

RESOLUTION

Date: July 9, 2013

Committees of Origin: Parks & Environment joint with Youth, Education & Libraries

Re: Department of Parks & Recreation proposed design for Playground 89 on West 89th Street between Columbus and Amsterdam Avenues.

Full Board Vote: 27 In Favor 3 Against 8 Abstentions 0 Present

Joint Committee Members: 8-0-2-0. Non-Committee Board Members: 1-0-1-0.

The following facts and concerns were taken into account in arriving at our conclusion:

Playground 89, at PS 166, is used by the students of the school for outdoor recreation in all seasons. It is also open to the public during certain non-school hours for general recreation. It is heavily used.

In February, 2012 the Principal of the school and parent representatives presented to the Parks and Environment Committee of Community Board 7/Manhattan significant concerns about the condition of the playground, including concerns that the existing installation had deteriorated, and that the granite block portion of the “amphitheater” feature was unnecessarily dangerous, had contributed to many injuries and was not amenable to clearing of snow, so that outdoor time for the school population was sometimes restricted in the winter. At that time, the school constituencies had been in preliminary discussions with the Department of Parks and Recreation about renovating the playground to address these concerns.

In March, 2012 Community Board 7/Manhattan adopted a resolution proposed by the Parks and Environment Committee in which it “urge[d] DPR to continue to work with the parent group and the school in the immediate future to design, obtain financing for and perform a renovation of the play yard that will make it substantially safer and that will better meet the recreational needs of the students of the school and of the public into the future.”

Meanwhile, representatives of CB7 visited the playground with representatives of the parents, the school and DPR to further their knowledge of conditions at the playground.

In response to the CB7 resolution, and to continued input from the PS 166 Principal and the PTA concerning additional injuries and other problems with existing conditions at the playground, Council Member Gale Brewer and Borough President Scott Stringer sponsored the allocation of \$300,000 each, for a total of \$600,000, to renovate the playground to meet current needs and current safety standards.

The \$600,000 is sufficient financing for a substantial renovation. As DPR was gearing up to finalize plans for the renovation and begin construction, certain members of the community organized opposition to the renovation, largely opposing the modification of the “amphitheater” feature, the circumference of which is a wall of large, irregular granite blocks (“Belgian block”) that is inherently unstable, to which many injuries had been attributed by advocates of the renovation.

As part of their design process, the DPR design staff consulted with professionals at the office of the original designer of the playground, M. Paul Friedberg and Partners, and, as the designers told the joint committees, took into account the Friedberg firm’s concerns to the extent they considered it practicable to do so.

On July 8, 2013, DPR presented its plans for the renovation of Playground 89 at a special joint meeting of the Parks and Environment Committee and Youth Education and Libraries Committee of CB7. The design involves, among other things, modification of the amphitheater feature, including removal of the Belgian block and reconfiguration of the grading.

The meeting lasted more than three hours, and scores of community members and other advocates were permitted to express their views on the proposed renovation. Two professional designers from DPR responded to all inquiries posed to them. The PTA and the Principal of the school support the proposed design.

During the discussion, several community members expressed concern about the presence of rats in the playground. Some of them expressed the view that the proposed chess tables, which would remain in the proposed design, contribute to the rat problem by encouraging eating in the playground. Some also expressed the view that the tables are undesirable because they encourage older persons who might present a security issue for children to use the playground and/or because they take up what would otherwise be desirable open space. The DPR designers said that they were amenable to removing the tables from the design.

Some members of the community expressed concern about needing to delineate the boundary between the proposed modified amphitheater area and the playground equipment area, which would remain largely as existing.

The members of the joint committees concluded that the proposed renovation is an appropriate design for the space, particularly in light of its programmatic needs, and a reasonable accommodation to the spirit of the original design elements that also recognizes current needs and restrictions governing the design and use of the playground.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed design for the renovation of Playground 89 at PS 166.

Community Board 7 further **endorses** the elimination of the chess tables, believing that on balance the disadvantages associated with them may outweigh the advantages.

Community Board 7 **urges** DPR to use all available state-of-the-art technology to deter rats from the renovated playground.

