

IN THE MATTER OF an application submitted by West Street Development, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 91-73” of the Zoning Resolution to allow the unmapped air space above the approaches to the Brooklyn Battery Tunnel to be considered a single zoning development of property located at 50 West Street (Block 17, Lots 1001-1005 and Block 18, p/o Lot 100), in a C6-9 District, within the Special Lower Manhattan District, Borough of Manhattan, Community District 1.

\*Note: Section 91-73 is proposed to be changed under a related application (N 070412 ZRM) for a zoning text change.

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IN THE MATTER OF an application submitted by West Street Development, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 91-35 of the Zoning Resolution to modify the setback requirements of Section 91-32 (Setback Regulations) in connection with the construction of a mixed use development on property located at 50 West Street (Block 17, Lots 1001-1005 and Block 18, p/o Lot 100), in a C6-9 District, within the Special Lower Manhattan District, Borough of Manhattan, Community District 1.

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IN THE MATTER OF an application submitted by West Street Development, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-91 of the Zoning Resolution to modify the provisions of Section 37-04 (Requirements for Urban Plazas) in connection with the construction of a mixed use development on property located at 50 West Street (Block 17, Lots 1001-1005 and Block 18, p/o Lot 100), in a C6-9 District, within the Special Lower Manhattan District, Borough of Manhattan, Community District 1.

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IN THE MATTER OF an application submitted by West Street Development, LLC and Citywide Administrative Services (DCAS), pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of an 8 inch strip of Manhattan Approach to the Brooklyn Battery Tunnel between West Street and Washington Street;
- the elimination, discontinuance and closing of a portion of Manhattan Approach to the Brooklyn Battery Tunnel within an area bounded by Morris Street, West Street, Joseph P. Ward Street and the southerly extension of Washington Street between West Street and Washington Street;
- the elimination, discontinuance and closing of volumes of Joseph P. Ward street and a portion of Manhattan Approach to the Brooklyn Battery Tunnel between West Street and the southerly extension of Washington Street above a lower limiting plane;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 1, Borough of Manhattan, in accordance with Map No. 30222 dated April 25, 2007 and signed by the Borough President.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEES OF ORIGIN: BATTERY PARK CITY AND  
QUALITY OF LIFE/AFFORDABLE HOUSING

BPC

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	1 Recused
PUBLIC MEMBERS:	2 In Favor	0 Opposed	0 Abstained	0 Recused

QUALITY OF LIFE/AFFORDABLE HOUSING

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC MEMBERS:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	42 In Favor	1 Opposed	1 Abstained	1 Recused

RE: Treatment of 333 Rector Place Tenants in Condominium Conversion

WHEREAS: Following a change of ownership of 333 Rector Place in Battery Park City earlier this year, the new owner, Andrew Heiberger of Buttonwood Real Estate (“Buttonwood”), stated in the Battery Park City Broadsheet that (i) an offering would be filed with the State within a year to convert the building to condominium ownership, (ii) a “non-eviction plan” would be utilized, remodeling some empty apartments while others remain occupied, (iii) Buttonwood would then “begin offering current residents the opportunity to buy their units at a discount,” and (iv) those tenants unwilling or unable to buy “will eventually be asked to leave,” and

WHEREAS: Many tenants took Mr. Heiberger at his word and relied, to their detriment, on his promises in making their decisions on housing, which included signing renewal leases that contained 60-day vacate clauses which they assumed would not be exercised for some time, and

WHEREAS: Immediately upon assuming ownership of the building, Mr. Heiberger and Buttonwood (i) began aggressively exercising the 60-day vacate clauses, with many tenants given deadlines as early as May 31 and June 30 to be out of the building, (ii) advised other tenants without the 60-day clauses that their leases would not be renewed upon expiration, (iii) responded to requests for extensions from tenants by offering very short-term (1-3 months) leases at exorbitant rent increases (as much as 79%) and with unreasonable and punitive terms, such as requiring an additional security deposit of one month’s rent and a tripling of the rent for a tenant remaining in the apartment beyond the short extended time period, (iv) began publicly listing apartments in the building for 3-4 month short-term rentals at rates substantially less than the rates existing tenants are being offered to extend the occupancy of their equivalent apartments, and (v) have not responded to invitations to meet with the affected tenants, and

WHEREAS: Most of the impacted tenants are either (i) 9/11 survivors who elected to remain in their apartments in Battery Park City, a neighborhood hit hard on 9/11, following the horrendous events of that day, even as many of their neighbors chose to relocate elsewhere, and (ii) people who elected to move into the neighborhood right after 9/11 and stayed here to help rebuild the community, and

WHEREAS: The actions of Mr. Heiberger and Buttonwood have the obvious objective of quickly clearing all long-term tenants from the building to greatly simplify their conversion obligations, and their actions thereby constitute a mass eviction of those tenants in an already tight residential real estate market, with the likely effect of driving local rental prices higher and forcing many of these tenants to leave their Battery Park City neighborhood and seek housing elsewhere, and

WHEREAS: The Martin Act – the state law that regulates the process of conversion of rental buildings to cooperative or condominium ownership – was designed to promote the conversion of these rental buildings in an orderly manner while at the same time protecting affected tenants against the forced dislocations which might result from these conversions, particularly in the City of New York where there is a shortage of housing, and

WHEREAS: The state legislature, in adopting the Martin Act, was also cognizant of the disruptive effects of conversions on the life and welfare of all tenants who may become displaced in the process, and the legislative history of the Martin Act supports an expansive view of the statute, particularly as it relates to the protection of existing tenants in buildings undergoing conversion, and

