions or Modification:</div>	
<div>Related Application(s):</div> <div>N 240011 ZRY</div>	
<div>Address all questions about this Recommendation to:</div> <div><div>OFFICE OF THE STATEN ISLAND BOROUGH PRESIDENT</div><div>ATTN: DIVISON of LAND USE / TOPOGRAPHICAL BUREAU</div><div>Address: 10 Richmond Terrace, Room G-12 Staten Island, NY 10301</div><div>Phone: 718-816-2114</div></div>	
<div><div></div><div><div>Vito J. Fossella</div><div>President, Borough of Staten Island</div></div><div><div>01/30/2024</div><div>Date</div></div></div>	

PROPOSAL	SUPPORT	DO NOT SUPPORT	REQUESTED MODIFICATION
#1 Reactivate Storefronts		X	We will support providing only for existing grandfathered businesses and will conform to current existing use groups, not newly proposed use groups.
#2 Simplify District Types		X	Must exclude C1 and C2, specifically overlays within mixed use. Do not support Entertainment, Places of Assembly, or transient accommodations in C1 C2 overlays within a mixed-use or C1 and above with or without mixed-use.
#3 Small Scale Production		X	Must exclude C1 and C2 specifically overlays in mixed-use. This will create a loophole for property owners to subdivide a plot to create multiple spaces that are 5k sq. ft.
#4 Loading Docks	X		
#5 Upper Floor Commercial		X	Must exclude C1 and C2 specifically overlays in mixed-use. 15' physical separation must be an amenity space that does not generate noise, i.e., lobby, waiting area, etc. Must have regulated sound attenuation.
#6 Use Terms	X		
#7 Urban Agriculture		X	Commercial Districts only and must exclude C1 and C2 specifically overlays in mixed-use. Ground floor only, no sidewalk use.
#8 Life Sciences		X	<p>We do not support life science companies in commercial districts for the purpose of locating near research centers. The term research centers is ambiguous and undefined.</p> <p>Many categories of commercial laboratories belong in an M district due to the potentially hazardous environment. A special permit is a discretionary action by the City Planning Commission and only sometimes coincides with the community's wants and needs.</p>

#9 Nightlife		X	<p>We do not support regulating nightlife based on capacity rather than type of entertainment. DOB, FDNY, and SLA each have enforcement powers. However, each considers regulations distinctive to their respective agencies.</p> <p>We vehemently oppose nightlife in residential districts and C1 and C2 overlays in mixed-use.</p> <p>We propose a maximum capacity of 75 people to align with assembly permits. Additionally, we propose a buffer to protect any residential dwelling from the noise produced by amplified sound systems. The many undesirable effects include sleep disturbances, reduced quality of life, negative impact on the local economy affecting property values and</p>
#10 Amusement		X	<p>Commercial only, and must exclude C1, C2 specifically overlays in mixed-use, and never in residential districts. There should be a minimum allowable square foot requirement to prevent small arcades, gaming rooms, etc, from popping up and saturating districts.</p>

#11 Home Occupations		X	<p>We do not support expanding the size allowance to 49% of the home, allowing up to 3 employees for a home-based business, for the following reasons:</p> <ol style="list-style-type: none"> 1.The pandemic was a short-term situation, and certain businesses no longer need to operate from their home. 2.Homes are expected to be living spaces in residential districts. 3.Theoretically, if every home in a residential district contained a business with up to 49% of the home and employed three people, the district would become a commercial strip within a residential district. 4.Some buildings are two or multiple homes within one building. Consequently, the number of home businesses would escalate to unacceptable proportions. 5.As a common practice, we all know that home businesses are “cash” enterprises. They do not generate tax or income revenue for the government. 6.Homes businesses cause parking complications for residents. 7.Home-based businesses create noise and environmental issues not wanted by other homeowners. 8.Home-based businesses with up to 3 employees and numerous clients overburden a home’s occupancy and stress sanitary sewerage systems incompatible with commercial use. 9.Home-based businesses create a challenge for trash disposal. Does DSNY service home businesses, or must they use commercial carting? 10.Home-based businesses spoil neighborhood characters with signs, nameplates, etc. 11.Home-based businesses do not foster economic growth for small businesses. Like big box stores use impulse buying at checkouts, going to a brick-and-mortar store increases the likelihood that consumers will patronize other businesses in the area.
#12 Streetscape	X		

#13 Auto Repair		X	It is our understanding that the NYS DMV does not issue separate light and heavy-duty licenses for motor vehicle repair. How will DCP rationalize light and heavy-duty repair? If the DCP concern is that some businesses conduct heavy servicing and vehicle storage on neighborhood sidewalks and retail streets, that is solely an <u>enforcement</u> matter to be taken up with NYPD or NYS DMV. How will DCP define “light auto servicing” in C1 through C7? Casting the interpretation of “light auto servicing” to the BSA for a Special Permit is incomprehensible. Unless grandfathered, no motor vehicle repair facility should be located in anything other than C6 or manufacturing. BSA is not an enforcement agency, they can only place stipulations which are commonly ignored once the Special Permit is granted.
#14 Micro-distribution		X	This proposal needs further investigation and regulated restrictions. There will be unanticipated collateral negative impacts on local traffic, parking obstructions, and congestion.
#15 Campus		X	We do not support community facility campuses that exist or will be built in a residential district. Staten Island has Wagner College and St. John’s University, surrounded by residential districts. Any laboratory belongs in M districts only due to the potentially hazardous environment. A special permit is a discretionary action by the City Planning Commission and only sometimes coincides with the community’s wants and needs.
#16 Corner Stores		X	We ardently oppose any new small-scale store in a residential zone. The collective negatives this would impose on any residential community will be indisputably destructive. Your proposal states “Community Board approval,” but we all know we are an advisory agency unless the project is subject to the ULURP process. Additionally, there is no mention of Council Members’ approval. In theory, a small business could be located on every corner within a community of residential homes, thereby altering the true character of residential neighborhoods. This proposal is biased against homeowners and displays DCP’s partisanship toward commercial districts.

#17 Better Waiver	X		Will support only in M districts.
#18 New Loft-style		X	



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MATTHEW WASKIEWICZ
Application # N 240010 ZRY	Borough:
CEQR Number: 24DCP004Y	Validated Community Districts:

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 23	# Abstaining: 0	Total members appointed to the board: 23
Date of Vote: 1/24/2024 12:00 AM		Vote Location: Webex Virtual	

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

Date of Public Hearing: 1/10/2024 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	Community Board 3 - 1243 Woodrow Road 2nd Floor Staten Island NY 10309

CONSIDERATION: CB3 SI is firmly against this tex amendment		
Recommendation submitted by	SI CB3	Date: 1/25/2024 11:31 AM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MATTHEW WASKIEWICZ
Application # N 240010 ZRY	Borough:
CEQR Number: 24DCP004Y	Validated Community Districts:

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 11	# Abstaining: 0	Total members appointed to the board: 12
Date of Vote: 1/24/2024 12:00 AM		Vote Location: 900 South Avenue, SINY	

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

Date of Public Hearing:	
Was a quorum present? No	<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>
Public Hearing Location:	

CONSIDERATION: Community Board 2 is opposed to the City of Yes for Economic Opportunity Application in its entirety.		
Recommendation submitted by	SI CB2	Date: 2/13/2024 7:43 AM



Staten Island Community Board 1

1 Edgewater Plaza, Suite 217, Staten Island, NY 10305

Tel: 718.981.6900 - Fax: 718.720.1342

Chairman: Nicholas Siclari

District Manager: Joan Cusack

The City of Yes (Economic Development) has some positive aspects to the 18 provisions. And while the Project may be good for Manhattan-centric businesses and establishments, it is not necessarily so for our Borough.

Here are some comments:

#5 Enable commercial activity on upper floors

Our City bemoans the lack of apartments, but it is a proponent of permitting business to replace residential units to be established on the floors above street level. While touting buffer zones of separation of space between residences and the business, what guarantees are in place if a new business is problematic and how soon can remedies be sought out and implemented.

#6 Use Group 3: Community Facilities

Can usage in a residential building now permit a "social services agency" to offer community services in a residential building, with or without sleep accommodations?

#7 Urban Agriculture: (commercial districts)

Hydroponic and aquaponic agriculture uses would be permitted. Will these uses extend to facilities potentially being used to grow cannabis?

Also will the use of extra lighting needs alter the Energy Efficiency Rating for Buildings?

#8 Life Sciences:

Laboratory Facilities should be closely monitored. There is concern that production and manipulation of HAZARDOUS Biological matter will occur and "animal models" will be used. There should be restrictions: no animal testing; non-contagious synthesis and manipulation of substances should be the standard.

#10 Nightlife:

Expansion of dancing and cabaret will bring additional noise complaints to communities.

#11 Home Occupations:

The establishment of home based business should be closely monitored. This change in regulation will permit three employees (3) to work in a home business (49% of floor apartment area). We don't know what types of home businesses will be permitted in the new regulation. Again, the operation of a business in a residential building should not infringe on building residents' ability to maintain their "quality of life."

#14 Micro-distribution:

Will this pick up-site exacerbate local traffic and create double parking and street congestion conditions.

#16 Corner Stores:

Allowing stores to be opened 100 feet from a corner can be disruptive to residential homes on the block and should ONLY be on corner locations. Our borough has many residential blocks and to put a store 100 feet in would be like having two 40 foot frontage homes and then a store plopped in the middle of the block. This would bring additional foot traffic and parking (double parking) issues depending on the type of establishment. Allowing these stores to be 100 from the corner is not in our borough's best interests.

#17 Better Waiver Process:

BSA should have established terms for initial contract as well as contract extensions.

In conclusion, I am most wary of approving this City of Yes Economic Opportunity Proposal II. I am especially concerned that if these zoning changes are implemented City-wide, we no longer have any local control or say in things being implemented, negatively impacting the quality of life for our Borough residents.

Therefore, I am saying NO to this proposal.



Staten Island Community Board 1

1 Edgewater Plaza, Suite 217, Staten Island, NY 10305

Tel: 718.981.6900 - Fax: 718.720.1342

Chairman: Nicholas Siclari

District Manager: Joan Cusack

1. NO. NYC should not attempt to take away someones storefront for any reason. Instead should offer a program to help start or revitalize a business.
2. YES.
3. YES.
4. YES
5. NO. Business should not be intermingled with residential. There must be a clear separation of between the two. No safeguards are in place to prevent a business from creating havoc on a nearby residence. Businesses should remain on their own lower floors.
6. NO. There isn't a clear cut explanation of any type of City or State service that ma offer beds for a Group Home
7. NO. There must not be Canibus growing or cultivating allowed within these uses.
8. NO. Life sciences should ideally be located near medical facilities or schools offering related subjects. Animal testing or hazardous testing must be done far from residential areas. We should learn a lesson from how we got COVID.
9. NO. The NYS Liquor authority has strict rules and needs to resume enforcement.
10. YES.
11. This request is too vague. It needs to be concise. What is MODERN RULES?
12. YES
13. YES
14. YES
15. YES
16. NO. Allow the serenity and family style living to continue without the obvious disturbances businesses bring into a residential neighborhood. There is already a process in place to apply for a Variance or Exception. We don't need to alter the zoning laws and take the choice from the People.
17. YES
18. YES.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 6	# Against: 12	# Abstaining: 0	Total members appointed to the board: 17
Date of Vote: 2/5/2024 12:00 AM		Vote Location: email	

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

Date of Public Hearing: 1/4/2024 6:30 PM	
Was a quorum present? No	<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>
Public Hearing Location:	zoom

CONSIDERATION: 18 proposals - 6 support - 12 non-support		
Recommendation submitted by	SI CB1	Date: 2/5/2024 1:17 PM



BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Economic Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: MATTHEW WASKIEWICZ
Application # N 240010 ZRY	Borough: Citywide
CEQR Number: 24DCP004Y	Validated Community Districts:

Docket Description:
--

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: Please see attached memo for recommendations on proposals 1-17. Proposal 18 will be submitted on the ZAP page for COYEO - M Districts. 		
Recommendation submitted by	BK BP	Date: 1/24/2024 9:17 AM



Brooklyn Borough President Antonio Reynoso

Brooklyn Borough Hall
209 Joralemon Street, Brooklyn, NY 11201

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
calendaroffice@planning.nyc.gov

Citywide Zoning Text Amendment Application

CITY OF YES FOR ECONOMIC OPPORTUNITY – N240010ZRY

IN THE MATTER OF an application submitted by the NYC Department of City Planning to propose a citywide zoning text amendment to support economic growth and resiliency in New York City. This text amendment would facilitate the repurposing of existing nonresidential space by providing businesses with additional zoning flexibility to locate and expand. The proposed zoning text amendment would apply to all 59 of the city's Community Districts. See companion ZR amendment in 2024Y0161.

CITYWIDE TEXT AMENDMENT

RECOMMENDATION

☐ APPROVE

☐ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE

☐ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

(See individual proposal responses below for recommendations)

RECOMMENDATION FOR: CITY OF YES FOR ECONOMIC OPPORTUNITY – N240010ZRY

The Department of City Planning (DCP) is proposing sweeping changes to the Zoning Resolution (ZR), with the intent of supporting small businesses, strengthening commercial corridors, and providing flexibility for entrepreneurs to start businesses in the city. The zoning regulations that govern where business can locate have remained nearly unchanged since 1961, and this text amendment also intends to update the definitions and types of uses that are outlined in the ZR.

Community Board Position

According to DCP's Zoning Application Portal, as of January 23, the following Brooklyn Community Boards have taken action on this application:

- CB1: Held a public hearing on December 19, 2023, and voted conditional favorable on January 9, 2024
- CB10: Held a public hearing on January 23, 2024

- CB11: Held a public hearing on January 9, 2024, and voted conditional unfavorable on January 11, 2024
- CB15: Held a public hearing on November 28, 2023, and voted conditional favorable on the same day
- Borough Board: Held a public hearing on January 4, 2024 and intends to vote on February 6, 2024

The Borough President heard process-related feedback from community boards about this Zoning Text Amendment. Boards reiterated that the zoning text is complicated, dense, and long, and the referral period to properly review these changes was insufficient, particularly when taking into account winter holidays. Further, the Department of City Planning (DCP) was not clear on community board or Borough President recommendation deadlines. While the Borough President appreciates the flexibility DCP committed to providing in reviewing all feedback through February, the Borough President remains concerned that the City Planning Commission will hold a hearing before all recommendations have been submitted.

The Borough President also shares community concerns around enforcement. While zoning cannot regulate enforcement, zoning changes could affect enforcement agencies' workloads, operations, training, etc. The Borough President understands that the updated zoning regulations will provide increased flexibility that could require more from enforcement agencies.

Approval Rationale

The Borough President held a public hearing on this item on December 18, 2023. Five members of the public testified during the hearing, and two additional members of the public submitted written testimony.

Goal 1: Make it easier for businesses to find space and grow

1. Reactivate storefronts (Approve)

The Borough President supports proposals that reactivate vacant storefronts along existing retail corridors and within neighborhoods, and supports expanding this provision to cover all Residence Districts instead of limiting it to R5, R6, and R7 Districts. According to a recent report from the Association for Neighborhood & Housing Development (ANHD) analyzing storefront vacancy data from 2019 and 2020, there are "troubling vacancy rates in outer-borough ethnic enclaves such as Flushing Chinatown, Sunset Park, and Brighton Beach." We must take measures to help stabilize neighborhoods by allowing more small, local businesses to locate and thrive.

2. Simplify district types (Approve)

The Borough President appreciates DCP's effort to make zoning more predictable for small businesses and understands the rationale for allowing similar uses along both sides of commercial and retail corridors. The Borough President heard community concerns about potential nuisance uses being newly allowed across C1/C2 and C4/C5/C6, and requests that DCP review the new uses being permitted across the districts and contemplate whether a square footage cap is appropriate on some of these new uses.

3. Small-scale production (Approve)

Borough President Reynoso has long been advocating for DCP to create new tools to facilitate inclusion of light manufacturing space in mixed-use buildings. He supports this proposal but wants to be clear that it should not be used as a rationale for rezoning any

more of the city's Manufacturing zones, which remain necessary to support a broader range of industrial uses.

4. Loading docks (*Approve with modifications*)

Borough President Reynoso supports proposals that provide flexibility for manufacturing businesses. However, he is concerned about unintentionally creating a legalized loophole for particularly traffic-generating uses such as last-mile facilities or other warehouses. For example, the Borough President wants to avoid a scenario where a business could legally occupy a building with few loading docks, report one use to the Department of Buildings, and a few months later begin operating as a last-mile warehouse or other business with a high level of truck throughput. If the cost savings were significant enough, such a loophole could have the secondary effect of increasing displacement pressure on existing manufacturing businesses.

Borough President Reynoso believes the most appropriate way to guard against such a scenario is to add extra scrutiny for last-mile warehouse facilities through a new special permit (elaborated in response to Proposal 14).

5. Upper floor commercial (*Disapprove with modifications*)

The Borough President shares DCP's desire to see vibrant commercial corridors and increased opportunities for small businesses. However, Brooklynites have shared valid concerns about this proposal, including about privacy, safety, pollution, potential loss of residential units, and especially noise. On the issue of preventing access between commercial and residential uses, DCP has noted that separate entrances, stairwells, lobbies, etc., would be required; however, the zoning text does not include this level of specificity. The Borough President requests that "access" be more specifically defined in order to preclude any potential ambiguity that could lead to safety and privacy issues.

Additionally, the Borough President agrees that co-locating eating and drinking establishments in residential buildings is likely to generate noise that would negatively impact residents' quality of life. When bars and restaurants locate adjacent to or above residential, they should be required to implement both the 15 ft. and wall/ceiling buffer, *and* the prescribed sound attenuation measures, not one or the other. Even so, this will be an ongoing enforcement challenge that is going to require a more proactive response than residents in existing mixed-use areas with restaurants and bars on the ground floor feel they are currently receiving.

Finally, the Borough President shares concerns that this proposal could lead to the loss of residential units. While DCP has stated that it is unlikely that a landlord would retrofit an existing residential building to accommodate commercial due to the cost of separating the two uses, there is nothing in the zoning that would prevent this from happening. New York City's housing crisis is so dire that we cannot afford to lose existing units, let alone run the risk of existing tenants being displaced. The Borough President recommends including a provision that no commercial space will be allowed that displaces existing residences.

Given the concerns outlined above, and the proliferation of vacant storefronts throughout the city, the Borough President questions whether this proposal is necessary to achieve DCP's stated goals.

6. Use terms (*Approve with conditions*)

Borough President Reynoso agrees that the uses and Use Groups currently written in the Zoning Resolution need to be updated. Use Groups should never have been allowed to

become so outdated in the first place. The Borough President requests that DCP use this Zoning Text Amendment to set a precedent that uses and Use Groups be updated in a standalone Zoning Text Amendment on a decennial basis. Combining a use group reorganization with the other 17 proposals in this Zoning Text Amendment has exacerbated the difficulty of thoroughly reviewing the draft zoning text.

Updating and defining new land uses is a core responsibility and competency of DCP. However, the status quo for updating uses is too reactive and relies too heavily on outside advocacy. For example, in the last decade, last-mile warehouses have emerged as a significant land use affecting the daily lives of New Yorkers. As a participant of the Red Hook Traffic and Truck Study, DCP should be aware of the impact of this land use on environmental justice communities. The Borough President will further elaborate on this issue under Proposal 14, but the lack of action on defining this pressing use underscores the need for a more proactive, regular approach to updating uses and use groups. Such an approach would also help obviate the need for unusual text amendments such as the Citywide Zoning Text Amendment for gaming facilities, which, as drafted at the time of this recommendation, combines adding a new use to the Zoning Resolution with waiving the regulations of the entire Zoning Resolution for said use in favor of a separate approval process.

While Borough President Reynoso supports the removal of antiquated terms, some of the proposed simplifications go too far, particularly the new amusement use proposed for Use Group 8. Consolidating uses such as bowling alleys, skating rinks, and pool halls from four different Use Groups into one makes sense, but renaming all of these uses to the vague “amusement or recreation facilities” seems counterproductive, especially since Use Group 6 is proposed to include many uses similar or adjacent to entertainment and recreation. If the goal is for businesses to reference uses more easily, such a vague name could create more confusion than before and create ambiguity between nightlife and amusements.

Borough President Reynoso feels that currently, use and Use Group information is needlessly difficult and confusing for members of the public to access. While reorganizing the Zoning Resolution is a step in the right direction, the public should not have to rely on referencing clunky zoning text in order to find information on uses. Currently, there is no resource where every use and Use Group is exhaustively listed in one place; the closest is a page of the NYC Zoning Handbook that directs the reader to different parts of the Zoning Resolution for each use group. DCP should provide a reader-friendly supplement to the NYC Zoning Handbook that exhaustively lists all uses, use groups, and in which zoning districts they are permitted.

Some of the City’s tools, particularly PLUTO/MapPLUTO and ZoLa, the City’s Zoning and Land Use Map, are good resources that are widely used by subject matter experts and the public alike. Unfortunately, use and Use Groups are not currently included in this data. In the spirit of improving the transparency, legibility, and access of the City’s land use regulations, Borough President Reynoso requests that DCP work with the Department of Finance (DOF), the Department of Buildings (DOB), and the Office of Technology and Innovation (OTI) to update record and record-keeping systems to include this information.

In summary, Borough President Reynoso supports the effort to rationalize and reorganize Use Groups provided that:

1. DCP commits to setting a precedent for use group updates on a decennial basis
2. “Last-mile warehouse” is added as a use (further discussed under Proposal 14)
3. The proposed “amusements and recreation facilities” is broken out into more specific uses, consolidated under UG 8
4. DCP provides reader-friendly reference materials other than the Zoning Resolution

5. DCP works with relevant partner agencies to publish use and Use Groups data on a parcel level through PLUTO, MapPLUTO, and the City's Planning and Land Use Map (ZoLa)

Goal 2: Support growing industries

7. Urban agriculture (*Approve with conditions*)

While the draft zoning text allows for agricultural uses “provided that no offensive odors or dust are created,” the Borough President remains concerned that the text does not discuss noise, vibrations, and, while indoor agriculture is typically less chemical-intensive than outdoor agriculture, the potential usage and disposal of chemicals or pesticides. If any chemicals are used in indoor growing operations, the Borough President recommends that commercial buildings with agricultural uses comply with standards for hazardous material storage and transportation that align with those set forth in other sections of the ZR, particularly in relation to any buildings with agricultural use in areas subject to flooding.

Further, recent reports show vertical farming involves significant energy usage when compared to greenhouses. The Borough President wants to ensure that renewable energy sources are used to help power these facilities, and he would like DCP to provide clarity on how energy efficiency standards will be measured, how energy use will be regulated, and how the energy related to this use will tie into recent regulations passed in City of Yes for Carbon Neutrality.

Finally, The Borough President received community feedback concerning the regulation of cannabis-production facilities as a permitted use within urban agriculture. The State administers Adult-Use Conditional Cultivator licenses, which growing facilities would need to obtain in order to operate in New York City. The Borough President echoes community concerns around the need for continued enforcement of unlicensed facilities, and asks that DCP contemplate the appropriateness of a CPC Authorization for facilities that exceed a certain square footage to provide an opportunity to assess both agricultural use and energy usage.

8. Life sciences (*Approve with conditions*)

Existing zoning text only allows for laboratories to locate within hospital or educational settings, which are equipped to deal with the handling, storage, and disposal of hazardous materials. The proposed text allows these facilities to locate in mixed-use buildings. While it defines “laboratories” in a way that implies hazardous substances cannot be used, the performance standards dictated correspond to regulations for M1 districts. The Borough President would like DCP to revisit this requirement, as stricter environmental and disposal standards may be necessary when laboratories are co-located with residences.

The Borough President reiterates these concerns in relation to the BSA Special Permit defined in 73-171, which allows for ground floor offices in Residence Districts located in flood zones. The Borough President requests that DCP take measures to ensure that hazardous substances are strictly regulated for these uses in Residence Districts and to track buildings that are requesting this special permit and be prepared to address if there is a proliferation of these uses on the ground floor in areas vulnerable to climate change.

9. Nightlife (*Approve with modifications*)

When he was a Member of the City Council, Borough President Reynoso supported the effort to overturn the outdated Cabaret Law, which was often unfairly applied to target nightlife establishments in communities of color. DCP has described this proposal as an effort to both to match zoning with the post-Cabaret Law regulatory framework, and to take the pressure off of

Manufacturing districts, to which many types of nightlife establishments are currently restricted. The Borough President agrees with both these goals, but has three important concerns with the proposal as it currently exists.

First, as described in comments on Proposal 5 above, the Borough President is concerned about the quality-of-life impacts that eating and drinking establishments may have on adjacent residents when co-located in residential buildings, and is asking that when bars and restaurants locate adjacent to or above residences, they be required to implement both required buffer space and sound attenuation measures.

Second, as a supporter of our city's vibrant industrial sector, Borough President Reynoso has long advocated for the removal of nightlife establishments from core industrial districts. These districts exist to support heavy manufacturing uses, some of which depend on access to water. Adding nightlife to these areas can create dangerous conditions for the public and can prevent the manufacturing sector from expanding. While he appreciates that nightlife establishments are barred from the proposed M3A districts, this does nothing to stop proliferation of nightlife in existing M3 zones. This process presents the opportunity to update the existing M3 district to disallow further expansion of nightlife into core industrial areas without pursuing new mapping actions.

Third, the Borough President is concerned that the proposed BSA permit process allowing businesses to expand up to 200% may have unintended consequences for M districts. A restaurant expanding from one small commercial storefront into another is quite different from a warehouse-sized club in a manufacturing zone taking over an adjacent warehouse. While the required findings specifically address impact on residential and mixed-use neighborhoods, they are silent about the impact on manufacturing businesses. Further proposed changes to these special permit processes are discussed in the recommendation for Proposal 17.

10. Amusements (*Approve with modifications*)

As with nightlife, Borough President Reynoso has advocated for the removal of amusement establishments from core industrial districts. The Borough President echoes his concerns in response to Proposal 9: while he welcomes the potential to relieve pressure by loosening restrictions for amusements in commercial districts, he requests that the existing M3 district be updated to disallow further expansion of these uses into core industrial areas without pursuing new mapping actions.

The Borough President echoes his concern about simplified amusement uses in response to Proposal 6: while consolidating amusement uses under one use group makes sense, collapsing commonly understood terms such as "bowling alley" or "skating rink" into "amusement and recreation facilities" invites unnecessary ambiguity. If such terms become antiquated in the future, Borough President Reynoso encourages DCP to adjust them in future decennial use group updates, as requested in response to Proposal 6.

11. Home occupations (*Approve with modifications*)

While the Borough President understands that many more New Yorkers are working from home, he wants to ensure the proposal does not incentivize larger apartments to be used for business uses rather than dedicated living space for families. To that end, the Borough President requests that DCP reinstate a square footage limit within the "Home occupation" definition in Section 12-10, specifically within (a)(3), with an increase to 750 square feet of floor area. While the provision would only allow for the resident plus three additional persons not residing in the unit, small firms of this size could still be encouraged to locate in the city's commercial centers and in vacant storefronts along retail corridors.

Goal 3: Foster vibrant neighborhoods

12. Streetscape *(Approve with modifications)*

Borough President Reynoso supports the expansion of streetscape regulations beyond the bounds of special districts. Every commercial corridor in the city deserves to have quality streetscapes, not just the areas with the circumstances or resources to obtain a special district designation. To that end, the Borough President urges DCP to draft a bolder vision of this proposal to include more of the so-called “automotive corridors,” shopping centers, and areas near freeways that are exempted in the draft zoning text.

This proposal is in alignment with the priorities identified in the Borough President’s Comprehensive Plan for Brooklyn, particularly the Healthy Streets & Environment framework. Improved streetscapes will be part of a just transition to a healthier, de-carbonized public realm. Tier A identifies auto-oriented uses and street-facing parking as an issue to resolve but excludes C8 districts, the most prominent “automotive” district in the Zoning Resolution. As seen in the attached map, (Proposal 12: Streetscape Design Tiers) C8 is widely mapped throughout the borough, often connecting other commercial streetscapes. In urban design parlance, these districts too often serve as an “edge” that separates neighborhoods when they could be serving as “paths” that encourage lively corridors and public spaces.

Borough President Reynoso requests that DCP extend the line of reasoning behind Tier A to envision what better streetscapes might look like in automotive corridors as well, whether that means including C8 districts within Tier A, or developing a new tier of regulations for C8 districts, shopping centers, and areas near freeways. As seen in the attached map, there are already several areas where C8 districts and special districts overlap.

As outlined in the Comprehensive Plan for Brooklyn, Borough President Reynoso is committed to the preservation of manufacturing jobs and land in the borough. Manufacturing areas do have different needs than central business districts, but it is possible to design better streetscapes with those needs in mind. The Borough President is concerned that by excluding C8 districts from these regulations entirely, DCP is abetting the idea that the only way to improve streets is to remove the potential for manufacturing uses entirely.

As drafted, the proposal includes a carve out for street fronts within 1,000 ft of a freeway entrance. A strong street wall can be a defining component of a street’s “friction” - surrounding context that encourages drivers to be aware of their surroundings and drive more carefully. For this reason, allowing an automotive-oriented buffer surrounding freeway off-ramps may just expand the area where cars drive at inappropriate and dangerous speeds rather than making anyone safer.

In the attached map, the areas in red have been explicitly excluded from streetscape regulations, either due to proximity to freeway on-ramps, lot size, or distance from transit. Particularly of note is the concentration of red around BQE access-ramps in South Williamsburg, Downtown Brooklyn, Carroll Gardens, and Gowanus. Currently the City and State are undertaking a major redesign effort for the Brooklyn-Queens Expressway (BQE) aimed at repairing the harm and disruption it has caused these very neighborhoods. Borough President Reynoso holds steadfast in demanding a corridor-wide approach to repairing the BQE. The Zoning Resolution is just one tool at the City’s disposal, but it should assist in proactively mitigating and retrofitting hostile streetscapes.

Borough President Reynoso supports the proposal to require a BSA permit for drive-throughs, rather than allowing them as-of-right in some districts.

13. Auto repair *(Approve with modifications)*

Borough President Reynoso supports rationalizing the classification of auto servicing uses, restricting heavy servicing to C8 and M districts, and requiring light auto servicing uses only by special permit in C1-C7 districts. However, Borough President Reynoso requests that this special permit be reviewed by the City Planning Commission rather than the BSA.

Borough President Reynoso agrees with DCP that the core issue at hand is the conflict between pedestrians and automotive work and storage spilling out onto sidewalks. This issue is inherently concerned with the public realm and deserves more public participation than the BSA process provides.

Borough President Reynoso is concerned that this proposal is promising more than it can deliver. Rationalizing regulation is a step in the right direction, but lack of enforcement is the elephant in the room. New Yorkers who read a summary of this proposal may walk away with the impression that if passed, the cars cluttering sidewalks in their neighborhood may finally be removed. This proposal includes no new enforcement mechanisms to achieve this goal. Instead, the strategy is focused on containing some future auto repair shops to C8 and M districts. (It is unclear how many auto servicing businesses are expected to qualify as “light” and be eligible for the BSA permit process proposed for C1-C7 districts, as DCP has not provided analysis on the proposed classification and left it to the public’s imagination.)

In this context, the Borough President echoes his concern from Proposal 12, that C8 districts are being written off as automotive corridors instead of included in a vision for a better, healthier public realm. As such, Borough President Reynoso requests the City accompany this zoning change with improved enforcement on businesses, City agencies, and private individuals that unlawfully store vehicles on sidewalks, bike lanes, and other public places across the city.

14. Micro-distribution *(Approve with modifications)*

One of the lasting impacts of the pandemic is that e-commerce is here to stay. It is incumbent upon the City to address its impacts, especially increased truck traffic and associated effects on air quality, traffic congestion, and street safety. Borough President Reynoso strongly supports the shift from large last-mile warehouse facilities to smaller, community-oriented micro-distribution centers, and appreciates the Department of Transportation’s work on this issue and the proposed changes here to support it.

In order to necessitate even fewer truck trips in our communities and encourage the use of cargo bicycles for delivery, the Borough President would support an increase in square footage allowed on the ground floor for these facilities up to 5,000 sq. ft. in C1 and C2 districts, and 10,000 sq. ft. in C4-C7, in line with the Use Group 10 size limitations outlined in 32-202. Paired with updated streetscape requirements in this proposal and considering the high number of storefront vacancies in the city, use of some ground-floor spaces for micro-distribution rather than retail seems to be a reasonable tradeoff given the environmental benefits. However, the Borough President is concerned that excessive siting of these facilities could counter this progress and hinder local retail expansion. Therefore, he encourages DCP to explore creating a reasonable district cap or other mechanism to limit the total number of these facilities allowed.

Supporting micro-distribution centers only solves for half of the problem, doing nothing to address the proliferation of last-mile warehouse facilities in Manufacturing districts. A May 2023 analysis by Consumer Reports showed two large last-mile warehouses operating in or near Red Hook, with three more under construction and three more in the planning phase. According to this report, a business on Van Brunt Street sometimes recorded more than 1,200 trucks or vans

passing *per day*, and this was with only two of the eight facilities operating.ⁱ The impacts on the surrounding community's health and safety cannot be understated. Additionally, more warehouses means less space for manufacturing businesses and associated well-paying jobs. Yet nothing in the current zoning prevents this concentration of facilities from existing or these warehouses from expanding further.

To address this, Borough President Reynoso, along with local elected officials, advocates, and residents, has submitted a proposed zoning text amendment to create a special permit process that will ensure that when last-mile warehouses locate in the city, they are held to certain environmental standards, and that there is oversight over siting such that one community cannot become overburdened by these facilities, as Red Hook already is.

The Borough President calls on DCP to include this zoning text amendment in City of Yes for Economic Opportunity, or commit to implementing it as a follow-up action sponsored by the Department. As demonstrated by many facets of the City of Yes proposal, when new uses, careers, and technologies proliferate in the city, it is DCP's responsibility to address these through zoning by creating new use groups and adding regulations as appropriate. Last-mile and e-commerce presents perhaps the biggest change to our current retail landscape, and is a citywide issue that cannot continue to go unaddressed. Draft text is provided in the Appendix below.

Goal 4: Create new opportunities for local businesses to open

15. Campus commercial (*Approve with modifications*)

Borough President Reynoso agrees that residential campuses can benefit from conveniently located retail and service businesses. However, our city's NYCHA campuses are likely to be the most impacted by this proposal, and historically NYCHA residents are underrepresented on community boards. Therefore, while this may not be something that can be addressed through zoning, the Borough President requests that NYCHA provide a written commitment to engage its residents regarding what they would like to see in any new commercial facilities to be located on their campuses and provide this information to the appropriate community board to inform comments on any relevant proposal.

16. Corner stores (*Approve*)

Borough President Reynoso supports this proposal and its potential to enliven the streetscape in our communities and provide convenient retail options for local residents. This proposal is in alignment with the Borough President's Comprehensive Plan for Brooklyn, particularly the Healthy Streets & Environment framework.

17. Better waiver processes (*Approve with modifications*)

The Borough President is concerned with any process that would limit public input, including special permits issued through the Board of Standards and Appeals. While the Borough President understands that obtaining approvals can be unwieldy for applicants, there should be sufficient public purpose, outside of streamlining bureaucracy, to issue a BSA special permit. Property owners purchased their property with an understanding of the existing regulations that govern the site, and any approvals should be granted only while maintaining sufficient public purpose.

In the proposed updated text for Section 73-03, the Borough President would like to understand what research was used to determine that 10 years should be the maximum allowable length for a new permit. Further, the Borough President requests more clarity in the zoning text on what would trigger a revocation of these special permits. Additionally, the Borough President remains concerned that without sufficient square footage caps on non-

industrial uses in M districts, the city will continue to see losses of manufacturing space in favor of uses that do not provide well-paying, career-pathway jobs.

As such, he proposes changes to Section 42-16 (which is referenced in the new BSA Special Permits 73-161 and 73-162 and new CPC Special Permit 74-161). The Borough President recommends a 10,000 square foot maximum on Use Group 6 (Retail and Services) uses in M districts, which would denote all uses with an "S" in the Use Group tables and subject these uses to size restrictions. The Borough President requests further conversations with DCP to discuss whether it is appropriate to contemplate a maximum of 1 FAR or an increase of 200 percent, whichever is less, of non-industrial uses within Special Permit 73-161 section (a)(1), which permits modifications to size limitations for uses denoted with an "S" in the Use Group tables; and the feasibility of a BSA special permit process that is limited to commercial districts and a CPC special permit process required for any such change in a manufacturing zone.

18. New loft-style zoning districts

Please see recommendation for City of Yes for Economic Opportunity – M-Districts (2024Y0161).

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve or disapprove proposals associated with this application with the above-mentioned modifications and conditions.



BROOKLYN BOROUGH PRESIDENT

January 24, 2024

DATE

Appendix: PROPOSED ADDITION TO PROPOSED ZONING TEXT AMENDMENTS 74-191 & 74-192 Additions to Dept. of City Planning text in **RED**.

New Definitions

Section 12-10

Last-mile warehouse

A “last-mile warehouse” is a warehouse that has as its primary purpose the temporary storage, sorting, and redistribution of goods to fulfill e-commerce orders by receiving shipments of goods from one mode of transport and redistributing those goods via a delivery vehicle. Any facility where goods are manufactured or assembled on site and temporarily stored prior to distribution, or any facility that has as its primary purpose the temporary storage of food products for wholesale distribution shall not be defined as a “last mile warehouse”.

A “Last mile warehouse” under 50,000sq ft shall be “as of right” in M1, M2, M3 and C8 zoning districts.

A “Large Last- mile warehouse” of 50,000 sq ft or greater shall require a City Planning Commission Special Permit.

NEW Section 74-192

“Large Last Mile Warehouse” of 50,000sq ft. or greater

In C8, M1, M2, and M3 Districts the City Planning Commission may permit “large last-mile warehouses” as defined in Section 12-10 and currently in Use Group 16 (proposed to be in new Use Group 9- Storage)

To grant such permit the Commission shall find that:

- (1) the large last-mile warehouse use as defined in Section 12-10 shall be a minimum of 1,000 feet from any school, park, nursing home, or public housing building;
- (2) the large last-mile warehouse use shall be a minimum of 1,000 feet from any other large last-mile warehouse;
- (3) for a large last-mile warehouse use located in a Significant Maritime Industrial Area, 80% of deliveries to and from the large last-mile warehouse shall be conducted by marine transport unless determined by the NYC Waterfront Revitalization Program staff at the Dept of City Planning to be physically infeasible or to be inappropriate based on the locations of delivery destinations.
- (4) the large last-mile warehouse use will not create or contribute to serious traffic congestion, pedestrian safety risks, or adverse impacts to road conditions. *

* to inform the Commission’s review, applications for the grant of a special permit pursuant to this Section shall be referred to the Department of Transportation for a report and recommendations on matters related to traffic congestion, pedestrian safety, and road conditions with regard to the proposed large last mile warehouse use. If the report is received within 45 days from the date of the referral, the Commission shall give due consideration to the report and its recommendations;

- (5) the large last-mile warehouse use will not increase air pollution in any Disadvantaged Community, as defined under the New York Climate Leadership and Community Protection Act, E.C.L. § 75-0101(5); in the M1, M2, M3, or C8 District or in adjacent residential areas. *

* to inform the Commission's review, applications for the grant of a special permit pursuant to this Section shall be referred to the Department of Environmental Protection for a report and recommendations on matters related to air pollution and worker and public health with regard to the proposed large last mile warehouse use. If the report is received within 45 days from the date of the referral, the Commission shall give due consideration to the report and its recommendations.

6) The large last mile warehouse use will not impair the character or the future use or development of the surrounding area.

Additional requirements

1) The Commission shall require the large last-mile facility operator to submit an annual report to the Dept. of Transportation that includes data regarding the number and age of trucks servicing the facility, the trucks' owners, time-of-use, hours-of-operation, the routes used, and truck idling violations.

2) In areas where reports from DEP and DOT have identified potential adverse impacts on the surrounding area, the Commission may additionally prescribe appropriate conditions and safeguards such as: the use of alternative transportation, such as electric vehicles, rail, maritime and bikes, for deliveries to and from the facility; the installation of solar panels, vehicle charging equipment, and/or battery storage at the facility; the provision of air filtration systems at any existing or new sensitive receptors such as schools, parks, nursing homes, or residential buildings, including public housing, within a quarter mile.

