

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: BATTERY PARK CITY

COMMITTEE VOTE: 7 In Favor 0 Opposed 0 Abstained 0 Recused
BOARD VOTE: 39 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Motorized Vehicles in Battery Park City Parklands

WHEREAS: Pedal assist E-bikes are considered permissible by the City of New York when used within designated parkland areas and non-limited access roadways that are under local control; and

WHEREAS: Throttle-based E-bikes and other motorized vehicles that are commonly classed as micro mobility devices, such as self-propelled skateboards, E-scooters, and self-balancing scooters are currently not permissible to be used on public parks or streets in the State of New York; and

WHEREAS: The Official Rules of the New York State Office of Parks, Recreation and Historic Preservation state that bicycling and the use of motorized two and three-wheeled vehicles are prohibited, “except in areas specifically designated”;¹ and

WHEREAS: The Battery Park City Authority’s (BPCA) Parks Rules and Regulations designate areas within its parks for a number of human powered conveyances such as bicycles, scooters, and skateboards and in-line skates²; and

THEREFORE
BE IT
RESOLVED

THAT: CB 1 requests that the BPCA and Battery Park City Parks Corporation further define the rules to explicitly disallow powered bicycles, scooters, and any manner of recreational micro mobility devices to be driven through parks within its jurisdiction on anything apart from human power.

¹ Rules & Regulations, New York State Office of Parks Recreation and Historic Preservation, June 2011, <https://parks.ny.gov/parks/attachments/FranklinDRooseveltNYStateOfficeofParksRulesandRegulations.pdf>, Pages 15-19, Accessed 2/22/19

² Battery Park City Authority Rules and Regulations, <http://bpcparks.org/wp-content/uploads/2015/10/BPC-Parks-Rules.pdf>, Page 12, Accessed 2/22/19

BE IT
FURTHER
RESOLVED

THAT: This request does not include motorized devices that are used by individuals of limited mobility as an accommodation as defined by the Americans with Disabilities Act of 1990 or any other state or local law that protects the civil rights of anyone with a disability.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	1 Opposed	0 Abstained	1 Recused

RE: Proposed Residential Tower Mechanical Voids Text Amendment
N 190230 ZRY

WHEREAS: The New York City Zoning Resolution currently allows floor space containing mechanical equipment to be excluded from zoning floor area calculations. The zoning does not specifically identify a limit to the height of such spaces. As a result, some developments have been built or proposed that use tall, inflated mechanical or structural floors to elevate upper-story residential units to improve their views. These spaces have been commonly described as “mechanical voids;” and

WHEREAS: DCP has conducted a city-wide analysis to better understand the mechanical needs of residential buildings and to assess when excessive mechanical spaces were being used to inflate their overall height, specifically within R6 through R10 districts and their commercial equivalents over the past 10 years; and

WHEREAS: DCP found that in R9 and R10 non-contextual zoning districts and their commercial district equivalents, residential buildings can penetrate the sky exposure plan through the optional tower regulations, which do not impose an explicit limit on height for portions of buildings that meet certain lot coverage requirements. DCP identified buildings that were characterized by either a single, extremely tall mechanical space, or multiple mechanical floors stacked closely together. The height of these mechanical spaces varied significantly but ranged between 80 feet to 190 feet in the aggregate; and

WHEREAS: Based on the results of the analysis, DCP is proposing a text amendment for residential towers in R9 and R10 non-contextual zoning districts and their equivalent commercial districts to discourage the use of excessively tall enclosed mechanical spaces that disengage substantial amounts of building spaces from their surroundings; and

WHEREAS: The amendment would require that enclosed floors occupied predominantly by mechanical space that are taller than 25 feet in height (whether singly or in combination) be counted as floor area. The provision would only apply to floors located below residential floor area to not impact mechanical penthouses found at the top of buildings where large amounts of mechanical space is typically located; and

WHEREAS: Additionally, any enclosed floors occupied predominantly by mechanical space located within 75 feet of one another that, in the aggregate, add up to more than 25 feet in height, would similarly count as floor area; and

WHEREAS: The new regulation would also be applicable to the non-residential portions of a mixed-use building if the non-residential uses occupy less than 25 percent of the building; and

WHEREAS: Finally, the regulations would also be made applicable to floors occupied predominantly by spaces that are unused or inaccessible within a building; and

WHEREAS: The proposal would apply to towers in R9 and R10 residential districts and their equivalent commercial districts. The proposal would also apply to certain Special Purpose Districts that rely on the underlying tower regulations for floor area as well as height and setback regulations; and

WHEREAS: DCP has stated that they will continue to study the issue of mechanical voids throughout NYC, including within central business districts like Lower Manhattan and Midtown, and announce their proposal for these areas in summer 2019; and

WHEREAS: Community District 1 (CD1) has been experiencing unprecedented residential growth in the last two decades, characterized by the conversion and new construction of very tall residential and mixed-use towers, particularly in the Financial District. While the Financial District's zoning is designed to allow for high density and tall buildings, we are concerned about an over saturation of super-tall buildings in a way that blocks light and air and continues to over burden our community infrastructure; and

WHEREAS: CD1 is home to some of the tallest towers in all of New York City. Certain areas of CD1 are historic and/or have contextual regulations with height limits and are therefore not applicable to this type of amendment, but we are highly concerned about areas like the Financial District where there are no height limits and where we have seen many new towers constructed, some with large mechanical voids; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 (CB1) supports the spirit of this proposed zoning text amendment, which we view to be a corrective measure to close an existing loophole that allows for the use of excessive mechanical voids to inflate tower heights. We support the proposed Residential Tower Mechanical Voids Text Amendment (N 190230 ZRY) with the following conditions:

1. In order to avoid leaving an unintentional loophole in the zoning, the proposed zoning text amendment must be amended so that it also applies to unenclosed mechanical voids
2. DCP must finalize the second phase of this proposal as soon as possible so that it also applies to central business district areas like the Financial District and other areas within CD1 where existing zoning regulations allow for excessive mechanical voids.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	30 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Renewing and strengthening New York State tenant laws of stabilization

WHEREAS: In less than 4 months, on June 15, 2019, the state rent and eviction-protection laws will expire unless they are renewed by the legislature in Albany. Just as owner/developer lobbying groups such as the Real Estate Board of New York are seeking to weaken the laws, the newly elected State Senate with a majority of Democrats are on record for insuring this law which determines the parameters of rent stabilization becomes more tenant friendly. To insure proper representation on how best to achieve this, local residential advocacy groups such as Community Boards should start asking now for our elected officials to strengthen stabilization laws in ways that are most meaningful to their communities ensuring that the tenancy of their community remains sustainable, allowing for a less transient and more rooted community; and

