



CITY PLANNING COMMISSION

March 6, 2024 / Calendar No. 4

N 240011 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, adding new Manufacturing (M) district options to the City's Zoning Resolution

This application (N 240011 ZRY) for an amendment to the Zoning Resolution was filed by the Department of City Planning (DCP) on October 30, 2023. The proposed zoning text amendment would add new Manufacturing (M) district options to the City's Zoning Resolution. These new zoning tools 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 and loading regulations.

RELATED ACTION

In addition to the zoning text amendment (N 240011 ZRY) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following application, which is being considered concurrently with this application:

N 240010 ZRY	Zoning text amendment to the Zoning Resolution that would update provisions 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.
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BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning text amendment (N 240010 ZRY).

ENVIRONMENTAL REVIEW

The application (N 240011 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.

PUBLIC REVIEW

The application (N 240011 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 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 appears in the report for the related zoning text amendment (N 240011 ZRY).

BOROUGH PRESIDENT RECOMMENDATION

A summary of the Borough President recommendations and of comments received in their recommendation appears in the report for the related zoning text amendment (N 240011 ZRY).

BOROUGH BOARD REVIEW

A summary of the Borough Board recommendations and of comments received in their recommendation appears in the report for the related zoning text amendment (N 240011 ZRY).

CITY PLANNING COMMISSION HEARING

On January 3, 2024 (Calendar No. 2), the CPC scheduled January 24, 2024 for a public hearing on this application (N 240011 ZRY), in conjunction with the related application for a zoning text amendment (N 240010 ZRY). The hearing was duly held on January 24, 2024 (Calendar No. 31). A summary of the City Planning Commission hearing s and of comments received appears in the report for the related zoning text amendment (N 240010 ZRY).

CONSIDERATION

A full consideration of this application appears in the report for the related zoning text amendment (N 240010 ZRY).

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:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE I GENERAL PROVISIONS

Chapter 1

Title, Establishment of Controls and Interpretation of Regulations

* * *

11-10

ESTABLISHMENT AND SCOPE OF CONTROLS, ESTABLISHMENT OF DISTRICTS, AND INCORPORATION OF MAPS

* * *

11-12

Establishment of Districts

* * *

11-122

Districts established

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Manufacturing Districts

M1-1	Light Manufacturing District (High Performance)
<u>M1-1A</u>	<u>Light Manufacturing District (High Performance)</u>
M1-1D	Light Manufacturing District (High Performance)
M1-2	Light Manufacturing District (High Performance)
<u>M1-2A</u>	<u>Light Manufacturing District (High Performance)</u>
M1-2D	Light Manufacturing District (High Performance)
M1-3	Light Manufacturing District (High Performance)
<u>M1-3A</u>	<u>Light Manufacturing District (High Performance)</u>
M1-3D	Light Manufacturing District (High Performance)
M1-4	Light Manufacturing District (High Performance)
<u>M1-4A</u>	<u>Light Manufacturing District (High Performance)</u>
M1-4D	Light Manufacturing District (High Performance)
M1-5	Light Manufacturing District (High Performance)
<u>M1-5A</u>	<u>Light Manufacturing District (High Performance)</u>
M1-5B	Light Manufacturing District (High Performance)
M1-5D	Light Manufacturing District (High Performance)
M1-5M	Light Manufacturing District (High Performance)
M1-6	Light Manufacturing District (High Performance)
<u>M1-6A</u>	<u>Light Manufacturing District (High Performance)</u>
M1-6D	Light Manufacturing District (High Performance)
M1-6M	Light Manufacturing District (High Performance)
<u>M1-7A</u>	<u>Light Manufacturing District (High Performance)</u>
<u>M1-8A</u>	<u>Light Manufacturing District (High Performance)</u>

<u>M1-9A</u>	<u>Light Manufacturing District (High Performance)</u>
M2-1	Medium Manufacturing District (Medium Performance)
<u>M2-1A</u>	<u>Medium Manufacturing District (Medium Performance)</u>
M2-2	Medium Manufacturing District (Medium Performance)
<u>M2-2A</u>	<u>Medium Manufacturing District (Medium Performance)</u>
M2-3	Medium Manufacturing District (Medium Performance)
<u>M2-3A</u>	<u>Medium Manufacturing District (Medium Performance)</u>
M2-4	Medium Manufacturing District (Medium Performance)
<u>M2-4A</u>	<u>Medium Manufacturing District (Medium Performance)</u>
M3-1	Heavy Manufacturing District (Low Performance)
<u>M3-1A</u>	<u>Heavy Manufacturing District (Low Performance)</u>
M3-2	Heavy Manufacturing District (Low Performance)
<u>M3-2A</u>	<u>Heavy Manufacturing District (Low Performance)</u>

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ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 1 Statement of Legislative Intent

41-00 GENERAL PURPOSES OF MANUFACTURING DISTRICTS

The Manufacturing Districts established in this Resolution are designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for all types of manufacturing and related activities, with due allowance for the need for a choice of sites.
- (b) To provide, as far as possible, that such space will be available for use for manufacturing and related activities, and to protect residences by separating them from manufacturing activities and by generally prohibiting the use of such space for new residential development.
- (c) To encourage manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, by permitting such development in areas where this

Resolution restricts the emission of such nuisances, without regard to the industrial products and processes involved.

- (d) To protect adjacent residential and commercial areas, and to protect the labor force in other establishments engaged in less offensive types of manufacturing and related activities, by restricting those manufacturing activities which involve danger of fire, explosions, toxic and noxious matter, radiation and other hazards, or create offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare, and other objectionable influences, to those limited areas which are appropriate therefor.
- (e) To protect manufacturing and related development against congestion, as far as is possible and appropriate in each area, by limiting the bulk of buildings in relation to the land around them and to one another, and by providing space off public streets for parking and loading facilities associated with such activities.
- (f) To protect the character of certain designated areas of historic and architectural interest, where the scale of building development is important, by limitations on the height of buildings.
- (g) To protect light manufacturing and to encourage stability and growth in appropriate mixed-use areas by permitting light manufacturing and controlled residential uses to co-exist where such uses are deemed compatible.
- (h) To promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stability of manufacturing and related development, to strengthen the economic base of the City, to protect the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the City's tax revenues.

41-10

PURPOSES OF SPECIFIC MANUFACTURING DISTRICTS

41-11

M1 Light Manufacturing Districts (High Performance)

These districts are designed for a wide range of manufacturing and related uses which can conform to a high level of performance standards. Manufacturing establishments of this type, within completely enclosed buildings, provide a buffer between Residence (or Commercial) Districts and other industrial uses which involve more objectionable influences. New residences are excluded from these districts, except for:

- (a) joint living-work quarters for artists in M1-5B Districts;

- (b) dwelling units in M1-5M and M1-6M Districts;
- (c) dwelling units in M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, where authorized by the City Planning Commission, both to protect residences from an undesirable environment and to ensure the reservation of adequate areas for industrial development; and
- (d) dwelling units in M1-6D Districts.

41-12

M2 Medium Manufacturing Districts (Medium Performance)

[UPDATING TO REFLECT NEW M2A DISTRICTS AND
EXISTING ALLOWANCES IN OTHER DISTRICTS]

These districts are designed for manufacturing and related activities which can meet a medium level of performance standards. Enclosure of such activities is not normally required except in areas along the boundary of a Residence District. No new residences or community facilities are permitted.

41-13

M3 Heavy Manufacturing Districts (Low Performance)

These districts are designed to accommodate the essential heavy industrial uses which involve more objectionable influences and hazards, and which, therefore, cannot reasonably be expected to conform to those performance standards which are appropriate for most other types of industrial development. No new residences or community facilities are permitted.

* * *

ARTICLE IV

MANUFACTURING DISTRICT REGULATIONS

Chapter 2

Use Regulations

42-00

GENERAL PROVISIONS

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN
CITY OF YES FOR ECONOMIC OPPORTUNITY, A PARRALLEL TEXT AMENDMENT]

In order to carry out the purposes and provisions of this Resolution, the #uses# within #buildings or other structures# as well as the open #uses# of #zoning lots#, or portions thereof, have been classified and combined into 10 separate Use Groups with similar characteristics. For the purposes of establishing permitted #uses# in this Resolution, references to permitted #uses# in the Use Groups, or any sub-categories therein, shall include all #accessory# #uses# thereto. Use Groups I, II, III, IV, V, VI, VII, VIII, IX and X, are permitted in #Manufacturing Districts# subject to the provisions of the following Sections:

- (a) Sections 42-11 (Use Group I – Agriculture and Open Uses) through 42-20 (Use Group X – Production Uses) establish general #use# allowances in Use Groups I through X, including each #use# listed separately therein, by #Manufacturing District#, and additional provisions for certain #uses#, where applicable.
- (b) Section 42-30 (SPECIAL PROVISIONS APPLICABLE TO CERTAIN DISTRICTS) sets forth special provisions applicable to the following #Manufacturing Districts#:
 - (1) M1-1D, M1-2D, M1-3D, M1-4D and M1-5D Districts, as set forth in Section 42-31 (Residential uses in M1-1D through M1-5D Districts);
 - (2) M1-6D Districts, as set forth in Section 42-32 (Use regulations in M1-6D Districts);
 - (3) M1-5M and M1-6M Districts, as set forth in Section 42-33 (Use regulations in M1-5M and M1-6M Districts);
 - (4) M1-1, M1-5 and M1-6 Districts in certain areas, as set forth in Section 42-34 (Use regulations in certain M1-1, M1-5 and M1-6 Districts); ~~and~~
 - (5) M1-5B Districts, as set forth in Section 42-35 (Use regulations in M1-5B Districts); ~~and~~ and
 - (6) #Manufacturing Districts# with an A suffix, as set forth in Section 42-36 (Use regulations in A suffix districts).