The current 74-192 (below) would be changed to 74-193

In C-Zones

A. General Storage

<u>USE GROUP 9A – GENERAL STORAGE</u>									
● = Permitted ♦ = Permitted with limitations ○ = Special permit required – = Not permitted S = Size restriction P = Additional conditions U = Open use allowances									
<u>Uses</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>C4</u>	<u>C5</u>	<u>C6</u>	<u>C7</u>	<u>C8</u>	<u>PR</u> <u>C</u>
<u>General Storage</u>									
<u>Building materials or contractors' yards</u>	–	–	–	–	–	–	–	● S U	<u>D2</u>
<u>Depositories for storage office records, microfilm or computer tapes, or for data processing</u>	–	–	–	● S	● S	● S	● S	●	<u>D2</u>

<u>Last-Mile Warehouses</u>	—	—	—	—	—	—	—	• S ○	<u>D2</u>
<u>Micro-distribution facility</u>	• S	• S	—	• S	• S	• S	• S	—	<u>D2</u>
<u>Moving or storage facilities</u>	—	—	—	—	—	—	—	•	<u>D2</u>
<u>#Self-service storage facility#</u>	—	—	—	—	—	—	—	•	<u>D2</u>
<u>Trucking terminals or motor freight stations</u>	—	—	—	—	—	—	—	• S U	<u>D2</u>
<u>Warehouses</u>	—	—	—	—	—	—	—	•	<u>D2</u>
<u>Wholesale establishments</u>	• S P	• S P	—	• S P	• S P	• S P	• S P	• P	*

In M-Zones

Section 42-191

Use Group 9 – general use allowances

The following table includes #uses# classified as Use Group 9 and sets forth their allowances by #Manufacturing District#. Such #uses# are categorized as general storage, specialized storage, or vehicle storage, as provided in paragraphs A, B and C of this Section. Notations found in the table are further described in Section 42-10 (USE ALLOWANCES).

A. General Storage

<u>USE GROUP 9A – GENERAL STORAGE</u>				
• = Permitted ♦ = Permitted with limitations ○ = Special permit required				
— = Not permitted				
S = Size restriction P = Additional conditions U = Open use allowances				
Uses	M1	M2	M3	<u>PRC</u>
<u>General Storage</u>				
<u>Building materials or contractors' yards</u>	• P U	• P U	• P U	<u>D2</u>
<u>Depositories for storage office records, microfilm or computer tapes, or for data processing</u>	•	•	•	<u>D2</u>

<u>Last-Mile Warehouses</u>	● S ○	● S ○	● S ○	<u>D2</u>
<u>Micro-distribution facility</u>	—	—	—	<u>D2</u>
<u>Moving or storage facilities</u>	● P	● P	● P	<u>D2</u>
<u>#Self-service storage facility#</u>	◆ P	◆ P	◆ P	<u>D2</u>
<u>Trucking terminals or motor freight stations</u>	● P U	● P U	● P U	<u>D2</u>
<u>Warehouses</u>	● P	● P	● P	<u>D2</u>
<u>Wholesale establishments</u>	● P	● P	● P	<u>A4</u>

Use Group 9 consists of #uses# that provide storage for materials, goods, and vehicles. The provisions regulating #uses# classified in this Use Group are set forth as follows:

1. Section 42-191 (Use Group 9 – general use allowances) which includes the compilation of #uses# in the Use Group table;
2. Section 42-192 (Use Group 9 – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with “◆” in the Use Group table;
3. Section 42-193 (Use Group 9 – uses subject to additional conditions) for additional conditions that apply to certain #uses#, as denoted with a “P” in the Use Group table;
4. Section 42-194 (Use Group 9 – uses subject to open use allowances) for open #use
5. New Section 42-192 (Use Group 9 – uses permitted with limited applicability) for additional limitations on applicability for certain #uses#, as denoted with “○” in the Use Group table;
6. allowances that apply to certain #uses#, as denoted with a “U” in the Use Group table.

42-192

Use Group 9 – uses permitted with limited applicability

For #uses# denoted with “◆” in Section 42-191 (Use Group 9 – general use allowances), the provisions of this Section shall apply.

1. For #public parking garages# and #public parking lots#, the following provisions shall apply:
 1. In the #Manhattan Core#, such #uses# are subject to the provisions of Article I, Chapter 3, and in the #Long Island City area#, as defined in Section 16-02 (Definitions), such #uses# are subject to the provisions of Article I, Chapter 6.
 2. In M1-1, M1-2, M1-3, M2-1, M2-2, or M3-1 Districts, #public parking garages# and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# or #public parking lots# with more than 150 spaces pursuant to Section 74-193 (Public parking garages or public parking lots outside high density areas); and

3. In M1-4, M1-5, M1-6, M2-3, M2-4 or M3-2 Districts, #public parking garages# are not permitted as-of-right, and #public parking lots# with a capacity of up to 150 spaces are permitted. The City Planning Commission may permit #public parking garages# with any capacity or #public parking lots# with more than 150 spaces pursuant to Section 74-194 (Public parking garages or public parking lots in high density central areas).

[SPECIAL PROVISIONS FOR SELF-STORAGE RELOCATED FROM SECTION 42- 121, WITH CROSS REFERENCES UPDATED]

In designated areas within #Manufacturing Districts#, as shown on the maps in APPENDIX J (Designated Areas Within Manufacturing Districts) of this Resolution, a #self-service storage facility# is subject to the provisions of this Section. Designated areas in which #self-service storage facilities# are subject to the as-of-right provisions of this paragraph are shown on the maps in Subarea 1, and those in which such #uses# are subject to special permit of the City Planning Commission pursuant to Section 74-192 (Self-service storage facility in designated areas within Manufacturing Districts) are shown on the maps in Subarea 2.

A #self-service storage facility# shall, in Subarea 1 of APPENDIX J of this Resolution, be limited to establishments that provide an #industrial floor space# as defined in Section 12- 10 (DEFINITIONS) or “business-sized” storage space as specified in paragraph (b)(2)(ii) of this Section.

1. On a #zoning lot# greater than or equal to 50,000 square feet in area, a #self-service storage facility# shall provide #industrial floor space# that is:
 1. equal in #floor area# or #cellar# space to 25 percent of the #lot area#;
 2. located below the level of the third #story#, with at least 50 percent of such #industrial floor space# located on the ground floor, with such ground floor #story# located within five feet of #curb level#, or #base plane#, as applicable, and the remaining #industrial floor space# located on a level that is immediately above or below such #story#; and
 3. provided with access to freight elevators and the #accessory# off-street loading berth required for such #industrial floor space# in accordance with the provisions of Section 44-566 (Regulations for permitted or required loading berths for zoning lots containing self-service storage facilities in designated areas).
2. On a #zoning lot# that on December 19, 2017, is less than 50,000 square feet in area, a #self-service storage facility# shall provide:
 1. #industrial floor space# as specified in paragraph (1) of this Section; or
 2. #floor area# or #cellar# space containing securely subdivided space for lease within such #self-service storage facility#, where each subdivided space is not less than 100 square feet in area, and with a minimum clear height of eight feet. Such spaces shall be categorized as “business-sized” for the purposes of this Section and the number and sizes of such spaces shall be shown on plans filed with the Department of Buildings. The total area of such business-sized storage space shall be equal in #floor area# or #cellar# space to 25 percent of the #lot area#
 3. On a #zoning lot# on which #industrial floor space# is provided in accordance with paragraph (b)(1) or (b)(2)(i) of this Section, an information #sign# shall be provided. Such required #sign# shall be mounted on an exterior #building# wall adjacent to and no more than five feet from all primary entrances of the #building# containing the #industrial floor space#. The #sign# shall be

placed so that it is directly visible, without any obstruction, to persons entering the #building#, and at a height no less than four feet and no more than 5 feet 6 inches above the adjoining grade. Such #sign# shall be legible, no less than 12 inches by 12 inches in size and shall be fully opaque, non-reflective and constructed of permanent, highly durable materials. The information #sign# shall contain the name and address of the building in lettering no less than three-quarters of an inch in height, and the following statement in lettering no less than one-half inch in height: "This building is subject to Industrial Floor Space regulations which require a minimum amount of space to be provided for specific industrial uses." The information #sign# shall include an Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public, where the information required in paragraph (b)(4) of this Section is available to the public.

4. On a #zoning lot# on which #industrial floor space# is provided in accordance with paragraph (b)(1) or (b)(2)(i) of this Section, no later than June 30 of each year, beginning in the first calendar year in which a temporary or final certificate of occupancy was issued for the #industrial floor space#, the owner of the #building# subject to the #use# restrictions of this Section shall prepare a report on the existing conditions of the #building#. Such report shall be in a form provided by the Director of the Department of City Planning, and shall provide the following information at the designated Internet URL, or other widely accessible means of electronically transmitting and displaying information to the public:
 1. the total #floor area# of the #industrial floor space# in the #building# required by this Section;
 2. the name of each business establishment occupying #floor area# reserved for the #industrial floor space#. Such business establishment name shall include that name by which the establishment does business and is known to the public. For each business establishment, the amount of #floor area# the Use Group, subgroup and specific #use# as listed in this Resolution shall also be included;
 3. a description of each establishment, using the North American Industry Classification System (NAICS) code and number of employees;
 4. the total amount of #industrial floor space# that is vacant, as applicable;
 5. the average annual rent for the portions of the #building#, in the aggregate, required to be #industrial floor space#; and
 6. the number of new leases executed during the calendar year, categorized by lease duration, in five-year increments from zero to five years, five to 10 years, 10 to 15 years, 15 to 20 years and 20 years or greater.

The report shall be submitted to the Director of the Department of City Planning, by any method, including e-mail or other electronic means, acceptable to the Director. The applicable Community Board, Borough President and local Council Member shall be included in such transmission.

A #self-service storage facility# shall, in Subarea 2 of APPENDIX J of this Resolution, be permitted by special permit of the City Planning Commission pursuant to Section 74-192 (Self-service storage facility in designated areas within Manufacturing Districts).

Any #self-service storage facility# existing on December 19, 2017, located in a designated area within #Manufacturing Districts#, as shown on the maps in APPENDIX J, shall be considered a conforming #use#, provided that the owner of such #self-service storage facility# has filed documentation satisfactory to the Department of Buildings that it existed on such date and met the definition of #self-

service storage facility# set forth in Section 12-10. Any #enlargement# or #extension# to an existing conforming facility need not provide #industrial floor space#, business-sized storage, or apply for special permit of the City Planning Commission pursuant to Section 74-192, as applicable, provided there is no increase in #lot area# of the #zoning lot# as it existed on December 19, 2017. In the event that a #building# for which satisfactory documentation has been filed with the Department of Buildings is damaged or destroyed by any means, such #building# may be reconstructed on the same #zoning lot# and continue as a #self-service storage facility# without providing #industrial floor space# or business-sized storage, as applicable, provided that the #floor area# of such reconstructed #self-service storage facility# does not exceed the #floor area# permitted pursuant to the provisions of Section 43-10 (FLOOR AREA REGULATIONS), inclusive.

Any #self-service storage facility# existing on December 19, 2017, that does not file such documentation satisfactory to the Department of Buildings pursuant to the provisions of this Section shall be considered #non-conforming# and subject to the provisions of Article V (NON-CONFORMING USES AND NON-COMPLYING BUILDINGS) of this Resolution.

ADD – Use Group 9 – uses subject to special permits
Need to add proposed new zoning text for large last mile warehouses

42-193

Use Group 9 – uses subject to additional conditions

For #uses# denoted with a “P” in Section 42-191 (Use Group 9 – general use allowances), the following provisions shall apply:

1. Boat storage shall be restricted to boats less than 100 feet in length
2. #Public parking garages# and #public parking lots# shall be subject to the provisions set forth for #accessory# off-street parking spaces in Section 36-53 (Width of Curb Cuts and Location of Access to the Street), 36-55 (Surfacing) and 36-56 (Screening).
3. All #uses# denoted with a “P” in Section 42-191 (Use Group 9 – general use allowances), except boat storage, #public parking garages# and #public parking lots#, shall conform to the performance standards set forth in Sections 42-40 (PERFORMANCE STANDARDS) through 42-48 (Performance Standards Regulating Humidity, Heat or Glare), inclusive.

42-194

Use Group 9 – uses subject to open use allowances

For #uses# denoted with a “U” in Section 42-191 (Use Group 9 – general use allowances), a #use# may be open or enclosed except that:

1. building materials or contractors’ yard, including sales, storage, or handling of building materials, may be open or enclosed provided that any #yard# in which such #use# is conducted is completely enclosed on all sides by a solid opaque fence or wall (including opaque solid entrance and exit gates) of suitable uniform material and color, at least eight feet in height and constructed in accordance with rules and regulations to be promulgated by the Commissioner of Buildings;
2. boat storage may be conducted outside a #completely enclosed building# only if located at a distance greater than 100 feet from a #Residence District# boundary; and

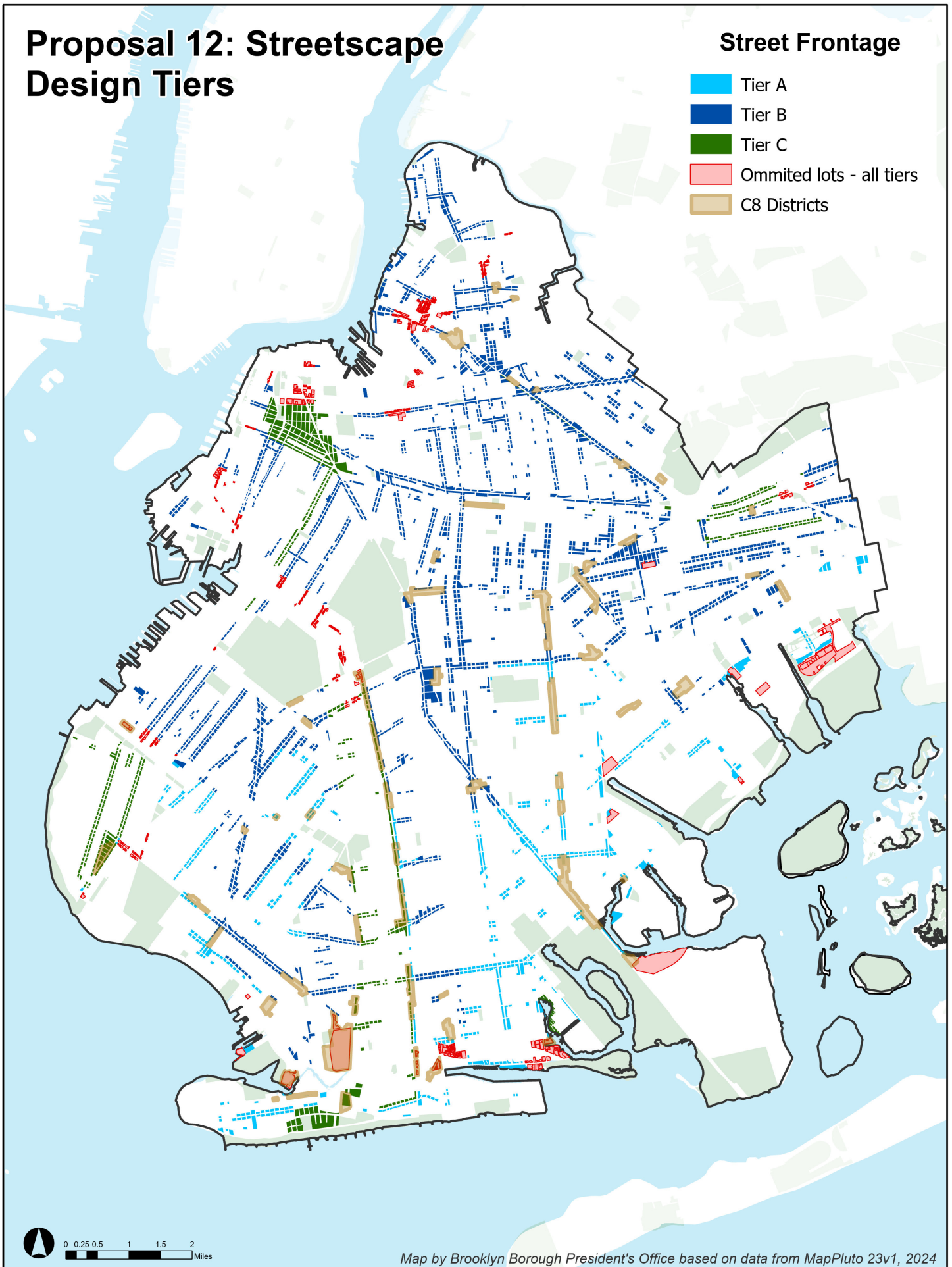
3. #public parking garages# may be open or enclosed, provided that no portion of such #use# shall be located on a roof other than a roof which is immediately above a #cellar# or #basement#.

ⁱ <https://www.consumerreports.org/corporate-accountability/amazon-warehouses-are-straining-a-brooklyn-neighborhood-a2966247023/>

Proposal 12: Streetscape Design Tiers

Street Frontage

- Tier A
- Tier B
- Tier C
- Omitted lots - all tiers
- C8 Districts





CB11M

EAST HARLEM

Xavier A. Santiago
Chair

Angel D. Mescaín
District Manager

January 23, 2024

Dan Garodnick
Director
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Recommendation on Land Use applications N 240010 ZRY and N 240011 ZRY: City of Yes for Economic Opportunity

Dear Director Garodnick,

Community Board 11 (CB11) appreciates the opportunity to review and comment on Land Use application N 240010 ZRY and N 240011 ZRY: City of Yes for Economic Opportunity.

Community Board Recommendation

Whereas, the New York City Department of City Planning (DCP) proposes a citywide zoning text amendment (the “Proposed Action”) to the New York City Zoning Resolution (ZR) to support economic growth and resiliency in New York City;

Whereas, the Proposed Action, known as City of Yes for Economic Opportunity (COYEO), proposes a comprehensive overhaul of zoning regulations that would: (1) make it easier for businesses to find space and grow by lifting barriers to enable businesses to locate closer to their customers; (2) support growing industries by reducing impediments for emerging business types; (3) foster vibrant neighborhoods by ensuring businesses contribute to active, safe, and walkable corridors; and (4) create new opportunities for local businesses to open by establishing new zoning tools to boost job growth and business expansion;

Whereas, COYEO proposes to support economic growth and resiliency by allowing existing non-residential space to be repurposed for alternative non-residential uses and by providing businesses with additional flexibility to grow and thrive in New York City (NYC);

Whereas, the proposed zoning text amendment would primarily update use definitions and use allowances within existing Commercial and Manufacturing zoning districts. These changes would clarify what commercial and industrial uses are allowed and define the circumstances under which they are allowed by amending zoning use definitions;

Whereas, the proposed zoning text amendment would also add or modify discretionary actions that could be pursued in the future, including Special Permits of the Board of Standards and Appeals (BSA), Authorizations and Special Permits of the City Planning Commission (CPC);

Whereas, the proposed zoning text would add new Commercial and Manufacturing zoning districts to the Zoning Resolution that could be applied to specific geographies in the future via a separate rezoning action. No new districts would be mapped by the proposed zoning text amendment;

Whereas, any proposal that seeks discretionary actions created by this proposed zoning text amendment would require environmental review at the time of application;

Whereas, COYEO includes a compendium of zoning reforms proposed to update existing use regulations in the ZR to allow for a wider range of appropriate activities to occur in many commercial areas;

Whereas, COYEO proposes to lift time limits to reactivating vacant storefronts would allow nonconforming vacant storefronts to legally re-tenant their space in locations where it is not already allowed by expanding the applicability of Section 52-61 to all Residence Districts as well as Historic Districts;

Whereas, COYEO would simplify rules for business types allowed on commercial streets by consolidating use differences between the two kinds of zoning districts for neighborhood commercial corridors and local streets (C1 and C2 districts) and consolidating the use differences among the four kinds of zoning districts meant for centrally located areas and Central Business Districts (C4, C5, C6, and C7 districts). In C4, C5, and Special Purpose Districts with existing limitations on use from locating within 50 feet of the street wall if located on the ground floor of a building, COYEO would remove this distance from streetwall restrictions;

Whereas, COYEO would expand opportunities for small-scale clean production and other light industrial activities by allowing small-scale production uses up to 5,000 square feet (SF) on the ground floor in C1 and C2 districts, allowing activities compatible in size with other retail and service storefronts commonly found in these zoning districts. In C4, C5, C6, and C7 districts, clean production activities would be allowed up to 10,000 SF on the ground floor—with no size restrictions above the ground floor;

Whereas, COYEO would modernize loading dock rules so buildings can adapt over time by removing the possible requirement of providing additional loading berths for a change of use in an existing building. In addition, the Proposal would update the dimensions of required loading berths to bring them in line with recent changes in special purpose districts and the Manhattan Core;

Whereas, COYEO would enable commercial activity on upper floors by updating the location of use rules in mixed buildings with residences. In C1, C2, and C3 districts, allow commercial uses on the second story of mixed buildings and on the same story as with residences as long as there is no access between them. In low-density Commercial Overlay Districts, allow commercial uses on the second story of mixed buildings as long as there is no access between them. In C4, C5, and C6 districts, allow commercial uses and residential uses on the same floor, including the requirements for separate direct access points or entrances for commercial and residential uses, and allow commercial uses to be located above residences provided that sufficient separation of residential uses from commercial uses exists within the building;

Whereas, COYEO would simplify and modernize the way businesses are classified in zoning by re-organizing Use Groups and updating use terms to better reflect modern commercial and industrial activities;

Whereas, COYEO would clarify rules to permit indoor agriculture in Commercial districts and clarify enclosure rules for what activities can occur outdoors and indoors. Agriculture is a permitted use in any zoning district, but in Residence and Commercial districts Use Group 4B agriculture is subject to an open use requirement that precludes completely enclosed (i.e. indoor) operations;

Whereas, COYEO would update the terminology for laboratories in Commercial Districts. The Proposal would similarly simplify the terminology for laboratories in Manufacturing Districts to remove ambiguity that exists in the current use term;

Whereas, COYEO would (1) retain the requirement that laboratories in Commercial Districts are ones “not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects”, (2) allow commercial laboratories to co-locate with hospitals and universities; and (3) update the existing scientific research and development facility permit to reflect changes to the underlying laboratory use and to create more opportunities for the permit's usage;

Whereas, COYEO would support nightlife by clarifying the distinction between “eating or drinking establishments,” and “eating or drinking establishments with entertainment that has cover charges or specified showtimes,” while removing zoning’s role in regulating the act of dancing. COYEO would seek to consolidate and clarify the distinctions between categories of eating or drinking establishments based primarily on capacity rather than use.

Whereas, COYEO would distill the current lists of amusement use applicability into two new uses terms defined in zoning: an “amusement of recreation facility” would be limited to 10,000 SF in C1 and C2 districts and must be indoors in C1-C6 districts. Open versions of the use would require a BSA permit in those districts, an “outdoor amusement park” would be restricted from C1-C6 districts and would be limited to 10,000 SF in C7, C8, and M districts;

Whereas, COYEO would modernize regulations for home-based businesses (referred to as Home Occupations in the ZR) by eliminating the list of non-permitted uses and allow home businesses to expand in size to 49% of floor area and 3 employees;

Whereas, COYEO would activate the city’s commercial corridors by establishing clear and consistent streetscape regulations with rules that are responsive to pedestrian street character, increasing in regulatory strength in areas with stronger existing active commercial context;

Whereas, COYEO would reduce conflicts between auto repair shops and pedestrians by consolidating the range of auto servicing uses into two zoning-defined categories: “heavy” forms of vehicle repair shops would reference NY state licensing requirements for heavier forms of vehicle repair shops. Those repair uses that are not required to register with the DMV would be considered “light” motor vehicle repair and maintenance and would be able to locate in most Commercial Districts with a BSA special permit;

Whereas, COYEO would include a new use called a “Micro-Distribution Facility”. The use would be restricted to 2,500 sf in C1 and C2 districts. In C4-C7, it would be allowed up to 5k sf on the ground floor

and up to 10k above. Larger establishments in these districts would require a discretionary action;

Whereas, COYEO would allow the City Planning Commission to approve larger-scale commercial spaces in Residence Districts on campus sites. The use would be subject to size restrictions (15,000 SF) and locational restrictions. The authorization would be subject to both environmental review and Community Board approval, with conditions that stipulate approval only if development would not create traffic congestion or environmental concerns;

Whereas, COYEO would create a new CPC Authorization to allow for up to 2,500 SF of retail, service, or office uses to locate in a Residence District, provided that the commercial storefront is located within at least 100 feet from an intersection;

Whereas, COYEO would create a new permit for retail/service, amusement, and production uses that would allow the BSA to modify the size, enclosure, and other requirements for permitted uses. The permit would not have applicability if other permits for a specific use exist, or if the use is not permitted in a specific zoning district. The Proposal would allow the City Planning Commission to approve changes to the building envelope controls to permit a loft-like building form, allowing businesses to seek limited bulk relief to construct new buildings that exceed current setback and yard requirements. The authorization would be available in Manufacturing Districts and most Commercial Districts. The envelope would be limited to what is proposed for the new C7 Commercial District at the applicable density; and

Whereas, COYEO would create new zoning districts for use in future mapping actions. These new districts will range from 2-15 FAR, address longstanding bulk and physical challenges, and come in several use-mix options: M3A “Core” districts at 2 and 3 FAR which will be designed to allow for industrial expansion while preserving core industrial areas by introducing limited additional FAR, addressing bulk challenges, and restricting non-industrial uses; M2A “Transition” districts, ranging from 2 to 5 FAR, which will encourage redevelopment while providing higher FAR preference for industrial uses; M1A “Growth” districts, ranging from 2 to 15 FAR, which will mimic the use mix of today’s M1 districts while addressing bulk and physical limitations of development; and New C7 districts, ranging from 2 to 15 FAR, which would permit all Commercial uses except Use Group 16, and permit Community Facility uses without sleeping accommodations. This district would repurpose the existing amusement focused C7, mapped in few locations; now, therefore, be it

Resolved, that Manhattan Community Board 11’s recommends approval with modifications of Land Use Applications N 240010 ZRY; N 240011 ZRY: City of Yes for Economic Opportunity, as follows:

	<i>Proposal</i>	<i>Position</i>	<i>Requested Modification</i>
1	Lift time limits to reactivating vacant storefronts	Support	Require Community Board review and vote on recommendation for re-use of non-conforming space if the two-year period has expired.
2	Simplify rules for business types allowed on commercial streets	Support	
3	Expand opportunities for small-scale clean	Do Not	(a) Require ground floor

	production	Support	accessory retail with any production use in a commercial zone; (b) Restrict production use to ground floor and below; (c) Restrict allowable square footage or require Community Board review for uses above a maximum square footage (for example: C1-2 above 3000 sf and C4-7 above 5000 sf.
4	Modernize loading dock rules so buildings can adapt over time	Support	Require Community Board review and vote on application of reduced requirement for loading berths for existing buildings.
5	Enable commercial activity on upper floors	Support	
6	Simplify and modernize how businesses are classified in zoning	Support	
7	Clarify rules to permit indoor agriculture	Support	(a) Require ground floor accessory retail for urban agriculture use in a commercial zone; (b) Reduce allowable FAR for agricultural uses to be less than allowable FAR for residential uses; (c) Restrict agricultural uses involving controlled substances.
8	Give life sciences companies more certainty to grow	Support	Require Community Board review and vote on recommendation for life science uses.
9	Support nightlife with common-sense rules for dancing and live entertainment	Support	(a) Revise unlimited occupancy for C3-C8 and M districts; (b) Require nightclubs to abide by SLA procedures for the Community Board to weigh in on hours and noise.
10	Create more opportunities for amusements to locate	Support	
11	Enable entrepreneurship with modern rules for home-based businesses	Do Not Support	(a) Require notifications to residents for any home business creation and/or expansion; (b) Require signage for all home

			businesses; (c) Provide traffic and hour limitations based on home business size; (d) Restrict co-op and condo unit combinations for home business expansion.
12	Introduce corridor design rules that ensure buildings contribute to surroundings	Support	(a) Preserve existing special district urban design rules; (b) Consider special requirements for formerly red-lined districts where local culture is at risk for erasure due to legacy of disinvestment with required Community Board review and PDC public comment.
13	Reduce conflicts between auto repair shops and pedestrians	Do Not Support	(a) Require analysis of current auto-repair uses in the surrounding two-block radius to determine and prevent oversaturation; (b) Provide minimum distance requirements for uses such as schools, parks, and healthcare.
14	Encourage safe and sustainable deliveries with micro-distribution	Do Not Support	(a) Require ground floor accessory retail and ground floor facade transparency for micro-distribution uses; (b) Restrict micro-distribution uses to ground floor and below.
15	Facilitate local commercial space on residential campuses	Support	(a) Require majority NYCHA resident engagement and approval for NYCHA campuses; (b) Require Community Board review and vote on application of non-residential uses on residential campuses
16	Create process for allowing corner stores in residential areas	Support	Require CPC and City Council review and approval process in addition to Community Board processes.
17	Rationalize waiver process for business adaptation and growth	Do Not Support	Require Building Standard of Appeals review and approval.
18	Create new kinds of zoning districts for	Support	

	future job hubs		
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Full Board Vote: In Favor: 32; Opposed: 1; Abstentions: 0

If you have any questions regarding our recommendation, please contact Angel Mescaín, District Manager, at 212-831-8929 or amescain@cb11m.org.

Sincerely,

A handwritten signature in dark ink, appearing to read 'X. Santiago', with a horizontal line extending to the right.

Xavier A. Santiago
Chair

cc: Jose Trucios, New York City Department of City Planning (via email)
Hon. Mark Levine, Manhattan Borough President (via email)
Hon. Diana Ayala, Deputy Speaker, New York City Council (via email)
Hon. Yusef Salaam, New York City Council (via email)
Jason Villanueva, Community Board 11 (via email)
Rosa Diaz, Community Board 11 (via email)



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 32	# Against: 1	# Abstaining: 0	Total members appointed to the board: 45
Date of Vote: 1/23/2024 12:00 AM		Vote Location: 1220 Fifth Avenue, New York, NY 10029	

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

Date of Public Hearing: 12/19/2023 6:30 PM	
Was a quorum present? 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>
Public Hearing Location:	Goldwurm Auditorium, 1425 Madison Avenue, NY NY

CONSIDERATION: Approve with modifications.		
Recommendation submitted by	MN CB11	Date: 1/24/2024 1:18 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 26	# Against: 1	# Abstaining: 5	Total members appointed to the board: 32
Date of Vote: 1/23/2024 12:00 AM		Vote Location: Roy and Diana Vagelos Education Center	

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

Date of Public Hearing: 1/23/2024 6:30 PM	
Was a quorum present? 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>
Public Hearing Location:	Roy and Diana Vagelos Education Center

CONSIDERATION:		
Recommendation submitted by	MN CB12	Date: 2/8/2024 3:53 PM

Katherine Diaz,
Chairperson



Ebenezer Smith,
District Manager

January 29, 2024

Hon. Dan Garodnick
Chair
NYC Dept. of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Resolution Conditionally Supporting the City of YES for Economic Opportunity Zoning Text Amendment

Dear Chairman, Garodnick,

At the General Meeting on Tuesday, January 23, 2024, Community Board 12, Manhattan, passed a resolution with a vote of 26 in favor, 1 opposed, 5 abstentions, and 0 not voting, supporting the City of Yes for Economic Opportunity Zoning Text Amendment proposed by the Department of City Planning contingent upon the Department of City Planning modifying the Proposed Action and urging the Department of City Planning to meet with its Business Development and Licensing Committees before advancing proposals about nightlife. The aim is to obtain information on nuisance complaints reported by residents concerning the operation of bars and restaurants. The board also suggests modifying the zoning regulations to incorporate best practices. Additionally, the board urges the Mayor and the Mayor's Office of Management and Budget to allocate more resources to the Department of Buildings to ensure the enforcement of the Zoning Resolution.

Whereas: The New York City Department of City Planning ("DCP") has proposed a citywide amendment to the New York City Zoning Resolution (the "Zoning Resolution") entitled the City of Yes for Economic Opportunity (the "Proposed Action" or the "Zoning Text Amendment") to remove outdated zoning limitations on businesses. The Proposed Action is intended to support business and job growth by ensuring a wider range of businesses can use existing commercial and residential space. The Proposed Action is also intended to make sure that zoning is flexible enough to allow empty storefronts to be reactivated by businesses that serve neighborhoods within all zoning districts and across all 59 Community Districts. The Zoning Text Amendment was released for public review on November 8, 2023. The review period initially ended on January 8, 2024, but was extended to January 31, 2024; and

Whereas: DCP's rationale for the Zoning Text Amendment is that, when zoning regulations make it hard for businesses to find space, small businesses are hurt the most. DCP also states that the zoning rules that describe where different types of businesses are allowed to operate have barely changed since they were written in 1961 and these often confusing and outdated regulations make it harder for mom-and-pop stores and other entrepreneurial undertakings to take root, grow, and adapt in New York City. Additionally, DCP states that the Proposed Action would support businesses and job



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Chair

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growth by ensuring that a wider range of businesses can use existing commercial space and that zoning is flexible enough for businesses that serve our neighborhoods to make use of empty storefronts; and

Whereas: The Proposed Action is the second of three City of Yes zoning actions proposed by DCP. In June 2023, Community Board 12-Manhattan ("CB12M") passed a resolution supporting the City of Yes for Carbon Neutrality, the first of these proposed zoning actions. DCP anticipates commencing the review process for the City of Yes for Housing Opportunity, the third of these proposed zoning actions, in Spring 2024; and

Whereas: The Zoning Text Amendment includes four goals (the "Goals") – Make it Easier to Find Space and Grow, Support Growing Industries, Foster Vibrant Neighborhoods, and New Opportunities for Businesses – and 18 proposals (the "Proposals") to implement the objectives of the Zoning Text Amendment; and

Whereas: The Proposals to implement the "Make it Easier to Find Space and Grow" Goal include:

1. Lift time limits to reactivate vacant (non-conforming) storefronts
2. Simplify rules for certain businesses to be allowed on commercial streets
3. Expand opportunities for small-scale clean manufacturing in commercial areas
4. Modernize loading-dock rules so buildings can adapt over time
5. Enable commercial activity on the second floor of residential buildings in C1-C3 zoning districts and above or on the same floor as residences in C3-C6 zoning districts
6. Simplify and modernize how businesses are classified in zoning; and

Whereas: The Proposals to implement the "Support Growing Businesses" Goal include:

7. Clarify rules to permit indoor urban agriculture
8. Give life-sciences companies more certainty to grow by clarifying the definition of the laboratory to allow these businesses to locate in commercial zoning districts if they meet environmental standards to protect neighbors
9. Support nightlife with common-sense rules for dancing and live entertainment that clarify zoning to regulate nightlife based on the capacity of the business rather than the type of business
10. Create more opportunities for amusements to locate
11. Enable entrepreneurship with modern rules for home-based businesses; and



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- Whereas: The Proposals to implement the “Foster Vibrant Neighborhoods” Goal include:
12. Introduce corridor-design rules that ensure buildings contribute to surroundings
 13. Reduce conflicts between auto repair shops and pedestrians
 14. Encourage safe and sustainable deliveries with micro-distribution; and
- Whereas: The Proposals to implement the “New Opportunities for Businesses” Goal include:
15. Facilitate local commercial spaces on residential campuses by creating a City Planning process to give NYCHA and other large-scale residential developments the ability to include up to 15,000 square feet of commercial space
 16. Create a process for allowing new corner stores of up to 2,500 square feet and within 100 feet of an intersection in residential areas that currently prohibit new stores
 17. Rationalize the waiver process for business adaptation and growth
 18. Create new kinds of zoning districts for the future; and
- Whereas: Representatives of DCP presented the Zoning Text Amendment to CB12M’s Land Use Committee at its regularly scheduled meeting held on November 1, 2023, attended the Committee meeting held on December 6, 2023, to provide additional information, in December 2023 provided the Committee with a memo addressed to Manhattan Community Boards 9, 10, 11 and 12 with answers to questions raised during DCP’s meetings in November 2023 with these community boards, attended the Committee meeting on January 3, 2024, and in January 2024 provided the Committee with an additional memo with answers to further questions raised; and
- Whereas: CB12M understands the need to update aspects of the Zoning Resolution, many of which are unchanged from 1961, that can present obstacles to opening, operating, and expanding businesses in New York City and, in general, supports the Proposed Action. However, the impacts and potential unintended consequences of some of the Proposals, in particular Proposals 5, 9, 10, and 11, are of concern and require further review, clarification, and refinement before they are enacted; and
- Whereas: Proposal 5 would make it easier for different types of businesses to use the upper floors of residential buildings but, in existing buildings, could potentially cause quality-of-life and other conflicts with residential tenants as well as building maintenance and security issues and cause residential units to be displaced by commercial uses that can pay higher rents; and



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- Whereas: Proposal 9 would remove zoning restrictions that prevent some businesses located in C1 and C2 zoning districts from having dancing or live comedy shows, it does not consider how noise and other nuisances caused by the activities and behavior in bars and restaurants in residential neighborhoods, including Washington Heights and Inwood, with C1 and C2 zoning overlays may be exacerbated by the revised zoning regulations; and
- Whereas: Proposal 10 would simplify and modernize how zoning defines amusements such as arcades and virtual reality games but does not acknowledge that neighborhoods across the city are not uniform and that permitting as-of-right amusement venues as large as 10,000 square feet in some residential areas may be inappropriate, may generate noise and other disturbances, and may not be conducive to maintaining a healthy quality of life in a residential area; and
- Whereas: Proposal 11 would modernize rules for the business activities residents can have in their homes, focusing on implementing safeguards to limit disturbances that may arise from home-based businesses as opposed to the current rules that arbitrarily list permitted and prohibited types of businesses. Concerns were expressed about the potential impacts on the quality of life of building residents caused by increased foot traffic resulting from increasing, from one to three, the number of non-resident employees permitted to work at a home business, increasing, activities from 25% to 40%, the percentage of the home's square footage that can be used for a business, and the potential increase in outside visitors to the home business; and
- Whereas: The zoning in Washington Heights and Inwood is primarily residential with C1, C2, C4, and C6 commercial zoning overlays. The Proposed Action would impact buildings in these zoning districts. DCP lists several organizations that support the Proposed Action, but none are in or represent Washington Heights or Inwood. Economic opportunities are essential to the vitality and sustainability of Washington Heights Inwood, and the City of New York, but the quality of life for residents cannot be a secondary consideration. The Zoning Resolution must recognize trends in the demand for businesses and must be updated to reflect the types, characteristics, and impacts of current businesses to eliminate potential confusion or conflicts resulting from ambiguous or outdated regulations, and should establish regulations that balance the needs and concerns of both businesses and residents; now, therefore, be it



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Resolved: Community Board 12-Manhattan supports the City of Yes for Economic Opportunity Zoning Text Amendment proposed by the Department of City Planning contingent upon the Department of City Planning modifying the Proposed Action so that it:

1. Only allows commercial use on the second floor of residential buildings in new construction or gut renovation where there is no reduction in or displacement of the number of existing residential units,
2. Requires a review of any persistent noise or other nuisance complaints at or near the location of any proposed business with live performances in a residential neighborhood with C1 or C2 zoning and establish, in collaboration with the Department of Environmental Protection, a mechanism to determine and monitor allowable levels of noise,
3. Does not allow, as-of-right, amusement venues up to 10,000 square feet in a residential neighborhood with C1 and C2 zoning, but rather requires a study of the type of activities proposed, associated foot traffic, and projected noise levels to determine the appropriate size for the business venue,
4. Establishes a mechanism, in collaboration with other city agencies, as needed, to require the annual registration of home businesses with landlords or property managing agents, including information about the type of business and the number of non-resident employees, and for the resident operating the home business to agree to address noise or other nuisance complaints generated by their home business or lose their right to conduct that business,
5. Does not reduce the role of community boards in the land use review process; and be it further

Resolved: Community Board 12-Manhattan urges the Department of City Planning, before advancing the Zoning Text Amendment to implement Proposals about nightlife, to meet with the Community Board 12-Manhattan's Business Development and Licensing Committees to obtain information on the nature and frequency of nuisance complaints reported by residents of Washington Heights and Inwood concerning the operation of bars and restaurants and to offer information on the type of corrective actions that have and have not successfully mitigated the situations on which these complaints are based, and to modify the Zoning Text Amendment to incorporate these "best practices" in the revised zoning regulations; and be it further

Katherine Diaz,
Chairperson



Ebenezer Smith,
District Manager

Hon. Dan Garodnick
Chair

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Resolved: Community Board 12-Manhattan urges Mayor Eric Adams and the Mayor's Office of Management and Budget to increase resources to the Department of Buildings to ensure that, as the city agency responsible for enforcing the Zoning Resolution, it has the resources and capability to enforce all current and any revised aspects of the Zoning Resolution.

Sincerely,

Katherine Diaz
Chairperson

cc:

Hon. Eric Adams, Mayor, NYC

Hon. Jumaane Williams Public Advocate

Hon. Mark Levine, Manhattan Borough President

Hon. Brad Lander, Comptroller

Hon. Adriano Espaillat, Congressman

Hon. Robert Jackson, State Senator

Hon. Al Taylor, Assembly Member

Hon. Manny De Los Santos, Assembly Member

Hon. Carmen De La Rosa, Council Member

Hon. Shaun Abreu, Council Member



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 24	# Against: 14	# Abstaining: 1	Total members appointed to the board: 42
Date of Vote: 1/18/2024 12:00 AM		Vote Location: PS 130, 143 Baxter Street, NY NY 10013	

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

Date of Public Hearing: 12/13/2023 6:30 PM	
Was a quorum present? 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>
Public Hearing Location:	CB2 District Office - 3 Washington Square Village, Suite 1A, New York, NY 10012

CONSIDERATION: Community Board 2 / Manhattan recommends denial of the City of Yes for Economic Opportunity for the reasons set forth in the accompanying Resolution adopted at CB2/M's Full Board meeting on Thursday, January 18, 2024.		
Recommendation submitted by	MN CB2	Date: 1/24/2024 5:44 PM

Susan Kent, *Chair*
Valerie De La Rosa, *First Vice Chair*
Eugene Yoo, *Second Vice Chair*



Antony Wong, *Treasurer*
Amy Brenna, *Secretary*
Brian Pape, *Assistant Secretary*
Mark Diller, *District Manager*

COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

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Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

Hon. Dan Garodnick
Chair, NYC City Planning Commission
120 Broadway
New York, NY 10271

Re: Community Board 2/Manhattan Resolution Concerning the
City of Yes for Economic Opportunity

Hon. Chair Garodnick:

At its January 18, 2024 Full Board Meeting, Community Board 2/Manhattan adopted the following resolution.