Community Board 7 **urges** DPR to maximize the delineation, to the extent practical, between the modified amphitheater area and the play equipment area.

Community Board 7 **urges** DPR to explore using the most environmentally-friendly materials practicable for the new surfaces in the amphitheater area, including materials that will relieve the monotone of the primary surface area with an attractive and appropriately contrasting design element in the spirit of the existing "maze".

Community Board 7 further **urges** DPR to perform the renovation at the earliest possible time, consistent with the least possible interruption of use of the playground, particularly by the school population.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Preservation

Re: 167 West 88th Street (Amsterdam Avenue.) Application to the Landmarks Preservation Commission for a penthouse renovation.

Full Board Vote: 19 In Favor 8 Against 7 Abstentions 1 Present

The following facts and concerns were taken into account in arriving at our conclusions:

Concerning the specifics of the proposed design:

- The size of the rooftop addition has been reduced, moving the new front faced further back from the street, not visible from the street.
- A maximum of 20% of combustible paving materials will be used in the new roof deck, which will consist of wood and stone pavers.
- The Preservation Committee continues to recommend that, owing to its visibility from west 89th Street, the stucco color of the rear façade of the penthouse addition be changed from the light beige tone proposed to a color compatible with the rest of the building's brick-clad four-story rear façade below.
- From a design perspective, the Preservation Committee found that the proposed rooftop addition was reasonably appropriate to the character of the Historic District.

However, in the course of CB7's review of the application, the Board was made aware that the adjacent property owners objected to the proposed construction because the proposed rooftop addition was to be built on a party wall that was a part of their property and they had not consented to that use of the party wall. The Board was also made aware that the applicant and the adjacent property owners and others are parties to a written easement that specified certain characteristics and criteria for a rooftop addition on the applicant's property, including the size and footprint of the addition, its location on the roof, and the type and placement of other elements surrounding it. The adjacent property owners asserted that the applicant's proposal did not meet those characteristics and criteria.

Based on this information, there is a substantial reason to believe that the application for the rooftop addition is defective in that it advances a proposal to construct a rooftop addition on property that is not appropriately under the control of the applicant, and that therefore the applicant may not have the power to execute the design it is proposing.

CB7 is concerned that its actions not be viewed as prejudicing the interests or rights of either the applicant or the adjacent property owners over the others while the dispute concerning the size and placement of the rooftop addition is being resolved.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** the application, and welcomes the opportunity to reconsider the application when the underlying property rights issues are resolved.

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RESOLUTION

Date: July 9, 2013

Committees of Origin: Land Use Joint with Housing

Re: 40 Riverside Boulevard.

Full Board Vote: 36 In Favor 0 Against 0 Abstentions 0 Present

Committee: 9-0-1-0.

BE IT RESOLVED THAT Community Board 7 / Manhattan has the following comments with respect to the Affordable Housing Plan submitted on behalf of 50 Riverside Boulevard LLC with respect to its affordable housing units at 40 Riverside Drive and will transmit these in a letter to the Department of Housing Preservation & Development.

1. Relationship between the Affordable Housing tenants, the Sponsor and the Condo Corporation: The 55 affordable housing units will be treated as part of a single condominium unit owned by the Sponsor who, in turn, will be one of more than two hundred condo owners. The Affordable Housing units are physically segregated from the market rate condo units with a separate entrance and elevators. This arrangement begs several questions: First, who will be responsible for maintenance, repair, capital improvements and other services provided to the Affordable Housing tenants? If the sponsor, will there be a reserve set up? Will the sponsor have the right to sell its ownership to a third party? Will any such sale be subject to a determination of financial responsibility? If the condo corporation as a whole is responsible for services to the Affordable Housing tenants, what safeguards will be in effect to protect the Affordable Housing tenants from being discriminated against in the provision of such services? (The physical separation of the Affordable Housing units from the market rate condo units makes this concern particularly acute, since neglect of the Affordable Housing units would have no effect on the habitability or marketability of the market rate units).

Accordingly, we urge that HPD carefully consider appropriate safeguards to avoid a situation in which the Affordable Housing tenants are relegated to the status of second class citizens.