WHEREAS: Approximately 5,200 apartments in our CB1 Lower Manhattan area are stabilized rentals that were created through the 421a real estate tax abatement program. Nearly 5,560 apartments in our CB1 Lower Manhattan area are rentals that were converted through the 421g real estate tax abatement program which grants stabilization. The current preferential rent law has contributed to a loss of stabilized renters, while a change in 421a tax abatement has greatly reduced the number of protected rentals in our new developments, and although the 421g tax abatement plan applicable primarily in our Financial District insures stabilization, most renters at these buildings have no such protection. Finally, SCRIE a rent freeze offered to seniors renting through stabilization effects few in our community; and

WHEREAS: In recent years and months, our area has lost hundreds of protected units, specifically at Independence Plaza likely followed by Southbridge Towers, with many more threatened due to expiration of tax benefits given to developers. Our community has recently seen long-term market renters evicted to make way for condominiums as at the 342-unit 22 River Terrace. In what appears to be a growing trend, condo conversions of stabilized towers such as the 443-unit Tribeca Park at 400 Chambers Street and the 340-unit Tribeca Point at 41 River Terrace have been reported with news of possible sales of both buildings. Current New York State stabilization laws impose restrictions when such stabilized buildings convert to condos, allowing all those renting to stay and renew at stabilized rates, as long as they stay in the same unit; and

WHEREAS: In 1969, New York City enacted rent stabilization, a system that now covers over one million NYC units, over 5,200 in the CB1 area, and limits rent increases to

amounts directed by the Rent Guidelines Board as a compromise between building owners and tenants. Such limits allow for a right to tenure, preserving neighborhood character and allowing people to invest in their community knowing that their ability to remain there is secure; and

WHEREAS: In June 2003 New York State law allowed owners of rent stabilized units to offer tenants a preferential rent, lower than the stabilized rent, and then upon lease renewal, raise the new rent to the previously allowable maximum registered rent *plus* the Rent Guidelines Board annual allowable increase (legal regulated rent). For example, a tenant with a one-year lease paying a preferential rate of \$3,000/month for a 1-bedroom apartment with a legal stabilized rent of \$4,000/month could, at the end of the year, face a rent increase of 33% (\$1,000) *in addition to* the new year's limited percent rent increase set by the Rent Guidelines Board; and

WHEREAS: Such substantial increases clearly negate the benefit of the limited increases provided by the rent stabilization law; and

WHEREAS: A new 421a, passed into law in the Spring of 2017, removed the 50% preference to community and removed stabilization for apartments renting above \$2,774.76 a month – which in our area, will likely be all apartments except for the affordable units. Under this new 421a, stabilization, is only given to the smaller affordable portion of the building. Most rentals will be market, allowing landlords to raise rent by any amount at the end of a lease; and

WHEREAS: State legislators created the 421-g program in 1995, giving developers generous tax exemptions in exchange for rent stabilized rentals revitalizing a then-stagnant Lower Manhattan through the construction of new residential developments and conversion of office buildings. With rents starting at a high amount downtown, landlords/owners used the standard older rent limit (then \$2,500 a month) for stabilization and designated all their rentals as market – not stabilized. Since then, tenants have been battling owners in court; and

WHEREAS: New York State's Senior Citizen Rent Increase Exemption (SCRIE) freezes the rent for head-of-household seniors 62 and older who live in stabilized apartments. In order to satisfy the income eligibility requirement, the senior's household income must be \$50,000 or less. Landlords are given a property tax abatement credit applied to their property tax bill in the same amount as the increase that the tenant is exempted from paying. With a marked increase in life expectancy, and with the Social Security retirement age regularly rising – it will be 67 for those born in 1960 or later – such a senior benefit at 62 appears young. Also, with the high cost of living associated with New York City, the requirement of earning \$50,000 or less appears unreasonably low to have a positive tenant effect for those seniors wishing to stay in the community they lived in and in some cases fostered; and

WHEREAS: New York State newly elected Senate have made the reform of this stabilization law one of its top priorities; now

THEREFORE
BE IT
RESOLVED

THAT: CB 1 strongly recommends that our New York State legislature representatives renew and strengthen rent stabilization by addressing the following:

1. Mandating that preferential rent lease agreements use the lower preferential rent as the basis for future rent increases during the term of the tenancy, rolling back the effect of the preferential rent law of 2003.
2. Insuring that the new 421a tax abatement law allows for full stabilization of all the building's units in development while still allowing a 50% preference for the affordable portion to those living in the neighborhood.
3. Enforcing stabilization for those buildings whose owners enjoyed the 421g tax abatement. If the tax abatement expired, and building wide stabilization was not given, the owner should grant the existing tenants an equal amount of time under stabilization protection as they had for tax abatement.
4. Provide better support for our seniors by removing the income limit of SCRIE while allowing such benefits at the higher Social Security retirement (with full benefits) age.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE: 7 In Favor 0 Opposed 0 Abstained 0 Recused
BOARD VOTE: 39 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Governor’s Island: A proposal to restore two Barry Road retaining walls adjacent to the individual landmark “Governors’ house” (100 Andes Road) at the corner of Kimmel and Andes road.

WHEREAS: There are two original retaining walls circa 1813. Over the past 2 centuries there have been at least 3 campaigns to modify the walls that have led to the rapid deterioration of these walls, and

WHEREAS: The non-original stones will be removed and discarded, all sections of the walls will be stabilized, all joints will be hand cut and pointed using natural lime mortar. Replacement stones shall match the 19th century bedrock rubble type and they shall be set by experienced masons, and

WHEREAS: There shall be no change to the original stone pattern or shape of the wall including the canted profile of the wall that can be seen at the corner of Andes and Kimmel road, and

WHEREAS: The applicant will perform a mortar analysis to determine the original mortar specifications and all new mortar shall match the original specifications, and

WHEREAS: On top of the stabilized walls, the applicant has a proposed a cast coping stone that matches the appearance of blue-stone. The committee requested that real blue stone slabs be used for the wall coping because it is an especially historic corner of Governor’s Island and we should respect this by not using modern materials, and

WHEREAS: A painted metal pipe railing with horizontal wire intermediates is proposed to be installed atop the blue stone coping at the upper retaining wall. The safety railing will be 3’-6” above the coping, and

WHEREAS: The pipe railing should be painted black as it appears to have been originally painted black in the 1890 presentation photograph, now

THEREFORE

BE IT

RESOLVED

THAT: CB-1 approves the proposed wall stabilization, rebuilding and pipe railing at 100 Andes Way. Further, the CB-1 Landmarks Committee encourages the applicant to use in-kind materials for masonry wall and historic colors.