City of Yes for Economic Opportunity – Citywide Text Amendment

The **City of Yes: Economic Opportunity** Zoning Text Amendment (COYEO) is an ambitious and historic reworking of New York City's Zoning Resolution. MCB2 has found some benefits in the changes, but has identified many concerns and objections that are specific to our District.

MCB2 agrees with numerous other Community Boards who feel that the timetable for Community Board review and response is unreasonably short and therefore counterproductive, given the wide-ranging changes that are proposed.¹

Whereas:

The COYEO city-wide zoning text amendment raises the following overarching concerns:

- By allowing commercial uses above the ground floor in mixed-use buildings, the text amendment creates the potential for conflicts of uses that could directly impact the quality of life in residential neighborhoods and buildings and the safety of their

¹ Joint Community Board letter requesting additional time to respond to COYEO:
(<https://cbmanhattan.cityofnewyork.us/cb2/wp-content/uploads/sites/9/2024/01/CYEOCBLetter2023.pdf>)

Response from Commissioner Dan Garodnick: (<https://cbmanhattan.cityofnewyork.us/cb2/wp-content/uploads/sites/9/2024/01/DCP-Response-to-CB-sign-on-letter-2023-11-15.pdf>)

inhabitants.

- Maintaining Community Board review at its current level is essential as it is the best way to hear directly from the community about potential impacts—negative or positive. The elimination of Community Board review inherent in COYEO deprives the community and city of important information on proposed changes. Community Boards remain the primary source of information on the condition and needs of the neighborhoods and can give the most knowledgeable input on the impact of changes on the local level.
- Environmental standards are insufficiently defined and, in some cases, missing altogether.
- Current enforcement mechanisms are already sorely lacking and it is hard to understand how future methods will be funded or enforced. Community Board input and oversight have been dramatically reduced through the:
 - Increased number of as-of-right scenarios that bypass public hearing or input and,
 - Elimination of ULURP even in instances of significant community impacts.

Therefore be it resolved that MCB2 recommends denial of COYEO in general and offers the following concerns in particular:

1. ***Proposal #1: Reactivation of storefronts.*** MCB2 has no specific comments and believes that the recommendations of Community Boards where the impacts of these proposals would be more strongly felt should be given serious and respectful consideration.
2. ***Proposal #2: Simplify district types.*** MCB2 has no specific comments and believes that the recommendations of Community Boards in which these proposals would be more strongly felt and should be given serious and respectful consideration.
3. ***Proposal #3: Allow manufacturing to be located in commercial zones.*** This provision turns C-zones into M-zones. MCB2 is skeptical of the relaxing of any standards related to permitting manufacturing uses in commercial districts without strict environmental standards and quality of life factors such as defining hours of operation and noise levels. MCB2 is concerned that the types of manufacturing to be allowed in C-districts will conflict with existing residences and businesses. The impacts of 24-hour “maker” activities are and will be negative. Manufacturers should only make goods to be sold at retail on the same premises and within regular business hours. We would prefer retaining the current separation of maker uses from residential and mixed-use zones.
4. ***Proposal #4: Remove loading requirements in existing buildings.*** If the requirement for loading docks is decreased, there should be a parallel requirement to provide more interior on-site storage to reduce the chances of quality-of-life conflicts between residents and businesses because of the noise and environmental impacts of more frequent deliveries. The greater issue is the degradation of quality of life for the surrounding

residential units.

5. ***Proposal #5: Allow commercial uses above the ground floor in mixed-use buildings.*** We support maintaining the principle of housing being physically above commercial. If this passes, this particular proposal should be expressly limited to new construction approved after the date of the COYEO text change as the issues involved in retrofitting older buildings have not been sufficiently thought out. Additionally, we suggest augmenting the 15-foot separation between business and residential to also include: a) not sharing a common wall and b) not being directly above or below to mitigate sound issues as a result of 24/7 commercial uses. As written this proposal is unacceptable because of the negative impact on the quality of life.
6. ***Proposal #6: Rework the use group framework.*** This overhaul of the use groups provides well-needed modernization but is an example of how a one-size-fits-all approach does not work for MCB2. The new use group structure does not adequately address the overall environmental impacts of certain use groups. For example, eating and drinking being combined with other low impact uses is not helpful and the zoning text as a whole does not introduce appropriate Environmental Standards or Performance Standards to adequately create an appropriate framework with which to measure and regulate associated quality of life impacts within the broad spectrum of eating and drinking uses.

Additionally, the proposed text does not include Use Group 17D (JLWQA), which would appear to be an error. If, however, this is not an error and the intent is to eliminate Use Group 17D, then MCB2 is opposed to its removal.

7. ***Proposal #7: Urban agriculture.*** MCB2 has no specific comments and believes that the recommendations of Community Boards where the impacts of these proposals would be more strongly felt and should be given serious and respectful consideration.
8. ***Proposal #8: Change how zoning classifies and zones life sciences.*** MCB2 objects to this proposal because it does not require registration of all life sciences facilities with the Department of Health (DOH) nor publication of a list of facilities by address, including whether or not a particular facility is hazardous.
9. ***Proposal #9: Allow nightclubs to locate in more places.*** MCB2 objects to this proposal because it does not include environmental standards created with Community Board input. MCB2 is struggling with the impact of nightlife on residential areas. We are uncomfortable with undoing capacity limits. We are very concerned that noise, vibrations, odors, and other disturbances would negatively impact surrounding residences and commercial establishments. These proposals will lessen our ability to curtail excesses and they will further degrade the quality of life for our community, which is already oversaturated with establishments like these.
10. ***Proposal #10: Allow amusements and rides to locate in more places.*** The proposal will introduce two categories of amusements: “amusement or recreation facility,” (which

would allow uses like bowling, laser tag and arcades) and “amusement parks.” These changes will allow amusements in more locations. This proposal represents a real degradation of the quality of life in the community, and MCB2 does not support this proposal.

11. ***Proposal #11: Expand home occupations.*** This change raises a number of quality of life concerns. Home occupations are already problematic in our community district and would become more so with this proposal. The proposal is flawed in that there is no cap on the raw or percentage of square footage for a business or its related businesses, nor are there limits on the number of home businesses in a single residential building (through total number and/or percentage of units). The text change would not prohibit someone from expanding a business into a neighboring apartment, setting up a conflict between business uses and residential housing. The quality of life concerns with respect to potentially unlimited customer traffic and/or business hours are highly problematic: commercial uses bring new and more people into a building, which makes security more difficult, and 24-hour commercial use in a mixed-use building needs careful evaluation. Furthermore, the expectation that the Department of Buildings (DOB) will enforce these rules is unreasonable and unattainable.

If Proposal #11 of COYEO passes the City Council, CB2 recommends the elimination of the JLWQA conversion fee and Arts Fund enacted in the recent SoHo/NoHo rezoning.

We recommend retaining the current definitions and regulations of home occupations.

12. ***Proposal #12: Provide new and standardized urban design rules.*** MCB2 opposes any changes to the rules for the Special Little Italy District (SLID) and thus opposes any part of this proposal which would allow such changes. Replacing the use group for the SLID (Use Group LI) with the standardized use groups would not limit the new uses, such as manufacturing, amusements and nightclubs. Due to this standardization, this special district would be subject to businesses that decrease the quality of life and displace long-standing local businesses that are essential to the special district. Furthermore, in the SoHo/NoHo Special District, the just-approved streetscape rules are deleted entirely and replaced with the standardized rules. MCB2 is opposed to any changes to ground floor uses in the SLID.

The proposed text appears to contain a drafting error with respect to the ground floor uses in the SLID and the SoHo/NoHo Mixed Use District. The map (Map1 in Appendix A of Section 143-00 of the Zoning Resolution) needs to be either updated to clearly show what streets qualify as Tier B and Tier C, or deleted in its entirety, if all streets now qualify as Tier C. If kept, it should also delete references to “Primary Street Frontage (143-15(a))” since that type of street and the referenced zoning section would no longer exist, if this text were to pass.

13. ***Proposal #13: Auto repair.*** MCB2 has no specific comments and believes that the recommendations of Community Boards where the impacts of these proposals would be more strongly felt and should be given serious and respectful consideration.

14. ***Proposal #14: Permit micro-distribution facilities.*** MCB2 objects to permitting micro-distribution facilities which are effectively dark stores. MCB2 believes that all retail stores should be accessible to consumers to promote a vibrant retail streetscape.
15. ***Proposal #15: Campus commercial.*** MCB2 has no specific comments and believes that the recommendations of Community Boards where the impacts of these proposals would be more strongly felt and should be given serious and respectful consideration.
16. ***Proposal #16: Allows agency authorizations for “corner stores.”*** MCB2 objects to the removal of the elected officials from the process of approval of “corner stores.” CPC will have no required local, public input into such a change. A Community Board may submit an opinion but there is no way to back up that opinion with required action by the City Council. Community Boards and elected officials have been taken out of the loop on very local questions. Instead of those with expert knowledge of an area having a participatory and decision-making role, this proposal would make CPC the final and only arbiter.
17. ***Proposal #17: Allow special permits and authorizations for bulk and use without City Council authorization.*** MCB2 opposes removing the role of the City Council from the approval process as that would remove an important oversight step and reduce the chances that storefronts might be combined without review.
18. ***Proposal #18: New loft-style district.*** MCB2 has no specific comments and believes that the recommendations of Community Boards where the impacts of these proposals would be more strongly felt and should be given serious and respectful consideration.

Vote: Passed, with 24 CB2 Members in Favor; 14 Opposed; 1 Abstaining; and 3 Recusing.

CB2/M respectfully recommends that the Commission take actions consistent with this resolution.

Respectfully submitted,



Susan Kent
Chair, Community Board 2/Manhattan



Katy Bordonaro
Co-chair, CB2 Land Use Committee



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

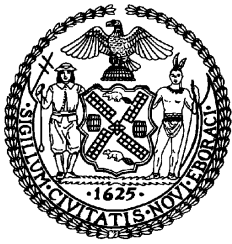
Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 19	# Against: 7	# Abstaining: 3	Total members appointed to the board: 46
Date of Vote: 1/23/2024 12:00 AM		Vote Location: Public School 20, 166 Essex Street	

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

Date of Public Hearing:		
Was a quorum present? No	<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>	
Public Hearing Location:		

CONSIDERATION: Attached please find the CB3 resolution passed last night (1/23) at their Full Board meeting.		
Recommendation submitted by	MN CB3	Date: 1/24/2024 4:25 PM



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

59 East 4th Street - New York, NY 10003

Phone (212) 533-5300

www.cb3manhattan.org – mn03@cb.nyc.gov

Andrea Gordillo, Board Chair

Susan Stetzer, District Manager

Manhattan Community Board 3 recommends denial with modifications for City Of Yes for Economic Opportunity (N240010ZRY)

WHEREAS, Community Board 3, Manhattan (CB 3) believes zoning can play an important first step in furthering opportunities for all New Yorkers, including businesses, residents, and visitors; and

WHEREAS, CB 3 believes that rezoning is just one tool that allows city government to protect its most vulnerable residents; and

WHEREAS, CB 3 believes that city government must do more to preserve neighborhood character by listening to communities that best understand their local needs and ensure a say in the final process; and

WHEREAS, CB 3, Manhattan is a mixed-use community district with many residential streets, streets with commercial overlays to serve local retail needs, as well as commercial streets and avenues, and was not designed to as a major destination or commercial district; and

WHEREAS, CB 3, of the 59 NYC community boards, has the second-highest number of non-conforming eating and drinking establishments on residential side streets. At the time of the Citywide Text Amendment for Open Restaurant in September 2021, there were 134 non-conforming open dining structures in residential districts along with many other non-conforming eating-and-drinking establishments without open dining; and

WHEREAS, Community District 3 is one of the top two densest community districts for eating and drinking establishments in New York City, with 1,004 Open Restaurants, and CB 3 has the second highest number of commercial noise complaints at eating and drinking establishments of the 59 Boards. The proliferation of eating and drinking establishments with higher rents is a contributing factor to driving up local commercial rents; and

WHEREAS, With the most wide-ranging rezoning since 1961, the City of Yes for Economic Opportunity prioritizes increasing and maximizing commercial FAR. It comes mainly at the expense of housing, neighborhood benefits, and quality of life. We believe in a balance between business and affordable housing. We question leaving housing as the last piece of the rezoning as NYC becomes less and less affordable for its residents; and

WHEREAS, CB 3 supports common sense normalizing portions of the zoning text for a clearer understanding; CB 3 believes much of the zoning text changes overreaches and threatens the diversity of our neighborhood; now

1. Proposal: Lift time limits to reactivating vacant storefronts

NO with modifications

CB 3 has a high number of non-conforming spaces on narrow, residential side streets, and fields requests from residents for their return to conforming residential use after two years' vacancy. While acknowledging the high conversion expense for landlords, CB 3 proposes an alternative: allowing use group 3 community facilities in these storefronts, addressing the need for non-profits or cultural centers. Considering concerns about nightlife businesses causing issues on side streets, Proposal 1 is not supported unless the following modifications are made: excluding eating and drinking establishments from the lifetime limit to reactivate vacant storefronts, aiming to preserve the residential environment of narrow, residential streets and only allow a non-conforming of Use Group 3.

2. Proposal: Simplify rules for business types allowed on commercial streets

YES

CB 3 supports this commonsense change, normalizing commercial districts throughout the City. The majority of residents would assume this is how zoning functions.

3. Proposal: Expand opportunities for small-scale clean production

NO with modifications

This is a major change to zoning, moving away from use groups to allow clean manufacturing. This citywide zoning change could have unintended consequences, especially in CB 3, with many as-of-right production uses failing to serve residents and have consequences of traffic problems, dark sites, and unnecessary competition for commercial spaces. We strongly prefer ground-floor businesses to foster vitality best experienced on foot as opposed to dark sites with unnecessary production uses that do not benefit the communities they are in. We would only support production uses that serve the neighborhood and also offer products for retail sale such as an artisanal producer selling goods differing from merchandise commonly sold online.

4. Proposal: Modernize loading dock rules so buildings can adapt over time

NO

This is an as-of-right change and could be abused without consequences. Loading dock sizing requires an assessment of various factors. It should be a formal process on a case-by-case basis, studying use and traffic to serve the needs of businesses and residents appropriately.

5. Proposal: Enable commercial activity on upper floors

NO

CB 3 already has significant conflicts between commercial spaces and residential. We have several exceptions for second-floor commercial spaces, and they exemplify what will happen with the adjustment to the C1/C2 overlay in CB 3 to allow commercial on upper floors. This change will maximize the commercial FAR and result in a reduction of housing stock. A recent example is the area between East 85-90th Streets between Lexington and Second Avenues. Given its known effect on decreasing housing stock, DCP needs to delay any implementation of this proposal before proposing zoning regulations to help ease the current and worsening housing crisis. We also find a considerable flaw in environmental considerations. The environmental limitations fail to apply to neighboring buildings, covering only interior spaces. Second, environmental limitations are insufficient, covering only air quality, noise, and vibration. It requires expansion similar to other uses. Thirdly, the exemption of small spaces less than 75-person capacity is arbitrary and will create further conflict between businesses and residents in CB 3. Many of these second-floor commercial spaces would be eating and drinking establishments. Higher floor and rooftop establishments prove more problematic owing to the inability to control environmental factors like noise.

6. Proposal: Simplify and modernize the way businesses are classified in zoning

YES

7. Proposal: Clarify rules to permit indoor urban agriculture

YES with modifications

Growing healthy food in an urban environment would benefit both businesses and residents with its proximity but we would not want to see new agricultural uses adversely affect the housing stock in R7-2 districts. Cannabis is also classified as an agricultural crop and should be exempted along with similarly odorous plants due to the environment concern of odor. We do not believe cannabis production should be incentivized in CB 3.

8. Proposal: Give life sciences companies the certainty to grow

YES with modifications

High containment laboratories should not be allowed. We have numerous concerns related to environmental, health, and safety with proximity to high population density. High-containment laboratories should not be allowed in heavily populated areas. The possibility of catastrophic consequences does not allow us to support this proposal without modifications.

9. Proposal: Support nightlife with common-sense dancing and live entertainment rules

NO with modifications

CB 3 supports dancing as an accessory use in compliance with commercial zoning. Nightlife complaints are about noise and any changes must include enforcement of the noise code. CB 3 already faces significant quality-of-life issues with nightlife establishments. Our neighborhood is saturated with these businesses. We do not support as-of-right nightlife establishments throughout CB 3 and do not support the waiver of environmental concerns for "small establishments." When many small establishments are located in the same area, environmental concerns are considerable. We have several locations where there are more than 40 liquor licenses in a 500-square-foot area. Even with a 75-person limitation, there are several thousand people in the area.

10. Proposal: Create more opportunities for amusements to locate

YES with modifications

Any amusements should go through a CPC Special Permit, where the City Council would vote on final approval, not a BSA Special Permit Process

11. Proposal: Enable entrepreneurship with modern rules for home-based businesses

NO with modifications

Home-based occupations can create significant foot traffic and unlimited access and hours could cause quality of life and safety issues. Other cities have limited the number of home business visits; we support limiting home visits. Second, we want to ensure that the residence is a residence that pays taxes in the City. We have a housing crisis and we foresee the potential for abuse by converting a residence into a business entirely. Thus, entrepreneurs would be required to demonstrate it is a primary residence by providing proof of taxes filed from the residence. We also support continuing the limitation of square footage designated for the business. The impact of home businesses on other residents of mixed-use buildings should require an environmental impact study. Finally, we are concerned that many possible occupations would have leased commercial space if they were a neighborhood service, e.g. barber/beauty shops, kennels, veterinary, licensed professional occupations, and others.

12. Proposal: Introduce design rules that ensure buildings contribute to surroundings

NO with modifications

We mostly support regulations to create consistent streetscapes. We do not support the elimination of ground-floor residential lobbies and residences in commercial districts that would conflict with developing housing.

13. Proposal: Reduce conflicts between auto repair shops and pedestrians

NO with modifications

CB 3 has very few available locations for an auto repair shop or gas station. We have extreme limitations in terms of parking needed for an auto repair. The community would need input on a location and any as-of-right

50% expansion. We would not support a BSA Special Permit; exceptions should require a public process via CPC Special Permit with City Council vote.

14. Proposal: Encourage safe and sustainable deliveries with micro-distribution

NO with modifications

We echo the concerns stated in response to Proposal 3. While a limited number of micro-distribution sites might improve some traffic problems, many micro-distribution locations would alter the character of the neighborhood. They would compete with other commercial spaces in the neighborhood, not contribute to foot traffic, not have a retail component, and exacerbate the demise of local stores selling goods.

15. Proposal: Facilitate local commercial space on residential campuses

NO with modifications

We support the addition of commercial space on residential campuses, but residents must have input. A CPC authorization does not allow for public input; we support a CPC Special Permit where the City Council would vote on final approval.

16. Proposal: Create process for allowing new corner stores in residential areas

NO with modifications

We support the requirement of an environmental review and Community Board approval. We also support CPC Special Permit and City Council vote, not CPC Authorization

17. Proposal: Rationalize waiver process for business adaptation and growth

NO with modifications

We support a CPC Special Permit with City Council vote, and do not support a BSA Special Permit nor a CPC Authorization for significant sizes.

18. Proposal: Create new kinds of zoning districts for the future

YES with modifications

We support the possibility of having a new zoning tool to create a special district as long as it goes through a public ULURP process. However, we see no such need for it in CB 3.

THEREFORE, BE IT FURTHER RESOLVED, that Community Board 3, Manhattan votes No with modifications for City of Yes for Economic Opportunities.



CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 10

215 West 125th Street, 4th Floor New York, NY 10027
T: 212-749-3105 F: 212-662-4215
Website: <https://cbmanhattan.cityofnewyork.us/cb10/>

Resolution Manhattan Community Board 10

RESOLUTION: To support with recommendations the City of Yes for Economic Opportunity Citywide Text Amendment.

WHEREAS, New York City Department of City Planning (*hereafter known as "DCP"*) is proposing the City of Yes for Economic Opportunity Citywide Text Amendment (N240010ZRY, N 240011) that will implement changes to the City's Zoning Resolution to remove barriers to opening, operating, and expanding a business within all zoning districts, and across all 59 of the City's Community Districts; and

WHEREAS, the City of Yes for Economic Opportunity has four (4) overarching goals:

1. Make it easier for businesses to find space and grow
2. Support growing industries
3. Foster vibrant neighborhoods
4. Create new opportunities for businesses to open

WHEREAS, there are eighteen (18) proposals spanning the four goals that Manhattan Community Board 10 must consider that are as follows:

1. Reactivate storefronts - remove limits to reactivating the vacant storefronts
2. Simplify district types - simplify rules for business types allowed on commercial streets.
3. Small-scale production - expanding opportunities for small-scale clean production
4. Loading docks - modernize loading dock rules so buildings can adapt over time
5. Upper floor commercial - enable commercial activity on upper floors
6. Use terms - simplify and modernize the way businesses are classified in zoning
7. Urban Agriculture - clarify rules to permit indoor urban agriculture
8. Life Sciences - give life sciences companies the certainty to grow
9. Nightlife - support nightlife with consistent dancing and live entertainment rules
10. Amusements - create more opportunities for amusements to be located in C districts
11. Home occupations - enable entrepreneurship with modern rules for home-based businesses
12. Streetscape - create design rules that ensure that buildings contribute to the surroundings
13. Auto repair - reduce conflicts between auto repair shops and pedestrians
14. Micro-distribution - encourage safe and sustainable deliveries with micro-distribution
15. Campus commercial - facilitate local commercial space on residential campuses such as NYCHA
16. Corner stores - create a process for allowing new corner stores in residential areas
17. Better waiver processes - rationalize waiver process for business adaptation and growth
18. New loft-style zoning districts – create new kinds of zoning districts for the future.

WHEREAS, DCP reviewed existing conditions in Manhattan Community Board 10 where there are 1990 storefronts of which 300 are vacant. The vacant storefront types varied with 29% for retail, 28% community facilities & other designation, 24% for services, and 19% for food and drink; and

WHEREAS, DCP also provided a Q&A document with questions from surrounding community boards (9 and 12), and from George Janes & Associates, facilitated five public sessions during the past year, and extended the review period until the end of January, the City of Yes for Economic Opportunity is a dense (~1100 pages) document that will result in changes to zoning regulations throughout the City, and:

WHEREAS, Manhattan Community Board 10 Land Use Committee facilitated two public hearings on 11/16/23 and 12/21/23; and

WHEREAS, Manhattan Community Board 10 recognizes that some changes in zoning that would require community board input/consideration will be eliminated. Currently, the City approves over 90% of all zoning projects without modification regardless of the concerns raised by community boards, non-profits, and other entities; and

WHEREAS, on December 21, 2023 Manhattan Community Board 10 Land Use Committee voted **9 Yes, 0 No, 0 Abstention, and 0 Recusal** on each proposal and **unanimously** approved the City of Yes for Economic Opportunity with the following recommendations outlined in the chart below:

Proposal	Support	Do Not Support	Requested Modification/Recommendation
#1: Reactivate Storefront	X		
#2: Simplify district types	X		
#3: Small scale production	X		
#4: Loading docks	X		
#5: Upper floor commercial	X		Committee concerned with mixed uses. It is essential that separate entrances are maintained and noise mitigation requirements are monitored
#6: Use terms	X		
#7: Urban Agriculture	X		This allows for greater indoor agriculture that would include cannabis growth. This would be subject to state licensing requirements but ongoing monitoring/enforcement should be clearly outlined.
#8: Life Sciences	X		CB 10 will be the new location for NYC DOHMH Public Health Lab. Additional laboratory types would include diagnostic, clinical, and research labs. It is essential that oversight by

			Department of Buildings (DOB), FDNY, Dept. of Environmental Protection (DEP), DOHMH, and state and federal agencies monitor and ensure safety standards, and adherence to regulations that ensure the safety of the community.
#9: Nightlife	X		Although emphasis was placed on ensuring that dancing could occur in spaces licensed for up to 200 people, it does not negate the fact that CB 10 is saturated with restaurants and bars. Enforcement and monitoring does not consistently occur leaving residents without any recourse other than calling 311 to report concerns. Additional resources should be added to city agencies that will be responsible for monitoring and enforcement.
#10: Amusement	X		
#11: Home Occupations	X		This zoning increases the number of employees from one to three, not including the owner. Residents with concerns about noise, vibration, smoke, dust or other objectionable effects are left to call 311 to report the business to DOB. Although existing safeguards would remain in place, monitoring and enforcement requires several city agencies (FDNY, DOHMH, HPD, and NYPD) with limited capacity to address the anticipated growing number of home-based businesses. Additional resources should be added to city agencies that will be responsible for monitoring and enforcement.
#12: Streetscape	X		Prospectively, the City should ensure that while symmetry in streetscape is sought, innovation and diversity should be allowed and embraced.

#13: Auto repair	X		
#14: Micro-distribution	X		<p>CB 10 has delivery trucks throughout the community on a daily basis.</p> <p>The Department of Transportation and DOB does not effectively or consistently monitor or enforce the way in which these companies operate. Community boards should determine preferences for the type of micro-distribution centers in the community. CB 10 recommends that open hours for micro-distribution centers and their vehicles (and the acceptable times when delivery vehicles can service these centers) be prescribed by the community board.</p> <p>Additional resources should be added to city agencies that will be responsible for monitoring and enforcement.</p>
#15: Campus commercial	X		<p>Community boards should determine preferences for the type of businesses.</p> <p>Additional resources should be added to city agencies that will be responsible for monitoring and enforcement.</p>
#16: Corner stores	X		<p>Community boards should determine preferences for the type of businesses.</p> <p>Stores must be consistent with the needs and preferences of the community. Currently, CB 10 has a significant number of “smoke shops” where illegal, and potentially dangerous situations arise.</p> <p>Monitoring and enforcement is not consistently or effectively managed</p> <p>Additional resources should be added to city agencies that will be responsible for monitoring and enforcement.</p>
#17: Better waiver process	X		

#18: New lost-style district	X		
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WHEREAS, on January 2, 2024, the Executive Committee voted 14 **Yes**, 0 **No**, 0 **Abstention**, and 0 **Recusal** to approve the application with the aforementioned recommendations.

NOW THEREFORE, BE IT RESOLVED

Manhattan Community Board 10 **supports the City of Yes for Economic Opportunity Citywide Text Amendment**, with the recommendations listed below. During the January 3, 2024 General Board Meeting, the board voted 29 **Yes**, 0 **No**, 1 **Abstention**, and 0 **Recusal**.

1. Ensure that mixed use developments maintain regulations that are supportive to residents and includes separate entrances.
2. Additional life sciences businesses could include diagnostic, clinical, and research laboratories. Ensure ongoing oversight and enforcement by City, State, and federal agencies is crucial to ensuring the safety of these facilities, and to protect the residents of the community. Process should be developed to ensure that communities are aware of plans to develop a laboratory, with adequate amount of time for public hearings and/or town hall meetings to provide feedback and discuss concerns.
3. Communities and community boards should determine the type of micro-distribution centers and the designated times of operation for delivery vehicles.
4. Communities and community boards should determine the types of businesses on NYCHA campuses, as well as corner stores.
5. Several proposals (#5, 7-9, 11-12, 14-16) require monitoring and enforcement oversight by various city and state agencies. Currently, existing monitoring and enforcement does not consistently or effectively address concerns highlighted by individuals in the community. Additional resources must be added to City and State agencies to ensure that businesses are compliant with rules and regulations, and held accountable within a timely manner.
6. The City is facing economic challenges with a PEG (Program to Eliminate the Gap) implemented for city agencies. Community boards should be provided with the anticipated cost of the City of Yes for Economic Opportunity as existing financial challenges would adversely affect the ability of city agencies to effectively monitor, enforce, and hold businesses accountable.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 29	# Against: 0	# Abstaining: 1	Total members appointed to the board: 47
Date of Vote: 1/3/2024 12:00 AM		Vote Location: 163 W. 125th St, NY, NY 10027	

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

Date of Public Hearing:	
Was a quorum present? No	<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>
Public Hearing Location:	

CONSIDERATION: See Attached		
Recommendation submitted by	MN CB10	Date: 1/26/2024 10:15 AM



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

January 26, 2024

City of Yes for Economic Opportunity
Addendums to COY EO Worksheet:

#13

Minority report for a condition: Micro distribution should be limited to C4 areas only. There are three C4 areas in CD14 and their placement in the district facilitates for one-mile radius coverage to meet the goals. This will mitigate additional trucking to the proposed C1/C2 areas (total 7) by consolidating trucking points to C4 (Total 3). With three truck routes in the district we already have a problem with roadway abuse by 53 ft trucks and wish not to invite further abuse through widespread micro-distribution centers.

#15

We neither support or unsupport this matter as it is not applicable to our district at this time. There is a large body of evidence that proximity to full service grocery stores improves health outcomes. While this measure would allow most retail, services and maker spaces, priority should be placed on full service grocery stores and should align with FRESH text amendments. Limits should be placed on Fast Food retail establishments (ultra processed foods), which have long supplanted access to groceries in proximity to NYCHA. We recommend limiting the use groups to community facilities and overlaying FRESH tax incentives to drive in commercial enterprises that align with public health goals.

#16

The focus of applicable use groups should be limited to grocery access, community facilities and professional offices for local elected, community based organizations and services such as law and accounting. The FRESH zoning resolution (would need to be amended for sq footage minimums) could off set some of the barriers to entry (environmental review, CPC action) for smaller groceries that go further than the capacity of bodegas to provide access to perishable food.



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

ERIC L. ADAMS
Mayor

January 26, 2024

ANTONIO REYNOSO
Borough President

New York City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

JO ANN BROWN
Chair

SHAWN CAMPBELL
District Manager

Dear Chair Garodnick and City Planning Commissioners,

EXECUTIVE COMMITTEE

KARL-HENRY CESAR
First Vice-Chair

STEVEN D. COHEN
Second Vice-Chair

JOSEPH DWECK
Third Vice-Chair

HINDY BENDEL
Secretary

SHAHID KHAN
Member-at-Large

FLORENCIA CHANG-AGEDA
Member-at-Large

ALVIN M. BERK
Chairman Emeritus

Brooklyn Community Board 14 is submitting the City of Yes for Economic Development proposal worksheet for your consideration. Please note that board members dedicated a total of five public meetings to consider COY EO including a Housing and Land Use Committee meeting on November 1, 2023; a Transportation Committee meeting on 12/21/23 to consider relevant proposals; a Community Environment, Cultural Affairs and Economic Development Committee meeting on 1/18/24 to consider relevant proposals; as well as a public hearing held on 1/3/24; followed by a regular monthly meeting of the board on 1/8/24 and concluding with a meeting of a Committee of the Whole on 1/24/24. Chair Jo Ann Brown attended the Brooklyn Borough President's public hearing, and board members and the District Manager participated in information sessions and CPC's public hearing on 1/24/24.

The COY EO zoning text amendment proposal is complex. Positive outcomes depend heavily on undeveloped enforcement potential to ensure that good actors reap the intended benefits. Representatives from the Department of City Planning noted that relevant city agencies were consulted in the development of this proposal but failed to provide documentation of agency input. Agencies that provided public testimony, such as Small Business Services and the Office of Urban Agriculture were supportive, which makes sense given their respective missions. However, it would have been of great value to have information from the Department of Buildings as to how they would ensure new zoning compliance, especially given DOB's abysmal track record in CD14 enforcing zoning violations. It would have been of value to have documentation as to how the Department of Consumer and Worker Protection would continue to carry out its mission in this new landscape. Concerns were expressed by a retired Lieutenant from FDNY at the Brooklyn Borough President's public hearings in relation to commercial activity above ground floor and the expansion of home use. What was FDNY's official comment on the COY EO? Did DEP, NYPD, HPD, DOF or any other potentially involved city agency formally weigh in on the proposal? Were any concerns raised? Were none?

DCP has identified worthy goals to foster growth through an equity lens and Brooklyn Community Board 14 is supportive of desired outcomes. This would be a great proposal if all New Yorkers were good actors. However, the density and complexity of the proposal makes it difficult to determine the extent to which unintended consequences might overtake the

goals of the proposals. Concerns about safety and quality of life including noise, odors, delivery schedules, etc. as commercial activity is introduced in residential zones were raised in relation to most of the proposals. Positive versus negative impacts on traffic were debated in regard to distribution zones and automotive repair activity. Comportment with state laws and licensing and Federal tax deduction rules for use of home office were questioned. Competing uses for residential units given the affordable housing crises in NYC is a concern. Taking public input out of so many changes in use could go awry.

Yet, the members of CB14 have conditionally supported nearly every proposal as reflected in the worksheet and addenda. Two proposals were not supported with conditions and the board offered no recommendation on two proposals that have little to no relevance in our district. We yield to the community members more directly impacted by those proposals and hope that the CPC will do the same. Please listen closely to those community members working and living in the variety of neighborhoods in NYC that will be changed. Value the wisdom that comes from experience and expertise. Don't allow good ideas to fall victim to bad plans. This board has granted DCP a lot of faith. Make good on it.

Respectfully,

A handwritten signature in black ink, appearing to read "Jo Ann Brown". The signature is fluid and cursive, with the first name "Jo Ann" and the last name "Brown" clearly distinguishable.

Jo Ann Brown
Chair

cc: Hon. Antonio Reynoso, Brooklyn Borough President

For Economic Opportunity

Optional Worksheet: Proposal Feedback

Instructions: If you choose to complete this optional worksheet, please review each part of the proposal. Check the box to express whether you support or do not support that specific component. You can leave comments in the requested modification section.

	Support	Do Not Support	Requested Modification
#1: Reactivate Storefronts			
#2: Simplify district types			
#3: Small-scale production			
#4: Loading docks			

	Support	Do Not Support	Requested Modification
#5: Upper floor commercial			
#6: Use terms			
#7: Urban agriculture			
#8: Life sciences			
#9: Nightlife			
#10: Amusement			
#11: Home occupations			

	Support	Do Not Support	Requested Modification
#12: Streetscape			
#13: Auto repair			
#14: Micro-distribution			
#15: Campus commercial			
#16: Corner stores			
#17: Better waiver process			
#18: New loft-style district			



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

Public Hearing Testimony, January 4, 2024

Re: City of Yes for Economic Opportunity

Jo Ann Brown, Chair, Brooklyn Community Board 14

Community Board 14 has not completed their analysis of the zoning text amendment. After deliberating in a public hearing for two and a half hours, we have halfway still to go on the items in the worksheet. We should be able to come to a resolution by the middle of January.

What we're finding is that a Venn diagram is formed between the changes in use groups, the changes in how they are applied in a commercial district and are working to understand how those intersect with what our communities need. This is the critical thinking approach we have sought and DCP has made a good attempt at giving us the tools to address these changes, but the current zoning text amendment is 1,127 pages long. They are trying to change a zoning resolution that is 63 years old in only a year and a half with three sweeping and complex zoning text amendments in a 60-day review.

I'm not complaining. I'm tired and my faith and trust has been tested. From my own personal perspective, with every presentation DCP sells the idyllic, you can now buy and fix your bike in the same store, hyper local lettuce and micro greens from urban agriculture, you can make jewelry from home. But through this process we have brought to them the worst-case scenarios, unlicensed cannabis agriculture, unchecked home food production and supper clubs, loss of residential housing diverted to offices in building with two cores, and they continue to default to the idyllic. I'm lucky Community Board 14 for the most part hopes for the best-case scenario, and our vote will reflect as such, but we know that ultimately when the worst-case scenario happens enforcement is woefully inadequate.

Some notes from our deliberations:

We discussed the possibility of losing the diversity of businesses when combining C1 and C2 commercial properties.

New residential developments with two cores, that means two elevators two entrances, could easily be converted to office space from residential housing if the market is more fruitful and less regulated than housing.

We had a very lively discussion about urban agriculture, we very much want access to fresh food without walking seven or eight blocks, but the worst-case scenario is unlicensed cannabis agriculture. To note, in this zoning text amendment cannabis dispensaries, cannabis production, cannabis agriculture cannabis laboratories are not identified as part of any use group, and they should be.

Regarding activation of storefronts the general consensus amongst board members was that the use group should be limited to use group 3, community facility or a discretionary process should proceed. There should also be a time limit – we continue to deliberate somewhere between 5 and 10 years.

####



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 99	# Against: 99	# Abstaining: 99	Total members appointed to the board: 49
Date of Vote: 1/24/2024 12:00 AM		Vote Location: 1625 Ocean Avenue and 810 East 16 street	

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

Date of Public Hearing:	
Was a quorum present? No	<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>
Public Hearing Location:	

CONSIDERATION: CB14's recommendation resulted from two separate votes. A public hearing was held on January 3, 2024 and the recommendations on proposal 1-7 were ratified at the following regular monthly meeting of the board on January 8, 2024 at which a Committee of the Whole was empowered to make recommendations on 8-18, which were heard on January 24, 2024. Therefore, there is not a single vote count to record within the constraints of this portal; the votes will be reported at the February meeting of the full board and recorded in those meeting minutes.		
Recommendation submitted by	BK CB14	Date: 1/26/2024 2:04 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 22	# Against: 0	# Abstaining: 0	Total members appointed to the board: 40
Date of Vote: 1/11/2024 12:00 AM		Vote Location: Bensonhurst Center for Rehab & Healthcare, 1740 84th Street, Brooklyn, NY 11214	

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

Date of Public Hearing: 1/9/2024 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	St Finbar Annex, 138 Bay 20 Street, Brooklyn, NY 11214 (enter parking lot on Bay 20 St)

CONSIDERATION: See attached.		
Recommendation submitted by	BK CB11	Date: 1/16/2024 9:45 AM

Community Board 11 Draft Worksheet

1. Expand Options for Business to Locate:

Non-conforming vacant storefronts in residence districts should not legally be permitted to re-tenant their space on an as-of-right basis in R1-R4 districts. We currently have locations that cause nuisances to the surrounding neighbors. Noise, Music, traffic, and objectionable uses.

2. Simplify rules for business types allowed on commercial streets:

No concerns raised regarding similar uses in the C1 and C2, as well as C4, C5, and C7 districts. We must clarify that commercial overlays are NOT first considered a commercial district.

3. Expand opportunities for small-scale clean production:

Opposed to the uses that would be permitted in the C1/C2 districts, which abuts residential districts.

4. Modernize loading dock rules:

No objection.

5. Enable Commercial Activity on upper floors:

Oppose as-of-right commercial uses above the ground floor of residential buildings. Contradicts goal of creating housing. Without access to studies of potential displacement we cannot support this goal.

6. Simplify and modernize how businesses are classified in zoning:

Oppose. While changes in use groups should be updated and modernized to reflect current uses; however, the current uses proposed would change the character and create nuisances within our community.

7. Clarify rules to permit indoor urban agriculture:

Oppose as of right indoor agriculture. This proposal includes cannabis cultivation "if" licensed by the State. Concerns regarding unlicensed cultivation and food production.

8. Give life science companies more certainty to grow:

Oppose in C1 and C2 districts.

9. Support nightlife for dancing and live entertainment:

Oppose the as of right designation in C1 and C2. Currently, in C1-1 through C1-4, and C2—1 through C2-4 **are** required BSA permit for over 200. Concerns regarding nuisances abutting residential.

10. Create more opportunities for amusements to locate:

Oppose. UG 8 amusements/arcades in C1-C4. Objection to the nuisances created.

11. Enable entrepreneurship for home-based businesses.

Oppose the removal on limits and size restrictions, the elimination of non-permitted uses, the expansion in size to 49% of floor area and the increase up to 3 employees.

12. Introduce corridor design rules:

No objections.

13. Reduce conflicts between auto repair shops and pedestrians:

Oppose – creating nuisances in lower commercially zoned districts. They propose to classify “light” and heavy” motor vehicle repair and maintenance shops. Light shops would be permitted in most commercial districts by BSA Permit.

14. Micro distribution:

Oppose in the C1 and C2 districts.

15. Facilitate local commercial space on residential campuses:

Opposed to the creation of commercial uses within residential apartment buildings.

16. Corner stores in residential Areas:

Opposed to discretionary action without public review. CPC does **not hold public hearings on authorizations.**

17. Rationalize waiver process for business adaptation and growth:

No objections?

18. Create new kinds of zoning districts for use in future mapping actions:

No concerns?