WHEREAS: Mr. Heiberger and Buttonwood are seeking to exploit a loophole in the Martin Act based on an interpretation of the law that says the protections for tenants do not become effective until the owner has filed a conversion plan with the State Attorney General (the timing of which is completely under the owner's control) and the Attorney General has accepted that plan for filing (a process that can take several additional months), thereby permitting the eviction of all tenants in the building long before the provisions of the Martin Act designed to protect them can take effect, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 strongly believes that the actions of Andrew Heiberger and Buttonwood in seeking to, in effect, evict the tenants of 333 Rector Place after publicly announcing their intent to convert the building to condominium ownership are in complete conflict with the legislative intent of the Martin Act to protect tenants in occupancy from dislocation and unjust eviction during the process of conversion, and

BE IT  
FURTHER  
RESOLVED

THAT: CB #1 calls on Mr. Heiberger and Buttonwood to honor the promises that Mr. Heiberger made publicly earlier this year by stopping the current actions aimed at evicting tenants of the building and, instead, offering them the opportunity to purchase, at a discount, the apartments they are living in (and should continue to live in during the conversion process) when the conversion plan for the building is filed and accepted by the State Attorney General, and

BE IT  
FURTHER  
RESOLVED

THAT: CB#1 strongly opposes the eviction of even one more tenant from this building and urges that our elected officials, including in particular Attorney General Andrew Cuomo, Manhattan Borough President Scott Stringer, Congressman Jerrold Nadler, Assembly Speaker Sheldon Silver, State Senator Martin Connor, and Councilman Alan Gerson, consult with each other and with affected residents and their representatives, and take appropriate action, including, but not limited to, emergency legislation if necessary, to protect the rights of the tenants of 333 Rector Place and similarly situated buildings from actions by owners who attempt to use legal loopholes to evade the clear intent of the Martin Act to protect tenants during the conversion process.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEES OF ORIGIN: FINANCIAL DISTRICT  
BATTERY PARK CITY AND  
QUALITY OF LIFE/AFFORDABLE HOUSING

FINANCIAL DISTRICT

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

PUBLIC MEMBERS: 0 In Favor 0 Opposed 0 Abstained 0 Recused

BPC

COMMITTEE VOTE: 4 In Favor 2 Opposed 0 Abstained 0 Recused

PUBLIC MEMBERS: 0 In Favor 0 Opposed 0 Abstained 0 Recused

QUALITY OF LIFE/AFFORDABLE HOUSING

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

PUBLIC MEMBERS: 0 In Favor 1 Opposed 0 Abstained 0 Recused

BOARD VOTE: 35 In Favor 5 Opposed 3 Abstained 0 Recused

RE: 50 West Street ULURP Applications  
C 070351 MMM  
C 070415 ZSM  
C 070414 ZSM  
C 070413 ZSM

WHEREAS: There is an application before CB#1 to facilitate the construction of a new 63-story building containing a mix of retail, hotel and residential uses and an urban plaza at 47-50 West Street bounded by West Street to the west, Joseph P. Ward Street to the south, and Washington Street to the east in the Greenwich South District, and

WHEREAS: The application consists of two ULURP applications (collectively, the "ULURP Applications"), the first of which is a joint application with the City's Department of Administrative Services and covers (a) the demapping of an 8-inch strip between Joseph P. Ward Street and the applicant's site, which is currently mapped as Brooklyn Battery Tunnel Approaches and would be transferred to the applicant and (b) the demapping of a plane above Joseph P. Ward Street and the portion of the Brooklyn Battery Tunnel approach located 37.2' above the areas between West, Morris, Washington and Joseph P. Ward Streets; and the second of which is for (x) Zoning text changes in order to permit an urban plaza at the site and allow development rights from the demapped area above the

Battery Tunnel garage to be used and (y) Special Permits to vary minimally the setbacks along West and Washington Street to modify certain urban plaza requirements and to permit the use of development rights from the demapped Battery Tunnel garage, and

WHEREAS: The project would be constructed within Lot 1001-1005 of Block 17 and an adjacent 8-inch strip of property located on the southern property line, bounded by West Street to the west, Joseph P. Ward Street to the south, and Washington Street to the east, and

WHEREAS: The new building would contain ground floor retail, hotel uses above, and residential uses at the upper floors in a 63-story building, and

WHEREAS: The requested ULURP Applications for 50 West Street would allow the applicant to create an urban plaza of 5,400 square feet and to increase the floor area in a new mixed-use development planned for the site, and

WHEREAS: The plaza would be 30' in width with a sidewalk 10' in width, and

WHEREAS: The plaza would create a new landscaped open space and walkway that will serve to connect Battery Park City and Lower Manhattan, and

WHEREAS: The developer, Time Equities, intends to purchase from the City 183,000 square feet of unused development rights at the Manhattan approach to the Brooklyn Battery Tunnel, and the City has indicated that it expects to receive fair market value for these development rights, and

WHEREAS: It is to be expected that the fair market value of the development rights would reflect not only the value of the additional square footage in a generic sense, but the value associated with a taller building where better views would increase the value, and

WHEREAS: The residential population of CB#1 has undergone extraordinarily rapid growth in recent years, and the area's infrastructure, including our schools, parks and open spaces has lagged far behind this unprecedented growth, and

WHEREAS: Contrary to assertions in the developer's Environmental Assessment Statement, CB#1 believes that the area's quality-of-life will be adversely affected by an unprecedented amount of construction in coming years as well as impacts from the existence of such a large-scale building as 50 West Street in the future, which will result in impacts that will worsen noise levels, air quality and vehicular congestion, and

