

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: JULY 27, 2004

COMMITTEES OF ORIGIN: WTC REDEVELOPMENT, BATTERY PARK CITY
AND FINANCIAL DISTRICT

COMMITTEE VOTE:	19 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Draft Supplemental Environmental Impact Statement for Route 9A from West Thames to Chambers Street

WHEREAS: CB #1 is very concerned about the cumulative impacts that all of the Lower Manhattan construction projects will have on the Downtown community, and specifically the impacts that construction on Downtown's major north/south artery, Route 9A ("the Project" or "Proposed Action"), will have during peak construction years, and

WHEREAS: The information contained in the Draft Supplemental Environmental Impact Statement (DSEIS) is in some instances erroneous and is inadequate to properly analyze the impacts to the community that will result from any of the Route 9A alternatives including construction, traffic, noise, and cumulative impacts, and

WHEREAS: CB #1 is eager to address the connectivity and access challenges that are currently posed by Route 9A between Battery Park City and the financial district, now

THEREFORE

BE IT

RESOLVED

THAT: Whether the At-Grade Alternative or either of the Short Bypass Alternatives is implemented, CB #1 has the following concerns regarding the adverse impacts to the community including construction, traffic, noise, and cumulative impacts:

Legal Framework

We believe that four issues that were not analyzed by the DSEIS should be addressed. CB #1 urges NYSDOT to include a full analysis of the environmental impacts of these projects in the scope of the FSEIS for Route 9A south of Chambers Street so that we can have a complete understanding of the impacts of the project on our community.

- **Promenade South Project**

The DSEIS notes that the Promenade South Project "would not result in any new significant adverse impacts" from those presented in the 1994 FEIS, and that therefore an environmental review of the project is not necessary. We respectfully disagree as cumulative traffic, noise and air quality impacts from all the simultaneous redevelopment projects are considerably different now from the 1994 analysis.

- **Commuter and Tourist Buses**

The DSEIS fails to analyze the impact of commuter and tourist buses on Route 9A and the surrounding area. NYSDOT should assume that there will be 100 buses per day and that there will be no bus garage in order to determine the full impact this will have on the community. In addition, the analysis of the impact of commuter and tourist buses on the area should include study years up to 2025.

- **Early Action Project**

The DSEIS indicates that the construction of any of the proposed Route 9A alternatives would be preceded by an Early Action construction project that would take 12 months to complete (the “Early Action Project”). Since many of the elements specified in the Early Action Project appear to have not been addressed by the DSEIS, and since many elements seem to cross jurisdictional bounds with the LMDC’s work at the WTC site and may not have been addressed in the WTC Site FGEIS, we request that these elements be properly analyzed as part of the Route 9A FSEIS.

- **Study Years**

The DSEIS does not use the most appropriate future scenario study years. Although the choice of 2006 as a construction year may be appropriate, the choices of 2007 and 2025 for the post-construction years, to the exclusion of more relevant periods, make little sense. In particular, 2007 is too early to be particularly meaningful and 2025 is too remote. Under the By-Pass Alternatives, the construction schedule does not even call for the completion of the Proposed Action in 2007. More importantly, almost all of the nearby projects will still be under construction – most notably the WTC projects, Phase I of which is not expected to be complete until 2009. Thus, 2009 would be a more appropriate early post-construction analysis year.

Construction Practices

- The DSEIS describes short-term construction period effects as well as long-term cumulative effects of construction practices despite the fact that the actual design of the Proposed Action is ongoing and will not be completed for at least another year. Such effects cannot be reviewed in a comprehensive manner prior to completion of the proposed design and CB #1 requests an opportunity to review and comment on developing design elements and associated construction practices.
- The DSEIS focuses on the Short Bypass Alternatives in the presentation and analysis of short-term construction period effects and long-term cumulative effects of the Proposed Action. If the reason for this is that the effects of the Short Bypass Alternative are the most significant, the FSEIS should at least indicate the areas in which the effects of other considered options are different.
- Work on the Short Bypass Alternatives is scheduled for 2 ten-hour shifts five days a week, which will have a significant and continual effect on residents and business in adjacent areas of Battery Park City. Start and stop times and other scheduling issues are not addressed and no consideration is given to possible measures to mitigate the effects of essentially continuous construction on such areas such as weekend or rush hour stoppages. All noisy and disruptive work such as jack-hammering, excavation and

drilling should occur only during hours specifically agreed upon by the nearby residents and commercial tenants.

- The DSEIS does not adequately address:
 - The anticipated effects of construction on local traffic during the construction period including the unavoidable spill over of construction trucks onto ancillary streets.
 - The location or effects of staging areas for equipment and workers on vehicular or pedestrian traffic, air pollution or other considerations.
- The DSEIS identifies five working groups that are expected to coordinate EPCs for the Proposed Action. The roles of each of these proposed working groups are unclear and the DSEIS does not indicate how it is anticipated that such groups will interact either with the proposed Lower Manhattan Construction Commission or the community.
- Access to and from Battery Park City should be maintained for both pedestrians and vehicles throughout the construction period.
- CB #1 is concerned about the impact that this significant construction project will have on the retention and attraction of corporate tenants. Moreover, a significant number of commercial leases in and around the construction area will be up for renewal during the construction period. We therefore request that access plans to the commercial office towers be reviewed regularly with CB# 1 and major nearby office building owners and tenants in an effort to mitigate any potential relocations.