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 33	# Against: 0	# Abstaining: 0	Total members appointed to the board: 46
Date of Vote: 1/24/2024 12:00 AM		Vote Location: 76 West Brighton Avenue, 2nd floor	

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

Date of Public Hearing:	
Was a quorum present? No	<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>
Public Hearing Location:	

CONSIDERATION: Please see the attached files for more information.		
Recommendation submitted by	BK CB13	Date: 1/29/2024 1:51 PM



BROOKLYN COMMUNITY BOARD 13
 1201 Surf Avenue – 3rd Fl., Brooklyn, NY 11224
 (718) 266-3001 FAX (718) 266-3920
<http://www.nyc.gov/html/bkncb13>

ANTONIO REYNOSO
 Borough President

LUCY MUJICA DIAZ
 Chairperson

EDDIE MARK
 District Manager

**LAND USE COMMITTEE MEETING
 MINUTES**

Date: Thurs., Jan. 11, 2024

Time: 7:00 P.M.

Loc.: Office

MEMBERS PRESENT:

Marion Cleaver

Michael Russo

Yelena Makhnin

Michael Silverman

Shimon Rinkovsky

Angela Kravtchenko

Jack Suben (Zoom)

Pat Singer

Joann Weiss

Jeff Sanoff

MEMBERS ABSENT:

Gloria Watkins

GUESTS:

Ida Sanoff, Craig Hammerman, Bridgette Purvis(AM Brook-Krasny), Ron Greenberg, Mark Mernyk(CB13)

OFFICE STAFF PRESENT:

Eddie Mark, D.M., Gabriel Blinder, Community Consultant, Barbara Santonas, Community Coordinator

Statement made that anything put in the Chat could be FOILED later.

1st Vice Chair Jeffrey Sanoff read a memo from Chairperson Lucy Mujica Diaz stating that she could not attend tonight's meeting and that her 1st Vice Chair, Jeffrey Sanoff will be her representative this evening.

Committee Chairperson Marion Cleaver explained that the City of Yes proposals will be discussed one by one. She will get the committee's comments for or against and at the end of the discussion, we will vote on the City of Yes Economic Opportunity (COYEO) proposal. Yelena asked if the committee will be voting for each proposal. Marion said she just wanted to get a consensus of how the committee feels. Yelena said that on the current zoning now but if the city makes changes of zoning because more proposals are coming, where does it leave the community.

Proposal 1: Lift time limits to reactivating vacant storefronts.

Recommendation: N/A. This proposal does not significantly impact Brooklyn.

Proposal 2: Simplify rules for business types allowed on commercial streets.

Recommendation: **Opposed.** Yelena said this is basically to update the use groups. Jeff said the city is in bad financial shape. Enforcement cannot do job currently. If we add more enforcement, who will do the enforcement. Angela said that Surf Avenue is C2 and this proposal would be the top of the iceberg. Would lead to upzoning. Michael Russo said this is just to rewrite the use groups. Matt said Mermaid Avenue is C1 and Surf Avenue is C2. Craig Hammerman felt that no one on the committee is in favor of this proposal the way it is written.

Proposal 3: Expand opportunities for small-scale clean production.

Recommendation: *Opposed* Ida said this is about “right to know” Matt said certain things are built into the zoning. Jeff said this proposal tells how things should be done. Michael Russo said this is a city text amendment and so all 59 boards, city council and mayor must approve. Yelena said we do not know what the overall impact of the proposal would be in our area. Conclusion must come from the City Council. Matt remarked that the council members would make modifications later in the process, if needed.

Proposal 4: Modernize loading dock rules so buildings can adapt over time.

Recommendation: *N/A*

Proposal 5: Enable commercial activity on upper floors.

Recommendation: *Opposed*. Matt said that this is already stated within the flood zone that business can be on the 1st and 2nd floors. There has to be separate access from the ground floor.

Proposal 6: Simplify and modernize the way business is classified in zoning.

Recommendation: *Approve with modifications - Yes*. This simply modernizes the classification of a business in zoning. Update uses groups but /makes no other changes. Craig said that this only makes sure business is grouped by use groups, does not change location where business is allowed.

Proposal 7: Clarify rules to permit indoor urban agriculture.

Recommendation: *Opposed*

Proposal 8: Give life science companies the certainty to grow.

Recommendation: *Approve with modifications*. (Special permits for hospitals). Reject: (Labs in a C1 zone).

Proposal 9: Support nightlife with common-sense dancing and live entertainment rules.

Recommendation: *Opposed*

Proposal 10: Create more opportunities for amusements to locate.

Recommendation: *Opposed*

Proposal 11: Enable entrepreneurship with modern rules for home-based businesses.

Recommendation: *Opposed*

Proposal 12: Introduce design rules that ensure buildings contribute to surroundings.

Recommendation: *Approved*

Proposal 13: Reduce conflicts between auto repair shops and pedestrians.

Recommendation: *Opposed* – Unacceptable to have C1 in this proposal. Matt said C1 is excluded.

Proposal 14: Encourage safe and sustainable deliveries with micro-distribution.

Recommendation: *Opposed*

Proposal 15: Facilitate local commercial space on residential campuses.

Recommendation: *Approve with modifications* – on case-by-case basis

Proposal 16: Create process for allowing new corner stores in residential areas.

Recommendation: *Approve with modifications* on case-by-case basis

Proposal 17: Rationalize waiver process for business adaptation and growth.

Recommendation: *Approve with modifications*

Proposal 18: Create new kinds of zoning districts for future job hubs.

Recommendation: *N/A*

Motion made by Marion Cleaver, seconded by Michael Russo

Community Board 13 disapproves with modifications The City of Yes for Economic Opportunity.

There are 18 proposals and after a long and lengthy discussion we have recommendations for modifications for #6,8,12,15,16 and 17. The rest of them are either outright opposed or n/a for #1,4,18.

Vote: In Favor of the negative motion: 9 Opposed: 0 Abstentions: 0

Motion approved (Quorum present) Roll call on file at C.B. office

Co-Chair of the Land Use Committee, Marion Cleaver brought up that at the last board meeting, the motion made by Michael Silverman was not for the Zoning Text Amendment. Jeff Sanoff said that this could not be brought up again at such a late date. He said that Robert's Rules states that this type of situation can only be brought up on the day it took place, not afterwards.

Motion to adjourn at 10:00 p.m. made by Jeffrey Sanoff, seconded by Pat Singer.

Barbara Santonas, Community Coordinator

For Economic Opportunity

Optional Worksheet: Proposal Feedback

	Support	Do Not Support	Requested Modification
#1 Reactivate Storefronts			This does not apply to Brooklyn Community Board 13 but rather those storefronts in Historic Districts, therefore NOT APPLICABLE
#2 Simplify district types		√	This proposal would modify the existing zoning of C1 and C2, allowing for empty spaces to be more easily activated. Consider C1 zoning to be Mermaid Avenue with partial residential and C2 Surf Avenue. The zoning should be kept separate
#3 Small-scale production		√	This proposal would allow for additional activities in M districts and expand the type of businesses to include 3D printing and wood working (for example). Committee is concerned of the air quality, noise, etc.
#4 Loading docks			This does not apply to Brooklyn Community Board 13, therefore NOT APPLICABLE
#5 Upper floor commercial		√	This type of activity is already legal due to the designation of the area of Community Board 13 as a flood area. But concern must be raised as to what type of upper floor commercial in residential buildings would be considered as well as enforcement of all regulations
#6 Use terms	√ Support with modifications		The proposal would update the Use groups to better reflect land use categories in NYC. This would reorganize the current 18 uses into 10 categories that better reflect the land use activities that currently occur such as housing, retail/services, storage, production. This will

			not change zoning regulations, just make it easier to understand. NYC should also consider that not all retail services have the same impact on their neighbors, simplification should also be based on similarity of impacts as well. Additional work needs to be completed
#7 Indoor agriculture		√	This would allow for indoor agriculture in but concerns were raised about what type of agriculture (cannabis??)
#8 Life Sciences	.√ Support with modifications		The proposal would update the terminology for laboratories in commercial districts. This proposal would retain the requirement that laboratories in commercial districts are ones “not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectional effects.
#9 Nightlife		√	Although this proposal would clarify the categories of eating and drinking establishments without cover charges would continue to operate without occupancy regulations and continue in C3 districts, those with scheduled entertainment such as music, comedy or dancing that have cover charges or specified showtimes, would be consolidated with limitations of 200 persons. The concern is enforcement of these regulations while the focus of this rezoning is geared to Manhattan.
#10 Amusement		√	This proposal would allow for as-of-right introduction of indoor and outdoor amusement districts in C8 districts without a buffer between the C8 and adjacent residential districts. More work has to be done on this.
#11 Home occupations		√	According to the current zoning many types of home occupations such as law offices and music instruction are currently allowed. This would expand the types of businesses to barber shops, interior decorations offices, or advertising or public relations agencies. The home businesses would be limited to 25% of the dwelling unit of 500 square feet and home-based businesses are prohibited from selling items not produced on site, having exterior displays and businesses must not produce any noise, dust, smoke, odor, or any other type of nuisance. DOB would be responsible for violations. Concern about access for DOB.

#12 Streetscape	√		The current zoning text does not consider pedestrian experiences at the street level which results in blank walls, dark sidewalks and generally uninteresting facades. his proposal would activate the city's commercial corridors by establishing clear and consistent streetscape regulations.
# 13 Auto repair		√	The proposal would consolidate the range of auto servicing uses into two defined categories: light or heavy motor vehicle repair and maintenance shops. Heavy repair forms of vehicle repair would reference NYS licensing requirements while those required to register would be considered light. Blurring the uses allowed in C1 and C2 districts would potentially obliterate the small neighborhood retain and create even more conflicts with the Mom & Pop stores and the residential uses. In addition, CB 13 would like to see a proposal outlining how NYPD, DMV and other enforcement agencies could handle the increased workload
#14 Micro distribution		√	This proposal supports the concept of decentralizing distributing delivery hubs which could reduce the need for large delivery vehicles to travel greater distances reducing congestion and making local streets safer. Although the concept is good, the actual implementation is not clear.
#15 Campus commercial	√ With recommendations		This proposal would allow for commercial spaces on residential campuses but "as-of-right but would require CPC authorizations which would be reviewed by the community board. In addition, the residential property owner associations are also at liberty to create their own requirements and have the support through a public review process.
#16 Corner stores	√ With recommendations		This proposal has several milestones to be reviewed so that the option to create corner stores but have to require a public review of CPC and the local community board

#17 Better waiver process	✓ With recommendations		This proposal would assist those businesses that have specific physical constraints to expand when the current zoning regulations to not allow. This new zoning will encourage expansion by allowing BSA to modify the size, enclosure, and other requirements. The BSA would be limited to doubling the maximum size. The community board should be included as part of the process.
#18 New loft-style district			This does not apply to Brooklyn Community Board 13, therefore NOT APPLICABLE. Rather appears to concentrate on the loft buildings found in other areas of the city.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 20	# Against: 12	# Abstaining: 0	Total members appointed to the board: 32
Date of Vote: 11/28/2023 12:00 AM		Vote Location: 2001 Oriental Boulevard, Brooklyn NY 11235	

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

Date of Public Hearing: 11/28/2023 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	2001 Oriental Boulevard, Room U112 Brooklyn, NY 11235

CONSIDERATION: The Board Members wanted to voice the following concerns for the proposal as their conditions for voting favorably on the 18 items this proposal encompassed.

Item#4 - Loading Dock - the text must clarify what will happen to existing loading docks as well as new construction.

Item #5 Upper floor commercial, there must be total separation from residential units and limits on their hours of operations as to not negatively impact neighboring residents.

Item #9 Night life concerns there must be a distance of at least 500 ' from a residential area with hours of operation capped to coincide with existing noise ordinance hours and limit of outdoor use.

Item# 10 Amusement - at least 500' from residential area to avoid noise complaints.

Item # 11 Home Occupations - only by the homeowner with no employees on premise.

Item #12 Auto repair - limit curb cuts and parking on sidewalks, as well as taking all available curbside parking, an existing example can be found on McDonald Avenue in our district.

Recommendation submitted by	BK CB15	Date: 1/4/2024 11:46 AM
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The City of New York

COMMUNITY BOARD 17

4112 Farragut Road, Brooklyn, NY 11210

Tel: (718) 434-3072 Fax: (718) 434-3801

Executive Officers

Rodrick F. Daley M. Ed. SBL
Chairperson

Asshur K. Cunningham MPA
First Vice Chair

June Persaud
Second Vice Chair

Ozni Lewis
Treasurer

Tamara Thomas
Secretary

Committee Chair/Meetings

June Persaud
Commerce

Gail Grandison
Education/Youth

Dr. Charles Galbreath
Hospitality

Pearlene Fields
Housing/Block Association

Kwame Afreh
Land Use

Berlotte Antoine
Parks/Beautification

Rose Graham
Personnel

Kenrick Wescott
Postal Services

Julia James
Zoning for Housing, Preservation & Equity

Michael Hill
Sanitation/Environmental

Monzurat Oni
Social & Health Services

Ozni Lewis
Transportation/Public Safety

Daniel McCabe
Budget

Sherif Fraser
District Manager

February 1, 2024

Dan Garodnick
Chair
City Planning Commission
120 Broadway – 30th Floor
New York, New York, 10271

Re: Community Board 17
City of Yes Economic Opportunity

Dear Chair Garodnick;

Community Board 17 express our gratitude for the opportunity to engage in the City of Yes: Economic Opportunity Proposal. Community Board 17 is dedicated to fostering a vibrant, resilient community, and we have meticulously reviewed the proposal, focusing our efforts on 10 specific proposals to provide an in-depth and nuanced response.

****Proposal #2: Simplify District Types****

- ****Description:**** Simplify district types, allowing businesses in similar zoning districts, and permit all permitted commercial uses on the ground floor.
- ****Community Response:**** A comprehensive survey revealed 56% in favor, 3% against, and 41% seeking clarification. Concerns include density consideration and ambiguity about "entertainment uses."

****Proposal #5: Allow Commercial on Upper Floors****

- ****Description:**** Allow commercial uses on the 2nd floor of residential buildings in all commercial districts. Permit commercial above or on the same level as residences in C4, C5, and C6 districts.
- ****Community Response:**** Survey results indicate 32% in favor, 60% against, and 8% seeking clarification. Concerns include noise, operating hours, and the impact on quality of life.

****Proposal #7: Clarify Rules for Indoor Urban Agriculture****

- ****Description:**** Permit agriculture indoors in C Districts and clarify rules for businesses with passive outdoor spaces.
- ****Community Response:**** The survey illustrates 48% in favor, 20% against, and 32% seeking clarification. Questions raised about restrictions on plant types for indoor agriculture.

****Proposal #8: Support Life Sciences Companies****

- ****Description:**** Clarify the definition of a laboratory, allowing life science businesses in C Districts, subject to environmental standards.

Page 2

Community Board 17

Response

City of Yes Economic Opportunity

- **Community Response:** Survey results depict 36% in favor, 28% against, and 36% seeking clarification. Concerns about ambiguity in zoning language and safety issues related to laboratory testing.

Proposal #9: Support Nightlife with Common-Sense Rules

- **Description:** Clarify zoning based on business capacity rather than the type of live entertainment. Different capacity limits for C1-C3 and C4-C8, M1-M3.

- **Community Response:** The survey indicates 36% in favor, 44% against, and 20% seeking clarification. Concerns include examples of confusing rules and potential noise disturbances.

Proposal #10: Create More Opportunities for Amusements

- **Description:** Create zoning term for Amusement or Recreation Facilities, allowing indoor activities in C1/C2, C4-C7, and C8 or M1-M3 districts.

- **Community Response:** Survey results reflect 48% in favor, 28% against, and 24% seeking clarification. Concerns include health impacts, air quality, and restrictions on new businesses.

Proposal #14: Encourage Safe and Sustainable Deliveries

- **Description:** Allow Micro-Distribution Facilities in commercial districts for smaller-scale deliveries.

- **Community Response:** The survey indicates 56% in favor, 12% against, and 32% seeking clarification. Questions revolve around the logistics of implementation.

Proposal #16: Allow New Corner Stores in Residential Areas

- **Description:** Create a process for allowing new corner stores in residential areas, subject to approval and environmental review.

- **Community Response:** Survey results show 40% in favor, 40% against, and 20% seeking clarification. Questions about criteria for approval and concerns about excessive corner stores.

Proposal #17: Rationalize Waiver Process for Business Adaptation and Growth

- **Description:** Rationalize BSA permits for businesses seeking modifications, with larger increases requiring public process via CPC Special Permit.

- **Community Response:** Survey findings indicate 48% in favor, 28% against, and 24% seeking clarity. Questions focus on the consideration area for this initiative.

Proposal #18: Create New Zoning Districts for Future Job Hubs

- **Description:** Create new job-intensive zoning districts to support modern loft-style buildings.

- **Community Response:** Survey results are 52% in favor, 28% against, and 20% seeking clarification. Concerns include a potential "one size fits all" plan.

Our community presents this comprehensive response, backed by survey results, to encourage a robust dialogue and collaboration. We ensure that these proposals, while driving economic growth, also reflect the nuanced tapestry of our diverse and vibrant community. We voice a collective concern regarding the potential limitation of the Community Board's input in certain areas and advocate for an expansion of our role as the people directly affected. It

is our belief that community input should only be expanded, not reverted, in recognition of our unique position to provide insights grounded in lived experiences.

We eagerly anticipate further discussions to harmonize the vision of the proposal with the unique needs and aspirations of Community District 17.

Sincerely,

Rodrick F. Daley

Chairperson

Kwame Afreh

Chair

Land Use Committee

E-Mail: bk17@cb.nyc.gov

Website: <https://cbbrooklyn.cityofnewyork.us/cb17>



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 0	# Abstaining: 0	Total members appointed to the board: 0
Date of Vote: 2/1/2024 12:00 AM		Vote Location: Board Consensus	

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

Date of Public Hearing:	
Was a quorum present? No	<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>
Public Hearing Location:	

CONSIDERATION: Please see the attached		
Recommendation submitted by	BK CB17	Date: 2/22/2024 4:02 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 38	# Abstaining: 0	Total members appointed to the board: 38
Date of Vote: 1/18/2024 12:00 AM		Vote Location: 1097 Bergen Avenue, Brooklyn, NY 11234	

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

Date of Public Hearing: 1/18/2024 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	1097 Bergen Avenue, Brooklyn, NY 11234

CONSIDERATION: All board members vehemently opposed The NYC Department of City Planning's proposal on the citywide zoning text amendment "City of Yes" to support economic growth and resiliency in New York City.		
Recommendation submitted by	BK CB18	Date: 2/12/2024 11:45 AM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 24	# Against: 11	# Abstaining: 2	Total members appointed to the board: 37
Date of Vote: 1/10/2024 12:00 AM		Vote Location: St Francis College	

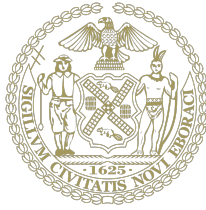
Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 1/2/2024 6:00 PM	
Was a quorum present? No	<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>
Public Hearing Location:	350 Jay Street

CONSIDERATION: see attached		
Recommendation submitted by	BK CB2	Date: 2/14/2024 11:16 AM

ANTHONY BUISSERETH
CHAIR

IVY GAMBLE COBB, FIRST VICE CHAIR
MICHAEL CATLYN, SECOND VICE CHAIR



C. DORIS PINN, TREASURER
MONIQUE ANTOINE, EXECUTIVE SECRETARY

THE CITY OF NEW YORK
BROOKLYN COMMUNITY BOARD NO. 3
1360 FULTON STREET, 2ND FLOOR
BROOKLYN, NEW YORK 11216

February 8, 2024

Daniel Garodnick, Chair
Department of City Planning
120 Broadway, 31st fl.
New York, NY 10271

RESOLUTION

Opposing the proposed *City of Yes* for Economic Opportunity Zoning Text Amendment

Committee of Origin: Housing & Land Use Committee

The proposed zoning text amendment was first presented at a regularly scheduled, in-person Brooklyn Community Board 3 Housing & Land Use Committee meeting on November 8, 2023. It was presented by staff of the Department of City Planning (DCP) and included an overview of the zoning text amendment's goals and 18 proposals.

The Committee hosted a stand-alone public hearing on the proposed zoning text amendment on Monday, January 29, 2024. DCP staff provided a more in-depth presentation which included applicability maps that outlined impacts in Community District 3 and an extensive Q&A session. Attendees, residents, committee members, and board members were asked to submit feedback worksheets on each of the proposals.

Committee Comments

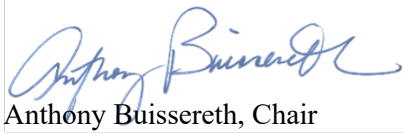
Though the public hearing provided greater understanding about the proposed zoning text amendments' impacts, a comprehensive review of the feedback worksheets – collected in-person and via email – included many concerns despite some amenable elements.

After caucusing, the Committee objects to the scale and scope of the proposed changes and recommends deeper inquiry, more time for review, and unbundling of the proposals.

Therefore, with due consideration to Committee Comments, Brooklyn Community Board 3 OBJECTS to the proposed City of Yes for Economic Opportunity zoning text amendment and urges the NYC Department of City Planning to modify its scope and scale.

Committee Vote: 9 – In Favor; 0 – Against; 0 – Abstention [2/5/2024]

Full Board Vote: 35 – In Favor; 0 – Against; 0 – Abstention [2/5/2024]



Anthony Buissereth, Chair
Brooklyn Community Board 3

C. Doris Pinn

C. Doris Pinn, Chair
Brooklyn Community Board 3 Housing and Land Use Committee



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 35	# Against: 0	# Abstaining: 0	Total members appointed to the board: 35
Date of Vote: 2/5/2024 12:00 AM		Vote Location: 1368 Fulton Street, Multi-Purpose Room	

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

Date of Public Hearing: 2/5/2024 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	Bedford Stuyvesant Restoration Corp., 1360 Fulton Street, Brooklyn, NY 11216, Multi-Purpose Rm

CONSIDERATION: Brooklyn Community Board 3 OBJECTS to the proposed City of Yes for Economic Opportunity zoning text amendment and urges the NYC Department of City Planning to modify its scope and stale.		
Recommendation submitted by	BK CB3	Date: 2/22/2024 10:48 AM

THE CITY OF
NEW YORK



**BUSHWICK
ELECTED OFFICIALS**

HON. ANTONIO REYNOSO
Borough President

HON. JENNIFER GUTIERREZ
34th Council District

HON. SANDY NURSE
37th Council District

**2023-24 EXECUTIVE
BOARD OFFICERS**

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Chairperson

JOSHUA BROWN
1st Vice Chairperson

RAUL RUBIO
2nd Vice Chairperson

FELIX CEBALLOS
Recording Secretary

ELISEO RUIZ
Financial Secretary

JERRY VALENTIN
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ELVENA DAVIS
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JO-ENA BENNETT
Parliamentarian

Brooklyn Community Board No. 4

1420 Bushwick Avenue, Suite 370
Brooklyn, New York, 11207-1422

Telephone: 718-628-8400

Email: bk04@cb.nyc.gov

Website: www.nyc.gov/brooklyn4

Robert Camacho - Chairperson
Celestina Leon - District Manager

February 22, 2024

Daniel Garodnick, Director
NYC Planning
120 Broadway, 31st Floor
New York, NY 10271

RE: City of Yes for Economic Opportunity

Dear Director Garodnick,

At the January 17th Public Hearing and Regular Meeting of Brooklyn Community Board 4 the full board voted in favor of the recommendation to not approve with stipulations the City of Yes for Economic Opportunity text amendments.

The committee and other board members in attendance emphasized concerns about the density of the proposed text amendments, the lack of independent technical assistance, and the short time frame for review and to provide feedback. They also tasked the board's Economic Development + Housing and Land Use Committee with providing additional information on the amendments that the board foresees will have the greatest impact on Bushwick. The full board voted in favor of the following at the February 21st Public Hearing and Regular Meeting.

General Principles/Feedback

- No conflicting uses in residential or mixed-use buildings.
- No residential to commercial conversion
- Preserve M zones* for industrial uses
- Address/minimize right of way and quality of life impacts.
- Do NOT take away the community process (e.g. SLA review)
- Business should NOT benefit at the expense of the community.
- Agencies should be prepared for their role in ensuring compliance.

*any proposed changes to M zones should require community board review

Low impact proposals:

- 1 – **Lift time limits** to reactivating vacant storefronts
- 2 – **Simplify rules** for business types allowed on commercial streets
- 3 – Expand opportunities for **small-scale clean production**
- 8 – Give **life sciences** companies more certainty to grow
- 12 – Introduce **corridor design rules** that promote better activated ground floors

17 – Rationalize **waiver process** for adapting spaces for industries like film

Medium impact proposals:

4 – Modernize **loading dock** rules so buildings can adapt over time

6 – **Simplify and modernize** how businesses are classified in zoning

15 – Facilitate **local commercial space** on residential campuses

High impact proposals:

The board was most concerned about the location of commercial activity, especially when it would encroach on neighboring residential areas, as well as the relevant agencies' plans for enforcement in response to any issues.

5 – Enable commercial activity on **upper floors**

- No disruptive businesses, such as dog daycares, restaurants, or bars should be allowed.

6 – **Simplify and modernize** how businesses are classified in zoning

7 – Clarify rules to permit indoor **urban agriculture**

- Concerns about energy, utilities, and the impact on the grid

9 – **Support nightlife** with common-sense rules for dancing and live entertainment

- Concerns about the oversaturation and proliferation of nightlife businesses with 200+ capacity.

10 – Create more opportunities for **amusements** to locate

- Concerns about proximity to residential areas

13 – Reduce conflicts between **auto repair** shops and pedestrians

- Concerns about proximity to residential areas and storage of vehicles on the street.

14 – Encourage safe and sustainable deliveries with **micro-distribution**

- See NYC Environmental Justice Alliance Last-Mile Coalition Comments.

16 – Create process for allowing **corner stores** in residential areas

- Concerns about the proliferation of illegal cannabis retail in corner stores.

18 – Create **new kinds of zoning districts** for future job hubs

- See NYC Council M Coalition industrial zoning reform feedback.
- See Evergreen Exchange testimony, which is aligned with principles from the [Bushwick Community Plan](#).

Sincerely,



Celestina León
District Manager



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 29	# Against: 0	# Abstaining: 0	Total members appointed to the board: 45
Date of Vote: 2/21/2024 12:00 AM		Vote Location: Hope Gardens Multi-Service Senior Center (195 Linden Street) & Zoom	

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

Date of Public Hearing: 1/17/2024 6:00 PM	
Was a quorum present? 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>
Public Hearing Location:	Hope Gardens Multi-Service Senior Center (195 Linden Street) & Zoom

CONSIDERATION:		
Recommendation submitted by	BK CB4	Date: 2/23/2024 6:09 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 28	# Abstaining: 2	Total members appointed to the board: 30
Date of Vote: 2/12/2024 12:00 AM		Vote Location: 127 Pennsylvania Avenue, Bklyn NY 11207	

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

Date of Public Hearing: 2/5/2024 6:30 PM	
Was a quorum present? 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>
Public Hearing Location:	127 Pennsylvania Avenue, 3rd Floor - Brooklyn, New York 11207

CONSIDERATION: See Resolution		
Recommendation submitted by	BK CB5	Date: 2/15/2024 5:22 PM



BROOKLYN

Community Board 5

127 Pennsylvania Avenue • Brooklyn, New York 11207
Telephone: 718-819-5487 • Email: Mperkins@cb.nyc.gov
Website: www.brooklyncb5.org

Borough President: Honorable Antonio Reynoso
Board Chairwoman: Alice Lowman
District Manager: Melinda Perkins

February 13, 2024

RESOLUTION: NYC Department of City Planning City of Yes Text Amendments for:

- **Economic Opportunity (See companion ZR amendment in 2024Y0161)**
- **Economic Opportunity in M-Districts (See companion ZR amendment in 2023Y0405)**

Whereas, the NYC Department of City Planning (DCP) is proposing, under the City of Yes Economic Opportunity (COY EO), a citywide zoning text amendment to support economic growth and resiliency in New York City. The COY EO text amendment would facilitate the repurposing of existing nonresidential space by providing businesses with additional zoning flexibility to locate and expand. The proposed COY EO zoning text amendment would apply to all 59 of the city's Community Districts.

Whereas, the NYC Department of City Planning (DCP) is also proposing, under the City of Yes Economic Opportunity in M-Districts (COY EO-M), a citywide zoning text amendment to add new Manufacturing (M) district options to the City's Zoning Resolution. These new zoning tools propose to remove impediments to business location and growth within M Districts by providing a wider range of available densities than the current M districts allow, updated bulk regulations that enabling more loft-like physical typologies, and right-sizing parking/loading regulations.

Whereas, the COY EO and COY EO-M text amendments encompass the following eighteen (18) proposals:

1. Reactivate Storefronts
2. Simplify district types
3. Small-scale production
4. Loading docks
5. Upper floor commercial
6. Use terms
7. Urban agriculture
8. Life sciences
9. Nightlife
10. Amusement
11. Home occupations
12. Streetscape
13. Auto repair
14. Micro-distribution
15. Campus commercial
16. Corner stores

17. Better waiver process
18. New loft-style district

Whereas, the New York City Department of City Planning (DCP) presented the proposed City of Yes for Economic Opportunity (COY EO) and Economic Opportunity in M-Districts (COY EO-M) Text Amendments to the Brooklyn, Community Board 5 (CB5) Land Use & Housing Committee on January 16th, 2024, and subsequently presented at a CB5 Public Hearing on February 5th, 2024. Additionally, CB5 held a special meeting called on February 12th, 2024, CB5 held a public meeting to vote on the COY EO and COY EO-M text amendments.

Whereas, CB5 voted against the COY EO and COY EO-M Text Amendments with the following vote tally and accompanying reasons:

Vote Tally: Members Present: 30 In Favor: 0 Against: 28 Abstain: 2

Accompanying Reasons – correlating to proposal summaries of City of Yes for Economic Opportunity:

- The proposals to support small businesses and increase business opportunities do not provide adequate resident input or overall resident benefit in the neighborhoods that will incur the impact of the amendments. These impacts potentially include increases in the following:
 - vehicular commercial traffic in residential streets
 - air and noise pollution
 - customer/patron population in residential neighborhoods
- The amendments to support small business and economic growth in New York City’s 59 Community Districts fail to identify necessary adjustments that would provide the benefit of its proposals, in each district. Therefore, the proposals have the potential to devalue and thwart existing efforts towards community improvements in specific neighborhoods, in particular Brooklyn, Community Board 5. For example, the existing community efforts with fighting against speculation attempts on the district’s housing stock and the need to expand the Cease-and-Desist Zone to the entire district and borough of Brooklyn. Here are additional reasons why CB5 is voting against the City of Yes for Economic Opportunity in correlation to the summarized proposal details:
 - Lifting Unnecessary Restrictions
 - Loading Docks - The zoning should be adjusted to clarify which business categories require loading docks instead of lifting the rule. Removing regulations without implementing defined guidelines on business type, delivery methods, commercial routing, and caps on product types and

weight – leaves opportunity for negative impact on residents and neighboring businesses.

- Stacking – Removing stacking rules to create new ways of separating commercial and residential uses is a misuse of funds. Ground-floor commercial spaces in mixed-use developments have yet to be fully realized in CB5. Most are still vacant, although residential units have been occupied for years. Instead, allocate funding for existing, ground-floor commercial spaces in mixed-use development sites to incentivize cooperative (shared) business models. This addresses current vacancy issues, profit loss for ownership, and negative impacts on community vitality.
- Boosting Emerging Industries
 - Amusements – The Industrial Business Zones in CB5 are ideal for arcades, virtual reality games, and other smaller indoor amusement facilities. Collectively the two IBZs in CB5 (East New York IBZ and Flatlands IBZ) are larger. The IBZs are within proximity to public transportation and very accessible for residents of the district. As identified in an excerpt from the “East New York Industrial Business Plan” published by the NYC Economic Development Corporation – it states: *“The East New York IBZ’s public transit access is one of its greatest assets, providing a multitude of options to residents and workers alike. The ENY IBZ is close to both local and through truck routes, providing connections to the city’s highway network.”* See full plan here: [https://edc.nyc/sites/default/files/filemanager/DEV-4242-ENY Rezoning Report-v16-withCover FOR WEBSITE POSTING.pdf](https://edc.nyc/sites/default/files/filemanager/DEV-4242-ENY_Rezoning_Report-v16-withCover_FOR_WEBSITE_POSTING.pdf)

Moreover, implementing new business concepts into the IBZ areas would further support the need for capital investment to address poor lighting and degraded sidewalks, giving way to innovative commercial revitalization in the East New York IBZs. Conversely, placement within residential areas would only work against the quality of life for district residents and create a mandate for infrastructure accommodations that fight against existing residential needs. Financial focus would be best served within the IBZ.
- Life Sciences
 - Allowing Life Science businesses to occupy commercial spaces should not just be under the requirements of meeting environmental standards. The impact on existing neighboring businesses and residents should be a requirement. Upon meeting environmental standards, there is the long-

term impact on the community where the new “life science” business would remain. Specifications on life science businesses and what types of business fall in that category are necessary in determining the viability of this proposal and its long-term impact.

- Makerspaces

- Makerspace businesses should remain in industrial areas due to obvious environmental impacts. However, if there are businesses, on a smaller scale, that can expand into “commercialized” corridors – there is an absolute need for public input on those decisions. The business will live in the neighborhood where it is opening, therefore the impact goes well beyond the environmental statement reports that will be issued beforehand.

- Urban Agriculture

- There is not enough information shared on this point to understand the overall benefit. Will this support the expansion of cannabis micro-businesses and how will it support urban farming and existing garden activities in the district(s)?

- Nightlife

- There is no outlined solution to existing issues with noise complaints in local restaurants/bars within the nightlife community. Additionally, this plan does not lay out any connection with the NYS Liquor Authority or partners within the Office of Nightlife to explain enforcement with uncooperative business owners and other “repeat offenders” who continue with bad business practices.

- Corner Stores

- This proposal does not outline the difference between “Corner Stores” and what typically exists in communities like CB5 – “Bodegas”. It also does not speak to the needs of the community in which these new “Corner Stores” are proposing to exist in. This proposal should require resident and Community Board input for the business type and model. The NYC Department of Health and Mental Hygiene funded the Shop Health initiative and conducted studies in 11207 and 11208 in CB5. From those reports, we learned that CB5 has 13 Bodegas to every 1 supermarket. Additionally, we have food insecurities based on the existing options in the district. Therefore, we must have input on what comes into our community under the guise of convenience/accessibility or local “Corner

Stores”. See Epi Data Brief from Shop Health Report here: <https://www.nyc.gov/assets/doh/downloads/pdf/epi/databrief80.pdf>

- Campus Commercial

- NYCHA communities throughout the city are a main attraction for local business, in particular local eateries, small boutiques, and other businesses. Additionally, they are usually within proximity to local businesses that offer insurance, stationery, pharmacies, etc. In that regard, the use of any space on NYCHA grounds for commercial purposes is only to serve the business, not the resident. Our NYCHA developments, particularly in CB5, are historically recognized for poor housing conditions, high crime, recurring health problems due to housing conditions and so much more. Therefore, any storage rooms and “underused” office space that currently exists should be activated to address the lack of resources needed to address those issues before we put financial focus on creating commercial space to provide another place to spend money for residents living in or under the “Neighborhood Median Incomes” that exist in CB5 NYCHA developments and others across the city. Additionally, the existing open spaces and the greenery that exists in NYCHA developments is one of its last authentic resources. According to the report published in 2021, “New York City Housing Authority’ Urban Forest – A Vital Resource for New York City” it identifies the following:

- *NYCHA is also the second-largest owner of open space, over 2,400 acres in New York City, behind only the New York City Parks Department. NYCHA’s open spaces are an important resource in their own right, both for NYCHA residents and New York City as a whole. They contain bucolic green space, playgrounds, community gardens, seating areas, barbeque areas, and other uses varying by site. NYCHA’s open spaces support about 1,000 acres of tree canopy, providing shade, comfort, and beauty in addition to carbon sequestration, air pollutant removal, reduced heat island impact, and stormwater mitigation benefits. In neighborhoods with clusters of NYCHA developments, NYCHA is often the primary source of tree canopy cover neighborhood-wide, making NYCHA trees particularly important in neighborhoods with less access to large parks and other open spaces. See full report:*

https://www.nyc.gov/assets/nycha/downloads/pdf/NYCHA_Urban_Forest.pdf

Therefore, the value in maintaining NYCHA’s existing resources with available and incoming capital investment will provide lifelong positive impact for its residents.

- COY EO & EO-M text amendments have the potential of decreasing residential housing opportunities with proposed commercial designations in residential areas
- COY EO & EO-M text amendments have the potential to negatively impact quality of life of residents with an increase of consumer traffic and vehicular traffic in predominantly residential neighborhoods.
- COY EO & EO-M text amendments Streetscape proposal impede on pedestrian safety due to accommodations for consumer traffic flow vs. residential traffic flow
- COY EO & COY EO-M text amendments do not identify regulations or vetting procedures to protect against hazardous conditions being directly exposed to residents and overall, the approval of COY EO & EO-M text amendments encourage an overall decline in public input on projects that have direct public impact

Therefore, be it Resolved, Brooklyn, Community Board 5 voted against the City of Yes for Economic Opportunity Text Amendment.

Regards,



Alice Lowman

Board Chairwoman

cc: NYC Council Member Sandy Nurse, 37th CD
NYC Council Member Chris Banks, 42nd CD
Brooklyn, Borough President Antonio Reynoso



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 33	# Against: 0	# Abstaining: 1	Total members appointed to the board: 34
Date of Vote: 1/10/2024 12:00 AM		Vote Location: Van Alen Institute - 303 Bond Street	

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

Date of Public Hearing: 1/25/2024 6:30 PM	
Was a quorum present? 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>
Public Hearing Location:	Van Alen Institute - 303 Bond Street

CONSIDERATION: Approve with the following conditions:

- Restrict business hours for home occupations to 7 am - 6 pm.
- Permitted uses should not conflict with the quiet enjoyment of residences in the building or on adjoining properties.
- Life Sciences and Medical Labs in residential areas cannot exceed 10,000 sf unless located within the hospital/medical center.
- Establish minimum floor plate size to trigger the requirement for separate egress stairs in buildings with commercial and residential uses.
- Mixed-use buildings with commercial and residential uses should require full mitigation of environmental nuisances (odors, noise, etc.) from entering the residential portion of the building.
- Home occupations should be limited to three people, including owner(s), full and part-time employees.
- BSA-approval of automotive repair establishments should prevent all automotive repairs, use of petroleum products, and charging stations from taking place on any portion of a public way (including sidewalks).
- For micro-distribution centers, require off-sidewalk parking for delivery bikes and storage and storefront transparency so activities within are visible to passersby.

Additionally we support the following conditions in line with Southwest Brooklyn Industrial Development Corporation Allow for new uses in commercial zones, including but not limited to: small-scale production, micro-distribution (not last mile warehouses or dark stores), life sciences, live entertainment, amusements. Allow uses like amusements & entertainment on commercial corridors. Update loading requirements to enable adaptive reuse. Address bulking requirements for film studios and other new uses that can require a rezoning to build what is otherwise typical for these industries. We would encourage a straight box envelope of 40 feet without any setback for these uses. Update Use Group classification system.

Recommendation submitted by	BK CB6	Date: 2/15/2024 11:55 AM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 32	# Against: 7	# Abstaining: 0	Total members appointed to the board: 45
Date of Vote: 2/1/2024 12:00 AM		Vote Location: 4201 4th Avenue	

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

Date of Public Hearing: 11/29/2023 6:30 PM	
Was a quorum present? No	<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>
Public Hearing Location:	4201 4th Avenue

CONSIDERATION: Please read supporting document for votes and comments on all 18 components. The above recommendation only concerns component 10.		
Recommendation submitted by	BK CB7	Date: 2/21/2024 2:05 PM



THE CITY OF NEW YORK
BOROUGH OF BROOKLYN
COMMUNITY BOARD #7

Julio Pena III
Chairperson

Jeremy Laufer
District Manager

Antonio Reynoso
Borough President

February 5, 2024

Dan Garodnick
Commissioner
Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Dear Commissioner Garodnick:

Community Board 7/Brooklyn held a joint committee meetings in November, 2023 and June, 2024 concerning the "City of Yes" proposal on Economic Opportunity and we voted on several motions concerning the various aspects of the zoning proposal at a Special Meeting of the Board on February 1, 2024. Our Board Members took different positions on different aspects and did not vote on the proposal in its entirety. In many cases, our Board Members chose to include caveats which we believe point out deficiencies in the plan that we feel need to be addressed for the overall success of the proposal, particularly regarding its impact on the local community. These concerns are addressed in detail below.

Components 1, 2, 3, 4, 6, 8, 11, 12, 16

Our Board Members found several components of the proposal to be non-controversial or not pertinent to our District to chose to vote on them together. The proposals concerning reactivating storefronts (Component 1), simplifying district types (Component 2), small-scale production (Component 3), loading docks (Component 4), use terms (Component 6), life sciences (Component 8), home occupations (Component 11), streetscape (Component 12) and corner stores (Component 16) were grouped on voted on together. The **thirty-nine Board Members in attendance voted to support** these aspects of the COYEO plan by unanimous consent.