WHEREAS: CB#1 does not believe that the Environmental Assessment Statement for these ULURP Applications adequately addresses these potential adverse impacts from the proposed project, and

WHEREAS: The applicant has proposed a large-scale building that could be a precedent for future development envisioned by the City of New York in the Greenwich South area, and

WHEREAS: Greenwich South could be developed as a large-scale new neighborhood that could bring thousands of new residents into this area, further challenging an infrastructure that is already straining to accommodate large numbers of new people, and

WHEREAS: CB#1 will need to work with the City administration and its agencies to bolster the area's infrastructure and amenities to accommodate new development and residents; and

WHEREAS: The proceeds from the air rights should be used to meet community needs and priorities, and

WHEREAS: Time Equities, as part of its investment in its community, has proposed the following benefits, which would improve the area for residents of the building proposed by Time Equities as well as for other area residents:

- Time Equities will provide the following benefits to PS/IS 89:
  - a. purchase 159 state of the art Macintosh MacBook 13 inch laptop computers;
  - b. purchase annual AppleCare protection plan for all computers;
  - c. install 8 laptops in each middle school classrooms and 2 desktops in each primary school classroom (each class will have a computer safe and charging station);
  - d. purchase an additional 36 units with a mobile safe/charging station for students' full class use;
  - e. overbuy capacity by 10%;
  - f. hire an additional staff member for four years to perform IT services associated with computers;
  - g. purchase damage insurance for individual computers; and

- Time Equities will ensure that 50 West Street is a LEED certified building with a targeted Gold rating, which would demonstrate a commitment to environmentally sound development; and

WHEREAS: The community needs better and safer connectivity between southern Battery Park City and Greenwich South, including alternatives for emergency evacuation, and the location of this project would appear to be the ideal eastern terminus for the permanent pedestrian bridge over West Street that the authorities have promised to the local community, and

WHEREAS: Time Equities will need to meet with the Department of City Planning, the State Department of Transportation and the Battery Park City Authority in order to explore whether an appropriate location can be identified where a well-designed bridge can be constructed, and

WHEREAS: The proposed building is designed by Helmut Jahn, a distinguished architect who was deemed one of the Ten Most Influential Living American Architects by the American Institute of Architects in 1991, and

WHEREAS: 50 West Street would include a public art gallery showcasing light installation artists in the building and plaza, and

WHEREAS: The building will bring additional evening and weekend activity to this area adjacent to an MTA garage, and

WHEREAS: The principal of Time Equities is active in the Lower Manhattan civic community as a member of the Board of Directors of the Downtown Alliance and of the Board of Directors of the Lower Manhattan Cultural Council and the owner of 125 Maiden Lane, which has incorporated art installations into its public spaces, now

THEREFORE

BE IT

RESOLVED

THAT: CB#1 conditionally supports the requested ULURP Applications, which by the elimination and closing of an eight-inch strip of the Manhattan approach to the Brooklyn Battery Tunnel, the demapping of a plane above Joseph P. Ward Street and the portion of the Brooklyn Battery Tunnel approach located 37.2' above the areas between West, Morris, Washington and Joseph P. Ward Streets and the grant of a special permit to allow air rights totaling 183,000 square feet to be transferred from the unmapped air spaces above the Manhattan approach to the Brooklyn Battery Tunnel will result in the creation of a combined zoning lot with Time Equities' property; and which by the grant of special permits to modify the setback requirements and urban plaza provisions of the zoning resolution will add additional bulk to the proposed development; and which will provide an

urban plaza that is an amenity to the surrounding neighborhood, subject to the satisfaction of the following specific conditions:

1. 100% of the proceeds from the sale of the development rights shall be used to benefit CB#1, with special consideration to projects in the Greenwich South district and specifically to addressing needs that have arisen as a result of developments such as 50 West Street and have led to unprecedented development and population growth in the area. The amount of such proceeds will be determined based on an appraisal of the value of the air rights and other concessions granted and the specific needs addressed should include the following:
  - a. Development and maintenance of affordable housing;
  - b. Development and maintenance of additional green space, with particular emphasis on active recreational space;
  - c. Improvements to the streetscape comparable to the improvements made by the Downtown Alliance along Broadway on streets such as Washington Street and Greenwich Streets in the vicinity of 50 West Street to make the area suitable for new residential use; and
  - d. Additional public improvements in the area of 50 West Street identified during the course of the ULURP Application process that must be made in order to properly serve the new residential population as a result of 50 West Street and subsequent developments.
2. Time Equities commits, in consultation and cooperation with the Battery Park City Authority, the Department of City Planning, the State Department of Transportation, CB#1 and other relevant government agencies to design and construct a high quality pedestrian bridge connecting Battery Park City and Greenwich South into the design of this project.
3. Time Equities commits to the renovation of the two small parks -- which might be combined to create one larger park -- located at the Manhattan approach to the Brooklyn Battery Tunnel in close proximity to 50 West Street which need to be improved to properly serve a new residential population in this immediate area and for which maintenance responsibilities would be assumed by the New York City Department of Parks and Recreation upon completion of the renovation; and
4. Time Equities fulfills its commitment to provide a public art gallery space in the building and the plaza of not less than 5,000 square feet and agrees to utilize such space in a manner that will maximize cultural enrichment in the Greenwich South district and make the space open to the public free-of-charge and this commitment is included in the special permit for this development; and