Traffic

- The DSEIS provides inadequate information to assess the different traffic effects of the different proposed alternatives. For example, the DSEIS does not analyze the construction impacts on traffic for the At-Grade Alternative. Instead, the DSEIS addresses only the construction effects of the Short Bypass option (without specifying which of the two Short Bypass Alternatives is being analyzed) on the stated theory that such a worst-case analysis is most conservative. Thus, the DSEIS provides inadequate guidance as to how much more disruptive the Short Bypass Alternatives would be to traffic during construction than the At-Grade Alternative.
- The DSEIS conclusion that the “construction of the Short Bypass Alternative would not result in any significant adverse impact” is contrary to common sense and common experience regarding road construction projects of this magnitude, and calls into question the reliability of any traffic model that could lead to such a conclusion.
- The DSEIS does not adequately address the Cedar Street Portal, which would appear to have more significant effects on traffic than the Liberty Street Portal Alternative. The Cedar Street Portal Alternative should be analyzed to the same extent as the Liberty Street Portal.
- The Short Bypass Alternatives contemplate at-grade lanes containing no turn lanes. The DSEIS does not analyze the traffic effect of a lack of turn lanes, even though one function of the at-grade lanes is to handle local traffic turning onto and off of Route 9A. The absence of turn lanes should be addressed by the FSEIS.

- The DSEIS does not address reasonably anticipated security issues regarding the Short Bypass Alternatives. The northbound underground lane will run parallel to, and be separated by 15 feet from, the WTC Slurry Wall and Memorial Site. The WTC Site FGEIS anticipates that during periods of heightened security, Fulton and Greenwich Streets may be closed to traffic. During such times, traffic may be similarly restricted in the underground Route 9A lanes, with either all traffic prohibited or truck traffic prohibited. Moreover, if restrictions on other underground traffic routes in the City are any guide, there is the possibility that truck traffic may be permanently restricted from the underground lanes. The FSEIS should address these contingencies.
- Southbound Route 9A traffic destined for the Brooklyn Battery Tunnel (BBT) currently narrows to one lane at the BBT underpass between Albany and West Thames Streets. Prior to September 11, 2001, such traffic narrowed to two lanes at the same point. (One lane of the BBT underpass has been closed for security reasons.) This “choke-point” for BBT-bound traffic causes PM rush traffic to back up for several blocks to the north on Route 9A. The Short Bypass Alternatives will have the effect of moving this choke-point to Murray Street, with anticipated evening rush traffic backing up a comparable distance north from Murray Street, to areas where recreational fields, schools and residential buildings are located adjacent to Route 9A, and across which are the primary pedestrian connections between Battery Park City and Tribeca. The FSEIS should adequately analyze this effect and any related remediation measures.
- The DSEIS analyzes peak AM and PM hours but unlike the WTC FGEIS does not analyze any mid-day hours, which are the hours during which the vast majority of WTC visitors will use Route 9A, according to the DSEIS. “Tourist” traffic, including tour buses, present different driving loads than commuter drivers and commuter buses, and a given road can handle a larger volume of commuter traffic than tourist traffic. We assume that the computer model used in developing the DSEIS has the capability to model these differences in traffic type, but no analysis of these different types of traffic is contained in the DSEIS. The FSEIS should include such an analysis and an analysis of mid-day hours.
- The DSEIS does not adequately address possible pedestrian safety issues relating to tunnel ramps associated with the Short Bypass alternative. Without any analysis, the DSEIS states that the Short Bypass is safer for pedestrians than the At Grade alternative. The FSEIS should include a complete assessment of this issue.

Noise

Construction and Traffic Noise Impacts

- The DSEIS concludes that NYSDOT construction noise standards will be exceeded under the At-Grade Alternative at office buildings on Route 9A between Liberty and Vesey and between Barclay and Murray.
- For the Short Bypass Alternative, the adverse impacts would be far more significant where construction noise standards will be exceeded not only for the forgoing office uses, but also for residential, hotel and office uses on Route 9A between Carlisle and Albany Streets, Albany Street between South End Avenue and Route 9A and Albany Street between Route 9A and Washington Street.

- The DSEIS notes that there will be a “substantial exceedence” of existing noise levels due to traffic noise in each build alternative.

Mitigation Measures

- The DSEIS unreasonably concludes that with respect to mitigation measures, “none of the measures were found to be reasonable and feasible” and that project related noise impacts would therefore not be abated.
- CB #1 strongly urges NYSDOT to implement all practicable noise abatement measures, including but not limited to: soundproof windows for adjacent residential buildings, scheduling of noisy work during the daytime as opposed to evenings or weekends, establishment of sound receptor stations and regular noise monitoring, and employment of silencing measures on noisy construction equipment.

Cultural Resources

- The DSEIS indicates that ground-borne vibration may damage at least six historic buildings under the At-Grade Alternative. However, there is no assessment of vibration damage to these buildings under either Short Bypass Alternative, which would undoubtedly cause far more vibration. The FSEIS should include a complete assessment of vibration impacts resulting from construction of the Proposed Action.
- The visual impacts of tunnel ramps resulting in the Short Bypass Alternatives must be evaluated as part of the FSEIS.

Air Quality

- At both analysis locations, the maximum annual average PM₁₀ concentration decreases slightly for both the At Grade and Short Bypass Alternatives but does not change for the No Action Alternative. Therefore, the No-Action Alternative is not an acceptable option. Offsetting reduction measures should be implemented anywhere in the impacted areas if there are still exceedences of PM₁₀ and PM_{2.5} despite using all available mitigation measures.
- We are concerned that particulate matter emitted from diesel engines working on the Proposed Action and other concurrent projects will be “substantially higher” than New York City’s interim guidance threshold and will “substantially exceed” the EPA’s air quality standards. Therefore, we request that appropriate measures be taken to protect the air quality of Lower Manhattan, including, but not limited to the following:
 - Develop an air-monitoring program throughout the site of the Proposed Action to track the cumulative impact of the Proposed Action and numerous other concurrent projects on adjacent residential and commercial sites and should post monitoring data on NYSDOT’s website;
 - Enforce New York City’s three consecutive minute idling regulations for vehicles with diesel engines and manage construction scheduling to avoid idling; and

- Require that all vehicles, including debris removal trucks and cement mixers use state-of-the-art emissions filters and ultra low sulfur fuels and be designed or retrofitted to use current low emission technologies.