4201 Fourth Avenue, Brooklyn, NY 11232 (718) 854-0003

E-mail: bk07@cb.nyc.gov

Twitter: @BKCB7

Facebook Page: Brooklyn Community Board #7

Serving Sunset Park and Windsor Terrace

Component 5

Our Board Members voted to oppose Component 5, concerning commercial use on upper floors of buildings. Many members were concerned that this would have a negative consequence on the number of residential units in mixed used buildings and could be a way for landlords to eliminate units that are required to be affordable. Additional concerns included the compatibility of businesses which operate above residential units, particularly regarding fire safety and noise. The **thirty-nine members in attendance to chose to vote to oppose Component 5.**

Component 7

Several of our Board Members had concerns about Component 7, regarding urban agriculture, noting that cannabis is a legal crop in New York State. These Board Members were concerned that cannabis could be grown in residential buildings, potentially overloading electrical capacity, or causing odor and security issues. However, it was pointed out that such an operation would need to be licensed by the State which many felt was unlikely. Ultimately our **Board voted in favor of Component 7 by a vote of 36 – in favor, 3 – opposed, with 0 – abstentions.**

Component 9

Some Board Members expressed reservations about Component 9 regarding nightlife, feeling that the size of potential venues would be too large without public review. Indeed, our Board voted to oppose a liquor license for a venue with a proposed 600 person limit in our manufacturing district at our December Board Meeting, precisely because our members heard from neighbors around the block in the mixed-use district about the noise, public urination and littering from the venue when they hold single day events. This experience led our Board Members to propose a motion to approve Component 9 with a caveat that any proposed venue above an occupation of 200 patrons should require a public review, including the Community Board in the process. Our Board **voted to approve Component 9 with the caveat that any proposed venue with a occupancy greater than 200 should come before the Board for a public meeting and vote. The motion carried by a vote of 36 – in favor, 3 – opposed, with 0 – abstentions.**

Component 10

Community Board 7 has had a negative experience with Urban Air, a large in door amusement facility on 2nd Avenue and 45th Street in our manufacturing district, just down the street from a mix-use block. From the beginning our office has received complaints about illegal parking, noise and littering. This experience has informed our concerns about Component 10, which would allow similar use in commercial districts, which in our community are immediately adjacent to residential uses. Our Board Members raised concerns that these negative impacts

would have consequences beyond what we see in our manufacturing area because the large volume of vehicular and pedestrian traffic already experienced in our commercial zones, and overburden our commercial and residential areas. However, our Members were sympathetic to the argument that it would be beneficial to have amusements which are designed for children in areas outside of the manufacturing zones and thought that this may be approved in some form. If this proposal were to eventually pass, our Board Members felt a size limit would be necessary to prevent similar negative consequence to those presented by Urban Air. Our Board Members chose to oppose Component 10 and to call for any such proposed facility to come before the Community Board for approval, if the City chooses to approve this aspect of COYEO. The Board voted to disapprove this component with the aforementioned caveat by a vote of 32 – in favor (of the motion to disapprove), 7 – opposed, with 0 – abstentions.

Component 13

Most of our Board Members were sympathetic to Component 13, auto repair, as we have had many complaints over the years about existing businesses which use our sidewalks to repair and store vehicles. However, our Board Members did not believe that the restrictions contemplated in this component should just be limited to auto repair as we have had experience with similar uses which are not “auto repair” which also tend to use sidewalks, and thus we included car dealerships, e-bikes and other vehicular sales and repair shops in our motion to approve, which passed by a vote of 36 – in favor, 3 – opposed, with 0 – abstentions.

Component 14

Component 14, micro-distribution, garnered strong opposition because we believe that DCP has failed to address the negative consequences of large last mile trucking facilities in the City which disproportionately impact communities like Sunset Park while at the same time proposing additional distribution facilities, of up to 15,000 square feet, on our commercial strips. This will undoubtedly lead to heavier traffic volume on our commercial strips and in the community as large trucks will now leave large last mile distribution facilities to go to smaller one where the cargo will be divided up for smaller vehicles for distribution. This will mean more vehicles on our local streets, particularly on our crowded commercial strips. This component also does not alleviate, and potential could even increase the amount of emissions in our community as there is no requirement that last mile vehicles be bicycles or electric vehicles.

As we wrote in our letter in July concerning City of Yes for Carbon Neutrality, City of Yes ignores a serious environmental justice and climate issue affecting our district and neighboring communities which is the acceleration of last-mile trucking facilities which has a disproportionate impact on the health, well-being and safety of our community in Community Board 7, Brooklyn.

We urge your office to take action by addressing the siting related to these facilities and vehicular traffic and tailpipe emissions associated with them.

There is urgency to distinguish traditional warehouses and those warehouses that generate a disproportionate share of health-harming air pollution and climate-altering greenhouse gases. Warehouse density is one of the major drivers of environmental justice in New York City – yet massive last-mile warehouses generating hundreds or thousands of vehicle trips per day and emitting tons of toxic emissions per year are permitted as-of-right in C8- and M-zoned districts. Findings from the recent New York City Community Air Survey, just released by the Department of Health and Mental Hygiene found that the density of warehouses in a given neighborhood is the biggest predictor of neighborhood-level disparities in air pollution within the city.

There needs to be a process in place for new or modified high-impact warehouses to provide measures to protect vulnerable neighbors. Because these facilities are permitted as-of-right with the existing zone codes, they are exempt from the city's review. This outdated zoning policy perpetuates and deepens the City's environmental injustices, and the impacts in our communities are glaring.

Allowing similar use on our commercial strips without addressing the larger last mile issues will only exacerbate the problem in our community and others. Recognizing this, our Board Members **voted to oppose Component 14 by a vote of 33 – to approve (the motion to disapprove), 6 – opposed, with 0 – abstentions.**

Component 15

Although CB 7/Brooklyn does not have NYCHA facilities or similar type of housing campuses, many of our Board Members are strong advocates for affordable housing and were concerned that allow commercial facilities on such campuses would reduce the capacity to build additional affordable housing within them. However, our Board did **vote to approve Component 15, campus commercial, by a vote of 32 – in favor, 7 – opposed, with 0 abstentions.**

Component 17

Many Board Members were concerned about Component 17, better waiver process, which would grant BSA the power to allow existing some businesses to double in size in our commercial districts through a waiver process and to allow DCP to waive limited bulk rules. The Board Members voted to disapprove Component 17 by a vote of 17 – approve (the motion to disapprove), 12 – opposed, with 0 – abstentions.

Component 18

Our Board received public testimony from the Southwest Brooklyn Industrial Development Corporation regarding Component 18, loft-style district, which was in favor of the proposal, with some tweaks, including:

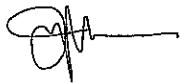
- A) Create more options for industrial development in the "Core" district.
- B) Right-size the "Transition" district's industrial incentive.
- C) Add "Transition" district industrial space requirements.
- D) Keeping growth districts outside of IBZs.

Our Board chose to approve Component 18, with SBIDC's recommended caveats by a vote of 39 – in favor, 0 – opposed, with 0 – abstentions.

We are including a copy of SBIDC's testimony as they spell out their caveats in greater detail.

Thank you for the opportunity to share Community Board 7/Brooklyn's opinions regarding the various aspects of the City of Yes for Economic Opportunity proposals. The votes were the result of nearly ten hours of presentation and deliberation on these issues.

Sincerely,



Julio Pena III
Chair



Jeremy Laufer
District Manager



**Southwest Brooklyn
Industrial Development
Corporation**

241 41st Street, 2nd Floor
Brooklyn, NY 11232
718-965-3100 fax: 718-577-5858
www.sbidc.org

Jesse Solomon
Executive Director

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JP Morgan Chase & Co.

Michael Jeffrey Spinner
Spinner Industries

David J. Sweeney
PDS Development

Eileen Thornton
Key Bank

Blake Tomnitz
Five Boroughs Brewing Co.

November 27, 2023

Re: City of Yes Zoning for Economic Opportunity

Dear Community Board 7 Land Use Committee,

SBIDC is a local economic development corporation and membership organization whose mission is to create equal opportunity for the people, businesses, and community of Southwest Brooklyn. We provide free services to over 1,500 small industrial and manufacturing businesses across Sunset Park, Gowanus and Red Hook, and help place 200 job-seekers in full-time industrial jobs every year through our Workforce1 Center. The views we express as an organization today are based on coalition work with other economic development nonprofits throughout NYC (ANHD's Industrial Jobs Coalition, conversations with our board members and local industrial businesses, and decades of experience fostering industrial development in Southwest Brooklyn.

SBIDC considers the goals of Mayor Adams's City of Yes for Economic Growth proposal to be admirable and forward-looking; increasing densities and allowing for more flexibility in building layout and bulk will help local economies grow. Importantly, this proposal has continued the City's commitment to put no residential uses within Industrial Business Zones, where the requisite noise and freight uses that come with industrial use conflict with quality-of-life conditions necessary for residential populations.

However, we believe that the M zone components of this proposal must be strengthened to better preserve existing industrial businesses, incentivize new industrial development, and foster the associated forms of job retention and creation which provide Community Board 7 residents with clear pathways to the middle class. Particularly in our community, the industrial waterfront is a strong base of employment within short walking distance that provides quality jobs for residents of all levels of educational attainment and, in some cases, non-English speakers. We ask that in crafting its recommendations on this zoning text amendment, Community Board 7 consider incorporating several key changes described below.

SBIDC's Position on DCP's New Manufacturing Tools:

Several changes could be made to the proposal's new M zoning districts – Core (M3A), Transition (M2A), and Growth (M1A) – which would better incentivize industrial development and the creation of



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quality jobs in the community. SBIDC has developed four key recommendations:

• Recommendation 1: Create more options for industrial development in the "Core" district:

SBIDC proposes the inclusion of an M3A-3 with a maximum permitted floor area ratio (FAR) for qualifying uses of 5.00. Currently, DCP only has two options for core industrial areas, allowing for FARs of 2.00 and 3.00. We think it makes sense to offer industrial developers a tool to facilitate further new industrial development should they wish to use it.

• Recommendation 2: Right-size the "Transition" district's industrial incentive:

SBIDC proposes an increase of the M2A industrial bonus from 0.5-0.75 FAR (DCP's current plan) to 25% of total FAR (our proposal, which translates to 0.5-1.25 FAR industrial bonus). See table below for details.

We believe that for this industrial incentive to have its intended effect, a greater FAR bonus must be provided. Otherwise, non-industrial developers may leave the bonus FAR on the table and no industrial space will be built.

- Our recommendation is based on recent developments in Gowanus. During the recent neighborhood rezoning, DCP gave Gowanus developers a bonus of 0.3 FAR ("Gowanus Mix") for industrial space in the rezoned area. We have not seen any developers take advantage of this small bonus. The limited size of the bonus may have impacted those decisions.

SBIDC's recommended industrial bonus FAR structure:

Transition Districts	Qualifying Uses (Industrial) FAR	Other Permitted Uses FAR	% Incentive for Qualifying Uses		
			Qualifying Uses Bonus FAR	(% of building uses)	
M2-1A	2	1.5	0.5		25%
M2-2A	3	2.25	0.75		25%
M2-3A	4	3	1		25%
M2-4A	5	3.75	1.25		25%

• Recommendation 3: Add "Transition" district industrial space requirements:



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Five Boroughs Brewing Co.

SBIDC proposes that the qualifying industrial portions in the M2A projects should be required to be at least 50% on the ground floor, have ceiling heights of at least 14 feet, supply 400 amps and 3-phase power, include at least one 4,000 lbs freight elevator (if industrial is included on upper floors), floor loads to meet average industrial standards, and venting requirements for typical industrial processes. We believe such requirements are necessary to ensure the viability of the space for industrial tenants.

- o These recommendations are based on SBIDC's experience with industrial business attraction efforts as well as direct feedback from non-profit industrial developers like Evergreen and GMDC.

Recommendation 4: Keeping Growth Districts Outside of IBZs

From discussions with DCP it is our understanding that the the M1A Growth District tool is meant for predominately non-industrial areas to allow for M uses such as life science laboratory or hydroponic production in an otherwise commercial building.

We ask that the Community Board indicate it will continue its historically strong commitment to upholding the mission of IBZs as places for industrial businesses to grow and provide good working- and middle-class jobs for the surrounding community. As future land use applications arise, we ask that the Community Board not approve M1A rezonings within the Industrial Business Zone unless commitments are made for significant industrial space. SBIDC strongly recommends reserving this tool for usage only in M zones or commercial districts outside of the IBZ of SMIA.

SBIDC Position on Zoning for Economic Opportunity's Commercial Corridor Reforms:

SBIDC supports the City's common-sense reforms for commercial and industrial areas in this text amendment. Those include:

- o Allowing for new uses in commercial zones, including but not limited to: small-scale production, micro-distribution (*not last mile warehouses or dark stores*), life sciences, live entertainment, amusements.
 - o We believe allowing uses like amusements and entertainment on commercial corridors will alleviate the pressure to build them in industrial business zones (IBZs) where they compete with



**Southwest Brooklyn
Industrial Development
Corporation**

241 41st Street, 2nd Floor
Brooklyn, NY 11232
718-965-3100 fax: 718-577-5858
www.sbidc.org

Jesse Solomon
Executive Director

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manufacturing uses.

- Updating general loading requirement to enable adaptive reuse.
- Address bulking requirements for film studios and other new uses that can require a rezoning to build what is otherwise typical for these industries. We would encourage a straight box envelope of 40 feet without any setback for these uses.
- Updates to the use group classification system. We are glad to see updates on manufacturing uses that cover the more modern and lighter uses that do not easily fit in with the definitions dating from the 1960s.
- We strongly encourage DCP to coordinate with appropriate city agencies to ensure that existing insufficient infrastructure such as sewers/storm drains are addressed before problems are exacerbated by additional commercial and residential growth.

SBIDC Position on Modernizing Freight

Beyond the City of Yes proposal, but in tandem with its outcomes, we strongly encourage DCP and other city agencies to dedicate time and resources towards comprehensive transportation and freight planning that prioritizes the Blue Highway Network. This network along our working waterfront could be used to unlock maritime freight, develop our port infrastructure, and ultimately take large trucks off local roads.

We thank Community Board 7 for its time and consideration of our thoughts in this matter. We believe that thanks to your continued advocacy for the industrial waterfront, we can continue to grow this base of accessible working- and middle-class jobs vital to our walk-to-work community in Sunset Park.

Please reach out with questions to Jesse Solomon:
jsolomon@sbidc.org or 718-965-3100 ext. 114

Sincerely,

Jesse Solomon
Executive Director, SBIDC
241 41st Street, Brooklyn, NY 11232



January 17, 2024

Dear Brooklyn Community Board 07,

The Last-Mile Coalition respectfully submits comments on the City of Yes for Economic Opportunity (COYEO) proposal and its comprehensive overhaul of outdated zoning regulations. We appreciate the efforts of the Department of City Planning (DCP) in recognizing the need to update regulations to align with the evolving economic landscape. However, **we are concerned about the oversight in the current proposal, particularly in the context of last-mile mega-warehouses and their impact on marginalized communities. We believe that addressing the challenges posed by the rapid rise of e-commerce, particularly the impact of last-mile mega-warehouses, is crucial for fostering vibrant neighborhoods and supporting the economic recovery of New York City.**

The rise of e-commerce is identified as a key macroeconomic trend necessitating reform, and COYEO aims to support emerging industries while minimizing the adverse effects on other land uses in the City. Although the DCP's COYEO's introduces a commendable initiative in the form of "Micro-Distribution Facilities," it falls short of addressing the significant land use conflicts stemming from the clustering of last-mile mega-warehouses. The proposal's focus on smaller facilities is crucial, but it misses the larger facilities exceeding 1 million square feet that operate around the clock and contribute substantially to congestion, safety risks, and environmental concerns.

To rectify this oversight, we propose an expansion of the COYEO proposal to incorporate a specific text amendment defining "last-mile warehouses" as a distinct category to complement the "Micro-Distribution Facilities" proposal and establish a special permit process for last-mile warehouses of at least 50,000 square feet. Unlike traditional warehouses, last-mile warehouses substantially impact community character, vehicular traffic flow, and air quality. Last-mile warehouses are fundamentally different in scale from traditional warehouse uses due to the high volume of product loading and unloading and product flow velocity, involving a massive increase in truck trips to and from the facility compared to traditional warehouses. Given their size and operational scale, these facilities should be subject to a special permit, allowing for public participation in the siting process and ensuring that the concerns of affected communities are considered. Large last-mile warehouses should be required to obtain a special permit, as this aligns with COYEO's objectives of ensuring safe and sustainable deliveries, combating increased truck traffic, and preventing congestion. The issuance of a permit should be contingent on findings related to traffic and safety, ensuring that these facilities are good neighbors and do not unduly hinder surface traffic and pedestrian flow.

Moreover, the lack of regulations on last-mile mega-warehouses exacerbates environmental justice issues. By requiring a special permit, the City can address air quality concerns and



encourage a shift to zero-emissions delivery, providing relief to communities grappling with the disproportionate pollution burden from various sources.

The omission of last-mile mega-warehouse regulations stands out in light of COYEO's stated objectives. Addressing this issue is crucial to the success of COYEO and aligns with the city's broader goals of modernizing zoning regulations. A zoning text amendment for last-mile mega-warehouses is crucial for managing the anticipated growth in goods movement while prioritizing the well-being of environmental justice communities. By promoting non-truck or van deliveries and supporting sustainable transportation options, we can collectively alleviate congestion, embrace modern delivery practices, and reduce the environmental impact on marginalized neighborhoods.

In conclusion, the current COYEO proposal misses a critical aspect of the e-commerce boom—the land use conflicts arising from the clustering of last-mile mega-warehouses. **Similar to your previous work and calls recommendations in the City of Yes for Carbon Neutrality, we urge your board to approach the COYEO proposal through an environmental justice lens and call for DCP to take a comprehensive approach by including specific regulations for the siting and operation of last-mile mega-warehouses, as there are no barriers for DCP to elect to include this proposal.** This amendment is essential for the immediate concerns of affected communities and aligns with the principles of environmental justice and the pursuit of a sustainable and equitable New York City. Addressing this issue is essential to the overall success of COYEO and its goal of creating vibrant and safe neighborhoods, as failing to regulate last-mile warehouses will lead to increased vehicular traffic congestion that impacts small businesses.

Thank you for the opportunity to provide these comments. We welcome the opportunity to meet with your team to discuss last-mile warehouse siting and operation zoning proposals.

Best regards,

Earthjustice
El Puente
Newtown Creek Alliance
The New York City Environmental Justice Alliance
THE POINT CDC
Red Hook Initiative
UPROSE

Community Board 7 Zoning for Economic Opportunity Questions Following Land Use Subcommittee Meeting on 1/10/24

1. Why does ZEO not need an RER?

- a. ZEO did complete a Racial Equity Report (RER). An RER is a disclosure document pursuant to Local Law 78 of 2021, wherein applications for a citywide amendment to the zoning resolution affecting 5 or more Community Districts are required to submit an RER. You can find out more here for these triggers to create an RER.

2. Re Proposal 13: Can this apply to car dealerships? Will the sidewalk plans take cyclists into account? What stores will need BSA approval?

- o Proposal 13 does not apply to auto dealerships, which are considered Use Group 6 and are allowed under both current zoning and this proposal to be allowed as-of-right in all commercial districts.
- o All new auto uses in C1/C2 would be subject to special permit by the BSA. This is a high barrier to for potential businesses to meet, and is designed to ensure any new businesses do not impair the character of the surrounding area. BSA will have to take into account streetscape and pedestrian safety concerns. Additionally, car washes and larger vehicle repair/maintenance will still be prohibited. Please see the BSA conditions below:

73-164

Light motor vehicle repair and maintenance shops

In C1, C2, and C3 through C7 Districts, the Board of Standards and Appeals may permit light motor vehicle repair and maintenance shops, provided that the following findings are made:

- (a) such shops will not impair the character or the future use or development of the surrounding area and will cause minimal interruption to the character of surrounding retail frontages;
- (b) such shops will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
- (c) any facilities used for repair or maintenance are located within a completely enclosed building; and
- (d) entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the shop will cause a minimum of obstruction on streets or sidewalks.

The Board may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

- o Additionally, we are proposing zoning language that provides the BSA with a clear authority to revoke any use-related Special Permit. Specific proposed language is: "Any violation of the terms of a special permit may be grounds for its revocation" (ZR 73-03 (f)).
- 3. How will ZEO change the way property is taxed?**
- a. ZEO is not proposing changes to the way property taxes are administered in New York City. The Department of City Planning does not oversee property tax administration. Any change of use would be assessed based on current practices.
- 4. Re Proposal 7: What defines 'agriculture'?**
- o Agriculture uses include greenhouses, plant nurseries, or "truck gardens" (i.e. a garden where vegetables are raised for market). However, this change to

zoning does not change other City or State regulations regarding agricultural cultivation in New York City. For example, invasive species that New York State Department of Environmental Conservation prohibits, will remain prohibited.

5. Do transient hotels require special permits?

- a. ZEO would not change the nature of the Special Provisions for Hotels in section 32-02 of the zoning resolution. Generally, hotels require special permits, however, there are exclusions such as transient hotels operated exclusively for the public purpose of temporary housing assistance by the City or State of New York (See section 32-02 of the zoning resolutions for all exclusions).

6. RE Proposal 12: Who will enforce street-wall design after initial DOB approval?

- a. Generally, the Department of Buildings administers the Zoning Resolution and would enforce any changes DCP would make to Zoning Resolution as well. The proposed zoning would apply both to new construction development as well as substantive alterations of existing buildings which would otherwise necessitate DOB approval. Beyond zoning, other City and state regulations may apply to certain business types and activities. Any building or business perceived to be not following the zoning regulations may be reported to DOB via 311, DOB borough offices. Furthermore, DCP's Zoning Help Desk is available during business hours to clarify questions about the zoning.

7. Re Proposal 11: What businesses are permitted in homes? Or at least, what can we expect?

- a. Zoning today allows any kind of business to operate in the home, such as law offices or music teachers, but specifically prohibits others, such as barber shops, interior decorators, or advertising or PR agencies. ZEO would remove this list of prohibited occupations while making other modifications to home-based businesses, such as expanding from 25% today to 49% of an apartment to be used for work (i.e. if you have a 1,000 sf house, you could use up to 490sf.)
- b. ZEO would maintain rules on environmental controls, prohibit selling items not produced on site, prohibit signage, and uphold restrictions and safeguards against noise, odors, or other negative impacts on neighbors (found today in ZR 12-10 "Home occupation"). We anticipate a range of uses such as:
 - i. Fine arts studios,
 - ii. Teaching of more than four pupils simultaneously, or, in the case of musical instruction, of not more than a single pupil at a time
 - iii. Advertising or public relations offices
 - iv. Barber shops and beauty parlors
 - v. Interior decorators' offices or workshops
 - vi. Real estate or insurance offices, stockbrokers' offices
- c. For more frequently-asked questions about home occupations (as well as the other 17 components of ZEO), see beginning on Page 11 of this document: <https://www.nyc.gov/assets/planning/download/pdf/plans-studies/city-of-yes/economic-opportunity/COYEO-FAQ%20for%20Web.pdf>



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 29	# Against: 0	# Abstaining: 0	Total members appointed to the board: 42
Date of Vote: 2/8/2024 12:00 AM		Vote Location: Weeksville Heritage Center, 158 Buffalo Avenue, Brooklyn, N.Y.	

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

Date of Public Hearing: 2/8/2024 6:30 PM	
Was a quorum present? 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>
Public Hearing Location:	Weeksville Heritage Center, 158 Buffalo Avenue

CONSIDERATION: Please see attached Resolution from CB8.		
Recommendation submitted by	BK CB8	Date: 2/9/2024 1:31 PM



COMMUNITY BOARD NO. 8

1291 ST. MARKS AVENUE • BROOKLYN, NEW YORK 11213
(718) 467-5620/5574 • BROOKLYNCB8.ORG • BROOKLYNCB8@GMAIL.COM

Antonio Reynoso
Borough President

Irsa Weatherspoon
Chairperson

Michelle T. George
District Manager

February 9, 2024

Mr. Dan Garodnick, Chairperson
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Dear Chairperson Garodnick,

Brooklyn Community Board 8 is grateful for the opportunity to comment on the City of Yes: Economic Opportunity, a series of 18 city-wide Zoning Text Amendments which will result in broad-brush changes across New York City. This great city is a complex metropolis with five boroughs layered with the intricacies of unique neighborhoods of varied zoning, transit access, population density, and so much more.

Community Board 8 is but one of the many distinctive communities that will be broadly impacted by many of the proposed zoning text changes that will allow things to occur “as of right,” and without additional community scrutiny. Over several months of discussions with our varied committees and general meetings, we were able to piece together some of the many concerns and appreciations from the Dept. of City Planning’s efforts to put together this massive initiative.

The following chart is a synopsis of the proposed zoning with explanation of the changes and actions to be taken by the agency as provided by their presentation to CB8, and the “pros and cons” that members had either submitted to the district office individually, or that our committees had presented. We hope the agency takes our concerns seriously and works to create a more lucrative and potentially less damaging to residential quality of life proposal than the one that is currently under review.

Sincerely,

Irsa Weatherspoon
Chairperson

Cc: Borough President Antonio Reynoso
Councilmember Chi Osse
Councilmember Crystal Hudson
Councilmember Darlene Mealy
Councilmember Shahana Hanif

Proposal	Issues/Concerns	Rec
<p>Proposal 1: Lift time limits to reactivating vacant storefronts</p> <p>This proposal would expand existing provisions to all Residence Districts and Historic Districts and eliminate the two-year window to disallow commercial use for non-conforming commercial spaces</p>	<p>Pros: Non-conforming commercial spaces such as the Kingston Lounge located at 120 Kingston Avenue, would be allowed to remain commercial space use.</p> <p>Cons: Potentially creates options to warehouse commercial space, uses ground floor spaces that would otherwise be used for residential uses, and prevents such spaces from being returned to their proper residential uses.</p> <p>Eliminates ability of community boards to review each site for whether a commercial use remains appropriate, as well as to prevent warehousing of commercial space.</p>	<p>CB8 does not support this proposal.</p> <p>8 in favor 21 opposed</p>
<p>Proposal 2: Simplify rules for business types allowed on commercial streets</p> <p>Proposal: 1. Allow same businesses to locate in C1 and C2 districts, and in C4-C7 districts—creating a commonsense fix that strengthens the difference between local and regional commercial streets. 2. Remove restrictions preventing particular uses in certain districts from occupying ground floor spaces</p>	<p>Pros: Makes it easier for more businesses and business types to locate on any commercial corridor and on either side of the street</p> <p>Cons: Increased competition, greater high density use spaces on commercial corridors, potential for car repair shops on standard commercial corridors.</p> <p>The same businesses allowed on both sides of the street could create crowding and safety issues, impacts on pedestrian safety, interfere with continuous retail frontage, potentially creates objectionable noise, chemical emissions, fire hazards, or gatherings.</p>	<p>CB8 does not support this proposal.</p> <p>5 in favor 23 opposed</p>
<p>Proposal 3: Expand opportunities for small scale clean production</p> <p>Proposal: 1. Allow small scale, clean production businesses in storefronts and office buildings—limited to 5,000 SF in C1/C2 districts and limited to 10,000 SF on the ground floor in C4-C7 districts. 2. Uses subject to “ABC” and “Right to Know” environmental standards to ensure they are appropriate to locate near residences and other businesses.</p>	<p>Pros: Makes it easier for businesses to locate and increases where such businesses can be.</p> <p>Cons: DCP did not adequately define “clean.” No clear guardrails to prevent businesses with environmentally hazardous manufacturing activities from opening.</p> <p>Onus appears to be placed on the community to complain and fight for remediation.</p>	<p>CB8 supports this proposal</p> <p>18 in favor 10 opposed</p>
<p>Proposal 4: Modernize loading dock rules so buildings can adapt over time</p> <p>Proposal: Remove the mandate for new tenants in existing buildings to provide additional loading berths based on a change in use, allowing building occupancy to evolve over time. Includes other organizational</p>	<p>Pros: Might reduce loss of street parking while simultaneously prohibiting unnecessary loss of street parking</p> <p>Cons: Demand for goods may increase the need for such docks with no clear opportunity for reversion. No real clarity provided by the agency.</p>	<p>CB8 does not support this proposal.</p> <p>4 in favor 24 opposed</p>

changes to clarify and consolidate loading rules.		
Proposal 5: Enable commercial activity on upper floors Proposal: 1. Allow commercial uses on the 2nd floor of a residential building in all commercial districts. 2. Permit commercial above or on the same level as residences in C4, C5, and C6 districts. Note: Physical separation required between residential and nonresidential portions of the building. Potentially noisy uses must have minimum of 15 feet of separation or materials to attenuate any excessive sound.	Pros: Businesses can go where landlords want them to go. Cons: No separation or protections for residents Reduction in long-term housing to increase commercial spaces at a time when commercial vacancy rates are higher than affordable residential units. Introduction of more security, fire hazard and nuisance problems/concerns for residents. 15-foot buffer not adequate Potential and fear of the conversion of current permanent residential space to transient hotel space, undermining newly passed laws restricting commercial airbnb.	CB8 does not support this proposal. 0 in favor 28 opposed
Proposal 6: Simplify and modernize the way businesses are classified in zoning Proposal: 1. Reorganize the current Use Groups into more coherent categories based on similar sector or business type, using updated terminology based on today's economy. 2. Update Special District rules to refer to these new classifications and other adjustments that bring Special Districts into alignment with the proposal.	Pros: Easier for business owners to identify their use groups and where they can locate. Cons: Combining 18 use groups into 10 could open the door to inappropriate uses in neighborhoods. The changes remove the current codes' fundamental emphasis on improving business corridors and protecting public health and safety from dangerous and objectionable environmental influences and replaces it with a system that groups businesses by industry even if their specific activities have quite different environmental and economic effects on our business corridors. The truncated groups are not always rational groupings for purposes of separating incompatible uses. While some of the current Use Groups could be updated, they are still valuable guides to the purposes of the zoning districts	CB8 does not support this proposal. 4 in favor 23 opposed
Proposal 7: Clarify rules to permit indoor urban agriculture Proposal: 1. Clarify how enclosure rules work to ensure that businesses with passive outdoor spaces, such as florists, can operate. 2. Permit agriculture indoors in C Districts.	Pros: Indoor urban agriculture is necessary in such a large and densely populated city that is getting even more dense like NYC. Cons: Dangerous pesticide use, light pollution, rodents, other chemicals, and other disruptions for residents. Cannabis growth is part of this proposal and could have a major negative impact on residents in terms of odor. Increased water and electricity usage that could undo all benefits of the recently passed Carbon Neutrality	CB8 does not support this proposal. 11 in favor 16 opposed
Proposal 8: Give life sciences companies the certainty to grow Proposal: 1. Clarify the definition of a laboratory to allow any life science business to locate in C Districts if it can meet	Pros: None given Cons: Uncertainty that DCP would ensure protections of residents and communities	CB8 does not support this proposal. 1 in favor 26 opposed

<p>environmental standards that protect neighbors.</p> <p>2. Allow commercial life sciences facilities to locate on community facility campuses by CPC Special Permit.</p>		
<p>Proposal 9: Support nightlife with common-sense dancing and live entertainment rules</p> <p>Proposal: 1. Clarify zoning to regulate nightlife based on capacity of the business rather than the type of live entertainment within the operation.</p> <p>2. 200-person capacity on businesses in C1-C3. Larger nightlife businesses would be allowed in C4-C8, M1-M3.</p> <p>3. Nightlife venues still subject to permitting and enforcement by other agencies, such as DOB, FDNY, and SLA.</p>	<p>Pros: Seems to be a commonsense proposal to codify City Council resolutions scaling back cabaret laws.</p> <p>Cons: The increased potential for noise, traffic, sidewalk congestion (including lines outside), security concerns and additional garbage.</p>	<p>CB8 does not support this proposal.</p> <p>8 in favor 19 opposed</p>
<p>Proposal 10: Create more opportunities for amusements to locate</p> <p>Proposal: 1. Create zoning term for Amusement or Recreation Facilities and allow these uses indoors in spaces up to 10,000 SF C1/C2 districts. Allowed indoors without limitation in C4-C7, and indoors or outdoors without limitation in C8 or M1-M3.</p> <p>2. Businesses in C1-C7 could apply to allow outdoor activities through a BSA Special Permit process.</p>	<p>Pros: Open more business opportunities in the overlays and reduce the need to travel outside of the community.</p> <p>Cons: The broad definition of amusements might allow inappropriate sited establishments on our commercial corridors, especially the more residentially focused ones like Vanderbilt and Kingston Avenues.</p> <p>Casinos are defined as amusements.</p> <p>The proliferation of such uses could squeeze out retail stores which serve everyday needs and more closely align with the purpose of C1 and C2 districts. M districts would be more appropriate for these venues, especially due to the size(s) proposed in the resolution.</p>	<p>CB8 does not support this proposal.</p> <p>0 in favor 27 opposed</p>
<p>Proposal 11: Enable entrepreneurship with modern rules for home-based businesses</p> <p>Proposal: Remove list of currently prohibited business types, expand size allowance from 25% to 49% of home, and allow up to 3 employees to be associated with the home-based business.</p> <ul style="list-style-type: none"> • Maintain existing noise/environmental rules, signage limits, and restrictions on selling items not produced on-site. 	<p>Cons: Eliminates separation of commercial and residential uses and decreases tenant protections from nuisance neighbors</p> <p>Reduces housing options and increases the potential for individuals to upsize their apartments to save on rent due to the higher cost of commercial rent</p> <p>Some occupations are not appropriate in homes, especially apartment buildings with shared walls and ventilation systems where fumes, noise and odors from commercial activity will impact other residents (e.g., beauty salons using chemicals, commercial kennels, vets, pharmacists).</p>	<p>CB8 does not support this proposal.</p> <p>2 in favor 25 opposed</p>

<p>Proposal 12: Introduce design rules that ensure buildings contribute to surroundings</p> <p>Proposal: Establish a consistent and easy to understand citywide framework for commercial ground floor design requirements that is more stringent in places with greater pedestrian activity and more flexible in auto-oriented corridors.</p>	<p>Pros: Protection of street façade</p> <p>Cons: none given</p>	<p>CB8 supports this proposal</p> <p>23 in favor 4 opposed</p>
<p>Proposal 13: Reduce conflicts between auto repair shops and pedestrians</p> <p>Proposal: 1. Rationalize and consolidate the range of auto servicing uses into two, zoning-defined categories: Light and Heavy Vehicle Repair and Maintenance Shops. Heavy repair shops must be registered with the New York State DMV and would be allowed in C8 and M districts. 2. Allow new Light auto servicing uses in C1-C7 districts to locate only by BSA Special Permit.</p>	<p>Pros: Could unlock potential uses in the commercial corridors while preserving the manufacturing uses for other services than auto repair.</p> <p>Cons: Increased traffic on street, interference with pedestrians, noise, more exhaust</p>	<p>CB8 supports this proposal</p> <p>17 in favor 10 opposed</p>
<p>Proposal 14: Encourage safe and sustainable deliveries with micro-distribution</p> <p>Proposal: 1. Create a new use for Micro-Distribution Facilities so delivery activity can locate at a small scale closer to homes and offices. 2. Limited to 2,500 SF in C1/C2 districts, and up to 5,000 SF on the ground floor in C4-C7 districts. 3. Larger spaces available only by BSA Special Permit or CPC Special Permit. 4. Streetscape rules would prohibit papering over of windows to deter "dark stores."</p>	<p>Pros: Allegedly less truck traffic and congestion on residential streets</p> <p>Cons: Additional personal vehicle traffic and sidewalk congestion</p> <p>Seniors and mobility limited individuals unable to successfully get packages home</p> <p>Redirects and diverts traffic to community centers where the distribution centers are located (ex: the UPS store on Bergen Street between Nostrand and Rogers Avenues)</p>	<p>CB8 does not support this proposal.</p> <p>4 in favor 23 opposed</p>
<p>Proposal 15: Facilitate local commercial space on residential campuses</p> <p>Proposal: 1. Create a CPC Authorization that gives NYCHA and other large-scale residential sites</p>	<p>Pros: None given</p> <p>Cons: Further abuse of NYCHA residents</p>	<p>CB8 does not support this proposal.</p> <p>0 in favor 27 opposed</p>

<p>the ability to include commercial up to 15,000 SF.</p> <p>2. Subject to both environmental review and Community Board approval.</p> <p>3. Approval only if development would not create traffic congestion or environmental concerns.</p>		
<p>Proposal 16: Create process for allowing new corner stores in residential areas</p> <p>Proposal: Create a CPC Authorization to allow up to 2,500 SF of commercial use within 100 feet of an intersection.</p> <ul style="list-style-type: none"> • Subject to both environmental review and Community Board approval. • Approval only if development would not create traffic congestion or environmental concerns. 	<p>Pros: None given</p> <p>Cons: Eliminates purely residential areas and blocks, thus reducing housing choice, increased noise, true reduction and negative impact on quality of life</p> <p>The proposed BSA special permit has no specific restrictions that would prevent a property owner from making a plausible argument for a special permit on any corner.</p> <p>If that were the case, citywide another CB's analysis shows that over 150 million square feet of commercial space could be added and the same amount of ground floor residential space subtracted.</p>	<p>CB8 does not support this proposal.</p> <p>0 in favor 27 opposed</p>
<p>Proposal 17: Rationalize waiver process for business adaptation and growth</p> <p>Proposal: 1. Rationalize and supplement existing BSA permits to allow for any business type to seek limited modifications to size, enclosure, or location of use via BSA Special Permit. Significant (more than double) size increases would require public process via CPC Special Permit.</p> <p>2. Create new CPC Authorization for bulk modifications, including yard and setback requirements.</p>	<p>Pros: None given</p> <p>Cons: Lacks clarity/is vague and ambiguous</p>	<p>CB8 does not support this proposal.</p> <p>2 in favor 25 opposed</p>
<p>Proposal 18: Create new kinds of zoning districts for future job hubs</p> <p>Proposal: Create a range of new job-intensive zoning districts to allow for modern multistory buildings by permitting higher densities, more flexibility on permitted building form, and right-sized parking and loading requirements.</p>	<p>Pros: None given</p> <p>Cons: Vague and ambiguous/needs more clarity</p> <p>Concerns over increased density</p>	<p>CB8 does not support this proposal.</p> <p>3 in favor 24 opposed</p>



BROOKLYN COMMUNITY BOARD 9

Antonio Reynoso
Borough President

Dante B. Arnwine
District Manager

Fred P. Baptiste
Chair

Primo Lasana
1st Vice Chair

Francisca Leopold
2nd Vice Chair

Linda Watson-Lorde
Executive Secretary

Mayna Legoute
Treasurer

Nicolas Almonor
Member-at-Large

Dexter Roberts
Member-at-Large

CB9 RESOLUTION CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENTS

We at Community Board 9 oppose the City of Yes for Economic Opportunity text amendments in their entirety.

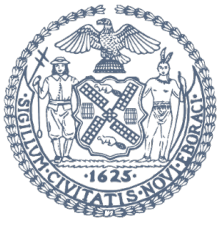
These are city-wide text amendments which will result in broad-brush changes across New York City, a complex city of five boroughs with neighborhoods of varied zoning, mass transit access, population size, etc. We continue to be concerned about the fact that these recommendations were made without conducting planning studies on the current commercial corridor conditions (i.e., vacancies, rents) within each community district prior to deciding if zoning changes were needed.

We believe a full environmental impact statement must be conducted on these sweeping changes because the current language in these text amendments places us at great risk of irreversible, unintended consequences negatively impacting the peace, quiet, security, health, and street parking on residential blocks and in residential buildings. City resources are already stretched. Who will monitor and enforce adherence to guidelines as the lines between residential, commercial and manufacturing zones are further blurred?

In addition to our opposition to the individual proposals which clearly apply to our district, we discovered numerous objectionable changes throughout the 664 pages of zoning text which were not mentioned in the original public presentations held by the Department of City Planning (DCP) in July and September. In particular, a series of new special permits would allow nearly all remaining environmental and performance standards to be waived. These changes, combined with the questionable negative environmental assessment, raise red flags suggesting an unacceptable intent to do away with nearly all zoning distinctions and environmental standards while evading public review. We therefore urge DCP to start again by consulting community boards first.

The following is a summary of our feedback and concerns regarding the specific text amendment proposals and several other text changes. While we understand these text amendments are city-wide, our feedback is based upon how they would affect our district.

