

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	7 In Favor	3 Opposed	1 Abstained	0 Recused
BOARD VOTE:	0 In Favor	37 Opposed	1 Abstained	0 Recused

RE: Revocable Consent to Place Five Backless City Benches at 140 Broadway

WHEREAS: In January 2018, CB 1 passed a resolution for the Landmarks and Preservation Committee, which commented on the appropriateness of a proposed alteration to a landmarked privately-owned plaza in front of 140 Broadway. Since the original plaza design did not include benches and planters along Broadway, rejection of these elements was recommended; and

WHEREAS: In 2018 and 2019, the Landmarks and Preservation Committee, commented on the appropriateness of a proposed alteration to a landmarked privately-owned plaza in front of 140 Broadway and rejected additional benches and planters; and

WHEREAS: In 2020, the owners of 140 Broadway returned to CB 1 to pursue support for an application for revocable consent from the Department of Transportation (DOT) to permit street furniture along the public right-of-way on the 18.92-foot-wide right-of-way that is adjacent to the western edge of the Privately Owned Public Space (POPs) at Broadway between Cedar and Liberty Streets as previewed during the landmarks review at CB 1 two years prior; and

WHEREAS: In 2020, numerous concerns were raised, specifically in support of the street vendors who would be displaced by the plan, CB 1 requested that the applicant suspend their application and work out an agreement with the street vendors through their advocates at the Street Vendors Project (SVP) and return to with a compromise plan that does not force the elimination of any vendors from the block; and

WHEREAS: The applicant returned in May of 2021 with a compromise plan that was endorsed by the SVP that accommodate five (5) backless steel “Chelsea” Citybenches along with two vendors to be located in the public right-of-way on Broadway, three vendors on Liberty Street inside the POPs, and two vendors on Cedar Street on the public right-of-way; and

WHEREAS: Members of the committee raised design and procedural concerns about whether the Landmarks Preservation Commission (LPC) and the Department of City Planning (DCP) had signed off on the respective historic appropriateness and

POPS accordance of placing vendors within the boundaries of the plaza on the Liberty Street side, especially since the Noguchi Cube is adjacent to that side; and

WHEREAS: The committee was generally unhappy with the proximity of the vendors to the Noguchi Cube in terms of urban design and the applicant's representative, Beau August, responded by offering to move one vendor from Liberty Street to Cedar Street to create more space around the Cube and compressing the remaining vendors' placements further east to allow for two vendors on the North side of the block and three vendors on the South side of the block; and

WHEREAS: Members of the committee raised design concerns about whether the Landmarks Preservation Commission (LPC) had signed off on the respective historic appropriateness of permanent benches being placed on the edge of the POPS along Broadway as the siting of the benches is in opposition of their prior rulings for placement of benches and planters within the POPS in the same area; and

WHEREAS: During the CB1 Executive Meeting 5/19/21 Beau August, Director of Asset Management for Metzler Realty, the building representative of 140 Broadway, and Jackson Wandres, Director of Landscape Architecture at NV5 stated their understanding is that DOT's revocable consent office obtained sign offs from LPC and DCP for the design and to allow food carts to be located within the landmark POP and the benches on the western side on behalf of the applicant before sending the applicant before the local community board; and

WHEREAS: The committee accepted this redistribution of vendor placements to allow for more respectful distance around the cube; now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board 1 supports this application for revocable consent ONLY with the following conditions:

1. The Department of Transportation's confirms that both the Landmarks Preservation Commission and the Department of City Planning have reviewed and approved designs prior to applicants presenting before The Community Board; and
2. The applicant and Street Vendor Project consult with the vendors who must agree that this new layout with 2 vendors on the north and 3 vendors on the south side all moved east with placements as noted above is agreeable and jointly send a new letter to CB 1 and DOT's Revocable Consent Office to file with the application so that the new layout agreement is durable beyond the current ownership of 140 Broadway.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	12 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 402 Comfort Road, Governors Island, application for beer and wine license for Pizza Yard Holdings LLC d/b/a Pizza Yard

WHEREAS: The applicant, Pizza Yard Holdings LLC, is applying for an on-premise beer and wine license for Pizza Yard; and

WHEREAS: The establishment is a seasonal tavern and pizzeria; 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 approximately 3,500 square feet with a public assembly capacity of approximately 80 persons, and a 3,500 square foot dining area with 11 tables and 66 seats, and one stand-up bar with dimensions of 16' x 8.5', and one pickup counter; and

WHEREAS: The establishment will be located on the ground floors of the outdoor space, and there will be one concession stand truck where customers can go and pick up their food, and seating will be in a designated area and separated with rope; and