* * *

42-36 **Use Regulations in Manufacturing Districts with an A Suffix**

42-361 **General use modifications**

[ESTABLISHING USE REGULATIONS FOR NEW DISTRICTS]

In M1 and M2 Districts with an A suffix, the applicable #use# regulations shall be modified as

follows:

(a) In M1 Districts with an A suffix:

- (1) all retail and service #uses# listed in Use Group VI shall be permitted, and no associated size limitations shall apply;
- (2) all recreation, entertainment and assembly space #uses# listed in Use Group VIII shall be permitted;
- (3) all #community facility uses# without sleeping accommodations listed in Use Group III(B) shall be permitted.

(b) In M2 Districts with an A suffix, the #use# regulations for an M1 District with an A suffix shall apply, inclusive of performance standards, supplementary use regulations, and #sign# regulations.

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ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 3 Bulk Regulations

43-00 APPLICABILITY AND GENERAL PROVISIONS

* * *

43-10 FLOOR AREA REGULATIONS

* * *

43-12 Maximum Floor Area Ratio

M1 M2 M3

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area ratio# set forth in the following table, except as otherwise provided in the following Sections:

Section 43-121	(Expansion of existing manufacturing buildings)
Section 43-122	(Maximum floor area ratio for community facilities)
Section 43-13	(Floor Area Bonus for Public Plazas) <u>(Floor Area in Manufacturing Districts With an A Suffix)</u>
Section 43-14	(Floor Area Bonus for <u>Public Plazas and</u> Arcades)
Section 43-15	(Existing Public Amenities for which Floor Area Bonuses Have Been Received)
Section 43-16	(Special Provisions for Zoning Lots Divided by District Boundaries)
Section 43-61	(Bulk Regulations for Residential Uses in M1-1D Through M1-5D Districts)
Section 43-62	(Bulk Regulations in M1-6D Districts)

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43-13

~~Floor Area Bonus for Public Plazas~~

Floor Area in Manufacturing Districts With an A Suffix

M1-6

[MOVING EXISTING TEXT TO SECTION 43-14]

~~In the district indicated, except for M1-6D Districts, for each square foot of #public plaza# provided on a #zoning lot#, in accordance with the provisions of Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by six square feet.~~

[NEW PROVISIONS, PER PROPOSAL]

43-131

Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS), except where explicitly stated otherwise in individual provisions in this Chapter.

Qualifying uses

“Qualifying uses” shall include certain #commercial# and #manufacturing uses# eligible for higher permitted #floor area ratio# in M2 and M3 Districts with an A suffix.

In M2 Districts with an A suffix such #uses# shall include #referenced commercial and manufacturing uses#.

In M3 Districts with an A suffix, such #uses# shall include #qualifying uses# in M2 Districts with an A suffix, as well as the following:

From Use Group IV

All #uses# listed under Use Group IV(B) and IV(C)

From Use Group IX

All #uses# listed under Use Group IX, other than #self-service storage facilities#.

43-132

Floor area regulations in M1 Districts with an A suffix

In M1 Districts with an A suffix, the maximum #floor area ratio# for all permitted #uses# shall be as set forth in the following table.

<u>Districts</u>	<u>Maximum Permitted #Floor Area Ratio#</u>
<u>M1-1A</u>	<u>2.00</u>
<u>M1-2A</u>	<u>3.00</u>
<u>M1-3A</u>	<u>4.00</u>
<u>M1-4A</u>	<u>5.00</u>
<u>M1-5A</u>	<u>6.50</u>
<u>M1-6A</u>	<u>8.00</u>
<u>M1-7A</u>	<u>10.00</u>
<u>M1-8A</u>	<u>12.00</u>
<u>M1-9A</u>	<u>15.00</u>

43-132

Floor area regulations in M2 or M3 Districts with an A suffix

In M2 and M3 Districts with an A suffix, the maximum #floor area ratio# for #qualifying uses#, and for all other all permitted #uses# shall be as set forth in the respective columns of the following tables.

<u>Districts</u>	<u>Maximum Permitted #Floor Area Ratio# for #qualifying uses#</u>	<u>Maximum Permitted #Floor Area Ratio# for other #uses#</u>
<u>M2-1A</u>	<u>2.00</u>	<u>1.50</u>
<u>M2-2A</u>	<u>3.00</u>	<u>2.50</u>
<u>M2-3A</u>	<u>4.00</u>	<u>3.25</u>
<u>M2-4A</u>	<u>5.00</u>	<u>4.25</u>

<u>Districts</u>	<u>Maximum Permitted #Floor Area Ratio# for #qualifying uses#</u>	<u>Maximum Permitted #Floor Area Ratio# for other #uses#</u>
<u>M3-1A</u>	<u>2.00</u>	<u>1.00</u>
<u>M3-2A</u>	<u>3.00</u>	<u>1.00</u>

43-14

Floor Area Bonus for Public Plazas and Arcades

M1-6 M1-7A M1-8A M1-9A

[MOVING EXISTING TEXT FROM SECTION 43-13.
COMBINING WITH EXISTING TEXT]

(a) Public Plazas

In the districts indicated, except for M1-6D Districts, for each square foot of #public plaza# provided on a #zoning lot#, in accordance with the provisions of Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provisions of Section 43-12 (Maximum Floor Area Ratio) may be increased by six square feet.

(b) Arcades

In the ~~district~~ districts indicated, except for M1-6D Districts, for each square foot of #arcade# provided on a #zoning lot#, the total #floor area# permitted on the #zoning lot# under the provisions of Section 43-12 (~~Maximum Floor Area Ratio~~) may be increased by three square feet. However, the provisions of this Section shall not apply to #zoning lots#

that are both within 100 feet of the western #street line# of Seventh Avenue and between West 28th and West 30th Streets in the Borough of Manhattan.

* * *

43-20

YARD REGULATIONS

* * *

43-21

Definitions

Words in italics are defined in Section 12-10 or, if applicable exclusively to this Section, in this Section.

* * *

43-23

Permitted Obstructions in Required Yards or Rear Yard Equivalents

[UPDATING PER PROPOSAL FOR NEW DISTRICTS]

In all #Manufacturing Districts#, the obstructions set forth in Section 23-441 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted within a required #yard# or #rear yard equivalent#:

(a) In any #yard# or #rear yard equivalent#:

* * *

(b) In any #rear yard# or #rear yard equivalent#:

- (1) Any #building# or portion of a #building# used for any permitted #use#, except that any portion of a #building# containing rooms used for living or sleeping purposes (other than a room in a hospital used for the care and treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction, and provided that the height of such #building# shall not exceed one #story#, excluding #basement#, nor in any event 23 feet above #curb level#. However, in M Districts with an A suffix, the height of such obstruction shall be modified so that such #building# shall not exceed two #stories#, excluding #basements#, nor in any event 30 feet above #curb level#. In addition, in all districts, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, shall be permitted upon such #building#, or portion thereof, pursuant to Section 43-42 (Permitted Obstructions).

* * *

43-26

Minimum Required Rear Yards

[ESTABLISHING REAR YARD PROVISIONS FOR NEW DISTRICTS]

M1 M2 M3

In all districts, other than districts with an A suffix, as indicated, a #rear yard# with a depth of not less than 20 feet shall be provided at every #rear lot line# on any #zoning lot# except as otherwise provided in Sections 43-27 (Special Provisions for Shallow Interior Lots), 43-28 (Special Provisions for Through Lots) or 43-31 (Other Special Provisions for Rear Yards). #Rear yards# shall also be provided along portions of #side lot lines# as set forth in Section 43-261 (Beyond one hundred feet of a street line).

For districts with an A suffix, the provisions of Section 43-262 shall apply. However, such provisions shall be modified by the provisions of 43-27 (Special Provisions for Shallow Interior Lots), 43-28 or 43-31.

* * *

43-262

Minimum rear yards for Manufacturing Districts with an A suffix

In Manufacturing Districts with an A suffix, a #rear yard# shall be provided at the minimum depth set forth in the table below for the applicable height above the #base plane#, at every #rear lot line# on any #zoning lot#.

REQUIRED DEPTH OF REAR YARD

<u>Height above #base plane#</u>	<u>Required depth</u>
<u>Below 65 feet</u>	<u>10</u>
<u>Above 65</u>	<u>15</u>
<u>Above 125 feet</u>	<u>20</u>

In addition, where a portion of a #side lot line# beyond 100 feet of the #street line# coincides with a #rear lot line# of an adjoining #zoning lot#, such #side lot line# shall be considered a #rear lot line# and a #rear yard# shall be required with a minimum depth in accordance with the provisions of this Section.

43-27

Special Provisions for Shallow Interior Lots

[ESTABLISHING REAR YARD PROVISIONS FOR SHALLOW INTERIOR LOTS IN NEW DISTRICTS]

M1 M2 M3

(a) For districts without an A suffix

In all districts, other than districts with an A suffix, as indicated, if an #interior lot#:

~~(a)~~(1) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and

~~(b)~~(2) is less than 70 feet deep;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each two feet by which the maximum depth of a #zoning lot# is less than 70 feet. No #rear yard# is required on any #interior lot# with a maximum depth of less than 50 feet.