Note: CB9 is primarily a residential neighborhood. Most of our residential areas are located within 2-3 blocks of a retail corridor. Our non-residential spaces are either part of mixed-use residential buildings (C1-3 and C2-3 commercial overlay districts) or are Commercial or Manufacturing (C8-2 or M1) districts adjacent to residential buildings and zones. Our Economic Development Committee has found that *several of our commercial zones have had persistent vacancies in recent years due in part to rising rents, lack of access to capital, and spaces held vacant for years in anticipation of redevelopment*. This implies CB9 does not need additional commercial space. *Furthermore, CB9 is already a densely built community and we would prefer to support the city's efforts to provide housing by maintaining our existing housing stock as much as possible rather than undermining those efforts by allowing conversion of residential space to commercial space.*



BROOKLYN COMMUNITY BOARD 9

Goal 1: Make It Easier for Businesses to Find Space and Grow.

Proposal	CB9 Feedback/Concerns
1. Lift time limits to reactivating vacant storefronts	<ul style="list-style-type: none">• CB9 opposes this proposal because we believe that each community board should be able to review each site for whether a commercial use remains appropriate, as well as to prevent warehousing of commercial space.
2. Simplify rules for business types allowed on commercial streets	<ul style="list-style-type: none">• CB9 opposes eliminating the differences between C1 and C2 districts because this would introduce auto intensive uses such as body shops, storage and other uses that would interfere with continuous retail frontage, pedestrian safety, convenient shopping and foot traffic because they would generate activity that obstructs sidewalks or curbs, is not public facing, or creates objectionable noise, chemical emissions, fire hazards, or gatherings.
3. Expand opportunities for small-scale clean production	<ul style="list-style-type: none">• CB9 opposes expanding manufacturing activities into C1, C2 and C4 overlays. No clear guardrails to prevent businesses with environmentally hazardous manufacturing activities from opening.• Onus appears to be placed on the community to complain and fight for remediation.
4. Modernize loading dock rules so buildings can adapt over time	<ul style="list-style-type: none">• CB9 believes that a blanket elimination of loading dock requirements citywide is inappropriate. We already suffer from traffic congestion and narrow sidewalks.
5. Enable commercial activity on upper floors	<ul style="list-style-type: none">• CB9 opposes adding Commercial Uses on Upper Floors of C1 and C2 Buildings.• This would introduce more security, fire hazard and nuisance problems for residents without separate entrances, exits and elevators for commercial and residential.• CB9 opposes allowing hotels by special permit in C1 and C2 overlay districts as this would permit the conversion of current permanent residential space to transient hotel space, undermining newly passed laws restricting commercial airbnb.
6. Simplify and modernize the way businesses are classified in zoning	<ul style="list-style-type: none">• CB9 opposes the reclassification of Use Groups and the changes to the legislative intents section of the zoning text.• The changes remove the current codes' fundamental emphasis on improving business corridors and protecting public health and safety from dangerous and objectionable environmental influences and replaces it with a system that groups businesses by industry even if their specific activities have quite different environmental and economic effects on our business corridors.• These are not always rational groupings for purposes of separating incompatible uses. While some of the current Use Groups could be updated, they are still valuable guides to the purposes of the zoning districts



BROOKLYN COMMUNITY BOARD 9

Goal 2: Boost Growing Industries

Proposal	CB9 Feedback/Concerns
7. Support nightlife with common-sense rules for dancing and live entertainment	<ul style="list-style-type: none">• We oppose allowing as of right dancing and live music for eating and drinking establishments in C1-C3 commercial districts. In addition to capacity, the proposed use of an establishment is important. We are opposed to the potential noise, traffic, sidewalk congestion (including lines outside), security concerns and additional garbage.• We are primarily a residential community and are suffering from a proliferation of smoke shops. We don't need as-of-right nightclubs that would encourage more drug and alcohol use. Community boards need the ability to assess the types of businesses coming into their communities. The SLA licensing process alone is not adequate for this type of establishment.
8. Create more opportunities for amusements to locate.	<ul style="list-style-type: none">• We oppose allowing large scale indoor entertainment in C1 and C2 districts. A proliferation of such uses could squeeze out retail stores which serve everyday needs and more closely align with the purpose of C1 and C2 districts. In our community, our C8 and M1 districts would be more appropriate for these venues.
9. Enable entrepreneurship with modern rules for home-based businesses	<ul style="list-style-type: none">• We oppose allowing unrestricted home occupations, recharacterizing home occupations as “small businesses” and increasing the allowable percentage of the home used to 49% from 25% and the number of non-resident employees from 1 to 3.• Some occupations are not appropriate in homes, especially apartment buildings with shared walls and ventilation systems where fumes, noise and odors from commercial activity will impact other residents (e.g., beauty salons using chemicals, commercial kennels, vets, pharmacists).• CB9 wants to preserve existing residential space for residential use, and we are concerned that expanding the allowable percentage of space to be used for commercial activities will squeeze out families who cannot pay as much as a commercial business.• City resources are already limited. Concerned about how “being a good neighbor” would be monitored and enforced.

Goal 3: Enable More Business-Friendly Streetscapes



BROOKLYN COMMUNITY BOARD 9

Proposal	CB9 Feedback/Concerns
10. Introduce corridor design rules that promote better activate ground floors	<ul style="list-style-type: none"> CB9 opposes the proposal to impose broad brush citywide rules. Instead DCP must work with each community to implement appropriate, customized corridor design rules.
11. Reduce conflicts between auto repair shops and pedestrians	<ul style="list-style-type: none"> CB9 opposes allowing light auto service uses in C1-C7 commercial districts. We believe there is ample vacant space within the C8-2 and M1-1 areas in our district for such uses, which would also harm the walkable retail character of the C1 & C2 areas and introduce adverse environmental impacts on nearby residences.
12. Encourage safe and sustainable deliveries with micro-distribution	<ul style="list-style-type: none"> CB9 opposes allowing wholesale and storage businesses in C1 and C2 retail districts because of the additional traffic and sidewalk congestion. We believe there is ample vacant space within C8-2 and M1-1 areas in our district for such uses. We are also concerned about the city resources that would be available for the monitoring and enforcement required to ensure no negative impact to retail character and neighboring residences.

Goal 4: New Opportunities for Business

Proposal	CB9 Feedback/Concerns
13. Facilitate local commercial space on residential campuses	<ul style="list-style-type: none"> CB9 opposes this proposal as we believe that community boards and council members should retain the right to negotiate increases in the amount of commercial space through the ULURP process.
14. Create process for allowing corner stores in residential areas	<ul style="list-style-type: none"> CB9 believes this is unnecessary in our district as we already have ample retail space, including vacant space within 2-3 blocks of all our residential areas. The proposed BSA special permit has no specific restrictions that would prevent a property owner from making a plausible argument for a special permit on any corner. If that were the case, citywide our analysis shows that over 150 million square feet of commercial space could be added and this same amount of ground floor residential space subtracted. An impact of this scale clearly demands a full scale environmental impact study.
15. Rationalize waiver process for adapting spaces for industries like film	<ul style="list-style-type: none"> CB9 residents adjacent to C8 and M1 districts are already negatively affected by taller buildings. We are concerned about impacts on light and air, solar panels, backyard gardens, community gardens, Brooklyn Botanic Gardens.
16. Create new kinds of zoning districts for future job hubs.	<ul style="list-style-type: none"> CB9 opposes the introduction of higher density manufacturing districts without use limitations on those districts and without full environmental review.

Additional Concerns



BROOKLYN COMMUNITY BOARD 9

Proposal	CB9 Feedback/Concerns
Special Permit 74-152	<ul style="list-style-type: none">• CB9 opposes the new CPC special permit 74-152 to allow transient hotels in C1 and C2 overlay districts with an underlying residential component.• Such hotels are incompatible with the use of the corridor for the everyday shopping needs of local residents• Gives landlords an incentive to convert permanent residential housing into short term hotels, or to construct hotels instead of housing with ground floor retail.
Special Permit 74-161, 74-181	<ul style="list-style-type: none">• CB9 opposes the new CPC special permit 74-161, 74-181 and 74-191 and 74-211 to allow the modification of all size restrictions, environmental standards, enclosure restrictions, geographic limitations or other limitations imposed in Section 74-16 on retail and service uses and 74-18 on large scale amusements and 74-19 for micro distribution facilities.• Since we opposed many of the additional uses permitted in Section 74-16,18,19 on our C1 and C2 retail corridors, we also oppose the existence of a special permit to remove even the flimsy and sparse remaining protections against adverse environmental impacts on residents and other businesses.
Special Permit 74-193	<ul style="list-style-type: none">• CB9 opposes Special permit 74-193 to permit new public parking garages in C1 districts.• C1 districts are designed for walkable retail; open street facing car parks and new public garages with curb cuts are not desirable

Adopted: January 23, 2024



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MATTHEW WASKIEWICZ
Application # N 240010 ZRY	Borough:
CEQR Number: 24DCP004Y	Validated Community Districts:

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 33	# Abstaining: 0	Total members appointed to the board: 45
Date of Vote: 1/23/2024 12:00 AM		Vote Location: MS61 - 400 Empire Blvd, BK, NY 11225	

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

Date of Public Hearing: 1/8/2024 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	ZOOM

CONSIDERATION:		
Recommendation submitted by	BK CB9	Date: 1/30/2024 12:03 PM



BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Economic Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: MATTHEW WASKIEWICZ
Application # N 240010 ZRY	Borough: Citywide
CEQR Number: 24DCP004Y	Validated Community Districts:

Docket Description:
--

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

RECOMMENDATION: Conditional Favorable
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Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION: See attached recommendation

Recommendation submitted by	BX BP	Date: 1/8/2024 6:24 PM
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**BOROUGH PRESIDENT
RECOMMENDATION**

**CITY PLANNING COMMISSION
120 BROADWAY- 31ST FLOOR
NEW YORK, NEW YORK 10271-0001**

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant’s representative as indicated on the Notice of Certification.

APPLICATION NO: N 240010 ZRY, N 240011 ZRY-CITY OF YES FOR ECONOMIC OPPORTUNITY

PLEASE SEE ATTACHMENTS

RECOMMENDATION

- ☐ **APPROVE**
- ☒ **APPROVE WITH MODIFICATIONS/CONDITIONS (List below)**
- ☐ **DISAPPROVE**

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

PLEASE SEE ATTACHMENT FOR BOROUGH PRESIDENT’S RECOMMENDATION


BOROUGH PRESIDENT

January 8, 2024
DATE



BRONX BOROUGH PRESIDENT VANESSA L. GIBSON

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION
CITY OF YES FOR ECONOMIC OPPORTUNITY
APPLICATION NUMBERS:
N 240010 ZRY
N 240011 ZRY**

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

The City of New York's 1961 comprehensive revision to the original 1916 Zoning Resolution remains the cornerstone of our current zoning regulations. Over the past 63 years, our city's approach to addressing quality of life challenges has evolved, reshaping how we navigate life in one of the world's most densely populated and industrious cities. This shift is particularly evident in how we define commercial and manufacturing services and functions. While zoning's fundamental purpose is to separate uses for health and safety, not all uses are equally problematic, and some flexibility may be appropriate.

While I support maintaining the separation of uses where there are potential health concerns, overregulation has limited businesses' ability to expand or locate sensibly, often in ways unintended by the authors of the Zoning Resolution. Recognizing these disparities, the 'City of Yes for Economic Opportunity' now proposes one of the most comprehensive updates to our Zoning Resolution since the 1961 revision.

My overarching observation is that these proposed changes will cut unnecessary red tape, allowing commercial, retail, and manufacturing businesses to grow and adapt based on their needs. This will help reduce the cost of doing business in New York City and expand location options, consequently filling commercial vacancies. As a result, both the local community and larger business community stand to benefit, ultimately fostering the city's growth based on needs rather than stringent zoning regulations. This conclusion aligns with the four fundamental goals outlined in this proposal:

Goal 1: Make it easier for businesses to find space and grow by giving business owners more certainty on where they can locate and what they can do in their space.

Goal 2: Support growing industries by reducing obstacles for emerging business types.

Goal 3: Foster vibrant neighborhoods by ensuring businesses contribute to active, safe, and walkable streets.

Goal 4: Create new opportunities for local businesses to open by establishing new zoning tools to boost job growth and business expansion.

While I agree with these goals, I have some concerns and observations regarding the eighteen proposals presented for consideration. To streamline my feedback, I will not give my full thoughts on all the proposals that I generally support as proposed.

Goal 1: Make it easier for businesses to find space and grow by giving business owners more certainty on where they can locate and what they can do in their space.

Proposal 1: Lift zoning barriers to reactivate vacant storefronts. I have no objection and support this proposal.

Proposal 2: Simplify rules for types of businesses allowed on commercial streets. I have no objection and support this proposal.

Proposal 3: Expand opportunities for small scale clean production. I have no objection and support this proposal.

Proposal 4: Modernize loading dock rules to allow buildings to adapt over time. I have no objection and support this proposal.

Proposal 5: Enable commercial activities on upper floors.

I believe this proposal, as drafted, achieves its stated goal, but I have some concerns. My first concern was understanding how residential and commercial activities could co-locate on the same floor. Under the proposal, the zoning will still require a separation of uses because any residential and non-residential uses located on the same floor would be required to have a physical separation between them. In my opinion, this is similar to when a commercial building abuts a residential building, but, under the proposal, any non-residential use would have the added requirement of ensuring that noise is mitigated.

My second concern was how commercial uses may work when located above a residential use. The proposed zoning makes it clear that it will be a very high bar for existing residential buildings to comply with these regulations because any buildings that are not built to eliminate noise will not be able to meet the noise requirement. Additionally, there are requirements for separate elevators which will make it very difficult and expensive for most existing residential buildings to conform to the proposed regulations, making these buildings unable to convert.

However, I believe the more likely outcome of this proposal will be commercial buildings having the flexibility to add residential uses. This is a very positive outcome for the city, especially while we are in the midst of a housing crisis. Based on how commercial buildings are built, it is far more likely that an existing commercial building would be able to meet the noise mitigation requirements. This proposal has the added benefit of creating more opportunities for locating residential uses across the city. In addition to the ground floor, upper floors nearly always command a real estate premium, but commercial uses are generally not permitted on upper floors when there is residential in the building. This proposal will “unlock” the ability for commercial buildings to add residential uses that may not have been permitted in certain situations, for example, if there was a top floor restaurant.

While my first two concerns were addressed, my final concern is on-going, which is ensuring the public understands the requirements for where residential and non-residential uses may locate. Allowing commercial above and on the same level as residential does not mean residential buildings will be permitted to just add these uses without going to the Department of Buildings to get the proper approvals. Requiring that buildings meet these requirements to show compliance with noise mitigation and having separate elevators is a high bar for a reason. Building code rules would also have to be complied with, including showing that the building could handle any increased demand on its electrical systems, that it would meet FDNY capacity requirements, and that it obtained a new certificate of occupancy. The only way this proposal will work is if the city enforces these requirements. So, while I am in support of this proposal, I do so with the caveat that enforcement is paramount.

Proposal 6: *Simplify and modernize use terms that specify where businesses can locate.* I have no objection and support this proposal.

Goal 2: Support growing industries by reducing obstacles for emerging business types.

Proposal 7: *Clarify indoor rules to enable urban agriculture.* I have no objection and support this proposal.

Proposal 8: *Give life science companies the certainty to grow.* I have no objection and support this proposal.

Proposal 9: *Support nightlife with common sense dancing and live entertainment rules.*

This proposal is finally addressing the discriminatory cabaret laws that were repealed while I was in the City Council but still exist in the zoning resolution. In addition, many of the regulations surrounding eating, drinking, music, live entertainment, and dancing are difficult to understand. This proposal will create a set of requirements based on capacity limits for the venue rather than for each of the different use types.

The ongoing concerns raised around nightlife are typically tied to noise and enforcement. While there are no easy solutions, the city needs to do a better job of enforcing noise complaints related to late night entertainment. I recommend that the Mayor's Office of Nightlife proactively identify businesses with noise-related issues and work with them through education, advising on building improvements that would reduce noise pollution, and by issuing violations more aggressively if those efforts fail.

Proposal 10: *Simplify rules so amusements and experiential businesses can flourish.* I have no objection and support this proposal.

Proposal 11: *Enable entrepreneurship for home occupations.*

I believe this proposal will be both well received and criticized depending on how it will impact that person. As technology continues to improve, with remote capabilities being more widespread and normalized, there is an ever-increasing range of businesses that make sense to permit as home-based businesses. Not directly regulating what businesses are permitted or not permitted, but rather

regulating how those businesses impact their neighbors addresses this concern effectively. These small businesses would have limitations on the amount of the home that can be used and would have to have a limited number of employees to avoid foot traffic, but most importantly, they would be required to maintain existing noise requirements.

This is the one proposal that gives me pause because I have some concerns about unintended consequences. While I believe most businesses will be “good actors”, my concerns are for the handful of “bad actors” that will inevitably occur. This proposal also has a low bar for entry because it doesn’t require a certificate of occupancy change for a building. Small businesses and entrepreneurs are incredibly important for our city, and we need to continue to find ways to support them. While I am not fully opposed to this proposal, I am also not in support. I believe there needs to be a limit to the number of people that can be in any home-business, so in addition to the proposed three-employee maximum, I propose there should be a five-person maximum capacity that may be permitted in a home-based business to reduce the amount of regular foot traffic that would occur. Home-based businesses should also identify their business type and register their home address when getting a business license or certificate as well as send an annual notarized letter to the landlord, building management, and tenant association, as applicable, so the building is aware that there is a home-based business operating in the building. This will help target noise complaints and identify any non-tenants in a building so issues can be addressed, as needed. Additionally, to ensure there are no fire safety issues, any business above a certain electrical need should be required to have an electrical inspection to ensure the existing wiring can handle the demand.

Goal 3: Foster vibrant neighborhoods by ensuring businesses can contribute to active, safe and walkable streets.

Proposal 12: Introduce corridor design rules that ensure buildings contribute to surroundings. I have no objection and support this proposal.

Proposal 13: Reduce conflict between auto repair and pedestrians on commercial streets. I have no objection and support this proposal.

Proposal 14: Encourage more sustainable freight movement by allowing micro-distribution in commercial areas. I have no objection and support this proposal.

Goal 4: Create new opportunities for local businesses to open by establishing new zoning tools to boost job growth and business expansion.

Proposal 15: Facilitate local commercial space on residential campuses.

When thinking of this proposal and who it may help, I focus on the residents living in NYCHA housing. Nearly 1 in 17 New Yorkers live in NYCHA supported housing, accounting for over 528,000 residents across 335 conventional public housing and PACT developments.

This proposal would provide a new option for up to 15,000 square feet of commercial use to be located in residential districts when located on a residential campus. While this does extend beyond NYCHA campuses, the proposal is not as-of-right and would require a level of oversight with a

City Planning Commission authorization which would require an environmental review and Community Board referral.

While I do not believe it is within scope, I recommend modifying the text to permit grocery stores upon the granting of a FRESH zoning approval, with the requirement that it is on a campus with affordable housing, regardless of the size of the grocery store. This is a trade-off that makes sense and would create an opportunity to provide fresh food to residents that are living in food deserts. This scope would be limited to FRESH grocery stores as there are specific requirements that would need to be met.

Proposal 16: Create a process for allowing corner stores residential areas.

This proposal would have a high bar for approval as it would require discretionary approval from the City Planning Commission through an authorization, an environmental review, and referral to the local Community Board. The commercial use would also be limited to 2,500-square-feet and within 100 feet of an intersection. I believe this is important to create a pathway for these corner commercial uses, such as local bodegas, as there are no options today besides a rezoning of a larger area. I have no objection and support this proposal.

Proposal 17: Rationalize waiver process for business adaption and growth.

Given the proposed oversight by the Planning Commission or the Board of Standards and Appeals, I have no objection and support this proposal.

Proposal 18: Create new kinds of zoning districts for the future.

This proposal would create new zoning districts that do not exist today for manufacturing uses. There has been a disconnect with the bulk regulations that exist in manufacturing districts today, and this text will add additional options for what may be needed. While none of the new districts will be immediately applicable because these zoning districts do not yet exist anywhere in the city, I am encouraged that the city is working to keep good paying manufacturing jobs here in New York by creating these new zoning options. In order for any of these zoning regulations to apply, they would need to go through a rezoning with a full ULURP. I have no objection and support this proposal.

In conclusion, I want to commend the Department of City Planning for their commitment to finding ways of streamlining the current zoning regulations while maintaining zoning's core intent to protect public health, safety, and general welfare. Urgently addressing outdated zoning ordinances is crucial to support local businesses that are vital to our city and neighborhoods.

I want to thank Mayor Adams and Department of City Planning Director Dan Garodnick for their leadership in supporting and advancing this important proposal and I recommend approving these applications, with my observations and modifications included.

**BOROUGH PRESIDENT
RECOMMENDATION**

**CITY PLANNING COMMISSION
120 BROADWAY- 31ST FLOOR
NEW YORK, NEW YORK 10271-0001**

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BOROUGH PRESIDENT

January 8, 2024
DATE



BRONX BOROUGH PRESIDENT VANESSA L. GIBSON

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CITY OF YES FOR ECONOMIC OPPORTUNITY
APPLICATION NUMBERS:
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Proposal 11: *Enable entrepreneurship for home occupations.*

I believe this proposal will be both well received and criticized depending on how it will impact that person. As technology continues to improve, with remote capabilities being more widespread and normalized, there is an ever-increasing range of businesses that make sense to permit as home-based businesses. Not directly regulating what businesses are permitted or not permitted, but rather

regulating how those businesses impact their neighbors addresses this concern effectively. These small businesses would have limitations on the amount of the home that can be used and would have to have a limited number of employees to avoid foot traffic, but most importantly, they would be required to maintain existing noise requirements.

This is the one proposal that gives me pause because I have some concerns about unintended consequences. While I believe most businesses will be “good actors”, my concerns are for the handful of “bad actors” that will inevitably occur. This proposal also has a low bar for entry because it doesn’t require a certificate of occupancy change for a building. Small businesses and entrepreneurs are incredibly important for our city, and we need to continue to find ways to support them. While I am not fully opposed to this proposal, I am also not in support. I believe there needs to be a limit to the number of people that can be in any home-business, so in addition to the proposed three-employee maximum, I propose there should be a five-person maximum capacity that may be permitted in a home-based business to reduce the amount of regular foot traffic that would occur. Home-based businesses should also identify their business type and register their home address when getting a business license or certificate as well as send an annual notarized letter to the landlord, building management, and tenant association, as applicable, so the building is aware that there is a home-based business operating in the building. This will help target noise complaints and identify any non-tenants in a building so issues can be addressed, as needed. Additionally, to ensure there are no fire safety issues, any business above a certain electrical need should be required to have an electrical inspection to ensure the existing wiring can handle the demand.

Goal 3: Foster vibrant neighborhoods by ensuring businesses can contribute to active, safe and walkable streets.

Proposal 12: Introduce corridor design rules that ensure buildings contribute to surroundings. I have no objection and support this proposal.

Proposal 13: Reduce conflict between auto repair and pedestrians on commercial streets. I have no objection and support this proposal.

Proposal 14: Encourage more sustainable freight movement by allowing micro-distribution in commercial areas. I have no objection and support this proposal.

Goal 4: Create new opportunities for local businesses to open by establishing new zoning tools to boost job growth and business expansion.

Proposal 15: Facilitate local commercial space on residential campuses.

When thinking of this proposal and who it may help, I focus on the residents living in NYCHA housing. Nearly 1 in 17 New Yorkers live in NYCHA supported housing, accounting for over 528,000 residents across 335 conventional public housing and PACT developments.

This proposal would provide a new option for up to 15,000 square feet of commercial use to be located in residential districts when located on a residential campus. While this does extend beyond NYCHA campuses, the proposal is not as-of-right and would require a level of oversight with a

City Planning Commission authorization which would require an environmental review and Community Board referral.

While I do not believe it is within scope, I recommend modifying the text to permit grocery stores upon the granting of a FRESH zoning approval, with the requirement that it is on a campus with affordable housing, regardless of the size of the grocery store. This is a trade-off that makes sense and would create an opportunity to provide fresh food to residents that are living in food deserts. This scope would be limited to FRESH grocery stores as there are specific requirements that would need to be met.

Proposal 16: Create a process for allowing corner stores residential areas.

This proposal would have a high bar for approval as it would require discretionary approval from the City Planning Commission through an authorization, an environmental review, and referral to the local Community Board. The commercial use would also be limited to 2,500-square-feet and within 100 feet of an intersection. I believe this is important to create a pathway for these corner commercial uses, such as local bodegas, as there are no options today besides a rezoning of a larger area. I have no objection and support this proposal.

Proposal 17: Rationalize waiver process for business adaption and growth.

Given the proposed oversight by the Planning Commission or the Board of Standards and Appeals, I have no objection and support this proposal.

Proposal 18: Create new kinds of zoning districts for the future.

This proposal would create new zoning districts that do not exist today for manufacturing uses. There has been a disconnect with the bulk regulations that exist in manufacturing districts today, and this text will add additional options for what may be needed. While none of the new districts will be immediately applicable because these zoning districts do not yet exist anywhere in the city, I am encouraged that the city is working to keep good paying manufacturing jobs here in New York by creating these new zoning options. In order for any of these zoning regulations to apply, they would need to go through a rezoning with a full ULURP. I have no objection and support this proposal.

In conclusion, I want to commend the Department of City Planning for their commitment to finding ways of streamlining the current zoning regulations while maintaining zoning's core intent to protect public health, safety, and general welfare. Urgently addressing outdated zoning ordinances is crucial to support local businesses that are vital to our city and neighborhoods.

I want to thank Mayor Adams and Department of City Planning Director Dan Garodnick for their leadership in supporting and advancing this important proposal and I recommend approving these applications, with my observations and modifications included.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MATTHEW WASKIEWICZ
Application # N 240010 ZRY	Borough: Citywide
CEQR Number: 24DCP004Y	Validated Community Districts:

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 25	# Abstaining: 0	Total members appointed to the board: 25
Date of Vote: 1/24/2024 12:00 AM		Vote Location: 3077 Cross Bronx Expressway Service Road, Bronx, NY 10465	

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

Date of Public Hearing:	
Was a quorum present? No	<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>
Public Hearing Location:	

CONSIDERATION:		
Recommendation submitted by	BX CB10	Date: 1/26/2024 2:10 PM



Hon. Vanessa L. Gibson
Borough President

BRONX COMMUNITY BOARD No. 10

3165 East Tremont Avenue • Bronx, New York 10461

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Joseph Russo
Chairperson

Matthew Cruz
District Manager

January 25, 2024

Daniel Garodnick, Chairperson

City Planning Commission

120 Broadway, 31st Floor

New York, NY 10271

We write to you today to share with the City Planning Commission our unanimous opposition to both the *City of Yes Economic Opportunity* (CYEO) and the *Gaming Facility Zoning Text Amendment* (GFZTA). We held our vote as part of a public hearing on January 24th, 2024.

In the matter of the City of Yes Economic Opportunity (CYEO), the Commission took the liberty to certify this application with all its eighteen components while leaving the standard amount of time for Community Boards to review as it did with *Carbon Neutrality*. CYEO's text amendment surpassed one thousand pages. The Commission's decision is one of many reasons why our membership chose to outright reject this non-Uniform Land Use Review Procedure (ULURP) without conditions. Even if there were items to consider in CYEO, our membership had to contend with its worst aspects. Perhaps, the City Planning Commission should consider reducing the sheer scope of the text amendment.

There are other factors that led to our disapproval of CYEO. Firstly, none of our residential communities find appealing or productive the idea of having commercial space on the second floor of apartment buildings or on corner residential properties. City Planning Commission Chairperson Daniel Garodnick, during his time as a New York City Council Member, knows just how under-resourced and under-staffed the City of New York Department of Buildings finds itself (NYCDOB). The NYCDOB cannot presently inspect and enforce work without a permit and/ or contrary to zoning complaints when occurring in real-time. If the CPC permits commercial use on the second floor, there will never be enough enforcement to ensure that the business is operating in accordance to building and safety guidelines. Second floor business owners will do the same as storefront business owners and not allow inside NYCDOB and FDNY inspectors to corroborate complaints. Also, why exactly would the City Planning Commission recommend a second-floor business and take valuable housing away from New Yorkers?

Secondly, we find amusing that the CPC is encouraging second story commercial use when most business districts cannot fully occupy ground floor commercial space in many of our

communities. Would it not make worse our vacant storefront issue? Thirdly, which New York City Housing Authority developments did the Commission contact? Throggs Neck Houses residents were never consulted about “enabling resident-serving retail services, and makerspace.” This phrase comes from a presentation shared with us by the Commission’s staff. NYCHA needs tens of billions of dollars in repairs. None of these business or service practices will succeed under the same crumbling infrastructure residents experience every day even if residents wanted it, which they do not.

Fourthly, this is a back-handed approach to a rezoning of our C1 districts. Our residents vehemently oppose C2 uses within our C1 zoning district. This could allow for big box retail to expand at the expense of a “mom-and-pop” business. Our C1 zoning districts are separated from C2 zoning districts to protect and enhance quality-of-life and to give New Yorkers an ensemble of businesses to patronize in commercial districts. It should remain this way. Our current C1 zoning district does not need to accommodate C2 uses. This is a one-size-fits-all policy prescription.

Fifthly, our Community Board took particular concern with urban agriculture. The sheer number of resources the NYCDOB and FDNY will need to enforce against businesses that are not properly following buildings and fire code is exponential. You all are creating an environment of unpermitted construction. If we were to consider the benefits of urban agriculture businesses within our commercial district and/or on the second floor of a building, then there should be explicit details on what can be grown, and we should also be able to review the required safety and building code guidelines. It is too dangerous to “explicitly permit” any indoor agriculture.

Lastly, we proudly boast of having the City Island Special District Zoning. The vague phrase “enhance corridor design rules and simplify and modern use terms” means nothing to us and discourages us from supporting the text amendment. No special district zoning is the same. The Commission assumes what works in other parts of our city will work in City Island. We encourage you to scrap special district entirely from the text amendment and work with communities from the ground-up and not the top-down. Urban planning is conducted with grassroots input which is firmly how Special Districts came into existence.

On the matter of the *Gaming Facility Zoning Text Amendment*, all our civic groups contacted our Board Office to oppose the GTFA. The fear remains that should the State of New York increase again the number of available gaming licenses, it will open our communities’ manufacturing and heavy commercial districts to a gaming facility that no one sought in our communities in the first place. Bronx Community Board 10 has an extensive swath of heavy commercial and light manufacturing districts – all of which are performing rather well. We stand in solidarity with the Community Boards in other parts of the city who have opposed this text amendment to defend their own commercial and manufacturing districts. Furthermore, this is a naked attempt at changing zoning and adding use groups to the Zoning Resolution that should only begin at the Community Board level.

Should you or the Commission need to speak with us further, do not hesitate to contact us at (718) 892-1161.

Sincerely,

Joseph Russo, Chairperson



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 33	# Abstaining: 3	Total members appointed to the board: 33
Date of Vote: 1/30/2024 12:00 AM		Vote Location: Albert Einstein College of Medicine, Lubin Hall	

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

Date of Public Hearing: 12/7/2023 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	Albert Einstein College of Medicine, Lubin Hall

CONSIDERATION: Community Board 11, Bronx voted to object to the City of Yes Economic Opportunity Proposal due to additional questions needed to understand the implications of the initiative.		
Recommendation submitted by	BX CB11	Date: 2/5/2024 10:32 AM

Additional comments/recommendations from 2 Bronx CB12 Board Members

Luke Szabados (Bronx CB 12 Board Member)

#2 Simplifying District Types:

We appreciate efforts to organize and simplify district types because this makes it easier for Bronx CB12 entrepreneurs to interpret and understand the zoning rules. Zoning regulations should be easily understood and reflect real world conditions and industries.

#4 Loading Docks:

Modernizing our loading dock rules to reduce the likelihood of trucks parking on the sidewalk is a huge benefit to Bronx CB12. Our district is overrun with tractor trailers and other large vehicles, which often park on the sidewalk to unload their goods, endangering pedestrians.

#12 Streetscapes:

Bronx CB12 recognizes several deficiencies of the current streetscape rules in our community district. Blank walls in our commercial zoning districts are undesirable, as they enable nuisance activity (eg/ graffiti, illegal vending) and detract from the vitality of our thoroughfares. Minimizing blank walls and making enhancements to the pedestrian experience will help make our commercial districts more vibrant.

#15 Campus Commercial:

Bronx CB12 supports enabling large campus sites, like NYCHA sites in our district, to be able to take advantage of commercial opportunities like local retail, services, and maker-spaces on-site. This has a great potential of activating campuses and our community in a positive way.

#16 Corner Stores:

There are several corridors in our district, such as Bronxwood Avenue, where grandfathered corner stores fill a much needed and appreciated commercial role in residential districts where they would otherwise be prohibited. This proposal creates a pathway for approval of corner stores in residential districts. Corner stores provide opportunities for small businesses in the neighborhood to get their start, provide building owners an opportunity for extra income, and allow residents to reduce their travel time if they live far away from a commercial district.

Additional comments/recommendations from 2 Bronx CB12 Board Members

Arielle Peters (Bronx CB12 Board Member)

#1 - Support

CB 12 district has 160 unoccupied Storefronts

#3 - Do Not Support

We should strongly encourage the "City of Yes" to change their terms in describing what should be acceptable odors. The usage of language such as "offensive and persistent noise and odors," which can be culturally bias with using an example of comparing coffee to Sriracha. We are a diverse community of different races and ethnicities. What is deem as "pleasant" can be seen as culturally insensitive regardless of intent.

In the city's proposal, "local designers and manufacturers to develop standardized, modular components for outdoor dining setups, including barriers, ramps, and platforms, that will follow the forthcoming permanent design guidelines currently in development." - This should be permitted in selected areas. There is a current traffic and parking crisis in certain busy areas, where outdoor dining would only add to a complicated issue for both the restaurants and residents. Also, any outdoor dining has to meet a requirement in regards to upholding the character of the neighborhood and be approved by the community board. *(Please note, I am unsure if outdoor dining fits within this proposal)*

#7 - Support

#8 - Do Not Support

Clarify definitions of life sciences and prohibit locations in densely populated residential areas.

#9 - Support

The NYC cabaret law was repealed in 2017. This should be further pushed to zoning resolution for mixed commercial residential areas which is a blockade. Nightlife is necessary to accomplish the objectives of the overall proposal. Nightlife should not be diluted to traffic and noise. It is not just entertainment, but extends to event spaces where community residents gather which in turn creates businesses. This should be a true effort to move forward from old discriminatory practices involving Nightlife.

#10 – Support

#11 – Support

Clarify terms. Further understanding about the capacity of the law needs to be able to protect both tenant and landlord. An example would be tenants being advised to have documentation of clients to assist with landlords and/or property management with high levels of traffic. Landlords and/or property management should not discriminate against business types and/or request information that does not deal with a viable complaint against the tenant's lease or property within law.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 0	# Against: 28	# Abstaining: 1	Total members appointed to the board: 44
Date of Vote: 12/14/2023 12:00 AM		Vote Location: 4101 White Plains Road, Bronx, NY 10466	

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

Date of Public Hearing: 12/11/2023 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	Community Board 12, 4101 White Plains Road, Bronx, NY 10466 or virtually at: https://nyccb.webex.com/nyccb/j.php?MTID=me759e2a6c772a3828c583246b0b6aaeb

CONSIDERATION:

Recommendation submitted by	BX CB12	Date: 12/21/2023 11:50 AM
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For Economic Opportunity

Optional Worksheet: Proposal Feedback

Instructions: If you choose to complete this optional worksheet, please review each part of the proposal. Check the box to express whether you support or do not support that specific component. You can leave comments in the requested modification section.

	Support	Do Not Support	Requested Modification
#1: Reactivate Storefronts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CB 12 urges the City to take a more incremental approach, particularly with respect to new warehouses, nightclubs, "light" manufacturing uses, auto repairs, etc., which would help limit foreseeable quality-of-life complaints and are not needed to achieve the underlying goals.
#2: Simplify district types	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
#3: Small-scale production	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The broad expansion of permitted commercial manufacturing may result in offensive and persistent noise and odors. The City's materials focus on pleasant odors (e.g., coffee) but complaints are likely (e.g., sriracha, loud carpentry).
#4: Loading docks	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

	Support	Do Not Support	Requested Modification
#5: Upper floor commercial	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Our support for the expansion of upper floor commercial uses necessarily hinges on the adoption of our other comments.
#6: Use terms	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
#?: Urban agriculture	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CB 12 members broadly stated that home commercial uses do not serve the objectives of the Plan and invite quality of life complaints. Plus, a residential nuisance can be CURED at any time (and then resumed again) unlike commercial (See, RPAPL 753(4))
#8: Life sciences	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Several CB 12 members expressed concern at the potential expansion of lab testing in C1 and C2 districts. Perhaps a designation of what is expressly not permitted (e.g, certain chemicals) would be helpful in addition to the vague: "any danger of fire or explosion nor offensive noise, vibration, smoke... or other objectionable effects."
#9: Nightlife	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Additional nightclubs contribute to traffic, parking, law enforcement, and quality of life complaints. Specifically, CB12 strongly objects to allowing "dancing" in bars and restaurants with less than 200 people. The cabaret policy can be addressed on its own merits, it is not necessary to accomplish the objectives of the overall proposal.
#10: Amusement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CB 12 strongly objects to 10,000 square foot banquet or reception halls without the approval of a special permit, as such businesses will lead to quality of life complaints.
#11: Home occupations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The new guidance is overly expansive ("incidental or secondary"). While nuisance language is included, realistically, proving a nuisance claim is expensive and time consuming. Plus, a residential nuisance can be CURED at any time unlike commercial (See, RPAPL 753(4))

	Support	Do Not Support	Requested Modification
#12: Streetscape	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
#13: Auto repair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CB 12 strongly objects to additional auto repair shops, even after consultation with BSA, particularly the broad "batteries or tires, replacing fan belts, air filters or oil filters, installing windshield wiper blades or light bulbs, polishing and washing, repairing, installing or replacing seat safety belts, upholstery," etc. This is not necessary to achieve the program goals.
#14: Micro-distribution	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The text amendment to allow warehousing usage broadly permits storage and warehousing goods, with limited exceptions. The conversion of retail space to warehouses potentially transforms the character of neighborhood business districts and runs counter to the stated objectives of City of Yes to "revitalize" business districts.
#15: Campus commercial	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
#16: Corner stores	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
#17: Better waiver process	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
#18: New loft-style district	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

How to Submit:

If you choose to submit the optional worksheet, please upload it as a pdf to the [land use portal](#) as an attachment with your board's final resolution for Economic Opportunity. For any questions, please reach out to us at

EconomicOpportunity@planning.nyc.gov



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 24	# Against: 0	# Abstaining: 0	Total members appointed to the board: 24
Date of Vote: 12/20/2023 12:00 AM		Vote Location: 710 Tiffany Street Bronx NY 10474	

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

Date of Public Hearing: 12/20/2023 6:00 PM	
Was a quorum present? 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>
Public Hearing Location:	710 Tiffany Street Bronx NY 10474

CONSIDERATION: Proposal #9 - Support Nightlife with Common Sense Dancing and Live Entertainment Rules, was the only Proposal not supported by the Community Board.