5. Time Equities fulfills its commitment to provide the computers and associated equipment and services to PS/IS 89 that are described earlier in this resolution and this commitment is included in the special permit for this development; and
6. Time Equities agrees to safely demolish existing structures on the development site and follow the Environmental Performance Commitments developed by the Lower Manhattan Construction Command Center in order to mitigate the negative impacts from construction on our air quality, noise, and traffic congestion, and commitment to these measures, to include the use of concrete trucks that will meet standards needed to earn LMCCC's "Low Emissions" sticker, with state-of-the-art filters for use of ultra-low sulfur diesel fuel, is included in the special permit for this development; and
7. The amount of development rights created by the space over the Battery Tunnel approach be limited to 183,000 square feet and that this limitation is included in the special permit for this development; and
8. Time Equities' fulfills its commitment to provide an urban plaza as described earlier in this resolution and that this commitment is included in the special permit for this development; and
9. Time Equities commits to the dedication of a portion of its future residential development in the CB#1 District to include affordable housing; and
10. Time Equities commits to allowing access by the public to the movie theater that will be located in the building it will construct.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE: 6 In Favor 0 Opposed 0 Abstained 0 Recused  
BOARD VOTE: 39 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 381-383 Broadway, LPC application for approval of storefront renovation

WHEREAS: The application is an identical match of the storefront the Committee and LPC approved for the adjoining building, and

WHEREAS: The applicant seeks to match the design using clear glass, aluminum and to restore the cast iron columns, and

WHEREAS: The applicant confirmed the signage on the cast iron transom complies with LPC guidelines, and

WHEREAS: The Committee felt the “bright yellow” color for the signage transom was not appropriate and asked the applicant to use a more appropriate historic color, which he agreed to do, now

THEREFORE

BE IT

RESOLVED

THAT: Community Board #1 recommends the Landmark Preservation Commission approve the application.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: LANDMARKS

COMMITTEE VOTE: 6 In Favor 0 Opposed 0 Abstained 0 Recused  
BOARD VOTE: 39 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 89 Reade Street/105 Chambers Street, LPC application for new window openings and rooftop alteration

WHEREAS: This application requests modification of the Cary Building, one of the most prominent and enjoyed individual New York City landmarks in Tribeca, renowned for its beautiful, cream-colored cast-iron twin façades, one on Reade Street and one on Chambers Street, and

WHEREAS: The program calls for the construction of a 16-foot long by 12-foot wide by five-foot deep lap pool on the rooftop, and the addition of eight new windows across the uppermost portion of the eastern façade, and

WHEREAS: Whatever damage has been done to the rooftop and eastern façade of the Cary Building has occurred previously; the current application does little to further that damage, and

WHEREAS: The rooftop lap pool, it is claimed, will be minimally visible, and only looking from 45 feet south of the vicinity of Duane and Thomas Streets along Church Street, and

WHEREAS: Within that vector -- representing the total street visibility of the rooftop addition -- only the lower panels of the pool wall surround will be evident, and those panels will be stylistically identical to and fading into the existing air conditioning machinery enclosure (the original offender), so as to have negligible impact, and

WHEREAS: The consequences of the other part of this application, asking for the installation of eight new windows along the top of the Cary Building's eastern wall, would certainly be quite visible, but they would create the top field in a hodge-podge of windows already scattered unfortunately up, down and across this eastern wall; a wall composed of common brick; never intended to be external, and exposed only when an adjoining building was torn down in the 1920s to expand a subway line, and

WHEREAS: While the new fenestration would not be more dodgy than the existing eastern windows -- and might even offer some symmetry to the current tableau -- members of the Community Board believe that, instead of the eight windows proposed, six should be fitted; that is, that the northernmost and southernmost penetrations of the proposed line of eight be eliminated, because at those points, the masonry infill remaining between the window tops and the (angled) roofline is too narrow and would look spindly, now

THEREFORE

BE IT

RESOLVED

THAT: Community Board #1 recommends that the Landmarks Preservation Commission approve this application, except that six windows are substituted for the proposed eight, as described above, and that construction on this precious landmark be monitored closely.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 42 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Application for renewal of liquor license for Skipper's Pierside Cafe  
d/b/a Skipper's  
89 South Street Seaport Pier 16

WHEREAS: CB #1 has not received any complaints about this establishment, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 does not oppose the application for renewal of a liquor license for  
Skipper's at 89 South Street Seaport Pier 16.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 6 In Favor 2 Opposed 1 Abstained 0 Recused

BOARD VOTE: 40 In Favor 1 Opposed 0 Abstained 0 Recused

RE: Application for Beer and Wine License for 3CB Inc.  
d/b/a Cyber Cigar Coffee Bar  
89 South Street on Pier 17 South Street Seaport

WHEREAS: 3CB Inc. has one beer cart on Pier 17 and has requested approval to operate a second cart that was taken away from another vendor, and

WHEREAS: CB #1 has not received any complaints about this establishment, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 does not oppose the application for a beer and wine license for Cyber Cigar Coffee Bar at 89 South Street Seaport Pier 17, provided that General Growth Properties assumes full responsibility for enforcement of all rules and regulations.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused  
BOARD VOTE: 40 In Favor 1 Opposed 0 Abstained 0 Recused

RE: Application for renewal of beer and wine license for 3CB, Inc  
d/b/a Cyber Cigar Coffee Bar  
89 South Street Seaport Pier 17

WHEREAS: CB #1 has not received any complaints about this establishment, now

THEREFORE  
BE IT  
RESOLVED

THAT: CB #1 does not oppose the application for renewal of a beer and wine license for Cyber Cigar Coffee Bar at 89 South Street Seaport Pier 17, provided that General Growth Properties assumes full responsibility for enforcement of all rules and regulations.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 42 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Application for renewal of liquor license for Ark Fulton Street Corp.  
d/b/a Red  
19 Fulton Street between Water Street and South Street