(b) For districts with an A suffix

For districts with an A suffix, if an #interior lot#, or portion thereof, has a depth of less than 95 feet at any point, and such shallow condition was in existence on December 15, 1961, the depth of a required #rear yard#, or portion thereof, may be reduced by six inches for each foot by which the depth of such #zoning lot# is less than 95 feet. No #rear yard# is required on any such #interior lot#, or portion thereof, with a maximum depth of less than 50 feet.

43-28

Special Provisions for Through Lots

[ESTABLISHING REAR YARD PROVISIONS FOR THROUGH LOTS IN NEW DISTRICTS]

M1 M2 M3

(a) For districts without an A suffix

In all districts, other than districts with an A suffix, as indicated, no #rear yard# regulations shall apply on any #through lot# which extends less than 110 feet in maximum #lot depth# from #street# to #street#. However, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard

equivalent# shall be provided, except that in the case of a #zoning lot# occupying an entire #block#, no #rear yard# or #rear yard equivalent# shall be required:

- (a)(1) an open area with a minimum #lot depth# of 40 feet midway (or within five feet of being midway) between the two #street lines# upon which such #through lot# fronts;
- (b)(2) two open areas, each adjoining and extending along the full length of the #street line#, and each with a minimum depth of 20 feet measured from such #street line#; or
- (c)(3) an open area adjoining and extending along the full length of each #side lot line#, with a minimum width of 20 feet measured from each such #side lot line#.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 43-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(b) For districts with an A suffix

For districts with an A suffix, no #rear yard equivalent# shall be required on any #through lot# or #through lot# portion of a #zoning lot#.

* * *

43-30

SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

M1 M2 M3

In all districts, as indicated, open areas shall be provided in accordance with the provisions of this Section along the boundaries of #Residence Districts#, except where such district boundaries are also the boundaries of railroad rights-of-way or cemeteries.

* * *

43-302

Required yards along district boundary coincident with rear lot lines of two adjoining zoning lots

[ESTABLISHING REAR YARD PROVISIONS ALONG DISTRICT BOUNDARIES
FOR NEW DISTRICTS]

M1 M2 M3

(a) For districts without an A suffix

In all districts, other than districts with an A suffix, as indicated, along such portion of the #rear lot line# of a #zoning lot# in a #Manufacturing District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level# and at least 30 feet in depth shall be provided within the #Manufacturing District#. Such an open area shall not be used for storage or processing of any kind.

(b) For districts with an A suffix

For districts with an A suffix, where the portion of a #rear lot line# of a #zoning lot# coincides with the #rear lot line# of an adjoining #Residence District#, an open area not higher than 30 feet above #curb level# and at least 20 feet in depth shall be provided.

43-303

Required yards along district boundary coincident with side lot line of zoning lot in a Manufacturing District

[ESTABLISHING REAR YARD PROVISIONS ALONG DISTRICT BOUNDARIES
FOR NEW DISTRICTS]

M1 M2 M3

(a) For districts without an A suffix

In all districts, other than districts with an A suffix, as indicated, along such portion of a #side lot line# of a #zoning lot# in a #Manufacturing District# which coincides with a #rear lot line# of a #zoning lot# in an adjoining #Residence District#, an open area not higher than #curb level# and at least 15 feet wide shall be provided within the #Manufacturing District#. Such open area shall not be used for #accessory# off-street loading or for storage or processing of any kind.

(b) For districts with an A suffix

For districts with an A suffix, where the portion of a #side lot line# of a #zoning lot# coincides with the #rear lot line# of an adjoining #Residence District#, an open area not higher than #curb level# and at least eight feet in depth shall be provided.

* * *

43-40

HEIGHT AND SETBACK REGULATIONS

* * *

43-42

Permitted Obstructions

[UPDATING REFERENCES]

In all #Manufacturing Districts#, the obstructions set forth in Section 23-621 (General permitted obstruction allowances), as well as the following obstructions, shall be permitted to penetrate a maximum height limit or a #sky exposure plane# set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks), 43-44 (Alternate Front Setbacks), 43-46 (Height and Setback Provisions for Districts with an A suffix) or 43-49 (Limited Height Districts).

* * *

43-43

Maximum Height of Front Wall and Required Front Setbacks

[UPDATING TEXT FOR NEW DISTRICT PROVISIONS]

M1 M2 M3

In all districts, other than districts with an A suffix, as indicated, if the front wall or any other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# as set forth in the table in this Section, the height of such front wall or other portion of a #building or other structure#, except as otherwise set forth in this Section, shall not exceed the maximum height above #curb level# set forth in the table. Above such maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the table.

* * *

43-44

Alternate Front Setbacks

[UPDATING TEXT FOR NEW DISTRICT PROVISIONS]

M1 M2 M3

In all districts, other than districts with an A suffix, as indicated, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in this Section or in Sections 43-42 (Permitted Obstructions) or 43-45 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the table in this Section. The #sky exposure plane# shall be measured from a point above the #street line#.

In an M1-6 District, if the open area provided under the terms of this Section is a #public plaza#, such open area may be counted toward the bonus provided for a #public plaza#, pursuant to ~~Section 43-13 (Floor Area Bonus for Public Plazas)~~ 43-14 (Floor Area Bonus for Public Plazas and Arcades).

* * *

43-45 Tower Regulations

[UPDATING TEXT FOR NEW DISTRICT PROVISIONS]

M1-3 M1-4 M1-5 M1-6

In the districts indicated, other than districts with an A suffix, any #building# or #buildings#, or portion thereof, which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent set forth in Section 43-451 (Towers on small lots), may penetrate an established #sky exposure plane#. (Such #building# or portion thereof is hereinafter referred to as a tower.) At any given level, such tower may occupy any portion of the #zoning lot# not located less than 15 feet from the #street line# of a #narrow street#, or less than 10 feet from the #street line# of a #wide street#, provided that the aggregate area so occupied within 50 feet of a #narrow street# shall not exceed 1,875 square feet and the aggregate area so occupied within 40 feet of a #wide street# shall not exceed 1,600 square feet.

* * *

43-46 ~~Special Provisions for Zoning Lots Directly Adjoining Public Parks~~ Height and Setback Provisions for Districts with an A suffix

M1 M2 M3

[RELOCATING TEXT TO SECTION 43-47; ESTABLISHING NEW HEIGHT AND SETBACK PROVISIONS FOR NEW DISTRICTS]

~~In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the height and setback regulations as set forth in Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.~~

For M Districts with an A suffix, a #building or other structure# shall not exceed the maximum base heights or maximum #building# height set forth in paragraph (a) of this Section. A setback

is required for all portions or #buildings or other structures# that exceed the maximum base height specified in paragraph (a) and shall be provided in accordance with paragraph (b). In districts without a maximum height limit, the tower provisions set forth in paragraph (c) shall apply.

(a) Maximum base heights and maximum #building# heights

The table below sets forth the maximum base heights and maximum #building or other structure# heights.

MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT

<u>District</u>	<u>Maximum Base Height (in feet)</u>	<u>Maximum Height of #Buildings or other Structures# (in feet)</u>
<u>M1-1A M2-1A M3-1A</u>	<u>45</u>	<u>65</u>
<u>M1-2A M2-2A M3-2A</u>	<u>65</u>	<u>95</u>
<u>M1-3A M2-3A</u>	<u>95</u>	<u>125</u>
<u>M1-4A M2-4A</u>	<u>125</u>	<u>155</u>
<u>M1-5A</u>	<u>155</u>	<u>205</u>
<u>M1-6A</u>	<u>155</u>	<u>245</u>
<u>M1-7A</u>	<u>155</u>	<u>325</u>
<u>M1-8A M1-9A</u>	<u>155</u>	<u>N/A</u>

In addition, for #zoning lots# with a #lot area# greater than or equal to 20,000 square feet, a #building# may exceed the maximum building heights established in such table by 25 percent.

(b) Any portion of a #building# above the maximum base height shall provide a setback with a depth of at least 10 feet from any #street wall# fronting on a #wide street# and a depth of at least 15 feet from any #street wall# fronting on a #narrow street#. However, such setback requirement may be modified as follows:

- (1) the depth of such required setback may be reduced by one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than seven feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately;
- (2) the depth of such required setbacks may include the depth of recesses in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than seven feet, does not exceed 30 percent of the #aggregate width of #street wall# at any level; and
- (3) these setback provisions are optional for any #building that either is located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#;
- (4) dormers may penetrate a required setback area, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height#. Such dormers need not decrease in width as the height above the maximum base height increases.

(c) Towers

For #buildings# in M1-8A and M1-9A Districts, no maximum height limit shall apply. However, any portion of a #building# above a height of 350 feet shall have a maximum #lot coverage# of 50 percent of the #lot area# of the #zoning lot#.

43-47

Modification of Height and Setback Regulations

[RELOCATING TEXT FROM SECTION 43-46]

- (a) For #zoning lots# adjoining #public parks#

M1 M2 M3

In all districts, as indicated, a #public park# with an area of between one and 15 acres shall be considered a #wide street# for the purpose of applying the height and setback regulations as set forth in Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park#

more than 75 percent of which is paved.

(b) For #zoning lots# containing certain #community facility uses#

M1

In the district indicated, for certain #community facility# #uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 43-41 to 43-45, inclusive, relating to Height and Setback Regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses).