WHEREAS: The hours of operation will be from 11AM opening to 7PM closing all days of the week, and the hours of food service and bar service will be the same as the hours of operation; and

WHEREAS: The counsel represented that if any person stays past 7PM, they will have to stay overnight and take the ferry to depart the next day; and

WHEREAS: The applicant has represented that there will be recorded background music, live music in the form of some jazz that will play for private events only, no DJs, no non-musical entertainment, no dancing and no TV monitors; and

WHEREAS: Delivery of supplies, goods and services will be made during the mornings only; and

WHEREAS: There are no windows that will open and instead there are pickup counters; and

WHEREAS: The applicant will employ one security guard at private events that are above 50 patrons; 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 an on-premise beer and wine license for Pizza Yard Holdings LLC d/b/a Pizza Yard at 402 Comfort Road, Governors Island, unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	10 In Favor	0 Opposed	2 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	1 Abstained	0 Recused

RE: 88 Wall Street, proposed legislation to provide “tied-house” exemption for 88 Wall Street, LLC & 88 Wall Street Manager, LLC d/b/a The Wall Street Hotel

WHEREAS: The counsel representing the owner of the hotel appeared at the May 12, 2021 Licensing & Permits Committee meeting to present the proposed legislation requested that the Committee issue a statement of no objection related to the premises at 88 Wall Street; and

WHEREAS: It is the Committee’s understanding that the proposed bill, which is a “tied-house” exemption, if passed, would allow the owner of the property to only be eligible for a liquor license at the premises. The counsel stated that they were requested from the office of State Senator Brian Kavanaugh and Assemblymember Yuh-Line Niou to seek approval from the community board; and

WHEREAS: The Committee felt that this matter is better suited to be decided upon by the State representatives for further deliberation and agreed to defer the counsel’s request to the Executive Committee; and

WHEREAS: At the May 19, 2021 Executive Committee meeting, the counsel reappeared to provide further context. Prior to the repeal of Prohibition in New York State, there were cases where several manufacturers would have retailers carry their products, and as a result tied-house laws were established in 1934 to prevent this kind of undue influence; and

WHEREAS: These laws do not allow any manufacturer to have any direct or indirect interest in a retail licensee, for example, a bar or a restaurant. As the decades progressed and this type of undue influence subsided, there have been several cases that required an exemption to these laws, because although there was no chance of undue influence whatsoever, the broad nature of the laws precluded business relationships between manufacturers and retailers; and

WHEREAS: The owner of the hotel at 88 Wall Street who also owns a winery in Australia plans to open a restaurant at the hotel, and in order for them to apply for a liquor license or be a co-licensee on the application, a tied-house exemption would be required; and

WHEREAS: The counsel represented that while the applicant owns a winery internationally, they do not import any products to the United States, so any chance of undue influence for this matter is not possible; and

WHEREAS: If the bill passes into law, the exemption would not only allow the owner of the property to only be eligible for a liquor license at the premises, there is also a provision that would restrict the exemption to only the current owner of the property. This means that when the current owner no longer owns the property, the law would be deemed void and automatically repealed; and

WHEREAS: The Licensing & Permits Committee passed a resolution in February 2020 voting in favor of granting a new liquor license for a restaurant in the lobby of the hotel; however, the application has been in a conditional approval phase due to delays from site construction. The applicant intends to open the restaurant within the next few months; and

WHEREAS: Because the owner of the hotel was not listed on the initial liquor license application and both the hotel management company and concessionaire are, upon the passage of the bill, a new application must then be filed again with the owner listed as a licensee, and per SLA policies the applicant will return to the Licensing & Permits Committee for another round of review; and

WHEREAS: A member of the public who attended the meeting asked if this legislation would extend to wine importers, distributors and retailers since currently any entity cannot be a distributor and retailer in the city. The counsel responded that the law would indeed allow for that extension, but only for this specific owner at this specific property at 88 Wall Street; and

WHEREAS: The bill is pending sponsorship from State representatives, including Assemblymember Niou; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board 1 (CB1) has no objection to the application for a tied-house exemption for 88 Wall Street, LLC & 88 Wall Street Manager, LLC d/b/a The Wall Street Hotel. If the bill is passed into law, we require that the owner of the premises returns to the Licensing & Permits Committee to apply for a new liquor license before filing their application with the SLA.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: LAND USE, ZONING ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	10 In Favor	0 Opposed	2 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	0 Opposed	4 Abstained	0 Recused

RE: Elevate Transit: Zoning for Accessibility (ZFA), Citywide Zoning Text Amendment