2. Eligibility for a bonus: We are advised by the developer that it will seek to sell to an off-site owner development rights allegedly obtained as a result of the construction of 55 affordable housing units at 40 Riverside Drive. This raises a question as to whether the applicant is in fact seeking a double bonus to which it is not entitled. The restrictive covenant for the entire Riverside South site requires, as a condition of approval, a minimum percentage of affordable housing units. In effect, in order to build at Riverside South, the developer was required to provide affordable housing.

RESOLUTION

Date: July 9, 2013

Committees of Origin: Land Use Joint with Parks & Preservation

Re: Proposed Flood Resilience Text Amendment. Department of City Planning's proposed zoning text amendment to encourage flood resilient building construction throughout designated flood zones.

Full Board Vote: 36 In Favor 0 Against 0 Abstentions 0 Present

Committee: 7-0-1-0. Non Committee Board Members: 3-0-0-0.

This resolution is based on the following facts:

- The Department of City Planning (DCP) has been working on several initiatives under the broad heading of *Sustainable Communities*. These studies focus on *Climate Resilience* and *Designing for Flood Risk* and are part of a city-wide effort published in a report introduced by Mayor Bloomberg titled "*Special Initiative for Rebuilding and Resiliency (SIRR)*" released in June 2013.
- The *SIRR* report incorporates recommendations from many city agencies, including emergency services covering a variety of infrastructure and built environment issues. As a result, several of these agencies and departments have already initiated new criteria in the aftermath of Hurricane Sandy using updated Federal Emergency Management Agency (FEMA) data. However, this information needs to be distilled and formatted so that any and all property owners, tenants and developers can readily make use of revised requirements and guidelines in both the repair of damaged buildings and infrastructure, as well as incorporate additional flood prevention measures in the design of new buildings, particularly in flood-prone coastal areas as it pertains to zoning requirements.
- The Department of Buildings has already updated the New York City Building Code in January 2013 to incorporate New York State standards for flood protection. These require that buildings for single and two family houses be designed two feet higher than the Federal Emergency Management Agency (FEMA) designated flood elevation, while most other building types are to provide one foot higher extra protection.
- The DCP has responded to this by developing a set of criteria related to zoning in flood-prone coastal areas. DCP has acknowledged that *Designing for Flood Risk* strongly influenced the Department's proposed Flood Resilience Text Amendment that incorporates the latest flood maps issued by FEMA, so that both new and existing buildings can be constructed and retrofitted for flood resilience.
- These measures conceivably change the streetscape, as there are recommendations that remove mechanical and electrical systems from below grade areas, encourage above grade parking, restrict certain uses at the ground floor, and encourage building access from grade.
- The text amendment aims to encourage flood resistant construction for all public spaces, streets, open spaces and sidewalks. The text amendment is based on considerable outreach from all professional disciplines in design and construction that suggested urban design strategies and

technical solutions to mitigate the potential negative effects of elevated buildings on ground-floor activity and quality of the streetscape

- This proposal triggered the public land use review process on May 20, 2013.
- Although the CB7 district has few areas where buildings are sited adjacent in low lying or within flood-prone areas, the southern-most portion of the Riverside South Proposed Development is close to the Hudson River as is the Boat Basin at the 79th Street Marina, the latter of which will need to comply with other State and Federal permits and licensing requirements.
- Given that there are other flood mitigation measures being adopted city-wide by other city agencies regulating building and construction, it is appropriate that zoning requirements also recognize that flood protection requires additional considerations in the determination of use, pedestrian access and parking at the lower level for both new and existing buildings in flood-prone areas.

THEREFORE, BE IT RESOLVED THAT Community Board 7 / Manhattan **approves** of the proposed Flood Resilience Text Amendment for all of the reasons stated above.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Land Use

Re: East Midtown Rezoning. Department of City Planning proposed Zoning Text Amendment (N 130247 ZRM) and Zoning Map Amendment (C 130248 ZMM) to amend the Special Midtown District of the New York City Zoning Resolution.

Full Board Vote: 32 In Favor 1 Against 3 Abstentions 0 Present

This resolution is based on the following facts:

The Department of City Planning seeks to rezone a 70-block area surrounding Grand Central Terminal in the East Midtown section of Manhattan.