* * *

ARTICLE IV MANUFACTURING DISTRICT REGULATIONS

Chapter 4 Accessory Off-Street Parking and Loading Regulations

44-00 GENERAL PURPOSES AND DEFINITIONS

* * *

44-20 REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

44-21 General Provisions

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN CITY OF YES FOR ECONOMIC OPPORTUNITY, A PARALLEL TEXT AMENDMENT; ESTABLISHING PARKING REQUIREMENTS FOR NEW DISTRICTS]

M1 M2 M3

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #development# after December 15, 1961, for the #manufacturing#, #commercial# or #community facility# #uses# listed in the table. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development#.

After December 15, 1961, if an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table in this Section, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement.

A parking space is required for a portion of a unit of measurement one-half or more of the amount set forth in the table.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

For those #uses# for which rated capacity is specified as the unit of measurement, the Commissioner of Buildings shall determine the rated capacity as the number of persons which may be accommodated by such #uses#.

The requirements of this Section shall be waived in the following situations:

- (a) when, as the result of the application of such requirements, a smaller number of spaces would be required than is specified by the provisions of Section 44-23 (Waiver of Requirements for Spaces Below Minimum Number);
- (b) when the Commissioner of Buildings has certified, in accordance with the provisions of Section 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden), that there is no way to arrange the spaces with access to the #street# to conform to the provisions of Section 44-43 (Location of Access to the Street);
- (c) for houses of worship, in accordance with the provisions of Section 44-25 (Waiver for Locally Oriented Houses of Worship).

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Parking Requirement Categories (PRC) based on how requirements are measured. The specific designations for #uses# are set forth in the Use Group tables.

Parking Requirement Category	Type of Requirement
PRC – A	square feet of #floor area#
PRC – B	person-rated capacity
PRC – C	square feet of #lot area#
PRC – D	square feet of #floor area#, or number of employees
PRC – E	number of beds
PRC – F	guest rooms or suites
PRC – G	other

REQUIRED OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES

Parking Requirement Category	PRC - A				PRC - B			C
	A1	A2	A3	A4	B1	B2	B3	
Unit of Measurement	per square feet of #floor area# ¹				per persons-rated capacity			per square feet of #lot area# ^{3,4}
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 <u>Districts without an A suffix</u> <u>M1, M2 M3 Districts with an A suffix outside the #expanded transit zone#</u>	1 per 200	1 per 300	1 per 300 ²	1 per 600	1 per 8	1 per 8	1 per 10	1 per 500
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 <u>Districts without an A suffix</u> <u>M1, M2 M3 Districts with an A suffix within the #expanded transit zone#</u>	None required	None required	None required	None required	None required	None required	None required	None required

¹ For ambulatory diagnostic or treatment facilities listed in Use Group III(B), #cellar# space, except #cellar# space used for storage shall be included to determine parking requirements.

² Parking requirements for #uses# in PRC-A3 may be reduced by permit of the Board of Standards and appeals in accordance with the provisions of Section 73-44.

³ In the case of golf driving ranges, the requirements in this table apply only to that portion of the range used for tees.

⁴ In the case of outdoor skateboard parks, in M3-1 Districts, the requirements of this table apply only to that portion used as skating runs and #accessory# #buildings#. The #floor area# of #accessory# #buildings# shall be considered #lot area# for the purpose of these requirements.

	PRC - D	PRC - E	PRC - F
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Parking Requirement Category	D1	D2	E1	E2	E3	F1	F2
Unit of Measurement	per square feet of #floor area# or per employees ⁵		per bed			per guest room or suites	
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 <u>Districts without an A suffix</u> <u>M1, M2 M3 Districts with an A suffix outside the #expanded transit zone#</u>	1 per 1,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces	1 per 2,000 sq ft or 1 per 3 employees, whichever will require a larger number of spaces	1 per 5 ⁶	n/a	n/a	1 per 1	1 per 8
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 <u>Districts without an A suffix</u> <u>M1, M2 M3 Districts with an A suffix within the #expanded transit zone#</u>	None required	None required	1 per 10 ⁶				None required

⁵ For predominantly open storage of miscellaneous #uses# or predominantly open #manufacturing# #uses#, the #lot area# used for such #uses# shall be considered as #floor area# for the purposes of these requirements.

⁶ Parking requirements for #uses# in PRC-E1 are in addition to area utilized for ambulance parking.

Parking Requirement Category	PRC - G						
	Agricultural #uses#	Outdoor racket courts	Outdoor skating rinks	Seminaries	#Schools#	Houses of worship	Museums or non-commercial art galleries

Unit of Measurement	per square feet of #lot area# used for selling purposes	per court	per square feet of #lot area#	per square feet of #floor area# used for classrooms, laboratories, student centers or offices	per square feet of #floor area#	per persons-rated capacity	per square feet of #floor area#
M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 <u>Districts without an A suffix</u> <u>M1, M2 M3 Districts with an A suffix outside the #expanded transit zone#</u>	1 per 1,000	1 per 2	1 per 800	1 per 1,000	None required	1 per 15	None required
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 <u>Districts without an A suffix</u> <u>M1, M2 M3 Districts with an A suffix within the #expanded transit zone#</u>	None required	None required	None required	None required		None required	

Parking Requirement Category	PRC - G (continued)							
	Court houses	Fire or Police stations	Prisons	Docks	Camps, overnight and day	Post Offices	Funeral Establishments	Riding academies or stables
Unit of Measurement	per square feet of #floor area#	per square feet of #floor area#	per beds-rated capacity	see Section 62-43	per square feet of #lot area# or per employees	per square feet of #floor area#	per square feet of #floor area#	per square feet of #floor area#

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1 <u>Districts</u> <u>without an</u> <u>A suffix</u>	1 per 600		1 per 10			1 per 1,200	1 per 400	
<u>M1, M2 M3</u> <u>Districts</u> <u>with an A</u> <u>suffix</u> <u>outside the</u> <u>#expanded</u> <u>transit</u> <u>zone#</u>		None required		see Section 62-43	1 per 2,000 or 1 per 3			None required
M1-4 M1-5 M1-6 M2-3 M2-4 M3-2 <u>Districts</u> <u>without an</u> <u>A suffix</u>	None require d		None required			None require d	None required	
<u>M1, M2 M3</u> <u>Districts</u> <u>with an A</u> <u>suffix</u> <u>within the</u> <u>#expanded</u> <u>transit</u> <u>zone#</u>								

* * *

44-50 OFF-STREET LOADING REGULATIONS

* * *

44-52 Required Accessory Off-street Loading Berths

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN CITY OF YES FOR ECONOMIC OPPORTUNITY, A PARRALLEL TEXT AMENDMENT; ESTABLISHING LOADING REQUIREMENTS FOR NEW DISTRICTS]

M1 M2 M3

In all districts, as indicated, #accessory# off-street loading berths, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section and under rules and regulations promulgated by the Commissioner of Buildings, for all #development# after

December 15, 1961, for the #community facility#, #commercial# or #manufacturing# #uses# listed in the table, as a condition precedent to the #use# of such #development#.

For the purposes of this Section, a tract of land on which a group of such #uses# is #developed# under single ownership or control shall be considered a single #zoning lot#.

Whenever any #use# specified in the table is located on an open lot, the requirements set forth in the table for #floor area# shall apply to the #lot area# used for such #use#.

For the purposes of applying the loading requirements of this Chapter, #uses# are grouped into the following Loading Requirement Categories (LRC).

Loading Requirement Category	#Use# or Use Group
LRC – A	All #uses# listed under Use Groups IX(A), IX(B) and X
LRC – B	All #uses# listed under Use Group VI, except automotive equipment rental and leasing, automotive repair and maintenance, or gasoline stations; all #uses# listed under Use Group VIII
LRC – C	All #uses# listed under Use Groups V and VII; court houses listed under Use Group IV(A)
LRC – D	Hospitals and related facilities listed under Use Group III(B); prisons listed under Use Group IV(A)
LRC – E	Funeral establishments listed under Use Group VI

REQUIRED OFF-STREET LOADING BERTHS FOR DEVELOPMENTS OR ENLARGEMENTS

Loading Requirement Category	Districts	
	M1-1 M1-2 M1-4 M2-1 M2-3 M3-1 M3-2 <u>Districts without an A suffix</u>	M1-3 M1-5 M1-6 M2-2 M2-4 <u>Districts without an A suffix</u>
	<u>M1, M2 M3 Districts with an A suffix outside the #expanded transit zone#</u>	<u>M1, M2 M3 Districts with an A suffix within the #expanded transit zone#</u>
LRC-A	First 8,000 sq. ft. : None Next 17,000 sq. ft. : 1 Next 15,000 sq. ft. : 1 Next 20,000 sq. ft. : 1 Each additional 80,000 sq. ft. : 1	First 15,000 sq. ft. : None Next 25,000 sq. ft. : 1 Next 40,000 sq. ft. : 1 Each additional 80,000 sq. ft. : 1

LRC-B	First 8,000 sq. ft. : None Next 17,000 sq. ft. : 1 Next 15,000 sq. ft. : 1 Next 20,000 sq. ft. : 1 Next 40,000 sq. ft. : 1 Each additional 150,000 sq. ft. : 1	First 25,000 sq. ft. : None Next 15,000 sq. ft. : 1 Next 60,000 sq. ft. : 1 Each additional 150,000 sq. ft. : 1
LRC-C	First 25,000 sq. ft. : None Next 75,000 sq. ft. : 1 Next 200,000 sq. ft. : 1 Each additional 300,000 sq. ft. : 1	First 100,000 sq. ft. : None Next 200,000 sq. ft. : 1 Each additional 300,000 sq. ft. : 1
LRC-D ¹	First 10,000 sq. ft. : None Next 290,000 sq. ft. : 1 Each additional 300,000 sq. ft. : 1	
LRC E	First 10,000 sq. ft. : None Next 20,000 sq. ft. : 1 Any additional amount : 1	

¹ Requirements in this table are in addition to area utilized for ambulance parking

* * *

ARTICLE VI SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2 Special Regulations Applying in the Waterfront Area

* * *

62-10 GENERAL PROVISIONS

* * *

62-30 SPECIAL BULK REGULATIONS

* * *

62-341 Developments on land and platforms

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN CITY OF YES FOR ECONOMIC OPPORTUNITY, A PARALLEL TEXT AMENDMENT]

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343.