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COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE: 7 In Favor 0 Opposed 0 Abstained 0 Recused
BOARD VOTE: 39 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 18 Harrison Street, application for restoration of front and rear façade, interior remodeling, rear addition at cellar level and roof addition clad in Cor-Ten panels to blend with existing brick, existing materials maintained and restored

WHEREAS: This building is a prime example of the fabric of the Tribeca West Historic District, on Harrison Street, which itself represents the essential nature of the district, and

WHEREAS: The building has been empty due to city violations for many years, and

WHEREAS: The applicant proposes to convert its use into a two-family house, and

WHEREAS: The proposed total rooftop addition is 22 feet (!), on a graceful and historic low-rise block, and

WHEREAS: The applicant has agreed to remove the stair bulkhead completely, and to move the mechanicals to the rear of the structure, thereby eliminating some of the visual impact of the rooftop extension when looking from west to east, and

WHEREAS: The Cor-Ten steel proposed for the rooftop extension is completely without context, and the applicant has agreed to switch to brick, and

WHEREAS: The new 2-over-2 windows, cast-iron and limestone restorations, as well as the rear yard addition, are all fine, and

WHEREAS: The Community Board appreciates the architect’s accommodations, thorough presentation, and attention to detail, now

THEREFORE
BE IT
RESOLVED

THAT: CB 1 recommends that the Landmarks Preservation Commission approve this application with the mutually-agreed amendments.

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COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE: 7 In Favor 0 Opposed 0 Abstained 0 Recused
BOARD VOTE: 39 In Favor 0 Opposed 0 Abstained 0 Recused

RE: 5 Beekman Street, application for installation of steel and glass canopies at north, east, and west rooftop terraces to provides protection from the elements between turrets and means of egress

WHEREAS: The application is to install roof canopies on the existing roof terraces to make the roof terraces more useable, and

WHEREAS: The canopies will be on three facades of the roof: north, east, west, and

WHEREAS: The canopies will be 9’ high at the wall face of the building and 13’ on the internal side, and

WHEREAS: The structures are to be constructed with metal trusses painted black, clear glass roof’s and drainage gutters, and

WHEREAS: The mock up on the north and east exposures are highly visible, the west canopy is not visible, and

WHEREAS: The Committee supported the application on the condition that the north and east canopies are set back two feet from the facades – making them not visible from the street – which the applicant agreed to do, now

THEREFORE

BE IT

RESOLVED

THAT: CB 1 recommends that the Landmarks Preservation Commission approve this application subject to the canopies not being visible from the street.

COMMUNITY BOARD #1 – MANHATTAN
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DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 130 West Broadway, application for a liquor license for HLD Tribeca LLC

WHEREAS: The applicant, HLD Tribeca LLC, is applying for a liquor license for Sushi of Gari Tribeca; and

WHEREAS: The applicant has represented that there are no buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there are three or more establishments with on-premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is a 2100 square foot sushi restaurant with a 900 square foot dining area with 14 tables; and

WHEREAS: The hours of liquor service will be 12:00PM to 2:15PM from Monday to Friday, and 5:00PM to 10:45PM on Monday to Saturday; and

WHEREAS: The applicant has represented that there will be recorded music, and no DJs, live music, dancing, and no promoted events, cover fee events, or scheduled performances; and

WHEREAS: The applicant has represented they will have delivery or supplies, goods, and services in the early morning; and

WHEREAS: All doors and windows will be closed by 10:45PM every day; and

WHEREAS: The applicant does intend to apply for a sidewalk cafe license; and

WHEREAS: The applicant has signed and notarized a stipulations sheet; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 opposes the granting of a liquor license to HLD Tribeca, LLC, at 130 West Broadway unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	1 Opposed	0 Abstained	0 Recused

RE: 452 Washington Street, application for method of operation change for Tribeca Bakery LLC

WHEREAS: The applicant, Tribeca Bakery LLC, is applying for a method of operation change to include the approved sidewalk cafe under the establishment's existing liquor license; and

WHEREAS: The establishment is a 3000 square foot bar/tavern with a 485 square foot dining area and a 379 square foot bar area with 1 stand-up bar with 9 seats; and

WHEREAS: The sidewalk cafe has 12 tables and 24 seats, and its hours of liquor service will be 10:00AM to 10:00PM Sunday, 8:00AM to 10:00PM Monday to Thursday, and 8:00AM to 11:00PM on Friday and Saturday; and

WHEREAS: The applicant previously applied for and was granted a liquor license, and now intends to include its existing sidewalk cafe in the license; and

WHEREAS: The applicant has signed and notarized a stipulations sheet for the inside establishment; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 *opposes* the granting of a liquor license to Tribeca Bakery LLC, at 452 Washington Street *unless* the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 241 West Broadway, application for unenclosed sidewalk cafe license for White Walker LLC d/b/a Frenchette

WHEREAS: White Walker LLC has applied for an unenclosed sidewalk cafe license for 7 tables and 14 seats, that extends 10'6" from the building line; and

WHEREAS: The residents of the surrounding neighborhood were notified in accordance with the Department of Consumer Affairs guidelines. No residents registered objections with the permit application or its proposed hours, including three that live in the building who in fact were among those who signed a petition in favor, but a number of signatures were from areas well out of the local area or CB1, which the committee felt was disingenuous; and

WHEREAS: The establishment agreed to hours of 10AM to 10PM, Sunday through Thursday, and 10AM to 11PM Friday and Saturday; and

WHEREAS: The applicant is welcome to return to request later hours after a season of operations; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 approves the new unenclosed sidewalk café license application for White Walker LLC d/b/a Frenchette at 241 West Broadway.

COMMUNITY BOARD #1 – MANHATTAN
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DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 151 Maiden Lane, application for alteration of liquor license for CP Maiden Lane LLC

WHEREAS: The applicant, CP Maiden Lane LLC, is applying for an alteration liquor license for AC Hotel New York City Downtown to add to the existing operation a refrigeration unit on the first floor to dispense beer; and

WHEREAS: The applicant has represented that there are no buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there are three or more establishments with on premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is a 140,000 square foot building with a 1,500 square foot dining area with 16 tables and 50 seats total, and 1670 square foot bar area with 2 stand up bars; and

WHEREAS: The hours of operation will be 12PM to 2AM Sunday through Saturday; and

WHEREAS: The applicant has represented that there will be DJs, live music, recorded background music, and no promoted events, scheduled performances, dancing or cover fee events; and

WHEREAS: The applicant has agreed to abide by the CB1 definition of background music, such that no sound will be heard outside or by neighbors; and

WHEREAS: The applicant will not apply for a sidewalk cafe until at least a year after operation; and

WHEREAS: Although the applicant also initially applied for a license to permit catering on the roof, they understood and quickly accepted the committee's wishes to have no rooftop usage in residential areas, and withdrew that part of the application; and

WHEREAS: The applicant has signed and notarized a stipulations sheet; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a liquor license to CP Maiden Lane LLC at 151 Maiden Lane unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	1 Abstained	0 Recused

RE: 85 Broad Street, application for liquor license for Black Fox 85 Broad, LLC

WHEREAS: The applicant, Black Fox 85 Broad, LLC, is applying for a liquor license for Black Fox Coffee Co; and

WHEREAS: The applicant has represented that there are no buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there are three or more establishments with on-premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is a 3000 square foot restaurant on the 30th floor of the Goldman Sachs building within the WeWorks section, with a 2000 square foot dining area with 40 tables and 128 seats, and a 400 square foot bar area with 1 stand-up bar with 6 seats; and

