



The City of New York
Borough of Queens

Community Board 8

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Chairperson, Martha Taylor

District Manager, Marie Adam-Ovide

Zoning Committee Meeting: The City of Yes for Economic Opportunity – Proposal Overview

DATE: November 29, 2023

ATTENDANCE: Steven Konigsberg, Zoning Committee Chair
Edward Chung, Board Member
Allen Eisenstein, Board Member
Solomon Davydov, Board Member
Maria DeInnocentiis, Board Member
Kevin Forrestal, Board Member
Mitch Lisker, Board Member
James Gallagher, Board Member
Tobias Paris, Board Member
Douglas Sherman, Board Member

Others in attendance: Chante Lee, Community Planner, City Department of City Planning
Kyra Cuevas, Borough Planner, City Department of City Planning
Yolanda Gallagher
Fatima Abdulkihab
Marie Adam-Ovide, District Manager
Soleil Griffin, CB8 Staff Member

Zoning Chairperson Steven Konigsberg called this Public Hearing to order at 7:30 p.m.

Zoning Chairperson Steven Konigsberg welcomed Chante Lee and asked her to begin the presentation.

Chante Lee, Community Planner of Department of City Planning – Queens Borough (slideshow presentation)

Zoning can affect where businesses can locate, what businesses could do with their spaces and where businesses could expand.

Presentation:

The zoning regulations for businesses have not been updated in more than sixty (60) years. The City of Yes for Economic Opportunity is the second citywide reform to Mayor’s zoning resolution. The other two are the City of Yes for Carbon Neutrality and City of Yes for Housing Opportunity. The City of Yes for Carbon Neutrality is meant to decrease NYC carbon admissions by eighty (80) percent and is currently in public review. The City of Yes for Housing Opportunity aims to address the citywide housing crisis by diversifying the housing supply so that every neighborhood helps to meet housing needs. This proposal will be under public review by next spring. The City of Yes engagement process started in June 2022. Information sessions started in October 2022. Department of City Planning (DCP) has met with over a hundred groups such as small business owners, chamber of commerce, business improvement districts, industrial service

providers and other stakeholders across the city. DCP has also hosted five public information sessions. The overall vision for this initiative is to ensure that zoning works for our economy.

The of Yes for Economic Opportunity has four goals:

Goal one – Make it easier for businesses to find space and grow. They propose to do this by lifting zoning barriers so businesses can be closer to their customers.

Goal two – Boost growing industries. They propose to do this by reducing obstacle for emerging business so that they could create jobs.

Goal three – Enable more business-friendly streetscapes. They propose to do this by ensuring that businesses contribute to active, safe, and walkable streets.

Goal four – Create new opportunities for businesses to open. They propose to do this by creating new zoning tools to boost job growth and business expansion in all five boroughs.

Chante Lee provides more detail regarding the proposals within each goal.

Goal One: Make it easier for business to find space and grow.

Proposal 1

- ***Lift time limits to reactivating vacant store fronts:*** The proposal would expand existing provisions to all residential districts and historic districts.

Proposal 2

- ***Simplify rules for business types allowed on commercial street:*** This would also allow all permitted commercial uses to locate on the ground floor.

Proposal 3

- ***Expand opportunities for small-scale clean production:*** This would allow small scale, clean production businesses in storefronts and office buildings in commercial districts. They would be subjected to environmental standards so ensure that they are appropriate to locate near residences and other businesses.

Proposal 4

- ***Modernize loading dock rules so buildings can adapt over time:*** This would 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.

Proposal 5

- ***Enable commercial activity on upper floors:*** This would expand options for businesses above the ground floor; thus, allowing for commercial uses on the second floor of residential buildings. There will be separate elevator banks and entrances to mitigate noise.

Proposal 6

- ***Simplify and modernize the way businesses are classified in zoning:*** There are three (3) ways they plan to make it simpler.
 - **Reorganize the category of uses in zoning, Use Groups, based on similar business sectors and types** - This includes retail and services, offices, business of assembly, and manufacturing.

- **Modernize the definition of retail services and manufacturing uses to better align with the city's current economy** - This will make it easier for businesses, the public and city agencies to identify where businesses could locate.
- **Update special district rules to refer to the new classifications** – There will not be any changes to where a particular kind of business is allowed. The purpose is to bring clarity and modernize zoning terms when classifying businesses.

Goal Two: Boost growing industries.