WHEREAS: CB #1 has not received any complaints about this establishment, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 does not oppose the application for renewal of a liquor license for Red at 19 Fulton Street provided that a legal accessibility aisle is maintained at all times.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 42 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Application for renewal of liquor license for Seaport Ocean Club, Inc  
d/b/a Harbour Lights Restaurant  
89 South Street Seaport Pier 17

WHEREAS: CB #1 has not received any complaints about this establishment, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 does not oppose the application for renewal of a liquor license for  
Harbour Lights Restaurant at 89 South Street Seaport Pier 17.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 42 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Application for transfer of restaurant wine license for Minas Pirios Corp  
d/b/a Vino  
89 South Street Seaport Pier 17

WHEREAS: CB #1 has not received any complaints about this establishment, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 does not oppose the application for transfer of a restaurant wine  
license for Vino at 89 South Street Seaport Pier 17.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 42 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Application for renewal of liquor license for Hot Dogs Del Mar Inc  
d/b/a Nathan's  
89 South Street Seaport Pier 17

WHEREAS: CB #1 has not received any complaints about this establishment, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 does not oppose the application for renewal of a liquor license for  
Nathan's at 89 South Street Seaport Pier 17.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused  
BOARD VOTE: 42 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Application for renewal of liquor license for Lakous, Inc.  
Pizza on the Pier  
89 South Street Seaport Pier 17

WHEREAS: CB #1 has not received any complaints about this establishment, now

THEREFORE  
BE IT  
RESOLVED

THAT: CB #1 does not oppose the application for renewal of a liquor license for  
Pizza on the Pier at 89 South Street Seaport Pier 17.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 40 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Proposed street closure on Saturday, June 30, 2007, Elk Street between Chambers Street and Reade Street by the National Council of Ghanaian Associations

BE IT  
RESOLVED

THAT: Community Board #1 does not oppose the proposed street activity permit submitted by the National Council of Ghanaian Associations to close Elk Street between Chambers Street and Reade Street on Saturday, June 30, 2007 during the hours of 11 AM to 5 PM.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 40 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Proposed street closure on Sunday, September 23, 2007, John Street  
between Fletcher Street and Fulton Street by the India Tourism

BE IT  
RESOLVED

THAT: Community Board #1 does not oppose the proposed street activity permit  
submitted by the India Tourism to close John Street between Fletcher and  
Fulton Street the hours of 5 AM to 11 PM.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: SEAPORT/CIVIC CENTER

COMMITTEE VOTE: 9 In Favor 0 Opposed 0 Abstained 0 Recused  
BOARD VOTE: 40 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Bus Idling

WHEREAS: CB 1 has long had problems with buses idling on Pearl Street between Frankfort Street and Beekman Street and throughout the district, and

WHEREAS: This creates considerable traffic congestion, air quality problems and mobility concerns for CB1 citizens, particularly senior citizens, and

WHEREAS: The traffic enforcement liaison from the 1<sup>st</sup> Precinct has been working with the CB1 office to assist with enforcement of idling buses and other significant traffic issues throughout the CB1 office, and

WHEREAS: CB 1 has brought this matter to the attention of the Lower Manhattan Construction Command Center and we have requested that they help to address this problem, now

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 appreciates the assistance that we have received from the traffic liaison from the local precinct with regard to the problem of idling buses and other traffic issues and urges all appropriate agencies to assist with this effort so that we can adequately address the problem of idling buses in CB1.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: STREET FAIRS TASK FORCE

BOARD VOTE: 34 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Sponsorship of Street Fairs for Fundraising by CB #1 in 2008

WHEREAS: CB #1 adopted a resolution on January 17, 2006 establishing procedures to be following in connection with its future use of street fairs for fundraising, and

WHEREAS: The Chair of CB #1 appointed a task force of the Board (the “Street Fairs Task Force”) in 2006 to implement the new procedures, and

WHEREAS: In order for the Street Fairs Task Force to begin implementing the procedures for the following year, CB #1 must first vote affirmatively to raise funds by sponsoring street fairs in that following year, and

WHEREAS: The total amount to be raised by street fairs in 2008 and used by CB #1 to support its work is expected to be approximately \$25,000, which amount would have to be replaced by some other source of funds in the event that the street fairs are discontinued in order to avoid an adverse impact on the work of the organization, and

WHEREAS: The Board deems it desirable to grant the Street Fairs Task Force some additional flexibility in determining whether it is necessary to again solicit bids from street fair promoters for the 2008 street fairs sponsored by CB #1, as was done for the 2007 street fairs sponsored by CB #1, and

WHEREAS: Under the by-laws of CB #1, the Street Fairs Task Force will automatically dissolve one year from its creation unless continued by a resolution of the Board or the Executive Committee for a specified period of time, now

THEREFORE  
BE IT  
RESOLVED

THAT: CB #1 hereby (1) authorizes the sponsorship of street fairs by CB #1 in 2008 to raise funds to support the work of the organization, (2) extends the existence of the Street Fairs Task Force for an additional year, subject to the appointment of additional members by the Chair of CB #1 as provided by the by-laws, and (3) grants the Street Fairs Task Force the authority to determine whether it is appropriate to solicit bids from street fair promoters for the 2008 street fairs sponsored by CB #1, following an evaluation by the Street Fairs Task Force of (a) the manner in which the current promoter has performed its obligations with respect to the 2007 street fairs and (b) any proposal that promoter may choose to make to conduct the 2008 street fairs.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC MEMBERS:	3 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	43 In Favor	0 Opposed	1 Abstained	0 Recused