WHEREAS: The restaurant, presently operating, is open to members of WeWork, residents of the building, and guests; and

WHEREAS: The general use of the restaurant will be Monday through Friday, 8AM to 9PM. There will be only occasional catered events and conferences after 9PM and on weekends, so the licensed hours of liquor service are to be 8AM to 12AM, Monday through Saturday, and 10AM to 12AM Sundays; and

WHEREAS: The applicant has represented that there will be DJs and recorded music, and no live music, dancing, promoted events, cover fee events, or scheduled performances; and

WHEREAS: The above referenced DJ refers to a person curating music from a computer; and

WHEREAS: CB1 approves of the use of a DJ as defined above so long as music is background levels only, as defined by CB1 in our guidelines as not to be heard outside or by neighbors, and there is no dancing; and

WHEREAS: The establishment will not have open windows, and there is no terrace; and

WHEREAS: The applicant has represented they will have delivery or supplies, goods, and services around 7:00AM; and

WHEREAS: The applicant does not intend to apply for a sidewalk cafe license; and

WHEREAS: The applicant has signed and notarized a stipulations sheet; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 *opposes* the granting of a liquor license to Black Fox 85 Broad, LLC, at 85 Broad Street *unless* the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	1 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	0 Abstained	1 Recused

RE: 229 Front Street, application for liquor license for Hopkins Hawley LLC

WHEREAS: The applicant, Hopkins Hawley LLC, is applying for a new liquor license for Hopkins and Hawley; and

WHEREAS: The applicant has represented that there are no buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there are three or more establishments with on premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is a 1,881 square foot building with a 1,185 square foot dining area with 21 tables and 1 long L-shaped table with 9 seats and 67 seats total, and 167 square foot bar area with 10 seats; and

WHEREAS: The history of this site goes back to a grocery store in the early 1800's, and the applicant intends to reproduce the feel of that "old time" grocery store while serving first class seafood and burgers; and

WHEREAS: The hours of operation will be 12PM to 12AM on Sunday, 11AM to 12AM from Monday to Wednesday, 11AM to 1AM from Thursday to Friday, 10AM to 1AM on Saturday; and

WHEREAS: The applicant has represented that there will be recorded background music, and no DJs, live music, promoted events, scheduled performances, dancing or cover fee events; and

WHEREAS: The applicant has agreed to abide by the CB1 definition of background music, such that no sound will be heard outside or by neighbors; and

WHEREAS: The applicant will not apply for a sidewalk cafe until at least a year after operation; and

WHEREAS: The applicant has signed and notarized a stipulations sheet; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 *opposes* the granting of a liquor license to Hopkins Hawley at 229 Street *unless* the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	2 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 88 Battery Place, application for liquor license for Watanabe NYC, LLC

WHEREAS: The applicant, Watanabe NYC, LLC, is applying for a liquor license for a yet to be named restaurant; and

WHEREAS: The restaurant space is on the ground floor of a condo building, the Cove Club, that takes up the entire block; and

WHEREAS: The applicant has represented that there are no buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there are not three or more establishments with on-premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is a 1200 square foot sushi restaurant with a 900 square foot dining area with 14 tables and 48 seats, and a 300 foot square foot bar area with 2 tables and 8 seats; and

WHEREAS: There is a basement of 1000 sq. ft., with kitchen and bathrooms, but the basement plan submitted to the committee is all but indecipherable, and seems to be an earlier plan for accessory use for a day care center; and

WHEREAS: The establishment will have no liquor service or public usage other than bathrooms (and kitchen) in basement; and

WHEREAS: The hours of liquor service will be from 11 AM to 11 PM seven days a week; and

WHEREAS: The applicant has represented that there will be recorded music, but no DJs, live music, or dancing, and no promoted events, cover fee events, or scheduled performances; and

WHEREAS: Any music will be background music, defined as it will not be heard outside or by neighbors; and

WHEREAS: The applicant does not intend to apply for a sidewalk cafe license; and

WHEREAS: The applicant still needs a proper Certificate of Occupancy for the space; and

- WHEREAS: The applicant included 3 photos in their application packet, but board members and the public claim the applicant did not post notice to the public accurately: they claim the applicant only posted outside the business establishment and did not post anywhere else in the community; and
- WHEREAS: The applicant submitted a petition of support to the Community Board that appeared to have many signatures signed by the same person; and
- WHEREAS: This application was first heard last month, but when the attorney heard the many objections from residents he offered to postpone a month to discuss the problems; and
- WHEREAS: The condo association and nearby residents did not respond to an invitation to discuss the issues that month; and
- WHEREAS: The applicant's attorney, in response to community concerns the previous month, stated they will now use a specialized air cleaning device designed for NYC restaurants using electrostatic precipitator technology, that would eliminate odors and the need for ducting to the roof or to the corner of the building under residential windows, which the committee was pleased to hear about; and
- WHEREAS: This is a strongly residential and quiet family neighborhood, with several schools, and where the only nearby restaurants close at 10pm and often earlier, and where there is little foot traffic; and
- WHEREAS: In the recent past, residents experienced months of disruption from an illegal unlicensed club across from the condo, and were forced to put in much time and effort to document and report the illicit activity until the authorities shut it down; and
- WHEREAS: The residents were still strongly against this application due to quality of life concerns, but also in large part due to bad experiences with the applicant's parents whom they believe to be the real operators, the father being the owner of the ground floor condo space; and
- WHEREAS: After discussion with the applicant's attorney, the committee is not convinced that the son is not being used as a straw man for his parents who will be the actual beneficiaries of the license; and
- WHEREAS: Neither the attorney nor the son presented any evidence of the son's experience running or managing a restaurant, or his ability to do so; and
- WHEREAS: According to the condo board, it is the parents who have conducted all negotiation and conversations about the liquor license application, and not the applicant son; and
- WHEREAS: The designated manager wrote "yes" to the question "Previous related experience of manager", but did not include any experience or previous establishments; and
- WHEREAS: The parents, who the committee believes may actually be profiting from the license, are convicted felons; and