* * *

(e) C7 Districts and Manufacturing Districts with an A suffix

In the districts indicated, the height and setback regulations of Section 33-46 (Height and Setback Provisions for C7 Districts) shall apply.

62-343

Developments on floating structures

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN CITY OF YES FOR ECONOMIC OPPORTUNITY, A PARALLEL TEXT AMENDMENT]

* * *

HEIGHT LIMITS FOR FLOATING STRUCTURES

#Residential District#	#Commercial District#	#Manufacturing District#	Column A	Column B
			Maximum Structure Height	Maximum Height of Repurposed Vessels
R1 thru R5	C1 or C2 mapped in R1 thru R5	-	23 ft.	40 ft.
	C3			
R6	C1 or C2 mapped in R6	M1-1 M1-2 M1-4	40 ft.	60 ft.
	C4-1	<u>M1-1A M1-2A</u>		

	C7-1 C7-2	M2-1 M2-3		
	C8-1 C8-2 C8-3	<u>M2-1A M2-2A</u>		
		M3-1 M3-2		
R7 R8	C1 or C2 mapped in R7 or R8	M1-3 M1-5	50 ft.	70 ft.
		<u>M1-3A M1-4A</u>		
	C1-6 C1-7	M2-2 M2-4		
	C2-6	<u>M2-3A M2-4A</u>		
	C4-2 C4-3 C4-4 C4-5			
	C6-1 C6-2			
	C7-3 C7-4			
	C8-4			
R9 R10	C1 or C2 mapped in R9 or R10	M1-6	60 ft.	150 ft.
		<u>M1-5A M1-6A M1-7A</u>		
	C1-8 C1-9	<u>M1-8A M1-9A</u>		
	C2-7 C2-8			
	C4-6 C4-7			
	C5			
	C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9			
	C7-5 C7-6 C7-7 C7-8 C7-9			
		*	*	*

SPECIAL PARKING AND LOADING REGULATIONS

* * *

62-43

Parking Requirements for Commercial Docking Facilities

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN CITY OF YES FOR ECONOMIC OPPORTUNITY, A PARALLEL TEXT AMENDMENT]

#Accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #developments# involving the commercial docking facilities listed. For the purposes of this Section, the term #development# shall also include, in the case of an existing docking facility, an increase in any unit of measurement used in computing parking requirements.

In addition, passenger drop-off and pick-up areas shall be provided as set forth in Section 62-462.

#Accessory# off-street parking or drop-off and pick-up area requirements for docking facilities serving ferries or sightseeing, excursion or sport fishing vessels may be modified by City Planning Commission authorization pursuant to the provisions of Section 62-821.

REQUIRED PARKING SPACES FOR DOCKING FACILITIES

Docking Facilities Serving	Districts	Number of Required Parking Spaces
Non-commercial pleasure boats	C1 thru C8 M1 M2 M3	1 per 2 berths or moorings
Rental boats		
Ferries	R3** thru R5** C1-1 C2-1 C3 C4-1	0.30 x p*
Sightseeing, excursion or sport fishing vessels	R6** R7-1** R7A** R7B** R7D** C1-2 C2-2 C4-2 C8-1 M1-1 M1-2 M2-1 M2-2 M3-1	0.20 x p*
	R7-2** R7-3** R7X** C1-3 C2-3 C4-3 C8-2 M1-3	0.15 x p*

	R8** R9** C1-4 C2-4 C4-4 C8-3	0.10 x p*
	C7 outside the #expanded transit zone#	
	<u>#Manufacturing Districts#</u> <u>with an A suffix outside the</u> <u>#expanded transit zone#</u>	
	R10** C1-5 thru C1-9 C2-5 thru C2-8 C4-4A C4-5 C4-6 C5 C6 C8-4 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None required
	C7 within the #expanded transit zone#	
	<u>#Manufacturing Districts#</u> <u>with an A suffix within the</u> <u>#expanded transit zone#</u>	
Passenger ocean vessels	C6** M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	0.15 x p* 1 per 2,000 sq. ft. of #lot area# or 1 per 3 employees, whichever is less
	<u>#Manufacturing Districts#</u> <u>with an A suffix outside the</u> <u>#expanded transit zone#</u>	
	M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	None required
	<u>#Manufacturing Districts#</u> <u>with an A suffix within the</u> <u>#expanded transit zone#</u>	
Vessels not otherwise listed	M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	1 per 2,000 sq. ft. of #lot area# or 1 per 3 employees whichever is less
	<u>#Manufacturing Districts#</u> <u>with an A suffix outside the</u> <u>#expanded transit zone#</u>	

M1-4 M1-5 M1-6
M2-3 M2-4
M3-2

None required

#Manufacturing Districts#
with an A suffix within the
#expanded transit zone#

* For sightseeing, excursion, sport fishing or passenger ocean vessels, "p" is the sum of the maximum capacities of all such vessels using a dock. The maximum capacity of each vessel is its U.S. Coast Guard certified capacity

For ferries, "p" is the total ferry passenger load of a dock on weekdays between the hours of 6:00 a.m. and 9:00 a.m., as determined by the N.Y.C. Department of Transportation

For docks serving both above categories of vessels, the number of parking spaces required shall be the sum of the number of spaces required for each category

** By City Planning Commission special permit only for ferries or passenger ocean vessels in districts indicated

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ARTICLE VI

SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 6

Special Regulations Applying Around Mass Transit Stations

66-10

GENERAL PROVISIONS

* * *

66-234

Special height and setback modifications

[THE LANGUAGE IN THIS SECTION REFLECTS THE PROPOSED MODIFICATIONS IN CITY OF YES FOR ECONOMIC OPPORTUNITY, A PARALLEL TEXT AMENDMENT]

The height and setback modifications of this Section shall apply as follows:

* * *

- (c) Special height provisions for R6 through R10 Districts and certain #Commercial# and M1 Districts

In R6 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, M1 Districts paired with R6 through R10 Districts, and M1-6 Districts, where maximum #building# height limitations apply, the maximum #building# height shall be increased by 10 feet, or one #story#, whichever is less.

However, for #zoning lots# with an #easement volume# serving an #above-grade mass transit station# in R7 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, C7 Districts, M1 Districts paired with R7 through R10 Districts, ~~and~~ M1-6 Districts, and #Manufacturing Districts# with an A suffix, the maximum #building# height shall be increased by 20 feet or two #stories#, whichever is less.

* * *

66-24

Special Regulations for Accessory Off-Street Parking

[APPLYING PARKING WAIVER PROVISIONS TO NEW M DISTRICTS]

Where an #easement volume# is provided, the underlying parking regulations of this Resolution shall be modified in accordance with the provisions of this Section.

* * *

- (b) Special waiver of requirements for small #zoning lots#

For #zoning lots# with a #lot area# of 10,000 or 15,000 square feet or less, as applicable, requirements for #accessory# off-street parking spaces are waived pursuant to the following table:

District	Lot Area (in square feet)
----------	------------------------------

R5 R5D

C1-1 C2-1 C3 C4-1

C1-2 C2-2 C4-2 C8-1

C1-3 C2-3 C4-2A C4-3 C8-2

M1-1 M1-2 M1-3 M2-1 M2-2 M3-1

10,000 or less

R6 R7 R8 R9 R10

C1-4 C2-4 C4-4 C4-5D C8-3

C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8
C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5
C6 C7 C8-4

15,000 or less

M1-4 M1-5 M1-6 M2-3 M2-4 M3-2

#Manufacturing Districts# with an A suffix

* * *

ARTICLE XII SPECIAL PURPOSE DISTRICTS

Chapter 3 Special Mixed Use District

123-00 GENERAL PURPOSES

* * *

123-60 SPECIAL BULK REGULATIONS

* * *

123-66 Height and Setback Regulations

[ESTABLISHING SPECIAL RULES TO ALLOW DISTRICTS
WITH A HIGH M1A FAR A DIFFERENT ENVELOPE]

The height of all #buildings or other structures# in #Special Mixed Use Districts# shall be measured from the #base plane#.

In #Special Mixed Use Districts# where the designated #Residence District# is an R3, R4 or R5 District, the provisions of Section 123-661 (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations) shall apply. On #waterfront blocks#, as defined in Section 62-11, where the designated #Residence District# is R3, R4 or R5, the height and setback regulations of Section 62-34, inclusive, shall apply to #buildings and other structures#, except that for #mixed use buildings#, the height and setback regulations set forth in Section 123-661 shall apply.

In #Special Mixed Use Districts# where the designated #Residence District# is an R6 through R10 District, the provisions of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations) shall apply. However, in certain zoning districts in certain #Special Mixed Use Districts#, such provisions are modified by the special rules of Section 123-663 (Special rules for certain districts in certain Special Mixed Use Districts).