Cumulative Impacts

- Although it purports to address the cumulative effect of the numerous and substantial construction and development projects proceeding in Lower Manhattan during the same time period as the Route 9A Project, we believe that the DSEIS underestimates the actual cumulative effect for three independent reasons:
- The use of differing methodologies for estimating key effects (such as traffic or noise pollution) under the separate Environmental Impact Statements for the various projects precludes an “apples to apples” comparison or any meaningful aggregation of the cumulative effects of the various different projects.
- Merely adding up the effects specifically attributable to each different project fails to take proper account of the synergistic effects on economic growth and development that the Proposed Action and multiple other planned projects can be expected to have on Lower Manhattan.
- Key Lower Manhattan projects are ignored altogether, including the planned Goldman Sachs headquarters at Site 26 in Battery Park City, the deconstruction of 130 Liberty Street and the development of Sites 5B and 5C adjacent to Route 9A between Murray and Chambers Streets. Moreover, Site 26 is identified as the possible site of a Bus Parking Facility notwithstanding the fact that this site is being developed for the Goldman Sachs headquarters.

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RESOLUTION

DATE: JULY 27, 2004

COMMITTEES OF ORIGIN: WTC REDEVELOPMENT, BATTERY PARK CITY
AND FINANCIAL DISTRICT

COMMITTEE VOTE: 13 In Favor 0 Opposed 0 Abstained 0 Recused
BOARD VOTE: 39 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Fulton Street Transit Center

WHEREAS: CB #1 strongly supports the construction of the proposed Fulton Street Transit Center (“FSTC” or the “Proposed Action”) to rationalize access to subway lines creating a public crossroads and significantly improving access to, from and within Lower Manhattan, and

WHEREAS: CB #1 recently received a presentation from the MTA on the FSTC project where the Board raised several important issues with regard to the Proposed Action, and

WHEREAS: CB #1 previously submitted comments on the DEIS identifying the Board’s concerns about the impacts of the project, including construction of the facility, on the Lower Manhattan community, now

THEREFORE
BE IT
RESOLVED

THAT: CB #1 would like the MTA to address the following comments and recommendations regarding the FSTC project:

Dey Street Concourse

- Current plans do not call for climate control for the 400- foot concourse that will run underneath Dey Street. Given the significant number of pedestrians expected to use the concourse, coupled with the length of the concourse, we recommend that climate controls be provided for this space.
- Renderings of the concourse are generic and lack detail. We request that the MTA present to CB #1 samples of materials they are planning to use for the concourse including the floors, walls, and ceilings.
- No emergency evacuation procedures have been developed for the concourse and we urge the MTA to adopt such procedures and distribute the plan publicly.

Retail

- While the FSTC will have an estimated 27,000 square feet of retail, less than 10,000 square feet will be street level. We remained troubled that such limited street level retail will not activate the street life in the community. Moreover, we are concerned that the majority of the retail is on the second floor and may not be marketable because it will not receive adequate foot traffic.

- It is imperative that the project be programmed with the proper retail to restore needed amenities and services to the community, and to complement the retail uses that are being developed on the World Trade Center site. We request that the MTA keep CB #1 well informed of the retail plans for the project.
- To support retail activity in the new Transit Center, restrooms should be installed to increase its use as such facilities are normally available in transit centers throughout the world.

Enforcement Measures

- We are pleased to see that the project will adhere to the Environmental Performance Commitments (EPC's). However, we are concerned about a potential lack of enforcement of these and other regulations. We therefore urge the MTA to require inclusion of liquidated damages clauses in contracts with all contractors and sub-contractors working on the FSTC project to provide a proper deterrent to violators.

Construction

- We support the project being a part of the Lower Manhattan Construction Coordination Group (LMCCG). We strongly recommend that the Proposed Action be accountable to a LMCCG construction "czar" who is responsible for all of the Lower Manhattan redevelopment projects so cumulative effects can be properly considered.
- We urge the MTA to adopt a 24- hour hotline where members of the community can use to file grievances.
- Noisy work should be done in such a way that it is least disruptive to the surrounding community and particularly to the residential buildings immediately adjacent to the work site, and

BE IT
FURTHER
RESOLVED

THAT: Community Board #1 also urges that the MTA continue to keep us fully updated on this important project and that there be regular consultation with the CB through both the remainder of the design process as well as the construction phase of this project.

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DATE: JULY 27, 2004

COMMITTEES OF ORIGIN: WTC REDEVELOPMENT, BATTERY PARK CITY
AND FINANCIAL DISTRICT

COMMITTEE VOTE: 19 In Favor 0 Opposed 0 Abstained 0 Recused
BOARD VOTE: 39 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Route 9A South Promenade Reconstruction

WHEREAS: The New York State Department of Transportation (NYSDOT) proposes to reconstruct Route 9A from West Thames Street to Battery Place due to the effects of September 11th, and

WHEREAS: This project will create a more pedestrian friendly connection between the east and west of Route 9A including landscaping, wider sidewalks and improved decking for the Battery Park Underpass, and

WHEREAS: Almost all the buildings, east and west, that border the project area have become residential with two more sites in Battery Park City to be developed as residential, and

WHEREAS: The combination of a large influx of families and the lack of active recreation in and around the Battery Park area creates the overwhelming need to incorporate active recreation uses for the South Promenade, and

WHEREAS: This project, which also encompasses City owned Little West Street, must gear some of these improvements towards the needs of local residents, rather than exclusively towards those of visitors as currently designed, now

THEREFORE

BE IT

RESOLVED

THAT: Community Board #1 supports the South Promenade project with the requirement that the design include active recreation to serve our community such as, basketball courts, handball courts and children's playgrounds, and

BE IT

FURTHER

RESOLVED

THAT: NYSDOT work with the community in the design and placement of these active recreation elements along with landscaping that might mitigate the effects of traffic pollution and noise.

COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: JULY 27, 2004

COMMITTEES OF ORIGIN: EXECUTIVE

COMMITTEE VOTE: 10 In Favor 0 Opposed 0 Abstained 1 Recused
BOARD VOTE: 28 In Favor 10 Opposed 1 Abstained 0 Recused

RE: Route 9A South Reconstruction

WHEREAS: The New York State Department of Transportation (NYSDOT) proposes to reconstruct Route 9A from Chambers Street to West Thames Street due to the effects of September 11, 2001, and

WHEREAS: Four alternatives for this project have been evaluated in the NYSDOT Draft Supplemental Environmental Impact Statement (SEIS): a No Action Alternative, an At-Grade Alternative and two Short Bypass Alternatives (Liberty Street Portal and Cedar Street Portal), and

WHEREAS: Because the No Action Alternative would permanently eliminate two lanes of traffic lost after the 9/11 attacks, and because the planned redevelopment of the WTC site is expected to result in a significant increase in traffic on Route 9A as compared to pre-9/11 levels, the choice of viable options is among the At-Grade and Short Bypass Alternatives, and

WHEREAS: The current SEIS is a supplement to the 1994 EIS which Record of Decision did not evaluate a short bypass, and

WHEREAS: While the Short Bypass might enhance through traffic flow along the length of the Bypass, it would do so by segregating local and through traffic in a manner that could result in degrading the flow of local traffic and traffic destined for Lower Manhattan, and

WHEREAS: While a Short Bypass would enhance at-grade east-west pedestrian connectivity between Liberty and Vesey Streets, it would do so at the expense of reducing pedestrian connectivity in other adjacent areas heavily traveled by area residents and workers, by adding tunnel ramps north and south of the Bypass, blocking pedestrian crossing at those locations and degrading the pedestrian crossing in the blocks immediately north and south of the ramps, and by eliminating the Liberty Street pedestrian bridge, and

WHEREAS: The location of the Short Bypass Alternative next to the WTC Memorial could present a security issue necessitating restrictions or closures, as currently exist at the Brooklyn Battery Tunnel Bypass, causing major traffic disruptions and reducing or eliminating the traffic benefits of the Bypass, and

WHEREAS: According to the Draft SEIS, each of the At-Grade and Bypass Alternatives would substantially achieve the stated objectives of the Route 9A reconstruction (improved traffic flow, improved pedestrian connectivity and enhanced WTC Memorial experience), but at significantly different costs in terms of dollars and

construction disruption – the At-Grade Alternative is projected to cost \$40 million more than No Action, 5.5% of the least expensive Bypass Alternative (Liberty Street Portal), which would cost \$725 million more than No Action; the At-Grade Alternative is projected to require 1 ½ to 2 years of construction with mostly single shift work, whereas the Liberty Street Portal Bypass Alternative is projected to take 2 ½ to 3 years with mostly double 10-hour shift workdays, and the Cedar Street Portal would take even longer, and

WHEREAS: Construction for the Route 9A project will take place in an area of Lower Manhattan that will be concurrently contending with the impacts of constructing the nearby office towers, retail and cultural buildings and Memorial at the WTC site, the PATH terminal, a bus depot, residential and office buildings in Battery Park City and southern Tribeca, as well as the demolition of 130 Liberty Street, and the added construction impact of the At-Grade Alternative will be considerably less severe than either of the Short Bypass Alternatives, and

WHEREAS: The At-Grade Alternative will have the same traffic capacity as the Bypass Alternatives, but will have more flexibility to handle shifting proportions of local and through traffic, and would be less likely to be subject to security closures, and

WHEREAS: The Cedar Street Portal Bypass Alternative would be the most disruptive Alternative for local traffic, in that it would, among other things, deny local southbound traffic direct access to the Brooklyn Battery Tunnel, forcing such traffic to continue to Battery Place where it would be required to make a U-turn north before entering the Brooklyn Battery Tunnel, adding further congestion to an already congested section of the roadway, and

WHEREAS: The goal of redeveloping Lower Manhattan since September 11, 2001 has been to create a vibrant mixed use community, memorialize the events of that day and strengthen its place as the third largest central business district in the country, and

WHEREAS: Any investment of transportation monies in Lower Manhattan projects should support our struggling business community, enhance our growing residential population and help people travel to and around Lower Manhattan by foot, car and public transportation, and

WHEREAS: The proposed LIRR/JFK rail link would better achieve these goals, and

WHEREAS: Selecting the At-Grade Alternative would free up hundreds of millions of dollars of transportation funds that could more appropriately be spent on the LIRR/JFK rail link, and likely permit a greater proportion of the remaining CDBG funds to be used for sorely needed non-transportation capital improvements in Lower Manhattan, which this Community Board has previously identified as its preference for such funds, and

WHEREAS: The significant office vacancy rate that currently exists in Lower Manhattan, coupled with the potential rezoning of the Hudson Yards for commercial development and the impending midtown East Side Access Project, jeopardizes the future of Lower Manhattan as the nation's third largest commercial business district and makes the implementation of the LIRR/JFK rail link a priority, and

WHEREAS: The Bypass Alternatives are strongly opposed by all our local elected officials and by a large number of Lower Manhattan residents, as reflected in public opinion polls and participation in public hearings, now

THEREFORE

BE IT

RESOLVED

THAT: Community Board #1 recommends the At-Grade Alternative for the reconstruction of Route 9A, and

BE IT

FURTHER

RESOLVED

THAT: Community Board #1 urges that the transportation dollars that would otherwise be allocated to the construction of a Short Bypass be used for the LIRR/JFK rail link, a project that would be a wiser investment for the revitalization of Lower Manhattan.

COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: JULY 27, 2004

COMMITTEES OF ORIGIN: TRIBECA

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused 1 Present not voting
BOARD VOTE: 31 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 241 West Broadway, liquor license application for George Forgeois

WHEREAS: The applicant proposes to operate a restaurant with 17 tables with 62 seats and a bar with 7 seats, and

WHEREAS: The proposed maximum hours of operation will be noon until midnight Sunday through Saturday, and

WHEREAS: The applicant agreed to have quiet background music only as appropriate for an establishment located where it is, and to provide adequate sound-proofing, and

WHEREAS: The applicant represented that it will not be seeking a cabaret license but would be seeking a sidewalk café license, and

WHEREAS: The CB received a letter of opposition from some nearby residents requesting a 500 foot hearing due to the large number of liquor licenses in the immediate area, and

WHEREAS: The applicant agreed to add these conditions to the SLA application, now

THEREFORE
BE IT
RESOLVED

THAT: CB #1 does not oppose the new liquor license application for George Forgeois at 241 West Broadway for a period of two years subject to compliance by the applicant with the limitations and conditions set forth above and the convening of a 500 foot hearing.

COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: JULY 27, 2004

COMMITTEES OF ORIGIN: TRIBECA

COMMITTEE VOTE: 10 In Favor 0 Opposed 0 Abstained 0 Recused 1 Present not voting
BOARD VOTE: 31 In Favor 0 Opposed 0 Abstained 1 Recused

RE: 161 Hudson Street, Beer and Wine application for Reversal of Fortune

WHEREAS: The applicant proposes to operate a restaurant with a public assembly capacity for 65 people and a bar with 8 seats, and

WHEREAS: The proposed maximum hours of operation will be 8:00AM until midnight Sunday through Saturday, and

WHEREAS: The applicant represented that there will be no music, and

WHEREAS: The applicant represented that it will not be seeking a cabaret license but would be seeking a sidewalk café license (if legally required to do so) for the loading dock on the Hudson Street side, and

WHEREAS: The applicant agreed to add these conditions to the SLA application, now

THEREFORE
BE IT
RESOLVED

THAT: CB #1 does not oppose the new beer and wine license application for Reversal of Fortune at 161 Hudson Street for a period of two years subject to compliance by the applicant with the limitations and conditions set forth above.

COMMUNITY BOARD #1 - MANHATTAN
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DATE: JULY 27, 2004

COMMITTEES OF ORIGIN: TRIBECA

COMMITTEE VOTE: 10 In Favor 0 Opposed 0 Abstained 0 Recused
BOARD VOTE: 32 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Proposed design for “Renaissance Park” at Laight, Canal and Varick Streets

WHEREAS: The NYC Department of Parks and Recreation presented a new park design by the American Landscape Contractors Association for the triangle at Laight, Canal and Varick Streets, and

WHEREAS: Prior to 9/11, this triangle which is owned jointly by the Port Authority of NYNJ and NYCDOT, was to be a joint interagency project to develop a park at this location and had the full support of the CB, and

WHEREAS: In response to 9/11 the American Landscape Contractors Association has proposed to design, fund and build, in cooperation with the NYC Parks Department, this new park as a gift to Lower Manhattan, and

WHEREAS: The design includes planted areas, trees, benches and decorative fencing surrounding the park and a 24 foot tall stone water feature, and

WHEREAS: The construction of the park will start in the fall of 2004 and be finished in the spring of 2005, and

WHEREAS: The park will be closed at night and ALCA will be providing an endowment fund for the maintenance, now

THEREFORE
BE IT
RESOLVED

THAT: Community Board #1 supports the design as presented and wishes to thank the American Landscape Contractors Association, The Port Authority of NYNJ, NYCDOT and the NYC Dept of Parks for working together to make this new park a reality for the people of Lower Manhattan.

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DATE: JULY 27, 2004

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE: 3 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 31 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 253 Broadway, application to install new awnings and signage

WHEREAS: Eckerd's, the pharmacy, intends to sign a lease at this 1892 building on the corner of Murray Street and Broadway, and

WHEREAS: The proposal to remove existing signage and locate three signs- "Eckerd", "Pharmacy," "1 hour photo" - of maximum height of 18" on the buildings signage band was felt appropriate, and

WHEREAS: The building address sign "253" would be raised and centered, and

WHEREAS: The standard blue fabric awnings would be placed above the windows with appropriate lettering on the 9" drop flap which the committee had no problems with, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 recommends that the Landmarks Preservation Commission approve the application.

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DATE: JULY 27, 2004

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE: 3 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 31 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 177-179 Duane Street, application to replace cast iron vault covers with concrete and diamond plate

WHEREAS: The applicant had already presented to the LPC and been approved but had called the office and committee Co-Chair to explain the proposal and apologized that they were not able to be present at the meeting, and

WHEREAS: The Committee reviewed the application and saw no problems, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 asks that the Landmarks Preservation Commission note that we had no objection, but would remind LPC of its agreed procedure not to review applicants that have not presented first to CB #1 and that this exception does not set a precedent.

04res.july27

COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: JULY 27, 2004

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE: 3 In Favor 0 Opposed 0 Abstained 0 Recused
BOARD VOTE: 31 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 66 Leonard Street, application to install rooftop railing

WHEREAS: The applicant did not attend the meeting, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 recommends that the Landmarks Preservation Commission not proceed until the applicant presents to the Community Board and LPC is given the opportunity to consider the Community Board resolution.

04res.july27

COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: JULY 27, 2004

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE: 3 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 31 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 90 West Street, application to establish a master plan governing future storefront alterations

WHEREAS: 40 West Street, designed by Cass Gilbert and built in 1907, is one of Downtown's finest individual landmarks that was heavily damaged on 9/11, and

WHEREAS: The exterior restoration work to the building is being completed to a very high standard, much of it being almost entirely new and there is hope to remove the scaffolding in late 2004 and start occupancy in Spring 2005, and

WHEREAS: The master plan for storefronts provides for three options -storefront, entrance and light and double entrance all with consistent signage of 12 " lettering and clear glass, and

WHEREAS: The entrances would use the double existing height to provide a top window, louver panel, glass signage panel with a small directional light and black painted aluminum frame, and

WHEREAS: The main West Street apartment entrance would retain the original bronze canopy and restored revolving door, and

WHEREAS: The Cedar Street apartment entrance would match the West Street entrance, and

WHEREAS: The garage entrance on Albany Street would have a 5' blade sign on the corner and a bay sign with black lettering on a white background and no lighting, now

THEREFORE

BE IT

RESOLVED

THAT: CB#1 commends the applicant for the careful and thoughtful restoration of this important Landmark and recommends that the Landmarks Preservation Commission approve this application.

