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Chairperson

CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 10

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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, N 240011) that will implement changes to the City's Zoning Resolution to remove barriers to opening, operating, and expanding a business within all zoning districts, and across all 59 of the City's Community Districts; and

WHEREAS, the City of Yes for Economic Opportunity has four (4) overarching goals:

1. Make it easier for businesses to find space and grow
2. Support growing industries
3. Foster vibrant neighborhoods
4. Create new opportunities for businesses to open

WHEREAS, there are eighteen (18) proposals spanning the four goals that Manhattan Community Board 10 must consider that are as follows:

1. Reactivate storefronts - remove limits to reactivating the vacant storefronts
2. Simplify district types - simplify rules for business types allowed on commercial streets.
3. Small-scale production - expanding opportunities for small-scale clean production
4. Loading docks - modernize loading dock rules so buildings can adapt over time
5. Upper floor commercial - enable commercial activity on upper floors
6. Use terms - simplify and modernize the way businesses are classified in zoning
7. Urban Agriculture - clarify rules to permit indoor urban agriculture
8. Life Sciences - give life sciences companies the certainty to grow
9. Nightlife - support nightlife with consistent dancing and live entertainment rules
10. Amusements - create more opportunities for amusements to be located in C districts
11. Home occupations - enable entrepreneurship with modern rules for home-based businesses
12. Streetscape - create design rules that ensure that buildings contribute to the surroundings
13. Auto repair - reduce conflicts between auto repair shops and pedestrians
14. Micro-distribution - encourage safe and sustainable deliveries with micro-distribution
15. Campus commercial - facilitate local commercial space on residential campuses such as NYCHA
16. Corner stores - create a process for allowing new corner stores in residential areas
17. Better waiver processes - rationalize waiver process for business adaptation and growth
18. New loft-style zoning districts – create new kinds of zoning districts for the future.

WHEREAS, DCP reviewed existing conditions in Manhattan Community Board 10 where there are 1990 storefronts of which 300 are vacant. The vacant storefront types varied with 29% for retail,

28% community facilities & other designation, 24% for services, and 19% for food and drink; and

WHEREAS, DCP also provided a Q&A document with questions from surrounding community boards (9 and 12), and from George Janes & Associates, facilitated five public sessions during the past year, and extended the review period until the end of January, the City of Yes for Economic Opportunity is a dense (~1100 pages) document that will result in changes to zoning regulations throughout the City, and:

WHEREAS, Manhattan Community Board 10 Land Use Committee facilitated two public hearings on 11/16/23 and 12/21/23; and

WHEREAS, Manhattan Community Board 10 recognizes that some changes in zoning that would require community board input/consideration will be eliminated. Currently, the City approves over 90% of all zoning projects without modification regardless of the concerns raised by community boards, non-profits, and other entities; and

WHEREAS, on December 21, 2023 Manhattan Community Board 10 Land Use Committee voted **9 Yes, 0 No, 0 Abstention, and 0 Recusal** on each proposal and **unanimously** approved the City of Yes for Economic Opportunity with the following recommendations outlined in the chart below:

Proposal	Support	Do Not Support	Requested Modification/Recommendation
#1: Reactivate Storefront	X		
#2: Simplify district types	X		
#3: Small scale production	X		
#4: Loading docks	X		
#5: Upper floor commercial	X		Committee concerned with mixed uses. It is essential that separate entrances are maintained and noise mitigation requirements are monitored
#6: Use terms	X		
#7: Urban Agriculture	X		This allows for greater indoor agriculture that would include cannabis growth. This would be subject to state licensing requirements but ongoing monitoring/enforcement should be clearly outlined.
#8: Life Sciences	X		CB 10 will be the new location for NYC DOHMH Public Health Lab. Additional laboratory types would include diagnostic, clinical, and research labs. It is essential that oversight by Department of Buildings (DOB), FDNY, Dept. of Environmental

			Protection (DEP), DOHMH, and state and federal agencies monitor and ensure safety standards, and adherence to regulations that ensure the safety of the community.
#9: Nightlife	X		Although emphasis was placed on ensuring that dancing could occur in spaces licensed for up to 200 people, it does not negate the fact that CB 10 is saturated with restaurants and bars. Enforcement and monitoring does not consistently occur leaving residents without any recourse other than calling 311 to report concerns. Additional resources should be added to city agencies that will be responsible for monitoring and enforcement.
#10: Amusement	X		
#11: Home Occupations	X		This zoning increases the number of employees from one to three, not including the owner. Residents with concerns about noise, vibration, smoke, dust or other objectionable effects are left to call 311 to report the business to DOB. Although existing safeguards would remain in place, monitoring and enforcement requires several city agencies (FDNY, DOHMH, HPD, and NYPD) with limited capacity to address the anticipated growing number of home-based businesses. Additional resources should be added to city agencies that will be responsible for monitoring and enforcement.
#12: Streetscape	X		Prospectively, the City should ensure that while symmetry in streetscape is sought, innovation and diversity should be allowed and embraced.
#13: Auto repair	X		
#14: Micro-distribution	X		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 much 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.