The goals of the rezoning include preserving and strengthening East Midtown as one of the world's premier business addresses and key job center for the City and the region, and seeding the area with new modern and sustainable office buildings to maintain its pre-eminence as a premier office district.

To accomplish these and other goals, the proposed rezoning seeks to establish a new East Midtown Subdistrict and replace special permit requirements for increased bulk and density with an "earned as-of-right" zoning framework. Among other things, the rezoning would create an opportunity for developers of new construction on qualifying sites in the East Midtown Subdistrict to earn the right to build up to 24 FAR in certain portions of the Subdistrict, and up to 21.6 FAR in other portions, in exchange for certain actions that include acquiring transferable development rights ("TDRs") from certain landmark sites and/or by purchasing TDRs from the City of New York itself.

Under certain circumstances in a defined portion of the Subdistrict closest to Grand Central Terminal, developers could qualify through purchase and other means for up to 30 FAR on new construction sites.

The proposed rezoning could add 5% or more to the FAR density of the Subdistrict, and add tens of thousands of additional workers to the area, including to the commuting routes to and from the Subdistrict, as well as to local streets both before and after work as well at lunch and other times during workdays.

One way in which developers may earn the right to additional FAR under the proposed rezoning is to make contributions to a District Improvement Fund ("DIF") measured as a multiple of the amount of zoning square feet added to a site, with the initial price placed at \$250 per square foot for most increases.

The proposed rezoning would be subject to a "sunrise" provision which would allow developers to begin reserving the right to earn additional as-of-right FAR immediately, but not be permitted to build based on the increased density until July 2017.

Subway and Mass Transit

The principal north-south subway line serving the Subdistrict, the 4/5/6 (formerly the east side IRT), is operating above its rated capacity, with some estimates reaching 116% of capacity.

East Side Access, which will create a commuter rail connection between the Long Island Rail Road and Grand Central Terminal, is expected to come online in or about 2019, only two years after the "sunrise" for use of the increased density under the proposed rezoning.

The Transit Authority's number 7 line is expected to be extended to west midtown in the coming years, and is anticipated to attract additional riders who will travel to and through Grand Central subway stations and the Subdistrict generally.

With respect to transit, the proposed rezoning creates significant concerns as to whether:

- The DIF will generate sufficient funding to accommodate the existing excess demand for transit service in the Subdistrict, let alone accommodate the increased number of users anticipated with additional jobs if the additional density is used and built.
- The improvements funded by the DIF will be completed in time to address existing as well as projected additional needs for transit access to/from the Subdistrict.
- There is a comprehensive and achievable plan vetted by the MTA to meet current excess demand and adequately provide for expected increases in service demands under the assumptions relevant to the proposed rezoning.
- Any shortfall in funding to meet the immediate needs of commuters and others seeking access to Grand Central Terminal and the Subdistrict, as well as meeting the heightened demands after the increased density is built, would be resolved by re-allocating funding for maintenance and improvements in other areas served by the Transit Authority, reducing service and/or improvements to other parts of the transit system (including the Upper West Side in Community District 7).

Traffic and Parking

The Grand Central Subdistrict is already among the most congested areas both for pedestrians and for vehicular traffic within the public realm.

Additional commercial density in the Subdistrict can reasonably be anticipated to create additional demand for deliveries, service calls, customer and client visits, and a variety of other additional demands on surface transportation and the on- and off-street parking that will be required to accommodate such increased demands.

These increased demands will inevitably lead to spill-over demand in other areas of Manhattan for parking.

The increased surface traffic attracted to the areas of increased density are expected to create additional congestion that can back up into other areas of Manhattan, including the Upper West Side.

The increased traffic congestion can also reasonably be expected to increase travel times for City buses and other modes of surface transportation in the Subdistrict that also serve the Upper West Side and other areas of Manhattan.