Recommendation submitted by	BX CB2	Date: 1/8/2024 11:16 AM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Favorable			
# In Favor: 19	# Against: 1	# Abstaining: 6	Total members appointed to the board: 38
Date of Vote: 1/23/2024 12:00 AM		Vote Location: 1332 Fulton Avenue	

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

Date of Public Hearing: 1/23/2024 6:00 PM	
Was a quorum present? 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>
Public Hearing Location:	Children's Circle Day Care Center - 1332 Fulton Avenue

CONSIDERATION: A recommendation has been made for the City of Yes to implement a multi-tiered system for the Economic Opportunity Zoning Text Amendment. This system aims to promote economic equality and ensure that people from all income levels can participate in the local economy. The system will be based on the specific needs of each community district.		
Recommendation submitted by	BX CB3	Date: 1/26/2024 3:09 PM

Bronx Community Board # 4 City of Yes Vote - 1/23/24			
	Support	Do No Support	Vote Count and Conditions
1. Reactivate Storefronts	✓		Unanimous Vote 32 - 0
2. Simplify District Types	✓		Unanimous Vote 32 - 0
3. Small Scale Production	✓		Unanimous Vote 32 - 0
4. Loading Docks	✓		28 Votes in Support/4 Abstentions
5. Upper Floor Commercial	✓		22 Votes in Support/8 Opposed/2 Abstentions
6. Use Terms	✓		30 Votes in Support/2 Abstentions
7. Urban Agriculture	✓		30 Votes in Support/2 Abstentions
8. Life Sciences	✓		30 Votes in Support/2 Opposed
9. Nightlife	✓		Unanimous Vote 32 - 0
10. Amusement	✓		Unanimous Vote 32 - 0
11. Home Occupations	✓		30 Votes in Support/2 Opposed Condition: Business types allowed in apt. buildings should be low impact in terms of foot traffic to limit disturbance of tenants and to ensure tenant safety.
12. Streetscape	✓		Unanimous Vote 32 - 0
13. Auto Repair	✓		31 Votes in Support/1 Abstention
14. Microdistribution	✓		30 Votes in Support/2 Abstentions Condition: The delivery vehicles should be electric and there should not be any additional costs passed on to consumers or businesses by parcel delivery companies to achieve this goal.
15. Campus Commercial	✓		Unanimous Vote 32 - 0 Condition: The community should have a say in what types of businesses are placed on these campuses and there should be an emphasis on locating MWBE's in these spaces.
16. Corner Stores	✓		29 Votes in Support/3 Abstentions
17. Adapting spaces for industries like film	✓		Unanimous Vote 32 - 0
18. New Loft Style District	✓		28 Votes in Support/2 Opposed/2 Abstentions

There are a total of 44 Board Members.
 32 Board Members were present for this meeting.
 Quorum was achieved.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant: DCP - Department of City Planning (NYC)		Applicant's Primary Contact: MATTHEW WASKIEWICZ	
Application # N 240010 ZRY		Borough: Citywide	
CEQR Number: 24DCP004Y		Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 32	# Against: 0	# Abstaining: 0	Total members appointed to the board: 32
Date of Vote: 1/23/2024 12:00 AM		Vote Location: 1040 Grand Concourse	

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

Date of Public Hearing:		
Was a quorum present? No		<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>
Public Hearing Location:		

CONSIDERATION: Bronx Community Board 4 voted in favor of the text amendment with conditions pertaining to 3 of the 18 items included; Home Occupations, Microdistribution, Campus Commercial

Recommendation submitted by	BX CB4	Date: 1/31/2024 12:37 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Favorable			
# In Favor: 25	# Against: 0	# Abstaining: 0	Total members appointed to the board: 25
Date of Vote: 1/24/2024 12:00 AM		Vote Location: Davidson Community Center	

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

Date of Public Hearing: 1/24/2024 5:00 PM	
Was a quorum present? 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>
Public Hearing Location:	Davidson Community Center

CONSIDERATION: Bronx Community Board 5 has voted to affirm City of Yes for Economic Opportunity.		
Recommendation submitted by	BX CB5	Date: 1/25/2024 11:35 AM



**THE CITY OF NEW YORK
BRONX COMMUNITY BOARD 6**

1932 Arthur Avenue, Room 403-A, Bronx, NY 10457

Honorable Vanessa L. Gibson, Bronx Borough President

Honorable Oswald Feliz, New York City Council Member, 15th District

Telephone: (718) 579-6990 – Email: bronxcb6@bronxcb6.org – Website: nyc.gov/bxcb6

MS. EVONNE CAPERS
Board Chairperson

MR. RAFAEL MOURE-PUNNETT
District Manager

January 11, 2024

Bronx Community Board 6's opinions on the City of Yes for Economic Development are as follows. Each numbered item indicates our stance based on the January 10th Board meeting vote – 23 in favor and 1 opposed.

1. Reactivate Store fronts - Support
2. Simplify District Types - Support
3. Small-scale Production - Support
4. Loading Docks - Support
5. Upper floor Commercial - Oppose

CB6 is concerned that this proposal will increase residential displacement if units are converted from residential to commercial. We do not believe the city has the capacity to prevent conversions from resulting in a loss of residential units. We expect that items 1 and 2 in this package can increase the supply of commercial space. We expect that this proposal would cause quality of life issues for residents in mixed use buildings.

6. Use terms - Support

7. Urban Agriculture - Oppose

CB6 requests that this proposal excludes cannabis cultivation, due to the historical fire risks of cannabis cultivation and quality of life concerns (smell).

8. Life Sciences - Oppose

CB6 believes that life sciences facilities should be contained to their current zoning and siting rules. The Board is concerned about hazardous materials in laboratories endangering local residents.

9. Nightlife - Support

10. Amusement - Support

11. Home Occupations - Oppose

CB6 believes this issue needs to be addressed on a case-by-case basis, with each landlord creating rules for home businesses in leases. We are not aware of any current issues with apartments that are used as home offices being cited by DOB. Home salons and barbershops will create quality of life concerns that NYPD does not have the capacity to mitigate.

12. Streetscape - Support

13. Auto Repair - Oppose

CB6 requests BSA permits be required for all auto shops, including those in M zones. Auto repair shops, even with "light" uses, are flagrantly violating traffic laws (parking in residential spots and sidewalks) and need to prove they have the capacity to provide their own parking citywide.

14. Micro Distribution - Oppose

CB6 requests that this proposal, if enacted, include mandatory traffic studies for distribution hubs, considering whether e-bike or moped traffic will conflict with traffic and pedestrian safety. NYPD needs to be consulted in traffic enforcement considerations.

15. Campus Commercial - Support

CB6 would like this modification to only include new construction campuses only, excluding current campuses. We believe this proposal could cause the same negative consequences as proposal #5.

16. Corner Stores - Oppose

CB6 is concerned that this proposal will increase residential displacement if units are converted from residential to commercial. We do not believe the city has the capacity to prevent conversions from resulting in a loss of residential units. We expect that this proposal would cause quality of life issues for residents in residential areas, potentially lowering property values.

17. Waiver Process - Support

18. Loft Style Districts - Support



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 23	# Against: 1	# Abstaining: 0	Total members appointed to the board: 24
Date of Vote: 1/10/2024 12:00 AM		Vote Location: 1870 Crotona Avenue	

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

Date of Public Hearing: 12/20/2023 6:30 PM	
Was a quorum present? No	<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>
Public Hearing Location:	1932 Arthur Avenue 403A

CONSIDERATION: 1. Support		
2. Support		
3. Support		
4. Support		
5. Oppose		
6. Support		
7. Oppose		
8. Oppose		
9. Support		
10. Support		
11. Oppose		
12. Support		
13. Oppose		
14. Oppose		
15. Support		
16. Oppose		
17. Support		
18. Support		
Recommendation submitted by	BX CB6	Date: 1/11/2024 11:03 AM

39/2+1

General Board Meeting

Date: Nov 25, 2023

First Name	Last Name	Attendance (Please Sign)	Previous Minutes	(Motion A) Item 2	(Motion B) Item 3	(Motion C) Item 4	Item 5
Leurys	Acosta	<i>for</i> ✓	yes x	No	yes x	yes	
Tasha	Andrews	<i>Andrews</i> ✓	yes x	No	yes x	yes	
Betty	Arce	<i>Arce</i> ✓	yes x	yes x	No -	yes	
Yajaira	Arias	<i>Yajaira</i> ✓	yes x	yes x	yes x	yes	
Emmanuel	Asamoah	<i>Asamoah</i> ✓					
Erick	Ascencio	<i>Ascencio</i> ✓	yes x	yes x	yes x	yes	
Michelle	Avila	<i>Avila</i> ✓	yes x	yes x	yes x	yes	
Damariy	Barbosa	<i>Barbosa</i> ✓					
Tobie	Buford	<i>Buford</i> ✓	yes x	yes x	Abst.	yes	
Monjur	Choudhury	<i>Monjur</i> ✓	yes x	yes x	yes x	yes	
Kimali	Corley	<i>Corley</i> ✓	yes x	yes x	yes x	yes	
Sandra	Erickson	<i>Erickson</i> ✓	yes x	yes x	yes x	yes	

Motion Second by
 Michelle second
 Motion
 Motion Second by
 Michelle second
 Motion
 Motion Second by
 Michelle second
 Motion

Date:

First Name	Last Name	Attendance (Please Sign)	Previous Minutes	Item 2	Item 3	Item 4	Item 5
Hugo	Gonzalez	<i>Hugo Gonzalez</i>	yes ✓	yes x	yes ✓	yes	
Alfred	Grant	<i>Alfred Grant</i>	yes ✓	Abst.	yes ✓	yes	
Lowell	Green <i>Low</i>	<i>Lowell Green</i>	yes ✓	yes x	Abst	yes	
Leslie	Harrison	Absent	Absent	Absent	Absent	Absent	Absent
Helene	Hartman-Kutnowsky	<i>Helene Hartman-Kutnowsky</i>	yes ✓	yes x	yes ✓	yes	
Jean	Hill	<i>Jean Hill</i>					
Mahbubur	Jewel	<i>Mahbubur Jewel</i>	yes ✓	yes x	yes ✓	—	
Andrew	Laiosa	<i>Andrew Laiosa</i>	yes ✓	No	yes ✓	yes	
Rosalie	Leslie	<i>Rosalie Leslie</i>					
Jesus	Lopez-Jensen	<i>Jesus Lopez-Jensen</i>	yes ✓	yes x	Abst.	yes	
Yeny	Medina	<i>Yeny Medina</i>					
Kazi	Noor	<i>Kazi Noor</i>	yes ✓	Abst.	yes ✓	yes	

Date:

First Name	Last Name	Attendance (Please Sign)	Previous Minutes	Item 2	Item 3	Item 4	Item 5
Merriyen	Parra Feliz	Present					
Tayna	Peña	Abst					
Daisy	Perry	Abst					
Jhenelle	Robinson	Abst					
Cristiana	Robles	Present	yes	yes	yes	yes	
Robin	Rollan	Present	yes	yes	Abst.	yes	
Chad	Royer	Present	yes	yes	yes	yes	
Momodou	Sawaneh	Present	yes	yes	yes	yes	
Carlos	Sosa	Abst.					
Samantha	Souvatzis	Present	yes	yes	yes	yes	
Barbara	Stronczer	Present	yes	yes	yes	yes	
Gwen	Thomas-Steed	Present	yes	yes	yes	yes	

Date:

First Name	Last Name	Attendance (Please Sign)	Previous Minutes	Item 2	Item 3	Item 4	Item 5
Adaline	Walker-Santiago	Absent					
Jake	Wilson		yes	yes	yes	yes	
Bernard	Wright		yes	yes	yes	—	

27 yes
 3 no's
 2 Absentions
 22 yes

22 yes
 1 no
 4 Absentions



THE CITY OF NEW YORK

BOROUGH OF THE BRONX

COMMUNITY BOARD 7



HON. VANESSA L. GIBSON, BOROUGH PRESIDENT

YAJAIRA ARIAS, CHAIRPERSON

KARLA CABRERA CARRERA, DISTRICT MANAGER

December 12, 2023

Daniel Garodnick, Director
NYC Department of City Planning
1775 Grand Concourse, Suite 503
The Bronx, NY 10053

Dear Cesar Delgado, Bronx Borough Office,

At our November 28, 2023 General Board Meeting, the board had a quorum with 27 of its members present. The board voted in favor of the proposed zoning amendments pertaining to City of Yes for Economic Opportunity Text Amendments, N240010¹ and N240011 ZRY², with the following comments:

- Proposed Zoning Amendment #5- Upper floor commercial- ***Must be business specific & in coordination with related agencies.***
- Proposed Zoning Amendment #9 -Nightlife- ***Must be in a commercial corridor, include soundproofing, size regulated & in coordination with related agencies.***
- Proposed Zoning Amendment #11- Home Occupations – ***The business needs to be duly licensed & in coordination with related agencies.***

Bronx Community Board 7 supports the zoning amendments, which have not been amended for over 60 years, and intend to help the district thrive and grow economically.

In service,

Karla Cabrera Carrera
District Manager
Bronx Community Board 7
kcabreracarrera@cb.nyc.gov
929.496.0748

Yajaira Arias
Chair
Bronx Community Board 7

cc: Bronx Borough President Vanessa L. Gibson, Council Member Eric Dinowitz, Council Member Pierina Sanchez, Council Member Oswald Feliz, Assembly Member John Zaccaro Jr., Assembly member Yudelka Tapia, Assembly Member Jeffrey Dinowitz, Assembly Member George Alvarez, Senator Gustavo Rivera, Senator Robert Jackson, Congress Member Adriano Espaillat, Congress Member Ritchie Torres

¹ <https://bit.ly/466Pnka>

² <https://bit.ly/3u9kmi4>



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 22	# Against: 1	# Abstaining: 4	Total members appointed to the board: 39
Date of Vote: 11/28/2023 12:00 AM		Vote Location: 2641 Grand Concourse, Bronx, NY 10468	

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

Date of Public Hearing: 11/28/2023 6:30 PM	
Was a quorum present? 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>
Public Hearing Location:	2641 Grand Concourse, Bronx, NY 10468

CONSIDERATION: At our November 28, 2023 General Board Meeting, the board had a quorum with 27 of its members present. The board voted in favor of the proposed zoning amendments pertaining to City of Yes for Economic Opportunity Text Amendments, N240010 and N240011 ZRY, with the following comments: Proposed Zoning Amendment #5- Upper floor commercial- Must be business specific & in coordination with related agencies. Proposed Zoning Amendment #9 -Nightlife- Must be in a commercial corridor, include soundproofing, size regulated & in coordination with related agencies. Proposed Zoning Amendment #11- Home Occupations – The business needs to be duly licensed & in coordination with related agencies. Bronx Community Board 7 supports the zoning amendments, which have not been amended for over 60 years, and intend to help the district thrive and grow economically.		
Recommendation submitted by	BX CB7	Date: 12/13/2023 5:42 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 12	# Against: 16	# Abstaining: 0	Total members appointed to the board: 28
Date of Vote: 1/9/2024 12:00 AM		Vote Location: In Tech Academy 2975 Tibbett Ave. Bronx, NY 10463	

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

Date of Public Hearing: 1/9/2024 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	In Tech Academy 2975 Tibbett Ave. Bronx, NY 10463

CONSIDERATION: See attached comments and letters		
Recommendation submitted by	BX CB8	Date: 1/12/2024 11:05 AM



BRONX COMMUNITY BOARD 8



5676 Riverdale Avenue ♦ Suite 100 ♦ Bronx, New York 10471-2194
P: (718) 884-3959 F: (718) 796-2763 E: bx08@cb.nyc.gov
<https://cbbronx.cityofnewyork.us/cb8/>

Julie Reyes, **Chairperson**

Vanessa L. Gibson, **Bronx Borough President**

Farrah Kule Rubin, **District Manager**

January 11, 2024

OFFICERS:

Vice Chairperson
Sergio Villaverde

Daniel Garodnick
Director Department of City Planning
120 Broadway 31st Floor
New York, NY 10271

Secretary
Margaret Della

Treasurer
Scott Krompinger

Re: City of Yes for Economic Opportunity

**Immediate Past
Chairperson**
Laura Spalter

Dear Director Garodnick,

COMMITTEE CHAIRS:

Aging
Oscar D. Martinez

Budget
David Gellman

Economic Development
Nicholas R. Fazio

**Education, Libraries &
Cultural Affairs**
Sylvia Alexander

Environment & Sanitation
Daniel Rowen

**Health, Hospitals &
Social Services**
Rabbi Bob Kaplan

Housing
Rosemary Ginty

Land Use
Charles G. Moerdler

Law, Rules & Ethics
Martin Wolpoff

Parks & Recreation
Debra Travis

Public Safety
Edward Green

Traffic & Transportation
Kelli Buford

Youth
Dr. Julia T. Gomez

Bronx Community Board 8 Land use Committee expresses its considerable reservations and disapproval as written respecting the “City of Yes for Economic Opportunity” initiative and calls specifically for the removal, redrafting and resubmission of the following proposals which are *disapproved* as currently written and as such preclude approval for, among other reasons, they impact adversely on residential communities within Community Board 8 in terms of noise, traffic, sanitation and the general health, welfare and safety of residents and stand in general contradiction to the spirit and intent of the duly enacted Community Board 8 197-A Plan:

Proposal 9 Support Nightlife

Proposal 10 Amusement Create opportunities to place

Proposal 11 Entrepreneurship for home occupations

Proposal 15 Campus Commercial

Proposal 16 Corner Stores

Bronx Community Board 8 Land use Committee stands ready to work with the City and its agencies in appropriate redrafting efforts as proposed by Chair of Land Use and seconded.

Sincerely,

Bronx Community Board 8 Land Use Committee

CC: Camila Thomas, DCP
Alina Dowe, NYC Mayor’s CAU
Juton Horstman, Bronx BP’s Office
Ciara Gannon, Bronx BP’s Office
Eric Dinowitz, NYC Council Member
Carmen De La Rosa, NYC Council Member
Pierina Ana Sanchez, NYC Council Member



BRONX COMMUNITY BOARD 8



5676 Riverdale Avenue ♦ Suite 100 ♦ Bronx, New York 10471-2194
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<https://cbbbronx.cityofnewyork.us/cb8/>

Julie Reyes, **Chairperson**

Vanessa L. Gibson, **Bronx Borough President**

Farrah Kule Rubin, **District Manager**

1/12/2024

OFFICERS:

Vice Chairperson
Sergio Villaverde

Secretary
Margaret Della

Treasurer
Scott Krompinger

**Immediate Past
Chairperson**
Laura Spalter

Daniel Garodnick
Director Department of City Planning
120 Broadway 31st Floor
New York, NY 10271

Subject: Support for the City of Yes for Economic Opportunity

Dear Director Garodnick,

COMMITTEE CHAIRS:

Aging
Oscar D. Martinez

Budget
David Gellman

Economic Development
Nicholas R. Fazio

**Education, Libraries &
Cultural Affairs**
Sylvia Alexander

Environment & Sanitation
Daniel Rowen

**Health, Hospitals &
Social Services**
Rabbi Bob Kaplan

Housing
Rosemary Ginty

Land Use
Charles G. Moerdler

Law, Rules & Ethics
Martin Wolpoff

Parks & Recreation
Debra Travis

Public Safety
Edward Green

Traffic & Transportation
Kelli Buford

Youth
Dr. Julia T. Gomez

We, the Economic Development Committee of Bronx Community Board 8 (the Committee), are writing to express our conditional support for the City of Yes for Economic Opportunity initiative. We believe embracing this initiative is crucial for our city's economic development and prosperity.

The City of Yes for Economic Opportunity (COYEO) initiative presents a unique and forward-thinking approach to fostering growth, innovation, and inclusivity within our community. By encouraging a business-friendly environment, streamlining regulatory processes, and supporting entrepreneurship, this initiative can attract new investments, create job opportunities, reduce our city's carbon footprint, and improve its economy. The Committee believes strongly that the city must be a hub for innovation and economic advancement in today's rapidly evolving global economy. The COYEO initiative aligns with these goals, emphasizing the importance of collaboration between local government, businesses, and the community to create a dynamic and thriving economic ecosystem.

Furthermore, the initiative's commitment to inclusivity and community engagement is commendable. Involving residents, businesses, and stakeholders in the decision-making process will ensure that the economic benefits are equitable and that our city becomes a place where everyone has an opportunity to succeed.

Despite the Board's best efforts to reach a consensus concerning a comprehensive recommendation, the following COYEO proposals remain in dispute:

Proposal 9 Support Nightlife
Proposal 10 Amusement
Proposal 11 Entrepreneurship for Home Occupations
Proposal 15 Campus Commercial
Proposal 16 Corner Stores

We have included a resolution that the Economic Development Committee passed unanimously on January 6, 2024, at the committee level but failed to win the support of the Board on January 9, 2024. Therein, you will find the "Contingencies and Stipulations" suggested by the Committee to the Board. We have also included the Optional Worksheet, listing the contested items as DISAPPROVED unless City Planning makes the suggested modifications.

We trust that the City Planning and elected officials will consider the Economic Development Committee's recommendation. We also request that City Planning and our elected representatives make an exhaustive effort to address the significant concerns of some of our fellow board Members.

Sincerely,

Bronx CB8 Economic Development Committee

CC: Camila Thomas, DCP
Alina Dowe, NYC Mayor's CAU
Juton Horstman, Bronx BP's Office
Ciara Gannon, Bronx BP's Office
Eric Dinowitz, NYC Council Member
Carmen De La Rosa, NYC Council Member
Pierina Ana Sanchez, NYC Council Member

January 12, 2024

RE: City of Yes for Economic Opportunity

Hello esteemed members of the Community Board and neighbors:

I am Miguel Matos, A Representative of the Bronx Chamber of Commerce and a local Community Small Business owner of a tax firm that has insight into the financial health of many neighbors and are business owners or independent contractors.

Today, I stand before you to discuss a transformative opportunity for our city, the "City of Yes" initiative, spearheaded by Mayor Eric Adams. This initiative isn't just a plan; it's a vision to bolster our small businesses, enhance affordable housing, and champion sustainability. But more importantly, it's a commitment to building an inclusive and equitable New York City.

I understand and deeply respect your concerns about preserving the unique charm of our neighborhood. Our lush parks, family-oriented streets, and vibrant local shops are not just amenities; they are the heart and soul of our community. Rest assured, the "City of Yes" initiative aligns with our shared values of nurturing these qualities.

At its core, this initiative is about giving our local businesses, the established & emerging - the flexibility to adapt and thrive. Current regulations, while well-intentioned, are often outdated and restrictive. They hinder our local entrepreneurs' ability to innovate and grow. Imagine a city where small businesses aren't bogged down by red tape but are empowered to flourish and contribute even more to our community's vibrancy.

Now, I acknowledge your concerns regarding less than a handful of the eighteen proposed changes. Your apprehension is valid. Change is challenging and often uncomfortable. However, I urge you to consider the broader picture. These changes aren't just arbitrary adjustments; they are carefully crafted strategies to foster economic opportunity while maintaining our neighborhood's unique character.

The city's commitment to growing prosperity without compromising quality of life is unwavering. Each proposed change has been meticulously evaluated to ensure it aligns with this promise. The goal is not to overhaul our neighborhood but to enhance it, ensuring it remains a lively, sustainable place that we are all proud to call home.

In closing, I ask you to join us in saying "Yes" to a city that champions economic growth, sustainability, and inclusivity. By supporting the "City of Yes" initiative, we are not just saying yes to policy changes; we are saying yes to reducing the barriers of entry into a prosperous and entrepreneurial lifestyle which many of us admire.

Thank you for your time, your dedication to our community, and for considering this path toward a brighter future for all.

Miguel Matos, Enrolled Agent
@Taxfocused Collab
646-389-0043



BRONX COMMUNITY BOARD 8

5676 Riverdale Avenue ♦ Suite 100 ♦ Bronx, New York 10471-2194
P: (718) 884-3959 F: (718) 796-2763 E: bx08@cb.nyc.gov
<https://cbbronx.cityofnewyork.us/cb8/>



Julie Reyes, **Chairperson**

Vanessa L. Gibson, **Bronx Borough President**

Farrah Kule Rubin, **District Manager**

OFFICERS:

Vice Chairperson
Sergio Villaverde

Secretary
Margaret Della

Treasurer
Scott Krompinger

**Immediate Past
Chairperson**
Laura Spalter

January 11, 2024

Daniel Garodnick,
Director Department of City Planning
120 Broadway 31st Floor
New York, NY 10271

Re: City of Yes for Economic Opportunity "Non ULURP"

COMMITTEE CHAIRS:

Aging
Oscar D. Martinez

Budget
David Gellman

Economic Development
Nicholas R. Fazio

**Education, Libraries &
Cultural Affairs**
Sylvia Alexander

Environment & Sanitation
Daniel Rowen

**Health, Hospitals &
Social Services**
Rabbi Bob Kaplan

Housing
Rosemary Ginty

Land Use
Charles G. Moerdler

Law, Rules & Ethics
Martin Wolpoff

Parks & Recreation
Debra Travis

Public Safety
Edward Green

Traffic & Transportation
Kelli Buford

Youth
Dr. Julia T. Gomez

Dear Director Dan Garodnick,

At its regular meeting held on January 9, 2024, Bronx Community Board No. 8 did not pass the following resolution for the NYC Department of City Planning proposed citywide zoning text amendment to support economic growth and resiliency in New York City by a **vote of 12 in favor, 16 opposed and 0 abstentions**. This text amendment would facilitate the repurposing of existing nonresidential space by providing businesses with additional zoning flexibility to locate and expand. The proposed zoning text amendment would apply to all 59 of the city's Community Districts. See companion ZR amendment in 2024Y0161.

WHEREAS, the well-being and prosperity of the community are intrinsic to the residents' quality of life; and

WHEREAS, the advancement of economic development is essential in cultivating a thriving community, fostering job creation, attracting investments, and enhancing overall economic prosperity; and

WHEREAS, the "City of Yes for Economic Opportunity" initiative endeavors to cultivate a business-friendly environment promoting innovation, entrepreneurship, and sustainable economic growth; and

WHEREAS, Bronx Community Board 8 acknowledges the imperative to revise its commercial and manufacturing zoning, strategically plan for the evolving economy, and collaborate with stakeholders to enact policies and initiatives contributing to the long-term economic prosperity of the community; and

WHEREAS, the "City of Yes for Economic Opportunity" initiative aligns with the community's vision for a diverse and resilient economy, emphasizing inclusivity, sustainability, and adaptability to dynamic economic circumstances; and

WHEREAS, the "City of Yes for Economic Opportunity" initiative promotes supply-chain localization, aligning with our city's goals of economic prosperity, environmental sustainability, and decoupling of carbon emissions and economic growth; and

WHEREAS, reducing the carbon footprint associated with long-distance transportation is crucial for mitigating climate change, and localized supply chains contribute to lower greenhouse gas emissions by minimizing transportation distances; and

WHEREAS, endorsing the "City of Yes for Economic Opportunity" initiative will bolster New York City's competitive advantage, attract new businesses, and retain existing ones, thereby augmenting overall economic stability and growth; and

WHEREAS, Bronx Community Board 8 acknowledges the significance of public-private partnerships, community engagement, and an efficient regulatory framework in fostering economic development;

NOW, THEREFORE, BE IT RESOLVED that the Bronx Community Board 8 hereby expresses its conditional support for the "City of Yes for Economic Opportunity" initiative and commits to collaborative efforts with relevant stakeholders to implement policies and programs fostering economic growth, innovation, and job creation in our community, provided that the following conditions are met:

- *City Administration SHALL NOT approve any licenses, permits, or other permissions not already granted in the 1961 Zoning Resolution (ZR), Title 20 of New York City Administrative Code, and Local Law 214-2017,¹ as they relate to Proposal 9 ("Support nightlife with common-sense dancing and live entertainment rules") UNLESS the relevant city agency (such as the Mayor's Office of Nightlife) AND prospective establishments requesting permissions appear before the community board and obtain its approval for such permissions.*
- *Proposal 11 prohibits the facilitation of entrepreneurship for home occupations UNLESS the prospective applicants obtain the necessary approval from the relevant tenant organizations, co-op boards, or other resident associations (rental, cooperative, or condominium) for each residential building where such permissions are sought. Furthermore, the corresponding tenant organization or association of shareholders for each residential building has the authority to define the process through which approvals for in-home businesses are granted.*
- *Proposal 15 prohibits the facilitation of commercial space on residential campuses, including NYCHA, UNLESS the local community board and representative tenant association for each commercial campus under consideration approve of such uses.*
- *Proposal 16 prohibits commercial corner stores in all R1-R2 zones UNLESS the local community board AND relevant association of homeowners or renters approve prospective corner store applications;*

¹ Repeals Title 20/ Chapter 2 /Subchapter 20 of New York City Administrative Code

furthermore, Bronx Community Board 8 opposes amendments to the ZR pertinent to R1-R2 zones, including amendments that would permit large-scale commercial activities in neighborhoods ill-suited for such uses.

BE IT FURTHER RESOLVED that Bronx Community Board 8 hereby stipulates that an emphasis shall be placed on the augmentation of building and code enforcement to ensure responsible development and strict compliance with all land use, zoning, and performance regulations;

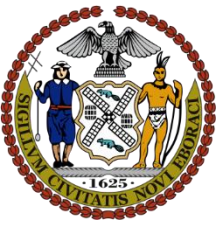
BE IT FINALLY RESOLVED that the Bronx Community Board 8 directs the City Administration to undertake necessary actions to implement the objectives and strategies outlined in the "City of Yes for Economic Opportunity" initiative, contingent upon the aforementioned exceptions and modifications, and to collaborate with local community boards, businesses, community organizations, and other relevant stakeholders.

Sincerely,



Julie Reyes
Chairperson

CC: Camila Thomas, DCP
Alina Dowe, NYC Mayor's CAU
Juton Horstman, Bronx BP's Office
Ciara Gannon, Bronx BP's Office
Eric Dinowitz, NYC Council Member
Carmen De La Rosa, NYC Council Member
Pierina Ana Sanchez, NYC Council Member



COMMUNITY BOARD NUMBER 9

CITY OF NEW YORK

1967 TURNBULL AVENUE

BRONX, NEW YORK 10473

TEL. (718) 823-3034
BX09@cb.nyc.gov

FAX. (718) 823-6461
www.nyc.gov/bxcb9



VANESSA L. GIBSON
BRONX BOROUGH PRESIDENT

MOHAMMED MUJUMDER
CHAIRPERSON



February 23, 2024

Paul A. Philips, Borough Director
Bronx Borough Office
NYC Department of City Planning

Reference: City of Yes - Zoning for a more equitable and sustainable city.

Dear Director Philips,

On Thursday February 15, 2024, we had our General Board Meeting, but unfortunately, we did not have quorum to conduct any business for *City of Yes*.

Therefore, I am writing to inform you that on Monday February 5, 2024, our land and zoning committee voted unanimously to approve all proposals for *City of Yes*, except proposal #5 (Enable commercial activity on upper floors). Proposal #5 was not approved by the committee because there were no criteria on the types of businesses allowed or to allow recommendations.

If you have any questions, please feel free to contact our office.

Sincerely,

William Rivera
District Manager

Cc: Borough President Vanessa L. Gibson, Bronx Borough President's Office
Council Member Amanda Farias, 18th Council District – City of New York
Chairman, Bronx Community Board #9
Land & Zoning Committee, Bronx Community Board #9

EXECUTIVE OFFICERS

Brandon Ganaishlal
Chairperson

Mohammad Mujumder
1st Vice Chairperson

Lisa Diaz
2nd Vice Chairperson

Angel Martinez
Secretary

Henry Pelayo Jr.
Treasurer

COMMITTEES

Executive & Operations
Land, Zoning, Planning, &
Economic Development
NYCHA
Parks & Recreation
Public Safety &
Transportation
Social Services & Housing
Youth & Education
Seniors Connected

NEIGHBORHOODS

Bronx River
Bruckner
Castle Hill
Clason Point
Harding Park
Parkchester
Soundview
Unionport
Shorehaven
Zerega



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 6	# Against: 0	# Abstaining: 0	Total members appointed to the board: 6
Date of Vote: 2/5/2024 12:00 AM		Vote Location: Bronx Community Board 9, 1967 Turnbull Ave, 2nd Fl	

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

Date of Public Hearing: 2/5/2024 7:00 PM	
Was a quorum present? 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>
Public Hearing Location:	Bronx Community Board 9, 1967 Turnbull Avenue, 2nd Floor

CONSIDERATION: The Land & Zoning Committee Approves the City of Yes with the following restrictions noted below and denial of Proposal #5. The Committee Supports: Proposal #1: Reactivate Storefronts (Modification Requested: There is No mechanism in place to Approve or Deny certain business types, therefore, the Community Board wants to assure that all applicants are serving the community's best interest). Proposal #2 Simplify District Types #3 Small-scale Production #4 Loading Docks #6 Use Terms #7 Urban Agriculture (Modification Requested: Office of Cannabis Management involvement when relevant) #8 Life Sciences #9 Nightlife (Modification Requested: Live/Loud music and Dancing restrictions and enforcement for bad neighbors). #10 Amusement #11 Home Occupations (Modification Requested: Restrictions on the types of Businesses allowed to serve the community's best interest). #12 Streetscape #13 Auto Repair #14 Micro-distribution (Modification Requested: City Planning to share community concerns with DOT previous to implementation). #15 Campus Commercial #16: Corner Stores #17 Better Waiver Process #18 New Loft-Style District The Committee Does Not Support: #5 Upper Floor Commercial (unable to support because of lack specification on the type of businesses).		
Recommendation submitted by	BX CB9	Date: 2/26/2024 11:13 AM



BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Economic Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: MATTHEW WASKIEWICZ
Application # N 240010 ZRY	Borough: Citywide
CEQR Number: 24DCP004Y	Validated Community Districts:

Docket Description:
--

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	MN BP	Date: 1/30/2024 4:45 PM



OFFICE OF THE

MANHATTAN BOROUGH PRESIDENT

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Mark Levine, Borough President

January 30, 2024

Recommendation on Non- ULURP Application No. N 240010 ZRY– City of Yes for Economic Opportunity and No. N 240011 ZRY – City of Yes for Economic Opportunity – M-Districts

By NYC Department of City Planning

PROPOSED ACTIONS

The Department of City Planning (DCP) proposes to make a series of amendments to the New York City Zoning Resolution (ZR) that would update and streamline zoning regulations that further the City’s goals to foster the growth and expansion of businesses in our city. The text amendments, City of Yes for Economic Opportunity (COYEO) include 18 new proposals:

1. Remove time limits on reactivating vacant storefronts with grandfathered uses

Currently, a use that is not allowed by zoning but was an existing use prior to zoning regulation is grandfathered. However, if the space is vacant for more than two years, it is no longer grandfathered in historic districts and some residential districts. COYEO would allow legalization of the re-tenanting of nonconforming vacant storefronts in all residential and historic districts.

2. Simplify types of businesses allowed in commercial districts

Current zoning regulations prohibit local service uses across similar districts, such as C1 and C2 districts. COYEO would eliminate unnecessary limitations placed on similar commercial streets to allow for more local service businesses by allowing the same uses in C1 and C2 districts and in C4, C5, and C6 districts. This proposal would also lift restrictions in Special Purpose Districts and C4 and C5 districts that require certain uses to be located 50 feet from the street wall.

3. Expand locations for small-scale clean production facilities

Existing commercial districts restrict production activities that are appropriate or complimentary in those districts. COYEO would allow light production uses, which include ice cream shops, bakeries, brewpubs, pottery stores, woodworking shops, 3-D printers, and apparel:

- In C1 and C2 districts: up to 5,000 SF on the ground floor
- In C4-C7 districts: up to 10,000 SF on the ground floor; unlimited SF on upper floors

Users would still have to comply with emissions standards and if they need exhaust, they would have to vent above any adjacent buildings.

4. Lessen loading berth requirements for use changes in commercial buildings

Current zoning mandates that when a building changes use, requirements to provide additional loading berths, based on the new use, may apply. COYEO would allow properties to change building uses or tenants without having to provide additional loading berths. The proposal would also increase loading berth requirements to accommodate more modern trucks.

5. Allow commercial uses on the second story of mixed-use buildings in low-density districts

Current zoning only allows commercial uses on the second floor in high-density commercial districts, the floodplain, and in some special districts. COYEO would allow C1, C2, and C3 overlays in low-density districts to have commercial uses on the second floor of mixed-use buildings, including on the same floor as residential. The proposal would require separate entrances for residential and non-residential uses and mitigations for any noise generating uses.

6. Update, simplify, and modernize use group categories for businesses

Current zoning includes outdated uses and does not include newer ones. COYEO would eliminate uses that are not consistent with current land use needs, create modern uses, reorganize groups, and update terms for clarity.

7. Allow indoor agriculture and clarify enclosure requirements

Current zoning is ambiguous about whether plant-related businesses are allowed to have outdoor components. Zoning also requires agricultural uses to be *only* outdoors. COYEO would allow indoor agriculture in all commercial districts and allow outdoor components for uses including florists and lawn and garden retailers.

8. Clarify and update laboratory uses

The current definition of Use Group 9A laboratory is outdated and narrow. COYEO would update the definition of laboratory to align with modern uses and clarify where laboratories can locate and update the scientific research and development facility special permit to apply to all commercial districts as well as community facility campuses.

9. Clarify and reorganize drinking and eating establishments

Current regulations have confusing and arbitrary restrictions for eating and drinking establishments that differ based on the types of entertainment they offer and whether they have cover charges and showtimes. Dancing is effectively banned in areas that allow other similar uses. COYEO would use capacity as the threshold for categories of eating and drinking establishments and clarify that eating and drinking establishments with scheduled entertainment would form one use group, with capacity limited to 200 people in C1-C3 districts. C5 districts would be allowed venues with capacity over 200 people.

10. Expand opportunities for amusement uses

Current zoning categorizes amusement uses according to indoor/outdoor location and other arbitrary factors like number of bowling lanes. The list of amusement uses is outdated and lacks clarity about newer types of uses. COYEO would update terms for amusement and recreation uses and allow these uses in more zoning districts throughout the city:

- Amusement recreation facility would replace other outdated uses and be allowed in C1 and C2 districts up to 10,000 SF, and in C1-C6 would be required to be indoors unless a Board of Standards and Appeals (BSA) special permit is granted
- Outdoor amusement parks would be established as a new use and would be limited to 10,000 square feet in C7, C8, and all M districts

11. Modernize rules to facilitate more home-based businesses

Current zoning allows home offices but restricts them to 500 square feet or 25% of the floor area (whichever is less), one employee, and arbitrarily restricts the kinds of businesses that are allowed. COYEO would allow home businesses to occupy up to 49% of an apartment's floor area, include up to three employees, and would eliminate the list of non-permitted businesses. The proposal would keep existing regulations that limit impact to neighbors such as noise, dust, particulate matter, and odors.

12. Update streetscape requirements

Current streetscape regulations are decentralized, existing in both use group regulations as well as special zoning districts. This has resulted in a patchwork aesthetic in some areas. COYEO would create a tiered streetscape regulation system for commercial districts, as well as consistent ground floor requirements:

- Tier A – outside of the Transit Zone: would require parking lots to be in the rear or side of a buildings, no drive-throughs, screening for in-building parking
- Tier B - in Transit Zone: same rules as Tier A, plus requirements for transparency at grade, 50-foot limit for lobbies, enclosed parking, and limits on curb cuts
- Tier C – Special purpose districts and C4 through C6 districts with R9, R10 equivalents: Tier A and B rules would apply, with additional regulations for lobby areas

This proposal would keep the unique rules in special districts such as ones limiting ground floor uses and size. Additionally, a BSA special permit would allow modifications to these regulations.

13. Update motor vehicle repair uses/categorization

Current zoning classifies some motor vehicle repair establishments as Use Group 16B, which is restricted to C8 and M districts, while classifying other repair uses to Use Group 7, which are allowed in more commercial districts but nonetheless present similar issues regarding pedestrian conflicts. COYEO would redefine auto servicing uses into two categories:

- Light motor vehicle repair: not required to register with DMV, can be located in most commercial districts with a BSA special permit
- Heavy motor vehicle repair: required to register with DMV, can be located in C8 and M districts only

14. Allow micro distribution facilities

The Zoning Resolution does not currently have a use group for micro distribution facilities. COYEO would establish a micro distribution facility use and allow it:

- In C1 and C2 districts – up to 2,500 SF
- In C4-C7 districts: up to 5,000 SF on the ground floor and 10,000 SF above the ground floor

A BSA special permit would allow these spaces to increase by twofold, while a CPC special permit would allow any increase beyond that. Streetscape transparency rules would apply to micro distribution facilities.

15. Allow residential campuses to include commercial space

Today, residential campuses would have to go through a rezoning to build any new commercial facilities or repurpose existing spaces for commercial use. COYEO would allow CPC to approve larger-scale commercial uses (up to 15,000 SF) on some residential campuses. Applications would be subject to environmental review and community board review.

16. Allow corner stores in residential areas

Outside of areas of the city that are on the coastline, the City does not have a process for permitting local service establishments in residential areas. COYEO would allow CPC to authorize retail, service, or office uses on the ground floor – with a size limit of up to 2,500 square feet as long as the new use is within 100 feet of an intersection.

17. Streamline waiver processes

Current waivers for businesses that want to expand or grow are decentralized, relying in some cases on the zoning district (which may limit the size of uses) and in others allowing changes via BSA special permits, each of which range in term lengths (3, 5, and 10-year renewals). COYEO would create new BSA special permits and CPC approvals to facilitate business growth for retail/service, amusement, and production uses. Waivers would establish clearer processes for modifications to size, bulk, enclosures, and other requirements.

18. Create new manufacturing districts

This proposal would create new manufacturing districts and one new commercial district, which would have to be mapped via future rezoning actions. These districts would be in four categories:

- M3A Core districts: FARs between 2 and 3, which would restrict non-industrial uses;
- M2A Transition districts: FARs between 2 and 5 (higher for industrial uses); expected to encourage redevelopment;
- M1A Growth districts: FARs between 2 and 15, would reflect the current landscape of our M1 districts and allow businesses to expand; and
- C7 districts: FARs between 2 and 15, would permit all commercial uses except Use Group 16, and permit community facility uses without sleeping accommodation

This proposal would also introduce new discretionary approvals allowing greater space for production uses, eating and drinking establishments, and recreation/entertainment uses.

COMMUNITY BOARD RESOLUTIONS

Ten of Manhattan’s 12 community boards held full board votes on this application. Most of those boards voted on each of the 18 proposals and the votes were overall favorable on many of the proposals, with many conditioned on proposed modifications. While the remaining community boards have not held full board votes, they have all discussed the proposal in their respective committees.

