

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING
AND FRANCHISES

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April 8, 2024
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HELD AT: COUNCIL CHAMBERS-CITY HALL

B E F O R E: Kevin C. Riley,
Chairperson

COUNCIL MEMBERS:

Shaun Abreu
Joann Ariola
Alexa Avilés
Gale A. Brewer
David M. Carr
Jennifer Gutiérrez
Kamillah Hanks
Linda Lee
Vickie Paladino
Kristy Marmorato
Christopher Marte
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Sandy Nurse
Keith Powers
Lincoln Restler
Yusef Salaam
Lynn C. Schulman

A P P E A R A N C E S

Dan Garodnick
Department of City Planning

Matthew Waskiewicz
Department of City Planning

Jeff Garcia
Department of City Planning

George James
Self

Vienna Levitan
Richwood Property Owners

Alicia Boyd
Crown Heights

Lucie Levine
Historic District Council

Josh Nachowitz
Alliance for Downtown New York

Layla Passman
Atlantic Avenue Business Improvement District

Marcel Negret
Regional Plan Association

Tanisha Hurd
Representing Lisa Sorin

A P P E A R A N C E S (CONTINUED)

Emily Goldstein

Association for Neighborhood and Housing
Development

Brenda Lau

Greenpoint Manufacturing and Design Center

Paula Crespo

Pratt Center for Community Development

Leah Archibald

Executive Director of Evergreen

Jesse Soloman

Southwest Brooklyn Industrial Development
Corporation

Osagie Afe

Long Island City Partnership

Carlo Casa

New York Building Congress

Ronda West

Board Member of Friends of the Upper East Side
Historic Districts

Jack Bolembach

Coalition of Civic Associations

Sharlene Jackson Mendez

Self

A P P E A R A N C E S (CONTINUED)

Kevin Garcia
New York City Environmental Justice Alliance

Mark Levine
Borough President of Manhattan

Vanessa Gibson
Bronx Borough President

Claudia Valentino
President of Forest Hills Community and Civic
Association

Mark Anderson
Self

Barbara McNamara
Howard Beach Lindenwood Civic Association

George Calderaro
Board of Six New York City civic organizations

Rae Moore
Safety Partners

Robert Press
Self

Derek Pitts
Farm One

Quincy Ely-Cate
Business Outreach Center BOC Network

A P P E A R A N C E S (CONTINUED)

Eva Hanhardt
Collective for Community, Culture and Environment

Gina Caliendo
Self

Grace Marrero
Allerton Barnes Block Association

Karen Argenti
Bronx Council for Environmental Quality

Camelia Tepelus
Executive Director of Morris Business Improvement
District

Julie Stein
Union Square Partnership

Regina Myer
Self

John Calcagnile
Community Board 10

Phyllis Inserillo
Howard Beach Lindenwood Civic Association

Maria Caruso
Community Board 10

Laura Spalter
Broadway Community Alliance

A P P E A R A N C E S (CONTINUED)

Bernadette Ferrara
Self

Megan Fitzpatrick
Landmark West

Paul Graziano
Self

Joseph McAllister
South Beach Civic Association

Michele Birnbaum
Self

Walter Mugdan
Westmorland Civic Association

Ricardo Garcia
City Island Civic Association

Rob Spalter
Broadway Community Alliance

Phil Orenstein
Queens Village Republican Club

Yiatin Chu
Asian Wave Alliance

Cathy Cebek
Self

A P P E A R A N C E S (CONTINUED)

Carol Donovan
Richmond Town and Clark Avenue Civic Association

Frank Roma
Self

Eileen Miller
Bayside Hill Civic Association

George Havranek
Self

Mario Buonviaggio
Port Richmond North Shore Alliance

Lo van der Valk
Carnegie Neighbors and Preservation and Quality
of Life Organization

Richard Moses
Lower East Side Preservation Initiative

Phil Konigsberg
Member of Queens Community Board 7

Laura Sewell
East Village Community

Gregory J Morris
New York City Employment Training Coalition

Henry Euler
Auburndale Improvement Association

A P P E A R A N C E S (CONTINUED)

Rochelle Mandina

Self

Agnes VanDina

Oakwood Civic Association

2 SERGEANT AT ARMS: This is a microphone check for
3 the Committee on Zoning and Franchises. Today's date
4 is April 8, 2024. We are in the Council Chambers.
5 The recording is done by Rocco Macedi (SP?). At this
6 time can everybody please silence your cellphones.
7 If you wish to testify, please go up to the Sergeant
8 at Arms desk to fill out a testimony slip. At this
9 time and going forward, no one is to approach the
10 dais. I repeat, no one is to approach the dais.
11 Thank you for your cooperation. Chair, we are ready
12 to begin.

13 CHAIRPERSON RILEY: [GAVEL] Good morning
14 everyone. Happy Monday and welcome to the meeting of
15 the Subcommittee on Zoning and Franchises. I am
16 Council Member Kevin Riley, Chair of this Committee.
17 This morning, I am joined by Council Member Schulman,
18 Marte, Gutiérrez, Avilés and Ariola, and also Hanks.
19 Today, we are holding a hearing on the second of
20 three major initiatives that the Administration is
21 collectively calling the City of Yes.

22 The first initiative was zoned for a carbon
23 neutrality, which we passed last year. The second
24 initiative that we will be hearing about today is
25 Zoning for Economic Opportunity. The third

1 initiative, which will come before us later this year
2 is zoning for housing opportunity. I want to make it
3 clear that today is only about the second initiative.
4 Zoning for economic opportunity, the Administration
5 City of Yes, Zoning for Housing Opportunity has not
6 yet begun public review but it is expected later this
7 spring.
8

9 We have a lot of people here today in person and
10 online who are interested in the second initiative,
11 Zoning for Economic Opportunity. So, this will be a
12 long hearing and I want to quickly go over the order
13 of events for today.

14 After I open the hearing, we will hear from the
15 Department of City Planning about the details of the
16 proposed Zoning for Economic Opportunity Text
17 Amendment. I and my fellow Council Members will then
18 have the opportunity to ask questions about this text
19 amendment. After a round of questions, we will hear
20 statements from any other elected officials who would
21 like to make a comment. Following these statements,
22 we will hear comments from the public, starting with
23 the people who are in person and then move into the
24 online – excuse me, to the people who are registered
25 to sign and testify online.

2 Depending on how the hearing is going, we may
3 take a short break to see the solar eclipse, which I
4 know a lot of people would like to see. I now turn
5 it over to the Subcommittee Counsel to review hearing
6 procedures.

7 COMMITTEE COUNSEL: Thank you Chair. I'm William
8 Vidal, Counsel to this Subcommittee. This meeting is
9 being held in hybrid format. Members of the public
10 who wish to testify may testify in person or via
11 Zoom. Members of the public wishing to testify
12 remotely may register by visiting the New York City
13 Council website at www.council.nyc.gov/landuse to
14 sign up and for those of you here in Chambers, please
15 see one of the Sergeant at Arms to prepare and submit
16 the speaker card. Members of the public may also
17 view a livestream broadcast of this meeting at
18 Council's website. When you are called to testify
19 before the Subcommittee if you are joining us
20 remotely, you will remain muted until recognized by
21 the Chair or myself to speak. When you are
22 recognized, your microphone will be unmuted. Please
23 take a moment to check your device and confirm that
24 your mic is on before you begin speaking. We will
25 limit public testimony to two minutes per witness.

2 If you have additional testimony you would like the
3 Subcommittee to consider or if you have written
4 testimony that you would like to submit, please email
5 it to landusetestimony@council.nyc.gov. Please
6 indicate the LU number and/or project name in the
7 subject line of your email. In this case, zoning for
8 economic opportunity. We request that witnesses
9 joining us remotely remain in the meeting until
10 excused by the Chair as Council Members may have
11 questions. Chair Riley will now continue with
12 today's agenda item.

13 CHAIRPERSON RILEY: Thank you Counsel. I will
14 now open the public hearing on the Preconsidered LU
15 relating to the Zoning for economic opportunity Text
16 Amendment. When I was first informed about this
17 initiative, I was surprised to find out the
18 regulations that govern where business can locate had
19 not been updated in the regular way since 1961.

20 This means that aspects of the Zoning Resolution
21 which regulates uses in buildings throughout the city
22 are over 60 years old. Some of my questions, which I
23 will get into later will seek to address just how did
24 the city fall so far behind?

1 In the past 60 years, the city and my district
2 have changed a lot. What people do for work and
3 where they work have changed. In the 1960's we
4 barely had computers and internet did not exist.
5 Heavy manufacturing was still a major part of the
6 city's economic backbone and most people who worked
7 in offices commuted to the midtown and downtown
8 Manhattan to work. 60 years later, the city has
9 multiple business districts in Bronx, Manhattan,
10 Queens, and Brooklyn. More and more of my
11 constituents also want to live and work in the same
12 neighborhood, which means where people work has
13 fundamental changes.

14 The pandemic has also made it clear that
15 neighborhoods need to be self-sufficient and have
16 access to medical offices, food and shops.
17 Regulations from the 1960's are clearly out of date.
18 With that said, this is a dense, complicated
19 initiative that the Administration has undertaken.
20 It involves updating over 1,000 pages of the Zoning
21 Resolution.

22 In response to such as big undertaking, we have
23 heard a lot of concerns from our community boards and
24 residents. I want to recognize these concerns and I
25

1 understand them. There has also been a lot of
2 confusion over what regulations this proposal
3 actually does or does not change and how these
4 changes will affect our communities. This is a
5 complex proposal and it is critical that we get it
6 right because it will impact our neighborhoods.
7 Today is not the first opportunity that communities
8 have to voice their concerns and provide input. I
9 want to recognize the public engagement in the
10 Department of City Planning has undertaken with this
11 initiative. DCP has attended hundreds of meetings
12 across the five boroughs to explain this proposal and
13 hear from communities.

14
15 However, the scale and complexity of this
16 proposal has created difficulties for effective
17 community engagement. Over 1,000 pages of Zoning
18 Text changes is overwhelming for our communities,
19 leading to confusion in the face of complexity of
20 this proposal. I strongly encourage DCP to continue
21 engaging with us in our communities.

22 Today's hearing is an important part of this
23 public engagement process. The Administration has
24 put forward a proposal and now the Council has the
25 opportunity to amend it. Tell us your concerns and

1 we will do our best to address them. The more detail
2 you provide about concerns with the many different
3 components of this proposal, the better the Council
4 will be able to address those concerns through
5 changes to the proposal.
6

7 We know many communities are worried about how
8 this initiative may impact their quality of life. I
9 agree, this initiative needs to strike a proper
10 balance between accommodating businesses, the demand
11 for live, work, neighborhoods and the existing
12 character of our neighborhoods, including both
13 residential and commercial areas.

14 This brings me to two final points that I want to
15 make. First, this initiative is missing a proposal
16 that is disproportionately impacting certain of our
17 communities and raises real environmental justice
18 issues. The missing piece is addressing large last-
19 mile distribution warehouses. The city needs to
20 rethink comprehensively how packages are being
21 delivered to our homes and concentration of large
22 packaging warehouses in certain neighborhoods such as
23 Red Hook in Council Member Avilés district and Hunts
24 Point in Chair Salamanca's district.
25

2 Chair Salamanca and others will speak more about
3 this issue and I want to recognize the absolute need
4 for the administration to address our last mile
5 warehouses are regulated. This problem cannot go
6 unaddressed any longer.

7 Second, it is also not enough to simply change
8 the Zoning Resolution. Enforcement of the proposed
9 new regulations in another critical piece that is
10 missing from this initiative, the Department of
11 Building does not have the needed staff or resources
12 to address violations of the Zoning Resolution. The
13 Administration needs to pledge to increase DOB's
14 resources, so that the quality-of-life concerns that
15 our communities are rightfully raising are
16 effectively addressed. I sincerely hope that we can
17 work with the Administration to address these two
18 sets of issues, last mile warehouses and enforcement
19 in the same way that we did with the manufacturing
20 initiative that is part of this proposal.

21 As part of the Zoning for Economic Opportunity,
22 the Administration is finally proposing to update how
23 we regulate, manufacturing zones going forward. This
24 update to the Zoning Resolutions Manufacturing
25 Districts has been long time in the making and much

2 needed and we appreciate the Administration
3 responsiveness to Council Members requests. It is my
4 hope we can similarly work with the Administration on
5 last mile warehouses and enforcement.

6 Before we begin the presentation by the
7 Department of City Planning, I would like to remind
8 people wishing to testify remotely that if you have
9 not already done so, you must register online and you
10 may do that now by visiting the Council's website at
11 council.nyc.gov/landuse. For anyone with us in
12 person, please see one of the Sergeants to prepare
13 and submit a speakers card. If you would prefer to
14 submit written testimony, you can always do so by
15 emailing it to us at
16 landusetestimony@council.nyc.gov. I just want to
17 highlight we've been joined by Council Member Abreu
18 and Council Member Nurse and also Council Member
19 Salaam. Counsel, please call the first panel.

20 COMMITTEE COUNSEL: The first panel consists of
21 Director of City Planning Dan Garodnick and Matt
22 Waskiewicz.

23 CHAIRPERSON RILEY: Counsel, can you please
24 administer the affirmation?
25

2 COMMITTEE COUNSEL: Please raise your right hand
3 and state your name for the record.

4 DAN GARODNICK: Dan Garodnick.

5 MATTHEW WASKIEWICZ: Matthew Waskiewicz.

6 COMMITTEE COUNSEL: Do you affirm to tell the
7 truth and nothing but the truth in your testimony
8 today and in response to Council Member questions?

9 PANEL: I do.

10 CHAIRPERSON RILEY: Thank you. For the viewing
11 public, if you need an accessible version of this
12 presentation, please send an email request to
13 landusetestimony@council.nyc.gov. And now, the
14 applicant team may begin. Please just reinstate your
15 name and organization for the record.

16 DAN GARODNICK: Great thank you very much Mr.
17 Chairman. My name is Dan Garodnick, Director of the
18 Department of City Planning. I'm joined by Matt
19 Waskiewicz, who is the Project Manager for this
20 particular proposal at the Department of City
21 Planning and we very much thank you for the
22 opportunity to present to you today. We have a deck
23 that I'm going to run through with you, which will be
24 here on the screen and obviously, we are very, very
25 happy to take any of your questions at the end.

1 Next, slide please. As you noted Mr. Chairman,
2 we are advancing three proposals in our City of Yes
3 package, one of them for carbon neutrality. Thank
4 you very much to you and the City Council for passing
5 that late last year. Proposal two, we're talking
6 about today economic opportunity, and proposal three
7 on housing, is coming to a City Council near you at
8 the end of, uh toward the end of the year. We look
9 forward to talking to you about that.
10

11 Next slide. Today's proposal is on economic
12 opportunity and I appreciated your making the
13 distinction Mr. Chairman between this and the housing
14 proposal. I think that they tend to get lumped in
15 together largely because they are you know branded
16 thematically with the same name and we certainly
17 understand that but this hearing and this proposal is
18 specific to economic opportunity. Housing is next.
19 We expect to release the text on that very soon.

20 Next slide. The economy has changed in New York
21 City. Let's go to the next slide after this. Since
22 the pandemic, we have nearly 17,000 vacant store
23 fronts. 16 percent of New Yorkers are working from
24 home at least one day a week. That's three times the
25 number than existed before the pandemic and a 19

2 percent office vacancy rate in New York City that is
3 approximately 80 million square feet of vacant office
4 space.

5 Next slide. The zoning as you noted Mr. Chairman
6 was written for 1960's economy and a lot has changed
7 since then. The way we do business, where and when
8 we work, the types of businesses that exist, the
9 environmental standards for businesses all have
10 changed in the last 60 years and businesses need
11 flexibility and clarity to adapt to a changing
12 economy but unfortunately today's zoning rules are
13 too complex, restrictive and outdated. They make it
14 difficult for enforcement, complexity, restrictive.
15 They result in vacant storefronts being and staying
16 vacant for far too long and outdated. Of course,
17 we've heard all the reference of the typewriter
18 repair shops or the taxidermy and not so much
19 reference to more modern uses in our zoning today.

20 Next slide. We have seen a lot of support for
21 City of Yes for Economic Opportunity, ranging from
22 business improvement districts, chambers, industrial
23 service providers, small businesses, civic
24 institutions, free lancers. They have come out to
25 support the proposal but perhaps more importantly

1 they also helped us to shape it. We have been
2 talking about this proposal for a couple of years
3 now. We have worked to incorporate the very serious
4 needs that have been expressed to us about how our
5 zoning is limiting a business growth and opportunity.
6 And so, we are very, very honored to have lots of
7 support for this proposal from the very people that
8 our zoning is affecting.

10 Next slide. Let's talk about the public review
11 timeline. Uhm, and I hope this is a good pace. I
12 understand you all have a long day ahead and I have
13 been in your shoes before so I am going to try to
14 keep it snappy. We started with public information
15 sessions last June and July, as well as September,
16 referred this out to Community Boards on October
17 30th. I will note that the typical time period for
18 Community Board is 60 days. We referred for an
19 additional month in advance and then didn't give just
20 60 days. We gave five months' worth of time for
21 Community Boards to be able to come back to us and
22 give feedback. We accepted comments right up the
23 vote of the City Planning Commission. We had a
24 hearing at the City Planning Commission on January
25 the 24th. It was approved by the City Planning

1 Commission by a vote of 11 to 1, which brings us to
2 today, April 8th, the City Council Hearing and of
3 course the Council has 50 days for its consideration
4 for approval, disapproval, or modification within
5 scope. That puts you to around the end of May. I
6 will note, Mr. Chairman and I will dwell on this just
7 for a second, because you noted it in your opening,
8 this was a dense proposal. This is a complicated
9 proposal. It was more than 1,000 pages worth of
10 texts and of course when you do big things in New
11 York City as it relates to zoning, that's how it's
12 going to come out with a lot of text and lots of
13 complexity and we were sensitive to that. And we
14 understand how hard that is for Community Boards to
15 be able to grapple with it, which is the reason why
16 we added so much extra time and why we at the
17 Department of City Planning had 175 meetings with the
18 59 Community Boards in our agency alone. We sent
19 annotated texts to help understand the specific
20 details. We sent one pagers to explain what it all
21 means. We did a special event in the middle of the
22 process of the community review to address
23 misinformation which was coming out in the Community
24 Board process. And then, equally importantly to all
25

2 of that, we took Community Board feedback and made
3 changes at the City Planning Commission and then
4 reported back to Community Boards the changes that we
5 made.

6 You have all this information before you. I will
7 highlight a few of the changes that we made at the
8 City Planning Commission in response to Community
9 Board concerns but there were a lot more than the
10 ones that I'm highlighting today and it really was an
11 effort by us to show Community Boards that we were
12 listening and they raised some really good issues in
13 the process.

14 I also am pleased to report that four of the five
15 borough presidents recommended to approve this
16 proposal with conditions. Borough President Mark
17 Levine of Manhattan, Borough President Venessa Gibson
18 of the Bronx, Borough President Antonio Reynoso of
19 Brooklyn and Borough President Donovan Richards of
20 Queens. We're appreciative to all of them.

21 Next slide please. So, some people do not
22 realize or appreciate how zoning affects business and
23 understand that it can tell you where you can locate
24 certain types of buildings but how does it actually
25 affect business? How is it slowing us down?

1 Well, questions like where can I open my
2 business? What can I actually do in my space? Where
3 can I expand? These are all questions that are
4 governed by zoning and unfortunately in rules that
5 have not been functionally changed since 1961, they
6 are no longer helping us in many ways, they are
7 hurting us and limiting our opportunity for opening,
8 operating and expanding a business in New York City.
9 Let's go to the next slide.

11 Questions are presented like, why they city
12 doesn't allow me to have an office on the second
13 floor. Why you can't expand a bakery in a
14 residential area? Why if you don't bother anybody
15 why you can't have a particular business in your own
16 home? Storefront vacancies, where it's our own rules
17 that are keeping them from being reoccupied. Why
18 can't we do anything about that? Like sciences, we
19 have critical work, New York City is an important
20 industry for us in New York City. There's lots of
21 ambiguity. Why can't we have certainty as to where
22 life science, where it can take place? And of
23 course, if live music if allowed in a local bar, why
24 can't you actually stand up and dance to it? These
25 are all questions which were posed and have been

1 posed to us repeatedly that we are trying to address
2 here. Let's go to the next slide.

3 City best for Economic Opportunity is defined by
4 four specific goals and each one of them has a number
5 of different subproposals. The goals are one, to
6 make it easier for businesses to find space and grow.
7 Lift some of the barriers so businesses can be closer
8 to their customers. Goal two, boost growing
9 industries, reducing obstacles for new types of
10 businesses. Three, enable more business-friendly
11 streetscapes and deliver active, safe and walkable
12 streets for businesses and residents. And goal four,
13 create new opportunities for businesses to open,
14 establish new zoning tools to boost job growth and
15 business expansion. And as you noted Mr. Chairman,
16 at least one of these was specifically in response to
17 the Council and Speakers call for new manufacturing
18 districts that have not been added at all in the last
19 60 years and we're very, very excited to present that
20 to you today.

21 Next slide. This is the summary of the
22 proposals. I am not going to read them here. They
23 are in front of you. I am going to go through each
24

1
2 one of them individually so we'll spare you this
3 slide but I'm going to move onto the next.

4 Goal one. This is the first goal of the
5 presentation to make it easier for businesses to find
6 space and grow. So now I'm going to run through each
7 one of the 18 proposals with you and talk to you
8 about what they actually mean. So, let's go to the
9 next slide. Proposal one is to lift time limits to
10 reactivating vacant storefronts. Right now, there is
11 a two-year time clock that exists in some areas of
12 the city that prevent legal but nonconforming
13 storefronts from being occupied. What does that
14 mean? If you are a legal business, legal to be there
15 before 1961 and if you've continued on. If you
16 actually become unoccupied, then you cannot reoccupy
17 that space in some areas of the city and as a result,
18 you're stuck. It stays vacant.

19 Today, our Zoning Resolution permits reactivation
20 of this sort of a business without any time limit in
21 only R5 to R7 Districts and does not allow it in
22 historic districts. Our proposal would expand the
23 geography to allow for reoccupation of vacant
24 commercial office space citywide. R1 to R4, R5-7
25 within historic districts and R8-R10. So, we want to

1
2 eliminate what is today an obstacle to reoccupying a
3 vacant storefront.

4 Next slide. Proposal two, we want to simplify
5 rules for business types that are allowed on
6 commercial streets, so that similar districts allow
7 for the same mix of businesses in similar context.
8 So, you don't have one side of the street allowing
9 some businesses that are not allowed on the other
10 side of the street like you see in this slide here,
11 C1 and C2 is a particularly egregious example of
12 this. They're generally located in the same places,
13 usually a commercial corridor has both of them and we
14 have a patchwork of rules, which means you can locate
15 some types of businesses on one side of the street
16 but not on the other street. That's complicated,
17 it's confusing, it's bad for small businesses. They
18 have to struggle to figure out what New York City's
19 own rules are and they don't make sense.

20 We also want to permit the same uses in C4 to C7
21 districts. In Midtown Manhattan, you can cross from
22 a C5 to a C6 District. You couldn't even tell. You
23 wouldn't even know. You got to look at the zoning
24 map to know that you're actually changing but for
25 non-office business regulations, they're completely

1 different. Planners had certain notions back in 1961
2 about theaters, about billiard parlors, catering
3 halls. Those are the sorts of things that are both -
4 those are uses that are allowed in C6 but not in C5.
5 So, functionally, just to illustrate this, that means
6 that those sorts of uses like a theater or a billiard
7 parlor, you could allow it. You would allow it in
8 Flat Iron or Union Square but you wouldn't allow it
9 in Grand Central. Okay, that's the distinction that
10 you have when you walk through Midtown. Those sorts
11 of business distinctions are existing today and make
12 it impossible to have a billiard hall let's say in
13 the Grand Central area.

14 We also want to remove ground floor limitations
15 in C4 and C5 districts. Places like 125th Street in
16 Harlem. Clothing, rental shops, dance studios, trade
17 schools, they're allowed on the second floor but
18 they're not allowed on the ground floor. Rules that
19 don't make any sense anymore. Let's go to the next
20 slide and let's give you an illustration. This is
21 something which is a C1 versus a C2 distinction here.

22 An owner of a bike shop on Columbus Avenue in
23 Manhattan Valley in a C1 on the upper west side.
24 It's located - uh it has been there for a while; he's
25

1
2 looking to shift his service to bike rentals instead
3 of just sales. C1 Districts allow bike sales but not
4 rentals or repairs. The C2 district a couple of
5 blocks away would allow it but he doesn't want to
6 have to break his lease to move a couple blocks away,
7 he should be able to do the rental, the repair and
8 the sales in the same context, in the same building.
9 Let's not force this guy to move out of his business.
10 Okay, next slide.

11 Proposal three. This is a proposal to expand
12 opportunities for small-scale clean production. I
13 will note Council Members, we have an extra one-page
14 document laying out a little bit more detail on this
15 proposal. It was one that was confusing at the
16 Community Board level, so we prepared a little more
17 extra information about environmental issues on this
18 proposal here for you. But what we want to do is
19 allow small scale production businesses that are
20 quite and clean like a pottery studio, bakery, coffee
21 roaster, jewelry maker, Parel designer, 3-D printer.
22 Things like that to locate in empty storefronts or
23 offices.

24 No reference to 3-D printing in the 1961 Zoning
25 Resolution. You will not be surprised to know we

1 need to be able to accommodate modern uses and to
2 accommodate them in commercial places where it is
3 totally appropriate. We would allow here at the
4 ground floor up to 5,000 square feet in a C1, C2 and
5 up to 10,000 square feet in a C4 to C7 District.
6 These all would be subject to the environmental
7 standards that have been around for decades in our MX
8 District. So, we have this sort of thing in our MX
9 Districts today. ABC and Right to Know Standards, M1
10 performance standards, plus additional noise,
11 vibration and venting requirements when locating
12 above the ground floor in a building that has any
13 residential.

14 I will note that this is an important way for us
15 to expand opportunity for light manufacturing
16 businesses that don't have an environmental impacts
17 but also lightens the burden on our manufacturing
18 districts. It allows for more flexibility and more
19 opportunity for manufacturing districts to have what
20 we perceive as core manufacturing, which need to be
21 physically separated from other things.

22 Okay, let me give you an illustration on the next
23 slide here. This is a bakery owner who operates in a
24 neighborhood commercial storefront at the business
25

1 has grown, it's doing more distribution to the store,
2 to other stores. This owner here would like to
3 expand her business to the adjacent vacant
4 storefront. It's a bakery, there's a vacant
5 storefront next door but our rules today say if
6 you're a bakery, once you hit 750 square feet, if you
7 expand beyond 750 feet, you become a food
8 manufacturer and you have to locate in a
9 manufacturing district.
10

11 Okay, so that's an example. Bakery wants to
12 expand past 750 square feet. If you're a food
13 manufacturer, you're no longer aloud to be in this
14 context. Next slide.

15 As I mentioned before, we made some modifications
16 to our own proposal in response to Community Board
17 concerns. One of them was on this proposal, on
18 concerns that were raised in the Community Boards
19 about heavy industry in more areas and what qualifies
20 as clean production. We did not intend to advance
21 heavy industry into commercial areas. We want to
22 advance light manufacturing. I think 3-D printer as
23 opposed to say cement factory. We want light
24 manufacturing, pottery studio, jewelry maker, 3-D
25 Printer to be in a commercial area.

2 So, we appreciated that comment so we clarified
3 and provided additional specificity on what uses are
4 and are not eligible to locate in commercial
5 districts. Again, there's a one pager on your desk
6 on this one and for those who are watching at home or
7 elsewhere that is also on our website.

8 Okay, proposal for, let's go to the next slide.
9 Okay, we want to modernize our loading dock rules, so
10 that buildings can adapt over time. We don't want to
11 mandate new loading docks when older, commercial
12 buildings evolve over time. And our rules today has
13 a square footage multiplier for commercial and
14 manufacturing to calculate what sort of loading you
15 need to provide in a building that is evolving over
16 time.

17 And you keep those rules in place. You add a -
18 let's just use the 3-D printer as an example, which
19 does not have a need for a loading dock. You add
20 them into a building. The building may be required
21 to add a loading dock by rule of the City of New
22 York. Now, nobody is going to do that. It doesn't
23 make economic sense to do that for the 3-D printer
24 but what happens is that becomes an opportunity that
25 is lost. It's an opportunity lost for the building.

2 It's an opportunity lost for that 3-D printer. We
3 think that buildings should be able to evolve. We
4 will not require additional loading for a change of
5 use in an existing building, so we would not have an
6 additional loading requirement for a new use in an
7 old building.

8 Uhm, new construction requirements unchanged
9 require the loading docks. This is about adaptive
10 use of an old building and not requiring them to add
11 new loading docks in the process. Okay, let's go to
12 the next slide, Proposal 5. This is to allow
13 commercial to exist over residential and also on the
14 second floor in a C1, C2 District. We're going to
15 talk about this one for a minute because we made some
16 changes and it also was a point of interest at the
17 Community Board. Today, zoning allows for many
18 buildings to have a mix of residential and commercial
19 uses but zoning sometimes restricts businesses from
20 being able to use upper floors of the buildings. You
21 can only do one story of commercial in a C1 or C2.
22 You can only do one story of commercial if there's
23 residential upstairs, even though you can have a
24 doctor's office on the second floor.

2 So, you can have a doctor's office but you can't
3 have any other commercial use on the second floor of
4 a building in a C1, C2. That limits options for new
5 buildings to be built that contain both residences
6 and businesses and also for older businesses to adapt
7 over time. So if a doctor's office becomes vacant,
8 you can't reoccupy that space with another business.
9 We also want to enable renovations or new
10 construction of mixed-use buildings in the places
11 where it makes sense by allowing commercial uses at
12 the same level or above residences provided there is
13 complete separation. Complete separation between
14 commercial and residential as long as there is
15 complete separation, we would allow for commercial to
16 live above residential. So, let's just illustrate
17 this a little bit and go to the next slide here.

18 Okay, so first let's talk about C1 to C3. This
19 is really the example of the doctor's office on the
20 second floor. In some areas of the city here, the
21 one's that we're talking about and you can see on the
22 map where a second floor commercial is allowed today,
23 community facilities can occupy the second floor of
24 mixed-use buildings but offices and other commercial
25 can't. We are proposing to allow commercial uses to

1
2 occupy the lowest two stories of a mixed-use building
3 rather than just the ground floor. Commercial uses
4 in that case can occupy the same floor as residents
5 but can't be located above residential units. This
6 is applicable only in C1 to C3. I will note, this is
7 already the rule in a number of areas in the city.
8 C4 to C6 it exists, in X districts, some are 9's or
9 10 Districts with a C1, C2 overlay. Pastry Carter,
10 Clinton, Downtown Brooklyn, Downtown Far Rockaway,
11 Inwood, Jerome Special Districts, flood zones,
12 transit easements. This is already allowed. So, we
13 want to allow for that commercial on second floor the
14 way that we allow a doctor on a second floor as a
15 community facility in the C1 to C3 districts. Okay,
16 so that's number one.

17 Number two, and this one has gotten a little bit
18 more attention even than the other, let's go to the
19 next slide, is allowing commercial over residential
20 because of existing stacking rules that we have in
21 New York City. The issue for us here is that options
22 for converting or constructing mixed use buildings
23 are limited in some areas because of stacking rules
24 that require commercial uses to stay below
25 residential uses.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 36
2 Okay, so you can have commercial and residential
3 in the same building in a C4 to C6 but the commercial
4 has got to be below the residential. You know we
5 look at that and we say, "well, if you're allowing
6 them in the same building, the precise order of where
7 they are is less critical than the safety and
8 environmental separation between those businesses."

9 That's one.

10 Two, it has a real impact on conversion and we're
11 talking about the 80 million square feet of vacant
12 office space in New York City, 19 percent vacancy
13 today. If you want to convert an office building in
14 part to residential and you want to convert the lower
15 part of the building but you have a robust commercial
16 tenant upstairs, why are we as New York City saying,
17 you can't convert the lower half of your building to
18 residential provided that you have separate
19 entrances, separate elevators, separate stairwells to
20 keep the commercial and the residential uses
21 distinct. You know we think about our building or
22 you could think about 250 Broadway right across the
23 street. It's a perfect example. Here's a building
24 where you have what, six elevator banks. You can
25 have half of them going to the upper floors for

1 commercial, half of them going to the lower floors
2 for residential and you could very easily segregate
3 the uses between commercial and residential in a way
4 that would not affect anybody's quality of life.
5 Most importantly, we want to create opportunities so
6 that buildings are not sitting their vacant. The
7 rules about staffing are antiquated. They no longer
8 reflect the fact that an elevator can actually bypass
9 floors in a way that they really couldn't in 1961.
10 We want to make sure that we enable more flexibility
11 here. This sort of rule where you can have
12 commercial above residential already exists in a
13 number of areas of New York City, midtown, Long
14 Island City, Southern Roosevelt Island, West Chelsey.
15 This is not a proposal that is without precedence,
16 it's just something that we think rationally belongs
17 in all C4 to C6 district. Let's go to the next
18 slide.

19
20 I want to talk for a minute about modifications
21 or a couple of modifications that we made in response
22 to Community Board commentary. First comment was
23 this could compete with housing objectives by
24 allowing conversion of residences to commercial.
25 That was not our intent. We did not intend to enable

1
2 by doing away with stacking rules the conversion of
3 residential to commercial. We intended for the
4 reverse. That is the practical and consideration
5 that we are in in New York City today. So, we
6 address that in response to Community Board concerns
7 and we barred the conversion of space used for
8 existing residential units. So, to convert from
9 residential to commercial, you can't take advantage
10 of that change in the stacking rules.

11 We also heard quality of life concerns, such as
12 potential for excessive noise and so, we restricted
13 specific uses from using the proposed upper four
14 allowances unless they meet additional environmental
15 standards like noise and vibration limitations.

16 So, this is a proposal that we think is really
17 important to enable conversion from office to
18 residential at least in part and we also think it is
19 one that you know, the rules today are representative
20 of an outdated approach that we should be updating.
21 Let's go to proposal 6. Similarly on the subject of
22 outdated classifications, we want to simplify and
23 modernize the way business are classified in zoning
24 and update our use groups. Our zoning has not
25 updated the terms that it uses to classify businesses

1 in more than 60 years and it's full of terms like
2 shoddy manufacturing and typewriter repair. Making
3 it harder for newer businesses like cellphone repair
4 shops for example to know where they can locate.
5 We're proposing to simplify and modernize the terms
6 we use in zoning to classify businesses. We want to
7 reorganize the uses within the existing 18 use groups
8 to 10 based on the sector of businesses and building
9 type.
10

11 We also want to update our terminology based on
12 today's economy and tie those terms to the North
13 American industry classification system. That's the
14 same system by the way that has been used
15 historically. In 1961, they tied it that system but
16 it was never updated, so that's where you get
17 references to shoddy manufacturing and umbrella
18 repair and freakshows and typewriter repair and
19 airline ticketing offices and model car hobby
20 centers. That's where that all is. It has not been
21 updated since 1961. So, we are updating the terms
22 also in special districts to reflect the new
23 nomenclature and classification system.

24 Okay, let's move onto the next and we're in a new
25 category here. Goal two. Boost growing industries.

1 Next slide. Proposal 7 is on indoor agriculture.
2
3 Businesses that want to operate indoor agriculture
4 facilities like vertical farming within commercial
5 areas, they face uncertainty today with the current
6 zoning rules. We would clarify that indoor
7 agriculture is allowed in commercial districts, so
8 more food can be grown closer to communities. So,
9 agricultural uses allowed today in a greenhouse in a
10 commercial district, can also operate indoors as
11 well. So, if you're legal in a C-District today
12 because you're allowed to be outdoor or in a
13 greenhouse, we're just saying you can also operate
14 inside. And we also want to clarify that
15 agricultural businesses with active indoor spaces and
16 passive outdoor spaces like a flower shop for
17 example, a florist or a plant shop, that they can
18 operate. Zoning does not make it clear that you can
19 use an outdoor side lot or rear lot for your
20 business.

21 So, for a florist and plant shop, which has
22 active indoor, passive outdoor, we want to make it
23 clear that they can continue to operate. So,
24 commercial district, you're okay outside, legal
25 outside. We're saying, well you should be able to be

2 legal inside, similarly for flower stores, plant
3 shops, active inside, we want to say you're also okay
4 to be outside. Okay, next, proposal 8. We want to
5 give life sciences companies the certainty to be able
6 to grow in New York City. Unfortunately life
7 sciences, laboratories face confusing and outdated
8 rules that slow the development of new facilities.

9 We want to make it clear here -

10 CHAIRPERSON RILEY: Sure, sure, just give me one
11 second. Uhm, I just want to acknowledge the students
12 from Columbia. I want to pass it to Council Member
13 Abreu real quick.

14 COUNCIL MEMBER ABREU: No, I just wanted to
15 acknowledge the students sustainability and
16 management from Columbia. Thank you so much for
17 coming. I hope you enjoy your tour here at City
18 Hall. We're very happy to have you. Thank you.

19 CHAIRPERSON RILEY: You can continue Chair.

20 DAN GARODNICK: Okay, thank you very much. Uhm,
21 so life science laboratories. Confusing and outdated
22 rules. We want to make it clear in Zoning that labs
23 without potential for environmental hazard are
24 appropriate in office settings. We also want to
25 expand where an existing special permit can be used

1 so that labs can be able to locate in the future
2 closer to research centers like hospitals and
3 universities. So, in more detail and I will note
4 this in another area where you have a one pager in
5 front of you Council Members and also on our website,
6 we are seeking here to update outdated terminology
7 for defining labs by explicitly referencing the
8 section of the building code that is used to prevent
9 labs in commercial settings. So, there's some
10 ambiguity out there right now for trying to clarify
11 the area in the building code where this is allowed.
12 We also want to expand the geography of the special
13 permit for labs to make it applicable citywide. And
14 I will note that we made a modification to this
15 proposal. Next slide please.

17 In response to Community Board concerns about
18 environmental protections and the definition of
19 objectionable effects on neighborhoods. We modified
20 this to add explicit reference to the section of the
21 building code that is currently used to regulate
22 laboratories. So, that reference is now in there and
23 that is part of the proposal that you Council Members
24 are considering today. And again, there's a more
25 detailed one pager on this at your desks.

2 Okay, next proposal, number 9, half way there.

3 Dancing, in any bar or restaurant in New York City
4 today, you can have live musical entertainment, like
5 a concert as long as you're below 200 people but the
6 zoning of New York City often prohibits people from
7 dancing to that music or from having a live comedy or
8 an open mic night in that same space. We're
9 simplifying the rules so that music, dancing, comedy,
10 they're all treated the same in zoning while removing
11 the last parts of the discriminatory cabaret laws
12 that prohibited the act of dancing.

13 In C1, C2 Districts, we want to allow dancing,
14 comedy and open mics up to 200 people in the same way
15 that musical entertainment is allowed today. Musical
16 entertainment it's allowed today up to 200 people.
17 That's the rule today and we're just saying in this
18 proposal, if musical entertainment is allowed, people
19 should be able to stand up and dance and not have it
20 be a zoning violation. Similarly an open mic night
21 or a poetry reading, those sorts of things are
22 similarly appropriate in a context where you were
23 otherwise allowed to have live music in an up to 200-
24 person venue.

1 Okay, let's go to the illustration here. Next
2 slide. Okay, this is the example of today's context
3 in a C2 overlay district, which is a common one for
4 an eating or drinking establishment. So, just to
5 illustrate this for you, a bar or restaurant with
6 live music, that is okay today in a C2 district. A
7 bar with a ticketed musical entertainment, so you can
8 buy a ticket to go see musical entertainment in a bar
9 today up to 200 people. That's allowed today.

11 Some question about bar or restaurant, either of
12 those examples with incidental dancing. If you stand
13 up and dance there's some question. Is that allowed
14 or is that not allowed in the zoning? And lastly, it
15 is just not permitted to have dancing in a bar or
16 restaurant where dancing is common. So, you cannot
17 actually operate that. Let's go to the next slide
18 which gives you the example of where we would make a
19 change. No change here on the bar or restaurant with
20 live music in any capacity. No change.

21 Next category bar with ticketed musical
22 entertainment, up to 200 percent capacity, no change.
23 You can still do that. The ambiguous area, the bar
24 or restaurant with incidental dancing, well we'll
25 clarify that incidental dancing is permitted and

1
2 lastly, we would permit dancing as a common activity
3 in a bar or restaurant. That is okay and should be
4 okay under the zoning resolution. Let's go to the
5 next slide. We did make some modifications here. We
6 heard that routine or nonincidental dancing could
7 bypass the 200 percent size threshold by not having a
8 cover charge or specified showtime, so we inserted
9 language that the presence of a dance floor is
10 evidence that an eating or drinking establishment is
11 providing entertainment. Give enforcement agencies
12 an additional tool, indicator to determine if a
13 business is in violation of zoning. But most
14 importantly here and the way that I think about this
15 is if you're allowed to have musical entertainment
16 and a venue up to 200 people, you would now be
17 allowed to also dance to that same music in that same
18 venue. No change in capacity. No change in
19 opportunity otherwise and we think that that is a
20 smart rational change.

21 Okay, let's go to the next, Proposal 10. Uhm,
22 zoning today, this relates to creating more
23 opportunities for amusements, experiential
24 opportunities. Zoning has outdated terms for
25 defining experiential retail and amusement businesses

2 like virtual reality or children's arcades and often
3 restricts these kinds of businesses to Coney Island
4 or the city's industrial areas. We would simplify
5 and modernize how zoning treats amusements and
6 recreational activities to make it clear that these
7 businesses are allowed indoors and at a small scale,
8 on a neighborhood street and at a larger scale in
9 office districts.

10 So, we would combine many of the existing uses
11 like billiard parlors, bowling alleys, mini golf into
12 two newly defined categories. One would be amusement
13 or recreation facilities and the other would-be
14 outdoor amusement park and we would include similar
15 business types that are not currently classified at
16 all like laser tag, scape rooms, virtual reality
17 gaming.

18 In C1, C2 Districts, we would permit the
19 amusement or recreation facilities up to 10,000
20 square feet. There would be no size limitation in C4
21 to C7. Outdoor amusements, still prohibited under C1
22 to C6. It would only be allowed in C7, C8 and
23 manufacturing districts. Okay, next proposal,
24 proposal 11.

1 Home occupations. As you all know, many New
2 Yorkers start their businesses in their homes and
3 zoning allows for a wide range of home business types
4 today, including lawyers, jewelry makers, music
5 teachers among many, many more. The pandemic changed
6 how New Yorkers work from home but zoning has not
7 kept up. Prohibiting specific occupations like
8 barbers or interior decorators and other restrictions
9 that are in zoning that are holding back business
10 creation. So, we are proposing to enable
11 entrepreneurship with modern rules for home-based
12 businesses while keeping in place safeguards to
13 ensure that any home-based business is not creating a
14 nuisance. So, it would allow occupation types that
15 today are explicitly prohibited in zoning. Barbers,
16 interior designers, stock brokers, advertising or PR
17 agencies. These in the New York City Zoning
18 Resolution today strictly forbidden to do at home.