Public Realm

The congestion experienced by users of vehicular transportation in the Subdistrict is rivaled by the congestions experienced by pedestrians and other non-vehicular street users, especially in the area immediately adjacent to Grand Central Terminal. The potential introduction tens of thousands of additional workers to already overcrowded sidewalks and passageways will require significant changes and improvements to the public realm. At present, there is no comprehensive plan to meet those needs, no assurance that the DIF will generate sufficient funds to carry out an integrated plan once adopted, and no expectation that such needed improvements will be completed before the increased demand arrives on the affected sidewalks and surrounding areas.

As with Transit, the drain on limited resources to supplement the potential shortfalls in the DIF will strain the ability of the capital and expense budget to respond to existing demands outside the Subdistrict, including for projects undertaken or needed on the Upper West Side.

Landmarks, TDR Transfers and Other Incentives

Certain already-designated landmarks within the Subdistrict that have unused TDRs are anticipated to seek in the near- or long-term to sell or transfer those rights either to contiguous sites or, if in certain select sub-areas, across a broader geographic area.

The creation of a system that would make TDRs available for purchase in competition with the TDRs that owners of designated landmarks may seek to sell, convey or exploit at other locations would materially limit the

ability of owners of landmark structures to realize a benefit from those TDRs, has the potential materially to undermine the long term viability of the New York City landmarks protection statutes. This is especially so if the price at which additional FAR could be earned as-of-right from the City itself is less than that sought by landmark owners, or the overall cost of obtaining TDRs from landmark sites in terms of both purchase price and securing necessary approvals exceeds the perceived obstacles to the use of such TDRs.

The ability to purchase additional FAR directly from the City itself will also potentially reduce the demand for other means open to developers to achieve additional FAR, such as affordable housing bonuses where applicable. The absence of affordable housing throughout our City is linked, among other things, to the demand for City shelters and related services. Since the Upper West Side has seen its stock of affordable housing units converted to shelters to meet pressing short-term need without replacing the lost affordable units, any reduction in the viability of incentives to create affordable housing has a direct connection to the experience of residents and neighbors on the Upper West Side.

A Joint Task Force of Community Boards 5 and 6 (Manhattan), to which Community Board 1 and 4 have subscribed, as well as Community Boards 5 and 6 individually, have adopted a resolution to disapprove of the proposed rezoning.

CB7 adopted on June 4, 2013, a resolution setting forth certain issues and concerns with the proposed rezoning which have an impact on Community District 7, as set forth above. The CB7 June 4, 2013, resolution concluded that Community District 7 is "affected" by the proposed rezoning.

Many but not all of the concerns and issues identified by CB7 above are included in the Joint Board Task Force resolution and the report accompanying the resolution. Many but not all of the concerns and issues identified by the Joint Board Task Force are consistent with the concerns and issues raised above and in CB7's June 4, 2013, resolution.

The issues and concerns identified by CB7 above and in the June 4, 2013, resolution must be addressed and solutions implemented prior to, not as a result of or after, the adoption of a rezoning plan of the scope and with the anticipated consequences of the East Midtown rezoning proposal. Addressing such issues and concerns requires both the formulation of detailed plans for remediation and improvement and the development of means to ensure that all of the funding necessary to complete such remediation and improvement are available.

Now, Therefore, Community Board 7/Manhattan resolves to support the overall sense of the Joint Community Board Task Force resolution to disapprove the proposed East Midtown rezoning proposal.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Preservation

Re: 88 Central Park West (West 69th Street.) Application to the Landmarks Preservation Commission for rooftop cooling tower visible from West 69th Street.

Full Board Vote: 32 In Favor 0 Against 3 Abstentions 0 Present

Committee: 6-0-0-0.

The following facts and concerns were taken into account in arriving at our conclusions:

- The installation of a new cooling tower will, over time, allow residents to replace the current, more unsightly methods of cooling individual apartments, which include:
 - i. through-wall air conditioners
 - ii. in-window air conditioners
 - iii. central and semi-central systems requiring replacement of full and half windows with exhaust grilles
- The new cooling tower box will not be visible from the primary facades along Central Park West and 69th Street
- The cooling tower box will be situated next to the existing water tower, positioned to the north, sitting at its base.
- The existing water tower is currently visible at the top of the west-facing side façade; the new cooling tower will be similarly visible. Because it is smaller and lower than the water tower, and located directly next to the water tower, the cooling tower is visually connected to the water tower mass, so does not appear to create additional visual weight or distraction when seen from the street.