RE: Application for Upgrade On-Premises Liquor License  
GSNY Subs LLC – Peace & Love  
378 ½ Greenwich Street between Harrison and N. Moore Streets

WHEREAS: CB #1 has not received any complaints about this establishment, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 does not oppose the liquor license renewal application for Love & Peace at 378 ½ Greenwich Street.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	5 In Favor	5 Opposed	0 Abstained	0 Recused
PUBLIC MEMBERS:	2 In Favor	1 Opposed	0 Abstained	0 Recused
BOARD VOTE:	13 In Favor	27 Opposed	2 Abstained	0 Recused

RE: Application for Renewal of Unenclosed Sidewalk Cafe for Bouley Bakery Operating, Inc. d/b/a Bouley Bakery and Market  
130 West Broadway at Duane Street

WHEREAS: The applicant has applied for renewal of an unenclosed sidewalk cafe license for 6 tables and 12 seats, and

WHEREAS: The proposed hours of operation will be no more than 8 AM until midnight Sunday through Thursday and 8 AM until 1:00 AM on Friday and Saturday, and

WHEREAS: The applicant has agreed to comply with all Department of Consumer Affairs regulations regarding maintenance of sidewalk width and the approved number of tables and chairs, now

THEREFORE  
BE IT  
RESOLVED

THAT: CB #1 approves the application for renewal of an unenclosed sidewalk café for Bouley Bakery and Market at 130 West Broadway at Duane 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  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC MEMBERS:	3 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	43 In Favor	0 Opposed	1 Abstained	0 Recused

RE: Application for Renewal of Liquor License  
LT & LT LLC – Viet Cafe  
345 Greenwich Street between Jay and Harrison Streets

WHEREAS: CB #1 has not received any complaints about this establishment, now

THEREFORE  
BE IT  
RESOLVED

THAT: CB #1 does not oppose the liquor license renewal application for Viet  
Café at 345 Greenwich Street.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC MEMBERS:	3 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	43 In Favor	0 Opposed	1 Abstained	0 Recused

RE: Application for Renewal of Liquor License  
Bread in Tribeca LLC – Bread in Tribeca  
301 Church Street/31 Walker Street

WHEREAS: CB #1 has not received any complaints about this establishment, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 does not oppose the liquor license renewal application for Bread in Tribeca at 301 Church Street.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC MEMBERS:	3 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	43 In Favor	0 Opposed	1 Abstained	0 Recused

RE: Application for Liquor License Transfer from  
Roadhouse to Lopat, Inc.  
57 Murray Street between West Broadway and Church Streets

WHEREAS: CB #1 has not received any complaints about this establishment, now

THEREFORE  
BE IT  
RESOLVED

THAT: CB #1 does not oppose the liquor license transfer application from  
Roadhouse to Lopat Inc. at 57 Murray Street.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC MEMBERS:	3 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	43 In Favor	0 Opposed	1 Abstained	0 Recused

RE: Application for Unenclosed Sidewalk Cafe for Nancy Whiskey Incorporated, Inc. d/b/a Nancy Whiskey Pub  
1 Lispenard Street at 6th Avenue

WHEREAS: The applicant has applied for renewal of an unenclosed sidewalk cafe license for 4 tables and 8 seats, and

WHEREAS: The proposed hours of operation will be no more than 8 AM until midnight Sunday through Thursday and 8 AM until 1:00 AM on Friday and Saturday, and

WHEREAS: The applicant has agreed to comply with all Department of Consumer Affairs regulations regarding maintenance of sidewalk width and the approved number of tables and chairs, now

THEREFORE  
BE IT  
RESOLVED

THAT: CB #1 approves the application for an unenclosed sidewalk café for Nancy Whiskey Pub at 1 Lispenard 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  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	11 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC MEMBERS:	3 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	41 In Favor	1 Opposed	1 Abstained	0 Recused

RE: Proposed street closure on Thursday, June 21, 2007, White Street between Church Street and Broadway by the Tank Ltd.

BE IT  
RESOLVED

THAT: Community Board #1 does not oppose the proposed street activity permit submitted by the Tank Ltd. to close White Street between Church Street and Broadway an event of on Thursday, June 21, 2007 during the hours of 5 PM – 8 PM.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: WATERFRONT

COMMITTEE VOTE:	8 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC MEMBERS:	3 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	41 In Favor	0 Opposed	2 Abstained	0 Recused

RE: Pier 26 Estuarium and Boathouse

WHEREAS: At this time, Community Board One has serious concerns that HRPT's inclusion of a commercial restaurant, as indicated in architectural plans submitted to CB1, are not in keeping with the Hudson River Park Act, which states that what is allowable are "concession stands" on Pier 26, and

WHEREAS: A estuarium at Pier 26 has been planned for in Hudson River Park for at least the past 12 years, and

WHEREAS: When Hudson River Park was first proposed in the mid 1990's, an estuarium was one of the positive, necessary, public access features highlighted as a reason to create the Park, and its presence in the plans was a major selling point to legislators in the lobbying efforts to pass the Hudson River Park Act in 1998, and

WHEREAS: Community Board One considers the estuarium and boathouse to be critical, local, public amenities and, though Community Board One is ready assist in locating new funding sources, the Community Board does not consider the offer of complete or partial funding by a proposed bidder to be a singularly defining criteria in the designation of operators for these two public amenities, and

