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## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

[www.manhattancb2.org](http://www.manhattancb2.org)

P: 212-979-2272 F: 212-254-5102 E: [info@manhattancb2.org](mailto:info@manhattancb2.org)

Greenwich Village ♦ Little Italy ♦ SoHo ♦ NoHo ♦ Hudson Square ♦ Chinatown ♦ Gansevoort Market

Hon. Dan Garodnick  
Chair, NYC City Planning Commission  
120 Broadway  
New York, NY 10271

Re: Community Board 2/Manhattan Resolution Concerning the  
City of Yes for Economic Opportunity

Hon. Chair Garodnick:

At its January 18, 2024 Full Board Meeting, Community Board 2/Manhattan adopted the following resolution.

### City of Yes for Economic Opportunity – Citywide Text Amendment

The **City of Yes: Economic Opportunity** Zoning Text Amendment (COYEO) is an ambitious and historic reworking of New York City's Zoning Resolution. MCB2 has found some benefits in the changes, but has identified many concerns and objections that are specific to our District.

MCB2 agrees with numerous other community boards who feel that the timetable for community board review and response is unreasonably short and therefore counterproductive, given the wide-ranging changes that are proposed.<sup>1</sup>

### Whereas:

The COYEO city-wide zoning text amendment raises the following overarching concerns:

- By allowing commercial uses above the ground floor in mixed-use buildings, the text amendment creates the potential for conflicts of uses that could directly impact quality of life in residential neighborhoods and buildings and the safety of their inhabitants.

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<sup>1</sup> Joint Community Board letter requesting additional time to respond to COYEO:  
(<https://cbmanhattan.cityofnewyork.us/cb2/wp-content/uploads/sites/9/2024/01/CYEOCBLetter2023.pdf>)

Response from Commissioner Dan Garodnick: (<https://cbmanhattan.cityofnewyork.us/cb2/wp-content/uploads/sites/9/2024/01/DCP-Response-to-CB-sign-on-letter-2023-11-15.pdf>)

- Maintaining community board review at its current level is essential as it is the best way to hear directly from the community about potential impacts—negative or positive. The elimination of community board review inherent in COYEO deprives the community and city of important information on proposed changes. Community Boards remain the primary source of information on the condition and needs of the neighborhoods and can give the most knowledgeable input on the impact of changes on the local level.
- Environmental standards are insufficiently defined and, in some cases, missing altogether.
- Current enforcement mechanisms are already sorely lacking and it is hard to understand how future methods will be funded or enforced. Community Board input and oversight have been dramatically reduced through the:
  - Increased number of as-of-right scenarios that bypass public hearing or input and,
  - Elimination of ULURP even in instances of significant community impacts.

**Therefore be it resolved that MCB2 recommends denial of COYEO in general and offers the following concerns in particular:**

1. ***Proposal #1: Reactivation of storefronts.*** MCB2 believes that the recommendations of Community Boards where the impacts of these proposals would be more strongly felt should be given serious and respectful consideration.
2. ***Proposal #2: Simplify district types.*** MCB2 has no specific comments and believes that the recommendations of community boards in which these proposals would be more strongly felt and should be given serious and respectful consideration.
3. ***Proposal #3: Allow manufacturing to be located in commercial zones.*** This provision turns C-zones into M-zones. MCB2 is skeptical of the relaxing of any standards related to permitting manufacturing uses in commercial districts without strict environmental standards and quality of life factors such as defining hours of operation and noise levels. MCB2 is concerned that the types of manufacturing to be allowed in C-districts will conflict with existing residences and businesses. The impacts of 24-hour “maker” activities are and will be negative. Manufacturers should only make goods to be sold at retail on the same premises and within regular business hours. We would prefer retaining the current separation of maker uses from residential and mixed-use zones.
4. ***Proposal #4: Remove loading requirements in existing buildings.*** If the requirement for loading docks is decreased, there should be a parallel requirement to provide more interior on-site storage to reduce the chances of quality-of-life conflicts between residents and businesses because of the noise and environmental impacts of more frequent deliveries. The greater issue is the degradation of quality of life for the surrounding residential units.

5. ***Proposal #5: Allow commercial uses above the ground floor in mixed-use buildings.*** We support maintaining the principle of housing being physically above commercial. If this passes, this particular proposal should be expressly limited to new construction approved after the date of the COYEO text change as the issues involved in retrofitting older buildings have not been sufficiently thought out. Additionally, we suggest augmenting the 15-foot separation between business and residential to also include: a) not sharing a common wall and b) not being directly above or below to mitigate sound issues as a result of 24/7 commercial uses. As written this proposal is unacceptable because of the negative impact on the quality of life.
6. ***Proposal #6: Rework the use group framework.*** This overhaul of the use groups provides well-needed modernization but is an example of how a one-size-fits-all approach does not work for MCB2. The new use group structure does not adequately address the overall environmental impacts of certain use groups. For example, eating and drinking being combined with other low impact uses is not helpful and the zoning text as a whole does not introduce appropriate Environmental Standards or Performance Standards to adequately create an appropriate framework with which to measure and regulate associated quality of life impacts within the broad spectrum of eating and drinking uses.

Additionally, the proposed text does not include Use Group 17D (JLWQA), which would appear to be an error. If, however, this is not an error and the intent is to eliminate Use Group 17D, then MCB2 is opposed to its removal.