The Preservation Committee of Community Board 7/ Manhattan believes that the design and positioning of the rooftop cooling tower are reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the installation of a rooftop cooling tower.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Preservation

Re: 37 Riverside Drive (West 76th Street.) Application # 14-2398 to the Landmarks Preservation Commission to replace a rooftop greenhouse, and modify windows at the penthouse.

Full Board Vote: 32 In Favor 0 Against 3 Abstentions 0 Present

Committee: 6-0-0-0.

The following facts and concerns were taken into account in arriving at our conclusions:

- No changes to the massing of the greenhouse or to the size or location of the existing window openings is proposed, so there is no change in the extent of visibility from the street below.
- The existing aluminum glazing at both the greenhouse structure and within the existing door and window openings is in poor condition. All glazing components will be replaced with a black steel glazing system, thermally broken for improved energy control.
- While the pane size will vary between the greenhouse enclosure (larger panes) and the replacement doors and windows (multiple, smaller panes), the lower horizontal steel mullion will link the two visually.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the replaced greenhouse enclosure and replacement windows are reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan approves the replacement greenhouse and window modifications.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Preservation

Re: 101 West 78th Street (Columbus Avenue.) Application to the Landmarks Preservation Commission for replacement of windows and penthouse addition.

Full Board Vote on “A” - approval of the façade work: 32 In Favor 0 Against 3 Abstentions 0 Present

Committee: 5-0-1-0. Non-Committee Board Member: 0-0-1-0

Full Board Vote on “B” disapproval of the rooftop addition: 32 In Favor 0 Against 3 Abstentions 0 Present

Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.

The application was broken down into two parts – the façade work, and rooftop addition.

A. Regarding the façade work, the following facts and concerns were taken into account in arriving at our conclusions:

- A version of the original entrance portico will be reconstructed at the main building entrance on West 78th Street, including replacement of the existing front door pair with a single central door with side lites.
- An ADA-accessible wheelchair lift will be installed to the west of the main entrance on West 78th Street. Given the large elevation change between the sidewalk and the first floor, an ADA-compliant ramp will not fit along either the 78th Street or Columbus Avenue façade.
- Replacement windows will be installed. They will all be one-over-ones. These windows will be double-hung, wood, thermally insulated, matching details and finish of the original windows.
- The addition of four new window openings with new double-hung one-over one windows is proposed for the side-facing west facade
- There will be façade repair and restoration work for the entire façade.
- Cornice repair and restoration work, and reconstruction of the vertical chimney masses at the roofline in GFRC (glass fiber reinforced concrete), modeled after historical reference documents

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the components of the façade renovation are reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the façade work as described above.

B. Regarding the rooftop addition, the following facts and concerns were taken into account in arriving at our conclusion.

- There is unused development or air rights available on the site, so that the proposed rooftop addition is as-of-right from a zoning perspective.
- The new rooftop addition will add two stories plus a bulkhead to the existing seven-storey structure.
- Along the main facades (west 78th Street and Columbus Avenue), the rooftop addition will be clad in metal “rainscreen” panels of zinc or painted aluminum. Along the secondary facades, the addition will be clad in brick similar to the brick cladding of the secondary facades in the existing structure below.