Proposal 7

- ***Clarify rules to permit indoor urban agriculture:*** This would clarify how enclosure rules work to ensure that businesses with passive outdoor spaces, such as florists, can operate. It would also allow for indoor agriculture, such as growing hydroponic, and growing cannabis (if they receive a license) to be permitted.

Proposal 8

- ***Give life sciences companies more certainty to grow:*** This would clarify the definition of a laboratory to allow any life science business to locate in commercial district. There will be a special permit through DCP. It would go through the Uniform Land Use Review Procedure (ULURP) and then the community board.

Proposal 9

- ***Support nightlife with common-sense rules for dancing and live entertainment:*** There would be clear rules based on the capacity of the venue rather than the type of live entertainment within the operation. Venues would have their capacity limit to two hundred (200) people when located in neighborhood commercial districts.

Proposal 10

- ***Create more opportunities for amusements to locate:*** This would allow indoor amusement parks at a small and large scale in neighborhood commercial corridors and in centrally higher density areas.

Proposal 11

- ***Enable entrepreneurship with modern rules for home-based businesses:*** This would update the regulations for home-based businesses to allow up to three employees and expand the size allowance from twenty-five (25) percent to forty-nine (49) percent.

Goal Three: Enable more business-friendly streetscapes.

Proposal 12

- ***Introduce design rules that ensure buildings contribute to surroundings:*** This would establish a consistent and easy to understand citywide framework for commercial ground floor design requirements.

Proposal 13

- ***Reduce conflicts between auto repair shops and pedestrians:*** This would consolidate the range of auto servicing uses and allow new auto servicing uses in C1 to C7 districts to receive a BSA Special Permit.

Proposal 14

- ***Encourage safe and sustainable deliveries with micro-distribution:*** This would create a new use term for Micro-Distribution Facilities so delivery activity can locate at a small scale closer to homes and offices.

Goal Four: Create new opportunities for businesses to open.

Proposal 15

- ***Facilitate local commercial space on residential campuses:*** This would create a CPC Authorization that gives NYCHA and other larger-scale residential sites the ability to include commercial space up to fifteen thousand (15,000) square feet. The space can be existing or new construction on large-scale residential campuses.

Proposal 16

- ***Create process for allowing new corner stores in residential areas:*** This would create a pathway for new corner stores to be allowed up to twenty-five hundred (2,500) square feet of commercial use within one hundred (100) feet of an intersection.

Proposal 17

- ***Rationalize waiver process for business adaptation and growth:*** This would allow businesses to appeal to the City Planning Commission for relief from some zoning restrictions. Significant size increase would require public process via CPC Special Permit.

Proposal 18

- ***Create new kinds of zoning districts for future job hubs:*** This would create a range of new job incentives in zoning districts at a range of densities and heights that expand the zoning tool kit for future rezoning.
 - There will be three new kinds of “M” districts and one new commercial district:
 - **M3A: Core** – Restricts the FAR of all non-industrial uses while giving industrial businesses room to grow. This will preserve industrial businesses.
 - **M2A: Transition** – Incentivize the creation of new spaces to renew derelict and outdated spaces. Thus, balancing preservation and mixing business types.
 - **M1A: Growth** – It is designed to take advantage of the job creation that can come from higher densities and mix of business types.
 - **C7** – It’s a new type of commercial district to enable a wide range of business types and job growth (same uses as C4 – C6 with same bulk as M1A).

Chante then showed the Queens Community District Applicability Map to show which proposals could affect the district.

Chante Lee, Community Planner of Department of City Planning – Queens Borough

The proposals that will affect CB8 are 4, 6, 17, and 18. CB8 does not have any “M” districts. In CB8 C1 district with commercial overlays, proposals 2, 3, 5, 6, 7, 9, 10, 12, 13, and 14 will affect the area. In CB8 C2 districts, proposals 3, 5, 6, 7, 9, 10, 12, 13, and 14 will affect the area. In CB8 C4 districts, proposals 2, 3, 4, 5, 6, 7, 9, 10, 12, 13, and 14 will affect the area. In CB8 R districts make up most of the community district and proposals 1, 11, 15, and 16 will affect the area. In CB8 Special Purpose districts, proposals 2, 6, and 12 will affect the area.

The City Department of City Planning is in a sixty (60) day review process. CB8 has until February to vote on this citywide initiative.

Kyra Cuevas, Borough Planner, City Department of City Planning – Queens Borough

We would advise any resolution before January 1st if possible.

Chante Lee, Community Planner of Department of City Planning – Queens Borough

If anyone has any questions, they can email economicopportunity@planning.nyc.gov.