- WHEREAS: The residents and their attorneys provided documents showing that the parents were convicted of embezzlement of over 2 million dollars from a Federal program providing funding for school children at a group of pre-schools run by the parents; and
- WHEREAS: The mother was sentenced to almost 5 years, and the father given a suspended sentence of almost 4 years, reportedly so as to take care of the children while the wife was in prison; and
- WHEREAS: According to the Condo's attorneys, the parents filed construction plans for a previous proposed usage of the space drawn by an architect who had lost his self-certification rights, that disregarded the Cove Club's rules and regulations, and that blocked egress to and from the property; and the subsequent work also compromised the common building slab by drilling at least one very large hole in it; and
- WHEREAS: An engineer on the condo board, who had earlier discovered the problems with the self-certified plans, and recently found many problems in the new plans for this restaurant, said she would want to see all plans filed for this application, and that the condo board's position would be that no self-certification would be allowed; and
- WHEREAS: She agreed that she and the board would be responsible for contacting DOB or the relevant agency if she found any objectionable elements in the plans submitted to her; and
- WHEREAS: At this meeting, applicant's attorney informed us that the previous SLA LAMP mapping submitted the month before that showed 3 OP licenses in 500' was mistaken, that a group they hired to measure exactly had found only 2 OP's; and
- WHEREAS: Our own examination of the SLA LAMP site suggests he may be right, that the third one listed is actually uptown on 1st Avenue, but we have been unable to ascertain if the SLA mapping isn't correct and that third entity may hold a license in the 500' area; and
- WHEREAS: The attorney told the residents that since it was not a 500' case, the license was "as of right"; and
- WHEREAS: The committee quickly made clear to residents and attorney that it was not "as of right", but that the burden of proof was now on those opposing to show that the license was not in the public interest, a much more difficult proposition than with a 500' case; and
- WHEREAS: With this new information in mind we clarified to residents that any stipulations agreed on would become legally enforceable parts of the license, including the 11 pm closing time and other declarations in the questionnaire; and
- WHEREAS: The committee then asked the residents if they would accept a stipulation defining what their own engineer resident had suggested, that there be no self-certification allowed and that all plans be submitted in a timely fashion to the condo board and/or its designated representative, and there were no objections; and

WHEREAS: The applicant's attorney then said he could in no way accept the stipulation about submittal of plans and no self-certification and has therefore not signed our stipulation sheet; now

THEREFORE

BE IT

RESOLVED

THAT: We ask the SLA to investigate the ownership, financing, and corporate structure to ensure the parents of the applicant are not part of the ownership or silent partners in the restaurant; and

BE IT

FURTHER

RESOLVED

THAT: We also ask that the SLA confirm whether this is a 500' case or not; and

BE IT

FURTHER

RESOLVED

THAT: CB1 *opposes* the granting of a liquor license to Watanabe NYC, LLC at 88 Battery Place *unless* the applicant complies with the limitations and conditions set forth above, including the requirement that all building and construction plans be submitted in a timely fashion to the condo board, that self-certification not be allowed, and that no license or public usage be allowed in the basement.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: LICENSING AND PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	35 In Favor	3 Opposed	0 Abstained	1 Recused

RE: 89 South Street, application for liquor license for HHC Pier Village, LLC

WHEREAS: The applicant, HHC Pier Village, LLC, is applying for a tavern/bar liquor license for TBD; and

WHEREAS: There is no full kitchen space, so they are limited to a food prep area, and therefore a tavern/bar license by SLA standards; and

WHEREAS: The applicant has represented that there are no buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there are three or more establishments with on-premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is a 8296 square foot bar/tavern with a 7258 square foot dining area with 50 tables and 174 seats, and a 415 square foot bar area with 2 stand-up bars with 22 seats; and

WHEREAS: The location of the space is on the ground floor of 89 South Street in what has been the open-air public space sandwiched between Jean Georges and Momofuko; and

WHEREAS: This area is now closed off in winter on the east or river side by the recently LPC-approved retractable glass garage doors, which were opposed by the CB1 Landmarks Committee because they might obstruct the view corridor and/or limit public access to the space; and

WHEREAS: On a recent tour of the space related to the application for the retractable glass doors, the Chair and Co-chair of this licensing committee were told that if tables and seats were to be placed there after approval of the doors so that people could order informal drinks and dishes from Jean Georges, for instance, that the space would remain public and anyone could sit there without ordering; and

WHEREAS: Some on the committee were disturbed by the applicant's statement now that this is private space, and refusal to accept a suggested stipulation that anyone could come in and sit down without ordering; and

WHEREAS: The space is indeed legally considered private space; and

WHEREAS: The hours of liquor service will be 10:00AM to 1:00AM on Sunday, 8:00AM to 1:00AM Monday through Thursday, and 8:00AM to 2:00AM on Friday and Saturday; and

WHEREAS: The applicant has represented that there will be DJs, live music, recorded music, and dancing, and no promoted events, cover fee events, or scheduled performances; and

WHEREAS: DJ refers to a person curating music from a computer; and

WHEREAS: CB1 approves of the use of a DJ as defined above so long as music is background levels only, as defined by CB1 in our guidelines as not to be heard outside or by neighbors, and there is no dancing; and

WHEREAS: The applicant has represented they will have delivery or supplies, goods, and services before 10:00AM; and

WHEREAS: Windows/doors closure is conditional on weather; and

WHEREAS: After 10:00PM, if the doors are open, the music volume level will become background music; and

WHEREAS: The applicant does not intend to apply for a sidewalk cafe license; and

WHEREAS: The applicant has signed and notarized a stipulations sheet; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a liquor license to HHC Pier Village, LLC, at 89 South Street in light of HHC's disregard of and continued failure to comply with promises made to the community and its use of public space for private profit.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: QUALITY OF LIFE & SERVICE DELIVERY

COMMITTEE VOTE: 8 In Favor 0 Opposed 0 Abstained 0 Recused
BOARD VOTE: 39 In Favor 0 Opposed 0 Abstained 0 Recused

RE: Permanent Reauthorization of the September 11th Victim Compensation Fund Act

WHEREAS: The attacks on 9/11/2001 and their toxic aftereffects left thousands of surviving first responders, residents, volunteers, students, and area workers with chronic injuries and illnesses, all too often leading to significant deteriorations in health as well as early deaths; and

WHEREAS: The Victim Compensation Fund (VCF) was created by Title IV of the Air Transportation Safety and System Stabilization Act of 2001 and was limited in scope to those deaths that were immediately caused by the terrorist attacks at the World Trade Center, Pentagon, and Shanksville, PA; and

WHEREAS: The enactment of Title II of the James Zadroga 9/11 Health and Compensation Act of 2010 reopened the VCF and extended the eligibility for benefits to persons who suffered physical injuries or illnesses as a result of rescue, recovery, or debris removal work at or near the September 11th Aircraft crash sites during the period from September 11th, 2001, to May 30th, 2002 and was reauthorized on December 18, 2015 with the enactment of Title IV of Division O of the Consolidated Appropriations Act, 2016 (“Zadroga Reauthorization Act”); and

WHEREAS: This month, the VCF announced that a funding shortfall will force cuts of 50% to 70% to all awards that go out to injured and ill 9/11 responders and victims; and

WHEREAS: Congressman Nadler, Congresswoman Maloney, Congressman King and Senator Gillibrand of the New York’s federal legislative delegation intend to introduce the Never Forget the Heroes: Permanent Authorization of the September 11th Victim Compensation Fund Act that seeks to fully fund the VCF in perpetuity, reverse the announced cuts, and keep the VCF fund open for those who have yet to discover impacts from the toxins at the World Trade Center site; now