However, for M1 Districts with an A suffix paired with a #Residence District#, the applicable height and setback regulations shall be whichever regulations permit the tallest overall heights between the applicable #Manufacturing District# regulations set forth in Section 43-46, or the applicable #Residence District# regulations set forth in this Section, inclusive, depending on the particular M1 District and #Residence District# pairing.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

* * *

The above resolution (N 240011 ZRY), duly adopted by the City Planning Commission on March 6, 2024 (Calendar No. 4), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq., *Chair,*
KENNETH J. KNUCKLES, Esq., *Vice Chairman*

**GAIL BENJAMIN, ALFRED C. CERULLO, III, 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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 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:	Kingsborough Community College 2001 Oriental Blvd, Room U112 Faculty Dining Room, 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 -Nightlife 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 limits to outdoor use.

Item #10 -Amusement - at least 500' from residential areas to avoid noise complaints.

Item#11 -Home Occupations - only by the homeowner with no employees on premise.

#12 Auto repair - limit curb cuts and parking on sidewalks, as well as taking all available curbside parking, an existing example can currently be found on McDonald Avenue in our district.

Recommendation submitted by	BK CB15	Date: 11/29/2023 9:31 AM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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 attached files for more information.		
Recommendation submitted by	BK CB13	Date: 1/29/2024 1:49 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	<div> <div>✓</div> <div>With recommendations</div> </div>		<p>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.</p>
#18 New loft-style district			<p>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.</p>



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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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 Ave and 810 E 16 St	

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? 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:	810 East 16 St

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: 1/29/2024 2:26 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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 and 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? 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. Finbar Annex, 138 Bay 20 Street, Brooklyn, NY 11214 (enter parking lot on Bay 20 St)

CONSIDERATION: Please see attached.		
Recommendation submitted by	BK CB11	Date: 1/19/2024 3:30 PM

Community Board 11 CoYEO Recommendations

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.



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, the New York City Department of City Planning (*hereafter known as "DCP"*) is proposing the City of Yes for Economic Opportunity Citywide Text Amendment (N240010ZRY, N240011) 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		CB 10 has delivery trucks

			<p>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		

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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 48
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 attachment		
Recommendation submitted by	MN CB10	Date: 1/24/2024 5:01 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 50
Date of Vote: 1/23/2024 12:00 AM		Vote Location: Roy and Diana Vagelos Education Center 105 Haven Ave at the corner of W 171st Street	

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 105 Haven Ave at the corner of W 171st Street

CONSIDERATION:		
Recommendation submitted by	MN CB12	Date: 2/2/2024 4:39 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



Hon. Dan Garodnick
Chair

Re: Resolution Conditionally Supporting the City of YES for Economic Opportunity Zoning Text Amendment

January 29, 2024

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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



Hon. Dan Garodnick
Chair

Re: Resolution Conditionally Supporting the City of YES for Economic Opportunity Zoning Text Amendment

January 29, 2024

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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



Hon. Dan Garodnick
Chair

Re: Resolution Conditionally Supporting the City of YES for Economic Opportunity Zoning Text Amendment

January 29, 2024

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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



Hon. Dan Garodnick
Chair

Re: Resolution Conditionally Supporting the City of YES for Economic Opportunity Zoning Text Amendment

January 29, 2024

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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

Re: Resolution Conditionally Supporting the City of YES for Economic Opportunity Zoning Text
Amendment

January 29, 2024

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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



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,



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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	Borough:	Citywide
CEQR Number:	24DCP004Y	Validated Community Districts:	

Docket Description:

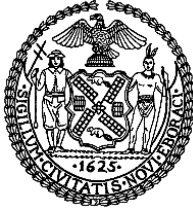
Please use the above application number on all correspondence concerning this application

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 1:19 PM



JESSICA CHAIT
Chair

JESSE R. BODINE
District Manager

CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

424 West 33 Street, Suite #580
New York, NY 10001
tel: 212-736-4536
www.nyc.gov/mcb4

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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 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 1:58 PM
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COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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? 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:	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 12:00 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 8	# Against: 1	# Abstaining: 3	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: 1/18/2024 8:30 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:	Zoom

CONSIDERATION:		
Recommendation submitted by	MN BP	Date: 1/22/2024 4:33 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

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

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Financial Secretary

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Treasurer

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Correspondence Secretary

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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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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 6:08 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 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 Attached Resolution		
Recommendation submitted by	BK CB5	Date: 2/15/2024 5:21 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

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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 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 - M-Districts			
Applicant: DCP - Department of City Planning (NYC)		Applicant's Primary Contact: JOHN ONEILL	
Application # N240011ZRY		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: 39	# Against: 0	# 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 the attached supporting document. The vote above only reflects our opinion on Component 18.		
Recommendation submitted by	BK CB7	Date: 2/21/2024 2:07 PM



Julio Pena III
Chairperson

Jeremy Laufer
District Manager

THE CITY OF NEW YORK
BOROUGH OF BROOKLYN
COMMUNITY BOARD #7

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:

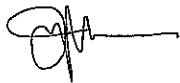
- A) Create more options for industrial development in the "Core" district.
- B) Right-size the "Transition" district's industrial incentive.
- C) Add "Transition" district industrial space requirements.
- D) Keeping growth districts outside of IBZs.

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
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Brooklyn, NY 11232
718-965-3100 fax: 718-577-5858
www.sbidc.org

Jesse Solomon
Executive Director

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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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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



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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>



Docket Description:

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.	

Date of Public Hearing: 2/8/2024 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:	Weeksville Heritage Center, 158 Buffalo Avenue, Brooklyn, N.Y. 11213

CONSIDERATION: Please see attached.		
Recommendation submitted by	BK CB8	Date: 2/9/2024 1:33 PM



COMMUNITY BOARD NO. 8

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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. 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.



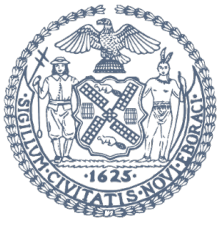
BROOKLYN COMMUNITY BOARD 9

Goal 3: Enable More Business-Friendly Streetscapes

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 the 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.



BROOKLYN COMMUNITY BOARD 9

Additional Concerns

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



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 0	Total members appointed to the board: 33
Date of Vote: 1/23/2024 12:00 AM		Vote Location: MS61 - 400 Empire Boulevard, 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: 2/2/2024 3:49 PM



BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: JOHN ONEILL
Application # N240011ZRY	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: 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 6:23 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.



Community Board Ten

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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.

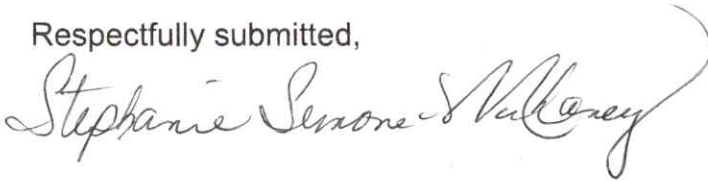
The City Planning Commission has instructed Community Boards to submit their resolutions and any accompanying statement through the CPC Zoning Application Portal or ZAP. Community Boards must select only one of four options: Favorable; Favorable with Conditions; Unfavorable or; Unfavorable with Conditions

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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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 10:38 AM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 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 1:57 PM



COMMUNITY BOARD NO. 1
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Website: www.nyc.gov/brooklyn1



Quorum

LAND USE
Item #18

3

Motion made by: CHESLER

Seconded by: VEGA

DATE:

	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 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 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" 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 checked="" 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: 843 Tally: 25 YES 0 NO ABS RECUSAL



COMMUNITY BOARD No. 1

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HON. ANTONIO REYNOSO
BROOKLYN BOROUGH PRESIDENT



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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			

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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 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 text amendment; see the attached worksheet for reasons.		
Recommendation submitted by	SI CB3	Date: 1/25/2024 11:27 AM



BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: JOHN ONEILL
Application # N240011ZRY	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: Conditional Unfavorable
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Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION: Please see attached memo for full comments and requested modifications.

Recommendation submitted by	BK BP	Date: 1/24/2024 9:27 AM
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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 – M-DISTRICTS – N240011ZRY

IN THE MATTER OF an application submitted by the NYC Department of City Planning to propose a citywide zoning text amendment to add new Manufacturing (M) district options to the City's Zoning Resolution. These new zoning tools 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 regs. See companion ZR amendment in 2023Y0405.

CITYWIDE TEXT AMENDMENT

RECOMMENDATION

☐ APPROVE
☐ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE
☒ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

RECOMMENDATION FOR: CITY OF YES FOR ECONOMIC OPPORTUNITY – M-DISTRICTS – N240011ZRY

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. The M-Districts proposal specifically introduces new zoning tools to allow for the development of a variety of new mixed-use, loft-like manufacturing buildings. These districts are not proposed to be mapped.

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.

Community Board Position

Community Board actions related to this application are documented in the Borough President's recommendation for City of Yes for Economic Opportunity (2023Y0405).

Approval Rationale

This recommendation addresses Proposal 18 of City of Yes for Economic Opportunity: Create new kinds of zoning districts for future job hubs. Comments and approval actions for the text amendment's first 17 proposals can be found in the Borough President's recommendation for City of Yes for Economic Opportunity (2023Y0405)

Goal 4: Create new opportunities for local businesses to open

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 loft-style 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 re-mapped 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 the 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 non-manufacturing 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 disapprove this application with the above-mentioned conditions and modifications.



