



BROOKLYN COMMUNITY BOARD 9

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CB9 RESOLUTION

CITY OF YES FOR ECONOMIC OPPORTUNITY TEXT AMENDMENTS

We at Community Board 9 oppose the City of Yes for Economic Opportunity text amendments in their entirety.

These are city-wide text amendments which will result in broad-brush changes across New York City, a complex city of five boroughs with neighborhoods of varied zoning, mass transit access, population size, etc. We continue to be concerned about the fact that these recommendations were made without conducting planning studies on the current commercial corridor conditions (i.e., vacancies, rents) within each community district prior to deciding if zoning changes were needed.

We believe a full environmental impact statement must be conducted on these sweeping changes because the current language in these text amendments places us at great risk of irreversible, unintended consequences negatively impacting the peace, quiet, security, health, and street parking on residential blocks and in residential buildings. City resources are already stretched. Who will monitor and enforce adherence to guidelines as the lines between residential, commercial and manufacturing zones are further blurred?

In addition to our opposition to the individual proposals which clearly apply to our district, we discovered numerous objectionable changes throughout the 664 pages of zoning text which were not mentioned in the original public presentations held by the Department of City Planning (DCP) in July and September. In particular, a series of new special permits would allow nearly all remaining environmental and performance standards to be waived. These changes, combined with the questionable negative environmental assessment, raise red flags suggesting an unacceptable intent to do away with nearly all zoning distinctions and environmental standards while evading public review. We therefore urge DCP to start again by consulting community boards first.

The following is a summary of our feedback and concerns regarding the specific text amendment proposals and several other text changes. While we understand these text amendments are city-wide, our feedback is based upon how they would affect our district.

Note: CB9 is primarily a residential neighborhood. Most of our residential areas are located within 2-3 blocks of a retail corridor. Our non-residential spaces are either part of mixed-use residential buildings (C1-3 and C2-3 commercial overlay districts) or are Commercial or Manufacturing (C8-2 or M1) districts adjacent to residential buildings and zones. Our Economic Development Committee has found that *several of our commercial zones have had persistent vacancies in recent years due in part to rising rents, lack of access to capital, and spaces held vacant for years in anticipation of redevelopment.* This implies CB9 does not need additional commercial space. *Furthermore, CB9 is already a densely built community and we would prefer to support the city's efforts to provide housing by maintaining our existing housing stock as much as possible rather than undermining those efforts by allowing conversion of residential space to commercial space.*



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Goal 1: Make It Easier for Businesses to Find Space and Grow.

| Proposal | CB9 Feedback/Concerns |
|---|--|
| 1. Lift time limits to reactivating vacant storefronts | <ul style="list-style-type: none"> • CB9 opposes this proposal because we believe that each community board should be able to review each site for whether a commercial use remains appropriate, as well as to prevent warehousing of commercial space. |
| 2. Simplify rules for business types allowed on commercial streets | <ul style="list-style-type: none"> • CB9 opposes eliminating the differences between C1 and C2 districts because this would introduce auto intensive uses such as body shops, storage and other uses that would interfere with continuous retail frontage, pedestrian safety, convenient shopping and foot traffic because they would generate activity that obstructs sidewalks or curbs, is not public facing, or creates objectionable noise, chemical emissions, fire hazards, or gatherings. |
| 3. Expand opportunities for small-scale clean production | <ul style="list-style-type: none"> • CB9 opposes expanding manufacturing activities into C1, C2 and C4 overlays. No clear guardrails to prevent businesses with environmentally hazardous manufacturing activities from opening. • Onus appears to be placed on the community to complain and fight for remediation. |
| 4. Modernize loading dock rules so buildings can adapt over time | <ul style="list-style-type: none"> • CB9 believes that a blanket elimination of loading dock requirements citywide is inappropriate. We already suffer from traffic congestion and narrow sidewalks. |
| 5. Enable commercial activity on upper floors | <ul style="list-style-type: none"> • CB9 opposes adding Commercial Uses on Upper Floors of C1 and C2 Buildings. • This would introduce more security, fire hazard and nuisance problems for residents without separate entrances, exits and elevators for commercial and residential. • CB9 opposes allowing hotels by special permit in C1 and C2 overlay districts as this would permit the conversion of current permanent residential space to transient hotel space, undermining newly passed laws restricting commercial airbnb. |
| 6. Simplify and modernize the way businesses are classified in zoning | <ul style="list-style-type: none"> • CB9 opposes the reclassification of Use Groups and the changes to the legislative intents section of the zoning text. • The changes remove the current codes' fundamental emphasis on improving business corridors and protecting public health and safety from dangerous and objectionable environmental influences and replaces it with a system that groups businesses by industry even if their specific activities have quite different environmental and economic effects on our business corridors. • These are not always rational groupings for purposes of separating incompatible uses. While some of the current Use Groups could be updated, they are still valuable guides to the purposes of the zoning districts |