- Window surrounds and other architectural details in the metal-clad facades will be similarly made of metal.
- New windows will primarily be one-over-one double hungs, with a few awnings, several vertical sliders or casements
- Glass panels are proposed to be used in lieu of parapets on the setbacks and roof of the proposed addition.
- The new eighth floor will be set back minimally from the existing parapet wall, approximating the footprint of the original design for this floor, with additional enclosed space along the northern wing of the “U” shaped building, and at the courtyard interior, where a small recess will be enclosed to install a new elevator.
- The new ninth floor will be smaller than the eighth floor, approximately one-third the floor area, set back over the northern wing of the “U”.
- The eighth floor will be 14 feet tall. The ninth floor will be 11 feet tall.
- The eighth floor will be highly visible from the street, both from near and from a greater distance when looking along Columbus Avenue.
- The ninth floor and the tenth floor bulkhead, in being set back more, will be much less visible from the street.
- The Committee as a whole felt that the mass, bulk and height of the proposed rooftop addition appear overbearing and out of scale in relation to the size and proportions of the existing nineteenth century structure upon which the rooftop addition will be set.
- Several committee members had additional concerns that the gray metal cladding material and the metal architectural details were inappropriate in not respecting and relating to the original red brick cladding and white stone architectural details of the original structure below.
- Several committee members expressed concern that some of the new fenestration demonstrated little relationship to the existing fenestration patterns and rhythms of the building below.
- Enclosure of a rear courtyard recess to install a new elevator was also of concern to the several committee members, in its blocking an existing window.

For the reasons listed above, the Preservation Committee Community Board 7/ Manhattan believes that the design of the rooftop addition is not appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** the rooftop addition.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Preservation

Re: 153 West 82nd Street (Amsterdam – Columbus Avenue.) Application # 14-4523 to the Landmarks Preservation Commission to legalize a rooftop addition installed in non-compliance with Certificate of No Effect 12-9218.

Full Board Vote: 32 In Favor 0 Against 3 Abstentions 0 Present

Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.

The following facts and concerns were taken into account in arriving at our conclusions:

- The top portion of the front façade of the existing rooftop addition will be modified. A sloping section of roof will be introduced, lowering the height of the front façade wall. The vertical and horizontal dimensions of these modifications, as well as the angle of the sloped roof section have been set to render the rooftop addition non-visible from the street below.
- The existing metal chimney flues will be lowered to the minimum height prescribed by code.
- The existing metal flashing at the rooftop addition will be painted to match the stucco cladding color to reduce or eliminate reflectivity of this element.

The Preservation Committee of Community Board 7/ Manhattan believes that the changes proposed to the existing non-compliant rooftop addition to legalize it are reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan approves the proposed modifications to the existing rooftop addition.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Business & Consumer Issues

Re: 127 West 72nd Street (Columbus Avenue)

Full Board Vote: 35 In Favor 0 Against 1 Abstention 0 Present

Committee: 9-0-0-0. Non-Committee Board Member: 1-0-0-0.

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the application to the State Liquor Authority for a two-year liquor license Legend 72, LLC, d/b/a to be Determined on the condition that applicant provides photos of bicycle delivery uniform by June 13th.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Business & Consumer Issues

Re: 215 West 85th Street (Broadway)

Full Board Vote: 35 In Favor 0 Against 1 Abstention 0 Present

Committee: 9-0-0-0. Non-Committee Board Member: 1-0-0-0.

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the application to the State Liquor Authority for a two-year liquor license 85 Broadway Rest Corp, d/b/a Arte Pasta on the condition that applicant provides photos of bicycle delivery uniform by June 13th.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Business & Consumer Issues

Re: 421 Amsterdam Avenue (West 80th Street.)

Full Board Vote: 35 In Favor 0 Against 1 Abstention 0 Present

Committee: 9-0-0-0. Non-Committee Board Members: 2-0-0-0.

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the application to the State Liquor Authority for a two-year liquor license B&G Restaurants LLC, d/b/a to be Determined.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Business & Consumer Issues

Re: 2418 Broadway, a/k/a 216 West 89th Street.

Full Board Vote: 31 In Favor 3 Against 2 Abstentions 0 Present

Committee: 9-0-0-0.

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the application to the State Liquor Authority for a two-year liquor license by Bukefal LLC, d/b/a Cibo e Vino (not definitive).

RESOLUTION

Date: July 9, 2013

Committee of Origin: Business & Consumer Issues

Re: 612 Amsterdam Avenue (West 89th – 90th Streets.)

Full Board Vote: 34 In Favor 0 Against 1 Abstention 0 Present

Committee: 9-0-0-0. Non-Committee Board Member: 1-0-0-0.

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application DCA# 1345730 to the Department of Consumer Affairs by Nipa Thai Restaurant, Corp., d/b/a Thai Season, for a two year consent to operate an unenclosed sidewalk café with 10 tables and 24 seats.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Business & Consumer Issues

Re: 200 Columbus Avenue (West 69th Street.)