19 We would expand this employee, outside employee
20 allowance from 1-3, this already exists in a number
21 of areas of the city. And we would allow for the
22 permitted size of a home business to increase from 25
23 or 500 square feet to 49 percent or 1,000 square
24 feet. Again, this already exists in a number of
25

2 areas of the city and we want to clearly define other
3 types of hazards such as the danger of fire, toxic
4 noxious matter being prohibited in these areas. We
5 obviously do not want to create a condition where
6 people are doing noxious or harmful things from home,
7 even while we want to give them the opportunity to
8 say BA, stock broker or barber in their own house.

9 Let's go to the next slide here. This is just a
10 quick reminder of the existing limitations on
11 business activity in the home that are unchanged by
12 this proposal and we're not touching any of this.
13 Business activity must be clearly incidental to or
14 secondary to the residential use of the space. You
15 got to live there. It's got to be home to you for it
16 to be a home occupation. That's one.

17 Two, at least one person, this is now repetitive,
18 caring on the business, they got to live there, okay.
19 Business cannot have exterior signage. Exterior
20 displays. Displays of goods that's visible from
21 outside. You cannot do that today unchanged. You
22 can't sell items that are produced in other places.
23 So, if you're making somebody something at home,
24 well, you can sell it at home but that's it. You
25 can't produce it somewhere else and sell it in your

1 house. Any homebased business can't generate any
2 noise, odor, dust, particulate matter or other
3 objectionable affects. Nuisances cannot be tolerated
4 in home businesses today. That's the rule unchanged.

5 Enforcement on this stuff, DOB investigates
6 potential zoning violations of home occupations. A
7 building owner could be fined for a violation. There
8 could be grounds for terminating a lease if there's a
9 violation of the rules. And I will note and this
10 came up in the Community Board and City Planning
11 Commission process. This does not supersede any
12 buildings rules. By our saying you know what, it
13 doesn't make sense for us to strictly forbid an
14 interior decorator from operating in his or her own
15 home, if the rules of the building don't allow it,
16 the rules of the building don't allow it.

17 So, zoning does not take the place of the
18 individual rules of the building. So, lease
19 agreements, co-op agreements and other residential
20 legal documents supersede zoning and can place
21 limitations that we just don't think we as New York
22 City should be placing ourselves.

23 Okay, all that stuff stays in place unchanged.
24 Next slide. So, we made a few changes at the City
25

1 Planning Commission in response to Community Board
2 concerns. We heard concern about competition between
3 housing and commercial activity and about potential
4 environmental effects and nuisances and so we
5 reinstated the cap of 1,000 square feet and 49
6 percent of the space in our proposal. We clarified
7 that home occupations can't use common areas in a
8 residential building and we clarified the language
9 from commercial district also applies to home
10 occupations giving DOB and building management more
11 clearly defined guidance to enable enforcement of a
12 violation.
13

14 Okay, it's another one pager that you have in
15 front of you defining in greater detail some of the
16 changes and some of the rules. Next slide here, and
17 this is just to illustrate where we have different
18 rules in New York City today where we allow up to
19 three employees and 49 percent of the space and a
20 certain number of square feet. Places like office
21 conversions, the special Tribeca mixed use district,
22 any MX District in the city. Queens Plaza
23 subdistrict, SoHo NoHo, these are all areas where we
24 have up to three employees in a home business and up
25 to 49 percent of the total space can be used. So, we

2 think those rules should be applicable more broadly,
3 recognizing the fact that people are living and
4 working differently. For us to have a list in
5 zoning, say no, these are the things that we think
6 that you cannot do is no longer the way for us to be
7 thinking about this particular challenge.

8 Okay, next slide. Now, we're up to goal three
9 and this is to enable more business-friendly
10 streetscapes. Next slide, on to proposal 12.

11 CHAIRPERSON RILEY: Chair? Chair?

12 DAN GARODNICK: I'm sorry.

13 CHAIRPERSON RILEY: We could start speeding this
14 up.

15 DAN GARODNICK: Faster than even than that Mr.
16 Chair. Alright, you got it. I'm going to keep
17 moving even faster. Ready, Proposal 12, let's go.
18 Streetscape improvements, we don't like blank walls,
19 drive-throughs, they break up retail streets,
20 unpleasant, unsafe conditions for people walking
21 past. So, we're proposing a consistent easy baseline
22 set of rules for commercial ground floor design that
23 are more responsive to areas with greater pedestrian
24 activity and more relaxed in city's more auto
25 oriented carters.

2 Next slide, Proposal 13. In the context of auto
3 servicing, we want to reduce conflicts between auto
4 repair shops and pedestrians and you know they are
5 typically treated as industrial businesses and
6 located far from retail streets. We're proposing to
7 rationalize and consolidate the range of auto
8 servicing uses into two categories, light and heavy
9 vehicle repair. Heavy vehicle repair needs to be
10 licensed by the state DMV. It will continue to be
11 allowed in industrial areas while light vehicle
12 repair would no longer be allowed in neighborhood
13 commercial areas unless they go through a side plan
14 review process with the Board of Standards and
15 Appeals.

16 Okay, next slide. Oh, I'm sorry, we made some
17 modifications there on proposal 13. The proposal was
18 a little unclear about which type of auto repair
19 businesses could locate in commercial districts after
20 a site plan approval, we clarified that. Next slide,
21 proposal 14, micro-distribution.

22 We have post offices in every neighborhood of New
23 York City but unless you are the federal government,
24 you can't do the same kinds of parcel pickup and
25 delivery within buildings except in industrial areas.

1 What this does, it forces the activity to occur on
2 sidewalks and streets, leading to traffic congestion
3 both in the area where the delivery occurs but also
4 in the industrial areas where the packages originate.
5 So we're proposing to create a new type of use in
6 zoning called a micro-distribution facility and allow
7 these businesses to locate a small scale in
8 commercial areas encouraging deliveries to shift
9 alternative modes of transportation and regulating
10 the creation of local hubs for safe and sustainable
11 deliveries to occur. Okay, moving on, next slide go
12 forward here. Now we're creating more opportunities,
13 new opportunities for businesses to open. Proposal
14 15 next slide, commercial space on campuses. We have
15 many large-scale residential developments that are
16 zoned as residence districts, meaning that retail,
17 services, maker spaces, they can't easily locate and
18 that means that residents of these developments are
19 further away from local goods and services.
20

21 This proposal would create a process and I would
22 note proposals 15 through 18, each creates a process.
23 So, it doesn't create any as of right opportunity, it
24 creates a process for business opportunity and
25 expansion. It creates a process. A city planning

1
2 commission authorization to allow a limited amount of
3 commercial space to locate in under-utilized office
4 or storage space on a large-scale residential campus,
5 giving residents greater access to basic necessities
6 or the space to grow a new business. Uhm, you know
7 we think of this in the context of a NYCHA campus
8 that wants to include, that has underutilized space
9 and wants to include maker space, create jobs for
10 residences. We want a process to enable such a thing
11 to exist. It would require you know an authorization
12 and vote from the City Planning Commission.

13 Proposal 16 corner stores, some portions of New
14 York City are not within walking distance of a local
15 store and zoning has no pathways to potentially allow
16 a new locally serving business to open. So, we're
17 creating a discretionary pathway where a business
18 could initiate a process to locate a new corner
19 store, provided that the store does not generate any
20 environmental concerns or traffic congestion.

21 So, we got 250,000 plus New Yorkers who are not
22 within a quarter mile of a place where they get a
23 gallon of milk or a carton of eggs. We want to
24 create an opportunity that could exist if desired and
25 makes it through an environmental review and

1
2 Community Board review with the City Planning
3 Commission vote. Next slide, proposal 17.

4 We want to rationalize the waiver process for
5 business adaptation and growth. In some instances
6 here, businesses lack options for waiving certain
7 non-FAR related rules. For example, a film studio
8 might struggle to build a sound stage in New York
9 City because we have zoning rules that are not
10 related to FAR but things like yard requirements, set
11 back heights or a clothing store might want to expand
12 to occupy an empty second floor, but size limitations
13 or location rules prevent them from doing so. So, we
14 are expanding the zoning toolkit so that businesses
15 can initiate a process to waive some zoning rules on
16 a case-by-case basis.

17 Okay next slide. I'm doing it Mr. Chairman. I'm
18 moving faster. I got you. Alright, next slide is on
19 proposal 18. We want to create new kinds of zoning
20 districts for future job hubs. As you noted in your
21 opening Mr. Chairman in some instances, it is our
22 zoning districts themselves that are obsolete. This
23 is particularly true of our manufacturing or M-
24 district regulations.

1 Currently low-density options, physical design
2 rules and parking make it impossible to build loft
3 like buildings, even in areas where they already
4 exist. The proposal will create a range of new job
5 intensive zoning districts at a range of densities
6 and heights that expand the zoning tool kit for
7 future rezonings. Let's go to the next slide. I
8 will note that they are in direct response to the
9 Council's call to update our manufacturing zoning.
10 Speaker Adams, not in this state of the City Speech
11 but in the last one you noted that the city lacks a
12 broader coherent economic development strategy to
13 cultivate industrial growth and noted that the
14 Council will advance updates to the 1961
15 manufacturing zoning in the Citywide text amendment
16 to help maximize the potential benefits of industrial
17 businesses for our city.

18 So, we thank you all and the Speaker for
19 advocating for this. Here we are. Here are the
20 districts. Let's go to the next slide. First, we
21 have an M3A or core industrial district. This would
22 be two to three FAR where commercial uses are limited
23 to one. This is a district for the very first time,
24
25

1 restricts the FAR of all non-industrial uses while
2 giving industrial businesses room to grow.

3
4 The core district is a critical tool for ensuring
5 preservation of industrial businesses as one that is
6 appropriate in areas where we do not want to see
7 transformation. Our second tool, M2A, it's called a
8 transition district. This is 2 to 5 FAR with
9 commercial or community facility uses limited to .5
10 or .75 FAR unless M-uses are guaranteed. So you can
11 only maximize your uses here in the transition if you
12 do manufacturing space in the building. It's
13 designed to incentivize the creation of new space
14 that is guaranteed for industrial users allowing a
15 mix of business types to cross subsidize the creation
16 of new space. This kind of tool is sorely needed to
17 renew derelict outdated spaces and we think it is
18 appropriate in context where we want to balance a
19 preservation with new business types and this brings
20 us to our third tool, an MIA or a growth district, 2-
21 15 FAR. This is more loftlike bulk and has the same
22 uses as today's M1.

23 Today's M1 district unfortunately is in many ways
24 obsolete. It lacks intermediate density options and
25 has onerous yard and set back rules that make it

1 impossible to build modern versions of loftlike
2 buildings that we saw historically.
3

4 So, this growth district is designed for
5 industrial context where we want to take advantage of
6 the job creation that can come with higher densities
7 and a mix of business types. And then lastly, the
8 C7, it's got the same FAR in bulk as an M1A but the
9 same uses as a C6 and no residential allowed. Some
10 cities call this an innovation district type
11 designation. It's not an industrial planning tool
12 but rather a new type of commercial district that
13 borrows from the loftlike envelope of growth to
14 enable a wide range of business types giving planners
15 a new tool for areas where we want to see significant
16 job growth.

17 Next slide. Okay and then this is going to be
18 basically the end Mr. Chairman. I just wanted to
19 note that we saw in a variety of - that wasn't
20 supposed to be an applause line but it's okay. In
21 the midst and facts category here we heard in
22 Community Boards, neighborhood meetings, a lot of
23 misinformation. I'm sure you have as well and so, we
24 did want to just - there were just a few of them that
25 we wanted to highlight because we thought it was

1 important. The first is that there's a housing
2 proposal. Next slide, it is not. This is not our
3 housing proposal. This would not affect our housing-
4 related zoning rules. It only affects commercial and
5 manufacturing uses. It would not change where
6 manufacturing commercial or mixed-use zone are
7 located. It does not rezone a single building and it
8 is distinct from our City of Yes for Housing
9 Proposal, which would adjust what types of housing
10 are allowed where public review of that will take
11 place later this spring. Next, industrial activity.
12 Concerned that small scale clean production would
13 allow dangerous polluting industries into quite
14 residential neighborhoods. Now, the fact here is
15 that we would allow clean production in commercial
16 zones subject to strict environmental standards okay.
17

18 Clean production in commercial zones subject to
19 strict environmental standards. They include DEPs,
20 ABC requirement for emissions. Right to know filings
21 for hazardous substances, building performance
22 standards that match existing regulations for mixed
23 manufacturing and residential developments and
24 venting that avoids any nearby residences. We have
25 been doing this for decades. We have existing

1 environmental standards in our MX districts and that
2 is what this draws from. Next slide. Next myth,
3 that this proposal would allow strip clubs around the
4 city. In fact, we would not change the strict
5 regulation on adult uses, live entertainment like
6 music, comedy and dancing is governed differently
7 from adult uses.
8

9 Okay, next slide. Neighborhood noise, myth here
10 the proposal would allow loud night clubs in quiet
11 residential neighborhoods. The proposal here does
12 not change the regulations on venue size or volume.
13 Size or volume, same, we're not changing it. What it
14 does do is it would allow people to stand up and
15 dance in venues where live music is already allowed
16 but dancing is not. It would allow certain venues to
17 sell tickets or advertise showtimes to support
18 musicians. Okay, next.

19 Corner stores. The corner store proposal would
20 allow rampant commercial activity on every
21 residential corner without oversight. The fact here
22 is that small local retail applications would have to
23 be approved on a case-by-case basis by the City
24 Planning Commission, which requires environmental
25 review, Community Board, Borough President review and

2 recommendations and ultimately in a vote by the City
3 Planning Commission. So, this is not an as of right
4 opportunity. It is a pathway, okay?

5 Last, next and last, home occupations. Myth,
6 that the proposal would allow businesses to take over
7 apartment buildings, causing quality of life concerns
8 and displacing housing. In reality, we would
9 modernize our home occupation rules which today ban
10 occupations like barbershops, advertising and
11 interior decorating while maintaining restrictions on
12 nuisances, like noise and order, sets of square
13 footage cap on home occupations and it forbids home
14 businesses from using common spaces in residential
15 buildings.

16 Just another reminder that zoning does not
17 supersede any existing building rules. Next and last
18 slide Mr. Chairman. In summary, City of Yes for
19 Economic Opportunity will allow more types of
20 businesses and more places, helping us to reduce
21 storefront vacancies. It will facilitate the largest
22 expansion of clean manufacturing in over 60 years.
23 We are due for it because our rules have not changed
24 in this period of time. An area is the functional
25 equivalent of the size of Manhattan. It will

1
2 establish the New York City's region as a life
3 science leader and help achieve our goal of \$3
4 million new square feet for life sciences. We will
5 support the 17,000 businesses in industrial areas
6 that are prevented from expanding by current zoning
7 and lastly, we'll create a process to improve access
8 to corner stores including for the benefit of some
9 265,000 New Yorkers who lack practical access today.

10 With that Mr. Chairman, I thank you very much for
11 the opportunity to present and certainly welcome your
12 questions.

13 CHAIRPERSON RILEY: Thank you. That was a lot.
14 So, I apologize about that Chair, I have a lot of
15 Council Members who have a lot of questions and I
16 know they have to run out of here, so I'm going to
17 ask a few of my questions for round one and then I'm
18 going to turn it over to my colleagues. We've been
19 joined by Council Member Lee, Paladino, Brewer,
20 Restler and online Moya and Carr.

21 I also thank you for this helpful and
22 comprehensive presentation. As you can imagine, our
23 colleagues have quite a few questions. So first, how
24 did our Zoning Resolution become so out of date that
25

2 it is referenced office space that operates in cell
3 telegraphs and phonographs?

4 DAN GARODNICK: Yeah the short answer is if you
5 change it, it stays put and New York City has not
6 endeavored to make a change on this in 60 years, and
7 what has happened is we have an important moment
8 where we're recognizing the fact that people are
9 living and working differently, just came out of a
10 pandemic. We as a city have to recognize the fact
11 that the world has changed in significant ways.
12 We're still seeing it bear out but it is an important
13 moment for us and an important prompt for us to take
14 a hard look at these rules which in many cases just
15 don't make any sense and have not made sense for a
16 very long time.

17 CHAIRPERSON RILEY: So, with that being said, is
18 there going to be a system that DCP is going to put
19 in place that will address zoning changes moving
20 forward that our communities will then have to deal
21 with a complex text amendment like this?

22 DAN GARODNICK: You know the City Charter tells
23 us how to introduce a text amendment to community
24 board and to the Council and Borough Presidents. So,
25 with that said, that is an important question that

1
2 you're asking but it's one that we would have to look
3 at together and I recognize the challenges of doing
4 big things in zoning and the amount of complexity of
5 a proposal like this and what it presents for a
6 community board. I also remember being in your shoes
7 when proposal were ZQA and MIH came down the pike,
8 which I also found you know extremely difficult to
9 understand in the short periods of time where I was
10 being presented the information. So, we have made
11 lots of strides to try to meet people where they are,
12 particularly at the community level. We created an
13 entire new division within the Department of City
14 Planning to be able to support community boards,
15 which is also part of our function as defined by the
16 Charter.

17 So, but the short answer is that is the process
18 that the Charter has defined and so big proposal will
19 mean a lot of texts going to Community Boards.

20 CHAIRPERSON RILEY: Thank you Commissioner. It
21 is just important that we do discuss that moving
22 forward because the zoning regulations will change
23 moving forward and I'm pretty sure in the next 40, 50
24 years we'll be discussing this again hopefully if
25 we're all still here.

2 DAN GARODNICK: I'll meet you here. I'll meet
3 you here in 50.

4 CHAIRPERSON RILEY: So, if we could definitely
5 you know talk about setting up a system that would
6 make it more easy for communities to digest this, I
7 think that would be very ideal.

8 Next, I would like to focus on what prompted the
9 Administration to undertake this massive undertaking.
10 Did business groups and communities approach you
11 about the need for this text amendment?

12 DAN GARODNICK: We heard from everybody from
13 freelancers to manufacturing businesses to dancing
14 advocates, to Chambers of Commerce and Bid's and we
15 also saw with our own eyes what was happening in a
16 changing local economy. All of this lead us to
17 embark upon this proposal, which we of course spent
18 quite some time shaping even in advance of our extra
19 time that we gave to community boards and tried to
20 hit a mark where we thought we were being responsive
21 to the issues that were present in a post pandemic
22 world.

23 CHAIRPERSON RILEY: Does DCP have any estimates
24 of how many new businesses or jobs might be generated
25 by this proposal?

2 DAN GARODNICK: It is a great question also an
3 incalculable question but we think that by enabling
4 more opportunity, we will be directly addressing some
5 of the limitations that we are putting on ourselves
6 that are impeding small business creation and
7 innovation in New York.

8 CHAIRPERSON RILEY: As I mentioned in my opening
9 statement, Council Members have heard many concerns
10 about the complexity of this proposal and frustration
11 has been expressed to us that there was not enough
12 assistance by the Administration to fully understand
13 and engage with the proposal. In hindsight is there
14 anything you would have done differently to help
15 facilitate more effective engagement with Community
16 Boards and the public?

17 DAN GARODNICK: That's a very hard question and a
18 good one. You know we did more engagement than the
19 Department of City Planning has ever done on a
20 proposal. You know 59 Community Boards, 175
21 meetings, so doing that math we were, you know and
22 this was not at every board but we went back multiple
23 times to most boards. We tried our very best to
24 present this in different context, public information
25 sessions starting way back in last June, July,

1
2 September. We has six town halls. When we saw
3 things that were generating misinformation at
4 Community Boards. We saw myths that were not
5 accurate that were coming out. We did a special
6 event that we advertised and put out for the public,
7 which is still available on our website. We put out
8 frequently asked questions to be able answer
9 questions that were being raised at the community
10 board process. You know, I would always love to say
11 we would love to do even more of all the things but
12 in reality that is I think a fair level of engagement
13 on our part and certainly is unprecedented level of
14 engagement and we really do hope that people see that
15 we were making real efforts here, recognizing the
16 complexity of all this and trying to meet them where
17 they were.

18 CHAIRPERSON RILEY: Do you plan on increasing
19 more resources for Community Board education
20 engagement moving forward as such you did for this
21 project?

22 DAN GARODNICK: We have an entire division whose
23 job is to help provide support, resources for our
24 community boards, we will continue to do that.

2 CHAIRPERSON RILEY: Thank you Commissioner. I
3 have a lot more questions but I do know my colleagues
4 have questions, so I'm just going to turn it over to
5 my colleagues. We're going to start with Council
6 Member Schulman followed by Hanks and then Ariola.

7 COUNCIL MEMBER SCHULMAN: I wanted to see if it
8 was morning or afternoon before I said anything.
9 Good morning technically Chair.

10 DAN GARODNICK: Good morning.

11 COUNCIL MEMBER SCHULMAN: I have a lot of
12 questions so, uhm, let me start with so when you
13 engaged the Community Boards, did you get the - did
14 you talk to the Council Member about doing that with
15 you because by talking to us separately from the
16 boards, they probably split up what they were going
17 to come back with.

18 DAN GARODNICK: Are you asking did we
19 specifically invite Council Members to the Community
20 Boards that we're representing?

21 COUNCIL MEMBER SCHULMAN: Correct.

22 DAN GARODNICK: I think we - our perception was
23 that Council Members were well aware of the Community
24 Boards and their agendas and so, we did not issue a
25 special invitation.

2 COUNCIL MEMBER SCHULMAN: But I'm just going to
3 tell you right now, that's not the point. If you
4 want us to engage with this proposal and it's huge,
5 then you call us because the Administration calls us
6 about other things that they want and say, "hey, we
7 want to do this together, can we work together?"

8 DAN GARODNICK: That is - that is a fair point.
9 I will note that we started Council Member offices
10 last summer to offer briefings and engagement on
11 this, so we're in April of 2024. We started offering
12 the opportunity for Council Members last summer.
13 Some took us up on it, some did not but I definitely
14 understand your point. You all are the ultimate
15 deciders here of this and so, your ability to sink
16 your teeth into this proposal is mission critical.

17 COUNCIL MEMBER SCHULMAN: Well, it's not, it's
18 not just that. It's that we have relationships with
19 the Community Boards and we appoint some of them as
20 well, so that would have been a way to pull everybody
21 together, so I just want to make the point. I don't
22 want to belabor it.

23 The other thing is in the power point that you
24 just presented to us, you talked about the fact that
25 four out of five borough presidents supports this

1 with conditions. You didn't say how many Community
2 Boards voted against it and how many voted for it.

3
4 DAN GARODNICK: Yes, I can tell you the answer to
5 that though.

6 COUNCIL MEMBER SCHULMAN: Okay.

7 DAN GARODNICK: It was 30 against 214 and the
8 reason I didn't mention it was because it is a little
9 more complicated when you have a spreadsheet of 18
10 proposals. So if you look at the ways Community
11 Board weighed in on the 18 proposals, those who gave
12 us a breakdown, which we very much appreciate, so
13 there are Community Board members listening to me, I
14 do want to thank them for taking the time and the
15 effort to grapple with 18 individual proposals.
16 Nearly all of them got more than 50 percent support
17 from Community Boards that gave us the tally.

18 So, the short answer to your question is 30 no,
19 21 yes, and of the 18 you know nearly all of
20 proposals came in above 50 percent. The two
21 exceptions I will note for you were home occupations
22 and commercial above residential areas where as you
23 saw, we made significant changes in response to
24 Community Board concerns.

1 COUNCIL MEMBER SCHULMAN: So, uhm, you know I
2 don't want to get into the breakdown of which
3 boroughs because and that's the other thing. You
4 know these proposals, each borough is very different
5 and each neighborhood is very different, so those are
6 the things that we really need to take a look at. I
7 don't have – there's not a lot of time, so I want to
8 ask. So, Department of Buildings, I want to talk
9 about that. It's not so much that they don't have
10 the resources to do things but I've spoken to DOB
11 about a number of things in my community and they
12 don't have the staff or – and it's not about hiring
13 staff, it's about they're not able to recruit people
14 to do the things that are ordinary in terms of a
15 community. So, how are they going to do compliance
16 around this?

18 DAN GARODNICK: It's a great question. We
19 understand the limitations. They can't be everywhere
20 all at once. The reason why we think that this
21 proposal will actually be an aid as opposed to a
22 hindrance to Department of Buildings, is that by
23 clarifying our rules in a very significant way, we
24 are eliminating a lot of the ambiguities out there
25 which make it difficult for them to do their jobs.

1 So, by streamlining the zoning text and taking
2 out the question marks, that is a help to enforcers
3 but I certainly take your point that you know they
4 cannot be everywhere all at once. That's certainly
5 always the case but this proposal is designed to make
6 it easier for them to read, respond to and enforce
7 the rules that we're putting on the books.

9 COUNCIL MEMBER SCHULMAN: But just so you know on
10 a practical level in Queens, the Borough Commissioner
11 has issues with enforcement and I brought that to the
12 Commissioner as have other of my colleagues. I want
13 to make note of that. You know, so there's a
14 practicality to that and there's the you know the
15 proposal itself. So, and the other thing I want to
16 mention as well, is that DOB right now, if they go to
17 a residence where there's a complaint and they can't
18 get in, then they can't do anything. So, there has
19 to be a way that we can enable them to enter a
20 residence if there's a complaint. So, I want to know
21 what's going to be done about that.

22 DAN GARODNICK: Thank you. I may not be the best
23 person to answer that question but I do understand
24 the concern and I think that we should talk about
25 that together between the Council, Administration.

1 Think about any of the limitations which make it
2 harder for the Department of Buildings to do its job
3 because we all support them in their efforts to get
4 in there.

5
6 COUNCIL MEMBER SCHULMAN: I have a lot more
7 questions but I'm going to you know, I know a lot of
8 my colleagues want to ask so I'll do a second round
9 but thank you very much Chair.

10 CHAIRPERSON RILEY: Thank you Council Member
11 Schulman. We'll come back to you for a second round.
12 Council Member Hanks.

13 COUNCIL MEMBER HANKS: Thank you so much Chair
14 Riley. First I want to say uhm and really commend
15 the Admin Commissioner Garodnick, the Department of
16 City Planning. You have been very accessible. You
17 have been out to our individual districts, especially
18 in Staten Island and I hope you continue to do so, so
19 I really want to thank you for that. So, many of the
20 examples that you used are for densely packed urban
21 areas and this plan, does it take into consideration
22 the more suburban areas of these communities where
23 NYC cornerstone stores, life sciences labs, homebased
24 businesses completely freak out. People who live in
25 the bedroom community portion who really strongly

1
2 oppose this and many of us have both and so, we're
3 trying to understand and kind of mitigate through how
4 we unpack or put back in this pandoras box, which you
5 opened, which many people didn't know what the rules
6 are in the first place, which you very much so added
7 in your presentation. They don't understand the
8 rules and now we're changing the rules and so, it's a
9 complete freak out. So, what are we doing for the
10 communities that you know? A lot of these changes
11 will adversely, at least they feel that they will
12 adversely impact these bedroom communities, heavy
13 residential communities like Staten Island that are
14 looking at this and some of these rules may mean
15 something completely different than it would in a
16 place like Manhattan as opposed to a place along
17 Forest Avenue. And did this plan take into
18 consideration that this is a not one size fits all
19 New York City anymore?

20 DAN GARODNICK: Yeah, absolutely. I really
21 appreciate the question and because we made different
22 type of - we proposed to make a different type of
23 rule changes in different district types around the
24 city, it inherently is recognizing what you're
25

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 75
2 describing Council Member, the differences in
3 neighborhoods all around New York City.

4 Of the things that you know we are talking about
5 as the 18 proposals, some of them would not be
6 applicable on Staten Island as a practical matter at
7 all and some of them would be. You know the example
8 that you cited on corner stores or other or reducing
9 conflicts on auto repair or car design rules or
10 creating a process for some of these sort of new
11 businesses to exist. They would be applicable but we
12 recognize that this is a big city and it is a
13 citywide proposal.

14 Now, as it turns out, our Zoning Resolution
15 organizes us. It organizes us into higher density
16 areas, medium density areas, lower density areas and
17 so, when we're talking about making changes in lower
18 density areas, it's frequently things like our C1, C2
19 commercial districts. It's frequently in the context
20 of manufacturing districts which exists in Staten
21 Island and many, many other places. So, yes, we are
22 organized by the Zoning Resolution and we believe and
23 understand that people are learning the rules, even
24 as we're making proposals to change them and you know
25 when you start talking about this stuff, this is hard

1
2 and it's complicated and I certainly remember it
3 myself when I was in the shoes of a Community Board
4 Member or Council Member. But an example like corner
5 stores is a good one because you know corner stores
6 like a bodega, it's part of New York City's fabric
7 and there are thousands of them today in residential
8 districts and they make life better for New Yorkers
9 in a lot of ways. In a lot of ways, we want to run
10 down the block for a gallon of milk or a bacon, egg
11 and cheese sandwich or whatever but in some areas
12 where it would make sense, New Yorkers -

13 COUNCIL MEMBER HANKS: We drive down the store.
14 We drive to our mailbox.

15 DAN GARODNICK: Drive to the mailbox, yeah.
16 Well, I can't address that one but if you don't want
17 to have to drive to get to that bacon, egg and cheese
18 sandwich, you know there's an option here. Anyway,
19 the point of it is, we're creating a process. A
20 process alone so that if it is something desirable in
21 a community, it's something that is possible only but
22 to your point, yes this proposal recognizes the
23 differences in the vast context of New York City and
24 it is organized by the existing districts.

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2 COUNCIL MEMBER HANKS: Thank you. One more
3 question please Chair.

4 CHAIRPERSON RILEY: Yes, go ahead Council Member
5 Hanks.

6 COUNCIL MEMBER HANKS: So, with that in mind,
7 there are components in the proposal where you say
8 the four reviews Community Board Borough President
9 approvals are those binding because I think that many
10 people would say yes to the City of Yes if they knew
11 by block or by civic associations, which really are
12 much more involved with residential as opposed to our
13 community boards that they have some sort of say in
14 saying well, we don't want that on this block and if
15 that were possible, I think that we may be able to
16 get the City of Yes as opposed to the City of No,
17 which is where Staten Island is right now as the
18 Borough President will tell you.

19 DAN GARODNICK: Thank you. I appreciate the
20 question and you know it is not a binding vote by a
21 community board or a borough president, much like no
22 recommendation from a Community Board or Borough
23 President is binding on any of the land use matters
24 that come before them. And what we wanted to do was
25 we wanted to equate this to the other opportunities

1
2 and allow for the opportunity while recognizing that
3 this does not – this is not something that will
4 either work or people want in every neighborhood but
5 there are neighborhoods to your point, New York City
6 is different. It's got lots of context. It's got
7 lots of different needs. There are some
8 neighborhoods that very much could value having an
9 easier process for a corner store and just can't.
10 So, that's why we bring in the Borough Presidents
11 Community Boards and to allow us to get their very,
12 very important feedback.

13 COUNCIL MEMBER HANKS: Thank you so much and
14 thank you Chair.

15 CHAIRPERSON RILEY: Thank you Council Member
16 Hanks. Next, Council Member Ariola followed by
17 Council Member Gutiérrez and Avilés.

18 COUNCIL MEMBER ARIOLA: Thank you Chair. I have
19 a lot of questions also. This is an enormous
20 endeavor. Couldn't the zoning updates have been done
21 by implementing a group of smaller zoning changes
22 that are not cookie cutter but specific to the areas
23 within the boroughs that would not be as adversely
24 affecting the quality of life of those areas?
25

1 DAN GARODNICK: We could have proposed a zoning
2 text that was different in size and scale and in
3 substance yes.

4 COUNCIL MEMBER ARIOLA: Any why didn't you?

5 DAN GARODNICK: Because we wanted to meet the
6 moment that we are in and we wanted to make sure that
7 we are addressing significant changes, significant
8 changes in the way people are living and working.
9 And the fact that we have zoning rules that have long
10 outlived their usefulness. So, we wanted to present
11 something that was citywide in scale and recognize
12 that the ultimate decider of this is you all, the
13 Council.

14 So, we wanted to present a big proposal that we
15 thought was meaningful, respectful of neighborhoods,
16 addressed the issues that we have heard from
17 stakeholders, advocates, and also from many of your
18 colleagues about what we need to see in the city.

19 COUNCIL MEMBER ARIOLA: Okay, so I see a lot of
20 people here on this page that you said were
21 supportive of it but two-thirds of the community
22 boards, as my colleague Council Member Schulman said,
23 did not support this. We have civic associations
24 that do not support this, so I don't see anyone on
25

1 this page that isn't going to benefit from the City
2 of Yes being passed. And in Proposal 15 and 16 for
3 the corner stores is a community boards vote yes or
4 no on it going to be binding? You know if it should
5 pass.
6

7 DAN GARODNICK: Thank you Council Member. As I
8 noted a minute ago to Council Member Hanks, Community
9 Board votes, Borough President votes, they're never
10 binding on land use matters. What we attempted to do
11 here was to create a process that we would enable the
12 possibility of a corner store if one was desired and
13 to give Community Boards and Borough Presidents that
14 same level of opportunity to weigh in but it's the
15 same as another land use application.

16 COUNCIL MEMBER ARIOLA: Right but weighing in and
17 having an as of right are two different things.

18 DAN GARODNICK: Well just to be clear, it's not
19 as of right either. It's a process which still needs
20 a vote. It still needs a full vote by the City
21 Planning Commission. So, it would be environmental
22 review, Community Board, Borough President, and vote
23 of the 13-member City Planning Commission, which
24 includes representatives from all boroughs, Public
25 Advocate and the Mayor.

2 COUNCIL MEMBER ARIOLA: Thank you. So, you were
3 talking about the FAR, so how does increasing the FAR
4 help the city's flooding issue? What will the impact
5 be on coastal communities like the one that I
6 represent?

7 DAN GARODNICK: Appreciate the question and it's
8 an important moment for me to clarify that that is
9 part of the housing proposal, not this proposal for
10 us to add any FAR for housing but we do look forward
11 to coming back and talking to you about how we intend
12 to create a little bit more housing in every
13 neighborhood in a moment when we are most certainly
14 in a crisis.

15 COUNCIL MEMBER ARIOLA: Okay, if you allow
16 commercial use above residential and let's say it's
17 light manufacturing business, which I'd like you to
18 clarify what you consider that on top of two floors
19 that are apartments, wouldn't that affect the quality
20 of life of the residents? What about the noise, the
21 constant movement? I mean, even if it is a shop
22 that's creating clothing with sewing machines going
23 all day long, wouldn't that affect the quality of
24 life of the people living below?

1 DAN GARODNICK: It's a great question and I'm
2 going to have Matt jump in in a second. One thing
3 that I will note is that a lot of the individual home
4 occupation uses that you were describing are already
5 allowed as home occupations under the New York City
6 Zoning Resolution. What we are proposing is to
7 enable the ones that for reasons which no longer make
8 any sense are strictly prohibited. The things like
9 the interior decorator, the lawyer, the barber. But
10 most importantly, in the context of stacking
11 commercial over residential, uhm, that only works in
12 a building where you can have physical separation
13 between the commercial and the residential spaces,
14 which means, it does not work in every building.
15 There are places where that would functionally not be
16 possible. You need to have separation, either a
17 separate elevator bank, separate access with stairs
18 etc.. But I do want Matt to talk about the
19 environmental issues here as to how to protect
20 residences in this case.

22 MATT WASKIEWICZ: Thank you Council Member for
23 the questions that you're raising and we asked
24 ourselves the same ones, which is why in crafting
25 this proposal we made sure that if any businesses

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 83
2 wanted to locate on an upper floor, they have to meet
3 sound attenuation standards before they're even
4 allowed to locate in that space. So, they either
5 have to separate by at least 15 feet or they have to
6 have a sound engineer sign off that they've provided
7 enough sound proofing so that whatever they're doing
8 in that space, it's not rising above the ambient
9 level of sound, and that's before they can even start
10 their operation and get that CFO in order to begin.
11 So, that's built into the zoning itself.

12 COUNCIL MEMBER ARIOLA: Right and just for a
13 moment if I can Chair, that is going to cause a lot
14 more waste and right now, we're fighting back waste
15 and how to contain it and such, though I don't know
16 what kind of plan you have in place for the
17 additional waste but my final question now and I
18 would like to reserve a spot for the second round, is
19 how does this proposal affect liquor, cannabis and
20 any store that would sell tobacco and alcohol?

21 DAN GARODNICK: So, there's special sorts of
22 rules for all those things that you mentioned. Uhm,
23 and this does not affect any of those existing rules.
24 In the context of things like a corner store, we're
25 enabling a corner store. We're not allowing for an

1 illegal activity in zoning. We can only allow legal
2 activities in zoning, similarly for indoor
3 agriculture, we're saying if it is legal in a
4 commercial area outside, it's legal in a commercial
5 area inside. But the short answer to your question
6 is we do not change any of the rules on any of those
7 areas. Those are outside of zoning.

9 COUNCIL MEMBER ARIOLA: Thank you and I do
10 reserve the right for a second round. Thank you.

11 CHAIRPERSON RILEY: Thank you Council Member
12 Ariola. Next, Council Member Gutiérrez followed by
13 Council Member Avilés.

14 COUNCIL MEMBER GUTIÉRREZ: Thank you Chair.
15 Thank you so much. Thank you for the entire
16 presentation and your team. I was certainly one of
17 those members that take advantage of all the
18 briefings and all the calls and I thought it was
19 beneficial. My questions are particular to Text
20 Amendment 18 and I just want to acknowledge the work
21 of many of my colleagues under the M-Zone coalition
22 and under the leadership of Speaker Adams and
23 obviously your teams support in what I think is
24 constructive communication back and forth on it. I
25 just have some specific questions because as I have

1
2 expressed before, I do – I have issues with the
3 growth district and the latitude of flexibility.

4 So, can you – is there a way that you can share
5 kind of like, share with us what are some of these
6 neighborhoods where you think the growth district is
7 in need? Just like flexibility of commercial and
8 manufacturing.

9 DAN GARODNICK: I'm going to turn to Matt but one
10 thing that I will note is because we're not mapping
11 any of these districts here, they become an important
12 tool for us as we continue our conversation as it
13 relates to Intro. 1012, which the Council passed as
14 you know and where we have a responsibility to you to
15 answer this very question, which is where is it
16 appropriate for different types. Where is it
17 appropriate for preservation? Where would we like to
18 see growth? But I'm going to turn to Matt to answer
19 your question more fully but that something that we
20 intend as part of that Local Law to be able to answer
21 to you most completely.

22 MATT WASKIEWICZ: Thank you Dan and thank you
23 Council Member. The growth district we view as one
24 tool of a suite of tools that are all appropriate for
25 looking at the future of our city's industrial areas

1 holistically. So, as Dan noted, we are not mapping
2 anything in this proposal and we are not going
3 through this proposal and saying a particular area
4 where we think the growth is appropriate in part
5 because we want to make sure that that goes into a
6 public process where we are talking with Community
7 Members, talking with Council Members, speaking with
8 industrial businesses and understanding what their
9 needs are, as well as what the future vision
10 holistically can be for an area.

12 With that said, we have ongoing planning efforts
13 in a number of neighborhoods today, which may benefit
14 from the whole suite of tools and not just the
15 growth. So, it's a continued conversation that we're
16 looking forward to having with communities but we
17 think creating the tools, adding them as paint
18 brushes if you will to our zoning tool kit is really
19 important.

20 COUNCIL MEMBER GUTIÉRREZ: So, I mean the growth
21 district very blatantly exists in North Brooklyn, in
22 my district and although we don't refer to it as
23 that, it is I think where a bit of that inspiration,
24 I want to say come from. As far as I guess the way
25 it infringes on industrial businesses or

1
2 manufacturing businesses in that area, I can tell you
3 from being a staff member for a long time, there are
4 unintended consequences of allowing nonmanufacturing
5 in manufacturing districts and the growth district
6 and the wording of it, which is like allowing
7 flexibility, is not solving for those consequences.
8 Whether it's a rampant 311 calls from people that
9 live in the growth district where it's manufacturing.

10 Industrial businesses that no longer have the
11 ability to load and unload because there's so many
12 residential folks there, now that their parking their
13 personal cars, right? And so, I have a big issue and
14 there's a ton of flags for me in growing flexibility
15 or that terminology in the growth area.

16 Uhm, I just want to move to Proposal Number 3,
17 about; and again thank you for going through all 18
18 Dan. Allowing businesses that want to expand to do
19 what I think is like light manufacturing in
20 commercial corridors. Have you all thought - how
21 many businesses do you think this will benefit? Have
22 you all thought about how that will affect what we're
23 trying to do in maybe the more transition or even
24 growth district of encouraging more manufacturing
25 businesses. If we're allowing that, even if it's

2 small in commercial businesses, have you all thought
3 that will have a negative impact on expanding
4 manufacturing in these other zones?

5 DAN GARODNICK: I'm going to go back to Matt in a
6 second but one thing I will note is we actually view
7 it as in part and a way to address the first concern
8 that you were raising, which is by creating more
9 opportunity for the lighter manufacturing. Like a 3-
10 D printer or a pottery studio to exist in a
11 commercial context. It does reduce some of the
12 pressure on what I think we would recognize together
13 as core manufacturing, the ones that need to be
14 separated off from residential or other commercial
15 uses. So, we actually view that as a benefit here
16 but I'll go to Matt for extra content.

17 MATT WASKIEWICZ: Yeah and just to paint a
18 hypothetical but this is one we've heard from
19 businesses that may, they may operate in the IBC in
20 North Brooklyn today. They would like to do more
21 direct retail sales somewhere in Manhattan. The
22 zoning today would not allow them to do that and
23 operate a little bit of production space on the side,
24 so as the business continues to grow, this allows
25 them to do so.

2 COUNCIL MEMBER GUTIÉRREZ: No, I'm clear on what
3 it does, I'm just sorry Chair, one more minute. I'm
4 just concerned of the tool that is in place or the
5 zoning that's in place of saying, currently if you a
6 business that starts manufacturing and you're looking
7 to expand because you need more space that you need
8 to move to manufacturing. And I can see how that is
9 a challenge for that business but what you're saying
10 is like you can stay in commercial and we're still
11 not helping manufacturing.

12 And so, that is why I am curious and you've all
13 grappled with that conflict, which I think one is
14 like, you're proposing a lot of businesses to grow by
15 doing light manufacturing in commercial districts but
16 you're also incentivizing commercial in manufacturing
17 businesses. You're doing more for commercial in
18 manufacturing businesses. You're doing more for
19 commercial in manufacturing than you're doing for
20 manufacturing is what I am saying. And so, my last
21 question and I'm way over time is what can we do to
22 do more in the transitional zone to incentivize
23 industrial and to not - why can we just - why can't
24 we mandate it? Why do we need it in two zones, in
25 transitional and growth, why is there like incentives

2 or flexibility for commercial when really we should
3 be doing that in the entire manufacturing zone? And
4 that's it.