BROOKLYN BOROUGH PRESIDENT

January 24, 2024

DATE

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 <i>[Signature]</i>	Present	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Tayna	Peña	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Daisy	Perry	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Jhenelle	Robinson	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Cristiana	Robles	<i>[Signature]</i>	yes <i>[Signature]</i>	yes x	yes <i>[Signature]</i>	yes	
Robin	Rollan	<i>[Signature]</i>	yes <i>[Signature]</i>	yes x	Abst.	yes	
Chad	Royer	<i>[Signature]</i>	yes <i>[Signature]</i>	yes x	yes <i>[Signature]</i>	yes	
Momodou	Sawaneh	<i>[Signature]</i>	yes <i>[Signature]</i>	yes x	yes <i>[Signature]</i>	yes	
Carlos	Sosa	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
Samantha	Souvatzis	<i>[Signature]</i>	yes <i>[Signature]</i>	yes x	yes <i>[Signature]</i>	yes	
Barbara	Stronczer	<i>[Signature]</i>	yes <i>[Signature]</i>	yes x	yes <i>[Signature]</i>	yes	
Gwen	Thomas-Steed	<i>[Signature]</i>	yes <i>[Signature]</i>	yes x	yes <i>[Signature]</i>	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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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? 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:	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 5:40 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 12	# Against: 11	# Abstaining: 5	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		
Recommendation submitted by	BX CB8	Date: 1/12/2024 10:43 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://cbbbronx.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 – M-Districts “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 passed the following resolution for the NYC Department of City Planning proposed citywide zoning text amendment to add new Manufacturing (M) district options to the City’s Zoning Resolution by a **vote of 12 in favor, 11 opposed and 5 abstentions**. These new zoning tools 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 regs. See companion ZR amendment in 2023Y0405.

WHEREAS, the NYC Department of City Planning has put forth a proposal for a citywide zoning text amendment to introduce new Manufacturing (M) district options in the City's Zoning Resolution; and

WHEREAS, the proposed amendment aims to eliminate barriers and enhance opportunities for business growth within Manufacturing Districts by offering a broader range of densities, updated bulk regulations to accommodate loft-like structures, and appropriately adjusted parking and loading requirements; and

WHEREAS, this initiative is an integral part of the City of Yes for Economic Opportunity proposal, designed to support economic recovery and resiliency in New York City; and

WHEREAS, the existing Manufacturing Districts (M1, M2, M3) were established before 1961 and have not evolved adequately to address the changing economic landscape and modern business needs; and

WHEREAS, the current M districts, with approximately 70% of buildings built before 1961, face limitations such as outdated floor area ratios (FARs), restrictive sky exposure plane

requirements, high yard requirements, and parking regulations that hinder the development of adaptable and multipurpose spaces for businesses; and

WHEREAS, the proposed zoning text amendment acknowledges the need for modern loft-like buildings capable of accommodating a diverse range of business types and sizes, reflecting the adaptability of historic loft buildings that have thrived for over a century; and

WHEREAS, the global economic landscape has shifted, necessitating the creation of new tools and zoning options to revitalize industrial areas and support business growth; and

NOW, THEREFORE, BE IT RESOLVED, that Bronx Community Board 8 endorses the NYC Department of City Planning's proposed zoning text amendment with the following conditions:
Any zoning changes that create new "M" Zones of any kind are prohibited UNLESS the local community board for the district where the new zone would exist approves such changes.

BE IT FURTHER RESOLVED, that Bronx Community Board 8 supports the creation of new Manufacturing (M) district options, including M3A "Core" districts, M2A "Transition" districts, and M1A "Growth" districts, offering a range of floor area ratios and addressing longstanding bulk and physical challenges providing that the local community board approves such modifications;

BE IT FURTHER RESOLVED that Bronx Community Board 8 now stipulates that an emphasis shall be placed by the appropriate city agencies on the augmentation of building and code enforcement to ensure responsible development and strict compliance with all land use, zoning, and performance regulations pertinent to any new M zones;

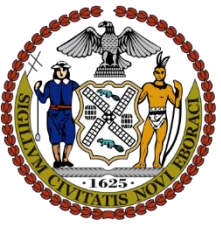
BE IT FURTHER RESOLVED, that we recognize the importance of these new zoning tools in fostering job-intensive, non-residential development, encouraging industrial expansion, and ensuring economic resilience for the City in the face of future disruptions and changing economic trends.

BE IT FINALLY RESOLVED, that copies of this resolution be transmitted to the NYC Department of City Planning, Department of Buildings, relevant city officials, and other stakeholders involved in the decision-making process.


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

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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

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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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 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? 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:	Bronx Community Board 9, 1967 Turnbull Ave, 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 11:16 AM



BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: JOHN ONEILL
Application # N240011ZRY	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

1 Centre Street, 19th Floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov
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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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 3:26 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 “exacerb[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	



BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: JOHN ONEILL
Application # N240011ZRY	Borough: Citywide
CEQR Number: 24DCP004Y	Validated Community Districts:

Docket Description:

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 4:27 PM
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BOROUGH PRESIDENT RECOMMENDATION

Pursuant to the Uniform Land Use Review Procedure

Application #: **N 240011 ZRY**

Project Name: **CITY OF YES FOR ECONOMIC OPPORTUNITY / M DISTRICTS**

CEQR Number: 24DCP004Y

Borough(s): STATEN ISLAND

Community District Number(s): 1, 2, 3

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

Docket Description:

IN THE MATTER OF the NYC Department of City Planning is proposing a citywide zoning text amendment to add new Manufacturing (M) district options to the City's Zoning Resolution. These new zoning tools 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 regs

RECOMMENDATION:

- ☐ Approve
- ☒ Disapprove
- ☐ Approve with Modifications / Conditions
- ☐ Disapprove with Modifications / Conditions

Explanation of Recommendation, Conditions or Modification:

Related Application(s): N 240010 ZRY

Address all questions about this Recommendation to:

**OFFICE OF THE STATEN ISLAND BOROUGH PRESIDENT
ATTN: DIVISON of LAND USE / TOPOGRAPHICAL BUREAU**

Address: 10 Richmond Terrace, Room G-12
Staten Island, NY 10301

Phone: 718-816-2114

**Vito J. Fossella
President, Borough of Staten Island**

01/30/2024

Date



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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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 do not support - Support 1, 2, 3, 4, 12, 17 - Do not Support 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18.		
Recommendation submitted by	SI CB1	Date: 2/5/2024 1:10 PM



**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. Support
2. Support
3. Support
4. Support
5. 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. Support

7. 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. 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. Support

10. Support

11. 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. Support

13. 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. 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. 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. 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. Support

18. Support



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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? 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:	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 10:58 AM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: JOHN ONEILL
Application # N240011ZRY	Borough:
CEQR Number: 24DCP004Y	Validated Community Districts:

Docket Description:

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

RECOMMENDATION: Waiver of Recommendation			
# In Favor: 0	# Against: 0	# Abstaining: 0	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:	
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 did not vote on this application because we do not have any M Districts		
Recommendation submitted by	QN CB9	Date: 1/3/2024 12:09 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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? 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:	183-02 Union Turnpike Fresh Meadows, NY

CONSIDERATION:		
Recommendation submitted by	QN CB8	Date: 12/21/2023 3:59 PM



Docket Description:

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	

Date of Public Hearing: 1/2/2024 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:	350 Jay Street

CONSIDERATION: see attached		
Recommendation submitted by	BK CB2	Date: 2/14/2024 11:15 AM



BOROUGH PRESIDENT RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Administrator: JOHN ONEILL
Application # N240011ZRY	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
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Queens Borough President Recommendation

APPLICATION: City of Yes: Zoning for Economic Opportunity (M-Districts)
COMMUNITY BOARD: Citywide

DOCKET DESCRIPTION

ULURP #N240011 ZRY– IN THE MATTER OF an application submitted by The NYC Department of City Planning for a citywide zoning text amendment to add new Manufacturing (M) district options to the City’s Zoning Resolution. These new zoning tools 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.

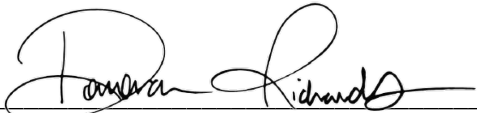
PUBLIC HEARING

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 change use regulations, loading requirements, and urban design, as well as the introduction of new actions and zoning districts for future mapping in manufacturing districts. The text amendment introduces new zoning sub-districts, such as M3A "Core" districts for industrial expansion, M2A "Transition" districts for redevelopment and M1A "Growth" districts;
- There is a concurrent zoning text amendment certified at the same time as Zoning for Economic Opportunity (M-Districts) called “Zoning for Economic Opportunity” (ULURP #N240010 ZRY), which aims to make it easier for businesses to find space and grow, reduce barriers, enhance neighborhoods, and create new opportunities for local businesses;
- The proposed amendment emphasizes updates for definitions and allowances in Manufacturing zoning districts through roughly fifteen (15) sections in the Zoning Resolution. Actions proposed include outlining the intent of Manufacturing Districts and modifying the description of the M2 Manufacturing District to align with permitted uses in the new M2A district (ZR 41-00); indicating that M2A districts now allow community facility uses (ZR 41-12); enhancing non-industrial uses in M districts, including retail, amusement, and community facilities. M3A and M2A districts would then restrict non-industrial uses based on FAR instead of size (ZR 42-36); outlining bulk regulations for Manufacturing Districts that would feature an expanded FAR spectrum, and adopt a loft-like building similar to those in the Gowanus neighborhood of Brooklyn (ZR 43-00); allowing specific uses in M2A and M3A districts to have a higher maximum FAR than other permitted uses (ZR 43-131); encompassing various M1A districts with FARs ranging from 2.0 to 15.0, and suggesting a range of FARs from 2.0 to 5.0 for a combination of M2A and M3A districts (ZR 43-132); permitting the use of the public plaza floor area bonus in M1A Districts (ZR 43-14); permitting taller floors in rear yards for M1A, M2A, and M3A districts, similar to the Gowanus District (ZR 43-23); permitting M1A, M2A, and M3A districts to have shallower rear yards (ZR 43-26); exempting lots in M1A, M2A, and M3A districts from rear yard requirements (ZR 43-28); permitting buildings in M1A, M2A, and M3A districts to be closer to the side lot line when adjacent to Residence Districts (ZR 43-303); introducing height and setback rules for M1A, M2A, and M3A Districts (ZR 43-46); and outlining parking and loading regulations for Manufacturing Districts (ZR 44-00, 44-21, and 44-52);
- The Department of City Planning made presentations to Queens Community Boards on various dates from November 2023 to January 2024. Each presentation largely centered on the main “Zoning for Economic Opportunity” text amendment. 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 amendments 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