7. ***Proposal #7: Urban agriculture.*** MCB2 has no specific comments and believes that the recommendations of Community Boards where the impacts of these proposals would be more strongly felt and should be given serious and respectful consideration.
8. ***Proposal #8: Change how zoning classifies and zones life sciences.*** MCB2 objects to this proposal because it does not require registration of all life sciences facilities with the Department of Health (DOH) nor publication of a list of facilities by address, including whether or not a particular facility is hazardous.
9. ***Proposal #9: Allow nightclubs to locate in more places.*** MCB2 objects to this proposal because it does not include environmental standards created with Community Board input. MCB2 is struggling with the impact of nightlife on residential areas. We are uncomfortable with undoing capacity limits. We are very concerned that noise, vibrations, odors and other disturbances would negatively impact surrounding residences and commercial establishments. These proposals will lessen our ability to curtail excesses and they will further degrade the quality of life for our community, which is already oversaturated with establishments like these.
10. ***Proposal #10: Allow amusements and rides to locate in more places.*** The proposal will introduce two categories of amusements: “amusement or recreation facility,” (which would allow uses like bowling, laser tag and arcades) and “amusement parks.” These changes will allow amusements in more locations. This proposal represents a real

degradation of the quality of life in the community, and MCB2 does not support this proposal.

11. **Proposal #11: Expand home occupations.** This change raises a number of quality of life concerns. Home occupations are already problematic in our community district and would become more so with this proposal. The proposal is flawed in that there is no cap on the raw or percentage of square footage for a business or its related businesses, nor are there limits on the number of home businesses in a single residential building (through total number and/or percentage of units). The text change would not prohibit someone from expanding a business into a neighboring apartment, setting up a conflict between business uses and residential housing. The quality of life concerns with respect to potentially unlimited customer traffic and/or business hours are highly problematic: commercial uses bring new and more people into a building, which makes security more difficult, and 24-hour commercial use in a mixed-use building needs careful evaluation. Furthermore, the expectation that the Department of Buildings (DOB) will enforce these rules is unreasonable and unattainable.

If Proposal #11 of COYEO passes the City Council, CB2 recommends the elimination of the JLWQA conversion fee and Arts Fund enacted in the recent SoHo/NoHo rezoning.

We recommend retaining the current definitions and regulations of home occupations.

12. **Proposal #12: Provide new and standardized urban design rules.** MCB2 opposes any changes to the rules for the Special Little Italy District (SLID) and thus opposes any part of this proposal which would allow such changes. Replacing the use group for the SLID (Use Group LI) with the standardized use groups would not limit the new uses, such as manufacturing, amusements and nightclubs. Due to this standardization, this special district would be subject to businesses that decrease the quality of life and displace long-standing local businesses that are essential to the special district. Furthermore, in the SoHo/NoHo Special District, the just-approved streetscape rules are deleted entirely and replaced with the standardized rules. MCB2 is opposed to any changes to ground floor uses in the SLID.

The proposed text appears to contain a drafting error with respect to the ground floor uses in the SLID and the SoHo/NoHo Mixed Use District. The map (Map1 in Appendix A of Section 143-00 of the Zoning Resolution) needs to be either updated to clearly show what streets qualify as Tier B and Tier C, or deleted in its entirety, if all streets now qualify as Tier C. If kept, it should also delete references to “Primary Street Frontage (143-15(a))” since that type of street and the referenced zoning section would no longer exist, if this text were to pass.

13. **Proposal #13: Auto repair.** MCB2 has no specific comments and believes that the recommendations of Community Boards where the impacts of these proposals would be more strongly felt and should be given serious and respectful consideration.
14. **Proposal #14: Permit micro-distribution facilities.** MCB2 objects to permitting micro-distribution facilities which are effectively dark stores. MCB2 believes that all retail

stores should be accessible to consumers to promote a vibrant retail streetscape.

15. ***Proposal #15: Campus commercial.*** MCB2 has no specific comments and believes that the recommendations of community boards where the impacts of these proposals would be more strongly felt and should be given serious and respectful consideration.
16. ***Proposal #16: Allows agency authorizations for “corner stores.”*** MCB2 objects to the removal of the elected officials from the process of approval of “corner stores.” CPC will have no required local, public input into such a change. A Community Board may submit an opinion but there is no way to back up that opinion with required action by the City Council. Community Boards and elected officials have been taken out of the loop on very local questions. Instead of those with expert knowledge of an area having a participatory and decision-making role, this proposal would make CPC the final and only arbiter.
17. ***Proposal #17: Allow special permits and authorizations for bulk and use without City Council authorization.*** MCB2 opposes removing the role of the City Council from the approval process as that would remove an important oversight step and reduce the chances that storefronts might be combined without review.
18. ***Proposal #18: New loft-style district.*** MCB2 has no specific comments and believes that the recommendations of Community Boards where the impacts of these proposals would be more strongly felt and should be given serious and respectful consideration.

Vote: Passed, with 24 CB2 Members in Favor; 14 Opposed; 1 Abstaining; and 3 Recusing.

CB2/M respectfully recommends that the Commission take actions consistent with this resolution.

Respectfully submitted,



Susan Kent  
Chair, Community Board 2/Manhattan



Katy Bordonaro  
Co-chair, CB2 Land Use Committee