THEREFORE
BE IT
RESOLVED

THAT: Manhattan Community Board 1 calls on all legislators from both chambers of Congress to come together in support of the Never Forget the Heroes: Permanent Authorization of the September 11th Victim Compensation Fund Act to mirror the 9/11 health care program, and support the first responders, residents, volunteers, students, and area workers who continue to suffer from the worst act of terror ever committed upon American soil on 9/11/2001.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMITS

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	1 Abstained	0 Recused

RE: Street Activity Permit application for American Heart Association Wall Street Run and Heart Walk

WHEREAS: The American Heart Association has submitted an application with the Mayor's Street Activity Permit Office (SAPO) for the American Heart Association Wall Street Run and Heart Walk; and

WHEREAS: The estimated attendance of this event is over 10,000 people; and

WHEREAS: The event would be on Thursday, May 16, 2019. Setup would begin at 3:30PM. The event would run from 6:00PM to 7:00PM. Breakdown of the event would conclude at 8:00PM; and

WHEREAS: The following streets would be closed with a partial sidewalk closure:
Liberty Street between Church Street and Broadway
Water Street between Old Slip and Coenties Slip; and

WHEREAS: Murray Street between Greenwich Street and West Broadway would be closed on the north/south curb lanes for parking production trucks; and

WHEREAS: The following streets would be closed with a full street closure:
Greenwich Street between Barclay Street and Murray Street
Murray Street between West Side Highway and Greenwich Street; and

WHEREAS: The route itself has not changed since last year. The applicant has been working with NYPD to identify and quickly close and reopen streets for the shortest amount of time they are able to. The applicant states that in most cases the street segments would be closed from 45 minutes to 1 hour; and

WHEREAS: This event has negatively impacted the community in past years. Previous resolutions have requested an NYPD traffic mitigation plan and that provisions must be made to allow people to get home and to work, but this event continues to be problematic; and

WHEREAS: Constituents have reported that the estimated times of the street closures don't coincide with the street closures that actually happen. Traffic is a major issue because all of the east-west access between Battery Park City and the rest of Lower Manhattan is shut down and the only north-south access is pushed to the edges which burdens West Street since the closures include Church Street; and

WHEREAS: We have heard from many constituents and residents that the event causes severe disruptions, specifically because it occurs on a Thursday during rush hour. They are unable to be able to get to work or get to their homes; they are unable to transport their children from school and after school activities, and that it impedes school bus access; and

WHEREAS: This race affects almost all of the handicap accessible transportation that goes into Battery Park City; and

WHEREAS: CB1 acknowledges that this is a very important event for the American Heart Association which generates significant revenue for a noble cause. This resolution comments specifically on this proposed event and does not reflect on the American Heart Association as an organization; now

THEREFORE

BE IT

RESOLVED

THAT: This event has had minimal changes in the past 20 years, but the population in Community District 1 has increased dramatically over the years and there are many ongoing construction projects with their own associated street closures. It has become untenable; and

BE IT

FURTHER

RESOLVED

THAT: CB1 requests to meet with SAPO and NYPD shortly after this year's event to review the 2019 event and to discuss changes for the following year, including alternative routes that would not have such a dramatically negative impact on the community; and

BE IT

FURTHER

RESOLVED

THAT: CB1 urges that the applicant engage with CB1 and the larger community well in ahead of next year's event so problems can be worked out in advance when there is still time to make changes; and

BE IT

FURTHER

RESOLVED

THAT: Future plans and maps should note specific transportation closures, in terms of public transportation, as it relates to accessibility in particular; and

BE IT

FURTHER

RESOLVED

THAT: CB1 opposes the event in response to the proposed timing and route. The event takes place during rush hour on a weekday and the route cuts off critical transportation routes, creating serious disruptions throughout our community.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	40 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Pace University – Subway Station Signage

WHEREAS: Over the years, Pace University has approached the MTA about adding secondary signage to a local subway station to increase visibility and way finding for their institution; and

WHEREAS: The MTA has said that they do not issue secondary names unless it is for well-established neighborhood names, tourist attractions or major transportation hubs; and

WHEREAS: Pace University has been in the neighborhood since 1906 and have over 9,000 students that attend school at the New York City campus, including undergraduate, graduate and PhD students, in addition to faculty and staff. Many friends and family of the students also visit Pace University; and

WHEREAS: Pace University is at the end of Phase 1 of their renovation master plan, an 18 month project, including the complete renovation of the front and first floors of 41 Park Row and 1 Pace Plaza. They are interested in ways that they can increase their visibility and improve way finding; now

THEREFORE
BE IT
RESOLVED

THAT: Community Board 1 acknowledges the importance of Pace University as an important and long-established community institution. We request permanent identification at the City Hall subway stop to be done in an artful and thoughtful manner; and

BE IT
FURTHER
RESOLVED

THAT: We request that Pace University return to CB1 to present on any proposed signage before it is finalized and installed.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION
DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMITS

COMMITTEE VOTE: 6 In Favor 0 Opposed 1 Abstained 0 Recused
BOARD VOTE: 38 In Favor 0 Opposed 2 Abstained 0 Recused

RE: Pace University - Spruce Street Safety

WHEREAS: There is a crosswalk on Spruce Street between 1 Pace Plaza and the Spruce Street School. The crosswalk has two stop signs which are often disregarded by vehicles traveling on Spruce Street. There has been an increasing concern over cars that are not slowing down for pedestrians or coming to a full stop, particularly at night; and

WHEREAS: There is an imminent threat to the safety not only to students of both Pace University and the Spruce Street School, but also patients of the nearby New York Presbyterian Hospital and local residents, workers and visitors; and

WHEREAS: A regular speed hump is not ideal because it would hinder travel by emergency vehicles, and in particular NY Presbyterian Hospital ambulances; and

WHEREAS: Pace University has been advocating for the installation of a speed cushion. A speed cushion is a rounded or flat-top raised area placed across the road. It has wheel cut-outs designed to allow larger vehicles, like emergency vehicles or busses, to pass with minimal slowing or rocking. They are raised 3-4 inches from roadway and have a proven speed reducing track record in NYC; and

WHEREAS: The speed cushion would be placed before the crosswalk itself, and would not obstruct in any way the crosswalk or curb cuts; and

THEREFORE
BE IT
RESOLVED

THAT: Community Board 1 is concerned about pedestrian safety on Spruce Street and supports the request by Pace University for the NYC Department of Transportation to install a speed cushion on Spruce Street between Nassau Street and Gold Street, along with signage to notify motorists of the speed cushion.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	1 Opposed	4 Abstained	0 Recused

RE: Proposed legislation related to the legalization of e-bikes and e-scooters (Int. No 1250, 1264, 1265, 1266)

WHEREAS: The New York City Council is proposing legislation surrounding the legalization of e-bikes and e-scooters; and

WHEREAS: Int. No 1250 would remove prohibitions in local law against the operation of electric scooters; allows for the use of electric scooters that are incapable of exceeding 15mph; reduces fines for operating motorized scooters that are currently prohibited by local law; and clarifies that operators of electric scooters are subject to the laws applicable to bicycle operators. Only motorized scooters that operate in a way that endangers safety or property would be subject to impoundment; and

