

Queens Borough President Recommendation

APPLICATION: City of Yes: Zoning for Economic Opportunity
COMMUNITY BOARD: Citywide

DOCKET DESCRIPTION

ULURP #N240010 ZRY – IN THE MATTER OF an application submitted by The NYC Department of City Planning for a citywide zoning text amendment to support economic growth and resiliency in New York City. This text amendment would facilitate the repurposing of existing nonresidential space by providing businesses with additional zoning flexibility to locate and expand. The proposed zoning text amendment would apply to all 59 of the city's Community Districts.

PUBLIC HEARING

A Public Hearing was held by the Queens Borough President both in the Borough President's Conference Room at 120-55 Queens Boulevard, Kew Gardens NY 11424 and via Zoom webinar and livestreamed on www.queensbp.org on Thursday, January 11, 2024 at 9:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There was one speaker. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Department of City Planning (DCP) is proposing a zoning text amendment to make it easier for businesses to find space and grow, reduce barriers, enhance neighborhoods, and create new opportunities for local businesses;
- There is a concurrent zoning text amendment certified at the same time as Zoning for Economic Opportunity called "Zoning for Economic Opportunity: M-Districts" (ULURP #N240011 ZRY) that details changes proposed in manufacturing districts of the Zoning Resolution;
- The proposed amendment emphasizes updates for definitions and allowances in Commercial and Manufacturing zoning districts through eighteen (18) proposals. Proposals 1-6 seek to lift zoning to reactivate vacant storefronts (Zoning Resolution (ZR) 52-61); simplify rules for types of business allowed on commercial streets (ZR 32-10; 32-423; 42-325); expand opportunities for small-scale clean production (ZR 32-20; 73-211; 74-211); modernize loading dock rules to allow buildings to adapt over time (ZR 36-63; 36-661); enable commercial activity on upper floors (ZR 32-421; 32-422) and to simplify and modernize use terms that specify where businesses can locate (32-10; 42-10). Proposals 7-11 seek to clarify indoor rules to enable urban agriculture (ZR 32-112); give life sciences companies the certainty to grow of business allowed on commercial streets (ZR 22-17; 32-17; 74-171; 42-325); support nightlife with common-sense dancing and live entertainment rules (ZR 32-162 (b); 32-163 (b) (3); 73-162); simplify rules so amusements & experiential businesses can flourish (ZR 12-10; 32-18; 42-18; 73-181; 73-182; 73-183; 74-181); and enable entrepreneurship for home occupations (ZR 12-10). Proposals 12-14 seek to introduce corridor design rules that ensure buildings contribute to surroundings (ZR 32-30; 32-413; 37-31; 73-311; 73-32); reduce conflicts between auto repair and pedestrians on commercial streets (ZR 12-10; 32-161 (b); 32-165; 73-164); and encourage more sustainable freight movement by allowing micro-distribution in commercial areas (ZR 32-191; 32-193 (c); 73-191; 74-191). Proposals 15-18 seek to facilitate local commercial space on residential campuses, such as NYCHA (ZR 75-12); create process for allowing corner stores in residential areas (ZR 22-16 (a); 75-11); rationalize waiver process for business adaptation and growth (ZR 73-03 (e)-(f); 73-161; 74-161; 75-21); and create new kinds of zoning districts for the future (33-00; 41-00; 42-00; 43-00; 44-00);
- The Department of City Planning made presentations to Queens Community Boards on various dates from November 2023 to January 2024. Community Boards 1, 4, 5, 7, 8, 9, 11, 12 and 13 all voted in opposition to the zoning text amendment; Community Board 6 voted to conditionally approve and Community Board 10 voted to approve the text amendment. Community Boards 2 and 14 had not uploaded an official recommendation to the NYC Zoning Applications Portal (ZAP) by the time the Borough President's Recommendation was written. Reasons for opposing the text amendment included the limitation of Community Board and elected officials voices over future projects; and decreased quality of life with new and numerous commercial activity that may be allowed in residential areas. Community Boards that approved or conditionally approved the text amendment felt the proposals were overall consistent and appropriate;

- At the Borough President’s Land Use Public Hearing, the applicant made a presentation on the proposed text amendment. The Borough President asked the Applicant to elaborate on the Community Boards’ oppositions, to which the Applicant replied there were perception issues between residential and commercial zoning – the City would still enforce any violations, and the City Planning Commission could impose restrictions on future applications pending Community Board feedback. The Borough President also asked about the Department of City Planning’s (DCP) proposal to facilitate local commercial space on residential campuses, particularly on NYCHA property and NYCHA properties currently converting through the Rental Assistance Demonstration (RAD) Program. The Applicant replied that DCP has been working with NYCHA and HPD on working through possible scenarios, such as grocery stores or maker spaces, and noted that this proposal may not apply to all NYCHA campuses throughout Queens and New York City. If NYCHA were to become a prospective applicant and apply for a commercial space, they would have to complete an Environmental Review process as well as notify its own residents as part of the public scoping process. The Borough President also asked about Proposal 13, which seeks to reduce conflicts between auto repair shops and pedestrians, to which the Applicant replied that any new auto repair shops that need curb/sidewalk space would need to go through site plan review with the Board of Standards and Appeals, which would mitigate these conflicts and ensure that variances need to go through periodic review. One speaker, the Community Board 5 Land Use Committee Chair, testified against the zoning text amendment, and the hearing was closed;
- The Borough President’s Office has received fifteen (15) letters of written testimony about Zoning for Economic Opportunity, fourteen (14) of which testified against and one (1) testified in favor of the zoning text amendment.

RECOMMENDATION

Based on the above consideration, I hereby recommend approval with the following conditions:

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



PRESIDENT, BOROUGH OF QUEENS

01/23/2024

DATE