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COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE: 4 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 31 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 21-23 South William Street, application to construct rooftop addition, add dormer windows and install lotline windows and balconies

WHEREAS: This 1928 Tudor Revival building, once a gentlemen's club known as Block Hall, has been vacant for six years and is being converted into an apartment building by following the master plan established in 1996 as part of the designation of the Stone Street Historic District, and

WHEREAS: The proposal is for a FAR of 6 rather than the as of right of 15, and includes a largely invisible two story brick roof addition and the inclusion of six new mansard windows on the main elevation, all in conformity with the appropriate master plan, and

WHEREAS: The roof will be free of mechanical equipment and the elevator bulkhead will be placed in the basement, and

WHEREAS: The addition has 38' setback on South William Street and 4' on Stone Street and is not visible from either street; there is some visibility from the side elevations but this was considered acceptable to the Committee, and

WHEREAS: The new mansard casement windows on the front elevation will follow the vocabulary of the original existing stained glass windows and will be painted dark green, and

WHEREAS: The new fenestrations on the Stone Street elevation follow the master plan by incorporating small metal balconies, and

WHEREAS: The west wall needs to be completely rebuilt with new brick to match the Historic District and with careful historically appropriate pointing with new fenestrations for 21 lotline windows and 14 small fenestrations for kitchen windows, all following the master plan, and

WHEREAS: The east wall will incorporate 14 new lotline aluminum windows, now

THEREFORE
BE IT
RESOLVED

THAT: CB #1 recommends that the Landmarks Preservation Commission approve this application.

COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: JULY 27, 2004

COMMITTEE OF ORIGIN: ART & ENTERTAINMENT

COMMITTEE VOTE: 4 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 30 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Freedom of Expression National Monument exhibit at Foley Square

WHEREAS: Creative Time has proposed the temporary installation of *Freedom of Expression National Monument* for Foley Square from August 16 through November, and

WHEREAS: Twenty years ago Creative Time commissioned Laurie Hawkinson, Erika Rothenberg and John Malpede to adapt the concept of a public soapbox at the Battery Park City Landfill where thousands of New Yorkers expressed their thoughts, and

WHEREAS: Creative Time has re-commissioned *Freedom's* artists for the 20th anniversary, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 approves the temporary installation of *Freedom of Expression National Monument* for Foley Square from August 16 through November.

COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: JULY 27, 2004

COMMITTEE OF ORIGIN: ART & ENTERTAINMENT

COMMITTEE VOTE: 4 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 30 In Favor 0 Opposed 0 Abstained 0 Recused

RE: City Hall Park Temporary Artwork

WHEREAS: The Public Art Fund, following the popular success of the *Metrospective* and *Roy Lichtenstein at City Hall Park*, has proposed to exhibit in City Hall Park a major survey of the British artist, Julian Opie's work in the fall of 2004, and

WHEREAS: Julian Opie is one of Britain's most recognized artists and this will be the first time that a major collection of the artist's work will be shown in a public setting in the United States, and

WHEREAS: The Public Art Fund plans to bring together nine groups of Opie's sculpture which will be exhibited through the park and out onto the surrounding streets, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 approves the temporary installation of Julian Opie's sculptures proposed by the Public Art Fund for City Hall Park.

COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: JULY 27, 2004

COMMITTEE OF ORIGIN: FINANCIAL DISTRICT

COMMITTEE VOTE: 7 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 32 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 2 Gold Street Decorative Sidewalk Treatment

WHEREAS: Rockrose Development has proposed to install Distinct Sidewalk features in the public right-of-way of Gold Street between Maiden Lane and Platt Street in conjunction with the construction of their new residential building at 2 Gold Street, and

WHEREAS: The Rockrose proposal calls for the use of asphalt pavers, granite curbs, Downtown Alliance streetlights and Downtown Alliance bollards in the treatment of this sidewalk area, utilizing the same materials and elements as in their adjacent public plaza, and

WHEREAS: The Committee felt that this sidewalk treatment represents an upgrade from the use of standard sidewalk materials, and

WHEREAS: The Committee understood that these are distinctive features requiring a maintenance agreement between Rockrose Development Corp. and the New York City Department of Transportation, and that Rockrose will be obligated for the upkeep of these materials and installations, now

THEREFORE

BE IT

RESOLVED

THAT: Community Board #1 approves the use of these Distinctive Sidewalk features at 2 Gold Street and, in general, endorses the uniform landscape treatment of the urban plaza and the surrounding sidewalk.

COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: JULY 27, 2004

COMMITTEE OF ORIGIN: WTC REDEVELOPMENT

BOARD VOTE: 31 In Favor 0 Opposed 4 Abstained 0 Recused

RE: Deutsche Bank Demolition (aka 130 Liberty Street)

WHEREAS: The Deutsche Bank and the LMDC have reached an agreement to demolish their building at 130 Liberty Street as a result of the damage incurred during the 9/11 attack, and

WHEREAS: There is concern in the community regarding the manner in which the building is demolished given that the building is reportedly filled with many hazardous and toxic substances including mold, asbestos, mercury, lead, cement dust, mineral wool, Polychlorinated Biphenyls (PCBs), Polychlorinated Dibenzo, and Dioxins/Polychlorinated Dibenzofurans, and

WHEREAS: The Community Board is interested in insuring that the safety and well-being of local residents and workers is given the utmost consideration during the lengthy demolition process, and