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Goal 2: Boost Growing Industries

| Proposal | CB9 Feedback/Concerns |
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| <p>7. Support nightlife with common-sense rules for dancing and live entertainment</p> | <ul style="list-style-type: none"> • We oppose allowing as of right dancing and live music for eating and drinking establishments in C1-C3 commercial districts. In addition to capacity, the proposed use of an establishment is important. We are opposed to the potential noise, traffic, sidewalk congestion (including lines outside), security concerns and additional garbage. • We are primarily a residential community and are suffering from a proliferation of smoke shops. We don't need as-of-right nightclubs that would encourage more drug and alcohol use. Community boards need the ability to assess the types of businesses coming into their communities. The SLA licensing process alone is not adequate for this type of establishment. |
| <p>8. Create more opportunities for amusements to locate.</p> | <ul style="list-style-type: none"> • We oppose allowing large scale indoor entertainment in C1 and C2 districts. A proliferation of such uses could squeeze out retail stores which serve everyday needs and more closely align with the purpose of C1 and C2 districts. In our community, our C8 and M1 districts would be more appropriate for these venues. |
| <p>9. Enable entrepreneurship with modern rules for home-based businesses</p> | <ul style="list-style-type: none"> • We oppose allowing unrestricted home occupations, recharacterizing home occupations as “small businesses” and increasing the allowable percentage of the home used to 49% from 25% and the number of non-resident employees from 1 to 3. • Some occupations are not appropriate in homes, especially apartment buildings with shared walls and ventilation systems where fumes, noise and odors from commercial activity will impact other residents (e.g., beauty salons using chemicals, commercial kennels, vets, pharmacists). • CB9 wants to preserve existing residential space for residential use, and we are concerned that expanding the allowable percentage of space to be used for commercial activities will squeeze out families who cannot pay as much as a commercial business. • City resources are already limited. Concerned about how “being a good neighbor” would be monitored and enforced. |



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Goal 3: Enable More Business-Friendly Streetscapes

| Proposal | CB9 Feedback/Concerns |
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| 10. Introduce corridor design rules that promote better activate ground floors | <ul style="list-style-type: none"> • CB9 opposes the proposal to impose broad brush citywide rules. Instead DCP must work with each community to implement appropriate, customized corridor design rules. |
| 11. Reduce conflicts between auto repair shops and pedestrians | <ul style="list-style-type: none"> • CB9 opposes allowing light auto service uses in C1-C7 commercial districts. We believe there is ample vacant space within the C8-2 and M1-1 areas in our district for such uses, which would also harm the walkable retail character of the C1 & C2 areas and introduce adverse environmental impacts on nearby residences. |
| 12. Encourage safe and sustainable deliveries with micro-distribution | <ul style="list-style-type: none"> • CB9 opposes allowing wholesale and storage businesses in C1 and C2 retail districts because of the additional traffic and sidewalk congestion. • We believe there is ample vacant space within C8-2 and M1-1 areas in our district for such uses. • We are also concerned about the city resources that would be available for the monitoring and enforcement required to ensure no negative impact to retail character and neighboring residences. |

Goal 4: New Opportunities for Business

| Proposal | CB9 Feedback/Concerns |
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| 13. Facilitate local commercial space on residential campuses | <ul style="list-style-type: none"> • CB9 opposes this proposal as we believe that community boards and council members should retain the right to negotiate increases in the amount of commercial space through the ULURP process. |
| 14. Create process for allowing corner stores in residential areas | <ul style="list-style-type: none"> • CB9 believes this is unnecessary in our district as we already have ample retail space, including vacant space within 2-3 blocks of all our residential areas. • The proposed BSA special permit has no specific restrictions that would prevent a property owner from making a plausible argument for a special permit on any corner. • If that were the case, citywide our analysis shows that over 150 million square feet of commercial space could be added and the same amount of ground floor residential space subtracted. An impact of this scale clearly demands a full scale environmental impact study. |
| 15. Rationalize waiver process for adapting spaces for industries like film | <ul style="list-style-type: none"> • CB9 residents adjacent to C8 and M1 districts are already negatively affected by taller buildings. • We are concerned about impacts on light and air, solar panels, backyard gardens, community gardens, Brooklyn Botanic Gardens. |
| 16. Create new kinds of zoning districts for future job hubs. | <ul style="list-style-type: none"> • CB9 opposes the introduction of higher density manufacturing districts without use limitations on those districts and without full environmental review. |



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Additional Concerns

| Proposal | CB9 Feedback/Concerns |
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| Special Permit 74-152 | <ul style="list-style-type: none">• CB9 opposes the new CPC special permit 74-152 to allow transient hotels in C1 and C2 overlay districts with an underlying residential component.• Such hotels are incompatible with the use of the corridor for the everyday shopping needs of local residents• Gives landlords an incentive to convert permanent residential housing into short term hotels, or to construct hotels instead of housing with ground floor retail. |
| Special Permit 74-161, 74-181 | <ul style="list-style-type: none">• CB9 opposes the new CPC special permit 74-161, 74-181 and 74-191 and 74-211 to allow the modification of all size restrictions, environmental standards, enclosure restrictions, geographic limitations or other limitations imposed in Section 74-16 on retail and service uses and 74-18 on large scale amusements and 74-19 for micro distribution facilities.• Since we opposed many of the additional uses permitted in Section 74-16,18,19 on our C1 and C2 retail corridors, we also oppose the existence of a special permit to remove even the flimsy and sparse remaining protections against adverse environmental impacts on residents and other businesses. |
| Special Permit 74-193 | <ul style="list-style-type: none">• CB9 opposes Special permit 74-193 to permit new public parking garages in C1 districts.• C1 districts are designed for walkable retail; open street facing car parks and new public garages with curb cuts are not desirable |