WHEREAS: Community Board One considers HRPT to be responsible for the replacement of the local, public amenities removed from Community Board One's waterfront in 2005, and

WHEREAS: The official HRPT design for the boathouse as of April, 2007, does not properly fit the boats, and

WHEREAS: There are currently no HRPT plans or funding for the etuarium, yet HRPT has plans for a commercial restaurant on Pier 26, now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board One requires that HRPT increase the footprint for the boathouse building, widening it from 42 feet to 54 feet, and

BE IT  
FURTHER  
RESOLVED  
THAT:

Community Board One requires the area that HRPT had planned to contain the commercial restaurant on Pier 26 to be now redesignated for use as the estuarium, thus replacing the commercial restaurant with the public estaurium, and

BE IT  
FURTHER  
RESOLVED  
THAT:

The specific architectural configuration of the building that will house the estuarium will sit on where the current footprint of the restaurant was, with possible reconfigurations of the building footprint in order to accommodate this new environmental facility, and

BE IT  
FURTHER  
RESOLVED  
THAT:

The revised building design for the estuarium will be based upon the use guidelines set by the Estuarium Report by the Community Board One Pier 26 Task Force, and such planning for this building will be done in public meetings with HRPT, Community Board One, and interested members of the scientific community, and

BE IT  
FURTHER  
RESOLVED  
THAT:

Designation of the operators of the estuarium and boathouse will be made in a transparent manner through the creation of a public review process in which HRPT and Community Board One are partners, taking into account the needs and concerns of the downtown community it will serve, as well as the scientific community, and

BE IT  
FURTHER  
RESOLVED  
THAT:

In the future, Community Board One would like to see an additional structure on Pier 26 that could serve as an ancillary estuarium facility, and that, unlike the current boathouse design, this building would be an environmentally friendly structure, utilizing green technology and other energy saving, ecologically sound technologies, and

BE IT  
FURTHER  
RESOLVED  
THAT:

Community Board One has as its long term goal to plan for and help find funding to build this additional estuarium space as soon as the boathouse and smaller estuarium building is underway.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: WATERFRONT

COMMITTEE VOTE:	8 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC MEMBERS:	3 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	41 In Favor	1 Opposed	1 Abstained	0 Recused

RE: Pier 40

WHEREAS: The ball fields at Pier 40 are an essential recreational facility serving thousands of local families, and the pier as a whole is a crucial public and river access location for lower Manhattan, and

WHEREAS: The Hudson River Park Trust (“HRPT”) has stated that the need to invest in the infrastructure of this public pier has caused them to seek the involvement of private development capital and private developers, and

WHEREAS: In order to secure such a developer, HRPT has issued two separate Requests for Proposals (“RFPs”), first in 2002, which resulted in no action, and one in 2006, which is under consideration now, and

WHEREAS: The response to the 2006 RFP has produced just two proposals, one submitted by the Related Group and a second prepared by Camp Group, and

WHEREAS: Bid documents from both developers have been reviewed by representatives of Community Board One, and

WHEREAS: Community Board One notes that Related stated on May 18 that their proposal has been amended to ensure that there will be no decrease in active recreation space on Pier 40, and

WHEREAS: Community Board One does not consider Pier 40 to be the real estate equivalent of a vacant lot, ready to be filled in by the economic goals of a single developer or development team, leaving communities to lobby for needed public amenities from competing developers, and

WHEREAS: On Earth Day, 2007, Mayor Bloomberg said: “New Yorkers [need] more opportunities to play the sports they love and enjoy the exercise that is essential to a healthy lifestyle [and, as part of his PLAN-Y-C]...We will create new recreation facilities across every borough. For soccer, baseball, cricket, and more” and he went on to say that population growth in the City will “pose challenges that – if left unmet – could be paralyzing: Infrastructure, stretched beyond its limits. Parks, bursting at their seams. Streets, choked with traffic,” thus making the preservation of park and open space at Pier 40 even more imperative at this time, and

WHEREAS: It is not the role of private developers to plan for Hudson River Park at Pier 40 – that is the statutory responsibility of HRPT, now

THEREFORE  
BE IT  
RESOLVED

THAT: Both the Related and Camp Group proposals, as currently proposed, should be rejected by the Board of HRPT as not representing the best interests of Hudson River Park and the people it serves, including the surrounding neighborhood communities, and

BE IT  
FURTHER  
RESOLVED

THAT: Community Board One urges HRPT to reconsider the idea that one mega-developer can provide a reasonable and community-friendly comprehensive design for Pier 40 while paying the enormous costs of improving the pier’s infrastructure, and

BE IT  
FURTHER  
RESOLVED

THAT: Community Board One urges the Hudson River Park Trust to re-examine its assumption that maximizing cash flow for park maintenance through non-water dependent, high traffic, commercial development is a realistic option, especially given the financial demands placed upon the potential developers of this pier, and

BE IT  
FURTHER  
RESOLVED

THAT: For any change or development of pier 40 to meet the needs of Community Board One, all future development activities should adhere to the following programming and use principles:

- Instead of a process of HRPT soliciting mega-developers, the best development of Pier 40 will be one that incorporates existing community-friendly uses, supplementing them with smaller scale, locally focused, community-friendly organizations that work well within the context of a public park and that take advantage of the Pier's position adjacent to thriving communities and the river, using that location as an asset, not ignoring it.
- The existing central field space at Pier 40, configured as a courtyard or a “doughnut,” should not be removed, altered or temporarily displaced.
- Any renovation of the Pier should be done in a fashion that keeps the playing fields open at full capacity during any construction period; further, placing all or most new playing fields on barges is unrealistic and placing them on the windy, exposed roof of Pier 40 is not an acceptable option, as we believe this has serious repercussions for health, safety, and quality of life.