5 DAN GARODNICK: Thank you and I appreciate the
6 question. I think what we are trying to do here is
7 to recognize the fact that when we mandate the
8 certain levels or certain FARs before you can do
9 anything else, the result is frequently that we end
10 up and this is not about manufacturing specifically,
11 this is about any of the context in which we have
12 highly prescriptive outcomes in mind. It is the sort
13 of result which does not give us what we end up
14 wanting because if people cannot hit those marks, we
15 end up seeing a lot of vacant space. But to your
16 point, we want to try to and this proposal is an
17 effort to recognize for the first time a need for
18 core manufacturing district preservation.

19 One, which is you know there's areas in which we
20 want to incentivize manufacturing over anything else.
21 To your point, we want to make sure that
22 manufacturing is prioritized. And then there are
23 also other areas and they happen to be in Districts
24 in yes, North Brooklyn is an example, there are other
25 examples and we will take a look at that together

1 with you part of Intro. 1012. We want to make sure
2 that job creation is happening and that we're not
3 over prescribing in a way that is going to limit
4 anything from happening over there. So, we
5 understand the concerns that you're raising. We want
6 to continue to work with you on this because this is
7 important and we are making real efforts here in even
8 creating any new districts for the first time in 60
9 years to allow us to be able to be responsive come
10 next year on Intro. 1012 and think about where, when
11 and how they should be applied.

13 CHAIRPERSON RILEY: Thank you Council Member
14 Gutiérrez. Council Member Avilés followed by Council
15 Member Nurse, then Marte.

16 COUNCIL MEMBER AVILÉS: Thank you so much Chair
17 and thank you for being here and the work that the
18 whole team has been putting in. Chair, in particular
19 I want to thank you for addressing in your statement
20 the need to regulate Last Mile facilities. It is
21 something I have been talking about for two years and
22 my community has been screaming about for well over
23 five years. So, you know in this opportunity that
24 you're creating to look at the zoning laws certainly
25 we welcome some of those updates. Nevertheless, what

2 is clear has been a full mission of the actual last
3 mile facilities, the distribution sites, the large
4 mega facilities. We're talking about the end of the
5 line but seem to have ignored entirely the last mile
6 facilities.

7 As you know Commissioner Garodnick we've sent you
8 a letter signed by more than half of the Council
9 Members that stresses the need to address this
10 particular issue. We know the climate impacts, the
11 polluting impacts, the thousands of additional diesel
12 fuel trucks in our community and yet, no portion of
13 this has addressed that in earnest. Uhm, so I'd like
14 to know Commissioner if uhm if you will uh, if we
15 have your commitment on record to address this issue?
16 To actually implement tools? To define last mile
17 facilities?

18 It's interesting that the Mayor just released a
19 report. Uh, the Mayor's Office of Climate
20 Environmental Justice released a mapping tool which
21 talks particularly about last mile facilities and
22 yet, there is no definition of these, so curious how
23 they've been able to define impacts, and yet here we
24 are at DCP unable to define impacts and address this
25 squarely within the zoning updates.

1 So, I'd love to hear your response around these
2 requests related to last mile, the need for
3 regulation, special permitting tools? And then I
4 have a couple other questions.

5 DAN GARODNICK: Sure, thank you Council Member.
6 Uhm, first let me acknowledge that last mile
7 facilities are a challenging topic for us as a matter
8 of policy and also for the one as a policy matter
9 that affects all New Yorkers, especially you know
10 many of your constituents. And in context where
11 large warehouses are generating large amounts of
12 trucks near residents and schools and other sensitive
13 areas, uhm, I think it is time for us to work on a
14 solution here.

15 Uhm, the nature of how New Yorkers obtain goods
16 and daily necessities it's changed significantly in
17 recent years. It continues to evolve and we are
18 certainly ready to work with you and your colleagues
19 and our colleagues at other agencies to understand
20 what the right policy tools are. Whether in zoning
21 or through other programs, I like to think that
22 zoning is all important but it is a limited tool that
23 you know regulates buildings, not vehicles but we can
24 certainly commit to turning over all land use
25

1 possibilities working with our partners at the city
2 and state and of course our partners at DOT and EDC
3 and other agencies that are presently working on this
4 issue as well including through the Red Hook truck
5 and traffic study, EDC and DOT's water-based delivery
6 tools that they're exploring and other cleaner
7 delivery methods. You have my commitment to continue
8 to work with you on that.

10 COUNCIL MEMBER AVILÉS: Thank you I just you know
11 point out we do have the tool of a special permit and
12 often we're after the fact the facilities have been
13 sited, the impacts are done. The community is
14 stuffed where there concentration of polluting
15 infrastructure and we have no way to address it. So,
16 we have a clear tool. We have had a clear tool here
17 but we haven't decided to use them, so just pointing
18 that out for the record but we look forward and
19 expect in earnest this to be addressed because it is
20 a severe oversight within this entire context.

21 I just want to say as also a representative of an
22 industrial manufacturing area, the work on creating
23 the core zone to protect and strengthen the
24 industrial manufacturing is very, very important to
25 us, so we commend doing this work. I have very grave

1 concerns about the transition district and the fact
2 that the bonuses that are identified in that are very
3 leak. I mean we I think a 2.5; Chair if I may just
4 complete uhm - I may be misrepresenting the actual
5 number but the bonus that is identified to
6 incentivize industrial use in the transitional
7 district is weak at best. I'd love to understand
8 where the .75 bonus FAR for industrial use has
9 actually ever materialized incentivizing industrial
10 development.
11

12 MATT WASKIEWICZ: Yeah, thank you Council Member.
13 The transition district is one where we looked not
14 just for example, within New York City but across the
15 country seeing what other cities are doing to try and
16 incentivize the creation of new industrial space.
17 It's really hard to do and a lot of the tools that
18 other cities have frankly are not very effective.
19 So, what we've tried to do is build off of those
20 examples and create a bonus that creates an as of
21 right tool to build new industrial space in the city.
22 It's the first time we've ever done that for an as of
23 right tool and the bonus of .5 to .75 is in fact a
24 larger bonus than we have in any other example that
25 we've used to this point in the city. So, it has

1
2 gone further but I think we'll continue to look at
3 this.

4 COUNCIL MEMBER AVILÉS: I'll just note in
5 Gowanus, uhm, this bonus was I think put forward and
6 we have not seen any industrial incentivization of
7 it, so in fact, what we're seeing is actually this is
8 a very weak tool. We need a stronger incentivizing
9 bonus in terms of FAR in order to actually make that
10 happen, so either 25 percent of the FAR to be
11 actually mandated for industrial use is really
12 important and as far as the growth, as far as the
13 growth district, we feel that that's everything else.
14 That is everything that is creating real challenges
15 for industrial manufacturing. We have the data to
16 know that that is a problem in industrial zones and
17 so, I'm not sure what an additional tool, how that is
18 supporting what we are trying to do. It feels it's
19 in direct conflict. I think a strong, transitional
20 district with commitments, strong commitments to
21 industrial and light manufacturing in them is
22 critical and having a core strong - a strong core
23 excuse me, it's the eclipse.

24 But thank you and just lastly, on Proposal 18
25 around auto body shops, it's again industrial

1 manufacturing with a great number of auto body shops.
2 It is a huge challenge for our community who has -
3 they kind of just do what they want regardless of
4 health, quality of life concerns. It is a real
5 problem that we need to address. There is no
6 enforcement over anything and uhm, we would like to
7 look specifically into how we actually get some
8 changes for our community.
9

10 MATTHEW WASKIEWICZ: Yeah, thank you Council
11 Member. As you noted auto repair businesses are
12 industrial uses when they're locating in M-Districts.
13 There are very few restrictions and zoning on them
14 but continuing, I know we've worked with your office
15 on particular locations so we'll continue to do that.

16 COUNCIL MEMBER AVILÉS: Yeah, and we are a
17 community of residential and industrial that is on
18 the same block in much of our neighborhoods. And so,
19 we have to balance what it is to be a good neighbor
20 and how to figure out those tensions. So, thank you
21 for your work and look forward to strengthening our
22 industrial manufacturing zones.

23 MATTHEW WASKIEWICZ: Thank you.

24 CHAIRPERSON RILEY: Thank you. Uh, no problem
25 Council Member Avilés. Next, Council Member Nurse

2 followed by Council Member Marte and Council Member
3 Lee.

4 COUNCIL MEMBER NURSE: Thank you Chair. Good
5 afternoon. I just wanted to – I have a couple
6 questions but I also want to really underscore and
7 echo the concerns of Council Members Gutiérrez and
8 Avilés. I know our office has been really working
9 within the M-Zone Coalition. I have a manufacturing
10 zone that I think we would really like to keep
11 manufacturing. So, I have a couple questions. Can
12 you clarify for the new core zone, I know that we're
13 not mapping anything now but I was confused about
14 amusements in those. Can you clarify what the
15 relationship would be?

16 DAN GARODNICK: Oh, okay, thank you. That's –
17 the amusement proposal is not specifically related to
18 one of the new proposed zones. What we are defining
19 in the context of amusements, is where you can do
20 certain types of amusements today, which are so
21 ambiguous in zoning that it ends up sending these
22 businesses out to New Jersey. And we want to make
23 sure that we are combining our existing uses into an
24 amusement or recreation facility category and an
25 outdoor amusement park category and allow for there

1 to be indoor amusements in commercial districts.
2
3 Things like you know think of an escape room for
4 example, as a perfectly harmless so you can get out,
5 harmless way to do an amusement indoor in a
6 commercial district, and to do that up to a limited
7 size capacity in C1 and also -

8 COUNCIL MEMBER NURSE: That part I understand but
9 I'm talking about in the manufacturing.

10 MATTHEW WASKIEWICZ: Today, amusement related
11 businesses in manufacturing districts have very few
12 limitations and they're also, it's clear that they
13 can locate there and so they do and you see many of
14 these businesses locating there and not locating in
15 areas that are closer to commercial corridors where
16 there are families where people would find them. So,
17 we actually view the amusement proposal as being an
18 important relief valve on competition for space
19 within our M-District, our M-Zoned areas allow more
20 experiential businesses to locate closer where folks
21 live and giving them more options to do so there.

22 COUNCIL MEMBER NURSE: And then for when the
23 mapping happens, will that be the opportunity to kind
24 of define that a little bit more because I actually
25 think - I love like laser tag and all that stuff.

2 I'm down for it. I think it should be in commercial
3 areas but like amusements and you know in
4 specifically for a future core district, amusements
5 and also shelters, just being able to go as of right,
6 I think somewhat undermines the idea of the core and
7 it would be great if this is not then scope of work
8 for it, than in those future processes, I feel like
9 that really needs to be available for discussion.

10 DAN GARODNICK: Yes, definitely will be part of
11 our discussion with you Council Member as we think
12 about the location and future of M-Districts more
13 generally and that's a conversation that is you know
14 starting now and will be ongoing over the next year
15 or year and a half pursuant to the Local Law that you
16 all passed, and we do look forward to having that
17 conversation.

18 COUNCIL MEMBER NURSE: And just for clarity, do
19 we have a timeline for this mapping process?

20 DAN GARODNICK: So, for Intro. 1012, I think our
21 first report is July 2025 to you all and we uh in
22 terms of where and when to map, that will be an
23 ongoing land use conversation based on individual
24 applications but we will try to guide that process
25 with you as part of our report on Intro. 1012.

2 COUNCIL MEMBER NURSE: Okay and then lastly, this
3 isn't a question but I think in terms of moving this
4 proposal along, I think it's going to be really
5 important that DCP puts resources towards taking the
6 final version that will be voted on and you all
7 putting some time and effort back into the community
8 board, specifically targeting the community boards
9 that voted this don't know, which is quite a number
10 right? Some gave feedback, a lot didn't and I'm just
11 really concerned that we're not going to have the
12 adequate time necessary to recommunicate what has
13 transpired for people who cannot tune into these
14 processes, and I really think DCP needs to be at the
15 forefront of that and not the Council Members with
16 our limited staff and all the projects we have going
17 on to be the you know, the foot soldiers for what is
18 your proposal and we, if you want this, you need to
19 put some boots on the ground and shore this up and
20 explain this and show how you have responded directly
21 to the concerns put forward.

22 DAN GARODNICK: Thank you Council Member. I
23 really appreciate that question and it's also not
24 only something that we should do, it's something that
25 the Charter requires us to do as of a matter of law

1 that we be a resource to Community Boards. What I
2 will note is uhm, and this is you know unusual for
3 the Department. Not only did we ask Community Boards
4 to give us the feedback that you were describing
5 proposal by proposal, is a way for us to truly figure
6 out what people thought because that was an earnest
7 effort for us to say, well, where do you land? Do
8 you like proposal 1, 4, 5, 11 and 12 but dislike 3,
9 8, 9 and 18? Okay, tell it to us, we want to
10 understand it but we also you know went out to 175
11 community board meetings of the 59 community boards
12 and when we made changes at the city planning
13 commission, we did do what you are describing at
14 least at that level to go back to the Community
15 Boards and relay to them what we heard and the
16 changes that we made and adopted at the City Planning
17 Commission.

19 So, what you have before you at the Council is
20 changes that incorporated a significant amount of
21 Community Board feedback and amended at the City
22 Planning Commission to be responsive to this and I
23 get it and we'll go back to them at the end as well.

24 COUNCIL MEMBER NURSE: But going back at the end
25 is going to be really important.

1 DAN GARODNICK: For sure.

2 COUNCIL MEMBER NURSE: And then the last pieces,
3 in terms of the home occupations piece and commercial
4 use above residential, I think we just really need a
5 more comprehensive list of what, you know because
6 what people are going to and what you've got on the
7 list, you know it's sending off flags for people.
8 And so, I think just a more comprehensive list and
9 really explaining you know what isn't allowed. Like
10 more comprehensively what isn't even more so than
11 what is I think and what the enforcement plan is
12 going to be behind it. That's the other thing and I
13 know Council Member Schulman mentioned that but I
14 just -I think most communities just don't believe
15 that the city is capable of uhm, really enforcing
16 most of its laws on the book. And so, I think it's
17 going to be important to show how you all plan to do
18 that. What is the complementary proposals or
19 budgetary proposals that are going to help that? So,
20 that's it. Thank you.

21 CHAIRPERSON RILEY: Thank you Council Member
22 Nurse. I just want to announce for the record, we've
23 been joined by Council Member Powers. Next, we'll
24

1
2 have Council Member Marte followed by Council Member
3 Lee then Council Member Restler.

4 COUNCIL MEMBER MARTE: Thank you Chair. I want
5 to give a quick shoutout to George James, who really
6 helped a lot of our Community Boards in my district
7 understand this proposal and give recommendations.
8 So, I want to thank him for that. I want to thank
9 the Chair and Matthew for taking a few meetings with
10 my office but one of the biggest issues that I had
11 with the proposal and that I mentioned in our initial
12 conversation was commercial uses in NYCHA property.
13 I understand that DCP has made some modifications to
14 require findings, however, these findings are
15 extremely vague and can be interpret in many
16 different ways. In terms of what businesses would
17 benefit residents and the community and what will
18 count as an objectionable affect.

19 Further, we've seen examples where despite
20 widespread and local opposition, even proving how
21 findings cannot be made, the Commission in the past
22 has approved applications requiring similar findings.
23 Because of the history of these findings required by
24 zoning being used as the mechanism to pass through
25 application despite community disapproval. I

1
2 strongly recommend that this change to a CPC special
3 permit, so the Council Member can have the final say
4 on which applications can move forward.

5 And so, as it currently stands with these
6 findings, if a business is being proposed let's say
7 in the Smith Houses in my district and the majority
8 of the residents of that campus object this approval,
9 would CPC side with the community and reject this
10 application?

11 DAN GARODNICK: Well, it's a great question and I
12 can't speak for this 13 votes in the City Planning
13 Commission and there's not application because this
14 proposal hasn't been passed by you all. We hope it
15 will be and then we would be able to evaluate a
16 specific opportunity at a NYCHA campus in your
17 district or otherwise. Most importantly here is
18 there's no pathway in vacant space on NYCHA campuses
19 if the residents do one. I understand your question
20 is what if they don't want? But let's talk about the
21 center where they do want to make use of a vacant
22 space for maker opportunities, retail other and we
23 today don't have any path for that to happen. That's
24 the problem we're solving for. We're not looking to
25 push something in places where they're not wanted.

1 You wouldn't either as the local Council Member and
2 certainly would be a vocal and communicative part of
3 that process, even under the current framework today.
4 So, we look at this as saying well, if this is
5 something needed and wanted, well we should create a
6 pathway to do it, not how do we override local
7 community opposition but rather we want to create an
8 opportunity where none exists and where we believe it
9 is something that's advantageous potentially to NYCHA
10 residents on some NYCHA campuses.

12 COUNCIL MEMBER MARTE: And you know I agree.
13 Like, let's talk about what we want and what we don't
14 want but in the off change that there is something we
15 don't want that's being proposed and we want the
16 opportunity as Council Members to have a say whether
17 a liquor store is at the bottom of a NYCHA property.
18 Whether a fast-food restaurant; I'll give you an
19 example. A few years ago, there was a vacant
20 commercial space at the Smith Houses just a few
21 blocks away. What filled it? A Checkers fast food
22 restaurant. It wasn't a fresh food establishment.
23 It was something that was going to take advantage of
24 Black and Brown communities. And so, we're just
25 asking for the opportunity to call it up but if it's

1 something good, then it will go probably through
2 without a call up.

3
4 DAN GARODNICK: I certainly understand the point
5 that you're making and you know a much more
6 significant process the way you're describing. Our
7 worry there would be that people would not actually
8 take advantage of it because of how additionally
9 onerous it is but I certainly understand the point
10 that you're making.

11 COUNCIL MEMBER MARTE: I just want to touch on
12 production uses in residential districts. Before
13 this text amendment, virtually no production uses
14 were allowed outside of C-A and M Districts. To now
15 allow almost all production uses in all commercial
16 districts would mean a massive shift, particularly in
17 our mixed-use districts that are primarily
18 residential, like in my district.

19 Many commercial areas throughout the cities are
20 overlaid on residential areas to provide much needed
21 local businesses meant to support healthy residential
22 communities. Examples, laundry mats, corner store
23 groceries. This proposal would now allow the
24 manufacturing of tobacco, woods and meadows,
25 pharmaceuticals, medical equipment's and other

2 heavier production and commercial overlays.
3 Storefronts below residential apartments in these
4 residential neighborhoods.

5 I understand that there's a need for flexibility
6 to allow bakeries and small artists and producers to
7 have these uses for their business especially to
8 expand but I highlighted some things that are major
9 red flags. So, how do you balance allowing bakeries
10 to expand but not allowing tobacco uses, meadow and
11 you know pharmaceutical and medical equipment being
12 established in these locations?

13 DAN GARODNICK: Yes, thank you for that. I mean,
14 our current zoning was written at a time when most
15 manufacturing was done in large factories and was
16 meant for mass production and global distribution and
17 our current zoning also predates most environmental
18 regulations. So, at the time it made sense to
19 separate many of the manufacturing businesses into M-
20 Zones and locate them in places where you just
21 couldn't be anywhere near anything else. But what
22 has happened over time is you know Councilman is the
23 technologies have changed and so has our ability to
24 safely regulate a number of businesses across a wide
25 range that have a production component. The only

1 types of uses that would be newly eligible, newly
2 eligible for location of commercial zones are those
3 clean and quite sorts of things like pottery studios,
4 bike repair, bakeries, craft making, carpentry. Other
5 sorts of protection include environmental review,
6 which looks at factors like noise and traffic and DOB
7 inspections. But there's strict environmental
8 standards that they need to meet here. I'm going to
9 have Matt talk about those a little bit but we
10 certainly understand the point. It is an expansion
11 but is a timely expansion because manufacturing is
12 not today what it was back in 1961 and as a result,
13 we need to make these changes.

14
15 MATTHEW WASKIEWICZ: Thank you and thank you for
16 your question Council Member. Just to go into a
17 little bit more technical detail, you all have a one
18 pager on your desks. It's also on our website that
19 provides a lot of this information but what kinds of
20 businesses would be able to locate here are ones that
21 meet environmental standards. Many of which are not
22 new. They've been on the books since the 90's and
23 ensure that in any place, in any building, that
24 allows for light industrial and residences in that
25 same building, that environmental standards must be

1 met around air quality emissions, around potentially
2 hazardous materials and around all of the other
3 potential hazards that our zoning defines as such.

4 And if any of these businesses wanted to locate, they

5 have to meet those standards prior to setting that

6 CFO. So, these are all going to be a change of use.

7 They all require going through a process to get a new

8 certificate of occupancy. And you mentioned

9 something like pharmaceutical's. That might be

10 developing cutting edge therapeutics. New York City

11 and parts of your district have a growing life

12 sciences presence in an office setting that kind of

13 production, which we see in other leading life

14 sciences economies across our country, is really

15 important for the continued innovation for spinning

16 out new products that then get developed at scale in

17 other places.

18 So, it's part of the innovation ecosystem for

19 that particular use but that's the distinction that

20 we're drawing. Things that are clean and quiet, are

21 loud in commercial areas, things that cannot meet

22 those strict environmental standards are appropriate

23 to locate in our city's M-Districts.

1 CHAIRPERSON RILEY: Thank you Council Member
2
3 Marte. Next, we'll have Council Member Lee.

4 COUNCIL MEMBER LEE: Hi, good afternoon and thank
5 you so much Commissioner for giving your presentation
6 because I think you do it in such a very clear way,
7 so I appreciate that.

8 And I just want to echo some of the sentiments of
9 my fellow colleagues here who are saying that you
10 know my concern also is very similar in the sense
11 that it seems like these are very broad strokes and
12 our districts are very different. And so, how do we
13 balance that with the needs of our residents and our
14 communities? And just to give an example, my
15 district is in Eastern Queens on the border of
16 Nassau. We are more than 90 percent residential.
17 Very little commercial zoning spaces and so, uhm, you
18 know and I also have four community boards that I
19 overlap with as well as many, many very active civics
20 as you know and they've expressed a lot of their
21 concerns. However, I also understand the need for
22 the city as a daughter of small business owners, you
23 know the importance of that. And so, how do you
24 balance all these things but also make sure and then
25 the question is who is going to regulate all of this

2 and make sure that these businesses are in compliance
3 and then also if there's costs involved, right? How
4 is that going to work if there's any added cost to
5 the city?

6 So, I wanted to focus first my question on the
7 home occupation and I just want to list out so that
8 the City of Yes would potentially allow in home
9 occupation businesses. Some which you mentioned,
10 advertising pier agencies, barber shops, beauty
11 parlors, depilatory or electrolysis offices, interior
12 decorators, kennels or stables, which I'm very
13 curious about because I'm wondering who lives in a
14 place that can have a stable or unless I'm
15 misunderstanding the meaning. Dispensing pharmacies,
16 which is I'm going to come back to pharmacies. Real
17 estate or insurance offices, stockbrokers and vets
18 offices.

19 So, I understand that you're saying that there
20 has to be separate entrances in all of this and it's
21 going to be separated out but understanding and
22 having worked in health care facilities and the
23 regulations that are involved with for example,
24 ventilation systems and things like that, right? How
25 are we going to make sure that these owners are in

1 compliance and I know that some of them require state
2 licenses, which obviously automatically or other
3 licenses which makes them subject to those
4 requirements but others that may not. Those are the
5 things that I'm worried about and as Chair of the
6 Mental Health, Disabilities and Addictions Committee,
7 we have seen a huge jump in opioid crisis in this
8 city and my concern not to go so far as being
9 facetious to say, the first thought I had was oh my
10 God, Breaking Bad you know like, this - and I don't
11 think it's going to go to that extent but the point
12 is that there's a lot of as we've seen unregulated or
13 legal businesses that do open and we have to answer
14 to that as Council Members and people who speak for
15 the people in our districts. And so, as someone who
16 is very concerned about that, we all know that we can
17 buy over the counter drugs. We can do things that
18 will alter the effects of those things to create
19 different opioids. And so, my question is, how are
20 we going to regulate for those types of businesses
21 and that's my concern is that with this as well as
22 uhm, the laboratories right. It seems like, what is
23 the deeper dive or study or anything that you all
24 have done in terms of the potential impacts health
25

1
2 wise as well? Not just environmental but you know if
3 I'm living next to a business like this. What kind
4 of impact would that have and for the home
5 occupations, so that's one part of the question how
6 to sort of regulate or monitor that right. Because
7 we all know that DOB is short on capacity. And then
8 also, I just wanted to confirm. So, the instances
9 for example, could you explain what kind of zoning
10 violations or fines would ensure compliance I guess
11 is my question and there's been a number of instances
12 in my constituency where a bad neighbor refuses entry
13 like someone, one of the other colleagues of mine
14 mentioned twice in the case and was just
15 automatically closed. The case was closed. So, how
16 do we account for that and also, what does this mean
17 for us in terms of the ULURP process? And then I
18 have just one last question after that.

19 DAN GARODNICK: Great, okay thank you. I
20 appreciate all of these questions. So, on home
21 businesses and I appreciate where you started. I
22 think it's important for us to start with what's
23 already allowed because that's everything except for
24 that short list that you just described.

25 COUNCIL MEMBER LEE: Right.

1 DAN GARODNICK: So, that list is the outlier.
2
3 Everything else is allowed and you know those
4 businesses have customers that come in. The vast
5 majority of time, these exist without complaints.
6 It's the fact that there is a list that is so
7 specific and so prescriptive that itself is out of
8 whack. Now, let's talk about some of the examples
9 you gave on that list because I think there's really
10 good ones and I'm glad you called them out. A
11 kennel, why would that be in a home business? It
12 cannot but it is called out in zoning for reasons
13 that don't make any specific sense. There's lot of
14 rules that have to be applied for a kennel. It
15 cannot exist as a home business, whether we allowed
16 it in zoning or not.

17 Similarly for pharmacists, you know we have
18 pharmacists in New York City who are doing telehealth
19 medicine who are working out of home on a computer
20 screen in front of a video monitor who are working in
21 that context. Zoning should not be the strict
22 prohibition from that person being able to operate
23 out of their own home if they are part of a broader
24 operation where drugs are being dispensed out of
25 another place. These are the sort of things where

1 when we put the list in zoning, it has all of the
2 unintended consequences over time, which has limited
3 our adaptability and flexibility to enable this but
4 it is the list which no longer makes sense. And to
5 you question about you know how to ensure compliance,
6 yes, there is an enforcement mechanism through the
7 Department of Buildings. It is important that they
8 have the capacity to be able to go out there and do
9 their job. That is an important conversation for all
10 of us to have. It's not a zoning question but it is
11 an important question about the Department of
12 Buildings and to make sure that they have everything
13 that they need.

14
15 As it relates to ULURP, you know we're not
16 changing the zoning in any district here. We're not
17 you know even in proposals 15 to 18 where we're
18 creating a process for a thing to happen, that does
19 not change ULURP. It just creates a pathway.
20 Everything else is a better definition we think for a
21 modern 21st Century economy about where things can
22 happen in existing zoning districts.

23 COUNCIL MEMBER LEE: Okay, I would request that
24 we take a look at that because telehealth is
25 something I'm familiar with from my previous life and

2 so, I think that should be categorized separately
3 because if we could be more specific about some of
4 these, I think that would be great.

5 And then in terms of the corner stores in
6 residential areas. I'm sorry Chair if I could just
7 ask one more? Okay, corner stores in residential
8 areas. I guess this is my question. So, just to
9 clarify, would this completely eliminate the ULURP
10 process for these corner lots and make it as of
11 right?

12 DAN GARODNICK: It would not. Uhm, it would not
13 make it as of right. What it would do, it would be
14 to create a process for a small corner store. Once
15 somebody has done, if somebody wants to propose this.
16 For a corner store within 100 feet of the corner, if
17 they've gone through their environmental review,
18 they've gone through Community Board Borough
19 President and have passed a vote, majority vote at
20 the City Planning Commission, that would be the
21 process that we would be defining for that. There is
22 no process that exists today to set up a corner store
23 in zoning today, other than say a neighborhood wide
24 rezoning with commercial overlays across an entire
25 commercial district but for a single commercial

2 store, if such a thing were desirable in a particular
3 neighborhood, that is something there is no pathway
4 for in zoning today.

5 COUNCIL MEMBER LEE: Okay, so the three mentioned
6 serving the surrounding residential area, generate
7 minimum traffic congestion, won't change character of
8 the neighborhood. Those are the guidelines that
9 you're going by?

10 DAN GARODNICK: Yes.

11 COUNCIL MEMBER LEE: Okay and then finally, I
12 just wanted to end by saying that I understand that
13 you guys are going to the Community Boards and the
14 civics and all of those but I've been talking to a
15 lot of my immigrant owned small businesses in my
16 district who have language needs and specific other
17 needs and they have no idea that this is going on and
18 a lot of the residents I will say. So, my concern
19 is, I don't know if we're actually reaching as many
20 people and I'm glad that you're listing all the
21 meetings with the Community Boards and such right but
22 also, there's a huge swath of our communities that
23 are not being reached right now. And so, we're
24 trying to do our part as Council Members to do that.
25 To let them know hey, this is something you need to

1 pay attention to. This is coming up but I have to
2 say, most of my communities, which I have 45 percent
3 Asian American's in my District. Half of that are
4 South Asian, which speak Punjabi, Hindi, you know
5 Urdu, multiple languages and then Mandarin,
6 Cantonese, Korean and a lot of them are business
7 owners in my district. And so, I'm just concerned
8 that the ones that are not engaged, which is the vast
9 majority I would say, are the ones that we also need
10 to reaching because they have no idea what is
11 happening.

12 DAN GARODNICK: I think that's a great point.
13 Thank you for that. Good news is I think they will
14 be very happy with these changes. The small business
15 owners who have a limitation today in zoning which
16 impede their ability to make changes or to be able to
17 reoccupy a vacant storefront. We think that these
18 are business friendly changes and I think that they
19 will be happy. With that said, you are correct. We
20 want to do everything, everything that we possibly
21 can to reach people who are not traditionally part of
22 the channels that we operate under. That's why we
23 did so many town hall meetings with multiple
24 languages involved as part of this proposal alone.
25

2 We want to try to meet people where they are but we
3 certainly welcome any thoughts that you have on how
4 to – on how for us to do that better. We do want to
5 do that as well as we possibly can.

6 COUNCIL MEMBER LEE: Okay, thank you.

7 CHAIRPERSON RILEY: Thank you Council Member Lee.
8 Next, we'll have Council Member Restler followed by
9 Brewer, Paladino, and lastly Powers.

10 COUNCIL MEMBER RESTLER: Terrific. Thank you so
11 much Chair Riley. I really appreciate your
12 leadership. It's good to see you Chair Garodnick.
13 Thank you for being with us today and you know
14 overall, I think this is a smart and sensible set of
15 recommendations from the Department of City Planning
16 and I'm broadly supportive. I wanted to just dig in
17 on a couple of areas that my colleagues mentioned and
18 I really want to highlight and support their
19 leadership, especially Council Members Gutiérrez and
20 Avilés.

21 Council Member Gutiérrez has done just I think a
22 really impressive job of leading the M-Zone Coalition
23 of Council Members and advocates and engaging
24 constructively with DCP over the course of the last
25 year and I want to thank you and your team for

1
2 engaging constructively with us and especially with
3 Council Member Gutiérrez whose led the way on behalf
4 of the Council with of course, the strong support of
5 Speaker Adams.

6 I do have a couple areas of ongoing concern on
7 kind of my understanding of the state of play. You
8 know I really want to see us strengthen protections
9 for core industrial districts as much as possible and
10 you know I should actually just take a step back and
11 say, this you know conversation on core and
12 transitional and growth districts really builds on
13 the work of the North Brooklyn industrial and
14 innovation plan from a few years ago that then
15 Council Member Reynoso did a really great job in
16 leading that fight and leading that effort and I'm
17 glad to see us now come to a place where we can start
18 to potentially adopt some of those tools and be able
19 to see them implemented in manufacturing districts
20 around the city.

21 I want to see a strength in core industrial
22 districts further, I'm concerned that we're not doing
23 enough on the transition districts and so, in
24 particular, it's really hard for me to understand how
25 we could have buildings that are mixed commercial

2 industrial, mixed commercial and manufacturing uses
3 and not require manufacturing on the ground floor.

4 When we know that our industrial manufacturing
5 businesses need that entry point. Is that something
6 that you all would consider requiring kind of ground
7 floor manufacturing industrial uses to help ensure
8 that the incentives will actually work?

9 DAN GARODNICK: Thank you Council Member. It's
10 something that we're open to talking to you all about
11 as this process proceeds.

12 COUNCIL MEMBER RESTLER: Great and are you also
13 open to kind of strengthening the incentives so that
14 we're getting more industrial spaces in the
15 transitional zones relative to commercial uses?

16 DAN GARODNICK: You know we have presented to the
17 Council what we believe to be the best and most
18 perfect proposal. However, we understand that there
19 are likely going to be interests expressed here at
20 this hearing and beyond. And so, we look forward to
21 continuing that conversation with you, the M-District
22 Coalition, Council Member Gutiérrez, to see where we
23 can successfully –

24 COUNCIL MEMBER RESTLER: We really appreciate
25 your openness on both of those issues and willingness

1
2 to work together as we try to get this to the finish
3 line. Similar, you know relatedly, just wondering
4 have you had any conversations yet with EDC about
5 financial incentives that we can offer to industrial
6 manufacturing business, in transition zones that we
7 think might increase the success where perhaps other
8 cities haven't had the same track record that we're
9 hoping to accomplish here in New York with some of
10 the changes?

11 DAN GARODNICK: It's a little ahead of ourselves
12 and so far as we don't have the districts yet but you
13 are correct to say that we should be exploring all
14 routes here as it relates to future manufacturing
15 zones, transition and otherwise. And as part of our
16 study that has been initiated through the Council on
17 manufacturing districts more broadly, we do want to
18 make sure that all of our sister agencies, including
19 EDC are part of that and we're thinking about ways
20 for us to incentivize manufacturing businesses to
21 locate and grow. We here, want to make sure we have
22 some tools that create the flexibility that we're
23 hearing from manufacturing businesses, that they need
24 to be able to grow and succeed but yes, we certainly
25

1
2 will look forward to that conversation with EDC and
3 with all of you.

4 COUNCIL MEMBER RESTLER: That's great and I, you
5 know I represent areas that I think could make a lot
6 of sense for the growth district. You know this
7 morning I had breakfast in a hotel in a growth
8 district and you know it's like hotels and bowling
9 alleys are the only kinds of businesses we're opening
10 in that IBZ at this point and it's not working in the
11 way that we had all intended it to. And I think if
12 we're strengthening protections in core districts and
13 frankly strengthening the transition proposal more
14 than what we've heard yet from the Administration,
15 then adopting the growth model as well could make a
16 lot of sense.

17 One related question that you know I think part
18 of the reason there was success in the previous
19 Administration in rezoning a healthy number of
20 neighborhoods was that there was an infrastructure
21 fund set aside to go with those rezonings. I
22 certainly think something like that would be needed
23 when we try to adopt - when we try to map the new
24 zones into neighborhoods around the city. Is that
25

1 something the DCP has considered or any commitments
2 you can make on that front?

3
4 DAN GARODNICK: Well, in the context of
5 neighborhood rezonings, we are doing a different
6 approach in this administration as opposed to sitting
7 on a specific pot of funds. What we are trying to do
8 is in the context of neighborhood plans, like our
9 Bronx Metro North Plan or Atlantic Avenue, which are
10 the first two that will be out the door here. That
11 we are identifying through community needs processes,
12 community board, elected officials, city agencies
13 that have actual priorities in those areas and then,
14 as part of our final points of agreement in
15 connection with those rezonings, to be able to fund
16 and deliver those at that time. But in the context
17 of future mapped M-Zones, we should talk about what
18 that might look like and we certainly look forward to
19 continuing that conversation.

20 COUNCIL MEMBER RESTLER: I really appreciate it
21 and I look forward to those conversations and hope to
22 be able to you know once this is successfully
23 adopted, that we can quickly shift to having
24 conversations about what can work in our respective
25 districts. If I can Chair Riley, just my final

1 question is to you know echo the advocacy of Council
2 Member Avilés around last miles and I really
3 appreciated your comments today that we're overdue
4 for having a conversation when a neighborhood like
5 Red Hook has been so unfairly saturated with these
6 facilities and extraordinary amounts of truck
7 traffic. I realize that we're not going to solve
8 for last miles in this process but I think it's
9 really important that we start to have a substantive
10 conversation now. Is there you know in light of the
11 letter that was signed by a majority of Council
12 Members, is there any crisp next step that we can
13 count on from you Chair? Is that a meeting? You
14 know how do we proceed from here to try to push some
15 solutions forward on last miles as quickly as
16 possible?
17

18 DAN GARODNICK: Right, well first of all, thank
19 you for the question and while we regard this as a
20 serious issue and one that deserves the city's
21 attention, I am certainly committed to a meeting to
22 think about possible next steps. And while it is not
23 a proposal you know things like a special permit not
24 within scope here and it may not be that land use is
25 the right route for this.

2 We do think we should be exploring all avenues
3 that would directly affect the concerns of Council
4 Member Avilés and her constituents and all of us
5 because that is a real issue that is happening in
6 Sunset Park and Red Hook and also up in Council
7 Member Salamanca's District.

8 So, we are committed to exploring these various
9 routes with you and the group but I'll look forward
10 to officially responding and we'll figure out what's
11 the best next move.

12 COUNCIL MEMBER RESTLER: I just think if we could
13 make some progress as this process goes forward, so
14 we could talk to our constituents about the progress
15 we're making on last mile when this is coming to the
16 finish line. I think it would helpful. So, thank
17 you very much. Appreciate it.

18 CHAIRPERSON RILEY: Thank you Council Member
19 Restler. Council Member Brewer followed by Paladino,
20 then Powers.

21 COUNCIL MEMBER BREWER: Thank you very much and
22 congratulations on a really impressive listing. I
23 testified at the hearing so I'm just going to bring
24 up some of the topics. I don't think I mentioned
25 auto repair and sales. In Clinton in Manhattan,

1
2 hundreds of union jobs. So, one question is, I
3 assume that anything there will not be disturbed by
4 this particular proposal? That's question number
5 one.

6 Question Number Two is, I'm all for dancing and
7 music but you should know having had hundreds of
8 programs, questions over the years, you live above,
9 it's not the noise, it's the base and the base goes -
10 so, how are you going to deal with that issue because
11 it does not soundproof no matter what you do?

12 In terms of greenhouses, I passed a bill years
13 ago that said there should be more greenhouses that
14 would have urban agriculture in residential. So, I'm
15 just wondering if you support that and what else we
16 can do to make that even more part of the discussion?
17 Battery storage we talk about all the time. I do not
18 like the micro fulfillment centers, the dark stores,
19 as you know I try to get rid of them. I got rid of
20 some of them but the issue is, they are still storing
21 batteries. I see them every day, plugging them in.
22 If I lived above and people are complaining to me,
23 I'd be hysterical so, what are we doing about that as
24 part of your issue?

1 Store windows, nobody knows where and how we can
2 have cover of the window. I don't think anybody
3 knows and I want to know if you are actually making a
4 decision about that? Sometimes the grocery stores
5 cover them. I love grocery stores. I don't want to
6 mess them up but is that legal? The micro
7 fulfillment does it and it's illegal. What's legal?
8 What's not, etc.?

10 The issue of enforcement, I'm all for people want
11 to have more types of home businesses. The problem
12 is when you hear that, you know what's going to
13 happen? People, oh, I can do anything I want.
14 That's a problem because that's how people are going
15 to hear it. DOB cannot possibly handle it. I get
16 complaints all the time. Is it 25 percent that I can
17 have? You know, you really have to think about the
18 enforcement there. So, I don't know how that's going
19 to work but I can tell you it's a problem. I'm for
20 NYCHA having more service-based industry on the
21 premises. I think you need the federal government
22 for that. So, I want to know is that true or not? I
23 believe you need the Feds to agree to that.

24 202 housing, not allowed to have any commercial
25 whatsoever and I believe NYCHA unless there's some

2 specifics, can't have service stores. They got those
3 God damn doctor's offices, etc.. I hate those
4 doctors' offices.

5 The vacant stores, it's nice you have some ideas.
6 Move the bakery, etc., you need much more thought
7 about vacant stores. This might be the time to do
8 it. Vacant stores are everywhere. I'm for taxing
9 them. That just means I have to go to Albany. I'd
10 love to see more discussion of artists. You don't
11 have much discussion of art. For the light
12 manufacturing, I'm actually for the light
13 manufacturing, guess what I would say? Artists,
14 artists, artists. Give them percentage. They get
15 more percentage to do light manufacturing than the I
16 don't know the pharmacy. Whatever it is. Artists
17 have no space in Manhattan. They're dying for space.

18 Jewelry, graphics, 3-D that's all art in my book.
19 New kinds of art but you don't prioritize the
20 artists. I'd like to see that. And finally, I
21 passed a bill that says every store, commercial, has
22 to have an address. These God damn buildings do not
23 have addresses. You can't find a building. So, I
24 got HPD to agree to make sure that they you know find
25 those with no address but I can't find an agency to

2 say you have to have an address on a commercial
3 building. I need help with that. Thank you.

4 DAN GARODNICK: Love it. Thank you Council
5 Member Brewer. Okay, let me, I wrote them all down.
6 If I missed anything -

7 COUNCIL MEMBER BREWER: I'll let you know.

8 DAN GARODNICK: Yeah, I know you will. Okay,
9 first on the Clinton Auto Repair, this applies to new
10 uses, it would not affect them.

11 COUNCIL MEMBER BREWER: Okay.

12 DAN GARODNICK: On base vibrations coming out of
13 an existing bar or restaurant, sound and size are
14 regulated today. Sound and size will continue to be
15 regulated tomorrow, are not touched by this Zoning
16 proposal.

17 COUNCIL MEMBER BREWER: So, when you dance,
18 you're going to provide those. I'm just saying. I'm
19 just pointing that. You live above. The bass,
20 something to think about it.

21 DAN GARODNICK: Okay.

22 COUNCIL MEMBER BREWER: Something to think about
23 because I get the complaints and then I got to deal
24 with them.

25

1 DAN GARODNICK: Understood. Okay, green houses,
2 uhm we took additional steps as part of City of Yes
3 for carbon neutrality on that. So, progress has been
4 made to allow for urban agriculture in our
5 residential areas. So, thank you for that. Dark
6 stores and micro distribution. We have transparency
7 requirements as part of this proposal because we
8 agree with you that you should not have boarded up
9 dark stores in New York City.
10

11 Enforcement, that's something which has come up
12 by other of your colleagues too. We certainly
13 understand the need for robust DOB enforcement of
14 these proposals. Our hope and certainly we've worked
15 very closely with them in developing this plan, is to
16 make sure that the rules are clear enough, clear
17 enough to enable them to enforce, which unfortunately
18 today, so many of our rules are either ambiguous or
19 silent, that it makes it impossible for DOB to
20 actually enforce. Our hope is by clarifying these
21 rules, we give them an extra tool.