WHEREAS: Int. No. 1264 would remove prohibitions in local law against the operation of certain electric bicycles; allow for the use of electric bicycles that are incapable of exceeding 20mph; reduce fines for operating motorized bicycles that are currently prohibited by local law; and clarify that operators of electric bicycles are subject to the law applicable to bicycle operators. Only motorized bicycles that operate in a way that endangers safety or property would be subject to impoundment; and

WHEREAS: Int. No. 1266 would require the Department of Transportation (DOT) to create a pilot program for the operation of shared electric scooters. The pilot program would prioritize neighborhoods underserved by the existing bike share programs or affected by L-train closure. It would require DOT to report to the Council on the progress of the program and prohibit the operation of shared electric scooters without prior DOT approval; and

WHEREAS: Int. No. 1265 would require DOT to create a program to assist low-income individuals with the conversion of throttle-operated electric bicycles to pedal-assist electric bicycles. DOT must consider both public or private resources for the purposes of implementing the conversion program; and

WHEREAS: Those in support of this legislation maintain that e-bikes and e-scooters are a type of transportation that is affordable, assists cyclists with limited mobility, aids small business and is energy efficient. However, others believe that the legislation may cause unintended consequences of unregulated e-bikes and e-scooters traveling at high speeds for longer distances may cause safety and quality of life issues and hurt local community based businesses; and

- WHEREAS: The Community Board 1 (CB1) area is highly dense. Our streets and sidewalks are very narrow and do not follow the traditional New York City street grid. That often means that many cyclists, pedestrians and vehicles are sharing the same narrow spaces; and
- WHEREAS: Even though all scooter and bike riders are required to obey the rules of the road the same as motor vehicles, a substantial number of riders do not obey the rules of the road; and
- WHEREAS: CB1 members have observed riders on bikes and scooters driving recklessly at high speeds, through red lights, on sidewalks, down one-way streets in the opposite direction, through greenways and parks, and in other areas used by pedestrians and putting the pedestrians in danger; and
- WHEREAS: Legalizing e-scooters and e-bikes may have the potential to increase danger to pedestrians throughout the City; and
- WHEREAS: E-bikes and e-scooters are heavier than traditional models so any collisions are likely to cause more damage. This is concerning coupled with the fact that e-bikes and e-scooters have the potential to travel faster than the proposed legislation of 15 and 20 MPH. While data specific to New York City is sparse, a 2006 Dutch study found that 20% of e-bike crashes sent the cyclist into intensive care while only 6% of crashes on traditional bicycles sent the cyclist into intensive care¹; and
- WHEREAS: Enforcement of any proposed speed limits would be difficult, especially on bikeways and greenways. Enforcement of current laws prohibiting e-bikes and e-scooters on bikeways and greenways has often been difficult, lax, and largely ineffective, in part because police and enforcement officers on foot or wheels cannot safely pursue bicycles or scooters without endangering other bikeway users; and
- WHEREAS: The Hudson River Greenway owned by the New York State Department of Transportation (NYSDOT) is reportedly the busiest bikeway in the United States and is heavily used by commuters and recreational users alike; and
- WHEREAS: Designated bikeways and greenways are in public parks and are designed for recreational use by pedestrians, rollerbladers and cyclists, including children's bicycling alongside commuter bicycling. The heavier and faster e-bikes pose a risk to the much slower and lighter cycles, even at lower speeds; and
- WHEREAS: NYSDOT has installed bollards 48 inches apart on its Hudson River Greenway to thwart a copycat terrorist attack that occurred on October 31, 2017, and cycling between the narrow space separating the bollards can be especially hazardous, especially during busy weekend recreational use and weekday rush hours when school children are often cycling on it for after school programs. Since the installation of these bollards, the Hudson River Park Trust has reported an increase in bicycle accidents on this very busy thoroughfare; now

¹ "The E-Bike Sceptic ." *Copenhagenize*, 22 Sept. 2007, www.copenhagenize.com/2014/02/the-e-bike-sceptic.html.

THEREFORE
BE IT
RESOLVED

THAT: CB1 acknowledges the positive potential of legalizing the use of e-bikes and e-scooters such as the environmental benefits, diversifying transportation modes and increased access to cycling for commuters and individuals with limited mobility.

BE IT
FURTHER
RESOLVED

THAT: However, CB1 does not endorse the proposed legislation as it is proposed and has serious reservations surrounding potential safety issues. We request the following modifications to the proposed legislation regarding the legalization of e-bikes and e-scooters:

1. E-bikes and e-scooters should be prohibited on all dedicated bikeways and greenways
2. E-bikes and e-scooters should be registered and identified as to their owners and their drivers, and should require to be insured
3. Age restrictions should be incorporated for the use of e-bikes and e-scooters and all riders should be required to wear helmets
4. E-bikes and e-scooters should be required to follow the same rules and regulations as all moving vehicles (required lights, horns, etc.)
5. The Department of Transportation should publish accompanying rules prior to the legislation being approved, as well as the manner in which these rules will be enforced

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: John St & Nassau St new stop sign request

WHEREAS: Residents of the Financial District area have contacted Community Board 1 (CB1) regarding a request for a stop sign at the intersection of John Street and Nassau Street; and

WHEREAS: Vehicular traffic on John Street moves east and vehicular traffic on Nassau Street moves north. There is a stop sign on John Street at Nassau street for cars moving east, but there is no stop sign on Nassau Street for cars moving north; and

WHEREAS: There has been a lot of construction in the last several years on John Street between Broadway and Nassau Street; and

WHEREAS: Parking is problematic at the intersection. Large vehicles often park on the southwest corner of the intersection, blocking the view of pedestrians crossing east along John Street on the south side. This is very dangerous since cars moving north on Nassau Street do not need to stop; and

WHEREAS: Street lights have also been replaced around that intersection with skinnier poles, but they are mounted on very large concrete bases. These street lights further congest the intersection, along with barriers from ongoing construction that make the pedestrian crossing even tighter; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 requests that NYC Department of Transportation (DOT) study the request to install a stop sign on the south side of Nassau Street at John Street.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: WATERFRONT, PARKS & CULTURAL

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	1 Abstained	1 Recused

RE: Brooklyn Bridge Esplanade

WHEREAS: The New York City Economic Development Corporation (NYC EDC) has partnered with the landscape architecture and planning firm Starr Whitehouse to complete the Brooklyn Bridge Esplanade project (formerly the “Brooklyn Bridge Beach” project) in the area running from Peck Slip to Catherine Slip; and

WHEREAS: Manhattan Community Board 1 (CB1) has adopted numerous resolutions in the past in support of the former Brooklyn Bridge Beach project, and in particular advocacy of access to the beach to allow for some level of interaction with the water; and

WHEREAS: The design goals of the project are to connect the esplanade inland to the neighborhoods; employ resilient and floodable materials; provide a continuous esplanade and bikeway; minimize pedestrian and bicycle conflicts; and utilize the site furnishings palette from adjacent built sections of the esplanade; and