<p>in residential areas. Community Boards that approved or conditionally approved the text amendments felt the proposals were overall consistent and appropriate;</p> <ul style="list-style-type: none">• 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 about the newly proposed manufacturing districts, and how these districts may or may not permit housing. The Applicant replied that these new “core” districts are meant to encourage both manufacturing and residential spaces (where appropriate) as buffer zones around more core-industrial areas that would preclude housing but preserve jobs. One speaker, the Community Board 5 Land Use Committee Chair, testified against the zoning text amendments, 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 amendments.
<p><u>RECOMMENDATION</u></p> <p>Based on the above consideration, I hereby recommend approval with the following conditions:</p> <ul style="list-style-type: none">• 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.
<div><div><div>PRESIDENT, BOROUGH OF QUEENS</div></div><div><div>01/23/2024</div><div>DATE</div></div></div>



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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	

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 at Columbia University

CONSIDERATION: (PLEASE SEE ATTACHED DOCUMENTS)		
Recommendation submitted by	MN CB9	Date: 1/31/2024 4:19 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



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant: DCP - Department of City Planning (NYC)		Applicant's Primary Contact: JOHN ONEILL	
Application # N240011ZRY		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: 2/6/2024 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:	Zoom

CONSIDERATION:		
Recommendation submitted by	MN CB7	Date: 1/18/2024 11:54 AM

RESOLUTION RE: CITY ECONOMIC DEVELOPMENT

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 June 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.

Valerie S. Mason
Chair

Will Brightbill
District Manager



505 Park Avenue, Suite 620
New York, N.Y. 10022-1106
(212) 758-4340
(212) 758-4616 (Fax)
www.cb8m.com – Website
info@cb8m.com – E-Mail

**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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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? 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:	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
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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,



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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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? 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:	211 East 43rd Street, Suite 1404 and on Zoom

CONSIDERATION: Favorable for new loft-style district.		
Recommendation submitted by	MN CB6	Date: 2/8/2024 4:01 PM



City of New York Community Board #1, Queens

The Pistilli Grand Manor
45-02 Ditmars Boulevard, LL Suite 1025
Astoria, N.Y. 11105
Tel: 718-626-1021, Fax: 718-626-1072
E-mail: qn01@cb.nyc.gov

Donovan Richards
Borough President, Queens
Kahleel Bragg
Director, Community Boards

Chairperson
Florence Koulouris
District Manager

EXECUTIVE BOARD

Chairperson

First Vice Chairperson

Amy Hau

Second Vice Chairperson

Thomas Ryan

Third Vice Chairperson

Corinne Wood-Haynes

Executive Secretary

Daniel Aliberti

Sergeant-at-Arms

Tyrone Gardner

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Airport

RoseMarie Poveromo

Business Economic

Development

Consumer Affairs

Dino Panagoulas

Education/Library/Youth

Services

Diana Limongi

Environmental/Sanitation

Antonella Di Saverio

Health & Human Services

Judy Trilivas

Housing

Katie Ellman

Land Use & Zoning

Gerald Caliendo

Elizabeth Erion

Legal, Legislative,

Parliamentary

Rod Townsend

Office-Staff/Budget/PR

Marie Torniali

Parks/Recreation/

Cultural

Kathleen Warnock

Public Safety

Ann Bruno

Antonio Meloni

Transportation

Dominic Stiller

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

BOARD MEMBERS (cont.)

George Alexiou
Louise Bordley
Jean Marie D'Alleva
Tenzin Dechen
Mackenzi Farquer
Dean O. Feratovic
Adam Fisher-Cox
Frank Fredericks
Shahenaz Hamde
Evie Hantzopoulos
Christopher Hanway
Brian Hunt
Vanessa Jones-Hall
Richard Khuzami
Cristina Lastres
Ethan Lowens
Huge Ma
Athanasios Magoutas
Jeffrey Martin
Brian Martinez
Amin Mehedi
Andreas Migias
Doreen Mohammed
Stella Nicolaou
Juliet Payabyab
Margot Riphagen
Marisela Santos
Thomas Wright
Rosemary Yelton



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Community Board #1, Queens
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Donovan Richards
Borough President, Queens
Kahleel Bragg
Director, Community Boards

Chairperson
Florence Koulouris
District Manager

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Ann Bruno
Antonio Meloni
Transportation
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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.)

George Alexiou
Louise Bordley
Jean Marie D'Alleva
Tenzin Dechen
Mackenzi Farquer
Dean O. Feratovic
Adam Fisher-Cox
Frank Fredericks
Shahenaz Hamde
Evie Hantzopoulos
Christopher Hanway
Brian Hunt
Vanessa Jones-Hall
Richard Khuzami
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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.

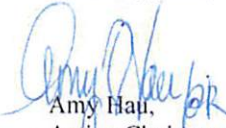
No new M(A) districts would be mapped by this action and any new M1A, M2A and M3A district would require a complete ULURP application and EAS review. A separate vote to approve application the manufacturing text amendments (N240010ZRY) was taken by CB1Q on January 16, 2024 by a vote of 35 in favor, 1 opposed, 0 abstention and 0 not eligible to vote.


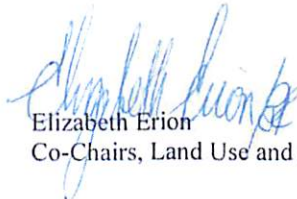
ISSUES RAISED THROUGHOUT THE REVIEW PROCESS BY BOARD MEMBERS AND LAND USE COMMITTEE

- 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 - M-Districts			
Applicant: DCP - Department of City Planning (NYC)		Applicant's Primary Contact: JOHN ONEILL	
Application # N240011ZRY		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: 35	# Against: 1	# Abstaining: 0	Total members appointed to the board: 50
Date of Vote: 1/16/2024 12:00 AM		Vote Location: Astoria World Manor 25-22 Astoria Blvd.	

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:	Astoria World Manor 25-22 Astoria Blvd. Astoria NY

CONSIDERATION: Please see the attached document for Manufacturing Districts.		
Recommendation submitted by	QN CB1	Date: 2/8/2024 1:34 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 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: None		
Recommendation submitted by	QN CB10	Date: 1/11/2024 4:40 PM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts	
Applicant: DCP - Department of City Planning (NYC)	Applicant's Primary Contact: JOHN ONEILL
Application # N240011ZRY	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 11:01 AM



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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 10:42 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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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, NY10475 and virtually at: https://nyccb.webex.com/nyccb/j.php?MTID=me759e2a6c772a3828c583246b0b6aaeb

CONSIDERATION:

Recommendation submitted by	BX CB12	Date: 12/21/2023 11:48 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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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? 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:	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 11:18 AM

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 we present for this meeting.
 Quorum was achieved.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 44
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 18 items; Home Occupations, Microdistribution, Campus Commercial. Note: 44 Board Members Total - 32 members were present for this vote		
Recommendation submitted by	BX CB4	Date: 1/31/2024 12:44 PM

COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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

<p>CONSIDERATION: Bronx Community Board 5 has voted to affirm City of Yes for Economic Opportunity.</p>		
<p>Recommendation submitted by</p>	<p>BX CB5</p>	<p>Date: 1/25/2024 11:37 AM</p>



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 2/1/2024 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: 2/22/2024 12:56 PM



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 BOARD # 4Q

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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 - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: The Board voted to deny the City of Yes zoning text amendment based on the following reasons in the attached letter and chart.		
Recommendation submitted by	QN CB4	Date: 2/2/2024 11:16 AM



COMMUNITY BOARD 6, QUEENS

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Whitepot Settled 1653

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 proposal 18** of City of Yes - Economic Opportunity **with the following conditions:**

Proposal	Initiative	Recommendation
18	New Loft-Style District	Provide proper enforcement of all applicable City and State regulations.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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 recommends approval with conditions for proposal 18 of City of Yes - Economic Opportunity.

Recommendation submitted by	QN CB6	Date: 1/17/2024 12:19 PM
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“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.



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: City of Yes for Economic Opportunity - M-Districts			
Applicant:	DCP - Department of City Planning (NYC)	Applicant's Primary Contact:	JOHN ONEILL
Application #	N240011ZRY	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: 11/20/2023 12:00 AM		Vote Location: St. Luke's RC Church, Whitestone	

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's RC Church

CONSIDERATION: The Board unanimously voted AGAINST The City of Yes ZEO Citywide Zoning Proposed Text Amendment. Attached please find Committee Report and Proposal Feedback.

Recommendation submitted by	QN CB7	Date: 11/21/2023 11:38 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"/>	
#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"/>	