22 NYCHA needing the federal government -

23 COUNCIL MEMBER BREWER: Well, on the store
24 windows though, in general nobody knows. I'm just
25 saying. Grocery stores, I love them, they do cover

1 them. Is that legal? Is it illegal? I don't know,
2 nobody knows. So, I'm just saying in general. It
3 doesn't have to be answered today. Somebody has to
4 tell New York City what is or is not legal on
5 covering store windows? I don't know.

7 DAN GARODNICK: Today, nobody knows and that is
8 in fact the zoning in many places that it's either
9 silent on the issue or ambiguous.

10 COUNCIL MEMBER BREWER: So, what are we doing
11 about it?

12 DAN GARODNICK: Or ambiguous. In this proposal,
13 if you are in a commercial district, a commercial use
14 has to have a minimum of 50 percent transparency, so
15 that's a universal rule that.

16 COUNCIL MEMBER BREWER: But you didn't mention
17 that and it's nowhere written down anywhere.

18 DAN GARODNICK: That's part of our street scape
19 improvement, that's actually a proposal just for
20 reference.

21 COUNCIL MEMBER BREWER: Okay.

22 MATT WASKIEWICZ: It is a Proposal number 12.

23 DAN GARODNICK: Thank you. Matt knows it by
24 heart and that's an important one because we actually
25 don't want to see either store fronts that are

2 blocked off or whole streetscapes that are blocked
3 off in ways that are unfriendly to residences and by
4 the way, I will pivot that to answer one of your
5 other questions. That's another place where we see
6 opportunity for artists because one way for you to
7 actually create more versatility on a streetscape is
8 for art and for murals on a streetscape.

9 Storage needing addresses, I am sorry that I
10 cannot speak to it immediately but we should talk
11 about that and vacant stores, you know this is really
12 designed to change and modernize our zoning to enable
13 more flexibility so that vacant storefronts do not
14 sit vacant. One of the challenges that makes us
15 crazy at the Department of City Planning is when
16 people either cannot decipher the rules or the use
17 groups are too finely tuned between C1 to C2 or C4 to
18 C7. They need to employ lawyers or expeditors to be
19 able to sort it all out. We need to streamline the
20 subset that we do not perpetuate vacant storefronts
21 because that is a real - it's a real issue in
22 Manhattan. It's a real issue beyond and that's is
23 central to what we're after.

24 COUNCIL MEMBER BREWER: Okay, I mean even just
25 mandating that artists make art in vacant

1 storefronts. I know it's very radical. It costs
2 money blah, blah, blah, but that even storefront
3 folks are asking me to have that as a possibility,
4 maybe it is an interim step art, art, art. Thank you
5 very much.
6

7 CHAIRPERSON RILEY: Thank you Council Member
8 Brewer. Council Member Paladino followed by Council
9 Member Powers.

10 COUNCIL MEMBER PALADINO: Good afternoon and
11 thank you. Thank you for your patience and I want to
12 say our City Council here seems to be very much in
13 agreeance that it's not a one size fits all issue
14 here. I don't understand when we have as many people
15 as we - community boards as we have in the City of
16 New York, why are we making this a blanket coverage,
17 broad stroke that one size fits all in every single
18 borough? I think this is the hardest part that the
19 people are having with this because people have
20 expressed loudly depending upon what community board
21 your involved in that they are totally opposed to
22 this economic city of yes. It doesn't best suit a
23 lot of the residential districts, one of which I
24 represent which is District 19 and I want to thank
25 you because you did send a representative to

1
2 Community Board 7 and to Community Board 11. Whereas
3 they voted it down entirely. Whereas that says that
4 the people actually have no say in what happens in
5 their neighborhoods. So, I want to ask you a couple
6 of questions. The couple of questions I have, I'm
7 going to just circle to one of the main issues that
8 my district is facing. These home businesses, you
9 categorize barbershops, nail salons and beauty
10 parlors along with interior designers and lawyers and
11 such that work very quietly at their keyboards and
12 they run a very quiet business out of their home.
13 Very, very big problem is when you're dealing a
14 barbershop or a nail salon, we have people coming in
15 and out of a residential home at all hours of the
16 day. We have a parking problem. My people in
17 District 19, we have areas for people to oh, you're
18 talking about empty storefronts right? So, wouldn't
19 it be wise for these nail salons to now be given
20 certain maybe tax breaks or whatever to incentivify
21 moving into actual empty storefronts, what they are
22 built for? You also refer to antiquated 1961. I
23 take a little offense with that. No offense. I was
24 around when typewriters were around and it was an
25 okay thing but yeah, let's make a joke here. Let's

1
2 lighten it up a little bit but the bottom line is
3 that we do have a problem with this being not a one
4 size fits all and yet you're going to like shove this
5 down everybody's throat. And Council Member Nurse
6 brought up an excellent point, as did Brewer, as did
7 Lynn Schulman, as did Ariola. We all sat here and we
8 all had very, very similar questions and yet, this is
9 moving through like a freight train. So, what can we
10 bring back and what could we tell the people who are
11 on Zoom right now, how this is going to roll out?
12 When is this going to roll out? And you're forcing
13 us as Council Members to accept this and I want to
14 know what role as a Council Member are we going to be
15 able to play going forward if you're going to
16 disregard the people who represent us in Community
17 Boards and in civics? Exactly what control as a
18 Council Member are we going to have over the City of
19 Yes be it economic, be it housing going forward?
20 Thank you.

21 DAN GARODNICK: Thank you Council Member. I
22 appreciate your questions. So, we worked to devise a
23 proposal that was not designed to be a one size fits
24 all proposal but rather to be guided by existing
25 zoning districts as they currently live in New York

1 City. So, in your area, which might have commercial
2 overlays with C1, C2, we were not changing those
3 districts into something that they are not. What we
4 were trying to do was to rationalize them so that the
5 uses in those were very similar to one another. We
6 were guided by the existing zoning that lives
7 throughout the whole city. So, we were very
8 deliberate to not propose something here which does
9 changes citywide with new districts in any location.
10 We did not change the zoning anywhere but what we did
11 do was to try to bring the rules into the 21st
12 Century in a way that we believe makes sense. And to
13 your point about home occupations, I certainly
14 understand the concern.

16 COUNCIL MEMBER PALADINO: Concern, it's more than
17 a concern. It's changing people's ways of life. It
18 can't happen.

19 DAN GARODNICK: So, I think it's - what I would
20 say respectfully is it's important for us to note
21 what is allowed today as it relates to home
22 occupations because the existing zoning allows a wide
23 range of home-based businesses including, I mean you
24 were talking about barbershops. Music teachers is my
25 favorite example.

2 COUNCIL MEMBER PALADINO: A piano teacher as
3 opposed to a barbershop? What are you getting at
4 here?

5 DAN GARODNICK: You tell me. What we're trying
6 to do is to take the list of strictly prohibited
7 professions and to do away with it and to deal with
8 them based on actual concerns that people have.

9 COUNCIL MEMBER PALADINO: Do you believe a
10 barbershop should be in somebody's house? Do you
11 believe a barbershop or a nail salon or a beauty
12 parlor on a tree lined street with single family
13 homes, do you believe that a barbershop or a nail
14 salon has got the right to operate a business? Yes
15 or no?

16 DAN GARODNICK: Uh, nail salons are already
17 allowed.

18 COUNCIL MEMBER PALADINO: Show me one in my
19 district. I want you to show me one.

20 DAN GARODNICK: Wait a sec. I didn't they say
21 that they existed.

22 COUNCIL MEMBER PALADINO: No, no, no, no, no, you
23 just did, you just said an existing.

24 DAN GARODNICK: I said it was allowed and that's
25 a distinction which I'm sure that you can see. It is

2 not a matter of does it exist in your district? In
3 fact, it's an important point.

4 COUNCIL MEMBER PALADINO: Is it allowed in my
5 district? Is it allowed in my district?

6 DAN GARODNICK: Yes, yes it is allowed in your
7 district.

8 CHAIRPERSON RILEY: Council Member Paladino do
9 you want to sign up for a second round because -

10 COUNCIL MEMBER PALADINO: Oh okay.

11 CHAIRPERSON RILEY: Alright, okay.

12 COUNCIL MEMBER PALADINO: Second round.

13 CHAIRPERSON RILEY: Alright, so we're going into
14 the second round alright. Sorry about that and
15 Council Member Powers.

16 COUNCIL MEMBER POWERS: Thank you and in all of
17 this I want to make sure that we are talking about
18 what's allowed and what's happening here because I
19 think there's a lot of things we could allow to offer
20 opportunities to small businesses to be free of the
21 regulatory burdens and the confusion the city
22 provides to them. My dad owns a small business and
23 trying to navigate cities very complicated zoning was
24 not something he was signing up for. Running an
25 actual small business, getting the permits and things

2 I think is where we are, which is why I want to talk
3 about the proposed around night life, which is
4 something that as you know, the Council including
5 myself and others had discussed last term with it.
6 You were in the City Council when they repealed the
7 Cabaret Law? You were in the Council.

8 DAN GARODNICK: The sort answer is yes.

9 COUNCIL MEMBER POWERS: Okay, can you talk a
10 little bit about why they repealed the Cabaret Law?

11 DAN GARODNICK: Yeah, I think what we viewed at
12 the time was a relic of the past, which made it
13 impossible for people to be able to get up and dance
14 and it was recognized as something which no longer
15 belonged in the city's rules. It was based on you
16 know largely homophobic concerns about what was
17 happening in bars and restaurants and dance halls in
18 New York City and we did away with it. But what we
19 did not do away with at the time was the lingering
20 zoning limitations which keep the opportunity from
21 being effectualized, so we want to deal with that
22 now. These rules you know frankly just don't make
23 sense and we want to straighten them out.

24 COUNCIL MEMBER POWERS: got it and in certain
25 instances as I understand it and you can maybe

1 confirm this for me. There are businesses located
2 within blocks of each other that would have totally
3 different zoning restrictions when it comes to what's
4 allowed there. Is that correct?

5
6 DAN GARODNICK: That's right. That's right, we
7 have a patchwork of rules that exist. In fact you
8 walk down the street in your district or other
9 districts of the city and you would change commercial
10 allowances in ways that you would not perceive and
11 should not exist but they are there and a real
12 headache for businesses.

13 COUNCIL MEMBER POWERS: Okay, so if I was a
14 business owner and I was on one of those blocks where
15 it would be restricted and down the block is one
16 where they get to play by a whole different set of
17 rules. I identify location, I get my liquor license
18 permit and I find out, whoops I can't do this and
19 just to be safe, I want to make sure I'm in
20 compliance of the law. I don't want to lose my
21 license or my building. What would be the process
22 that as an individual business owner, I would have to
23 go through in order to be compliant?

24 DAN GARODNICK: So, if you found yourself without
25 any changes here, so without rationalizing a C1, C2

1 or C4 to C7, if you found yourself in a business area
2 where you are not able to conduct the business that
3 you otherwise were intending to do, you would have to
4 hire a lawyer. You would have to go through a
5 process including environmental review. If an avenue
6 at the Board of Standards Appeals were somehow
7 available to you because of hardship, that could be a
8 path otherwise you would need to propose an areawide
9 change of zoning to change the commercial overlay for
10 example that you are in to a more sympathetic set of
11 rules to allow you to be able to operate. And of
12 course, with that comes visit to the Community Board,
13 the Borough President, City Planning Commission and
14 of course to the Council at the end of the day. It
15 will cost you probably several years of time and
16 several hundred thousand dollars.

18 COUNCIL MEMBER POWERS: Okay, you answered my
19 second question, the time and the cost of doing that.
20 In fact, I'd have to hold the property perhaps as a
21 lease holder until I actually get that approval. Is
22 a tenant allowed to be an applicant to City Planning
23 or would I require the property owner to have to
24 bring forward the application?

2 DAN GARODNICK: The property owner has to be the
3 applicant but let me double check and make sure that
4 there's no circumstance in which somebody else could
5 propose.

6 COUNCIL MEMBER POWERS: So, it is essentially in
7 my view practical, that unless you were the property
8 owner owning the ground floor retail as well, they
9 have a lot to do in that life establishment a bar, a
10 restaurant and be in full compliance with the law.
11 It feels very practical to me. Do you agree with
12 that?

13 DAN GARODNICK: That's right.

14 COUNCIL MEMBER POWERS: Okay, thank you. Can you
15 explain the proposal that's before us right now? In
16 terms of so, taking all that, we actually have
17 language in a proposal in front of us. Can you
18 explain there's a limitation on 200 people in certain
19 areas where we're talking ~~about~~about? Can you
20 explain how you guys got to that conclusion of what
21 limitations remain in place after we -

22 DAN GARODNICK: I will introduce it and then I'll
23 have Matt do the rest. Most importantly in places
24 that have a ~~200-person~~200-person capacity and allow
25 live music today, we wanted to allow people to stand

2 up and dance to that music and also in those same
3 context, we thought it was appropriate to allow for
4 comedy or poetry readings in the same way that you
5 allow for live music. Matt, I'm going to allow you
6 to go to a little more detail.

7 MATT WASKIEWICZ: Sure, so the proposal before
8 you would take into account that live music is
9 allowed. Up to 200 people in a C1 or a C2 district
10 and would say in that same space, you can have any
11 form of entertainment with a posted show time, a
12 cover charge or the presence of a dance floor. So,
13 that meaning you can have people dancing in that
14 space. You can have an open mic night; poetry
15 reading or continue to have live music with ticket
16 events.

17 COUNCIL MEMBER POWERS: So, not 500 people, not
18 1,200, not 201 people. Is that fair to say?

19 MATT WASKIEWICZ: Not in the C1 or C2 Districts.

20 COUNCIL MEMBER POWERS: Okay. Thank you guys,
21 appreciate it.

22 CHAIRPERSON RILEY: Thank you Council Member
23 Powers. Chair Garodnick, a break real quick?

24 DAN GARODNICK: I'm good Mr. Chairman.

25 CHAIRPERSON RILEY: Your good.

2 DAN GARODNICK: Let's keep going.

3 CHAIRPERSON RILEY: Okay, alright. So, we're
4 going to go into our second round of questions right
5 now. I'm going to call on Council Member Schulman
6 followed by Ariola, then Paladino. Council Member
7 Schulman.

8 COUNCIL MEMBER SCHULMAN: Thank you. First, I
9 want Chair Garodnick, I want to tell you that the
10 zoning, I mean, zoning has to – since 1961 obviously
11 changes need to be made to the zoning law and I think
12 that's you know, and that's something that definitely
13 needs to be done. It's the way that it's done. You
14 know the devil is in the details. So, uhm, well, one
15 question I have. I saw on the for the proposal on
16 the upper floors, the C4, C6 Districts that for
17 commercial uses and residential uses on the same
18 floor, you have in the notes below that same floor is
19 already allowed in forest hills. Can you tell me
20 exactly where in forest hills because I'm not aware
21 of any?

22 DAN GARODNICK: We'll come back to you and we'll
23 let you know exactly.

24 COUNCIL MEMBER SCHULMAN: Okay. And then uhm,
25 one second. Then when you're talking about and I

1 know I think Council Member Brewer and some others
2 brought this up. When you talk about labs and all
3 that kind of stuff, the enforcement piece may be
4 beyond the city. It may be state or federal or so,
5 we need to have specifics on that.
6

7 I think across the board when we're talking is
8 that there are not as many specifics as they should
9 be or that will help with our Community Boards. The
10 other thing is that I think and I don't know, I
11 haven't been to the presentations or Community Boards
12 but do you go with a map of this is what the
13 Community Board. This is what it's made up of is C4
14 is this that we do. So, I'd like to see that from my
15 district because I think that will be helpful moving
16 forward that we can do that and say this is how it's
17 going to affect the district specifically, your
18 district. So, I think that would be helpful. And
19 like I said, oh, and the other thing too is that if
20 there's a way, I know DOB is not here but there has
21 to be a way that the Council can have whether I don't
22 know if it's a hearing or a meeting or whatever it is
23 to have some assurances from DOB because even when
24 I've spoken to the Commissioner not about this
25 specifically, this proposal but about other

1 enforcement, he's admitted to me there's cultural
2 issues at the DOB and that you know things have to be
3 changed and all of that. So, we need to really, this
4 is something that's substantial and can have a really
5 deep affect and it's going to affect our constituents
6 for decades now, so we have to make sure that we get
7 this right, so.

9 DAN GARODNICK: Understood, thank you very much
10 and whatever specifics you feel that you need for
11 your district, we are happy to provide that to you
12 and help when going back to the Community Board. We
13 understand this is complicated. We do bring to
14 Community Boards a layout of where we expect things
15 to happen.

16 COUNCIL MEMBER SCHULMAN: And the Community
17 Boards are very large as you know, so it's harder in
18 a large group to do that kind of stuff, so we can
19 certainly have that conversation and I just want to
20 echo Council Member Ariola who said that you know if
21 we had done this in smaller bites, I think it would
22 have been – and I understand you talked about the
23 moment but you also want to get, you want to succeed
24 and not just have the moment. You want to be able to
25 move forward, so I just wanted to mention it, not, I

2 mean the trains already left the station but so just
3 to mention that, so.

4 DAN GARODNICK: Thank you Council Member.

5 COUNCIL MEMBER SCHULMAN: Thank you very much.

6 CHAIRPERSON RILEY: Thank you Council Member
7 Schulman. Council Member Ariola followed by Council
8 Member Paladino.

9 COUNCIL MEMBER ARIOLA: Thank you. So, since
10 you're here at a hearing and you've been to Community
11 Boards. I don't think that the train has left the
12 station. I think that we have room to further
13 negotiate what could work for this city and we're
14 going to push hard to make sure that that happens. I
15 represent five Community Boards, two of which voted
16 yes with conditions. Thinking that if those
17 conditions were not met, they would have been a no,
18 so I think that there's a bit of discrepancy in your
19 count.

20 We don't know what our borough presidents
21 conditions were and were they met, so I think that
22 that's something that Council Member Lee brought to
23 the table which was, you need to go back out. You
24 need to go back out and talk about what we spoke
25 about at this hearing and what you spoke about with

1 the Community Boards, what those conditions were,
2 what the borough president wanted to implement and
3 how many of those conditions weren't implemented?
4 You cannot just keep and continue just as my
5 colleague Council Member Paladino said, just forcing
6 it upon us. So, that is part of my larger statement
7 which is after watching the power point and listening
8 to the answers to the questions for the proposals
9 today, I am even more confident that I'm
10 unequivocally against the plan as it stands.

12 The plan as it stands now takes away ULURP and
13 Council approval and that simply leaves too many open
14 ends for me to support it. It leaves the door wide
15 open for home businesses to become troublesome at
16 best. We have regulations like ULURP and Council
17 approval in place for a reason. We cannot just
18 reverse this. There's a reason that we sit here and
19 we're elected. It's to oversee what happens in the
20 communities.

21 We cannot see our residential areas transformed
22 into commercial strips. We have commercial strips.
23 As Council Member Paladino noted, we have a lot of
24 empty storefronts. Let's incentivize people to
25 utilize those. Additionally, allowing commercial

1
2 properties to be above residential properties is just
3 going to completely devolve the equality of life. I
4 don't care what kind of - whether it's a daycare
5 center or it's just any type of businesses, there's
6 going to be extra movement. There's going to be
7 extra waste. There's going to be the extra influx of
8 people in and out.

9 And then when you talk about corner stores in a
10 residential community that are legal, well cannabis
11 stores are legal now, so now will we have corner
12 stores that are cannabis stores or selling alcohol or
13 selling cigarettes. This is not the people who
14 bought in residential communities like 19, like 23,
15 like mine, like many of the - like Council Member
16 Schulman's District 29 and the rest of us sitting
17 here. They bought homes in the suburbs because they
18 wanted to move away from the hustle bustle of
19 businesses and commercial like get of access.

20 So, this is not something they bought into. It's
21 something that every civic association in my district
22 voted against and my community voted against either
23 in totality or with conditions. So, because of that,
24 I absolutely have to stand firm with them unless this
25

2 particular project and proposal changes vastly.
3 Thank you.

4 CHAIRPERSON RILEY: Thank you Council Member
5 Ariola. Council Member Paladino.

6 COUNCIL MEMBER PALADINO: Hello again. Okay, I
7 want to touch on before I get into a long winded what
8 it is I do. Uh, I want to know about the Cabarets.
9 We have a lot of bars, neighborhood bars and nobody
10 stopped if they want to get up and dance a little bit
11 to some loud music that you made it sound like you're
12 not allowed to dance in a bar, which is absolutely
13 ridiculous because you are. The other thing is, I
14 have a very, very beautiful restaurant in my district
15 that just opened and was hit pretty hard with some
16 fines because he was operating at a Cabaret on a
17 weekend.

18 I felt very badly for him. He's a great guy,
19 great restaurant but here in lies the problem. The
20 problem is that the music went on and on and on until
21 two and three in the morning and he was operating at
22 a Cabaret. So, as much as I was upset for him, he
23 also wasn't following the rules. How do we help our
24 people live as Council Member Ariola brought up, I
25 brought up earlier, people buy in these areas because

1 this is where and how they want to live. So, that's
2 one of my questions. What are we going to do about
3 these Cabaret licenses and they're going to be
4 allowed to operate as Cabarets in residential
5 districts, neighborhoods. This guy sits right in the
6 middle of a neighborhood, Garden Apartments, right
7 there and he's got a great restaurant but he's
8 playing music till three or four in the morning. We
9 also have - I want to know what part of member
10 deference, what right are we going to have should
11 this pass, are you taking away our ability to say no
12 to something or is it going to be - are we still
13 going to maintain our ability to voice our opinions
14 and to bring our community in and test the
15 temperature and vote accordingly in Council? I want
16 to know about that. We need to know as City Council
17 Members, are you taking away our member deference?
18 Our ability to say no thank you.

19 DAN GARODNICK: Thank you Council Member. First,
20 you asked a few questions. You know a guy with a bar
21 where people are sitting up and dancing, saying that
22 it's not allowed to dance is being ridiculous.
23 Completely agree with you. As it is, there's a few
24 relics in zoning which say that that's technically
25

1 legal. We're with you, we should do away with that.
2 Somebody who has a Cabaret license, there are no more
3 Cabaret license so I don't know what you're
4 specifically referring to but we can look at it with
5 you and we're happy to.
6

7 COUNCIL MEMBER PALADINO: It's not so much a
8 Cabaret, I might have used a license at the end of
9 Cabaret, but what he does is at a certain hour on a
10 Saturday night at 11:00, 10:00, he turns it into a
11 jumping place, which is really great but not in the
12 location that he's in.

13 DAN GARODNICK: Yeah, understood. Okay, so maybe
14 it's a liquor license or whatever license, he has the
15 ability to operate. There's nothing that we're
16 proposing here that would change that either to make
17 it more strict or less strict but I do understand the
18 concern about loud bar that goes on into the night
19 and disrupts the neighborhood. We do have an office
20 of night life, Jeff Garcia is here if you want to
21 talk about the ways that the city is enforcing or can
22 enforce in a situation like that but at a minimum,
23 we'd be happy to follow up with you and think about
24 what we can do.
25

1 And then lastly on the subject of member
2 prerogatives as members of the Council. You know we
3 are making changes in zoning to a lot of areas where
4 the Council specifically is not weighing in. Areas
5 like, uh, should there be a distinction between a C1
6 and a C2 or a C4 to C7 or specifically whether
7 somebody should be at a home occupation. Like the
8 Council is not you know voting on if somebody should
9 be a music teachers at home. These are things that
10 are enabled and they're as of right. What you're
11 voting on here is should we keep a list of home
12 occupations that is something which no longer is
13 serving its usefulness but otherwise, we're not
14 taking away any Council rights. And to the extent
15 that we're adding any discretionary process, we are
16 adding an opportunity that doesn't otherwise exist.

17 COUNCIL MEMBER PALADINO: Well, what about the
18 zoning? I mean we're here to talk about - we're
19 changing zoning here okay, I mean, supporting small
20 business is great. I ran a small business for 30
21 years as most of you know and my sister JoAnn is in
22 manufacturing and her business was in College Point
23 for better than 20 years. Okay, now this here, the
24 city regulations are part of that made my business
25

1 almost impossible to keep up and to run. Alright, so
2 to these regulations, plenty need to be cut. Taxes
3 can be cut. Frivolous city administrative fees can
4 be cut. All of that would help small businesses
5 tremendously but this isn't about cutting regulations
6 or helping small businesses in my opinion. This is
7 about destroying zoning. That's all you want to do
8 here right now in my opinion is to destroy zoning and
9 all I want to do here is to protect our neighborhoods
10 and that's not what's happening.

12 Well, there's Chelsea, there's Greenwich Village.
13 I mean all of this is being changed and it will be
14 changed. You're taking away the character of what we
15 have here in New York. This is a problem, okay? We
16 have historic districts. Okay, it would end up being
17 a disaster, I'm totally against it.

18 CHAIRPERSON RILEY: Thank you Council Member
19 Paladino. Alright, uhm, I would like to thank my
20 colleagues for all your great questions today and
21 your comments. I have a number of important
22 questions because I didn't get to ask mine.
23 Commissioner, so I'm going to go through mine very
24 quickly because we have over 100 people registered to
25 testify here today.

2 Alright, so I'm going to go through my questions
3 extremely quickly. First, one of the proposals where
4 there has been grave confusions, proposal number 11
5 to expand the allowance for home occupations. Can
6 you confirm whether homebased businesses are
7 currently allowed in the areas of New York City and
8 in all types of homes and what type of businesses are
9 those?

10 DAN GARODNICK: Home occupations are allowed and
11 they're allowed except for the list that is
12 delineated in zoning, which we're looking to
13 eliminate.

14 CHAIRPERSON RILEY: If you were going to expand
15 home occupations then we need more enforcement. I
16 know DCP is not in charge of enforcement but you are
17 making this proposal. So, what are you doing to
18 ensure DOB has the needed resources to actually
19 address complaints about homebased businesses?

20 DAN GARODNICK: Well, first and most importantly,
21 we are trying to rationalize the rules. That they
22 make sense and that they're easy to enforce. For a
23 Department of Buildings inspector to show up and have
24 to evaluate between a lawyer or interior decorator or
25 otherwise is something which is unreasonable and is

2 something that we should not put on them. It makes
3 it very, very difficult for them to be able to do
4 their jobs. By rationalizing these rules, we believe
5 that we're making life easier for enforcement of the
6 Department of Buildings. We also made a number of
7 modifications in response to Community Board concerns
8 on the subject to address those issues.

9 CHAIRPERSON RILEY: Thank you. Does the city
10 have current way to keep track of business activity
11 occurring in homes and would the requirement to
12 register with the city be helpful in addressing
13 concerns about illegal activity and enforcement?

14 DAN GARODNICK: I think that's a really good
15 question. Today, no but that's a question that the
16 Council you know may want to take a look at. It's
17 not something that we would do in Zoning.

18 CHAIRPERSON RILEY: Proposal Number 9 on night
19 life has also been the source of much confusion.
20 Starting with what is presently allowed, are bars and
21 restaurants currently allowed to host events up to
22 200 people?

23 DAN GARODNICK: Yes.

24

25

1
2 CHAIRPERSON RILEY: Can you explain again what
3 exactly would be changed if this proposal was
4 adopted?

5 DAN GARODNICK: Well, up to in those bars and
6 restaurants up to 200 people, if you are offering
7 live music, you can also stand up and dance to that
8 live music. Similarly, we would allow for comedy or
9 open nights, poetry jam-like things in that same
10 space which today are not allowed in zoning.

11 CHAIRPERSON RILEY: If dancing will now be
12 allowed in all bars and restaurants, how would the
13 Administration prevent local clubs making noise until
14 the early hours in the morning from popping
15 everywhere?

16 DAN GARODNICK: The same way we would have done
17 it before. We're not changing the size or hours or
18 the capacity of any of these venues. So, the
19 question of enforcement was a question before, it was
20 a question after. We need to make sure that our
21 enforcement agencies have the capacity to do this and
22 that's really important it is unchanged by zoning.

23 CHAIRPERSON RILEY: You said Jeff Garcia was
24 here, is it possible we could hear from him as well?

25 DAN GARODNICK: Absolutely.

2 CHAIRPERSON RILEY: Jeff. I'm just going to
3 swear you in real quick Jeff.

4 COMMITTEE COUNSEL: Good afternoon Mr. Garcia,
5 could you please raise your right hand. Do you swear
6 to tell the truth and nothing but the truth in
7 response to the Chairs questions today? Thank you.

8 CHAIRPERSON RILEY: Thank you Mr. Garcia. Uhm,
9 resulting back to that question, how would the
10 administration prevent local clubs making noise into
11 the early hours of the morning from popping up
12 everywhere?

13 JEFF GARCIA: Well, thank you. We have numerous
14 programs in place. Obviously we know that last year
15 we moved what was called march operations and
16 introduced a new process called cure, right? Which
17 is coordinating a united resolution with
18 establishment, which means that if we get complaints
19 from NYPD, NYPD notifies us and when we do outreach
20 to the establishment and then advise them of what's
21 going on and what they need to do to mitigate it and
22 rectify the situation. If that doesn't happen, then
23 another meeting in the precinct with the commanding
24 officer takes place. If eventually the problem isn't
25 resolved, then enforcement, actual enforcement can be

2 taken by the NYPD and the specific agency in which
3 the issue is coming up with. If it's DEP, it would
4 be DEP and the NYPD.

5 CHAIRPERSON RILEY: How many violations would a
6 specific business have to get for I would say you
7 guys to be like, hey we have to shut you guys down?

8 JEFF GARCIA: Well, part of the process is
9 education over enforcement and violations.

10 CHAIRPERSON RILEY: Yes.

11 JEFF GARCIA: So, technically up to that point,
12 violations probably are not yet given but more a
13 complaint driven like 311. So, if 311 calls are made
14 to NYPD, then we would get notified and then go in
15 and speak to that business owner. Similarly to like
16 Councilwoman Paladino, that location that had those
17 issues, if we get that information we notify that
18 uhm, that business and then talk to them about what
19 the complaints are and then try to mitigate those
20 complaints and let them know like listen, if we don't
21 get this fixed, this can lead to further enforcement.

22 CHAIRPERSON RILEY: Thank you. Considering
23 concerns and this is for DCP. Considering concerns
24 of our night life business and this question is on
25 behalf of Council Member Rivera who couldn't be here

2 today, considering concerns about night life
3 businesses disturbing families with bedrooms above
4 these locations. Has DCP considered the modification
5 of excluding eating and drinking establishments from
6 the lifetime limit to reactivating and allowing only
7 nonconforming use group 3?

8 JEFF GARCIA: It's not something that we have
9 considered but we will be happy to chat with Council
10 Member Rivera about this and see what's in scope and
11 what's not.

12 CHAIRPERSON RILEY: Alright, thanks Jeff. Moving
13 on to auto repair shops, which are a real issue in my
14 district especially. Proposal 13 will expand the
15 areas where they are allowed to operate but require a
16 BSA special permit for any new business. Because of
17 the new requirements to obtain a BSA special permit
18 before opening up a new auto repair shop, would you
19 say this proposal is more restrictive compared to the
20 present regulations?

21 DAN GARODNICK: Yes it is.

22 CHAIRPERSON RILEY: Light auto repair shops are
23 currently not allowed in C1 Districts. Why does DCP
24 think this is an appropriate use to allow in
25

1
2 neighborhoods retail corridors even with a BSA
3 permit.

4 DAN GARODNICK: The reason is that through that
5 process and through specific site planning which
6 would be allowed, we believe that it is a business
7 that could be accommodated. So, long as it is not
8 set up in a way and the site is not one that disturbs
9 commercial corridors. We think it's possible but
10 that's why there's so much process associated with it
11 to ensure that it is consistent with existing
12 commercial corridors.

13 CHAIRPERSON RILEY: Can you elaborate on the BSA
14 process and how it will ensure these businesses will
15 fit into neighborhood retail corridors?

16 DAN GARODNICK: Yes, BSA has a special permit
17 process and you have to meet certain findings and
18 including showing a site plan as to how exactly you
19 are going to lay out your space and part of the
20 factor there will be to ensure that it works in the
21 commercial corridor where it's being proposed.

22 MATTHEW WASKIEWICZ: And if I may add Chair,
23 there's specific language in the findings that make
24 sure that in order to obtain the special permit, the
25 applicant in this case. The building owner would

2 have to demonstrate that the proposed use would not
3 obstruct the public right away whether that's
4 sidewalk or the street.

5 CHAIRPERSON RILEY: Lack of enforcement for
6 existing auto repair, businesses on issues like
7 noise, pollution, and blocking the streets or
8 sidewalk is a huge concern. How can we be confident
9 that the city will enforce any new rules when
10 existing regulations are so often ignored?

11 DAN GARODNICK: We certainly understand the
12 enforcement questions that have been raised today.
13 They are, they're outside of zoning but we do
14 understand that the city needs to do robust
15 enforcement of all of its rules and we look forward
16 to exploring that question with you and with our
17 sister agencies on how we can best do that.

18 CHAIRPERSON RILEY: Yes, enforcement seems to be
19 the key concern for a lot of members here today, so
20 we just want you to go back to the administration and
21 continue to advocate for that message.

22 Okay, turning to Proposal 7, which will allow
23 indoor agriculture throughout the city including the
24 growth of cannabis. Communities are very concerned
25 as Council Member Paladino and Ariola just mentioned

1
2 a while ago. Communities are very concerned about
3 how unlawful smoke shops have popped up everywhere
4 unlawfully selling marijuana are now a further
5 concern the same thing will happen for growing
6 cannabis. What is the policy rational for allowing
7 the indoor growth of cannabis in C1 and C2 overlay
8 districts? Should not the cultivation of a plant
9 that smell be restricted in predominantly residential
10 neighborhoods?

11 DAN GARODNICK: Well, first of all the New York
12 State Office of Cannabis Management regulates the
13 legal and cultivation of cannabis and there's a
14 variety of steps that a perspective business needs to
15 follow in order to legally locate a cannabis
16 cultivation business, including appear before the
17 Community Board. There's a whole process there.
18 Cannabis.ny.gov.. As far as zoning for a cannabis
19 cultivation is concerned, we consider in zoning
20 cannabis cultivation to be agriculture, which it is.
21 And therefore currently is allowed indoors in
22 manufacturing districts or within a greenhouse or
23 outdoors in a commercial or manufacturing district.

24 The proposal before you would clarify that the
25 cultivation of any agricultural product, flowers,

1 food, cannabis or anything else provided that it is
2 legal outdoors, also would be legal indoors in a
3 commercial district. Any indoor agriculture business
4 that is looking to locate within a commercial
5 district would have to obtain a certificate of
6 occupancy from Department of Buildings prior to
7 commencing operation, including the sign off that the
8 business base meets building and fire code standards
9 for ventilation, structural integrity and sufficient
10 electrical capacity. Furthermore, any business found
11 that produce any noise, odors, dust or other
12 environmental concerns would be subject to violation
13 of zoning from the Department of Buildings, which may
14 include fines and the closure of the business.

16 CHAIRPERSON RILEY: Thank you. Moving on to
17 Proposal 12. Proposal 12 would standardize the
18 city's urban design regulations that govern the
19 location design of storefront and parking. Is this a
20 one size fits all policy or are there different
21 standards being applied to different parts of the
22 city?

23 DAN GARODNICK: It is not one size fits all. We
24 have Tier A, Tier B, and Tier C rules for this. In
25 streets that are in C1 to C7 or MX Districts outside

1 of the transit zone, parking needs to be on the side
2 or the rear of the lot, blank walls over 50 feet must
3 have some sort of mitigation like planters, a mural
4 or transparency and drive throughs can only exist by
5 BSA permit only. Tier B is for those same districts
6 within the transit zone and for those, we take the
7 Tier A rules plus any parking any needs to be
8 enclosed. Curb cuts cannot be located on a primary
9 commercial street. Active uses are required for 50
10 percent of the frontage at a 30-foot depth and
11 there's a 50 percent vertical transparency required
12 and Tier C is for existing special districts and
13 other special geographies. We take the two
14 categories that I just described to you plus we
15 maintain the unique elements of those special
16 districts as they currently exist.

18 CHAIRPERSON RILEY: And are there areas of the
19 city that depend on more cars, like my district?
20 Will this make it more difficult for new development
21 to include parking?

22 DAN GARODNICK: No.

23 CHAIRPERSON RILEY: Will the design for parking
24 make it more inconvenient for customers to access
25

1 stores, especially customers that are mobility
2 impaired?

3
4 DAN GARODNICK: No, we don't think so. We are
5 trying to respect commercial streetscapes while also
6 allow for thoughtful design of commercial businesses
7 that include parking.

8 CHAIRPERSON RILEY: My next questions concern
9 Proposal 14, which would create new micro
10 distribution centers to better manage the delivery of
11 packages that have taken over the streets. How did
12 DCP arrive at that proposal 2500 square foot size
13 limit for C1 and C2 districts?

14 MATTHEW WASKIEWICZ: Sure, thank you for the
15 question Chair. 2500 square feet is the size of a
16 standard 25 foot by 100-foot storefront. It's the
17 smallest common storefront size you see in the city
18 and so we wanted to make sure that as we're allowing
19 for this use, it's at the smallest possible scale
20 that's at all feasible.

21 CHAIRPERSON RILEY: Has there been any study of
22 how many of these centers are needed throughout the
23 city?

24 MATTHEW WASKIEWICZ: The best natural experiment
25 is that of a post office today where you see one

1
2 roughly every neighborhood and that's roughly the
3 distribution we'd expect.

4 CHAIRPERSON RILEY: Has DCP considered the
5 impacts of concentrated trucks and deliveries if
6 numerous micro distribution centers open on a single
7 block?

8 DAN GARODNICK: We're experiencing it today on
9 our streetscape it's just in with no regulation and
10 no associated rules. Trucks are coming into our
11 neighborhoods. They're coming in more than they need
12 to. They are leaving from last mile facilities more
13 than they need to rationalizing this and creating the
14 flexibility to enable some thoughtful measure of
15 loading and unloading within the approximate area of
16 their destination, it makes sense. It gives us a
17 tool for that to exist, much like a post office and
18 also give us an opportunity to work with DOT for
19 proper pickup and delivery as needed.

20 CHAIRPERSON RILEY: Speaking of last mile, if DCP
21 is seeking to reduce the negative impacts of truck
22 traffic for packaged areas, why doesn't this proposal
23 not also define and address the huge last mile
24 warehouses that have spread throughout many of our
25 industrial districts?

1 DAN GARODNICK: Thank you Mr. Chairman. We
2 certainly heard that point from your colleagues and
3 also received a letter on the subject. This proposal
4 was developed from the standpoint of what were those
5 relatively quick actions that we could take to help
6 businesses get into space and to address vacancy
7 coming out of the pandemic. That was what we were
8 after here and a citywide attempt to restrict last
9 mile facilities via zoning would almost certainly
10 trigger an EIS requiring a lengthier public review
11 process than what we were going through and as you
12 know for that reason it would be out of scope for us
13 to add it to the proposal today but we do view that
14 micro distribution proposal you just mentioned as
15 part of the solution here. Today, there's no ability
16 for package delivery to occur in neighborhoods close
17 to where people live.

18 So, delivery vehicles end up having to back and
19 forth and back and forth between large distribution
20 facilities and people's homes and businesses. This
21 proposal would most certainly reduce truck trips by
22 making freight delivery and logistics more thoughtful
23 and more efficient.
24
25

1
2 CHAIRPERSON RILEY: Thank you. My last set of
3 questions are about Proposal 15, 16 and 17, which
4 create new CPC authorizations that do not involve
5 City Council's review. Why has DCP proposed these
6 new approvals as authorizations instead of special
7 permits that would include the complete steps of
8 ULURP with Community Board Borough Presidents and
9 City Council review?

10 DAN GARODNICK: The short answer is that we are
11 trying to strike a balance here between enabling a
12 thing to happen and not have it be quite as onerous a
13 as a full review. Because the things that we are
14 proposing, things like a small amount of commercial
15 space on a campus or a corner store or a waiver to
16 enable a film studio to not have to deal with set
17 back or rear yard requirements. These were things
18 that we did not think needed to rise to a full
19 special permit at the Council level and that's why we
20 proposed them as something less as an authorization.

21 CHAIRPERSON RILEY: With a full public review,
22 how can we be sure that residents of campus
23 developments like NYCHA would be able to weigh in on
24 any proposed commercial development?
25

2 DAN GARODNICK: Well, it would have to be NYCHA
3 that would propose it in the first instance. Because
4 they would come to us with an application to consider
5 and then it would go through environmental review,
6 Community Board, Borough President and City Planning
7 Commission for consideration of an authorization.

8 CHAIRPERSON RILEY: Last question. Regarding the
9 corner store authorization, are there any type of
10 neighborhoods where such a store might not be
11 appropriate?

12 DAN GARODNICK: Sure and they probably will not
13 be proposed in those areas and if there's significant
14 community opposition to anything that is proposed,
15 you know there will be an opportunity for that to be
16 voted down at the City Planning Commission. The key
17 here is and this goes to Council Member Marte's
18 question as well. We understand that not everything
19 is right for every neighborhood. This is not
20 intended to be a one size fit all but in the context
21 of 15 to 18, the proposal we're talking about here,
22 we did think that it was important for us to create a
23 pathway for a thing to possibly happen if it is
24 desirable and it meets with community support and
25 satisfies the environmental review standards and

2 that's why we want to enable it as a possibility.

3 But by all means, that does not suggest that it would
4 be proper or appropriate in any corner, in any
5 neighborhood around the city.

6 CHAIRPERSON RILEY: Chair, thank you so much for
7 answering all the questions from the Council Members
8 and there being no further questions, this applicant
9 panel is -

10 COMMITTEE COUNSEL: Excuse me Chair, I do believe
11 Mr. Garcia has one note.

12 CHAIRPERSON RILEY: Mr. Garcia.

13 JEFF GARCIA: I just wanted to before I leave to
14 there's one other program that's very important that
15 I think that Council Members should know about, which
16 is MEND, it's Mediating Establishments and
17 Neighborhood Disputes. That can really be helpful to
18 any issues related to businesses and community. This
19 is administered through Oath and the Office of
20 Conflict Resolution, right to help eliminate disputes
21 between community and when people actually work with
22 this program in about 85 percent of the cases, they
23 do come up with a resolution, so if it's some issue
24 with a vibrating issue, they can figure that out you
25 know by just talking to each other sometimes.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 174
2 COUNCIL MEMBER PALADINO: I just wanted to ask
3 one quick question. Uhm, the Office of State
4 Cannabis said people can grow marijuana in their
5 homes. So, what's to prevent them from selling it
6 through the zoning piece?

7 MATTHEW WASKIEWICZ: If they obtain a license
8 from the state, that would be allowed under zoning
9 today, absent any changes before you.