Full Board Vote: 29 In Favor 6 Against 2 Abstentions 0 Present

Committee: 9-0-0-0. Non-Committee Board Member: 1-0-0-0.

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application DCA# 1271565/ ULURP# N110325ECM to the Department of Consumer Affairs by Magnolia Columbus Avenue, LLC, d/b/a Magnolia Bakery, for a two-year consent to operate an enclosed sidewalk café with 15 tables and 39 seats.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Business & Consumer Issues

Re: 247 West 72nd Street (Broadway – West End Avenue.)

Full Board Vote: 29 In Favor 6 Against 2 Abstentions 0 Present

Committee: 9-0-0-0. Non-Committee Board Member: 1-0-0-0.

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application DCA# 1379700/ ULURP# N110190ECM to the Department of Consumer Affairs by My Most Favorite 72nd St. Corp., d/b/a My Most Favorite Food, for a two-year consent to operate an enclosed sidewalk café with 10 tables and 27 seats.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Transportation

Re: 2642 Broadway (West 101st Street)

Full Board Vote: 36 In Favor 0 Against 1 Abstention 0 Present

Committee: 8-0-0-0. Non-Committee Board Members: 2-0-0-0.

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application #B00256 to NYC Taxi and Limousine Commission by Fast Operating Corp., d/b/a Carmel Car & Limo for a For Hire Base Station License.

RESOLUTION

Date: July 9, 2013

Committee of Origin: Youth, Education & Libraries

Re: Borough Board Resolution on GED and Adult Literacy.

Full Board Vote: 33 In Favor 1 Against 0 Abstentions 0 Present

Committee: 5-0-0-0. Non-Committee Board Member: 1-0-0-0.

WHEREAS, the GED® exam is being phased out in New York as the primary pathway to a high school equivalency (HSE) diploma. Starting in January 2014, New York will use a new HSE exam that will phase in higher standards and computer-based testing; and programs and students need support to prepare for this major transition.

WHEREAS, New York City's current FY2014 budget plan includes no city funds for DYCD's community-based adult literacy services, which risks closing classroom doors to nearly 7,000 New Yorkers who want to earn a high school equivalency diploma and improve their literacy skills and employment prospects.

WHEREAS, New Yorkers who have passed some but not all sections of the GED® exam must finish the exam in 2013, or they will lose their earlier scores and have to start over with the new test in 2014.

WHEREAS, the Fund for Public Advocacy, with a coalition of partners, has launched the GED® Campaign to Finish to reach and engage 3,000 young adults who have begun the GED® preparation and testing process and support successful 2013 GED® completion for at least 2,000 individuals.

WHEREAS, adult literacy programs offer a high return on investment: for less than \$1,000 per student, adult learners become more prepared for the workforce, parents can better help children in school, young adults get back on track to educational and career advancement, and immigrants gain English language skills; and every high school credential earned generates \$324,000 in net benefits for the city.

WHEREAS, the need for adult literacy services in New York City is tremendous, with 1.2 million adults without a high school credential; 1.8 million adults lacking English proficiency; and 170,000 young adults ages 16 to 24 who are neither in school or working. The new federal policy of Deferred Action for Childhood Arrivals (DACA) is expected to further increase demand for adult literacy as an estimated 16,000 applicants in New York City strive to meet the educational criteria;

THEREFORE BE IT RESOLVED that Manhattan Borough Board supports adult literacy education in New York City; and calls on Mayor Bloomberg and the City Council to reach a FY2014 budget agreement that restores \$5.2 million for DYCD's Adult Literacy programs, \$1.5 million for the City Council's Adult Literacy Initiative, \$4.0 million for the Immigrant Opportunities Initiative, and funds Speaker Quinn's Adult Education DACA Initiative to expand adult education program seats.

BE IT FURTHER RESOLVED that Community Board 7/Manhattan supports the 2013 GED® Campaign to Finish and calls on City agencies and partners to connect eligible New Yorkers to GED® preparation programs and testing to maximize the number of GED® passers before the changes in 2014.