WHEREAS: There is also great concern that all responsible measures be taken to anticipate any and all potential accidents and contingencies and be fully prepared to deal with them immediately should they occur, and

WHEREAS: Another key element to insure the successful demolition of the building is full and open consultation among all the interested parties involved in the project including members of the community with whom the authorities supervising this operation should communicate openly and frequently to keep them informed of the progress of this project, now

THEREFORE

BE IT

RESOLVED

THAT: Community Board #1 strongly urges that the demolition of the Deutsche Bank building at 130 Liberty Street be undertaken in an open and transparent manner insuring that all applicable City, State and federal health, safety, environmental, and counterterrorism laws are fully observed and enforced, and

BE IT

FURTHER

RESOLVED

THAT: Community Board #1 applauds the creation of the Deutsche Bank Advisory Council which includes representatives of the residential and business community as well as our local elected officials and is to meet regularly with representatives of the LMDC and other oversight agencies to oversee the progress of this project and to address any issues and problems as they arise, and

BE IT
FURTHER
RESOLVED

THAT: The Community Board recommends that the Advisory Council meetings be open to the general public, and post the minutes of their meetings on their website to give the public an additional opportunity to gather information and raise issues with regard to this demolition, and

BE IT
FURTHER
RESOLVED

THAT: Community Board #1 recommends that the following measures be taken during demolition to protect the health and welfare of people living and working in Lower Manhattan:

- The entire testing protocol should be provided to the public for scrutiny and input prior to any testing program.
- All test results from the building, by government agencies, must be made public on a website updated daily in real time.
- Both federal EPA and New York State DEC must conduct comprehensive testing (as originally recommended by the CB in attached Oct. 15, 2002 resolution).
- Testing for visible dust and "building materials" (including asbestos, dioxins, lead and mercury, etc.) should include the structural steel, cell system and risers, curtain wall cavity and interior wall cavity.
- Measures must be taken to contain the contaminants currently present in the building and insure that the building is properly sealed with no open areas. Such measures may include additional netting and/or a protective barrier around the entire façade.
- The hazardous waste from the site must be properly handled so that there is no release into the community at the staging area or during transport through the residential neighborhoods, and it must be disposed of in a legally licensed hazardous waste facility. The contractor should consider driving the debris trucks into the inside of the Deutsche Bank building to create an interior loading platform, rather than outside of the building. This "internal chute" would minimize dust to the surrounding area, including pedestrians and residents and workers. If this is not possible, staging should take place on Deutsche Bank property close to the Washington Street side of the site which has no residents.
- Additional real-time testing of all contaminants known to be present in the building must be conducted in the surrounding area to detect any contamination released during demolition and transportation of debris.
- State of the art monitoring equipment should be installed in adjacent areas extending several blocks in all directions and post all test results on the website.
- Contingency plans must be developed and enforced in conjunction with the Fire Department of New York, the New York City Police Department, and any other relevant emergency management agencies in the event that any emergency arises, such as fire, on-site injury, contaminant release, or other disaster. Among the measures that should

be taken is to make available HEPA filters/units at the intake of HVAC units in the buildings in the immediate vicinity to 130 Liberty. This was one of the measures identified in the WTC Redevelopment Plan Final Generic Environmental Impact Statement, Chapter 22 (page 22-29). All applicable safety and health laws, regulations and/or standards and shall be enforced and all workers shall have the applicable certifications, training, and personal protective equipment required for the jobs they perform.

- Demolition work should occur only during the hours permitted by NYC regulations, that is, Mondays through Fridays from 7 am until 6 pm.
- Construction workers must park off site and not congest local streets and sidewalks.
- Soundproof windows for nearby residents should also be provided if the worksite proves to be very noisy.
- During this work, safe access must be maintained on Liberty Streets and for all nearby residents.
- All trucks to be used in the demolition must use low-sulfur fuel and be retrofitted to reduce emissions, and

BE IT
FURTHER
RESOLVED
THAT:

Community Board #1 strongly urges that representatives of the LMDC and the Deutsche Bank Advisory Council meet and consult regularly with the Community Board to keep us apprised of this important project and to allow for continued Community Board and local input.

COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: JULY 27, 2004

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 13 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 29 In Favor 0 Opposed 4 Abstained 1 Recused

RE: NYU Downtown Hospital Parking Lot Development

WHEREAS: The Forest City Ratner organization is proceeding with plans to erect a 53 story, 900,000 s.f. mixed-use building on the parking lot owned by NYU Downtown Hospital located at Beekman Street, William Street, Spruce Street and Nassau Street, and

WHEREAS: This site had, for the past 40 years and until April 2004, been zoned for a low-rise (6 FAR), hospital related building because of limits imposed by the Brooklyn Bridge Southwest Urban Renewal Plan, and

WHEREAS: The expiration of the Urban Renewal Plan combined with the hospital's desire to maximize the revenue they generate from the sale of this site has resulted in this proposed building expected to include a 25,000 s.f. ambulatory care facility for the hospital, 125,000 s.f. for Pace University's Lubin Business School and an art gallery, a 600 bed dormitory for Pace, up to 550 rental and condo residential units, ground floor retail and a below grade 350-400 space garage, and

WHEREAS: The City has played a key role in pulling this plan and the parties together and has been working without any public review, to authorize changes to the land disposition agreement to enable this large scale tower to be built, and

WHEREAS: This Community Board has made known for several years its concern regarding the size of this proposed building and its impact on the surrounding community, and has also expressed via resolution (attached October 21, 2003 resolution), and at meetings with City and hospital officials our desire to incorporate a community facility (e.g., a Kindergarten – 8th grade public school, a space for the 92nd Y) in this large development site, and

WHEREAS: In spite of this effort, and despite numerous meetings held in recent months with representatives of the Forest City Ratner organization, NYU Downtown Hospital officials, Pace University officials and local elected officials, it appears that this plan is proceeding without any modifications to accommodate the concerns of this community, and