10 COUNCIL MEMBER PALADINO: But I'm just saying,
11 going back to the enforcement piece, people, just
12 ordinary people about any kind of ruling. They don't
13 have to get a license or anything else to grow it in
14 their homes and they can grow enough that they can
15 sell it, so they may well do that. So, I'm just
16 asking about the enforcement mechanisms around that.
17 You know, I'm just bringing it up because that was
18 something that came up not through this but when that
19 happened.

20 DAN GARODNICK: Zoning enables legal uses in the
21 places where it's allowed. If they don't have the
22 necessary permit, it is usually going to zoning -

23 COUNCIL MEMBER PALADINO: But as one of my
24 colleagues said, people hear what they want to hear,
25 so that's why enforcement on the city side is really

2 key here and I think if we answer that to the
3 expectations of the community, I think that goes a
4 long way in terms of moving forward.

5 DAN GARODNICK: Understood, thank you.

6 COUNCIL MEMBER PALADINO: Okay, thank you.

7 CHAIRPERSON RILEY: Thank you. This applicant
8 panel is now excused. Thank you so much for
9 testifying. We will now move to the public testimony
10 but we will be taking a five-minute break. But when
11 we get back, we will start with George James, Vienna
12 Levitan, Alicia Boyd, and Lucie Levine. We will take
13 a five-minute break so everyone can be back here,
14 well, seven-minute break. We'll be back here by 2:05
15 alright, thank you. [03:22:33]- [03:28:47].

16 SERGEANT AT ARMS: Good afternoon everyone. We
17 are going to reconvene in a moment. We ask everyone
18 to please find seats. Once again, if you are here to
19 testify and have not filled out a witness slip at the
20 back table, please do so now, even if you did
21 register online. Once again, we ask everyone to find
22 their seats at this time and just a reminder, please
23 do not approach the dais at any time point. Thank
24 you.

2 CHAIRPERSON RILEY: So, first, we're going to
3 begin with George James, Vienna Levitan, Alicia Boyd,
4 and Lucie Levine.

5 COMMITTEE COUNSEL: So, just before we get
6 started for public testimony, I'm going to go over a
7 few procedural items. Members of the public will be
8 called in panels of four as you can tell. We will
9 start with member of the public who are here in
10 person and here in person testimony until for
11 approximately probably until 3:00. At that point, we
12 will start alternating between people who have signed
13 up online and who are still here in person.

14 Please note that once you have testified either
15 in person or online, please wait to be excused as
16 Council Members may have questions for the panel.
17 Once the panel is excused, online participants may
18 continue to view the hearing on the Councils website.
19 Members of the public will be given two minutes to
20 speak. We have over 100 people, closer to 150 people
21 who wanted to testify, so please make sure, excuse
22 me, that you stick to your two-minutes. If you have
23 additional testimony, you can absolutely still submit
24 it to us at landusetestimony@council.nyc.gov. We

2 will now hear from the first panel of individuals who
3 are here in person.

4 CHAIRPERSON RILEY: So, thank you so much. So,
5 as I begin there's 150 registered to testify. I do
6 not want to cut anyone off and I want everyone to
7 have their time, so you will be given two minutes.
8 After you hear the clock finish, I will give you ten
9 seconds to wrap it up and then you're able to send us
10 your testimony. I just want to respect everybody who
11 has signed up to testify. Is that cool with
12 everyone? Just give me a hand raise. Thank you so
13 much, I appreciate it.

14 First, we're going to start with George James
15 followed by Vienna Levitan.

16 GEORGE JAMES: I'm George James. I'm an Urban
17 Planner and I'm here speaking for myself. Whenever
18 there are changes to 1,000 pages of zoning, there's
19 going to be good and bad and there's some great stuff
20 in economic opportunity but there are also some
21 dangerous ideas. The new CPC authorizations are a
22 terrible idea. The CPC proposes to grant themselves
23 the power to unilaterally authorize applications that
24 want to break zoning regulations. The CPC would
25 grant this authorization with no input from City

1 Council or the affected Council Member. They would
2 not even hold a public hearing. If a citizen was
3 significantly impacted by one of these applications,
4 the CPC would not hear them and their Council Member
5 would have no recourse. The proposed text includes
6 just a few authorizations and they are for relatively
7 small things. So, you might think what's the harm,
8 these things are trivial. There are many in my
9 profession who believe that the Council's role in the
10 land use process is too large. They think that
11 Council is an impediment causing delays, adding
12 expense and things would be more efficient to let CPC
13 handle things and they are right. Our land use
14 process could be more efficient but no one vote for
15 the CPC. They aren't accountable to the people.
16 Yes, our land use process could be more efficient but
17 democracy isn't designed for efficiency. The peoples
18 representative need to have a final say on land use
19 matters because the Council provides a check on the
20 role of an unelected, unaccountable city planning
21 commission. It's an essential function. These new
22 authorizations, those plans for housing opportunity,
23 they need to be removed. Exercise the power of your
24 red pen, retain the Council's critical role in the
25

land use process. Thank you for all you do. I will be submitting written comments at a later day.

CHAIRPERSON RILEY: Thank you Mr. James. Were you against or for?

GEORGE JAMES: Oh, I am against certainly that component of this.

CHAIRPERSON RILEY: Alright, thank you so much. Next, Vienna Levitan.

VIENNA LEVITAN: Hi, my name is Vienna Levitan and I'm here to testify on behalf of my group Richwood Property Owners and Civic Association as well as myself. Honorable Committee Members, my group and I object to the breadth and radical changes that will allow dramatic increases in business use of apartments and homes in residential neighborhoods and in joining commercial areas as follows: Home occupations, expending business use in residences of up to 1,000 square feet to 49 percent capacity and including up to three employees shifted from home to business despite primary residents rules. Making it impossible for any enforcement.

Allowing building owners to independently restrict or permit businesses bypasses community and neighborhood input on higher intensity commercial

1 activity in residential areas. Excuse me. Business
2 restrictions on sales to the public are hard to
3 enforce under this regime will likely cause
4 disturbance in residential neighborhoods.
5

6 Night life: Night life rules in mixed use areas
7 must enforce strict noise and occupancy limits to
8 prevent disturbance and to protect the peace of
9 nearby residential zones. Increase conversions of
10 residential buildings into store fronts or
11 businesses. To maintain the balance between
12 businesses in residential areas, local community
13 boards must approve all business proposals.

14 Finally, my personal statement. A home is more
15 than just a dwelling. It's a sanctuary that offers
16 belonging, comfort, safety, both emotional and
17 physical. A neighborhood is defined, not just by
18 geographic location within the city, by the community
19 and unity of its spirit. The proposed rezoning of
20 Richwood, where I've lived for many years, will
21 inevitably alter these very definitions. Permitting
22 homebased businesses will result in increased
23 pedestrian and vehicle traffic, elevated noise
24 levels, diminished safety and security and increase
25 in garbage and rat infestation and most importantly,

2 a significant decline in our already compromised
3 quality of life. It will force my family and many
4 others to relocate after living here for over 30
5 years.

6 My partner and I visited over 100 countries, many
7 of which impoverished. We have observed that in such
8 places running business from home stems from
9 necessity rather than choice. These are the same
10 countries many of our migrants comes from. While
11 it's a matter of survival there, our community has a
12 privilege of choice. We must maintain clear zoning
13 laws separating residential living from commercial
14 activity. Luring these lines as proposed is not only
15 dangerous but irresponsible, considering the
16 abundance -

17 CHAIRPERSON RILEY: Sorry Ms. Levitan, I have to
18 cut off.

19 VIENNA LEVITAN: Across the neighborhood.

20 CHAIRPERSON RILEY: Thank you so much and I have
21 your testimony right here. Thank you.

22 VIENNA LEVITAN: Alright, thank you.

23 CHAIRPERSON RILEY: Uhm, Ms. Alicia Boyd. Alicia
24 Boyd, excuse me.

1
2 ALICIA BOYD: Hi, my name is Alicia Boyd and I
3 represent Crown Heights in Flatbush underneath the
4 movement to protect the people. Currently in this
5 city, we have unlicensed motorized vehicles that
6 dominate our sidewalks. We are unable to get to our
7 seniors because we have closed streets that call
8 themselves open. We have a police state in our
9 trains with thousands of cops and the national guard
10 and now the metal detectors are being employed. We
11 have unlawful weed shops everywhere. We have battery
12 storage that's killing people and causing fires. Our
13 green spaces are being targeted for concrete and more
14 concrete and our city is literally sinking as we're
15 proposing to put casinos there. And now we have
16 people leaving the city of New York in hundreds of
17 thousands every year. The Mayor has the lowest
18 approval rating in the history of mayors with a
19 continual downward spiral and we're rated the worst
20 in America to live in. Now we have proposals coming
21 by the Mayor and corporations to deregulate
22 manufacturing businesses and allow manufacturing
23 businesses to come into commercial corridors,
24 allowing them into our residential neighborhoods,
25 inside of our apartment buildings, under the pretense

1 that somehow we're going to regulate that and we're
2 going to make sure that the people are safe because
3 we got environmental laws, which were not implied or
4 even done here. How do you take manufacturing zone
5 businesses that are only supposed to be in
6 manufacturing neighborhoods, allow them now to come
7 into commercial and residential and say that you
8 aren't abiding by environmental laws and you did not
9 even do an environmental impact statement.
10

11 But now, we're supposed to believe that you're
12 going to keep us safe. That the DOB, which a
13 notorious agency of corruption, is now going to sit
14 there and enforce even more violations that will
15 occur. I ask that the City Council pay attention to
16 their oath to the people to protect and preserve us
17 and to write down these proposal and tell Eric Adams
18 and all of his crummy friends to do it over. To come
19 to us, ask us what we want, sit down with us, have a
20 conversation and not throw this at us down our
21 throats. Thank you.

22 CHAIRPERSON RILEY: Thank you for your testimony
23 Ms. Boyd. Lastly, Lucie Levine.

24 LUCIE LEVINE: Thank you. Hi, my name is Lucie
25 Levine. I'm speaking on behalf of the Historic

1 District Council. What follows is our abbreviated
2 testimony. HDC appreciates that the city is
3 interested in supporting economic resiliency and post
4 pandemic New York. Unfortunately we believe that the
5 proposed text amendments do not provide an adequate
6 protection for small businesses and instead threaten
7 to decrease the city's overall housing supply while
8 weakening regulations that supports special purpose
9 districts. We are heartened to see that COYEO
10 supports the retention of long-term commercial
11 storefronts in historic districts by eliminating the
12 two-year vacancy rule that currently restricts
13 commercial use. We believe this change will help
14 longstanding legacy businesses by legalizing what is
15 currently a nonpermitted use and we feel this
16 provision must be accompanied by a commercial rent
17 stabilization.

18
19 Regarding COYEO's proposals for a commercial
20 development on NYCHA campuses, we urge close
21 consultation with NYCHA residents around these
22 proposals in order to prioritize residents needs and
23 consider the historic integrity of some campuses
24 which are landmarked or listed on the national
25 register. We also find retention of housing to be

1
2 one of the most urgent needs facing our city. Thus
3 we are concerned that provisions in COYEO could
4 together lead to a net loss of housing in favor of
5 office and commercial space. However, we are in
6 favor of COYEO's proposed modernization of loading
7 dock requirements, which we believe can yield more
8 housing and ease the adaptive reuse of historic
9 structures.

10 With that said, we are concerned about COYEOs
11 proposed new discretionary zoning tool, which would
12 allow DCP to waive the buck rules. We are concerned
13 this would allow businesses to fault zoning at will
14 simply by claiming their business is constrained by
15 the existing shape of their building.

16 Given that DCP seems eager to allow vast changes
17 to the size, shape and usage of New York's building
18 dock, we are concerned about COYEO's provision to
19 create consistent ground floor design requirements at
20 the expense of special districts. The stated goal is
21 to foster vibrant neighborhoods by activating
22 commercial corridors but we fear that these changes
23 will instead lead to less vibrant streets because the
24 city will lose the regulatory power to leverage a
25

1 given neighborhoods unique characteristics to help
2 promote its social and economic vibrancy. Thank you.

3
4 CHAIRPERSON RILEY: Thank you so much. You have
5 questions for this panel Council Member Schulman?
6 There being no questions for this panel, you are
7 excused. Thank you so much for your patience and
8 testifying today.

9 The next panel I'm going to call up is going to
10 be Borough President Levine and Borough President
11 Vanessa Gibson, which is online. Just give me one
12 second everyone that's here in person.

13 SERGEANT AT ARMS: Your time begins now.

14 CHAIRPERSON RILEY: Borough President Vanessa
15 Gibson?

16 VANESSA GIBSON: Okay, great. Thank you. Sorry,
17 I wasn't sure if BP Mark Levine was going first but
18 good afternoon everyone. Thank you Chair Kevin Riley
19 and the members of the Committee. Thank you to all
20 the Council Members for the opportunity. I am Bronx
21 Borough President Vanessa Gibson and I'm here today
22 to provide testimony on behalf of my Administration
23 and I to this Subcommittee on Zoning and Franchises
24 at the City Council. I want to start by recognizing
25 our DCP Chair Dan Garodnick and the City Planning

1 Commission and the entire City of Yes team at City
2 Planning for looking to remove hurdles, obstacles in
3 our zoning tech that would really cut necessary red
4 tape, allow for commercial retail and manufacturing
5 businesses to grow and adapt to base on their needs.
6 My testimony will be provided to you Chair but I do
7 have several recommendations. I proudly am able to
8 support this proposal with a series of conditions and
9 recommendations because I do believe the zoning saw
10 economic opportunity will help to reduce the cost of
11 doing business in our city, expanding location
12 options as well as for our local community larger
13 business opportunities that will stand to benefit and
14 foster our city's growth based on their needs rather
15 than stringent zoning regulations.
16

17 So, Proposal Number 5, we raise concerns on
18 understanding how residential and commercial activity
19 can coexist and collocate and ensuring that the
20 public understand the requirements for where
21 residential and nonresidential uses may locate.

22 Proposal Number 9, supporting nigh life with
23 commonsense dancing and live entertainment. Yes, we
24 all love to dance but we do want to make sure that
25 this is balanced in a way that respects people in

1 public space so we have recommendations on that.
2
3 Proposal Number 11, enabling entrepreneurship for
4 home occupation. We support this but we want to
5 recognize unintended consequences. We know that most
6 businesses will be good actors in their homes but we
7 do pay attention to those that may abuse this right
8 so we do believe there should be a limit to the
9 number of people that can be in any home business.
10 We also want to make sure that management, landlord
11 are notified of the existence of these businesses and
12 their homes and we want to make sure that this can
13 facilitate and foster growth but also not at the
14 expense of displacing or disrupting the lives of the
15 residents and families that live in these particular
16 buildings.

17 Calling attention to Proposal Number 15.

18 Facilitating local commercial space on residential
19 campuses. We absolutely think that this is a good
20 approach but we do want to make sure that we look at
21 opportunities like the fresh program making sure that
22 on campuses with housing, we also have food access as
23 we know many of us live and work in food deserts and
24 also supporting the residents that are living in
25 public housing.

1
2 Proposal Number 18 creates new kinds of zoning
3 districts for the future. This will create new
4 zoning district that do not exist today and would
5 address the disconnect with current full regulation
6 in manufacturing districts. We have no objection but
7 we do recommend that we pay attention to maintaining
8 good manufacturing jobs here in our city as well as
9 spurring the growth for new jobs. And so, in
10 conclusion, I want to recommend and ask the City
11 Council to look deeper into the City of Yes.

12 Obviously, a lot of the recommendations coming from
13 the Borough President, we're getting from our local
14 Community Boards as well, all 12 of our Community
15 Boards. We want to find ways to streamline the
16 current zoning regulations while maintaining our
17 zonings core intent which is to protect the public
18 health, the public safety, and the general welfare of
19 all New Yorkers.

20 Urgently addressing outdated zoning ordinances is
21 crucial to supporting our local businesses that are
22 truly vital to our city and the growth of our
23 neighborhood. And so with that, I thank you Chair
24 Kevin Riley and all the members of the City Council
25 and I look forward to working with all of you on

2 making sure that this proposal can be the very best
3 with modifications and with provisions to make sure
4 that it benefits the residents, the families, and the
5 businesses of our beloved Borough of the Bronx.

6 Thank you so much Mr. Chair.

7 CHAIRPERSON RILEY: Thank you so much Borough
8 President Gibson. Borough President Mark Levine.

9 MARK LEVINE: Thank you Chair Riley and great to
10 be on this panel with my friend and colleague BP
11 Vanessa Gibson from the Bronx. Chair, you're doing a
12 great job today, as you always do leading this
13 Committee. Grateful for you and happy to have this
14 opportunity to testify on the City of Yes for
15 Economic Opportunity Proposal.

16 In so many ways, the city is suffering with the
17 zoning code that has been mostly frozen in amber
18 since 1961. That was a very different time for the
19 city certainly on housing. At that time, people were
20 worried about the city having too much housing
21 incredibly. There was no real concern about the
22 climate at that point and it was also a very
23 different business landscape. And what we have in
24 place today therefore are a set of zoning regulations
25 which unintentionally are entrepreneurship. The

1 proposals we're considering today would belatedly
2 bring the zoning regulations up to date so that our
3 city's businesses of all types have a truly 21st
4 Century zoning cup. The 1961 Resolution was put in
5 place at a time when our economy did not include
6 things like small scale, clean production facilities
7 and robust life sciences campuses. We should not
8 allow the narrow scope of commercial land use in 1961
9 to prohibit us from having the city where today
10 businesses can grow of all and thrive. The past few
11 years have delt a very significant blow to brick and
12 mortar retail, leading to vacancies that affect both
13 our economic vitality and residents quality of life.
14 This is especially true in Manhattan where we're
15 seeing a stunning 16.2 percent ground floor retail
16 vacancy rate in premier retail corridors as of the
17 4th quarter of 2023. And this proposal that we're
18 considering today would clear hurdles that keep our
19 businesses from growing and locating in these parts
20 of our city, bringing jobs and vitality to our
21 neighborhoods. The City of Yes economic opportunity
22 will update our use groups, a section of the Zoning
23 Resolution that's so old that it references
24 typewriter repair shops but doesn't contemplate the
25

1 existence of 3D printers. The proposed changes would
2 make it easier for businesses to understand where
3 they are allowed to be located. It will make it
4 easier for small shops to provide complementary
5 services. It will streamline waiver and permitting
6 processes, reducing barriers to entry and
7 accommodating expansions.

9 For the life science industry, City of Yes
10 economic opportunity, would expand the number of
11 spaces in which these businesses can locate and I'm
12 particularly excited about this piece of the proposal
13 because life sciences hold such promise for Manhattan
14 and the city as a whole. It's important that we
15 attract these businesses that have good paying jobs
16 and that are important to the economic future of
17 Manhattan in New York City.

18 In our increasingly remote work society, this
19 proposal will grant accessible allowances for people
20 to run small businesses from their home. Now,
21 importantly, I want to emphasize that City of Yes
22 economic opportunity would do all these things while
23 also requiring businesses to meet stringent
24 environmental requirements regarding noise,
25 emissions, and the density of their uses. These

1
2 proposals also include street scape and other design
3 requirements to ensure that any actions taken under
4 these new provisions enhance and maintain
5 neighborhood character and scale. I appreciate the
6 modifications that City Planning has implemented
7 after receiving input from the public, community
8 boards and city agencies, changes that would include
9 restricting a for commercial allowances to spaces not
10 used for existing residential units and maintaining a
11 1,000 square foot cap for home occupations.

12 Both changes which will ensure that our housing
13 stock is protected and isn't competing with
14 businesses for space. In my ULURP recommendation I
15 noted the need to establish a similar system to meet
16 for mediating establishment and neighborhood disputes
17 or men. In addition, that resolve issues between
18 neighbors when it comes to at home occupations. I
19 also suggest that the Zoning Text require that
20 manufacturing buildings still provide ample access to
21 loading docks for manufacturing tenants. I believe
22 that addresses these additional concerns that will
23 help assure City of Yes Economic Opportunity is
24 implemented successfully throughout the city.

2 Thank you again Chair Riley for the opportunity
3 to testify. I encourage the City Council to approve
4 the Zoning Text Amendment with these modifications
5 and to continue working to ensure that New York City
6 remains a competitive global city for emerging
7 industries and a place where family run shops can
8 thrive, keeping our retail corridor safe, vibrant
9 parts of our neighborhoods. Thank you so much.

10 CHAIRPERSON RILEY: Thank you Borough President.
11 The next panel that we're going to call in person is
12 Josh Nachowitz, Layla Passman, Larisa Ortiz, Marcel
13 Negret, and Tanisha Hurd.

14 First, we could begin with Josh Nachowitz. Sorry
15 if I mispronounced your name.

16 JOSH NACHOWITZ: Good afternoon, my name is Josh
17 Nachowitz, I'm the Senior Vice President for Economic
18 Development at the Alliance for Downtown New York.
19 It's a pleasure to be here this afternoon. As the
20 business improvement district representing New York
21 City's largest business districts. The Downtown
22 Alliance strongly supports the City of Yes for
23 Economic Opportunity Initiative.

24 This package of reforms provide property owners
25 and entrepreneurs with the tools and flexibility

1
2 necessary to maintain the active and flooding
3 streetscape that is so critical to the long-term
4 success of our district. We all know that vibrant
5 and diverse ground floor uses are critical to the
6 success of vibrant commercial districts. Our
7 district enforceable faces serious head winds coming
8 out of the COVID crisis from changing consumer
9 spending habits to the rising ecommerce and the
10 obvious ongoing uncertainties over one term office
11 utilization.

12 In this uncertain environment, entrepreneurs and
13 property owners need regulatory flexibility to find
14 creative, attractive and vital uses for ground floor
15 retail space. BCP's proposed set of zoning text
16 amendments would go a long way toward allowing and
17 even encouraging the sort of creativity that is
18 needed to redevelop the retail corridors of the
19 future, allowing for maker spaces, urban agriculture
20 and small-scale entertainment venues will allow for
21 more diverse and interesting retail corridors.

22 [03:54:28] obsolete use restrictions would provide
23 businesses and community leaders alike with greater
24 clarity on how ground floor spaces can be
25 appropriately activated.

1 Given the support of regulatory environment,
2
3 small business owners and entrepreneurs can seize
4 this unique opportunity to create a new and
5 sustainable vision of the future, for the future of
6 our city's retail. As such the Downtown Alliance
7 strongly encourage the Commission to approve these
8 much needed and commonsense zoning reforms. Thank
9 you for the opportunity to testify.

10 CHAIRPERSON RILEY: Thank you. Before we
11 continue, I just want to acknowledge we've been
12 joined by Stuyvesant High School. Just want to clap
13 it up for them real quick. Thank you for joining us.
14 Next, we'll hear from Layla Passman.

15 LAYLA PASSMAN: Hello, my name is Layla Passman,
16 I'm the Community Engagement Coordinator for the
17 Atlantic Avenue Business Improvement District. We
18 thank the Department of City Planning staff for their
19 dedicated outreach to our organization to understand
20 the City of Yes for Economic Opportunities effects on
21 Atlantic Avenue.

22 Our bid is majorly composed of the Atlantic
23 Avenue Subdistrict, which is within the downtown
24 Brooklyn special zoning district. This special
25 subdistrict along with the presence of four

1 designated New York City historic districts is why
2 Atlantic Avenue is an esthetically distinct
3 commercial corridor. As such, we are satisfied that
4 the proposed text amendment will not supersede our
5 special district provisions and that the particular
6 roles for Atlantic Avenue will remain so that our
7 look and feel as a local and regional destination will
8 be preserved.

10 We welcome the text amendment that will eliminate
11 hindrances for storefronts and historic districts.
12 Currently storefronts located in our residential
13 district that are also in a historic district cannot
14 be reoccupied with commercial use if they are vacant
15 for two years. This proposal eliminates this
16 arbitrary two-year deadline and allows our vacant
17 storefronts to reopen. Commercial activity on
18 Atlantic Avenue dates to the early 1840's and our
19 side streets historically have storefronts as well.
20 This change will legalize some of our dearest legacy
21 businesses such as Mentara Bar, Long Island Bar and
22 the Brooklyn Heights Deli and nearly all of our side
23 street businesses between Hicks and Clinton Streets.

24 We also support allowing new corner stores in
25 residential areas. Corner stores characterize our

1 district in adjacent neighborhoods and currently no
2 new stores can open in residential areas. The
3 current proposal would allow new stores of 2,500
4 square feet or less to open within 100 feet of an
5 intersection. The creates new places for small
6 businesses to open and will enhance public safety for
7 having additional lighting on or near corners or
8 blocks.
9

10 Finally Atlantic Avenue serves our neighbors in
11 the Gowanus Houses who come to shop and dine. This
12 proposal introduces commercial uses on NYCHA campuses
13 for the first time. Considering the fact that NYCHA
14 residents have been isolated and marginalized from
15 the commercial conveniences of city life for decades,
16 development of NYCHA green spaces for the benefit of
17 an outside commercial space should be strictly and
18 deeply tied to the benefit of NYCHA residents.

19 Examples of this include entrepreneurship
20 opportunities for residents and special lease access
21 in terms for residents. Unless this is an
22 opportunity for NYCHA residents to be empowered by
23 the commercial rezoning, we do not support it. We
24 understand that DCP regulates the use and not the
25 tenant but as proposed the text is too vague.

1 Without explicit provisions for NYCHA, the
2 development of NYCHA green space does not benefit the
3 local NYCHA community enough to merit it. Thank you.

4 CHAIRPERSON RILEY: Thank you Ms. Passman. Next,
5 we will hear from Marcel Negret.

6 MARCEL NEGRET: Good afternoon. My name is
7 Marcel Negret. I'm a senior planner with the
8 Regional Plan Association. Thank you so much for the
9 opportunity to testify today in support of the City
10 of Yes for Economic Opportunity Zoning Text
11 Amendment. Post pandemic trends have created shifts
12 that impact when New Yorkers are spending their time
13 and money, increasing the outside of the traditional
14 central business district. Unfortunately their
15 success also means that commercial rents outside of
16 Manhattan have risen and industrial space has become
17 the most expensive market in the country. Increasing
18 costs in regulatory hurdles have made it harder for
19 smaller businesses to expand and continue to serve
20 their communities.

21 Existing commercial districts also need to
22 diversify. In our analysis of dozens of transit or
23 commercial corridors, we find that many established
24 districts are too ingenious to become 24/7
25

1 destinations. The increasing local shopping and
2 dining has also led to demands for better services
3 and program, especially for the public realm.

4 However, existing zoning makes managing these changes
5 difficult or impossible for many small businesses.

6 For example, as has been mentioned, arbitrary vacancy
7 regulations make it difficult to fill vacant
8 storefronts, creating an eye sore for many
9 communities. Zoning tools won't solve these issues
10 overnight but they can set a framework to help us
11 achieve better outcomes for neighborhoods and small
12 businesses in the long term.

13 We also believe that the provision is it would
14 establish the new M-manufacturing districts under
15 Proposal 18 can be improved. As others have pointed
16 out, the city is required to conduct an industrial
17 development, strategic plan by the end of 2025. This
18 analysis should guide the land use changes and
19 financial incentives necessary to support the
20 industrial sector. Additionally, as currently
21 written, the manufacturing zones are not being mapped
22 and the criteria for mapping them are not quite clear
23 and this leaves room for [03:59:33] and potential
24 missed opportunities. We think there is room for
25

1
2 improvement in clarifying the rationale for mapping
3 the actual proposed districts.

4 Having said this, we eagerly anticipate the
5 Administration and the City Council efforts to pass
6 the best version of City of Yes Economic Opportunity
7 Proposal. We think this amendment has the potential
8 to unlock the city's economic potential, benefiting
9 the residences and the businesses of our city. Thank
10 you so much.

11 CHAIRPERSON RILEY: Thank you. Next is Tanisha
12 Hurd.

13 TANISHA HURD: Good afternoon to the esteemed
14 members of the City Council as well as my fellow
15 citizens. My name is Tanisha Hurd and I have the
16 honor of representing Lisa Sorin who is the President
17 of the Bronx Chamber of Commerce. I come before you
18 all to express our endorsement of the visionary
19 initiative the City of Yes plan. Businesses in the
20 corner store – businesses are the corner stone of New
21 York City and we thrive on the creation of new
22 businesses, the ability to support existing ones and
23 the dynamic nature of commerce. It may be surprising
24 that most of these businesses are small with 89
25 percent being classified as exceedingly small

1
2 employing fewer than 20 individuals. These small
3 businesses constitute the bedrock of New York City
4 employing over half of the city's private sector
5 workforce. What we have noticed in the Bronx is that
6 these small businesses are not only essential for
7 economic vitality but also serves as catalysts for
8 entrepreneurship and social mobility. However, it
9 has become increasingly difficult to operate as a
10 small business in New York City. Every day our
11 businesses face a daunting challenge such as dealing
12 with government regulations. They deal with complex
13 systemic issues and the inability to keep pace with
14 ever-changing laws. Moreover, they lack the
15 necessary resources and support from the government
16 to navigate these obstacles effectively.

17 As representatives of the Bronx business
18 community, we understand the critical importance of
19 fostering an economic, conducive and environment
20 conducive to economic growth, innovation and
21 prosperity. This plan embodies these principals and
22 offers a comprehensive strategy to unlock the full
23 potential of our city's economy and support our small
24 businesses. Thank you.

2 CHAIRPERSON RILEY: Thank you Ms. Hurd. There
3 being no questions for this applicant panel, you're
4 not excused. The next panel we'll hear from is Emily
5 Goldstein, Brenda Lau, Paula Crespo, Leah Archibald,
6 and Jesse Solomon. We can begin with Emily
7 Goldstein.

8 EMILY GOLDSTEIN: Thank you Chair Riley and
9 members of the Council for the opportunity to testify
10 this afternoon. My name is Emily Goldstein, I am the
11 Director Organizing and Advocacy, the Association for
12 Neighborhood and Housing Development or ANHD.

13 While we are best known for our affordable
14 housing work, ANHD also convenes the Industrial Jobs
15 Coalition, a citywide alliance of policy advocates,
16 community organizations, industrial business service
17 providers fighting to protect, preserve and grow the
18 industrial sector in New York City. We do this work
19 because we recognize the vital role the industrial
20 sector plays in creating a more equitable, thriving
21 and functioning New York City for all of us.

22 Industrial jobs offer high wages, low barriers to
23 entry and opportunity pathways for a workforce that
24 is 80 percent workers of color and over 50 percent
25 foreign born. Preserving and growing these jobs lies

1 at the heart of a true, equitable, economic
2 development strategy. My testimony I want to
3 emphasize is limited to Proposal 18 or the
4 Manufacturing District Text Amendment, which offers a
5 crucial opportunity to strengthen and protect the
6 industrial sector and the good paying jobs it
7 provides. We urge the Council to approve this
8 application with some key modifications that I'll
9 highlight now and with more detail in our written
10 testimony.
11

12 First, for the core districts, in order to
13 prioritize the preservation and growth of industrial
14 businesses, we ask that you restrict all
15 nonindustrial uses to 10,000 square feet per zoning
16 law and create two additional districts offering
17 higher FARs of 4.0 and 5.0 respectively for
18 industrial uses.

19 For the transition districts and the growth
20 districts, we ask that you better incentivize the
21 inclusion of industrial businesses in the new
22 developments by A, increasing the incentive – the
23 size of the incentive bonus for industrial uses in
24 the transition district to promote developments with
25 a 25 percent floor area for industrial uses. And B,

2 including incentive bonus in the growth district of
3 15 percent industrial uses. In addition, across all
4 districts, we ask that there be a requirement that at
5 least a portion of the ground floor is dedicated to
6 industrial with access to loading docks and freight
7 elevators. Thank you again for your attention on
8 these issues and I'll pass the mic.

9 CHAIRPERSON RILEY: Thank you. Next, we'll hear
10 from Brenda Lau.

11 BRENDA LAU: Good afternoon. Thank you for this
12 opportunity to provide public testimony. My name is
13 Brenda Lau, I am the Assistant Project Manager at
14 Greenpoint Manufacturing and Design Center, also
15 known as GMDC.

16 We are the city's premier nonprofit industrial
17 real estate developer of affordable manufacturing
18 space. GMDC has developed over 700,000 square feet
19 of industrial space in Brooklyn and Queens for
20 occupancy by small manufacturing businesses. We
21 currently own and manage six buildings, which are
22 home to over 730 manufacturing jobs among 126
23 companies. Our tenants include wood workers, cabinet
24 makers, display makers, metal workers and a variety
25 of artisanal trades and artists.

2 For the past few months, GMDC and fellow advocate
3 members of the industrial jobs coalition have been
4 closely monitoring changes to the ZEO. We commend
5 the City Council and the Department of City Planning
6 for engaging in robust and thoughtful dialogue with
7 industrial partners on crafting the text amendment
8 for new manufacturing districts. However, we stress
9 that the zoning rules for these districts should be
10 structured to prioritize the preservation and growth
11 of industrial businesses. Specifically, we recommend
12 the following modifications: In the core districts
13 to restrict all nonindustrial uses to 10,000 square
14 feet per zoning law to protect as much industrial
15 space as possible. And we are not in favor of
16 including the grove districts in the Manufacturing
17 Text amendment because the grove district category is
18 not a manufacturing district.

19 As it is currently written, it does not include a
20 requirement or incentive to include manufacturing in
21 a development. It is imperative that the continued
22 separation of commercial housing in industrial land
23 remains in place, so that IBZ's and M-Zones
24 prioritize manufacturing.

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 207
2 This is a critical moment to jumpstart and ensure
3 the longevity of the manufacturing sector for years
4 to come. We urge the City Council to vote an
5 approval for a strengthened version of the
6 Manufacturing Text Amendment for an equitable and
7 economically just future. Thank you.

8 CHAIRPERSON RILEY: Thank you. Next, we'll hear
9 from Paula Crespo.

10 PAULA CRESPO: Good afternoon. I am Paula
11 Crespo. I am with the Pratt Center for Community
12 Development. We work for more just equitable and
13 sustainable New York City through participatory
14 planning, applied research and policy advocacy.
15 Thank you for this opportunity to testify on the City
16 of Yes for Economic Opportunity Text Amendment for
17 new manufacturing districts. We've been a long-time
18 advocate for the city's industrial sector. And the
19 Pratt Center along with the industrial jobs Coalition
20 that we're a member of, is largely supportive of this
21 text amendment because it addresses outdated zoning
22 that can limit the ability of industrial businesses
23 to expand and to grow in place.

24 However, there are critical changes we are urging
25 the City Council to make before approving it. For

1
2 the new core districts, all nonindustrial uses should
3 be limited to 10,000 square feet, to reduce the
4 speculative and displacement pressure that things
5 like entertainment and big box retail stores put on
6 their manufacturing business neighbors.

7 Also, two additional districts with FARs of 4.0
8 and 5.0 should be created. The new growth and
9 transition districts must support a true sustained
10 balance of industrial and commercial uses as opposed
11 to a predominance of the later. As such, the
12 incentive bonus for devoting space to manufacturing
13 uses should be increased to encourage development
14 that devotes 15 percent and 25 percent of newly
15 developed space to manufacturing and the growth and
16 transition districts respectively.

17 Finally, each of these new districts should
18 include requirements that at least a portion of the
19 ground floor be dedicated to industrial uses with
20 access to loading docks and freight elevators. I'll
21 conclude by thanking you for your time and
22 consideration of these important changes to this text
23 amendment that if passed, it will contribute to a
24 more diverse and equitable local economy.

1 CHAIRPERSON RILEY: Thank you so much. Next,
2
3 we'll hear from Leah Archibald.

4 LEAH ARCHIBALD: Hi, my name is Leah Archibald
5 and I am the Executive Director of Evergreen. We're
6 the local development corporation that works in
7 industrial North Brooklyn to help small businesses
8 grow so we can keep high-quality working-class jobs
9 in our community. We really appreciate the Mayor's
10 and DCP's intention to keep New York City's
11 businesses thriving. Overall we're very pleased to
12 see attention paid to updating industrial zoning
13 policy and we're very glad to hear that there's no
14 plan to allow residential uses in the industrial
15 business zones.

16 Other initiatives like updating parking and
17 loading requirements and increasing the breadth of
18 allowable uses in commercial districts are welcome
19 and forward thinking. We also believe that there are
20 ways that this proposal can be improved to ensure
21 that it achieves its goal of fostering business and
22 job growth in New York City.

23 We would like to see some changes to the three
24 new proposed M-Zoning districts. We believe that the
25 core needs to be limited to industrial and

2 manufacturing uses as much as possible, particularly
3 as the transition in growth areas become upzoned.
4 The transition area should have a density bonus,
5 rather than incentive to obligate developers to
6 retain a minimum of one FAR for industrial use. The
7 growth area, having no mechanism to retain
8 manufacturing businesses, greatly concerns us. We
9 recommend establishing the density incentive bonus
10 here.

11 In all mixed use or incentive projects, in any of
12 the three districts, should have an oversight
13 mechanism. We hope that the New York City Council
14 can pass the new manufacturing application with these
15 safeguards. Thank you very much for your
16 consideration and I have submitted a much more
17 detailed testimony for your quiet review.

18 CHAIRPERSON RILEY: Thank you so much and we
19 received it. Thank you. Lastly, Ms. Solomon.

20 JESSE SOLOMON: Hi, good afternoon everyone. My
21 name is Jesse Solomon, I am the Executive Director of
22 Southwest Brooklyn Industrial Development
23 Corporation. Our mission is to create equal
24 opportunity for people, businesses and communities in
25 Southwest Brooklyn which include Sunset Park, Red

1 Hook and Gowanus. We're also a member of the
2 Industrial Jobs Coalition with my partners here
3 today, so you will hear apologies for the repetition.
4 You will hear a lot of the same testimony and
5 recommendations.
6

7 So, as my colleagues have shared, we are really
8 glad to see that the Mayor's Office and DCP have
9 limited this - have paid so much attention to
10 manufacturing and industrial uses. We're largely
11 very supportive of the new Manufacturing District
12 Text Amendments and we think it's a forward-looking
13 text amendment.

14 Increasing densities and allowing for more
15 flexibility and building layout and bulk will help
16 grow local economies and commercial corridors. And
17 as we have said importantly, this proposal has
18 continued the city's commitment to put no residential
19 uses within industrial business zones. However,
20 again, we believe that there should be key
21 modifications to this proposal.

22 The first, as you've heard from my colleagues, is
23 that we'd like for the core district to limit
24 nonindustrial uses to 10,000 square feet. The second
25 is about the transition district. We propose an

1 increase of the M2A industrial bonus to 25 percent of
2 total FAR, more than currently proposed. Our
3 recommendation is based on recent developments in
4 Gowanus during the recent neighborhood rezoning
5 there, DCP gave Gowanus developers a bonus of 0.3 FAR
6 for industrial space in the rezoned area but we have
7 yet to see any developers take advantage of this
8 small bonus.
9

10 The limited size of the bonus may have impacted
11 those decisions. Finally, as my colleagues have also
12 suggested, we do have concerns about the growth
13 district because there is no current incentive bonus
14 structure for industrial uses and because this is a
15 new district meant for manufacturing, we would like
16 to see an incentive structure build into the growth
17 district as well. Thank you.

18 CHAIRPERSON RILEY: Thank you so much for your
19 testimony. This panel is now excused. We're going --
20 I heard the eclipse began so we're going to take a
21 10-to-15-minute break. Hold on one minute. Hold on
22 one second. Hold one second.

23 Okay, so we're going to call one last panel
24 because I think the eclipse is 3:15. So, the next
25 panel we're going to hear from is Osagie Afe, Michael

1 Femberg (SP?), Carlo Casa, and Lauren Goshinski. Once
2 again that's Osagie Afe, Michael Femberg, Carlo Casa,
3 and Lauren Goshinski. Excuse me if I mispronounced
4 your name. Okay, uhm, Osagie Afe.

6 OSAGIE AFE: Can you hear me?

7 CHAIRPERSON RILEY: Yes.

8 OSAGIE AFE: Can you hear me?

9 CHAIRPERSON RILEY: Yes, we can hear you.

10 OSAGIE AFE: Oh, thank you. My name is Osagie
11 Afe, I am with Long Island City Partnership. Thank
12 you for giving me this time today. So, Long Island
13 City Partnership strongly supports the Department of
14 City's Planning proposed City of Yes for Economic
15 Opportunity Amendment to modernize the city's zoning
16 regulations. This initiative would help support
17 local small businesses create thriving commercial
18 corridors and bolster New York City's economic
19 recovery. Founded in 1971 LICP's Economic
20 Development Corporation for LIC and our mission is to
21 advocate for economic development that benefits LIC's
22 industrial commercial, cultural and residential
23 sectors. The goal is to attract new businesses,
24 retain those already here and welcome you residents.
25 The proposed zoning text amendment aims to eliminate

2 confusing and outdated regulations that have hindered
3 the growth of small businesses and limited potential.
4 It provides the flexibility local businesses need to
5 grow and adapt as our local economies continue to
6 evolve and create a stronger foundation for the
7 city's economic recovery.

8 For our BID corridors, the Amendment recognizes
9 the importance of and support of vibrant, thriving
10 commercial streets where communities gather, cultures
11 converge and neighborhoods are enriched. As the
12 industrial business of its provider, under contract
13 with Department of Small Business Services, we also
14 support the new Manufacturing District Text Amendment
15 with modifications that the Industrial Coalition is
16 advocating for.

17 One, limited and compatible uses in court
18 industrial districts. Two, increase FAR in core
19 industrial districts. Three, include incentive bonus
20 for industrial uses for transition of growth
21 districts. City of Yes of Economic Opportunity is a
22 crucial step forward, reimagining the future of our
23 local communities and giving businesses clear and
24 sensible rules to follow.

1 CHAIRPERSON RILEY: Thank you. Next, we'll hear
2
3 from Michael Femberg oh sorry, Carlo Casa alright.

4 CARLO CASA: Honorable members of the
5 Subcommittee on Zoning and Franchises. My name is
6 Carlo Casa, the Director of Policy and Research at
7 the New York Building Congress. Thank you for the
8 opportunity to speak today. The Building Congress
9 represents over 500 constituent organizations and
10 over 250,000 skilled trades people and professionals,
11 dedicated to the growth and prosperity of our city.
12 We strongly express our support for the City of Yes
13 for Economic Opportunity, a common-sense initiative
14 that holds the potential to reshape the landscape of
15 small businesses and commercial corridors across all
16 five boroughs.

17 The post pandemic shift in spending towards new
18 residential economic hubs emphasized the need for
19 modern, sensible, zoning reforms to meet and support
20 local businesses and improve services. Outdated
21 byzantine zoning laws fail to meet the modern needs
22 of New York communities. To put it in perspective,
23 the 1961 Zoning Resolution was eight whole years
24 before Neil Armstrong first walked on the moon.