WHEREAS: While the project team will employ resilient and floodable materials, the project does not include resiliency infrastructure to protect inland from future extreme weather events; and

WHEREAS: The total budget for this project is \$21 million, including \$15 million in Lower Manhattan Development Corporation (LMDC) funding through the US Housing and Urban Development Community Development Block Grant program (HUD CDBE), and \$6 million from the offices of the Manhattan Borough President and Councilmember Margaret Chin. There is a tight timeline for the project because the deadline for use of the federal funding is spring 2021; and

WHEREAS: The community outreach phase was completed over winter 2018/2019. The project is currently in the conceptual design phase. The final design phase will be completed by fall 2019 and construction is scheduled from winter 2020 to spring 2021; and

WHEREAS: The project team conducted mobile outreach on site twice in December 2018, including surveys and vision board activities. Over 700 online survey responses were also collected over December and January. Community input sessions were held for both Community Board 1 (CB1) and Community Board 3 (CB3) at the Manhattan Borough President’s office in January 2019; and

WHEREAS: Results of both the in-person and online surveys indicate that most people currently use the esplanade for walking, enjoying the view and cycling; people's favorite elements are the river views, bridge views and skyline views; top concerns are cleanliness/maintenance, poor lighting and poor drainage; preferred enhancements are more vegetation, improved lighting and pedestrian path improvements; and that most people responded that the redesign esplanade should be active, natural and easily accessible; and

WHEREAS: At the February 2019 Waterfront, Parks & Cultural Committee, many residents attended to speak about their priorities and concerns for the East River Esplanade. This resolution contains recommendations from both the public and from members of CB1; now

THEREFORE
BE IT
RESOLVED
THAT:

CB1 has the following comments and recommendations for the East River Esplanade and the Brooklyn Bridge Esplanade project:

1. CB1 supports the feedback collected through surveys and would like EDC and Starr Whitehouse to prioritize and incorporate into the project elements with the most responses, such as vegetation, improved lighting, pedestrian pathways, view corridors, etc.
2. CB1 reiterates that there must be unfettered and un-managed access to the natural beach below the Brooklyn Bridge (Brooklyn Bridge Beach) during regular hours of operation, mirroring the beach access across the river at Brooklyn Bridge Park, DUMBO and Pier 4.
3. Better lighting is needed along the East River Esplanade, but the lighting must be balanced and not overbearing.
4. CB1 supports efforts to locate +Pool into the East River in the area between the Brooklyn Bridge and Pier 17 and the design of the esplanade should allow for the future incorporation of +Pool.
5. Though the Brooklyn Bridge Esplanade project only extends to the bulkhead, the project team should explore incorporating and accommodating for "working pier" elements to the esplanade, such as tie-ups, in order to provide access points for a range of potential maritime and water-dependent uses.
6. Additional active recreation space for youth is needed for the fast growing population on the east side of CB 1 and we ask the project team to try to identify potential active recreation space within the project area.
7. We should use this project as an opportunity to work with the City on the creation of a new local development corporation type entity with representation from CBs 1 & 3 to better manage and maintain the esplanade.
8. CB1 believes that it is of the utmost importance that the view corridors along the esplanade be left open with no visual or physical obstruction.
9. CB1 urges the EDC and Starr Whitehouse to demonstrate how the design will coordinate with resiliency measures.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: FEBRUARY 26, 2019

COMMITTEE OF ORIGIN: WATERFRONT, PARKS & CULTURAL

COMMITTEE VOTE:	6 In Favor	0 Opposed	1 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	0 Abstained	2 Recused

RE: Public Design Commission modified application by Howard Hughes Corporation for Parks Dept. concession under the FDR Drive

WHEREAS: Howard Hughes Corporation (HHC) has won an RFP to take over a concession on behalf of the NYC Parks Department & Recreation (DPR) for the building under the FDR drive at the end of John Street and is in the process of obtaining the necessarily approvals, including an application to the Public Design Commission (PDC) for the modification and enlargement of this facility; and

WHEREAS: DPR has a memorandum of understanding (MOU) with the NYC Economic Development Corporation (EDC) for this concession under the FDR drive; and

WHEREAS: The building had previously been referred to as the “John Street Service Building,” which is 8.6’ x 8.6’ with adjoining bathroom facilities; and

WHEREAS: There will be counters, seating, lighting and planters outside of the structure itself, installed as part of the enlargement, which will be temporarily winterized during the colder months; and

WHEREAS: The concession will involve the sale of ice cream and food. There is no associated venting or exhaust as all of the food will be prepared using “ventless cooking;” and

WHEREAS: As part of the MOU between EDC and DPR, 50% of the revenue generated from the licensing fees would be dedicated to pay for the attendant at Imagination Playground; and

WHEREAS: The applicant is also pursuing a full liquor license. The CB1 Licensing & Permits Committee reviewed the State Liquor Authority (SLA) application in January 2019 and since the design is still pending, requested that the applicant return for review after the design is finalized and the PDC process is completed; and

WHEREAS: HHC will provide maintenance and security for the concession (including the restrooms) and the surrounding areas; and

WHEREAS: The concession will be open 11AM – 11PM during the weekdays and 11AM – 1AM on Thursday, Friday and Saturday; and

WHEREAS: The concession as proposed involves an expansion that would obstruct the view corridor from John Street to the South Street Seaport waterfront, blocking views to one of the most historic and iconic waterfront areas in all of New York City; and

WHEREAS: Earlier proposals from the City for proposed development of pavilions under the FDR called for the view corridors along South Street to be unobstructed, such as the 2007 book titled *Transforming the East River Waterfront* which states that “these pavilions are located along the waterfront, parallel to the existing street, so that view corridors are not obstructed;” and

WHEREAS: In January 2019, CB1 issued a resolution stating that:

- CB1 opposes this application before PDC for the concession at the end of John Street under the FDR, unless it is modified to not obstruct the important John Street/Burling Slip view corridor to the East River and historic vessels
- Revenues generated by this and similar concessions should be specifically earmarked for the maintenance of this area particularly in light of current efforts by the City and community to upgrade the East River esplanade
- We would like better notification and engagement from the various overseeing agencies so we can participate in determining what goes on along the East River waterfront and under the FDR Drive; and

WHEREAS: In response to the January resolution, HHC and the DPR returned to the CB1 Waterfront, Parks & Cultural Committee in February to present a modified plan in which the dimensions of the structure had been adjusted to allow for a wider walk-way and view corridor from John Street; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 maintains its opposition to this proposal on the grounds that the modified plan does not satisfy our original objections. The modified plan still substantially obstructs this most iconic view of the South Street Seaport; and

BE IT

FURTHER

RESOLVED

THAT: CB1 objects to this proposal unless it is reconfigured to not obstruct the view at all, or unless it is moved to another location that does not block any view corridors inland towards the water.