WHEREAS: The Environmental Assessment Statement recently released regarding this project is filled with inaccurate and incomplete information and inadequately assesses many likely impacts of this very large scale building, and

WHEREAS: The building as proposed will tower over every other building in this neighborhood, standing twice the height of the tall Southbridge Towers buildings to the east and dwarf the landmark buildings at 140 and 150 Nassau Street to the west, and

WHEREAS: This building is also certain to exacerbate very serious traffic congestion issues in this area, particularly on Beekman Street, which as one of the very few remaining streets accessing the west side of Lower Manhattan is already backed up with traffic, and which also accommodates a considerable number of ambulances and fire engines from the hospital and Engine Company 6 on Beekman Street, and

WHEREAS: Local residents have organized and come forward to express their serious concerns regarding this proposed building, now

THEREFORE

BE IT

RESOLVED

THAT: Community Board #1 strongly urges the parties involved in this project, NYU Downtown Hospital, Forest City Ratner, Pace University and the City of NY, to immediately and positively address the issues of concern raised in this resolution and by our community regarding the proposed development at the NYU Hospital Parking Lot Site, and

BE IT

FURTHER

RESOLVED

THAT: Community Board #1 again reiterates and resubmits the following list of Issues of Concern and asks that Forest City Ratner and partners respond immediately and positively to these recommendations:

1. Size, height of the tower (53 stories as per the EAS)

Suggested mitigation:

- a. Reduce the height and bulk of the building.
- b. Push footprint of building east and create a buffer between the new hospital site tower and the residential buildings at 140 and 150 Nassau Street. Build a park or plaza in this buffer zone.
- c. Instead of one single tower, build two towers with a view corridor in between to generate more light and air for Nassau St. residents.

2. Impact of construction on the landmark buildings at 140 and 150 Nassau Street.

Suggested mitigation:

- a. Develop a protection plan for those buildings during the construction phase.

3. There are no community amenities in this very large project.

Suggested mitigation:

- a. Give this site renewed consideration as the location of the new Kindergarten through 8th grade public school.
- b. Devote a floor of the building to a community gym or swimming pool (they should be full sized and built out) so that local programs can be operated there for both Pace and the community.
- c. Devote space in the building for the expansion of the Downtown Little School

And in addition:

- d. Have Pace sponsor programming for the community within their existing facility utilizing their fine gym, library and other facilities.

4. Traffic concerns

Beekman Street in particular is normally very congested and often backs up all the way to Gold Street during the period when nearby Fulton Street is closed during midday hours (11:30 am – 2:00 pm). Beekman is also one of the few streets which allow vehicles to get to the west side so it is an important street. In addition Beekman has both the hospital and a fire house on it so that congestion on this street can be a critical safety issue.

Suggested mitigation:

- a. Increase the amount of green time (traffic signal at Beekman and Park Row) for traffic heading west on Beekman Street.
- b. Reverse Spruce Street to create another much needed westbound street, and

BE IT
FURTHER
RESOLVED

THAT: Community Board #1 insists that the City mandate a full Environmental Impact Statement (EIS) for this large scale new tower, which is among the largest buildings slated to be built in Lower Manhattan amidst a plethora of construction, so that its impact is more thoroughly and accurately studied and assessed, and

BE IT
FURTHER
RESOLVED

THAT: The City be far more responsive to requests by the Community Board for documents relating to this project such as a copy of the Large Scale Development Amendment requested weeks ago from HPD, and

BE IT
FURTHER
RESOLVED

THAT: The City conduct public hearings on this project to enable the public to comment on this major new development, and

BE IT
FURTHER
RESOLVED
THAT:

Community Board #1 appreciates that Pace University has agreed to work cooperatively with the CB, to insure that some of their 330,000 s.f. of space in the new building is open to the community for sorely needed local programming and that steps be taken to enable the community to better utilize their existing facility including use of their gymnasiums, fitness room, library and theatre.

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COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: JULY 27, 2004

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 13 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 33 In Favor 0 Opposed 1 Abstained 0 Recused

RE: Restoration of Bus Stops on Frankfort and Pearl Streets

WHEREAS: New York City Transit recently eliminated two important and heavily used bus stops for the M22 on Frankfort Street just west of Pearl Street and for the M15 on Pearl Street just south of Peck Slip, and

WHEREAS: These two bus stops service many residents of Southbridge Towers which has a very large senior population who utilize these buses regularly, and

WHEREAS: The displacement of these two stops, which had been in place for many years, has generated a large number of complaints from residents to the Community Board and to local elected officials, and

WHEREAS: The rationale given for the removal of these stops - buses had difficulty making left turns from the Frankfort St. stop and there are other nearby stops on Pearl St. - were not compelling, did not hold up under scrutiny and failed to consider the hardship imposed upon these local senior citizens, and

WHEREAS: New York City Transit removed these two bus stops without any public meetings or notification, now

THEREFORE

BE IT

RESOLVED

THAT: Community Board #1 calls upon New York City Transit to immediately restore the above referenced bus stops on Frankfort Street for the M22 and on Pearl Street for the M15, and

BE IT

FURTHER

RESOLVED

THAT: The Community Board and local elected officials be notified in the future if NYC Transit is planning to eliminate any other bus stops in our district.

COMMUNITY BOARD #1 - MANHATTAN
RESOLUTION

DATE: JULY 27, 2004

COMMITTEE OF ORIGIN: BATTERY PARK CITY

BOARD VOTE: 33 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Battery Park City Parents and Neighbors Association Street Fair

WHEREAS: The Battery Park City Neighbors & Parents Association has sponsored and conducted two previous block parties on Vesey Street between West Street & North End Avenue, and

WHEREAS: BPCNPA has applied for a third annual Block Party Permit for September 18, 2004, and

WHEREAS: The two previous Block Parties have been very successful, now

THEREFORE
BE IT
RESOLVED

THAT: Community Board #1 approves of the BPCNPA application for a Block Party for September 18, 2004.