2 Today, many businesses that were restricted then
3 can be done now safely in office buildings or in the
4 home, yet zoning rules restrict an interior decorator
5 from holding a Zoom meetings in their living room, a
6 small contractor from having a teen meeting in his
7 garage or a state-of-the-art laboratory from taking
8 over a vacant office building.

9 The City of Yes for Economic Opportunity is a
10 necessary and long overdue fix. We support
11 eliminating antiquated rules that dictate how a
12 business's own space can be used. We support
13 eliminating inflexible arbitrary distinctions that
14 restrict where certain types of businesses can be
15 located. We support simplifying and streamlining
16 regulations that contribute to storefront vacancies
17 which do nothing to help New Yorkers. This
18 initiative makes it easier for businesses to flourish
19 and it paves the way for companies to grow
20 responsibly, including a provision that second story
21 commercial space can't displace residential use.
22 Thank you for your consideration.

23 CHAIRPERSON RILEY: Thank you so much. There
24 being no questions, the applicant panel is excused.
25 Thank you so much for your patience and for

1 testifying. I just want to announce we've been
2 joined by Council Member Marmorato online. The next
3 panel that I'm going to be calling up is going to be
4 Zanif Taran(SP?), Ronda West, Jack Bolembach,
5 Sharlene Jackson Mendez, and Kevn Garcia.
6

7 Okay, uhm before I will have this panel go, I
8 would just like to allow Council Member Marmorato to
9 give her remarks. If she can hear me, she may begin.

10 COUNCIL MEMBER MARMORATO: Thank you Chair. So,
11 I just wanted to thank you everybody for coming here
12 today and speaking. I just wanted to express to the
13 group that a one size fits all approach does not work
14 for every neighborhood in this city, especially in
15 the Northeast Bronx. We cannot sustain over
16 population and economic development in low density
17 communities as parts of my district were literally
18 not built to accommodate it.

19 Our infrastructure in the Bronx is already facing
20 challenges. Every rain storm burdens us with
21 flooding, our Police Department is struggling due to
22 insufficient staffing, leading to public safety
23 concerns and our public schools face overcrowded
24 hindering quality of education and these are the
25 issues that must be addressed urgently.

2 Furthermore, lack of investment in essential
3 services exacerbates these challenges. Our roads,
4 parks, health care facilities are neglected impacting
5 residents quality of life. Rather than focusing
6 solely on expansion, we must improve and strengthen
7 our current districts and communities. My
8 constituents deserve better and it is my job to make
9 sure that I go advocate for them. I will always
10 support the people of District 13 and when it is time
11 to vote, I will continue to stand alongside my
12 community and vote no to the City of Yes Economic
13 Development. Thank you.

14 CHAIRPERSON RILEY: Thank you Council Member
15 Marmorato.

16 COUNCIL MEMBER MARMORATO: Thank you Chair.

17 CHAIRPERSON RILEY: No problem. We'll be
18 starting with Zen- I'm so sorry if I mispronounce
19 your name. Zanif Taran, you may begin.

20 ZANIF TARAN: Yeah, my colleague will be reading
21 our testimony, Ronda.

22 CHAIRPERSON RILEY: Ronda West?

23 ZANIF TARAN: Yes.

24 CHAIRPERSON RILEY: Oh, are you sure?

25 ZANIF TARAN: Yes, I am sure, thank you.

2 CHAIRPERSON RILEY: Okay, so are you - I just
3 want to clarify.

4 ZANIF TARAN: We work for the same.

5 CHAIRPERSON RILEY: Okay, do you - I'll combine
6 your times then, so go ahead.

7 ZANIF TARAN: Thank you.

8 RONDA WEST: This moment has come. Good
9 afternoon Chair Riley and any members of the
10 Subcommittee.

11 CHAIRPERSON RILEY: Uhm -

12 RONDA WEST: Oh sorry. Thank you.

13 CHAIRPERSON RILEY: Thank you Ms. West.

14 RONDA WEST: Good afternoon Chair Riley. I'm
15 Ronda West, Board Member of Friends of the Upper East
16 Side Historic Districts and previously I was director
17 of landuse at City Planning and also the Executive
18 Director of the Landmarks Commission.

19 Of course Friends supports updating the city
20 zoning resolution, however, we're concerned that the
21 peace mill approach taken by this version of City of
22 Yes will have unintended consequences. For example,
23 increasing the square footage for home occupations as
24 well the number of employees could cause unnecessary
25 conflict between residential and commercial

1
2 occupants. Transient foot traffic could adversely
3 affect the safety of residents. Owners may prefer to
4 convert apartments to commercial uses leading to a
5 loss of available apartments further straining the
6 housing market. By allowing businesses to operate
7 within apartments, City of Yes reduces opportunities
8 for reopening empty storefronts, making it even more
9 difficult to refill vacant spaces.

10 We note that longstanding protections for
11 residents from noise, odors, and disruptions will
12 disappear if the city allows commercial spaces to be
13 adjacent to or above apartments. While zoning can
14 facilitate conflicts, zoning cannot create any useful
15 way to regulate them. Rather than strengthening the
16 few manufacturing districts, this proposal allows
17 manufacturing uses in commercial zones. Since these
18 uses are not required to be open to the public or
19 produce goods that are locally needed, how can this
20 help commercial streets? Strangely City of Yes
21 allows rooftop restaurants and bars, top residential
22 buildings as well as night clubs to be located in
23 residential neighborhoods. These uses bring noise,
24 sanitation and safety concerns that will further
25 reduce the quality of life in our neighborhoods.

2 We urge the City Council to reject the proposals
3 that could inadvertently work against strengthening
4 our communities and businesses. New Yorkers need
5 solutions that revitalize our commercial corridors
6 and support the wellbeing of residents. In short, a
7 real City of Yes that works for all New Yorkers.
8 Thank you for your consideration.

9 CHAIRPERSON RILEY: Oh wow, thank you. Next,
10 we'll hear from Jake Bolembach.

11 JACK BOLEMBACH: It's Jack.

12 CHAIRPERSON RILEY: Jack, sorry Jack.

13 JACK BOLEMBACH: That's okay. Yeah I'm from the
14 Coalition of Civic Associations. Okay, I'm from the
15 Coalition of Civic Associations and we're around the
16 different boroughs and particularly on Staten Island
17 and we're a residential community as Kamillah Hanks
18 mentioned and I wanted to thank the two
19 representatives Vickie and Joan for what they said.
20 They're right on target. Residential areas is not
21 the place for this to be changed. This zoning was
22 back I think in 1961. Most of the zoning that exists
23 now. There might be things in it that's worthwhile
24 keeping for residential. I think there should be.
25 As far as industrial, a lot of the changes have taken

1 place. There should be some modifications made. So,
2 in that part, I might agree with that but as far as
3 residential, it's definitely wrong to do this because
4 a home is a person's most major investment. You
5 don't want to have your property values decline. You
6 don't want the quality of life to decline.

7
8 In particular, if you had this corner policy of
9 putting stores on corners or near corners, what
10 that's going to do is cause people to come in, say
11 it's a bagel shop they'll be buying coffee, they'll
12 be buying whatever and they'll be throwing their
13 garbage around. That's going to decrease the quality
14 of life in the neighborhood. You'll have, if you
15 live near there, 10:00 at night, what used to be a
16 nice, quiet residential area will be lit up with a
17 store now. People driving in and out. If there's
18 garbage on the streets, it will be drawing rats. I
19 volunteer with several organizations on Staten Island
20 for street cleanups and I can tell you around
21 bodega's, bagel shops, where people park cars that
22 catch express buses, a lot of garbage. If you start
23 incorporating stores, corner stores, in residential
24 neighborhoods, you're going to decrease the value of
25 life in those neighborhoods. It's going to be unsafe

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2 for the children and I'll give you an example about
3 enforcement.

4 On Staten Island, there's a place called Roots of
5 Peace Garden in Targee Street. It's an environmental
6 justice neighborhood and somebody is working on their
7 automobile, body shop work and the smell with the
8 fumes is throughout that neighborhood and children
9 live there, so you have to consider quality of life.
10 You have to consider the quality of life and what
11 this can do to residential neighborhoods. It's a bad
12 idea for residential neighborhoods.

13 CHAIRPERSON RILEY: Thank you Jack. Uhm, next,
14 we'll hear from Sharlene Jackson Mendez.

15 SHARLENE JACKSON MENDEZ: Yes, uhm, thank you.
16 Good afternoon Chair Riley, City Council Members, and
17 the community that is present here and on Zoom. My
18 name is Sharlene Jackson Mendez and I am a homeowner
19 in the Vanice Section of the Bronx. I am a very
20 proud citizen of Councilwoman Marmorato's and you are
21 doing a bang-up job.

22 The City of Yes Economic Development plan is
23 built as a necessary change in zoning in order to
24 correct an outdated zoning framework to allow small
25 and large business owners greater flexibility.

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2 However, the City of Yes seems to be yet another
3 example of top-down planning spurred on globalists
4 and or progressives who have a hostility toward free
5 market economies, the middle class and low-density
6 neighborhoods. The City of Yes is not a plan that
7 reflects the needs and interest of ordinary law-
8 abiding citizens who believe that the American dream
9 should be attainable if one is industrious. The
10 people cry out for public safety, quality public
11 schools and a clean environment, not increased power
12 of the government over our lives and communities.
13 Removing zoning regulations is a way of removing
14 local control.

15 There are many of our City Council Members who do
16 not respect individual liberty and our constitutional
17 right to pursue happiness. They believe that they
18 know better than the people. Because so few
19 individuals vote in our local elections, there is
20 essentially no accountability on the part of the City
21 Council to ordinary New Yorkers. We have repeatedly
22 been harmed by the progressive agenda, defunding the
23 police, bail reform, aiding and abetting illegal
24 immigration, forced COVID-19 vaccination, closure of
25 schools, legalization of cannabis and encouraging use

2 of electronic scooters have each in their own way
3 contributed to economic instability, death and
4 destruction of our quality of life.

5 The City of Yes Economic plan states that no harm
6 will come from a significant increase in population
7 density placing businesses in the midst of
8 residential communities and significantly increasing
9 the number and height of existing buildings.

10 CHAIRPERSON RILEY: Thank you Ms. Jackson.

11 SHARLENE JACKSON MENDEZ: Oh, okay.

12 CHAIRPERSON RILEY: Appreciate it. Next, I'm
13 going to have Kevin Garcia and you could submit your
14 testimony to us. Thank you.

15 SHARLENE JACKSON MENDEZ: Okay.

16 KEVIN GARCIA: Good afternoon Chair Riley. My
17 name is Kevin Garcia. I am the Senior Transportation
18 Planner with the New York City Environmental Justice
19 Alliance. Thank you for the opportunity to speak
20 today and for all the support of you and the other
21 Council Members.

22 NYC-EJA is a nonprofit citywide membership
23 network of linking grassroots organizations from low
24 income communities of color in their struggle for
25 environmental justice. We appreciate DCP's efforts

1 in recognizing the need to update regulations to
2 align with the evolving economic landscape. However,
3 we are concerned about the oversight in the current
4 proposal, particularly in the context of last mile
5 warehouses and their impact on communities of color.
6 We believe that addressing the challenges posed by
7 the rapid rise of ecommerce, particularly through the
8 impact of last mile warehouses, is crucial for
9 fostering vibrant neighborhoods and supporting the
10 economic recovery of New York City.

12 The rise of ecommerce is identified as a key
13 macroeconomic trend necessitating reform and the City
14 of Yes aims to support emerging industries while
15 minimizing the adverse effects on other land uses in
16 the city. Although the City of Yes proposal
17 introduces an initiative in the form of micro
18 distribution facilities, it falls short of addressing
19 the significant land use conflicts stemming from the
20 clustering of last mile warehouses.

21 The proposals focus on smaller facilities is
22 crucial but it misses the larger facilities that
23 operate around the clock and contribute substantially
24 to congestion, safety risks and environmental
25 concerns. To rectify this, we urge this Committee to

1
2 require DCP to take a comprehensive approach and
3 propose an expansion of the City of Yes proposal to
4 incorporate a specific text amendment defining last
5 mile warehouses as a distinct category to compliment
6 the micro distribution facilities proposal and
7 establish a special permit process for last mile
8 warehouses so communities can participate in
9 reviewing the siting of these facilities. Thank you
10 so much for the opportunity.

11 CHAIRPERSON RILEY: Thank you so much.

12 Appreciate your patience and thank you for testifying
13 today. You're excused.

14 Uh, the next panel we're going to call up is
15 Maddie DeCerbo, Carmen Susan Osoreal (SP?), Nancy
16 Steeler, and Mark McNulty. Also again that's Maddie
17 DeCerbo, Carmen Susan Osoreal, Nancy Steeler, and
18 Mark McNulty. Okay, we can start with Maddie
19 DeCerbo.

20 MADDIE DECERBO: Okay, hi, I'm Maddie DeCerbo, I
21 am representing the Real Estate Board of New York.
22 REBNY is the city's leading real estate trade
23 association representing commercial, residential and
24 institutional property owners, builders, managers,
25 investors, brokers, sales people and other

2 organizations and individuals active in the New York
3 City real estate. REBNY is pleased to testify in
4 support of City of Yes for Economic Opportunity.

5 We strongly support the goals of economic
6 opportunity to make it easier for businesses to grow
7 and locate throughout New York City by providing
8 increased flexibility in our zoning regulations. The
9 consolidation and reorganization of use groups is
10 among several comments and changes proposed in the
11 text which will modernize the zoning resolution and
12 provide simpler and clear rules for businesses
13 citywide to follow. This is not an easy undertaking
14 and the Department should be commended. Beginning
15 prior to referral of the text with public review, our
16 zoning design committee comprised of the city's top
17 land use attorneys, practitioners, architects,
18 engineers and development firms with decades of
19 experience in zoning matters did flag three key areas
20 for further working consideration.

21 The provisions governing life sciences, the
22 proposed street scape regulations and the need for
23 vesting provisions. We appreciate the diligent work
24 of the Department staff to address these concerns.
25 As drafted in the referral text, the proposal of

1
2 proposed new ground floor restrictions and
3 requirements to the city, these regulations would
4 make it more difficult to plan and program new
5 buildings and run counter to the stated goal to the
6 text amendment. Unfortunately, the modifications
7 adopted by the City Planning Commission reduced these
8 proposed owners requirements, so they only apply to
9 50 percent of the ground floor frontage aligned for
10 greater flexibility in building design.

11 The city stated goals for Economic Opportunity
12 Initiative highlight the importance of flexibility in
13 our zoning regulations. REBNY supports zoning for
14 economic opportunity for an effort to modernize the
15 zoning resolution and provide greater clarity for
16 businesses to grow and expand. The modifications
17 adopted by City Planning Commission are appropriate
18 and worked on during the public review process now
19 ensures that the proper investing provisions are in
20 place to ensure a smooth transition with such
21 sweeping changes to the zoning resolution. We
22 encourage the City Council to adopt this proposal as
23 modified. Thank you.

24 CHAIRPERSON RILEY: Thank you Maddie. You are
25 now excused. We're going to take a slight break and

1 adjourn till 3:30. We're just going to give everyone
2 an opportunity to go outside if they want to check
3 out the eclipse and please be back here by 3:30 sharp
4 so we could start. Thank you. [04:35:41]-
5 [04:57:22]. Hello, hello, hello, alright.
6 [04:57:24]. Alright, I hope everyone enjoyed the
7 solar eclipse. Now, we're getting back to our public
8 testimony. The next panel we're going to call up
9 consists of Christopher Leon Johnson. Yeah, you
10 could sit right there Chris. Following Christopher
11 Leon Johnson, the next panel will consist of Jeremiah
12 Kane, Geoff Marcus, and Jodi Stein. Chris, you may
13 begin.

15 CHRISTOPHER LEON JOHNSON: Ready. So, hello
16 everybody. My name is Christopher Leon Johnson and
17 that was a great solar eclipse. Everybody out there,
18 so you all saw it. Which these nice New York City
19 Mayor Office goggles on but back to the point. I'm
20 against the City of Yes. The City of Yes is
21 basically a plan that is made by the developers and a
22 lot of these Council Members, they're for it because
23 they are owned by the developers. This is nothing
24 but a plan just to get rid of Community Board input
25 and let them put as much zoning they want to put

1 into. Now, I'm not expecting the City Council to say
2 no to the City of Yes because like I said before
3 again, the majority of you members are for the City
4 of Yes and all we need is a majority to get this
5 passed through. Uhm, this organization right here
6 that I'm wearing, Transportation Alternatives, they
7 are one of the main organizations that's for the City
8 of Yes because they levy little bike lanes and made
9 little open streets and their little daylighting
10 crap. Uhm, I'm going to say this right now, you know
11 New York City, we have to say no to the City of Yes.
12 We have to be opposed to this plan. This plan will
13 not benefit New York City at all. All it will do is
14 benefit the lobbyists like Cathy Price Kevin
15 Lachera(SP?), the stalker, and it will benefit the
16 open plans. It will benefit all these nonprofits
17 that are all getting paid by these developers to push
18 the City of Yes.

19
20 And I'm going to say it right now to the people,
21 people that be careful of these organizations that
22 are propped by the New York Brooklyn Families Party,
23 like the Met Council on Housing that I saw the
24 Executive Director today standing in the back with
25 the Black Institute shirt, uhm supporting the City of

1
2 Yes. You people got to be real careful of the
3 nonprofits that are propped by the Brooklyn Families
4 Party that are pushing this plan. Just because they
5 are so called getting arrested like Jumaane Williams
6 that should be arrested for being a phony Public
7 Advocate, doesn't mean that they're fighting for the
8 people.

9 So, people in New York City have to be really
10 awake and open to this plan of the City of Yes. This
11 will never benefit the poor. It will never benefit
12 the little guy and people got to stop being like
13 these glasses, blind to the stuff that is happening
14 to the community. Just because they act like they -
15 they dress like us and they're so-called fighting for
16 us by being arrested, doesn't mean they're for the
17 plan.

18 So, I'm going to say this right now guys, I'm
19 against the City of Yes. I know I got to go. Thank
20 you Kevin Riley. We got to be awakened. Thank you.
21 Take care.

22 CHAIRPERSON RILEY: Thank you Chris. Appreciate
23 your testimony. The next applicant panel will
24 consist of Jeremiah Kane, Geoff Marcus, Jodi Stein,
25 and Rachael Suna Britchkow. Excuse me if I

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 233
2 mispronounced your name. We can begin first with
3 Jeremiah Kane.

4 JEREMIAH KANE: My name is Jeremiah Kane. I'm
5 here on behalf of Prologis to support the City of Yes
6 for economic opportunity initiative and to urge the
7 City to consider changes to the text amendment to
8 improve the operation of micro distribution centers
9 in commercial districts. Prologis is a developer and
10 owner of logistic facilities worldwide handling the
11 movement of goods equal to about three percent of
12 global domestic product.

13 Our local team develops and holds a range of
14 property types in New York Metropolitan area.
15 Prologis leases these sites to a variety of customers
16 from small to medium-sized businesses to the world's
17 largest brands, ensuring that products and materials
18 arrive when and where they are needed. This unique
19 role provides us with an insight into understanding
20 the industries current and upcoming needs. We
21 commend the City of New York on its forward-looking
22 action to provide greater clarity and certainty under
23 zoning. The Proposed Text Amendment will support
24 growing industries by reducing impediments for a
25 range of business types.

2 Among the helpful clarifications in the proposal
3 is language about micro distribution uses in
4 commercial districts. Micro distribution facilities
5 serve an important function for neighborhood level
6 distribution allowing for off hours truck unloading
7 to facilitate day time deliveries by lower impact
8 modes of transportation like electric cargo bicycles.

9 Micro distribution centers play an important role
10 in the ongoing work of the city to reduce truck
11 traffic by providing for efficient movements and
12 goods, including New York City's commercial cargo
13 bicycle pilot in 2021 and the DOT's micro hub pilot
14 in 2023.

15 To support the city's efforts ensure development
16 of sustainable and officially operated micro
17 distribution centers, we urge that the plan controls
18 for micro distribution centers in the text amendment,
19 allow for the proposed 1,500 square feet. Sorry,
20 15,000 square feet allowance to be entirely at grade.
21 As currently proposed in the C4 through C7 districts,
22 5,000 square feet would be permitted on the ground
23 and 10,000 square feet above the ground floor.

24 This restriction does not accommodate the support
25 space necessary to allow for micro distribution

2 centers to completely remove staging and vehicles
3 from the street. We urge you to mend the text to
4 allow for this efficient operation and to have all
5 15,000 square feet be allowed on the ground floor.
6 Thank you.

7 CHAIRPERSON RILEY: Thank you Mr. Kane. Next,
8 we'll hear from Geoff Marcus. I'm sorry if I
9 mispronounced your name.

10 GEOFF MARCUS: It's Geoff.

11 CHAIRPERSON RILEY: Geoff, okay.

12 GEOFF MARCUS: Thank you Council Members and
13 Chair Riley for providing us this opportunity today.
14 I'm Geoff Marcus Chairman of AEMPD, the Association
15 of Electronic Music Producers and DJ's, a nonprofit
16 association dedicated to supporting the artist,
17 performers and venues that make up the broader dance
18 music community.

19 We're here today to support the City of Yes
20 Initiative specifically Proposal 9. This Proposal
21 represents a unique and all too rare opportunity for
22 the City of New York to support the arts without the
23 requirement of any fiscal outlay. In just the last
24 couple of days alone, we have received word from over
25 100 of our community members that have asked us to

2 come here today and advocate on their behalf to open
3 up more venues for dancing and DJ-ing music. Smaller
4 venues are the art gallery of the electronic music
5 producers and DJ's community, allowing dancing will
6 widely increase the opportunities for our community
7 to share their music, their art.

8 New York is currently an epicenter of a growing
9 and burgeoning segment of the music industry. In
10 order for the city to maintain this leadership
11 position and the commence for business opportunities
12 that come along with that, we have to open more
13 venues up to dancing and DJ's. Please help remove
14 these outdated, antiquated and anachronistic
15 restrictions that are dubious origin and help keep
16 New York a global center for artistic expression and
17 frankly, just let New York dance. Thank you.

18 CHAIRPERSON RILEY: Thank you Geoff. Next, we'll
19 have Jodi Stein.

20 JODI STEIN: Good afternoon Chair, Council
21 Members. My name is Jodi Stein and I am a land use
22 attorney with the Law Firm of Sheppard Mullin in New
23 York City. We represent developers, landlords and
24 tenants of distribution facilities throughout the
25 country. I'm here to testify on the proposal for

1 micro distribution facilities. I support and applaud
2 the city's proposal for micro distribution facilities
3 but as I submitted to the City Planning Commission,
4 this text amendment unduly restricts the size of
5 these facilities.
6

7 As currently drafted, the text places a
8 limitation of 2500 square feet per establishment in
9 C1 and C2 Districts and a limitation of 5,000 square
10 feet on the ground floor with 10,000 square feet
11 above in C4 through C7 districts. I would like to
12 take a moment to explain some of the basic components
13 of a safe, efficient and worker friendly micro
14 distribution facility. First, an FDNY battery
15 approved charging station would require a minimum of
16 approximately 1,000 square feet. At least one
17 bathroom with one office would require approximately
18 600 square feet, and an area for maintenance and
19 repair of cargo bikes would require approximately 500
20 square feet. And let me pause here because those
21 components alone total over 2,000 square feet and
22 this does not even include a cargo bike storage area,
23 a loading area or temporary storage of actual
24 packages.
25

1 Additionally, the square footage limitation
2
3 leaves no room for an employee breakroom, a training
4 facility room, or additional bathrooms for delivery
5 workers. To that end, I respectfully request that
6 the following modifications be made. An increase in
7 the size restriction to 5,000 square feet in C1 and
8 C2 districts and to allow for the proposed 15,000
9 square feet in C4 through C7 districts to be located
10 entirely on the ground floor or perhaps in the
11 alternative, exempt in cargo bike storage and
12 necessary ancillary structures or equipment from the
13 zoning floor area limitation. Thank you so much for
14 your time.

15 CHAIRPERSON RILEY: Thank you so much Ms. Stein.
16 Lastly, Rachel Suna – I cannot pronounce the last
17 name I'm sorry.

18 RACHEL SUNA BRITCHKOW: Britchkow, you got it
19 pretty good.

20 CHAIRPERSON RILEY: Britchkow, okay thank you.

21 RACHEL SUNA BRITCHKOW: Good afternoon. My name
22 is Rachel Suna Britchkow and I am the Vice President
23 of Silver Cup Studios. I want to thank the Council
24 for the opportunity to testify today. The following
25 is my testimony in support of the City of Yes for

1
2 Economic Opportunity Text Amendments. I want to
3 commend the Mayor and New York Department of City
4 Planning for taking the initiative to create the
5 innovative framework for the City of Yes Zoning Text
6 Amendment changes. The zoning text changes, which
7 are contemplated, will help to create more housing,
8 more jobs and an overall better as well as nimbler
9 New York position to tackle the challenges we face
10 today as well as those that will arise in the future.

11 As one of New York City's largest providers of
12 Silman Television Studios, we are excited to see that
13 there are a few proposed text changes which will
14 undoubtedly generate hundreds, if not thousands of
15 jobs within our industry by allowing for the creation
16 of more sound stages and associated support spaces.
17 The anticipated changes to the zoning text will allow
18 sound stages to be built in already zoned industrial
19 and commercial districts by allowing these new
20 economy spaces to be the kinds of buildings they need
21 to be to meet the height and size requirements of
22 content creators, allowing the booming world of
23 streaming services and scripted series to do more
24 business in New York.

2 Please note that none of these changes would be
3 automatic. Owners willing to go through an
4 application and approval process with New York City
5 Department of City Planning who will ensure that the
6 sites in question will not negatively impact the M-
7 Districts in which they reside. These text
8 amendments would simply make this process more
9 navigable for the industry. Overall, the City of
10 Economic Opportunity simplifies the Zoning Resolution
11 to treat similar uses the same. Allows businesses to
12 locate in more commercial districts and provides
13 avenues to mixed use neighborhoods.

14 These proposed text amendments bring businesses
15 closer to consumers, makes rules clearer for
16 businesses citywide, all without truly doing a
17 rezoning in the city. These are simply amendments to
18 existing zoning text that does not rezone
19 neighborhoods. This is the kind of forward thinking
20 that will enable our city to grow and prosper in the
21 future and years ahead. Thank you.

22 CHAIRPERSON RILEY: Thank you so much. Council
23 Member Schulman has a question for this panel.

24 COUNCIL MEMBER SCHULMAN: Yeah, to the woman from
25 Silver Cup Studios, hi. Because there are a lot of

2 amendments and proposals, is there one particular
3 that you're in favor of because that would help?

4 RACHEL SUNA BRITCHKOW: Yeah, so the one that
5 we're most in favor of is the one that reduces
6 setbacks.

7 COUNCIL MEMBER SCHULMAN: You don't remember the
8 number right?

9 RACHEL SUNA BRITCHKOW: I don't remember the
10 number, 17.

11 COUNCIL MEMBER SCHULMAN: Oh 17, okay. Because
12 I'm asking because there are some that we have issues
13 with that wouldn't effect what your trying to do, so
14 that's why we want to see how we can strike a
15 balance.

16 RACHEL SUNA BRITCHKOW: I appreciate that. It
17 would really help us to build a clean box on the
18 wedding cake.

19 COUNCIL MEMBER SCHULMAN: Understood and I'm very
20 supportive. In my previous life, I worked at
21 Woodhull Hospital and worked with all the folks doing
22 movies and all that kind of stuff, so yeah, so thank
23 you.

24 RACHEL SUNA BRITCHKOW: Thank you.

1 CHAIRPERSON RILEY: Thank you so much. There
2
3 being no questions, this panel is excused. The next
4 panel I will be calling up consists of Greg Miller,
5 Mai Kaidee with her translator Jour Morten, Jerry
6 Goldman, Jamie Schofer, Karen Gregal, and Ariel
7 Pallets. Okay, we could begin first with Mr. Miller.
8 Mr. Miller, just press the button.

9 GREG MILLER: Thank you Chair Riley and members
10 of the City Council. This is a very important day
11 for me personally. I'm a dancer, a dance advocate,
12 and basically my whole life is about dancing. Dance
13 might not mean a lot to people because they might
14 have to be drunk at a wedding but it does mean a lot
15 to thousands of dancers throughout the city, African,
16 Asian, Latinx, LGBTQ. These are people that have
17 been marginalized. They've been affected by the
18 Cabaret Law. This is the reason why we started the
19 New York City Dance Parade.

20 In 2007 it was a protest. It was really terrible
21 to read about how this 1926 law effected so many
22 people. It suppressed culture. It suppressed
23 marginalized communities, immigrant communities,
24 people who you know this is how they connect to their
25 brothers and sisters, their you know being new in

1 this country. It's very important for them and I
2 hear today a lot of concerns about night life and
3 yes, it should be addressed. But we have some of the
4 most stringent fire safety building codes and noise
5 codes in the nation and what's going to happen?
6 Well, the Department of Buildings has 600 inspectors.
7 That's what we learned from the City Planning
8 Commission and we need them. You know, but what we
9 need more is to recognize that dancing should be a
10 first amendment right because there are so many
11 people that need this.

12 I just really want to say one last thing. I
13 don't want the City Council to unintentionally
14 perpetuate systemic racism, right? This is so
15 important for so many people and we have to do the
16 right thing. Thank you so much for taking on this
17 huge issue. Mayor Adams made it a campaign pledge to
18 fix dancing. The City Planning Commission, the
19 Department of City Planning did so much and we're all
20 in service of the city. We have to find a balance
21 and I really, I believe in you sir and the City
22 Council for doing the right thing. Thank you.

24

25

2 CHAIRPERSON RILEY: Thank you Mr. Miller. Next,
3 we'll have Mai Kaidee with her translator Jour Morten
4 and you could take your time.

5 MAI KAIDEE: Hi, everyone. My name is Mai Kaidee
6 and -

7 CHAIRPERSON RILEY: I'm sorry, Mr. Miller, can
8 you just give her translator the mic as well? Thank
9 you. I'm sorry, we could restart the clock. Sorry,
10 you may begin.

11 MAI KAIDEE: Thank you. My name is Mai Kaidee
12 and I am the owner of Mai Kaidee restaurant. I speak
13 today in support of the zoning for Economic
14 Opportunity to the zoning to dancing.

15 We are a vegan tai restaurant and have been at
16 215 East Broadway in Manhattan since 1993. Owning a
17 restaurant in New York and Thailand and Bangkok and
18 restaurant and cooking school also. I come from a
19 small in east of Thailand and the people are poor and
20 family and culture. At my restaurant, we have a
21 [05:15:07] and have guests for Saturday night party.
22 I am really proud of Thai Culture and traditional
23 Thai music and dance. Under current Zoning Law, we
24 are not support to dance. It is legal to have light
25 music but for my Thai dance, for my culture. Dancing

1 is not allowed. I want to share the culture of my
2 country, New York City. We will be healthy when we
3 share on the interests in each culture. I support
4 with new zoning, with dancing and entertainment,
5 dancing for venues with less than 200 people like my
6 restaurant and also, one thing I want to talk about
7 healthy and vegan. I want to move together not only
8 for dancing but move for the food. I want to
9 volunteer about a cooking class for everyone who want
10 to be healthy in New York. That one is really
11 important for people and when I see people, I see fat
12 and not healthy. I feel sad with that.

14 I want to do something today for - I'm from
15 Thailand but I want to do something for when people
16 eat something not healthy, I feel sad and then I want
17 to be with something. I can teach people about
18 unhealthy. Thank you so much.

19 CHAIRPERSON RILEY: Thank you so much. Next,
20 we'll hear from James Schofer.

21 JERRY GOLDMAN: Jerry Goldman.

22 CHAIRPERSON RILEY: So, James is not here, okay.
23 We'll hear from Jerry Goldman then.

24 JERRY GOLDMAN: Thank you Mr. Chair, Council
25 person Schulman. My name is Jerry Goldman. I

1 submitted a letter with more detailed remarks. I've
2 also testified twice before this body in support of
3 the repeal of the Cabaret Laws back in 2017 and for
4 the same reasons that I say then, this legislation as
5 to dance must pass. That testimony then and what Mr.
6 Miller just said, the dance laws in this city come
7 from a racist background. The dance laws in this
8 city would have designed to divide. The dance laws
9 in this city were designed to oppress. The dance
10 laws in this city were designed to pick on people
11 that those in power from a day-to-day basis didn't
12 like. Those laws were enforced arbitrarily, unfairly
13 and bred corruption.

14 I'm the Chair of Dance Parade. I'm also an
15 attorney. I'm speaking here in my individual
16 capacity. I have no economic interest in any of the
17 passage. Dance is something and I disagree with my
18 friend Greg, implicit to all of us. We all have our
19 hearts. We all feel beats. I don't care if you run
20 the seven train and it's Spanish beats, it's Chinese
21 beats, it's African beats. We all feel beats and we
22 feel those beats from our heart and when we hear
23 music, we have to dance.
24
25

1 I don't care if we're young. I don't care if
2 we're old. We have to dance and when we dance we
3 communicate and that is speech and that communicative
4 speech is protected speech under the first amendment.
5 Two really quick points, if you indulge me, by having
6 a bad law, an unconstitutional law which is subject
7 to attack on any minute. We're breeding disrespect
8 for the law. When a bar owner is allowing dance that
9 he can't, we're breeding disrespect. If God forbid
10 he has a fire, his insurance company may deny
11 coverage because of an illegal action.
12

13 That can't be right. He could lose his liquor
14 license. She could lose his liquor license. We have
15 to fix it because it's unconstitutional and has bad
16 consequences. And enforcement, we have laws; this
17 body has been enforcing laws since it was set up
18 under the Dutch. You pass a law; you provide funding
19 to enforce it.

20 CHAIRPERSON RILEY: Thank you Mr. Goldman.

21 JERRY GOLDMAN: Thank you.

22 CHAIRPERSON RILEY: Uhm, there being no questions
23 for this panel but I do have a request. Ms. Mai
24 Kaidee, you say you have a restaurant. If you could
25 just leave your restaurant information over there, I

2 would love to patronize one day and come check it
3 out, alright.

4 JERRY GOLDMAN: It's great.

5 CHAIRPERSON RILEY: So, you could just leave your
6 restaurant information over there with one of the
7 Sergeants so they could give it to me.

8 Oh, I mean, that's good as well. Oh, you press
9 the button. Press the button. No, you - there you
10 go.

11 MAI KAIDEE: Okay, this is my cookbook. I want
12 to give anyone can have my cookbook and see about my
13 [05:21:03] on here also. I have like the Edition 3
14 in New York but Edition 1 and 2 have been in
15 Thailand, about 10,000 is done. I'm going to be sell
16 them also but one cookbook sale, we do the donation
17 for the temple. In the Rehab Thai Community Temple
18 and we share something for the electric for the
19 temple in the Bronx.

20 CHAIRPERSON RILEY: Thank you so much. We really
21 appreciate it. With that being said, this applicant
22 panel is excused. I'm going to switch it up. I'm
23 going to call one panel online and then I'm going to
24 finish with the last panel in person. If there's
25 anyone in here that did not sign up with a Sergeant

2 at Arms that has to testify in person, please see one
3 of the Sergeant at Arms for the Speakers card okay.
4 We only have one more group in person in here. I
5 will call you right after the online group that's
6 going next okay. The next group that I'm going to
7 call from online consists of Claudia Valentino, Mark
8 Anderson, Barbara McNamara and George Calderaro. If
9 you can hear me, Claudia Valentino, you may begin.

10 CLAUDIA VALENTINO: Okay, thank you. Can you
11 hear me?

12 CHAIRPERSON RILEY: Yes, we can hear you.

13 CLAUDIA VALENTINO: Okay, thank you so much.
14 Thank you so much for your attention today. I
15 appreciate it. My name is Claudia Valentino and I am
16 the President of Forest Hills Community and Civic
17 Association. Lynn Schulman is my Council woman. I'm
18 a decades long resident of my neighborhood. In past
19 years, I served on Queens Community Board 6 on the
20 Land Use Committee and I was a bit more than 20 years
21 ago the person who took on the task of preparing all
22 the paperwork and documentation for our zoning. Our
23 zoning does not date back to the 1960's, to 100 years
24 ago as is the case in many places around the country.

2 I know precisely why we knew it was necessary to
3 zone and my own Community Board, my elected officials
4 including Linda Katz, City Planning and Manhattan
5 City Planning agreed. We were seeing commercial
6 activity of all kinds approaching on areas that had
7 the same housing infrastructure as our own and knew
8 that it would make our area unlivable.

9 In short, we actually have already seen what
10 would result from the City of Yes provisions Number
11 11 and Number 16 tied to businesses and houses in
12 mid-block and also on corners. We chose some 20
13 years ago not to go down that road. In the materials
14 to the City of Yes Proposals, the corner store idea
15 uses a really nice photo showing a three-story corner
16 red brick apartment building with a store entrance on
17 the corner ground floor. We've all seen those, we
18 know what they look like. They're usually on
19 commercial corridors.

20 My area, however, does not resemble that at all
21 and yet with the zone to permit such as use
22 particularly on the corner. We are 100 percent
23 residential and our infrastructure is fragile. What
24 environmental impacts as well that has to be taken
25 into account. There has been no review and the issue

2 of fire safety with commercial activity sitting next
3 to wood frame houses is a concern to the Fire
4 Department. The entire situation frankly is not
5 really enforceable. My recommendation -

6 SERGEANT AT ARMS: Your time has expired. Thank
7 you.

8 CLAUDIA VALENTINO: Sorry.

9 CHAIRPERSON RILEY: You could go ahead. You
10 could continue.

11 COUNCIL MEMBER SCHULMAN: Go ahead, finish
12 Claudia.

13 CLAUDIA VALENTINO: Okay, thank you. I recommend
14 that the areas that are truly appropriate for
15 commercial activity absolutely be allowed to zone
16 that way. We need it but the areas that 100 percent
17 residential like my own be allowed to hang on to the
18 zoning that we have. Thank you so much. I
19 appreciate it.

20 CHAIRPERSON RILEY: Thank you so much. Next,
21 we'll hear from Mark Anderson.

22 MARK ANDERSON: Yes, hi thank you for listening
23 to my testimony. Hi, my name is Mark Anderson. I'm
24 the President of the Westerleigh Improvement Society
25 on Staten Island. We represent more than 10,000

1 residents. Our neighborhood is 95 percent
2 residential with mostly single- and two-family homes.
3 Our zoning is R36 and R2 for the most part.
4

5 Zoning is very important to the residents who've
6 chosen to invest in their homes and raise their
7 families here. Current zoning is predictable. This
8 zoning, the proposed zoning will be less predictable.
9 It will permit commercial use on any corner and
10 expand commercial use in residences across the board,
11 which will create unfair changes to the surrounding
12 residences. This will bring with it unfair nuisances
13 to the surrounding residences.

14 Nearly one third of our streets are one-way
15 because the streets are too small and the residences
16 are tightly packed in. We currently have an issue
17 with commercial trucks unsafely transversing through
18 the neighborhood because they can't navigate our
19 streets safely. This proposal will encourage more
20 commercial traffic in our neighborhood. Encouraging
21 more commercial uses in homes in our neighborhood
22 will create burdens from commercial traffic, parking
23 of additional workers and patrons.

24 Neighborhoods like ours have been used to justify
25 the need for corner stores in residential

2 neighborhoods. 20 percent of the commercial spaces
3 in our area are currently vacant and the single
4 historic deli that was located in the center of our
5 community has been closed for five years. So,
6 there's no justification for this. We don't want and
7 we don't need -

8 SERGEANT AT ARMS: Your time has expired. Thank
9 you.

10 MARK ANDERSON: Sure, thank you.

11 CHAIRPERSON RILEY: Next, we'll hear from Barbara
12 McNamara.

13 BARBARA MCNAMARA: Good afternoon. Apologies my
14 camera is not working. My name is Barbara McNamara.
15 I am the Co-President of the Howard Beach Lindenwood
16 Civic Association. We're in Council District 32.
17 Our members have been vehemently against the City of
18 Yes Text Amendment and have expressed to us that they
19 are not in favor of the City Council voting in the
20 affirmative to this amendment. We are primarily a
21 residential area with one family homes peppered with
22 some two families. On our northern boundary, we have
23 co-ops and condos both garden apartments and
24 approximately 27, six story high rise buildings. We
25 have a small commercial area on Cross Bay Boulevard,

1 which our residents are comfortable with. Our
2 neighbors board here because of the treelined
3 streets, the feel of suburbia while being close to
4 everything the rich cultural Manhattan has to offer,
5 museums, theaters, restaurants, our beaches and rock
6 way. They did not buy here to have businesses
7 opening next to their home where their children play
8 and they enjoy a quiet neighborhood. We are not a
9 community that needs corner stores popping up
10 throughout our neighborhood or any businesses for
11 that matter.
12

13 Our community is made up of residents whose
14 grandparents lived here, then they were born and
15 raised here and now they are raising their children
16 here. We do not want to force them to move to Nassau
17 and Suffolk to keep that sense of community for their
18 family. This should not be a one size fits all, the
19 text amendment.

20 I would be curious as to where the individuals
21 who wrote the text amendment live. We would urge all
22 the Council Members to really look at what your
23 constituents want and vote on their behalf. I urge
24 you to vote no on this text amendment. Thank you for
25 your time.

1 CHAIRPERSON RILEY: Thank you. Lastly, we'll
2
3 hear from George Calderaro. George, if you can hear
4 me, you may begin.

5 GEORGE CALDERARO: Hello, I can hear you. Hello,
6 can you hear me?

7 CHAIRPERSON RILEY: Yes, we can hear you George,
8 you may begin.

9 GEORGE CALDERARO: Okay. Thank you. I'm George
10 Calderaro, a member of the board of six New York City
11 civic organizations. Some of the proposals in the
12 thousands of pages of proposed zoning text amendment
13 positively updates zoning related to old uses no
14 longer relevant. However, many of the proposed
15 changes would negatively impact communities in all
16 five boroughs and flood the city's zoning regulations
17 in favor of business interests. Notably, the
18 powerful real estate industry we've already heard
19 from REBNY and the New York Building Congress moments
20 ago, which supports the City of Yes and other efforts
21 to de regulate the city and development.

22 Before I continue, I must ask that my and others
23 criticism of parts of City of Yes not be branded and
24 dismissed simply as "nimby" for criticizing this and
25 other policies. My and others concerns for our

1 communities and how they look and function are not
2 minor concerns and they should be yours too. Nimby
3 is an insult developed, promulgated and abused by the
4 real estate and business community abetted by the
5 media and politicians. With regards to the City of
6 Yes for Economic Development, the expansion of the
7 commercial activity and to residential buildings is
8 not only harmful to housing in a housing crisis but
9 will negatively effect the quality of life for many
10 communities regarding manufacturing in the districts,
11 the City of Yes proposals would allow most
12 manufacturing uses to be located in any commercial
13 district.

14
15 With this proposal, I'm just editing as I go
16 along to keep for time. Uh also, City of Yes
17 eliminates many detailed specific rules made for
18 Manhattan special zoning districts, which are
19 designed through great effort to encourage the
20 retention of small-scale retail to keep big
21 establishments like banks at bay.