Kyra Cuevas, Borough Planner, City Department of City Planning – Queens Borough

We also try to update information on our website as much as we can.

Chante Lee opened the floor to questions from the board members.

Maria DeInnocentiis: What is a Micro-Distribution facility? Is it a warehouse?

Answer [Kyra Cuevas]: It's a new term. Micro-Distribution facilities are decentralized. This means there are more delivery hubs that are not in big warehouses but small storefronts to the limit of twenty-five hundred (2,500) square feet.

Answer [Chante Lee]: These Micro-Distribution centers are not strictly for parcel delivery. They could be food delivery.

Edward Chung: Most companies have large warehouses so that it could be centralized for them. Would it be efficient for them economically?

Answer [Chante Lee]: Yes. Amazon does this in a limited way. They have multiple different types of private contracts with people who deliver on the side.

Edward Chung: Have you reached out to businesses to see if they agree with that idea?

Answer [Kyra Cuevas]: Yes. We have reached out to the Queens Chamber of Commerce. We have support from the LIC Business Bid and bids in Brooklyn and Manhattan where there are different demands for deliveries there. DOT is already doing a pilot for this. There are twenty (20) locations in which DOT is testing this out.

Marie Adam-Ovide: Are any of the pilots within CB8?

Answer [Kyra Cuevas]: Not that we are aware of. They are still piloting those locations.

Maria DeInnocentiis: What are the requirements for a pilot program? Do they have to be in a manufacturing district.

Answer [Kyra Cuevas]: We'll get back to you.

Maria DeInnocentiis: Why is DOT running the program when a micro center is not going to increase parking, trucks and deliveries?

Answer [Kyra Cuevas]: The streets are under their jurisdiction. Our limit is zoning, but we have a partnership with DOT. There is a type of connection between the land use and traffic that is generated by it. DOT's response is to connect to any land use that DCP is proposing.

Steven Konigsberg: You indicated that the proposal for existing vacant storefronts has the least impact on CB8 by about six (6) or eight (8) percent.

Answer [Chante Lee]: Eight (8) percent is for Queens overall.

Steven Konigsberg: It doesn't seem like it's applicable to us.

Answer [Chante Lee]: It is still applicable because we still see vacant storefront.

Steven Konigsberg: What good is it going to be to have more storefronts? As it is we have six (6) percent vacancies in CB8. I don't know if anyone has any general objection to proposal six (6) when it comes to simplifying the language and making it more current. I think it's a good thing. Can you provide a synopsis of proposal 17?

Answer [Kyra Cuevas]: There are discretionary processes for projects that are proposed but don't line up with the current zoning. In certain instances, proposal 17 addresses the bulk and size of the building.

Steven Konigsberg: This is technically taking away from community input by giving it to a government body to do the waiver process. This would affect a large portion of CB 8. Moving to proposal 18, it doesn't apply since we don't have "M" districts.

Answer [Chante Lee]: The applicability map are proposals of what could affect the CB8 district.

Steven Konigsberg: What happened to proposal 15?

Answer [Chante Lee]: Proposal 15 is to facilitate local commercial space on residential campuses.

Steven Konigsberg: Right. This would take away housing so you can put in commercial spaces.

Answer [Kyra Cuevas]: This is for any future proposals. This is in the event CB8 has more NYCHA buildings. For instance, if we built a NYCHA campus, we were unable to do so and create a grocery store based on the zoning for a residential campus. The proposal says that you can, but there needs to still be an environmental review and community board approve/review. This does not change any existing program or zoning.

Maria DeInnocentiis: There's an asterisk in proposal 18 that could affect Hillside Avenue, Queens Boulevard which will impact us in the housing portion. Over the years the city has allowed for the conversion of commercial buildings into lofts and private apartments.

Answer [Kyra Cuevas]: Loft-like doesn't mean loft residence. It refers to the shape and expression of the building. This could be high ceiling for manufacturing for new job not for loft residences.

Maria DeInnocentiis: Lofts in Long Island City were in manufacturing areas which were then converted into loft residences. Now you are looking to build large manufacturing buildings again. Is it really for manufacturing or will it be converted to apartments again?

Answer [Kyra Cuevas]: It is challenging to convert an industrial building into a residential building given the residential square footage.

Mitch Lisker: What about all our sewer lines?

Answer [Kyra Cuevas]: When it comes to the sewer infrastructure, any impacts will be disclosed in the Environmental Impact Statement (EIS). There are nineteen (19) different categories.