- In the long run, more space will be needed to serve a growing downtown population – “breaking even” (i.e., merely maintaining existing square footage of active recreation space) is, in effect, falling behind this trend of growing use and need.
- If any substantial increase in traffic is anticipated due to redevelopment, the design of a redeveloped Pier 40 must safely segregate bikers and pedestrians from any trucks or automobiles traffic that may need to enter and leave Pier 40; such separation should be accomplished by constructing a separate roadway, tunnel or bridge, or by limiting the very activities that will create congestion and traffic at critical hours.
- Any development of the facility must be formally certified under the United States Green Building Council Leadership in Energy and Environmental Design (LEED) Green Building rating system.
- If new programs and businesses are brought into Pier 40, they should not duplicate existing retail amenities or other community programs in the surrounding neighborhoods.
- The overall development of the space should allot a minimum of 150,000 square feet of indoor space for locally based arts, culture, and indoor recreation.
- Existing sports uses at the Pier should be preserved in any new design according to a formula emphasizing fair and proportionate permitting, a preference for youth groups over adult groups during the hours prior to 8:30 PM, with attention to efficient and equitable field usage.
- Considering the scarcity of athletic facilities in lower Manhattan, future permitting for field space at Pier 40 should continue to be administered by HRPT as a neutral third party with input from an advisory committee of local program providers.
- The Hudson River should be regarded in any development or alteration of Pier 40 as an integral and important resource for active recreation; historic and environmental education and programming; and water-borne transportation – all future development and programming for Pier 40 should take this into account.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: JUNE 19, 2007

COMMITTEE OF ORIGIN: WTC REDEVELOPMENT

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

BOARD VOTE: 42 In Favor 0 Opposed 1 Abstained 0 Recused

RE: Lower Manhattan Construction Command Center – Continued Need for Independent Oversight in the Rebuilding of Lower Manhattan

WHEREAS: By resolution dated June 17, 2003, CB#1 unanimously approved The Coordinated Construction Act for Lower Manhattan to coordinate and facilitate construction, reduce costs, and promote safety and fairness in connection with the rebuilding of Lower Manhattan following the terrorists attacks on the World Trade Center on September 11, 2001, and

WHEREAS: CB#1 wholeheartedly supported the creation of the Lower Manhattan Construction Command Center (LMCCC) to coordinate the construction of this extensive rebuilding and revitalization effort, and

WHEREAS: LMCCC was created and formalized by joint executive order by Governor Pataki and Mayor Bloomberg on November 22, 2004, and

WHEREAS: Governor Eliot Spitzer reissued the Executive Order on January 1, 2007, reaffirming the role and mission of the Command Center, and

WHEREAS: LMCCC is critical in the rebuilding process since it ensures that construction activity is coordinated and helps minimize the impact of construction (400,000 delivery trucks and 10,000 construction workers) on residents, businesses, workers, commuters, tourists, pedestrians and vehicles, and

WHEREAS: LMCCC also oversees environmental performance commitments of the numerous projects including dust suppression, monitoring for PM 2.5 and PM10, limiting idling, and enforcing the diesel retrofitting program to minimize health impact on the surrounding areas, as well as related efforts to minimize noise and vibration impacts, and

WHEREAS: Over the past two and a half years, LMCCC has assumed a vital role and demonstrated continued leadership, which is essential to assure independent oversight to numerous State (MTA, PANYNJ, BPCA, NYSDOT, DASNY and HRPT) and City (DDC, DOT, DEP and DOB) agencies and authorities and project sponsors and private sector developers to provide a consistent forum in which the agencies can communicate with each others and with the community, including CB#1, and

WHEREAS: The funding for LMCCC is in place through 2010 and has been provided by the various projects and agencies, and

WHEREAS: LMCCC has created the Construction Permit Enforcement Taskforce (CPET) to coordinate with the City agencies (CDOT, NYPD, DOB, DEP, DOS, etc.) that issue and enforce permits for the use of public space for construction, parades or special events to mitigate traffic, maintain mobility, ensure proper enforcement and prevent agencies from working at cross purposes to each other, and

WHEREAS: There are approximately 60 ongoing construction projects in Lower Manhattan over the next 5 years by the City, State, Federal agencies, private developers and utilities that will result in total expenditures of more than \$30 billion, and

WHEREAS: All projects funded by Liberty Bonds in Lower Manhattan and projects valued at over \$25 million and requiring governmental action or permit are required to coordinate all work with LMCCC, and

WHEREAS: The Board of Directors of the Lower Manhattan Development Corporation (LMDC) formed a committee at its May 2007 meeting to review the current operations of LMCCC since the Executive Director Charles Maikish will be leaving in July 2007, now

THEREFORE  
BE IT  
RESOLVED

THAT: CB#1 continues to wholeheartedly support the LMCCC in its current form under which the Executive Director of LMCCC is appointed jointly by both the Governor and the Mayor and reports directly to them as per the Executive Orders, and

BE IT  
RESOLVED  
FURTHER

THAT: This structure allows LMCCC to provide independent oversight of the multiple City and State agencies and private construction and alleviates the construction impact on residents and workers in Lower Manhattan – basically making it livable on a day-to-day basis, and

BE IT  
RESOLVED  
FURTHER

THAT: CB#1 calls on Governor Spitzer and Mayor Bloomberg to take the necessary action to ensure that LMCCC continues to maintain and enhance its status as an independent broker to provide oversight of operations in Lower Manhattan.