22 Now, as founding director of the Tin Pan Alley
23 American Popular Music Project, I do support
24 reconsideration of music and dancing rules but do not
25 support turning our commercial and residential -

2 SERGEANT AT ARMS: Your time has expired. Thank
3 you.

4 GEORGE CALDERARO: Districts into entertainment
5 districts. Thank you.

6 CHAIRPERSON RILEY: Alright, thank you so much.
7 I'm going to transition back to in-person. I'm going
8 to call on Larisa Ortiz, Mark McNulty, and Lauren
9 Goshinski. I'm sorry, I mispronounced your name,
10 Goshinski, thank you. First, we could begin with
11 Larisa Ortiz.

12 LARISA ORTIZ: Hi, good morning. Uh, good
13 afternoon. I have been here since 9 this morning and
14 I had to leave but I came back because this is such
15 an important issue. I'm Larisa Ortiz, I'm testifying
16 today as a Jackson Heights Queens resident, urban
17 planner, a retail strategist with over 30 years of
18 expertise and experience advising cities around the
19 country on zoning issues and a former New York City
20 Planning Commissioner. I served for seven years
21 under de Blasio.

22 This is probably the single most important thing
23 that we can do to help small businesses, especially
24 coming out of the pandemic. We do acknowledge it is
25 an ambitious proposal but it's one that we have to

1 pass. Pre pandemic, the city's retail sector paid
2 \$16 billion in wages, contributed \$55 billion in
3 taxable sales and we're still not at full recovery,
4 and I will say one thing, if we fail to pass this
5 proposal, we squander the opportunity to get to full
6 recovery. It will be years, if not decades before we
7 get another swing at the bat.
8

9 It's hard to be a small business in this city.
10 It's hard to run a business. Businesses want
11 predictability. Our current zoning code does not
12 give them that. Small businesses operate on razor
13 thin profit margins. Retail businesses have in
14 general 19 days of cash reserves. Minority owned
15 businesses even less, 14 days.

16 So, what happens when we create processes,
17 prolonged discretionary on predictable approval
18 processes, those businesses start at a disadvantage.
19 They start out underwater and it's because of what
20 we've done and the regulatory processes we put in
21 their way. That certainly can't be our intention. I
22 heard previously you know and our other City Council
23 members indicate you know they wanted the right to
24 offer discretionary approval. We have to find a
25 balance because the more discretionary processes you

2 put in front of business, small businesses, retail
3 businesses, minority owned businesses, the more we
4 create failure for them.

5 So, I hope that you will consider voting in favor
6 of this proposal.

7 CHAIRPERSON RILEY: Thank you. Next, we'll hear
8 from Mark McNulty.

9 MARK MCNULTY: Good afternoon Chair and Council.
10 Thank you for being here. Council Member Schulman,
11 thank you for sticking around. My name is Mark
12 McNulty, I am, among other things, a DJ and I'd like
13 to speak only about Proposal 9 today. I've been a
14 resident of New York City for 10 years. I have
15 performed, danced, and hosted events in some of the
16 small bars and restaurants where dancing is
17 technically prohibited.

18 Proposal 9 only proposes that establishments that
19 host live music and comedy be regulated by capacity
20 and noise, and other things like fire safety. In
21 other words, businesses will not be prevented from
22 opening or from operating because they allow dancing.
23 The regulations that actually ensure safety and
24 decorum in night life are not going anywhere as a
25 result of this proposal.

1 Now, when we talk about dancing, we often hear
2 the phrase quality of life. People are concerned
3 their quality of life will be impacted by noise
4 downstairs, noise outside, maybe the behavior of
5 certain patrons. Those concerns are valid but I
6 think we also need to ask ourselves whose quality of
7 life are we talking about? Whose quality of life are
8 we prioritizing? While those traditional sort of
9 concerns are valid, they need to be balanced against
10 the concerns of all other communities including
11 communities who want to dance and enjoy themselves,
12 and maybe they want to do that in their own
13 neighborhood.

14 One persons quality of life concern can be
15 another person's livelihood, another person's
16 connection to their culture. You know or to their
17 homeland. I met my girlfriend on a dance floor and
18 her parents met on a dance floor in Roseland
19 Ballroom, so I encourage the Council to think about
20 whose quality of life we're prioritizing and
21 recognize that the real regulations around safety
22 will not be affected by this proposal. Thank you.
23

24

25

CHAIRPERSON RILEY: Thank you so much Mark.

Next, we'll hear from Lauren Goshinski. Lauren, you may begin.

LAUREN GOSHINSKI: Hi, I'm Lauren Goshinski and I'm a small Business owner, night life consultant, artist and resident in District 34 and I also support Proposal 9 but I want to say this with a huge Caveat and really caveat for all these proposals which we've heard today is that these will go the direction that the city and our districts enable them to go. So, if we're going to make a New York for everybody 24 hours a day, we can't keep following this highest invest use mantra that drives our night time spaces and our day time spaces.

Many people have never had the chance to get their foot in the door to create a space at night for themselves and their communities. Currently, zoned out areas if you look at them and you overlay them with a map of redlining and historic divestment, there's a lot of correlations there. And women, people of color, LGBTQ communities, indigenous and immigrant communities all still face a lot of barriers to just get their foot in the door.

1 In this sector, as you probably know is also
2
3 mostly working class and these spaces provide
4 essential jobs in a place for communities to come
5 together for millions of New Yorkers. So, I call on
6 our Council Members and our district representatives
7 to think about the night with the same equity lens
8 that we think about the day and I understand that
9 there are anxieties, especially around noise but
10 again, this gives people options. We can find more
11 options to put people somewhere where the noise is
12 not a problem, which is a great thing.

13 Small spaces are also more affordable to sound
14 proof. They're more manageable when it comes to
15 crowd control and they're more connected with their
16 local communities, ideally because the owners are
17 from that neighborhood. There's also growing sober
18 and Asian inclusive movements, not just in New York
19 but around the world. It would be great to see them,
20 have access to spaces like this.

21 We can be creative about it and most importantly,
22 this doesn't end with zoning. We in nightlife also
23 want diversity. We don't want displacement and we
24 can be part of a 24-hour solution if you'd let us be.
25 Thank you.

1 CHAIRPERSON RILEY: Thank you so much. There
2 being no questions for this panel, you are now
3 excused. Thank you so much. Uhm, I just want to
4 acknowledge a few members who came here today that
5 didn't get to testify who were in favor of the
6 project, Ms. Candace Thompson, Andrew Macmore(SP?),
7 Julie Stein, Regina Moore, Meagan Peckerson(SP?),
8 Kara Echolm(SP?), Randy Pears(SP?), Howard
9 Platkin(SP?), Michael Femberg(SP?), Nancy
10 Steeler(SP?), Carmen Susan Osoreal(SP?), James
11 Schoffer(SP?), Karen Cregal(SP?), Ariel Pollits(SP?),
12 Brenda Castomos(SP?), and Prince Sandra Jacquez(SP?)
13 and Millie Salzar(SP?). They were here today but
14 weren't able to testify but if they do come back
15 we'll allow them to testify and please submit your
16 written testimony online if you are still listening.

17 I will now turn it over to our online testimony.
18 The next panel I will be calling is Rae Moore, Robert
19 Press, Derek Pitts, and Quincy Ely-Cate. The
20 following panel after that will be Eva Hanhardt, Gina
21 Caliendo, Grace Marrero, and Karen Argenti.

22 We will be first with Rae Moore.

23 RAE MOORE: Hello, can you hear me?

24 CHAIRPERSON RILEY: Yes, we can hear you.
25

1 RAE MOORE: Great, good afternoon. My name is
2
3 Rae Moore and I'm a Senior Quality Research and
4 Training Specialist at Safety Partners. We create
5 environmental health and safety programs for the life
6 science companies working with hazardous materials
7 and in the past 30 plus years, we have implemented
8 programs for more than 900 companies in
9 Massachusetts, New York and throughout the United
10 States.

11 Safety Partners is providing this testimony about
12 lab safety and regulations in support of the City of
13 Yes Zoning for Economic Opportunity Proposal 8. Life
14 science work involves hazardous materials and there
15 are risks associated with it. On the other hand,
16 there is oversight from all levels of government to
17 keep the workers, environment and public safe and a
18 regulator can inspect and facilitate any time.

19 The FDNY requires a life unit permit and
20 certificate of fitness in order to store used
21 chemicals. The permit involves a thorough review of
22 DOB approved floor plans to confirm that facility is
23 constructed in accordance with construction and fire
24 codes and the certificate holder must demonstrate
25

1 competency with safe chemical practices and this
2 requirement is unique to New York City.

3
4 The DEP oversees the Committee to Right to Know
5 program which requires annual reporting of hazardous
6 material that exceeds the reporting thresholds which
7 are much lower than federal thresholds and the DEP
8 conducts annual inspections. The DEP also regulates
9 through our use and the regulations outlined what is
10 prohibited from discharge and can require
11 pretreatment before its discharge into the sewer
12 system. The DSNY requires annual reports from
13 generators of biomedical waste. At the state level,
14 the DEC or Department of Environmental Conservation
15 regulates biomedical waste generated in research labs
16 and along with EPA regulates hazardous chemical
17 waste.

18 At the federal level, OSHA standards, such as
19 hazard communication, lab and pathogens cover
20 specific hazardous materials safety and include
21 training and documented procedures. There is also
22 OSHA's general duty clause which require employees,
23 employers to provide a place of employment that is
24 free from recognized hazards that can cause harm to
25 employees, excuse me.

1 At the end of the day, employees want to go home
2
3 at the end of each work day. They are at greatest
4 risk to hazards in the lab and by implementing safe
5 and compliant work practices, they are keeping
6 everyone safe.

7 SERGEANT AT ARMS: Your time is expired. Thank
8 you.

9 RAE MOORE: Thank you.

10 CHAIRPERSON RILEY: Thank you. Next, we'll hear
11 from Robert Press.

12 ROBERT PRESS: Thank you Councilman Riley for
13 your and other Council Members comments. City
14 Planning went to Community Boards and did not get
15 approval to this plan, so by the majority of the
16 boards, thus City Planning has revised many of the
17 proposals but has not gone back to Community Boards
18 for their approval or not without wanting any more
19 comments from Community Boards. City Planning Chair
20 Dan Garodnick said that City Planning intends to
21 release the City of Yes for Housing next, but in the
22 Bronx at the delegation me and you heard Chairman
23 Riley that Bronx City Planning Rep Paul Phillips said
24 that City Planning has already put in the bonus
25 height in the Metro North rezoning, which includes

1 second floor businesses from the City of Yes Economic
2 Opportunity, before the City Council has voted on
3 either of the two remaining City of Yes components.
4 The Mayor has already celebrated this morning that
5 it's passing, so in conclusion Councilman Riley, I
6 ask that your Council Committee lay this over until
7 City Planning brings the revisions that they have
8 made to Community Boards for another vote to see if a
9 majority of the Community Boards will be happy with
10 the new process and they will either approve the City
11 of Yes for Economic Opportunity or ask for more
12 revisions. You must be sure that you're not
13 approving something where people will be able to be
14 going around the laws. Get it right the first time.
15 Thank you.

17 CHAIRPERSON RILEY: Thank you Mr. Press. Next,
18 we will hear from Derek Pitts. Mr. Pitts, if you can
19 hear me, you may begin.

20 DEREK PITTS: Hello, can you hear me okay
21 everyone?

22 CHAIRPERSON RILEY: Yes, we can.

23 DEREK PITTS: Okay, thank you for the opportunity
24 to testify. My name is Derek Pitts. I own and
25 operate Farm One, a relatively new 10,000 square foot

1 indoor vertical farm located in Prospect Heights
2 Brooklyn. I'm testifying on behalf of myself in Farm
3 One in strong support of the initiative, especially
4 as it relates to fostering an environment that
5 enables the growth of small businesses. We grow
6 produce, specifically leafy greens and sell direct to
7 New York City chefs, restaurants and consumers. We
8 have 18 employees. We are located in a very small M1
9 Zone that is literally surrounded by residential,
10 commercial, and mixed-use zones. We are a quiet,
11 clean manufacturing, hyperlocal, sustainable business
12 that relies heavily on local neighborhood foot
13 traffic to survive, just like any other consumer
14 facing, retail focused business. The fact that we
15 can farm food indoors and offer it so close to the
16 people who want and need it, it's largely fortuitous
17 in our situation but it should be a dynamic that
18 could be easily repeated in commercial and mixed-use
19 zones bolstered to the people and not strictly
20 limited to manufacturing zones, which are generally
21 much further away from the people. This is generally
22 true for most of the sustainability focused
23 businesses that are so important for the city.
24
25

1 This proposal takes a giant step in that
2 direction. Also, while this initiative is focused on
3 updating zoning rules, I can tell you that one aspect
4 that cannot be understated is how this proposal is
5 intended to simplify the rules, reduce the
6 ambiguities, friction and issues that arise when
7 things like unclear and outdated zoning rules
8 intersect with the myriad, almost countless other
9 rules and regulations in the City that Can. Although
10 it's supposed to be intended for good at various
11 times feel like they strangle small businesses as
12 opposed to foster growth.

14 We think this proposal is an extraordinary effort
15 towards modernizing the regulations and paving the
16 way -

17 SERGEANT AT ARMS: Your time is expired. Thank
18 you.

19 DEREK PITTS: For clean manufacturing urban -
20 thank you very much.

21 CHAIRPERSON RILEY: Thank you. Next, we'll hear
22 from Quincy Ely-Cate.

23 QUINCY ELY-CATE: So, good afternoon. Thank you.
24 Can you hear me?

25 CHAIRPERSON RILEY: Yes, we can hear you.

2 QUINCY ELY-CATE: Alright. So, good afternoon
3 Chair Riley, my name is Quincy Ely-Cate, I'm Director
4 of Industrial Business Development at the Business
5 Outreach Center BOC Network. We're a nonprofit
6 organization that proudly supports industrial and
7 manufacturing businesses and jobs across Queens,
8 Brooklyn and the Bronx.

9 Today, I'm providing input on the City of Yes
10 Economic Opportunity Text Amendment for new
11 manufacturing districts. By providing quality jobs
12 for New Yorkers who need them the most, a strong
13 industrial sector is critical to a more equitable,
14 economic development strategy. Additionally,
15 ensuring that the industrial manufacturing businesses
16 are able to operate in New York City is crucial to
17 meeting the city's essential needs and function while
18 also transitioning to a green economy.

19 Importantly, the new manufacturing districts text
20 amendment will help address some of the issues faced
21 by industrial businesses. However, essential
22 modifications are needed to make this text amendment
23 effective so that it actually supports the businesses
24 that we intend to protect. For core industrial
25 districts, M3 A, a restriction on all nonindustrial

2 uses to 10,000 square feet per zoning lot is critical
3 and also creating two additional M3 A Districts,
4 offering higher FAR of 4.0 and 5.0.

5 In addition – sorry. For growth districts M1 A
6 included an incentive bonus for industrial uses along
7 the lines of M2 A transition districts to promote
8 developments utilizing 15 percent of floor area for
9 industrial uses. For all districts, M1 A to M3 A in
10 mixed use developments include requirements that at
11 least a portion of the ground floor is dedicated to
12 qualifying uses with access to loading docks and
13 freight elevators.

14 Thank you for your time and consideration today.

15 CHAIRPERSON RILEY: Thank you. The next panel
16 I'm going to call up is Eva Hanhardt, Gina Caliendo,
17 Grace Marrero, and Karen Argenti. The following
18 panel will consist of Camelia Tepelus, Julie Stein,
19 Regina Myer and Phyllis Inzerillo.

20 Ms. Eva Hanhardt, if you can hear me, you may
21 begin.

22 EVA HANHARDT: Yes, I can hear you. Can you hear
23 me?

24 CHAIRPERSON RILEY: Yes, I can.

1 EVA HANHARDT: Okay. I am Eva Hanhardt
2
3 testifying on behalf of the collective for community,
4 culture and environment, an all women planning and
5 architecture consultancy. We have submitted written
6 testimony.

7 The collective commends the Administration for
8 seeking zoning updates to address long standing and
9 post COVID economic challenges. We commend City
10 Planning's efforts to keep the public informed and
11 their recognition that improvements in business and
12 manufacturing operations now makes selected uses
13 compatible with other uses. While we support many of
14 the economic opportunity proposals, we cannot endorse
15 it. Despite good intentions, major defects prevail.
16 Without an EIS or ULURP, there was no opportunity in
17 economic opportunity for public input into the scope.
18 The proposed major changes to use groups and
19 manufacturing zoning are much more than updates and
20 should be treated as separate actions.

21 Unfortunately, environmental justice concerns are
22 not addressed. For example, there is no zoning
23 proposal to regulate large last mile fulfillment
24 facilities that increase traffic, air pollution, and
25 are clustered in environmental justice communities.

2 Many of the zoning proposals are one size fits all,
3 disregarding local context. Commercial use proposals
4 dilute the concept of local shopping streets, eroding
5 neighborhood shopping and service areas that serve
6 residents daily needs, allowing the same retail and
7 service uses in C1 and 2 as in the more general
8 business districts by right or by permit such as
9 vehicle repair shops, micro distribution facilities
10 and allowing in all residents districts, retail and
11 services uses on corner lots, green houses, racket
12 courts, sand, gravel or clay pits, laboratories on
13 community facility campuses. Absent changes that
14 collective urges a no vote. Thank you very much.

15 CHAIRPERSON RILEY: Thank you. Next, we'll hear
16 from Gina Caliendo. Gina, if you can hear me, you
17 may begin.

18 GINA CALIENDO: Good afternoon. Yeah, yeah,
19 okay, good afternoon. My name is Gina Caliendo and
20 I'm a lifelong Bronx resident. I stayed here to
21 raise a family throughout the city of good times and
22 bad times. I am not in favor of most of the proposed
23 changes to the City of Yes proposition. While well
24 intentioned, it misses the mark and creates
25 opportunities to further damage housing and reduce

1 quality of life. Allowing commercial use within 100
2 feet of corners in second floor apartments and
3 increasing the size and scope of existing home
4 businesses will encourage absentee landlords to
5 convert housing to unofficial commercial space. No
6 matter what the intentions, this will effectively
7 remove housing stock and create unsafe environments
8 for neighbors by increasing traffic and the use of
9 our already strained infrastructure. There are
10 already so many empty storefronts. The need for new
11 commercial space is really nonexistent. We're unable
12 to remove people who are illegally occupying homes
13 and we can't shut down shops selling illegal
14 marijuana. How are we supposed to be believe we'll
15 be able to stop someone from inappropriately setting
16 up a business in a home they aren't truly occupying?
17

18 Allowing commercialization of space that's
19 residential is a dangerous path that will negatively
20 impact in an already difficult quality of life in the
21 city. The changes to the night life regulations may
22 sound small and simple but in reality it will result
23 in dramatic impacts on quality of life in areas with
24 small venues. Crowds, liter and noise will be
25 increased and the allowance for dancing as presented

2 will absolutely allow the creep of adult
3 entertainment into residential communities.

4 The City of Yes also effectively replaces
5 Community Board input with centralized city planning
6 approval. As eloquently stated by Councilwoman
7 Hanks, Paladino and my own Councilwoman Kristy
8 Mamorato, individual community needs are different.
9 We are not all in Manhattan or Downtown Brooklyn.
10 The City of Yes as set up should be called the City
11 of Rubberstamp because it is essentially eliminating
12 any input putting all decisions in the power of
13 unelected city planners and activists. Let us
14 instead be the city of what's best for our residents
15 to put power in the hands of local community boards
16 and elected Council Members. Thank you for allowing
17 me to speak.

18 CHAIRPERSON RILEY: Thank you. Next, we will
19 hear from Grace Marrero. Grace, if you can hear me,
20 you may begin.

21 GRACE MARRERO: Can you hear me?

22 CHAIRPERSON RILEY: Yes, we can hear you.

23 GRACE MARRERO: Okay, yes, yes, it's Grace
24 Marrero not Marrero, so appreciate the
25 mispronunciation there.

1 CHAIRPERSON RILEY: I try my best.

2 GRACE MARRERO: Let me just cut straight to the
3 chase Mr. Riley. Uhm, all these things that were
4 spoken about, the restrictions and yada, yada, all
5 that stuff, rezoning, the City Council can do that.
6 They can change these old, dated laws if they want
7 to. It has nothing to do with rezoning. I'm a
8 constituent of Kristy Mamorato. I'm the Founder and
9 Chair of the Allerton Barnes Block Association and a
10 member of the Coalition of East Bronx Community
11 Associations. We're a group of community
12 associations looking to make a bigger impact together
13 as a group instead of just being individual. We
14 don't approve of this. We are not for this plan.
15 Like I said, the City Council can fix these laws
16 because that's what they're supposed to do. They can
17 fix these laws to help the small business and do
18 whatever needs to be done to fix the antiquated laws.

19 What it doesn't do is like Vickie Paladino took
20 the words right out of my mouth. It's not one size
21 fits all. What works in Manhattan does not work in
22 the Bronx. We don't want these big buildings here.
23 Okay, I know this is a developers dream to change the
24 laws. This is also part of Mayor Adams globalist
25

1 agenda that he signed onto for the globalist
2 Mayor's. He signed on to reduce the carbon of New
3 York City by 2030. He's part of the 2030 agenda.

4 That's a globalist agenda that looks to decrease
5 the population and decrease our food supply and
6 increase power and wealth to the ultra uber rich and
7 leave us dweebs down here below if we live.

8 SERGEANT AT ARMS: Your time has expired. Thank
9 you.

10 CHAIRPERSON RILEY: Thank you. Next, we'll hear
11 from Karen Argenti. Karen, if you can hear me, you
12 may begin.

13 KAREN ARGENTI: Hi, yes, my name is Karen
14 Argenti. I'm representing the Bronx Council for
15 Environmental Quality, a 53-year-old community group
16 in the Bronx that has protected the environment.

17 Economic opportunity and manufacturing makes up
18 zoning designations, increases in per view surfaces,
19 and ignore the New York City's climate change goals
20 of 40 and 30. We urge you to vote no for the
21 following reasons: 5, 7 to 11, and 14 to 17 plus
22 some more.

23 The turning of industrial and manufacturing into
24 existing commercial areas is none conducive to
25

1 merchant organizing. The intrusion of home offices
2 and residential and residential uses conflicts as
3 well. Finally, the construction for urban
4 agriculture amusements, bio technology, life
5 sciences, film industries, campus and corner stores
6 will increase in per view service in our city. The
7 city is already at 72 percent impervious, a cause of
8 severe flooding. If you don't meet New York City's
9 2030 climate change goal to reduce greenhouse gases
10 by 40 percent, you can look forward to a 100-degree,
11 three-day key -

12 GRACE MARRERO: That is a lie. That's a lie.

13 CHAIRPERSON RILEY: Excuse me, excuse me Ms.
14 Grace.

15 KAREN ARGENTI: A couple of times in the summer.

16 CHAIRPERSON RILEY: Thank you.

17 KAREN ARGENTI: Not only is this very expensive
18 to mitigate, it will cause existing residents to
19 leave. At this point, we must deal with mitigating
20 the impacts of the last decades over development.
21 BCEQ is not against development. We only ask that it
22 follow guidelines such as those we set out for in our
23 2006 low impact development doctrine. We need more
24 trees, green infrastructure, wet lands, open space,
25

2 strict compliance with the unified storm water rules.
3 We love Manhattan but we don't want to be Manhattan.

4 And I'd just like to say that we're also part of
5 a group called the Bronx, Protect Bronx Neighborhoods
6 from Overdevelopment and we look forward to talking
7 with you -

8 SERGEANT AT ARMS: Your time has expired. Thank
9 you.

10 CHAIRPERSON RILEY: Thank you so much. Uhm, the
11 next panel that I'm going to call up is Camelia
12 Tepelus, Julie Stein, Regina Myer and John
13 Calcagnile. I apologize if I butcher your name. I'm
14 trying my best. The following panel I'm going to
15 call up after is Phyllis Inzerillo, Maria Caruso,
16 Laura Spalter, and Bernadette Ferrara. First, is
17 going to be Camelia Tepelus.

18 CAMELIA TEPELUS: Good afternoon, can you hear
19 me?

20 CHAIRPERSON RILEY: Yes, we can hear you Camelia.

21 CAMELIA TEPELUS: Thank you sir. My name is
22 Camelia Tepelus and I'm testifying as Executive
23 Director of Morris Business Improvement District in
24 the East Bronx District Council 13. Covering 21
25 blocks of a commercial corridor of over 300 small

1 businesses in support of the City of Yes for Economic
2 Opportunity. No change before the invention of the
3 modern computer, New York City Zoning rules call for
4 a long overdue and significant contribution.
5

6 We commend DCP for undertaking this considerable
7 effort to help our city stay competitive, a welcoming
8 [INAUDIBLE 05:59:25] of the world for
9 entrepreneurship and opportunity. We particular
10 commend DCP for their comprehensive framing of this
11 initiative in a bigger context, along with the 200
12 pieces City of Yes for Carbon Neutrality and for
13 housing opportunity.

14 While we support initiative from the point of
15 view of East Bronx, we would like to bring to DCP two
16 concerns that relate specifically to our context,
17 which is a part of rezoning process taking place in
18 relation to the transformative East Bronx Metro North
19 expansion that would lead to four new Metro North
20 stations being opened and significant developments
21 taking place over the forthcoming years along the
22 Metro North tracks.

23 Issue number one, enforcement of existing laws
24 and regulations. The city is being challenged as it
25 is to enforce compliance with regulations and we urge

1 DCP to continue these efforts to ensure that all
2 related agency DOB, DEP, DOT would have their
3 resources and internal capacity to enforce the
4 provisions of the proposed initiative. We saw the
5 devastating effect of well-intended new legislation,
6 the next robust enforcement in the proliferation of
7 the illegal smoke shops that currently plague the
8 city with the State of New York currently scrambling
9 to pass legislation and enforcement processes.
10

11 Issue Number 2, coordination among city agencies.
12 This proposal will impose infrastructure challenges
13 to DEP, DOT and many other agencies that will need to
14 coordinate efforts and allocate additional resources
15 to respond to new needs in areas of higher density.
16 We currently face significant challenges as it is.

17 SERGEANT AT ARMS: Your time has expired. Thank
18 you.

19 CAMELIA TEPELUS: Thank you sir.

20 CHAIRPERSON RILEY: Thank you. Next, we'll hear
21 from Julie Stein.

22 JULIE STEIN: Good afternoon. My name is Julie
23 Stein and I am the Executive Director of Union Square
24 Partnership. I am here to speak in support of City
25 of Yes for Economic Opportunity. As the business

2 improvement district, we are focused on the health of
3 our dynamic live, work, play ecosystem and thanks to
4 that, Union Squares foot traffic is nearly the
5 recovery to prepandemic levels. However, we're still
6 seeing an elevated level of retail and office vacancy
7 in line with citywide trends.

8 We have the opportunity to modernize our
9 commercial landscape with unique in person
10 experiences that engage office workers, residents,
11 shoppers and other visitors. These in person
12 experiences fit in the play category of that critical
13 live, work, place success formula. Union Square has
14 long at play uses. The park, theaters, concert
15 venues, destination retailing, unique small
16 businesses. We are now seeing a renewed interest in
17 opening play uses in the district. Comedy in jazz
18 clubs, arcades and bar games and a handful of
19 experiential retail stores focused on kids and
20 family. But these new uses are coming in slowly
21 despite a strong customer base in Union Square and
22 retail storefront available in our district.

23 Compare Union Square's experience with what's
24 happening right now in SoHo, which is at the cutting
25

1 edge of experiential retail and one of the lowest
2 vacancy rates in New York City in retail right now.

3
4 Retailers in SoHo are creating a new kind of
5 storefront focused on immersive experiences that
6 combine traditional amusement uses with the retail
7 shopping experience. Why are these experiential
8 retailers choosing SoHo time and time again? One
9 reason is that the existing mixed-use zoning is more
10 permissive of these creative offerings than the
11 zoning we have in Union Square but it doesn't have to
12 be that way.

13 Today, the City of Yes Text Amendments have the
14 opportunity to remove these outdated zoning
15 limitations so we can ensure that business districts
16 across the city have active storefronts and a
17 diversity in ground floor offerings such as real
18 experiential retail. This vibrant retail landscape
19 will lead to expanded foot traffic, increase tourism,
20 and a livelier public realm, which supports
21 businesses, increases public safety and improves
22 quality of life.

23 Furthermore, small business owners are asking for
24 clarity in the rules around these modern use
25 experiential retail. These zoning text amendments

2 will provide the Department of Buildings with clear,
3 updated -

4 SERGEANT AT ARMS: Your time has expired. Thank
5 you.

6 JULIE STEIN: Thank you so much.

7 CHAIRPERSON RILEY: Thank you. Next, we'll hear
8 from Regina Myer. Regina, if you can hear me, you
9 may begin. Do we have Regina Myer online? Okay,
10 next we will hear from John Calcagnile. John, if you
11 can hear me, you may begin.

12 JOHN CALCAGNILE: Yes, I'm here, can you hear me?

13 CHAIRPERSON RILEY: Yes we can hear you John.

14 JOHN CALCAGNILE: Yes, good afternoon and thank
15 you for the opportunity to testify at this hearing.
16 I am Land Use Chair for Community Board 10 in Queens
17 and I also wear another hat. I'm also a
18 practitioner, an architect and I have been dealing
19 with this Zoning Resolution for my career for years.

20 It is a welcome change and a review of the text
21 amendment and to update what it's trying to do;
22 however, I believe that as the Chair of Community
23 Board 10 and the responses that we've gotten from our
24 neighbors and Community Board, community residents, I
25 believe that the text amendment needs more fine

2 tuning, especially in the way we responded from the
3 Community Board after we reviewed this part. We did
4 request modifications; however, especially for
5 restricted storefronts, amusements, home occupations
6 and the big issue on our community board is corner
7 stores in residents districts and all of the – we do
8 have an area comprised mostly of low density R1 to R5
9 districts with commercial corridors. We do have our
10 commercial stores and other types of uses in place
11 and to introduce this now, I think it's a hindrance
12 to our thing and an important thing that the Chair
13 said earlier, this text amendment was guided by
14 existing current zoning districts. So, how could you
15 turn around now and introduce corner stores in low
16 density residential districts that are 100 feet back
17 from commercial zones?

18 SERGEANT AT ARMS: Your time has expired. Thank
19 you.

20 JOHN CALCAGNILE: Thank you.

21 CHAIRPERSON RILEY: Thank you. The next panel we
22 are going to hear from consists of Phyllis Inzerillo,
23 Maria Caruso, Laura Spalter and Bernadette Ferrara.
24 The following panel is going consist of Megan
25 Fitzpatrick, Paul Graziano, Joseph McAllister,

2 Michele Birnbaum. First, we're going to begin with
3 Phyllis Inzerillo. Phyllis, if you can hear me, you
4 may begin.

5 PHYLLIS INSERILLO: Thank you so much Chair
6 Riley. My name is Phyllis Inzerillo, I am the Co-
7 President of the Howard Beach Lindenwood Civic
8 Association. Our organization covers over 28,000
9 people living in Howard Beach. The City of Yes
10 Economic Opportunity Text Amendment would make major
11 changes to the existing zoning regulations that
12 restricts certain kinds of businesses from opening in
13 commercial and residential districts throughout New
14 York City. It would allow businesses that had long
15 been restricted in residential areas to open within
16 our neighborhoods, not just on commercial strips.

17 People choose to live in Howard Beach for its
18 quiet streets, local businesses run by their
19 neighbors on a main strip and the wonderful sense of
20 community that is felt here. They buy their homes
21 and pay high taxes in the hopes that it would
22 preserve the quality of life that they are seeking.
23 The City of Yes Economic Opportunity Text Amendment
24 is a direct threat to everything our neighbors have
25 worked hard for and we wholeheartedly oppose this

1
2 proposal. We do not want a proliferation of
3 businesses where they never existed, causing
4 disruptions to our quality of life. Our community
5 does not want the corner stores that are described in
6 the proposal. We do not need extra unnecessary
7 traffic throughout the streets of a quiet residential
8 area. We do not want Board Authority to be granted
9 to granted to the Board of Standards and Appeal,
10 allowing it to modify under this proposal. The size
11 and closure and other requirements for committed use
12 or to even grant doubling the maximum size of the
13 use. There is a reason that there hasn't been a
14 change to zoning of these residential areas in a
15 number of years and that is because these changes
16 would hurt residential communities such as Howard H.,
17 Ozone Park and the like.

18 At our monthly meetings, all of the attendees
19 have been opposed to the proposal. We have yet to
20 hear from one member of the community who is not
21 involved with the political organization or city
22 agency that is favor of this text amendment. Our
23 Community Board gave suggestions for modifications
24 and none were included in the final plan.

2 Chair Garodnick mentioned that many portions of
3 this plan already exists in some areas of the city.
4 That statement supports our position of why residents
5 chose to live in area where these conditions do not
6 exist. We like where we live and the current zoning
7 that exists here. It should not be a one size fits
8 all, all inclusive plan. It should be broken up into
9 parts and voted on by each district with a ULURP
10 process remaining intact.

11 SERGEANT AT ARMS: Your time has expired. Thank
12 you.

13 PHYLLIS INSERILLO: We urge City Council Members
14 to vote no on the City of Yes Economic Opportunity
15 Citywide Text Amendment. Thank you.

16 CHAIRPERSON RILEY: Thank you Phyllis. Next,
17 we'll have Maria Caruso.

18 MARIA CARUSO: Thank you for the opportunity to
19 speak. I'm representing and I'm a member of the
20 Community Board 10 in the Bronx. I'm on the Zoning
21 and Housing Committee and we voted unanimously no on
22 the City of Yes Economic Opportunity portion.

23 Out of the 12 community boards in the Bronx,
24 three voted an out and out yes, Four voted an out and
25 out no and the rest were yes with conditions. I

1 think that the Community Boards were a little bit
2 mislead or maybe I don't want to say mislead, with
3 the fact that they, the ones that voted yes with
4 conditions really did think that the conditions were
5 going to be met and if not that they would then have
6 the opportunity to vote no but that is not happening
7 and hearing earlier from the Department of City
8 Planning how the Community Board votes on binding, I
9 think it's troublesome. I want to say that our
10 community, I also sit on the City Island Chamber of
11 Commerce and Chamber of Commerce is also against this
12 economic opportunity where it would definitely affect
13 our quality of life having this kind of thing happen
14 in our community. And in Community Board 10, in all
15 the communities of Community Board 10 in the Bronx.
16 So, I implore the City Council to vote no for this
17 economic opportunity. Thank you.

18
19 CHAIRPERSON RILEY: Thank you. Next, we're going
20 to hear from Laura Spalter.

21 LAURA SPALTER: Hello, my name is - can you hear
22 me?

23 CHAIRPERSON RILEY: Yes we can hear you Laura.

24 LAURA SPALTER: Okay my name is Laura Spalter, I
25 am speaking on behalf of the Broadway Community

1 Alliance and Protect Bronx Neighborhoods from over
2 development. A coalition of 29 organizations united
3 in our opposition to these one size fits all zoning
4 proposals. Our coalition spans unique neighborhoods
5 from Allentown, City Island, Ferry Point, Mosholu
6 Parkway, Park Chester, Helen Parkway, Pelham Bay,
7 Riverdale Spuyten Duyvil, Mid Concourse, Morris Park,
8 Van Nest, [INAUDIBLE 06:11:30] Wakefield, Woodlawn
9 and West Chester Square. We oppose City of Yes for
10 Economic Opportunity because it erases zoning
11 protections by allowing 2,500 square feet of
12 commercial development in residential neighborhoods
13 where currently prohibited. This is problematic
14 because commercial businesses are accompanied by
15 increased garbage, truck deliveries, traffic
16 congestion, signage, etc..

17
18 We oppose the change to allow 15,000 square feet
19 of commercial development if it's available combined
20 lots to a mass 1.5 acres of property. This will
21 surely incentivize developers to tear down private
22 homes in low density neighborhoods for commercial
23 use. We question DCP so-called process including
24 environmental and community board review.
25 Inevitably, developers will issue a neg dec.

2 Community Boards are only advisory and these
3 developments will be rubber stamped and forever
4 negatively impact our communities quality of life.
5 Why does DCP want to promote extending commercial
6 businesses into residential neighborhoods when
7 there's already a 12 percent retail vacancy rate?

8 These new businesses will compete with our
9 current shopping areas and hurt our small businesses
10 including mom and pop stores. Likewise, under the
11 law of unintended consequences, allowing industrial
12 and manufacturing uses into commercial zones
13 increases the demand for space and will raise rents
14 for our smaller businesses. The devil is in the
15 detail.

16 SERGEANT AT ARMS: Your time has expired. Thank
17 you.

18 LAURA SPALTER: They are lacking. We urge the
19 City Council to reject these proposals. Thank you.

20 CHAIRPERSON RILEY: Thank you. Next, we have
21 Bernadette Ferrara.

22 BERNADETTE FERRARA: Good afternoon Chair Riley,
23 Council Members and members of this Committee. My
24 name is Bernadette Ferrara and even though I'm the
25 President of the Van Nest Neighborhood Alliance and

1 also Chair of Bronx Community Board 11, today I speak
2 as a lifelong Bronx resident, living in the
3 neighborhood of Van Nest. One of the few low-density
4 communities in District 13. While the four
5 fundamental goals of the City of Yes Economic
6 Opportunity cast a broad stroke, it is in the fine
7 print where many communities take pause. What about
8 the true impact on low density communities in the
9 Bronx which have become an endangered species left to
10 crumble under the many options presented in these 18
11 proposals. For example, Proposal 5 is a pandoras box
12 of disasters waiting to happen. Blurring the lines
13 of residential and commercial districts.

14 Many of these proposals undermine low density
15 communities that offer an option, for example, those
16 who choose to live in Van Nest as opposed to living
17 in Park Chester or Coop City. Many families move to
18 these neighborhoods to escape congested parts of the
19 city in search of a better quality of life. There is
20 a way to support our business growth without zoning
21 obstacles and still allow our low-density communities
22 with green spaces to co-exist. Why not improve on
23 these specific zoning proposals without changing
24 everything? Instead of, with our low density, the
25

2 zonings should be focused on specific proposals that
3 further growth, commercial growth with less negative
4 impact on low density communities.

5 For the record, myself and low-density
6 communities are not against change but against too
7 much of it and ask that these proposals are
8 streamlined.

9 SERGEANT AT ARMS: Your time has expired. Thank
10 you.

11 BERNADETTE FERRARA: And completely eliminate the
12 allowed communities to grow or need. Thank you very
13 much.

14 CHAIRPERSON RILEY: Thank you Bernadette. Next
15 panel we're going to hear from is Megan Fitzpatrick,
16 Paul Graziano, Joseph McAllister, and Michele
17 Birnbaum. The following panel after that will
18 consist of Walter Mugdan, Ricardo Garcia, Rob
19 Spalter, and Phil Orenstein. The first panelist
20 we're going to hear from is Megan Fitzpatrick. Ms.
21 Fitzpatrick, if you can hear me you may unmute and
22 begin.

23 MEGAN FITZPATRICK: Hello Committee Chair and
24 Council Members. I'm Megan Fitzpatrick speaking on
25 behalf of Landmark West. Landmark West is an upper

2 west side neighborhood historic preservation and land
3 use nonprofit. We advocate for a sensible community
4 focus land use and zoning. We would also be
5 submitting full comments for the Council Members
6 review. New York lost money of its commercial uses
7 during the pandemic due to grandfathered rules
8 related to commercial storefront use. We are
9 encouraged to see efforts to retain these commercial
10 spaces, however, without provisions in place to
11 retain smaller retail like commercial rent
12 stabilization we may continue to see long vacant
13 storefronts in our commercial and mixed districts.
14 Furthermore, we are concerned that the current
15 proposals eliminate most of the customers were made
16 for Manhattan special zoning districts, which are
17 designed to encourage the retention of small-scale
18 retail to keep big establishments at bay.

19 The special zoning districts in the city were
20 designed with specific curation of uses to allow
21 entertainment and culture districts to flourish.
22 Replacing these custom sites with specific rules with
23 generic ones, turns is face of nearly 55 years of
24 planning and is inconsistent with the goals of
25 special purpose district. Additionally,

2 encouragement of commercial activity into residential
3 buildings will have a negative effect on the quality
4 of life for the community. This proposal does not
5 enforce environmental standards on commercial
6 businesses with the capacity of fewer than 75 persons
7 and the environmental standard that are enforced on
8 larger establishments are sparks, odor and glare.

9 We call against zoning changes that would allow a
10 commercial business to operate on upper floors of
11 residential buildings without much environmental
12 standards. We believe removing this exemption is a
13 better option to enforce oversight on all uses. Our
14 committee believes that sum total of these proposals
15 seek to dismantle decades of zoning protections that
16 have adapted to the unique idiosyncrasies of New York
17 and its neighborhoods. Abolishing them in one fell
18 swoop such as this will not only harm each
19 neighborhood but will create a city of saneness in
20 total opposition to the very quality that make New
21 York –

22 SERGEANT AT ARMS: Time has expired. Thank you.

23 MEGAN FITZPATRICK: Thank you Ms. Fitzpatrick.

24 Next we'll hear from Paul Graziano. Paul, if you can

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 296
2 hear me, you may begin and excuse me if I
3 mispronounced your name.

4 PAUL GRAZIANO: Hi, I'm Paul Graziano, I'm an
5 Urban Planning and Zoning Consultant working with
6 over 160 civic and homeowners associations across the
7 city representing hundreds of thousands of residents,
8 property owners and voters. I've read the 1,127
9 pages of zoning text multiple times and I'm firmly
10 opposed to this package of proposals. I also agree
11 with the first speaker, my colleague George James
12 that Proposals 15 through 17 are extremely dangerous
13 as they are essentially giving the CPC sole
14 discretion to approve land use changes that will have
15 major repercussions. I'll be submitting specific and
16 detailed testimony with visual examples by email for
17 Council Members to see the actual impacts of what
18 some of these proposals will have on some communities
19 around the city.

20 Contrary to what DCP is saying, this is a one
21 size fits all set of proposals. As Council Member
22 Hanks noticed, most of the slides that were shown
23 used Manhattan streets as examples. On the public
24 timeline slide that was shown, there was a purposeful
25 omission noticed by several Subcommittee members of

1 the fact that a two-thirds majority of Community
2 Boards voted against or refused to vote on this
3 package of proposals. All of the Boards in Staten
4 Island, more than two-thirds of the boards in Queens,
5 a large majority in Brooklyn and all of the Boards in
6 the north and east Bronx voted against this. After
7 the fact, several other boards that voted in favor
8 stated that had they actually known and understood
9 all of the details, they would have voted against
10 instead of in favor.