Mitch Lisker: Who did the EIS?

Answer [Kyra Cuevas]: Someone within our agency.

Steven Konigsberg: Which one of the four items encompasses the corner stores?

Answer [Chante Lee]: Corner stores is in proposal 9.

Answer [Kyra Cuevas]: Corner stores apply to residential areas.

Steven Konigsberg: Why isn't proposal 9 in the applicability map for CB8?

Answer [Kyra Cuevas]: Proposal 9 should only be in C1 districts. We will get back to you.

Maria DeInnocentiis: Doesn't proposal 11 (Home-based business) affect our area?

Answer [*Chante Lee*]: That proposal does affect CB8.

Edward Chung: Does the City of Yes have a model to follow?

Answer [*Kyra Cuevas*]: This is derived from research in multiple cities. We can get back to you regarding the specific cities.

Kevin Forrestal: On page 13, when it's going from C1 to C2, jails weren't listed as one of the things allowed in the conversations.

Answer [*Chante Lee*]: We will get back to you.

Kevin Forrestal: This proposal has numerous unintended consequences. One of the disadvantages is that there are a lot of mistakes. The proposal could have huge amounts of dangers and destruction for the future that we don't know about.

Answer [*Chante Lee*]: We do have the full text annotated on our website. A lot of the text has strikethroughs of old text and is being replaced with new text.

Kevin Forrestal: This citywide proposal is a one size fits all, but one size does not fit all.

Answer [*Chante Lee*]: It is an overall concern; especially with these overall citywide text amendments.

Answer [*Kyra Cuevas*]: Other community boards in different boroughs share the same concern about the size and applicability.

Maria DeInnocentiis: Many of us have dealt with BSA and other agencies who say you can ask for a waiver or disapprove something. We have disapproved many things that have been overwritten by BSA. We have illegal buildings that don't meet our zoning rules and DOB approved all of them.

Answer [*Kyra Cuevas*]: Did they specify if it was as-of-right structures?

Maria DeInnocentiis: No. Are you expanding or removing the Floor Area Ratio (FAR)?

Answer [*Kyra Cuevas*]: No. None of this impacts the size or bulk of the FAR except for the manufacturing. It is not applicable to your district unless you decide to map it.

Solomon Davydov: When the City of Yes proposal came out, there was mention of, along the radius of transportation hubs (subway) they would be allowed to convert a one family into a multi-family.

Answer [*Kyra Cuevas*]: That's for the City of Yes for Housing Opportunity.

Tobias Paris: In proposal 6, though there may be outdated use terms, it could be far more dangerous to broaden all the use group terms for businesses into ten groups.

Answer [*Kyra Cuevas*]: We're trying to refine the use groups so that they are not all over the place. Are you suggesting that the classification shouldn't be ten groups?

Tobias Paris: I would like clarification of why we're putting all these groups that we had before into one very broad group that could have lasting ramifications.

Answer [*Kyra Cuevas*]: We're trying to simplify these zoning rules so that we can make it geographically and conceptionally simple.

James Gallagher: There was mention that Fresh Meadows is a Special Preservation district and it's not going to be touched. A developer came and told us that they were going to eliminate the special preservation district.

Answer [Chante Lee]: We are not touching the special preservation districts. They are tightly regulated areas.

Answer [Kyra Cuevas]: You will hear about the housing portion in early next year.

Allen Eisenstein: Is there anyone who looks after the aesthetics?

Answer [Kyra Cuevas]: Proposal 12 is intended to create safe conditions on the street.

Answer [Chante Lee]: This only applies to new buildings. We don't want to change the historical buildings or businesses.

Kevin Forrestal: There's an asterisk in reduction of parking requirements. Can you find out if any other reduction of parking requirements?

Answer [Kyra Cuevas]: We will get back to you.

Mitch Lisker made a motion to approve N240010ZRY and N240011ZRY, seconded by Steven Konigsberg.

In favor: None

Against: Steven Konigsberg, Edward Chung, Solomon Davydov, Maria DeInnocentiis, Kevin Forrestal, Mitch Lisker, Tobias Paris, Douglas Sherman.

Abstention: None

Vote: Unanimous against

Steven Konigsberg: There will be another presentation at the full board meeting.

Answer [Chante Lee]: I will go through the proposals. It will be more condensed.

Maria DeInnocentiis made a motion to adjourn.

Adjournment

The meeting was adjourned at 8:53 p.m.

Respectfully submitted by,
Soleil Griffin, CB8 Staff
December 7, 2023