BOROUGH BOARD RESOLUTION

On January 18, 2024, the Manhattan Borough Board voted to recommend:

Nos. N240010ZRY and N240011ZRY – City of Yes for Economic Opportunity

Approval of the following proposal:

- Proposal 2: Simplify types of businesses allowed in commercial districts

Approval of the following proposals, with conditions:

- Proposal 1: Remove time limits on reactivating vacant storefronts with grandfathered uses
- Proposal 6: Update, simplify, and modernize use group categories for businesses
- Proposal 10: Expand opportunities for amusement uses
- Proposal 13: Update motor vehicle repair uses/categorization
- Proposal 15: Allow residential campuses to include commercial space
- Proposal 18: Create new manufacturing districts

Disapproval of the following proposals, unless certain conditions were met:

- Proposal 4: Lessen loading berth requirements for use changes in commercial buildings
- Proposal 7: Allow indoor agriculture and clarify enclosure requirements
- Proposal 9: Clarify and reorganize drinking and eating establishments
- Proposal 11: Modernize rules to facilitate more home-based businesses
- Proposal 12: Update streetscape requirements
- Proposal 17: Streamline waiver processes

The Borough Board did not take any action on the following proposals:

- Proposal 3: Expand locations for small-scale clean production facilities
- Proposal 5: Allow commercial uses on the second story of mixed-use buildings in low-density districts
- Proposal 8: Clarify and update laboratory uses
- Proposal 14: Allow micro distribution facilities
- Proposal 16: Allow corner stores in residential areas

BOROUGH PRESIDENT COMMENTS

At its core, the City of Yes for Economic Opportunity proposal is about giving our zoning regulations a much-needed update and ensuring that we eliminate any provisions that stifle the growth and innovation of our small businesses. While I generally support this application, I believe some modifications are needed to strengthen these proposals. A common thread runs through many of my recommendations, as well as those from community boards: enforcement. Along with granting flexibility for businesses, the City must ensure that any conflicts or issues that arise be addressed in a swift and efficient manner. Ensuring that we have the infrastructure to do that not only promotes safety and enjoyment of our neighborhoods, but also helps make this initiative an all-around success.

Proposal 1: Remove time limits on reactivating vacant storefronts with grandfathered uses
Manhattan has roughly 82 historic districts, and most of the borough is zoned for residential use. Within these districts are a range of businesses that serve their local communities but are also considered non-conforming, such as corner stores and bodegas. The current regulations, which prohibit the re-tenanting of non-conforming uses within these districts if the use has been closed for more than two years, are too inflexible. The past few years have dealt significant blows to the brick-and-mortar retail sector, leading to vacancies that affect quality of life for residents,

especially in Manhattan, which has had the highest storefront vacancy rate in recent years. This proposal is an important step toward making our retail corridors safe, thriving parts of our communities.

Proposal 2: Simplify types of businesses allowed in commercial districts

Today's Zoning Resolution restricts businesses from occupying commercial space across similar zoning districts. Adding a broader range of commercial uses would provide businesses with flexibility and create more opportunities for them to locate in more parts of the city.

Proposal 3: Expand locations for small-scale clean production facilities

Clean, small-scale production businesses such as micro-breweries and coffee roasters and maker-businesses like 3D print shops can currently operate in Special Mixed Use districts, which include Hudson Square and West Harlem. This proposal would expand opportunities for these businesses while requiring them to meet stringent environmental requirements so that they do not cause nuisances to neighboring businesses and residents and include size limitations, providing a more diverse commercial experience for residents and visitors. In low-density commercial districts, this proposal should include a requirement for an accessory retail component in order to ensure that these small-scale production businesses serve their local communities and are accessible attractions to the public.

Proposal 4: Lessen loading berth requirements for use changes in commercial buildings

Our zoning regulations should be flexible and applicable to different business needs as technology and industries evolve. By removing the requirement for unnecessary loading berths, this proposal would provide more diverse business throughout Manhattan. Additionally, by updating loading berth size requirements to accommodate more modern trucks this proposal would reduce congestion on our streets and sidewalks.

Proposal 5: Allow commercial uses on the second story of mixed-use buildings in low-density districts

Some of our city's most vibrant neighborhoods are "24/7 neighborhoods" with a mix of commercial and residential uses. This proposal would make it easier to foster that vibrancy by allowing more businesses to locate close to where New Yorkers live. While owners of existing buildings are unlikely to seek this provision, I believe DCP should make a modification that limits this proposal to new construction to protect our current housing stock.

Proposal 6: Update, simplify, and modernize use group categories for businesses

Advancements in business and technology have resulted in a range of commercial uses that could not have been envisioned by the authors of the 1961 Zoning Resolution but are important contributors to our economy today. I support updating regulations to reflect these changes and clarify requirements for new industries.

Proposal 7: Allow indoor agriculture and clarify enclosure requirements

This proposal would create flexibility for businesses that have agricultural components to their operations and formally allow agriculture uses in commercial and residential districts. While it would bring much-needed adjustments in the regulations, Manhattan residents have raised the

possibility that this provision could open the door for cannabis growth operations. For this reason, I believe the proposal should exclude the cultivation of controlled substances.

Proposal 8: Clarify and update laboratory uses

The New York City Metro region is the nation's leader in life sciences jobs and funding. In order to maintain this position and continue to foster innovation, we need to expand opportunities in the life sciences industry by clarifying and expanding the number of spaces in which these businesses can locate. However, it is important to ensure strong biosafety levels and standards so that these businesses can operate safely.

Proposal 9: Clarify and reorganize drinking and eating establishments

While the City has taken strides toward correcting unnecessary and discriminatory regulations on dancing, including the elimination of the Cabaret Law, this proposal does more to advance a more inclusive future that provides greater opportunities for self-expression.

Proposal 10: Expand opportunities for amusement uses

Allowing a wider range of indoor amusements (and outdoor only via special permit) in more neighborhoods would allow New Yorkers to have social and recreational spaces closer to where they live and work. This proposal would reflect today's amusement uses, eliminate outdated ones, and differentiate between indoor and outdoor amusements. I believe the proposed CPC special permit for some indoor facilities in C4-C8 and M1 districts would ensure proper siting.

Proposal 11: Modernize rules to facilitate more home-based businesses

Our City should play a vital role in making it easier for small business owners and entrepreneurs to operate. The proposed changes would streamline current regulations and introduce new flexibilities on the size and functions of home-based businesses. However, the success of this proposal would depend on appropriate enforcement, and I urge the City to ensure there is a structure in place to deal with any issues that arise from home businesses. I also believe stricter limits on square footage allotments would balance this flexibility with housing protection needs.

Proposal 12: Update streetscape requirements

Today's commercial streetscapes are regulated in a piecemeal fashion, including blank walls and uninviting facades. This proposal draws from existing special district regulations to ensure that new buildings contribute to active commercial streets. While ground-floor residential uses are not allowed in the street-facing facades, residential lobbies are allowed, as are residential uses in the rest of the ground-floor areas and on floors above, encouraging mixed-use communities with active and inviting streetscapes.

Proposal 13: Update motor vehicle repair uses/categorization

The streets and sidewalks of the city should be prioritized for pedestrians, not cars. This proposal would decrease conflicts between auto servicing and pedestrians, ensuring walkable streets and streamlining requirements for the auto service industry. The distinction between light and heavy uses and the special permit process would ensure that these uses are properly sited.

Proposal 14: Allow micro distribution facilities

The presence of delivery vehicles on our streets has become a new normal in our city. Right now, zoning does not have a way to accommodate the new kinds of delivery facilities that are needed to address this issue. Micro distribution is a way to encourage alternative options for local deliveries that are more environmentally conscious. These facilities would be subject to streetscape requirements, ensuring transparency and active streets. It will be important for the Department of Transportation and other involved agencies to create comprehensive plans so that the facilities themselves do not place a strain in certain areas. Additionally, loading operations need to mitigate traffic, congestion, and disruption on local streets.

Proposal 15: Allow residential campuses to include commercial space

Residential campuses are a critical part of the landscape across the city. The lack of commercial uses on these campuses means that residents have a harder time accessing goods and services, as well as maker spaces that could give them the opportunity to work and create. Environmental review, community board review, CPC authorization, and review from residents would help ensure that proposed commercial uses are appropriate for the space.

Proposal 16: Allowing corner stores in residential areas

In Manhattan, most residential districts have nearby commercial areas or overlays. However, there are some areas in Manhattan where there are stretches of residential areas where a small business would need a full rezoning to open, meaning residents lose out on the opportunity to have goods and services closer to their homes. This proposal allows businesses that serve residents, like corner stores to locate and operate in these areas. The provision would require community board and CPC review and applies to sites that are at or near intersections, preserving residential neighborhoods while allowing more neighborhood businesses.

Proposal 17: Streamline waiver processes

Businesses that want to expand their current use face barriers to doing so. This proposal would provide clearer, more streamlined processes through BSA and CPC special permits, allowing for review processes but also helping businesses grow and thrive more easily.

Proposal 18: Create new manufacturing districts

Manufacturing is a key component of our city's economy, and the jobs in that sector strengthen our workforce. Having new options for manufacturing districts that can be mapped in the future, through rezonings and a full ULURP process, are important to meet modern manufacturing needs. It is important that while new manufacturing districts encourage mixed-use development, they also provide ways to both preserve and bolster the industrial sector and reduce conflicts with other businesses, pedestrians, and vehicles.

BOROUGH PRESIDENTS RECOMMENDATION

I therefore recommend the following on each of the 18 proposals:

Proposal 1: Remove time limits on reactivating vacant storefronts with grandfathered uses

– Recommend approval

Proposal 2: Simplify types of businesses allowed in commercial districts – *Recommend approval*

Proposal 3: Expand locations for small-scale clean production facilities – *Recommend approval with the following modification:*

- Include a requirement for an accessory retail component in low-density districts

Proposal 4: Lessen loading berth requirements for use changes in commercial buildings – *Recommend approval*

Proposal 5: Allow commercial uses on the second story of mixed-use buildings in low-density districts – *Recommend approval with the following modification:*

- Apply this provision only to new developments

Proposal 6: Update, simplify, and modernize use group categories for businesses – *Recommend approval*

Proposal 7: Allow indoor agriculture and clarify enclosure requirements – *Recommend approval with the following modification:*

- Exclude the growth of agricultural products that are controlled substances

Proposal 8: Clarify and update laboratory uses – *Recommend approval with the following modification:*

- Require biosafety safeguards for all establishments

Proposal 9: Clarify and reorganize drinking and eating establishments – *Recommend approval*

Proposal 10: Expand opportunities for amusement uses – *Recommend approval*

Proposal 11: Modernize rules to facilitate more home-based businesses – *Recommend approval with the following modifications:*

- The City should establish a system similar to the Mediating Establishment and Neighborhood Disputes (MEND) initiative to resolve issues between neighbors
- The square footage of the home occupation should be capped at 500 square feet or 49% of the apartment, whichever is smaller

Proposal 12: Update streetscape requirements – *Recommend approval*

Proposal 13: Update motor vehicle repair uses/categorization – *Recommend approval*

Proposal 14: Allow micro distribution facilities – *Recommend approval with the following modification:*

- Facilities should be required to allocate a portion of their square footage for loading operations to prevent congestion on streets and sidewalks.

Proposal 15: Allow residential campuses to include commercial space – *Recommend approval with the following modification:*

- In addition to community board and CPC review, campus commercial proposals on New York City Housing Authority (NYCHA) campuses should be reviewed by residents

Proposal 16: Allowing corner stores in residential areas – *Recommend approval*

Proposal 17: Streamline waiver processes – *Recommend approval*

Proposal 18: Create new manufacturing districts – *Recommend approval with the following modification:*

- Buildings should be required to set aside ground-floor area for manufacturing uses to ensure access to loading docks for manufacturing tenants



Mark Levine
Manhattan Borough President



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 30	# Against: 0	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 1/23/2024 12:00 AM		Vote Location: 1 Centre Street	

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

Date of Public Hearing: 1/8/2024 6:00 PM	
Was a quorum present? No	<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>
Public Hearing Location:	1 Centre Street, 22nd Floor

CONSIDERATION: See Attachment		
Recommendation submitted by	MN CB1	Date: 2/8/2024 3:11 PM

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: LAND USE, ZONING, & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	30 In Favor	0 Opposed	0 Abstained	0 Recused

RE: “City of Yes” – Zoning for Economic Opportunity (ZEO) Zoning Text Amendment

WHEREAS: As part of New York City Mayor Eric Adams’s “City of Yes” initiative, the New York City Department of City Planning (DCP) is proposing a series of changes to the Zoning Resolution (ZR) three broad zoning categories: (1) carbon neutrality, (2) economic opportunity, and (3) housing opportunity; and

WHEREAS: DCP previously proposed a citywide zoning text amendment aimed at zoning for carbon neutrality by implementing numerous changes to the ZR “to remove impediments to, and expand opportunities for, decarbonization projects” throughout New York City. As part of the review by all 59 of the City’s Community Districts under the Uniform Land Use Review Procedure (ULURP), on June 27, 2023, Manhattan Community Board 1 (CB1) passed a resolution approving, with certain specified conditions, the Carbon Neutrality Zoning Text Amendment; and.¹

WHEREAS: As the lead City agency and applicant, DCP now proposes a citywide zoning text amendment, described as a “comprehensive overhaul of zoning regulations” to “primarily update use definitions and use allowances within existing Commercial and Manufacturing zoning districts” to meet four broad goals of spurring economic opportunities, including to: “(1) make it easier for businesses to find space and grow by lifting barriers to enable businesses to locate closer to their customers; (2) support growing industries by reducing impediments for emerging business types; (3) foster vibrant neighborhoods by ensuring businesses contribute to active, safe, and walkable corridors; and (4) create new opportunities for local businesses to open by establishing new zoning tools to boost job growth and business expansion; and”

WHEREAS: As of the application’s certification to community boards, the entire (redlined) text of the ZEO amendments spans 1,127 pages. The entire application and

¹ On December 6, 2023, the New York City Council passed the Carbon Neutrality Zoning Text Amendment.

zoning text language are available on the DCP's Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2023Y0405>; and

WHEREAS: The application contains 18 specific proposals, organized among the four broad goals described above, specifically:

A. Make it Easier for Businesses to Find Space and Grow

1. ***Lift Lifetime Limits to Reactivating Storefronts:*** This proposal “allow nonconforming vacant storefronts in residence and historic districts to legally re-tenant their space in locations where it is not already allowed.” Under current ZR Section 52-61, existing commercial storefronts—many of which have existed long before changes in zoning which made their use more restrictive—are allowed to remain forever and even be re-occupied with nonconforming uses, so long as there is not a gap of two years of longer between uses. But this proposed amendment, “would ease regulations on the reactivation of vacant retail spaces by expanding the applicability of Section 52-61 to all Residence Districts as well as Historic Districts,” thereby “support[ing] the economic stability of neighborhoods, while promoting walkability and access to local goods and services.”
2. ***Simplify Rules for Business Types Allowed on Commercial Streets:*** This proposal “would simplify zoning regulations to permit the same range of commercial businesses on similar commercial street types ...” According to the application’s Project Description, current zoning rules restrict uses that are allowed in certain commercial districts but not others (*e.g.*, allowed in C1 but not C2), “effectively bar[ring] these uses, which are allowed in [a] district, from ground floor tenancy” and “exacerbate[ing] vacancy while also unnecessarily restricting small businesses from locating in spaces that could be suitable but for the zoning restriction.”
3. ***Expand Opportunities for Small-Scale Clean Production:*** This proposal “would provide additional location options for small-scale, clean production space and other light industrial activities.” Specifically targeting small-scale production and light industrial uses currently permitted in special mixed use districts, “include[ing] but [] not limited to ice cream shops, bakeries, brewpubs, pottery stores, woodworking shops, 3-D printers, and apparel makers,” the applications Project Description states that this amendment would “allow these small-scale production uses up to 5,000 square feet” in C1 and C2 districts, and “[i]n C4, C5, C6, and C7 districts, clean production activities would be allowed up to 10,000 SF on the ground floor—with no size restrictions above the ground floor.” All uses nevertheless still must comply with all environmental, clean-air, and venting / stacking requirements.

4. ***Modernize Loading Dock Rules so Businesses Can Adapt Over Time:*** This proposal would “remove the possible requirement of providing additional loading berths for a change of use in an existing building” and “update the dimensions of required loading berths to bring them in line with recent changes in special purpose districts and the Manhattan Core.” According to the application’s Project Description, this change “would allow buildings to more easily evolve over time by not requiring additional loading berths for a change of use in an existing building. While new buildings will continue to be required to provide loading berths according to the uses intended to occupy the space, this proposal will allow existing buildings to evolve their tenant mix over time without adjusting the number of loading berths.”
5. ***Enable Commercial Activity on Upper Floors:*** This proposal would “update the location of use rules in mixed buildings (buildings with residences).” More specifically:
 - In C1, C2, and C3 districts, the proposal would allow commercial uses on the second story of all mixed buildings.
 - In low-density Commercial Overlay Districts, it would allow commercial uses on the second story of all mixed buildings.
 - In C4, C5, and C6 districts, the Proposal would allow commercial uses occupy separate parts of the same story or to locate above residences

Production uses (described above in Proposal 3) and “commercial uses that have a rated capacity (e.g. Eating or Drinking Establishments, Theaters, etc.),” where they are permitted on the same story as a residential use, must (1) erect a “15-foot vertical or horizontal buffer” including at least one partition wall; and (2) provide “floor, ceiling, or partition wall attenuation certified by a licensed architect or engineer to the Department of Buildings such that no activity shall create a sound level in excess of ambient sound levels when measured inside a receiving residential unit.”

6. ***Simplify and Modernize the Way Businesses are Classified in Zoning:*** This proposal would re-organize Use Groups and update use terms to better reflect modern commercial and industrial activities” by “reorganiz[ing] the current uses in the 18 “Use Groups “ into 10 categories that better reflect the land use activities that occur in the city (e.g., housing, retail/service, storage, production, etc.).” According to the application’s Project Description, “this change would not, on its own, change any zoning regulations, it would make it easier to understand what rules apply.”

B. Support Growing Industries

7. ***Clarify Rules to Permit Indoor Agriculture:*** This proposal would “clarify enclosure rules for Commercial Districts on what activities can occur outdoors and indoors.” Put simply, this proposal would allow indoor agricultural uses in

commercial districts. According to the application's Project Description, "Agriculture is a permitted use in any zoning district, but in Residence and Commercial districts Use Group 4B agriculture is subject to an open use requirement that precludes completely enclosed (*i.e.*, indoor) operations. The rise of vertical farming and hydroponic and aquaponic agriculture create the potential for more localized food production in neighborhood contexts."

8. ***Give Life Sciences Companies More Certainty to Grow:*** This proposal would "simplify the use definition for a laboratory and expand geographic applicability of the current Scientific Research and Development Facility Special Permit." According to the application's Project Description, the amendment "would update the terminology for laboratories in Commercial Districts, clarifying the extraneous terminology in the current 'medical or dental laboratory' definition to make the ZR up to date with the City's interpretation that laboratories of all types are permissible in Commercial Districts subject to environmental conditions." New laboratories would be required to comply with rules ensuring they do not pose danger or fire, explosion, noise vibration, *etc.*, as well as follow any other City, State or federal regulations governing labs. The scientific research and development facility special permit is currently allowed only in C6 and C2-7 districts, but this proposed amendment would expand it to be an allowed use in all commercial districts and community campus facilities.
9. ***Support Nightlife With Common-Sense Rules for Dancing and Live Entertainment:*** This proposal would "clarify the distinction between 'eating or drinking establishments,' and 'eating or drinking establishments with entertainment that has cover charges or specified showtimes,' while removing zoning's role in regulating the act of dancing," by "consolidat[ing] and clarify[ing] the distinctions between categories of eating or drinking establishments based primarily on capacity rather than use." More specifically, according to the application's Project Description, the proposed amendment would make the following changes / updates:
 - Eating and drinking establishments without cover charges or specified showtimes would continue to operate without occupancy limitation as they do today, and this existing use would be made as-of-right in C3 districts.
 - Eating or drinking establishments with forms of scheduled entertainment such as music, comedy, or dancing, that have cover charges or specified showtimes, would be consolidated from the existing UG 6C, 10A, and 12A categories into one use. In C1-C3 districts, these businesses would be limited to the pre-existing UG 6C capacity limitation of 200 persons or fewer.
 - Venues over 200 people would be newly allowed in C5 districts, including throughout Lower Manhattan.

The application's Project Description claims these changes "would allow modern regulations governing live scheduled entertainment to better reflect the ways in

which these uses interact with surrounding businesses and residences, allowing these activities in appropriate zoning districts while ensuring quality of life.”

10. ***Create More Opportunities for Amusements to Locate:*** This proposal would “consolidate existing amusement uses into categories based on whether the business operates in a building or outside” by consolidating the various potentially applicable uses into two new use terms, dubbed “amusement or recreation facilities” and “amusement parks.” According to the application’s Project Description, the two new uses would be categorized as follows:
- An “amusement of recreation facility” would be limited to 10,000 SF in C1 and C2 districts and must be indoors in C1-C6 districts. Open versions of the use would require a BSA permit in those districts.
 - An “outdoor amusement park” would be a new term meant to reflect a broad range of current outdoor amusement uses found in the ZR. It would be restricted from C1-C6 districts and would be limited to 10,000 SF in C7, C8, and M districts.

11. ***Enable Entrepreneurship With Modern Rules for Home-Based Businesses:*** This proposal would “modernize regulations for home-based businesses” by “eliminating the list of non-permitted uses and allow[ing] home businesses to expand in size to 49% of floor area and 3 employees.” According to the application’s Project Description, “home businesses would continue to be subject to rules that ensure they are good neighbors.”

C. Enable More Business-Friendly Streetscapes

12. ***Introduce Corridor Design Rules That Ensure Buildings Contribute to Surroundings:*** According to the application, this proposal “would activate the city’s commercial corridors by establishing clear and consistent streetscape regulations.” The application states, “To ensure the success of commercial corridors and ease the regulatory process for small businesses to comply with streetscape rules, the proposal would also create consistent groundfloor design requirements to ensure that retail and commercial streets remain active and attractive. [It] would establish a tiered approach to streetscape regulations, with rules that are responsive to pedestrian street character, increasing in regulatory strength in areas with stronger existing active commercial context.” For new buildings, this proposal “would create a tiered approach to streetscape regulations, with rules that intend to respond to local street character,” with more details on the “tiers” described in greater detail in the application’s Project Description.
13. ***Reduce Conflicts Between Auto Repair Shops and Pedestrians:*** Noting that “auto installation, service, and repair uses are mostly restricted to C8, M1, M2, and M3 districts (current UG16B),” this proposal would expand the possible location and use of auto repair shops by “consolidate[ing] the range of auto servicing uses into two zoning-defined categories: ‘light’ or ‘heavy’ motor vehicle

repair and maintenance shops.” According to the application’s Project Description, “Those repair uses that are not required to register with the DMV would be considered ‘light’ motor vehicle repair and maintenance and would be able to locate in most Commercial Districts with a BSA special permit to ensure new businesses can open, but with an increased ability to ensure oversight of land use conflicts caused by auto operations in pedestrian areas.”

14. ***Encourage Safe and Sustainable Deliveries With Micro-Distribution:***

Consistent with the City’s “established policies of encouraging alternative freight deliveries including having the “last mile” of delivery performed by pedestrian or bicycle,” this proposal would include a new use called a “Micro-Distribution Facility,” restricted to 2,500 square feet in C1 and C2 districts and allowed up to 5,000 square feet on ground floor (and up to 10,000 square feet above the ground floor) in C4-C7 districts. A larger proposed “micro-distribution facility” in these districts would require a discretionary action.

D. Create New Opportunities for Businesses to Open

15. ***Facilitate Local Commercial Space on Residential Campuses:*** According to the proposal, “[n]o zoning tools exist to allow commercial uses on residential campuses other than a full area-wide rezoning, which may be too costly, time-consuming, or not appropriate for many locations. The application’s Project Description states this proposal “would allow the City Planning Commission to approve larger-scale commercial spaces in Residence Districts on campus sites. The use would be subject to size restrictions (15,000 SF) and locational restrictions. The authorization would be subject to both environmental review and Community Board approval, with conditions that stipulate approval only if development would not create traffic congestion or environmental concerns.”

16. ***Create Process for Allowing Corner Stores in Residential Areas:*** This proposal “would create a pathway for a new neighborhood-serving business to locate in a Residence District.” It would create a new CPC Authorization to allow for up to 2,500 SF of retail, service, or office uses to locate in a Residence District, provided that the commercial storefront is located within at least 100 feet from an intersection.

17. ***Rationalize Waiver Process for Business Adaptation and Growth:*** This proposal “would rationalize and supplement existing discretionary zoning tools to address gaps that prevent businesses a path to expand or adapt.” More specifically, it would create a new permit for retail / service, amusement, and production uses that would allow the BSA to modify the size, enclosure, and other requirements for permitted uses. The proposal includes numerous limitations around BSA permitting and processes, described more fully in the application’s Project Description.

18. ***Create New Kinds of Zoning Districts for Future Job Hubs:*** This proposal would create new zoning districts that are for use in future mapping actions. The proposal would create a range of new job-intensive, non-residential zoning options to enable job growth. These new districts will range from 2-15 FAR, address longstanding bulk and physical challenges, and come in several use-mix options, described in more detail in the application’s Project Description.

WHEREAS: The application was certified by the NYC City Planning Commission (CPC) on November 8, 2023 and referred to all 59 community boards for a 60-day review period. In response to a united request from a majority of the City’s community boards in all five boroughs, DCP Director (and CPC Chairperson) Daniel Garodnick agreed, in a letter dated November 15, 2023, to provide community boards until the beginning of February 2024 to evaluate and vote on the application and to ensure that each community board’s vote receives “thorough consideration by the Commission”; and

WHEREAS: The Land Use, Zoning and Economic Development (LZE) Committee of Manhattan Community Board 1 (CB1) began formal review of the ZEO application at the LZE Committee’s November 13, 2023 meeting. Officials with DCP attended the meeting and provided an extensive presentation of the application’s 18 proposals, including maps of proposals’ applicability throughout Community District 1 (CD1); and

WHEREAS: The LZE Committee continued review of the application at its December 11, 2023 meeting, where members posed numerous significant questions around expanding agriculture in the context of marijuana growers, the impact of expanding home-based businesses in residential buildings, the wisdom of increasing potential large-venue nightlife uses in Lower Manhattan, and more. Officials with DCP attended the December meeting and provided a further extensive presentation, specifically tailored to the application’s potential impacts throughout CD1; and

WHEREAS: CB1 held a public hearing on the ZEO application on January 8, 2023, immediately preceding the LZE Committee’s final meeting on the topic of the application; and

WHEREAS: Officials with DCP appeared again for the final review at the Committee’s January 8, 2024 meeting and provided answers to LZE Committee members’ prior questions, as well as another presentation tuned specifically to the Committee’s questions and concerns about potential impacts of the ZEO application throughout Governors Island; and

WHEREAS: CB1 specifically notes its concerns with the potential unintended consequence of any of the ZEO application’s 18 proposals to make further changes within the currently-existing zoning and uses allowed at Governors Island or the South Street Seaport Historic District, which CB1 strongly opposes and which CB1

understands from DCP representatives is not the intention of the ZEO application;
and

WHEREAS: Upon further discussion and debate at its January 8, 2024 meeting, the LZE Committee considered and voted separately on each of the ZEO application's 18 proposals, including discussions and votes on requesting various modifications. Though LZE Committee members voted to "approve," "disapprove," or "approve / disapprove with conditions or modifications" as to each proposal—and thus the Committee's vote count varied on each proposal—the LZE Committee came to a consensus on a single resolution expressing the recommendations as to each separate proposal as set forth below²; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 makes the following recommendations as to the ZEO Zoning Text Amendment application:

<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
1	Lift Lifetime Limits to Reactivating Storefronts	Approve	
2	Simplify Rules for Business Types Allowed on Commercial Streets	Approve	
3	Expand Opportunities for Small-Scale Clean Production	Approve	

² Throughout its review of this application, George Janes of George M. Janes & Associates, a land use consultant retained by CB1 to help in its review of the application, provided invaluable research and technical expertise to CB1's LZE Committee. Mr. Janes authored memoranda that synthesized this vast application for Committee members and attended the Committee's meetings on the application, where he explained critical impacts of the application throughout CD1 and helped Committee members through their varied questions. CB1 publicly thanks Mr. Janes for his help to CB1 in reviewing this application.

<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
4	Modernize Loading Dock Rules so Businesses Can Adapt Over Time	Disapprove (With Modifications)	<ul style="list-style-type: none"> • This proposal should be modified so that it would not apply in mixed buildings. • This proposal further should be modified to require a special permit that includes findings that consider local traffic as well as any residential uses that might exist in the building. • This proposal further should be modified to require community board review and vote on applications for loading berth reductions for existing buildings. • This proposal further should be modified to require on site storage on sites that receive loading berth reductions.

No.	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
5	Enable Commercial Activity on Upper Floors	Disapprove (With Modifications)	<ul style="list-style-type: none"> • This proposal should be modified so that it would not allow for residential to commercial conversions, which could create further competition between commercial and residential uses in buildings in commercial districts. • This proposal further should be modified to require strict separation, vertically and horizontally, between residential persons' circulation and commercial persons' circulation, so that they do not mix. • This proposal further should be modified to apply the proposed separation, attenuation and air quality rules to establishments of all sizes and uses, including but not limited to personal establishments or those with an occupancy of less than 75, not just "production uses" or "commercial uses that have a rated capacity." • This proposal further should be modified to require that there be study and permitting for additional traffic flow of the commercial activity within any building with a residential component, specifically taking into account (but not limited to) residents' quality of life. • This proposal should further be modified to exclude rooftops.
6	Simplify and Modernize the Way Businesses are Classified in Zoning	Approve	<ul style="list-style-type: none"> • This proposal should be modified to exclude Governor's Island from modifications to Use Groups to preserve the intentions of the special district.
7	Clarify Rules to Permit Indoor Agriculture	Disapprove	

No.	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
8	Give Life Sciences Companies More Certainty to Grow	Approve (With Modifications)	<ul style="list-style-type: none"> • This proposal should be modified to require that, because of the risks such laboratories pose to their neighbors, life science uses that are obligated to register with the NYC Department of Health and Mental Hygiene should not be developed as-of-right and should need a special permit to locate anywhere in NYC. • This proposal should further be modified to provide that life sciences companies cannot be located in a building with any residential component.
9	Support Nightlife With Common-Sense Rules for Dancing and Live Entertainment	Disapprove	
10	Create More Opportunities for Amusements to Locate	Disapprove (With Modifications)	<ul style="list-style-type: none"> • This proposal should be modified to allow for consideration of smaller-scale amusement uses (<i>i.e.</i>, 10,000 square feet or less, particularly by an amusement user serving the local community) by CPC special permit. • This proposal should further be modified so that indoor amusement facilities should conform to existing height and bulk regulations. • This proposal should further be modified to exclude Governor's Island from modifications to Use Groups to preserve the intentions of the special district.

11	Enable Entrepreneurship With Modern Rules for Home-Based Businesses	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● This proposal should be modified to include a square-footage limitation of the home occupation usage to a cap of 1,000 square feet or 49% of the size of the entire unit, whichever is less. ● This proposal further should be modified to include trip generation limitations, so as to regulate the frequency of a home-based business's clients, deliveries, <i>etc.</i> on an hourly or daily basis. ● This proposal further should be modified so that the number of visitors to a building should be limited via limitations to the hours and the number of clients and deliveries per week that can visit a home business. ● This proposal further should be modified to include a notification requirement to neighbors that there is a home-based business. ● This proposal further should be modified to establish a mediation system, similar to the Mediating Establishment and Neighborhood Disputes (MEND) initiative that resolves disputes regarding nightlife establishments, for neighbors and business owners to resolve disputes regarding nuisances ● This proposal further should be modified to limit the number of outside employees to three and the overall total number of persons (including owners, partners, employees, <i>etc.</i>) to five. ● This proposal further should be modified so that the home-based business locations should be primarily residences. ● This proposal further should be modified to include a cap on the number of home-based businesses within a residential building.
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No.	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
12	Introduce Corridor Design Rules That Ensure Buildings Contribute to Surroundings	Approve (With Request for Clarification)	<ul style="list-style-type: none"> ● CB1 notes that this proposal does not explain how, if at all, it might apply in the special district of Battery Park City. CB1 has requested clarification on this point from DCP and reserves the right to amend its position on this proposal upon review of this clarification.
13	Reduce Conflicts Between Auto Repair Shops and Pedestrians	Approve	
14	Encourage Safe and Sustainable Deliveries With Micro-Distribution	Approve	
15	Facilitate Local Commercial Space on Residential Campuses	Approve (With Modifications)	<ul style="list-style-type: none"> ● This proposal should be modified to require Community Board review and vote on application of non-residential uses on residential campuses.
16	Create Process for Allowing Corner Stores in Residential Areas	Approve	
17	Rationalize Waiver Process for Business Adaptation and Growth	Disapprove	
18	Create New Kinds of Zoning Districts for Future Job Hubs	Approve	



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 9	# Against: 5	# Abstaining: 8	Total members appointed to the board: 22
Date of Vote: 1/29/2024 12:00 AM		Vote Location: Bronx Borough Hall - 851 Grand Concourse, Room 915	

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

Date of Public Hearing: 1/29/2024 10:00 AM	
Was a quorum present? 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>
Public Hearing Location:	Bronx Borough Hall - 851 Grand Concourse, Room 915

CONSIDERATION: The Bronx Borough Board voted and the resolution to support the text amendment did not pass with a vote of 9 in favor of support, 5 opposed to support, and 8 abstentions.		
Recommendation submitted by	BX BP	Date: 1/30/2024 11:59 AM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	MATTHEW WASKIEWICZ
Application #	N 240010 ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

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

RECOMMENDATION: Conditional Favorable			
# In Favor: 0	# Against: 0	# Abstaining: 0	Total members appointed to the board: 12
Date of Vote: 1/18/2024 12:00 AM		Vote Location: 1 Centre Street	

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

Date of Public Hearing:	
Was a quorum present? No	<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>
Public Hearing Location:	

CONSIDERATION:		
Recommendation submitted by	MN BP	Date: 1/22/2024 4:31 PM

MANHATTAN BOROUGH BOARD RESOLUTION
CITY OF YES FOR ECONOMIC OPPORTUNITY ZONING TEXT AMENDMENT

WHEREAS, the City of New York has a longstanding goal of ensuring that businesses of all sizes can operate with ease, efficiency, and clarity about regulations; and

WHEREAS, New York City's Zoning Resolution was last overhauled in 1961 and many of its requirements have not been updated to reflect current trends, including new business models and types, growth in some sectors, changes in the delivery of goods, and changes in work patterns which have been accelerated by the COVID-19 pandemic; and

WHEREAS, on October 30, 2023, the City Planning Commission referred application No. N240010ZRY for a set of text amendments to the Zoning Resolution, which collectively are known as the City of Yes for Economic Opportunity proposal; and

WHEREAS, the City of Yes for Economic Opportunity text amendments would facilitate the following goals:

1. Remove time limits on reactivating vacant storefronts with grandfathered uses
2. Simplify types of businesses allowed in commercial districts
3. Expand locations for small-scale clean production facilities
4. Lessen loading berth requirements for use changes in commercial buildings
5. Allow commercial uses on the second story of mixed-use buildings in low density districts
6. Update, simplify, and modernize use group categories for businesses
7. Allow indoor agriculture and clarify enclosure requirements
8. Clarify and update laboratory uses
9. Clarify and reorganize drinking and eating establishments
10. Expand opportunities for amusement uses
11. Modernize rules to facilitate more home-based businesses
12. Update streetscape requirements
13. Update motor vehicle repair uses/categorization
14. Allow Micro Distribution Facilities
15. Allow residential campuses to include commercial space
16. Allowing corner stores in residential areas
17. Streamline waiver processes
18. Create new manufacturing Districts; and

WHEREAS, on December 14, 2023, the Department of City Planning presented the City of Yes for Economic Opportunity application to the Manhattan Borough Board; and

WHEREAS, all 12 community boards held hearings on the text amendment application, with the majority of the votes being supportive.

RESOLVED, that the Manhattan Borough Board votes to recommend the following for each of the proposals that are part of Application No. N240010ZRY:

General Comments:

- The Department of City Planning should have a plan that demonstrates that the appropriate City agencies have both the capacity and funding to address the enforcement elements of these proposals.
- Special zoning districts should be given special consideration and in some cases exemption from the new provisions

Proposal 1: Remove time limits on reactivating vacant storefronts with grandfathered uses
– Recommend approval with the following condition:

- Require community board review and approval for the reactivation of non-conforming uses

Proposal 2: Simplify types of businesses allowed in commercial districts - *Recommend approval*

Proposal 3: Expand locations for small-scale clean production facilities – *no action*

Proposal 4: Lessen loading berth requirements for use changes in commercial buildings – *Recommend disapproval unless the following conditions are met:*

- Require a special permit that includes findings that consider local traffic as well as any residential uses that might exist in the building
- Require community board review and vote on applications for loading berth reductions for existing buildings
- Require on site storage on sites that receive loading berth reductions

Proposal 5: Allow commercial uses on the second story of mixed-use buildings in low density districts – *No action*

Proposal 6: Update, simplify, and modernize use group categories for businesses – *Recommend approval with the following condition:*

- Exclude Governor's Island from modifications to Use Groups to preserve intention of special district

Proposal 7: Allow indoor agriculture and clarify enclosure requirements – Recommend disapproval unless the following conditions are met:

- Exclude the growth of agricultural products that are controlled substances
- Permit agricultural uses only in buildings with commercial and manufacturing uses, not residential uses
- Require a ground floor accessory retail component for agricultural uses within a commercial district
- Reduce allowable FAR for agricultural uses to be less than the FAR for residential uses
- Establish guardrails for environmental impacts including, but not limited to, water, odor, and rodents

Proposal 8: Clarify and update laboratory uses - No action

Proposal 9: Clarify and reorganize drinking and eating establishments – Recommend disapproval unless the following conditions are met:

- Create performance standards for nightlife establishments with input from Community Boards
- Permit proposal only within commercial areas
- Exclude Madison Avenue from changes to nightlife regulations
- Revise unlimited occupancy rules for C3-C8 and M districts
- Require nightclubs to abide by SLA procedures for the local community board to provide input on issues like hours of operation and noise

Proposal 10: Expand opportunities for amusement uses – Recommend approval with the following conditions:

- Indoor amusements smaller than 10,000 square feet should require a CPC permit, and outdoor amusements should also require a CPC permit instead of a BSA special permit
- Indoor amusement facilities should conform to existing height and bulk regulations

Proposal 11: Modernize rules to facilitate more home-based businesses – Recommend disapproval unless the following conditions are met:

- Square footage of the home occupation should be capped at 500 square feet or 49% of the apartment, whichever is smaller
- The number of visitors to a building should be limited via limitations to the hours and the number of clients and deliveries per week that can visit a home business

- Include a notification requirement to neighbors that there is a home-based business
- Establish a mediation system, similar to the Mediating Establishment and Neighborhood Disputes (MEND) initiative that resolves disputes regarding nightlife establishments, for neighbors and business owners to resolve disputes regarding nuisances
- Limit the number of employees to 3 and the total number of people in the apartments to 5 people
- The home-based business locations should be primarily residences
- There should be a cap on the number of home-based businesses within a residential building
- Restrict co-op and condo unit combinations for home business expansion

Proposal 12: Update streetscape requirements – *Recommend disapproval unless the following conditions are met:*

- These provisions should not apply to special zoning districts
- Permissible sidewalk facing uses should include ground floor apartments, not just residential lobbies, as long as they have appropriate window treatments and lighting
- There should be special requirements for communities that have been historically disinvested in and subject to redlining, subject to community board and Public Design Commission review

Proposal 13: Update motor vehicle repair uses/categorization – *Recommend approval with the following conditions:*

- Repair shops should be subject to a CPC special permit instead of a BSA special permit and include findings that ensure minimal disruptions on sidewalks
- Require analysis of current auto-repair uses in the surrounding two-block radius to determine and prevent oversaturation
- Provide minimum distance requirements for uses such as schools, parks, and healthcare

Proposal 14: Allow Micro Distribution Facilities – *no action*

Proposal 15: Allow residential campuses to include commercial space – *Recommend approval with the following conditions:*

- Applicants should be required to demonstrate campus residents' support for the siting of their proposed commercial use, including on NYCHA campuses

- Require Community Board review and vote on application of non-residential uses on residential campuses

Proposal 16: Allowing corner stores in residential areas – *no action*

Proposal 17: Streamline waiver processes – *Recommend disapproval unless the following condition is met:*

- Require Department of Buildings standard of appeals review and approval

Proposal 18: Create new manufacturing Districts – *Recommend approval*

Adopted by the Manhattan Borough board on the 18th day of January, 2024.



Mark Levine

Manhattan Borough President

Chair of the Manhattan Borough Board



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: MATTHEW WASKIEWICZ
Application # N 240010 ZRY	Borough:
CEQR Number: 24DCP004Y	Validated Community Districts:

Docket Description:

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

RECOMMENDATION: Unfavorable			
# In Favor: 4	# Against: 25	# Abstaining: 2	Total members appointed to the board: 31
Date of Vote: 12/5/2023 12:00 AM		Vote Location: KCS, 203-05 32 Avenue, Baysie	

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

Date of Public Hearing:	
Was a quorum present? No	<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>
Public Hearing Location:	

CONSIDERATION:		
Recommendation submitted by	QN CB11	Date: 12/8/2023 11:02 AM