12 Having presented my findings at a dozen boards in
13 Queens, Brooklyn and the Bronx, I would be happy to
14 go into detail with the Subcommittee today as to why
15 so many boards voted unanimously against these
16 proposals and why they specifically refuse to give
17 feedback. Throughout this entire process, DCP has
18 not been forthright with the public or the community
19 boards. Even today, they have left out vital
20 information that may influence the Council Members on
21 their vote. Finally, many of these proposed changes
22 may not have as much impact in higher density
23 neighborhoods but again, as Council Member Hanks
24 mentioned, in lower density areas including one- and
25 two-family zones but also lower density multifamily

2 R3 through R5 zones, the effects will be
3 catastrophic, particularly Proposals 1, 5, 11, 15, 16
4 and 17. We urge the Council to oppose this package
5 of proposals in its entirety. Thank you.

6 CHAIRPERSON RILEY: Thank you Paul. Next, we'll
7 have Joseph McAllister. Joseph, if you can hear me,
8 you may begin.

9 JOSEPH MCALLISTER: On mute, you can hear me?

10 CHAIRPERSON RILEY: Yes, we can hear you Joseph.

11 JOSEPH MCALLISTER: Okay, my name is Joseph
12 McAllister. I am the President of the South Beach
13 Civic Association since 2001. Our organization
14 represents the interest of thousands of residents,
15 [INAUDIBLE 06:21:03] and property owners in South
16 Beach, Fort Wadsworth, Ocean Breeze, Grasmere, and
17 many other areas of Staten Island.

18 And also, the issues having to do with land use,
19 zoning, and housing in particular. The City of Yes
20 Economic Opportunity of 18 proposals will do terrible
21 damage to our neighborhood if it becomes law. We
22 know that two-thirds of the Community Boards across
23 the city voted against the City of Yes and yet, Mayor
24 Adams and the City Planning Commission are completely
25 ignoring them.

2 Allowing industrial and commercial zones, vice
3 versa, expand the night life micro distribution on
4 every commercial strip. The list of deregulatory
5 programs goes on with zero respect for density or
6 location. When City Planning was asked how all this
7 was going to be regulated and enforced, the repeated
8 response was Department of Buildings, which is
9 understaffed whereas architects are self-certifying
10 their plans.

11 We are a city made up of hundreds of unique
12 neighborhoods. The City of Yes is a disastrous
13 package of proposals that would cause untold harm to
14 communities throughout the city if it is allowed to
15 proceed by the City Council. The City of Yes plan is
16 an excellent opportunity for Manhattan. This is
17 currently the night life for Manhattans, not for
18 other boroughs. Like hundreds of commonsense
19 organizations around the city, our community is 100
20 percent opposed to the City of Yes Economic
21 Opportunity. As our representative, we urge the City
22 Council to reject the outrageous package of proposals
23 and send Mayor Adams and City Planning a clear
24 message. We don't want it.

2 Reconfigure with the residents, the citizens and
3 the boroughs and find out what is needed.

4 SERGEANT AT ARMS: Time is expired.

5 JOSEPH MCALLISTER: Not what City Planning wants.
6 Thank you very much.

7 CHAIRPERSON RILEY: Thank you. Next, we're going
8 to hear from Michele Birnbaum. Do we have Michele
9 Birnbaum? Michele Birnbaum going once. Michele, can
10 you unmute. You're online, you just have to unmute.
11 Michele, if you can hear me, please unmute and you
12 may testify. Okay, we are unable to get Michele
13 Birnbaum. We'll give her the opportunity to testify
14 later if she wants to. She is from the Historic Park
15 Avenue and she was testifying against this project.
16 Next, I'm going to call - next panel I'm going to
17 call up is Walter Mugdan, Ricardo Garcia, Rob
18 Spalter, and Phil Orenstein. The following panel
19 after that will consist of Yiatin Chu, Cathy Cebek,
20 Carol Donovan, and Frank Roma. The first panel is to
21 begin will be Michele, excuse me Walter Mugdan.
22 Walter, if you can hear me, please unmute and you may
23 begin.

24 WALTER MUGDAN: Thank you. Can you hear me?

25 CHAIRPERSON RILEY: Yes, we can hear you Walter.

1 WALTER MUGDAN: Good, my name is Walter Mugdan,
2
3 I'm President of the Westmorland Civic Association
4 representing a portion of Little Neck in Northeast
5 Queens. We strongly oppose two provisions of the
6 economic opportunity package. One authorizing corner
7 stores and offices in residential areas and the other
8 authorizing stores or offices on large scale sites in
9 residential areas.

10 In our residential communities, we do not need
11 stores and businesses like barber shops, beauty
12 parlors, nail salons, each with several employees and
13 with signs outside. Even more damaging would be
14 large scale stores and offices that could be built if
15 a developer assembles a 1.5-acre parcel. Now, the
16 language of these proposals include purported
17 safeguards such as requiring the Commission to
18 determine that these otherwise nonconforming uses
19 will not "produce objectionable effects" or "alter
20 the essential character of the neighborhood." These
21 are all highly subjective standards. It will be
22 nearly impossible for residents to successfully
23 oppose the approval of such uses and these standards
24 are essentially self-fulfilling.

2 Approval of the first such nonconforming use in a
3 community will likely be approved as not violating
4 these standards. The same will happen for the second
5 and the third. And pretty soon the essential
6 character of the neighborhood will indeed have been
7 significantly altered. This will be an example of
8 the law of cumulative impact. Each individual action
9 has only a small impact taken together the actions
10 have a profound impact.

11 More importantly even the mission that will be
12 evaluating whether or not these subjective standards
13 are or are not being met, is an entity, an agency
14 that has explicitly said it seeks to encourage
15 commercial development in residential communities.
16 So, commercial uses belong in and should be
17 encouraged in appropriate commercial zones but not in
18 residential zones.

19 SERGEANT AT ARMS: Time has expired. Thank you.

20 WALTER MUGDAN: Elements of the economic
21 opportunity package. Thank you.

22 CHAIRPERSON RILEY: Thank you. Next, we'll have
23 Ricardo Garcia. Ricardo, if you can hear me, please
24 unmute and you may begin.

25 RICARDO GARCIA: Yes, can you hear me?

1 CHAIRPERSON RILEY: Yes, we can hear you.

2 RICARDO GARCIA: Very good. My name is Ricardo
3 Garcia. I'm speaking on behalf of the City Island
4 Civic Association and we strongly urge New York City
5 Council to vote no on the Department of City
6 Plannings City of Yes for Economic Development. In
7 its desire to offer new opportunities for businesses
8 to grow, Department of City Planning has blurred the
9 commonsense lines between commercial and residential
10 neighborhoods. All in the name of progress. This is
11 problematic because the very nature of commercial
12 businesses are accompanied by garbage deliveries,
13 traffic and signage. The City of Yes creates a
14 process for constructing commercial developments,
15 2,500 square feet of size and corner properties at
16 every single residential neighborhood where the
17 current zoning prohibits it.

18 While City Planning expands commercial businesses
19 to residential neighborhoods, there are already
20 vacant stores that are willing and able to facilitate
21 these needs. Another radically zoning change allows
22 a process for commercial development up to 50,000
23 square feet in residential neighborhoods if the owner
24 has a minimum of 1.5 acres of property. This zoning
25

1 change will encourage developers to tear down private
2 homes for rusty old buildings in residential
3 neighborhoods. We oppose the zoning changes
4 developed by the Mayor's office for the night life to
5 promote live music, dancing and entertainment.
6

7 Although this proposal does not apply to residential
8 districts, our concern is the music, noise and
9 commercial disuse carrying over to adjacent
10 residential neighborhoods. We are currently living
11 through cuts to the police and enforcement agencies
12 like DOB and we fear that the unintended consequences
13 of this change will impact those agencies and our
14 quality of life. We also propose the proposed zoning
15 changes to allow home businesses in residential
16 neighborhoods to increase square footage for 25
17 percent to 49 percent. Increased employees 1, 2, 3.
18 Expand business categories.

19 SERGEANT AT ARMS: Time is expired. Thank you.

20 RICARDO GARCIA: Thank you. Do not disturb the
21 ULURP please. Thank you.

22 CHAIRPERSON RILEY: Thank you for your testimony,
23 Mr. Garcia. Next, we'll have Rob Spalter. Rob, if
24 you can hear me, please unmute and you may begin.

2 ROB SPALTER: My name is Rob Spalter. I'm Co-
3 Chair of the Broadway Community Alliance and speak on
4 its behalf. We are a civic association formed to
5 address land use and quality of life issues in and
6 around the Broadway corridor in North Riverdale. We
7 urge the City Council to vote no on City of Yes.
8 These zoning proposals reflect the wish list on the
9 Mayor's blast committee which was comprised of real
10 estate, construction, big business industries and
11 their lobbyists. These massive zoning changes will
12 permit manufacturing and industrial uses to be
13 permitted of a first time in commercial areas and
14 commercial uses permitted in residential areas under
15 a process that sounds good on paper but is fought
16 with unintended consequences and implementation.
17 City Planning's one size fits all approach will
18 destroy the unique character of our residential
19 communities while ignoring the struggles facing our
20 commercial areas. Clearly, the business community is
21 to siege the serious problem, including failure to
22 prosecute retail theft, high rents, competition from
23 ill vendors who pay no rent of taxes and a myriad of
24 confusing city regulations.

2 None of these issues are addressed by the City of
3 Yes. In fact, allowing industrial and manufacturing
4 uses, previously prohibited such as urban agriculture
5 and life science labs may increase demand for space,
6 causing rents to rise, further displacing our mom-
7 and-pop stores. Another troubling change allows home
8 businesses in residential neighborhoods to increase
9 their square footage from 25 to 49 percent and
10 increase employees from 1 to 3, while eliminating a
11 list of prohibited occupations. Complaints for
12 neighbors will fall on the Department of Building
13 fought for enforcement. Seriously? We also expose,
14 oppose the expanded night life provisions where
15 noises will spread problems into residential areas as
16 enforcement agencies experience cutbacks. There
17 simply has not been adequate opportunity to address
18 the impacts of this radical -

19 SERGEANT AT ARMS: Your time has expired. Thank
20 you.

21 ROB SPALTER: Please reject these proposals.
22 Thank you.

23 CHAIRPERSON RILEY: Thank you for your testimony
24 Mr. Spalter. Last person on this panel consists of
25

1 Phil Orenstein. Phil, if you can hear me, please
2 unmute and you may begin.

3 PHIL ORENSTEIN: Uh yes, my name is Phil
4 Orenstein, I'm the President of the Queens Village
5 Republican Club. Americas oldest republican club and
6 I thank you for the opportunity to testify against
7 these economic City of Yes proposals. I live in a
8 beautiful residential community here with my wife in
9 Eastern Queens. Folks in this community are from
10 every race, every religion, every ethnicity under the
11 sun.

12 We are friendly and amicable towards one another.
13 We live and work together in harmony and friendship.
14 We are members of the middle class. We are members
15 of the working class in America. Some of us retired
16 but all of us have achieved a measure of the American
17 dream, which is owning a piece of property which we
18 could call our own. This is the American dream.

19 I'm speaking on behalf of nearly everyone I know
20 in this neighborhood as we are opposed to the
21 destruction of our one- and two-family zoned
22 neighborhoods to transform them into busy commercial
23 zones which would destroy the character and quality
24 of life of our communities. As we become more aware
25

2 of the ramifications of these destructive City of Yes
3 proposals for economic change in our neighborhoods.
4 This is a massive economic expansion into residential
5 communities and we say no. We see it as a free for
6 all for big developers and corporations to profit and
7 plunder our communities which we regard as our own.
8 We in one voice say, not in our life. Vote against
9 this, we urge all City Council Members to vote
10 against this.

11 SERGEANT AT ARMS: Time has expired. Thank you.

12 PHIL ORENSTEIN: Thank you.

13 CHAIRPERSON RILEY: Thank you. The next panel
14 I'm going to call up consists of Yiatin Chu, Cathy
15 Cebek, Carol Donovan, and Frank Roma. The following
16 panel after that will consist of Eileen Miller,
17 George Havranek, Mario Buoviaggio, and Lo van der
18 Valk. The first panelist to present will be Yiatin
19 Chu. Excuse me if I mispronounce your name. Ms.
20 Chu, if you can hear me, you may begin.

21 YIATIN CHU: Thank you very much Chair Riley. My
22 name is Yiatin Chu and I'm President of Asian Wave
23 Alliance. Our organization represents the interest
24 of thousands of residents, homeowners and voters in
25 Queens and Brooklyn. The City of Yes Economic

1 Package will do terrible damage to our neighborhood
2 if it becomes law. We are not alone. Two-thirds of
3 community boards across the city oppose the City of
4 Yes. We are outraged at what this will do to our
5 neighborhood. We don't need or want every corner of
6 every residential block to potentially have
7 commercial or office development. And we certainly
8 don't want every residential unit in the city
9 apartment or private house to become a business with
10 up to three employees. Why do we need this when we
11 have existing vacant storefronts to prioritize in our
12 business strip? We already have a huge problem in
13 residential areas of Bayside, Flushing, Bensonhurst,
14 and Graves End with the lack of street parking for
15 residents and visitors.
16

17 Bringing more businesses into these areas is
18 irresponsible and short sighted. The congestion and
19 infrastructure demands on more suburban areas cannot
20 be supported without major investments in store
21 lines, electrical capacity, road work, schools and
22 more. Many in our community bought their American
23 dream in these neighborhoods for tranquility, great
24 schools and a quality of life a bit farther from the
25 hustle and bustle including traffic congestion and

2 noise of commercial areas. The City of Yes will
3 bring all of this to our front doors. We are a city
4 made up of hundreds of unique neighborhoods. The
5 City of Yes is a package of one size fits all that
6 would bulldoze over our diverse neighborhoods
7 throughout the city if allowed to proceed by the City
8 Council.

9 Each neighborhood and community should be
10 respected for our unique proposition and concern.
11 Asian Wave Alliance opposes the City of Yes for
12 Economic Opportunity. We urge the City Council to
13 reject this harmful package of proposals from Mayor
14 Adams. Thank you very much.

15 CHAIRPERSON RILEY: Thank you. Next, we'll hear
16 from Cathy Cebek.

17 CATHY CEBEK: Hi, good evening.

18 CHAIRPERSON RILEY: Hello, Ms. Cebek, we can hear
19 you but I think you have an echo.

20 CATHY CEBEK: Okay. I'm not sure.

21 CHAIRPERSON RILEY: Do you want to phone back in
22 Ms. Cebek?

23 CATHY CEBEK: Is the echo gone?

24 CHAIRPERSON RILEY: Yes, it's gone. You're good.

2 CATHY CEBEK: Okay thank you so much. Thank you
3 for the opportunity to express my concern regarding
4 the City of Yes Economic Opportunity Plan. My name
5 is Cathy Cebek, I'm a resident of the Bronx City
6 Island. I'm a board member of the City Island Civic
7 Association. I'm testifying today as a resident and
8 I'm an active member of my district.

9 I have attended meetings, information center
10 sessions, use videos and voiced my opinion to our
11 Community Board Council Members. At each meeting,
12 residents are welcomed as their input. Our Community
13 Board 10 voted no after hearing from many civic
14 associations and businesses. Please do not eliminate
15 the voices of the residents of New York City. This
16 is a blanket zoning change that will eliminate our
17 voices on future projects in our neighborhood. It's
18 undemocratic. The train has not left the station.
19 The Council Members could vote no to pull the brakes
20 on this to a little bit more comprehensible and your
21 questions are answered.

22 I would like to thank Councilman Marmorato for
23 listening to our district with a no. The Councilman
24 Palladino and the Councilman sitting next to her,
25 forgive me, I don't remember her name, for their

2 direct and commonsense remarks. I don't pass votes
3 for City Planning but for elected officials to
4 represent us. So, with that, City Island at this
5 time is special district zoning. It is a low
6 density, residential community. We have one road in
7 and one road out. Our infrastructure is outdated,
8 services have been cut, and we are a flood zone.
9 City Island has been called the New England Seaport,
10 the gem of the Bronx. There are known seafood
11 restaurants and welcome tens of thousands of visitors
12 from spring to fall to dine and stroll our beautiful
13 community.

14 It is unique and that is why New Yorkers come to
15 visit. People come to enjoy the quaint, charming and
16 article village atmosphere. Why would you destroy
17 that with out of character building and no parking?
18 Our community business generates many tax dollars for
19 New York City. Do you think people want to come here
20 to look at apartment buildings and no place to work?
21 Our main street has some empty storefronts and I -

22 SERGEANT AT ARMS: Time has expired. Thank you.

23 CATHY CEBEK: Our residents on dead end streets
24 cannot fit more stores and buildings without parking.

2 Are you planning to build an evacuation site here to
3 house people during hurricane storms -

4 CHAIRPERSON RILEY: Thank you Ms. Cebek.

5 CATHY CEBEK: I urge you to vote no and use a
6 commonsense approach to zoning in each community. Do
7 not eliminate our voices or input. We are residents
8 of New York City and voters. We are the people that
9 vote for you. Hear our voices and represent us.
10 Thank you so much for allowing my testimony. Thank
11 you.

12 CHAIRPERSON RILEY: Thank you. Next, we'll hear
13 from Carol Donovan.

14 CAROL DONOVAN: Hello.

15 CHAIRPERSON RILEY: Yes, we can hear you Ms.
16 Donovan.

17 CAROL DONOVAN: Yes, this is Carol Donovan.
18 Thank you for giving me an opportunity to speak
19 tonight. I'm President of Richmond Town and Clark
20 Avenue Civic Association in Staten Island and as
21 you've heard from what I hear is from residential
22 communities throughout the city, we are strongly
23 opposed to this proposal, City of Yes for Economic
24 Opportunity. We see it as something that is
25 essentially an insult and an outrage. The taxpayers

1 and for anyone that lives and works in New York City.
2 We do not want to be a 24/7 destination which would
3 be a Time Square environment in a residential area.
4 Would you want that in your residential area? No,
5 I'm sure. We don't want to proliferation of
6 businesses where they never existed and as many
7 people have already pointed out, there's already
8 existing storefronts that are vacant, which can
9 easily be used. We don't need them sitting inside an
10 apartment building where you don't have proper
11 regulation of who is running the business, what the
12 business is, what the effect is on neighbors. We
13 don't want broad authority granted to the BSA that
14 would allow them to modify size and closure or other
15 requirements because BSA historically has been almost
16 exclusively working in the interest of developers and
17 we don't want the sadly understaffed Department of
18 Buildings to oversee enforcement of this dangerous
19 zoning proposal. They can't handle what they're
20 currently charged with doing. We don't want corner
21 stores as described in the proposal because that
22 would only lead, as many people are already saying,
23 traffic nightmares, pollution, noise, lots of green
24 space, replacing once quiet residential community.
25

2 SERGEANT AT ARMS: Your time has expired. Thank
3 you.

4 CHAIRPERSON RILEY: Thank you so much Ms. Donovan
5 for your testimony. Last person on this panel is
6 Frank Roma. Frank, if you can hear me, please unmute
7 and you may begin. Frank Roma, if you can hear me,
8 please unmute and you may begin.

9 FRANK ROMA: Hello Mr. Chairman, ladies and
10 gentlemen of the Subcommittee. My name is Frank Roma
11 and I am a Queens resident and a business owner. I
12 am opposed to the City of Yes proposition. Firstly
13 and most obviously, there is no lack of vacant
14 commercial space anywhere in New York City and this
15 residential conversion measure is completely
16 unnecessary.

17 Also, the measure is very dangerous to community
18 residents because the buildings in Queens where these
19 new businesses would be established in existing
20 residential neighborhoods would not be suitable for
21 the commercial use. Because they have not been built
22 to commercial standards for building or fire safety.
23 The lack of sprinklers, fire exists, floor loading
24 requirements and handicap access would be
25 incompatible with the existing construction. The

1 noise and traffic would also be a burden to residents
2 and families living in these residential communities
3 who fully expect their standard of living to be
4 respected and remain peaceful. Traffic in these
5 neighborhoods would also be negatively impacted and
6 lower resident standards of living. There likely
7 would not be adequate parking, traffic-controlled
8 devices like stop signs and traffic lights would be
9 inadequate to maintain increased flow of traffic.
10 The streets and sidewalks are also probably undersize
11 to handle these increased flow loads of traffic.
12

13 If this new zoning resolution is passed to commit
14 any new commercial uses in residential areas, it
15 would cause chaos in another wise peaceful group of
16 neighborhoods throughout New York City.

17 Thank you for hearing me. I would like to thank
18 everyone here for their time. Have a good day.

19 CHAIRPERSON RILEY: Thank you Mr. Roma. The next
20 panel we're going to call up is Eileen Miller, George
21 Havranek, Mario Buonviaggio, Lo van der Valk, and the
22 final panel that's online is Richard Moses, Phil
23 Konigsberg, Laura Sewell, and Gregory Morris.

24 If anyone else is online and I did not just call
25 your name, please just raise your hand so we can

2 makes sure that you testify. The first panelist to
3 begin will be Eileen Miller, excuse me, Eileen
4 Miller.

5 EILEEN MILLER: Eileen Miller. That's fine.

6 CHAIRPERSON RILEY: Eileen, alright sorry.

7 EILEEN MILLER: Yes. Thank you so much for
8 allowing me to speak. My name is Eileen Miller, I am
9 speaking on behalf of the Bayside Hill Civic
10 Association. An organization that is in Bayside
11 Queens. This package of zoning text amendments will
12 drastically blur the lines between commercial and
13 residential zoning districts across New York.
14 Manufacturing will be committed within retail areas.
15 Commercial business can operate within residential
16 homes including nail salons, barbershops and illegal
17 smoke shops. Corner stores in high density,
18 multifamily buildings will be allowed on the corners
19 of residential blocks. Low density commercial zoning
20 districts will be changed to high density ones with
21 residential housing and commercial real estate.

22 One- and two-family zoned areas comprised of
23 small, a very tiny proportion of New York City and
24 they are the unique gems within the thriving
25 metropolis that makes the city it is. They are the

2 American dream. City of Yes will destroy these
3 neighborhoods by drastically changing their character
4 and population density. Many people who now reside
5 in the lower density areas will flea for more
6 desirable neighborhoods outside of New York City.
7 Many of our areas do not have the infrastructure to
8 support these increased densities. Property taxes
9 and tax values will likely decrease. We, the Bayside
10 Hill Civic Association oppose the City of Yes
11 proposal and we are imploring all of our City Council
12 people to understand what we're saying because you're
13 living in the same American dream that we are. Thank
14 you so much.

15 CHAIRPERSON RILEY: Thank you so much Ms. Miller.
16 Next, we'll hear from George Havranek. George, if
17 you can hear me, please unmute and you may begin.

18 GEORGE HAVRANEK: Good evening Council Member,
19 can you hear me?

20 CHAIRPERSON RILEY: Yes, I can hear you George.

21 GEORGE HAVRANEK: It's good to see you again
22 Chairman Riley. Excuse my video, it's not working.
23 I'm sorry for that although that might be beneficial
24 to others.

1
2 Anyway, this plan is much too assertive and
3 aggressive. We live in a very diverse, diverse city
4 and you're putting a blanket over something that
5 really is more warranted of a sort of a patchwork
6 quilt. I mean, each neighborhood, each community
7 board should be dissected to see what would fit and
8 what doesn't fit because this one glove fits all plan
9 just is not going to pass muster.

10 The point is that we have a very, very diverse
11 population in New York and we should also have a very
12 diverse living environments because what's happening
13 here, we're going to be taking away from the low-
14 density communities. We're going to be taking away
15 quality of life and that slice of suburbia which is
16 sort of suburban life inside city environments is
17 going to be gone. In some cases, we could say some
18 people are going to perceive this as a form of
19 constructive eviction. And I urge all of the Council
20 Members to please really rethink this. Maybe go back
21 to the drawing board and give us something else to
22 ponder because this particular plan, like I said, too
23 aggressive, too assertive. Maybe you could do
24 something else and maybe we could come up with
25 something that would be a real City of Yes instead of

2 this, which to me is just a city of mess. I thank
3 you and I urge you all please, vote no to this plan.
4 Have a good night.

5 CHAIRPERSON RILEY: Thank you so much. Next, and
6 excuse me if I'm mispronouncing your name. Mario
7 Buonviaggio. Mario, if you can hear me please unmute
8 and I apologize.

9 MARIO BUONVIAGGIO: Yes, can you hear me sir?

10 CHAIRPERSON RILEY: Yes, I can hear you.

11 MARIO BUONVIAGGIO: Alright, good afternoon, my
12 name is Mario Buonviaggio, I'm the Vice President of
13 a civic group Port Richmond North Shore Alliance. A
14 civic group located in 49th District. I represent
15 the diverse community of over 18,000 residents. We
16 strenuously oppose any consideration on any of the
17 proposals regarding the City of Yes.

18 I'm not surprised that the Mayor is celebrating
19 the passing of DCP's approval of this plan. This is
20 a perfect example of special interest. We are
21 troubled by many agency heads applauding this as
22 well. They were either misinformed or part of the
23 special interest group. Our community is already
24 dealing with many of the proposals such as
25 manufacturing corner stones and cabaret. We already

1
2 feel the residuals of these proposals. The results
3 are unhealthy, unsafe and times deadly. The City of
4 Yes is not a one size fit all.

5 Any modifications these proposals would deem
6 unsuccessful. They already strain enforcement
7 branches of these city agencies such as the Health
8 Department, State Liquor Authority and New York City
9 Department of Buildings, are mostly ineffective as
10 they are now. None of the modifications would
11 benefit on these proposals. Any individual or group
12 which supports these proposals are part of the same
13 of the old.

14 One individual which is of most concern is the
15 president and CEO of New York EDC Adam Kimble. He is
16 responsible for the most, dirties, dangerous and
17 unhealthy parcel of property, the abandoned
18 Northshore Railway, which is causing severe health
19 issues in our community. He refuses to take
20 appropriate action or take responsibility for these
21 issues. His opinions and his input should be
22 censored for any consideration on any portion of the
23 City of Yes.

24 We have too much evidence to prove our claim. We
25 urge you to look at our website,

1
2 portrichmondstrong.com, to view the despicable
3 property which he maintains. We urge the entire body
4 of New York City Council to repair their moral
5 compass and vote no on the entire proposal of the
6 City of Yes.

7 I also declare that Mr. Riley take a nice paid
8 vacation -

9 SERGEANT AT ARMS: Time is expired.

10 MARIO BUONVIAGGIO: Tomorrow because he did a
11 great job mitigating this whole seminar today. I
12 congratulate on a job well done.

13 CHAIRPERSON RILEY: Thank you so much Mario.
14 You're my favorite panelist today. Next, we have Lo
15 van der Valk. Lo van, if you can hear me please
16 unmute and you may begin.

17 LO VAN DER VALK: Can you hear me?

18 CHAIRPERSON RILEY: Yes, we can hear you.

19 LO VAN DER VALK: Thank you Chair Riley for this
20 opportunity to speak. My name is Lo van der Valk and
21 as President, I represent Carnegie neighbors and
22 preservation and quality of life organization. Our
23 catchment area is in the upper east side from 86 to
24 96th Street from Central Park to 3rd Avenue. It
25 includes Madison Avenue. We were founded in 1970 and

2 our initial goal was to create an historic district
3 and we succeeded in 1973 but this was a tiny district
4 limited to a few blocks straddling Madison Avenue.
5 The City Planning Commission recognized this short
6 coming. In compensation, it created in that same
7 year one of the early special districts. The Special
8 Madison Avenue Preservation District. Over the last
9 50 years, Madison Avenue has prospered. We believe
10 this is in no small part due to the limited uses
11 allowed for retail establishments as part of the
12 special district. Madison Avenue is truly iconic and
13 world-class brands seek to locate there but the plan
14 imbedded in COY for Economic Opportunity will
15 eliminate these retail use distinctions and apply the
16 general uses for the city at large, much like one
17 size fits all.

18 We believe this is a mistake and threatens to
19 change the character of Madison Avenue. Not in one
20 or two years but over time. We urge the Committee
21 and the City Council to retain the current list of
22 special uses now in place for the special Madison
23 Avenue Preservation District. This will allow
24 Madison Avenue to retain its worldwide reputation as
25 a place that attracts the best brand names in fashion

2 and quality goods, and through tourism and tax – and
3 benefit the city through tourism and tax revenues.
4 Thank you and I will be submitting a written
5 statement.

6 CHAIRPERSON RILEY: Thank you for your testimony.
7 The next panel I'm going to call up consists of
8 Richard Moses, Phil Konigsberg, Laura Sewell and
9 Gregory Morris. After this panel, there is an
10 unknown caller ending in 1146 that I will be calling
11 after this panel.

12 First, I will be hearing from Richard Moses.
13 Richard, if you can hear me, please unmute and you
14 may begin.

15 RICHARD MOSES: Good evening and thank you for
16 allowing me to testify. I'm testifying on the City
17 of Yes's Special District Zoning Provision
18 specifically and I am the President of the Lower East
19 Side Preservation Initiative. My name is Richard
20 Moses. Lower East Side Preservation Initiative
21 opposes the current City of Yes for Economic
22 Opportunity Proposal to "create consistent ground
23 floor design requirements" to replace an
24 individualized design treatment currently stipulated
25 by New York City Special District Zoning. Special

1
2 Districts were created to reinforce "distinctive
3 qualities that may not lend themselves to generalized
4 zoning and standard development" within special areas
5 or neighborhoods in such diverse areas as Park
6 Chester, Harlem's 125th Street Corridor and Sunnyside
7 Gardens to name a few. Most pedestrians experience
8 New York Street at the ground floor level, therefore
9 the proposed ground floor unified design requirements
10 will in effect nullify a major aspect of the intent
11 of the special district zoning.

12 Passing this provision will lead to a blander,
13 more uniform – lead to blander, more uniformed
14 neighborhoods. Something that New Yorkers definitely
15 do not want. We believe that it is the
16 responsibility of city government to help sustain the
17 diversity and richness of our urban environment. If
18 the motivation for this change is to streamline the
19 Department of City Plannings review process, then we
20 recommend instead adding appropriate staffing to the
21 department to ensure proper and timely review of
22 proposed work within the districts.

23 Although there are some aspects of the City of
24 Yes proposal that we support, we believe that
25 undermining the purpose of the much-valued special

2 district zoning provision in the name of efficiency
3 is not the right way to govern the city's growth.
4 Thank you very much for your consideration.

5 CHAIRPERSON RILEY: Thank you. Next, we'll hear
6 from Phil Konigsberg. Excuse me if I mispronounced
7 your name Phil.

8 PHIL KONIGSBERG: It's okay, it's Konigsberg.
9 Thank you. I survived the solar eclipse and I'm here
10 to get my two minutes of testimony, a minute or so.

11 Uhm, I'm a member of Queens Community Board 7.
12 I'm also the Vice President of the Bay Terrace
13 Community Alliance in District 19. I just want to
14 reinforce what my Council Member Paladino said at the
15 beginning as well as Paul Graziano, Walter Mugdan,
16 and Eileen Miller. All lifelong civic members
17 concerned with the area that we live and the
18 surrounding areas. The Community Board 7 unanimously
19 voted against the City of Yes and I wholeheartedly
20 ask everyone, every City Council member to vote no on
21 this because the City of Yes, if it passes, will be
22 known as the City of Chaos. Thank you. I'll let the
23 others go on. I'll cut my testimony short. Thank
24 you for the opportunity.

1 CHAIRPERSON RILEY: Thank you. Next, we'll hear
2
3 from Laura Sewell.

4 LAURA SEWELL: Good afternoon. I'm Laura Sewell,
5 I'm the Director of the East Village Community
6 Coalition who has long worked with SBS to form the
7 Village Merchants Association and we continue to
8 collaborate on small business initiatives in our
9 area.

10 We do not believe that the proposed changes in
11 this City of Yes for Economic Opportunity will solve
12 the commercial vacancy issues in our mixed-use
13 neighborhood and we're concerned that some proposals
14 will result in the loss of affordable housing.

15 Given that the East Village has an exceptional
16 density in eating and drinking establishments and
17 non-conforming eating and drinking establishments,
18 the cumulative affect of policy changes must be
19 considered. We support CB3's recommendation that
20 time limits on reactivation should not apply to
21 nonconforming eating and drinking establishments and
22 the use group three community facilities to be
23 incurred as an alternative, where conversion back to
24 residential use is not practical.

1 We appreciate the desire to memorialize
2
3 nonconforming storefronts in certain areas, but the
4 East Village is in no danger of losing flourishing
5 site street retail to aggressive enforcement. Rent
6 pressures and inadequate protections for food
7 operators are of far greater concern. There should
8 be no exemption for small spaces, less than 75 people
9 person capacity began because of the effect of
10 multiple establishments like this that are often 20
11 to 40 within one neighborhood, within 500 feet
12 according to the SLA.

13 In addition to the size of the premise aside to
14 the adjacent side streets must be considered. 200
15 people entering or exiting a corner building would
16 create overwhelming congestion in the [INAUDIBLE
17 07:00:23] where an avenue is really a narrow side
18 street. Uhm, it can only be two lanes. And I think
19 that's it on my time, so I will just say, I
20 appreciate your hanging in here to hear us at the end
21 and we really hope that some of the changes
22 recommended by the Community Boards will find their
23 way into the final proposal. We're counting on this
24 Council to help with that. Thank you.

1 CHAIRPERSON RILEY: Thank you Ms. Sewell. Next
2
3 is Gregory Morris. Gregory Morris, if you can hear
4 me, please unmute and you may begin.

5 GREGORY MORRIS: This is Greg Morris. Thank you
6 Council Member Riley for your time and consideration
7 and leadership. You have been extraordinary start to
8 finish, no surprise in all this effort. This is an
9 extraordinary moment in our city's history. I
10 represent the New York City Employment Training
11 Coalition weighing in at this time because we believe
12 our commercial corridors should be modernized. Local
13 businesses should be at the forefront of the city's
14 recovery. We are weighing in as well because we
15 believe zoning can be used to link workforce
16 development and economic development. This is the
17 pathway to economic growth. The future of this city
18 will be dependent on how we create work, learning and
19 play spaces. We champion entrepreneurship, grow
20 industry and find good jobs, especially in
21 manufacturing.

22 Listen, the proposed text amendments are
23 imperfect. My submitted testimony highlights that,
24 no question about that. There's imperfection here.
25 Nothing is as simple as for or against in this case

1
2 either but our city has evolved and it's not going
3 back. So, to my friends and colleagues on this,
4 regardless of what side of the fence you're on, I
5 think there's something very important about coming
6 together in this moment and ensuring a couple things.
7 One, just acknowledging their commercial and
8 residential lines are probably already blurred and we
9 do need to straighten that out. But the idea of
10 patchwork solutions always result in winners and
11 losers. We can't have that anymore in a city that is
12 changing for the future where there is a path to
13 economic recovery that we all should benefit from.

14 Council Member, I'll just say to you, I hope you
15 do not seed your oversight and accountability to the
16 planning commission in this case. You are the one.
17 The City Council are the ones that hold this city to
18 its standards and expectations. I hope you will keep
19 that but that we continue to move forward with the
20 zoning changes because something has to be different
21 to ensure that our neighborhoods are better at
22 thriving everywhere, not just where they have always
23 found success. Thank you for your time and
24 consideration. It has been an extraordinary long
25

2 day. You are a true peoples champion. Thank you
3 Council Member.

4 CHAIRPERSON RILEY: Thank you Gregory. The next
5 panel I'm going to call up consists of Henry Euler
6 and also the person with the phone number ending in
7 1146. If there is anyone else online that wishes to
8 testify, please use the raise hand function and the
9 team will make sure that we acknowledge you.

10 I'm going to call Henry Euler to begin. Henry,
11 if you can hear me, please unmute and you may begin.

12 COMMITTEE COUNSEL: Excuse me Chair, we might be
13 having a technical difficulty. The panel in the
14 Committee Room was just muted on Zoom.

15 Just we're going to pause the hearing just for 30
16 seconds while we sort this out. [07:03:48]-
17 [07:04:01]. This is a test to determine whether
18 people on Zoom can hear in the Committee Room.
19 [07:04:07]- [07:04:42].

20 CHAIRPERSON RILEY: We're good? Alright. This
21 last panel I'm going to call consists of Henry Euler,
22 and the phone number ending in 1146. If you can hear
23 me, you're going on next. If there is anyone else
24 online that wishes to testify, please use the raise
25 hand function. If there's anybody in here that

2 wishes to testify, please see one of the Sergeant at
3 Arms. First, I will call on Henry Euler. Henry, if
4 you can hear me, please unmute. Henry, if you could
5 please hear me, you may unmute.

6 HENRY EULER: Hello.

7 CHAIRPERSON RILEY: Yes, we can hear you.

8 HENRY EULER: Can you hear me?

9 CHAIRPERSON RILEY: Yes.

10 HENRY EULER: Okay, thank you so much Chair Riley
11 for letting me speak today. My name is Henry Euler,
12 I'm the President of the Auburndale Improvement
13 Association in the Auburndale section of Flushing
14 Queens. Where we also extend into Western Bayside.
15 We have over 300 members and we are opposed to the
16 City of Yes Economic Opportunity portion of this
17 proposal.

18 When you look at the proposal, there's 18
19 sections and this is a lot of information and there's
20 a lot of information that we don't know yet. We
21 don't know all the ramifications of all these
22 particular parts of the proposal. It should have
23 really been done in stages. I think it was divided
24 into four groups. It would have made a lot of sense
25 to do each group separately and then get more

2 information for everybody to try to understand. We
3 also agree with the thought that this is a proposal
4 that where one size fits all and that's not true in
5 our city. Our city is so diverse and so many
6 different neighborhoods with different needs and
7 stuff. I did hand in written testimony which I
8 appreciate the Council Members reading. Thank you so
9 much for letting me testify today on behalf of my
10 Civic Association. Have a great day.

11 CHAIRPERSON RILEY: Thank you. Lastly, we will
12 call on the number ending in 1146. If you can hear
13 me, you can unmute and you may begin.

14 Hello?

15 CHAIRPERSON RILEY: Yes, we can hear you.

16 AGNES VANDINA: Yes, thank you Mr. Riley. My
17 name is Agnes VanDina and I am an officer of the
18 Oakwood Civic Association on Staten Island.

19 CHAIRPERSON RILEY: Can you - I'm so sorry, can
20 you repeat your name one more time?

21 AGNES VANDINA: Agnes A-g-n-e-s Vandina V-like
22 victory a-n-d-like David i-n-a. I'm an Officer with
23 Oakwood Civic Association on Staten Island.

24 CHAIRPERSON RILEY: Thank you.

25

1 AGNES VANDINA: You're welcome. The City of Yes
2 Economic Opportunity package of 18 proposals will do
3 damage to our community if it becomes more and we
4 oppose it. I have been listening to DCP's public
5 presentation since September of 2023. My impression
6 is that DCP is using the COVID epidemic of 2020 as an
7 excuse to take a sledge hammer and radically change
8 our zoning laws.

9 I have attended community board hearings and
10 there is legitimate concern about the proliferation
11 of legal non-medical cannabis both farming under
12 urban agriculture plans and in retail stores under
13 the number 16 corner properties, and even though a
14 community board votes no, it means nothing because
15 the cannabis stores are still opening up all over
16 Staten Island. EPA federally PA'd the environmental
17 protection agency of the federal government has
18 recently put out an alert against the second-hand
19 smoke coming from marijuana.

20 American Academy of Pediatrics has put out an
21 alert because of the legalization of the cannabis and
22 the edible cannabis of there was an increase of
23 pediatric accidental ingestions and hospitalizations
24 of edibles. And the more stores that are going up,
25

2 the more these tragedies can occur. And speaking of
3 federal agencies, I do have a concern that if the
4 city votes yes to this, that they may be jeopardizing
5 federal dollars.

6 SERGEANT AT ARMS: Thank you. Your time is
7 expired.

8 AGNES VANDINA: Cannabis is still illegal under
9 federal law, so how is the United States Department
10 of Agriculture going to get grants out through
11 agricultural programs in New York City if you're
12 including cannabis in your urban agriculture plan?

13 SERGEANT AT ARMS: Thank you Ma'am. Your time is
14 expired.

15 AGNES VANDINA: Okay, thank you.

16 CHAIRPERSON RILEY: Thank you Ms. Agnes. Next
17 panelist I'm going to call up is Rochelle Mandina.
18 Rochelle, if you can hear me, please unmute and you
19 may begin. Rochelle?

20 ROCHELLE MANDINA: Hi, yes, thank you for hearing
21 me last minute. I have a question regarding uhm,
22 changing this to the zones to mixed use commercial
23 and residential.

24

25

2 CHAIRPERSON RILEY: Ms. Rochelle, you could do a
3 testimony. So, you could do your testimony okay.
4 You may begin.

5 ROCHELLE MANDINA: Okay. Okay, you can hear me
6 right?

7 CHAIRPERSON RILEY: Yes, we can hear you.

8 ROCHELLE MANDINA: Okay, sorry okay. So, what
9 happens to the taxes on the homeowners, if my
10 neighbor on the corner -

11 CHAIRPERSON RILEY: So, Ms. Rochelle, if I may
12 just clarify, we're not taking any questions right
13 now. This is for testimony, so if you want to give a
14 testimony on against or for, you could do that right
15 now.

16 ROCHELLE MANDINA: Okay, I'm against it but this
17 is something that you don't need to answer but it's
18 something that I'm wondering about that has not been
19 addressed, so I'm totally against it. There is not -
20 this should be done area by area because like so many
21 other people have said, I'm not going to repeat it
22 but it affects every area differently and I live in a
23 low-density area and we don't need to have a corner
24 bodega, we know how to get to the corner bodega.

2 And also, I'm just wondering if this is going to
3 open the door to eminent domain if people are forced
4 into you know doing something that they don't want to
5 do. So, those are my questions that haven't been
6 answered. So, I know I'm supposed to give testimony
7 and you know I just need questions answered. I don't
8 know how you know that could be done in the future
9 maybe or if this is the last hearing, I don't know
10 but anyway, thank you for listening to me at the last
11 minute.

12 CHAIRPERSON RILEY: Thank you Ms. Rochelle and
13 you are able to go to the DCP's website and submit
14 questions. You can also submit questions to your
15 local Council Member, who will submit them to the
16 Committee and get you back those answers, okay?

17 ROCHELLE MANDINA: Okay, thank you.

18 CHAIRPERSON RILEY: If there is anyone else
19 online that wants to testify on this project, you may
20 use the raise hand function and we're going to stand
21 at ease for 30 seconds. [07:12:30]- [07:12:49].

22 Alright, thank you. There being no other members of
23 the public who wish to testify on Preconsiderers LU
24 relating to the Zoning for Economic Opportunity Text
25 Amendment, the public hearing is now closed and the

2 item is laid over. That concludes today's business.

3 I would like to thank the members of the public, the

4 Department of City Planning, my colleagues,

5 Subcommittee Council, Land Use and other Council

6 staff and especially the Sergeant at Arms for

7 participating in today's meeting. This meeting is

8 hereby adjourned. Thank you. [GAVEL]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date May 14, 2024