WHEREAS: In 2019, the New York City Council Land Use Division published Zoning for Transit Accessibility – A Let’s Go Report. The City Council report outlines ways to address and improve accessibility by considering how to broaden the applicability and scope of certain existing, proven zoning tools. To help facilitate the goal of system-wide accessibility more rapidly and efficiently, the report recognizes the potential for an expanded framework of such zoning tools for harnessing already-planned development to contribute to long term transit infrastructure planning and increasing accessibility; and

WHEREAS: The Metropolitan Transportation Authority (MTA) together with the New York City Department of City Planning (DCP) is proposing a zoning text amendment to establish a framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites. Specifically, the zoning text amendment would create a system-wide easement requirement that would require developments on lots over 5,000 sf within 50 feet of a mass transit station in most zoning districts to obtain a determination from the related transit agency on whether a transit easement volume is needed on site for future station access. This requirement would be accompanied by targeted zoning relief to minimize potential construction and design challenges. In addition, an optional Chair Certification would be created to facilitate the provision of a transit easement volume on other sites not subject to the requirement; and

WHEREAS The proposed text amendment would also expand the Transit Improvement Bonus Program, through City Planning Commission (CPC) Authorization, that would grant a floor area bonus for developments within all R9 and R10 density-level districts that provide transit station improvements, including accessibility improvements. In addition to this Authorization, additional zoning relief on such sites may be granted pursuant to other discretionary actions; and

WHEREAS: The proposed action would provide a citywide zoning framework that would create additional opportunities for providing accessibility improvements by aligning them with private development near station areas. The proposed action is not expected to cause a significant change in the overall amount, type, or location of development. The proposed action is not expected to induce development where it would not have occurred absent the proposed action; and

WHEREAS: Regarding applicability in Manhattan Community District 1 for the easement

component, developments on lots over 5,000 sf within 50 feet of any station must obtain a determination from the related transit agency and the Chair of the CPC on whether a transit easement volume is needed on site for future station access; and

WHEREAS: Most transit stations in CD1 are already eligible for the voluntary Transit Improvement Bonus program, and the expanded Transit Improvement Bonus program would make several stations in the northern part of the district (from Franklin Street north) eligible as well. The Transit Improvement Bonus is eligible for developments on zoning lots that are within 500 feet of a station envelope, or 1,500 feet of a station envelope if within a Central Business District (lower Manhattan is defined as a Central Business District south of Murray Street). Applications for a Transit Improvement Bonus would get referred to CB1, as it is via CPC Authorization; and

WHEREAS: Both the easement and the voluntary bonus provisions would allow for further zoning modifications because of possible unique conditions, which can be sought through an Authorization for an additional height increase of up to 25% or a Special Permit for anything beyond that. Both are discretionary actions; and

WHEREAS: Final adoption of this proposal is expected in Fall 2021; now

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 acknowledges the need for accessibility and circulation improvements throughout NYC's transit system and we support the goals of this plan. CB1 recommends approval of this citywide zoning text amendment with the following conditions:

- The application includes language regarding the Expanded Transit Improvement Bonus Program which states that the proposed action would also grant a floor area bonus to developments in R9 and R10 density-level districts that provide major station access and circulation improvements, "including but not limited to," accessibility improvements. Access and circulation improvements must be well-defined in the zoning text so that other various uses do not qualify (i.e. back-of-house, beautification, providing daylight access, rider orientation, noise abatement).
- Density caps are applied to merged lots in order to ensure that their FAR bonus is kept at an acceptable level.
- Community Board and Borough President notice be included as a requirement before the CPC authorizes any additional modifications to zoning regulations as outlined in proposed Section 66-521.
- In cases where an easement is provided but not immediately in use for transit purposes (or an easement is granted and later terminated), a provision should be included in the zoning text to ensure that the benefits of the easement space go to the public good and not the private developer. For example, if the space is used

temporarily for commercial purposes the rent should go to the MTA. If the easement is terminated, the space should not automatically revert back to the developer for private benefit, but should be sold with funding going to the MTA.

- To the extent that the development is a participant in the Mandatory Inclusionary Housing (MIH) program, any bonus FAR given as part of the Expanded Transit Improvement bonus should be subject to underlying Inclusionary Housing requirements.
- As a broader policy consideration, CB1 encourages the City to pursue other potential incentives for needed civic improvements rather than relying on bonus programs for developments which are becoming overly burdensome on communities (i.e. tax incentives).

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	7 In Favor	2 Opposed	3 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	23 In Favor	6 Opposed	3 Abstained	0 Recused

RE: Hotels Special Permit, Citywide Zoning Text Amendment

WHEREAS: The Citywide Hotel Text Amendment is a citywide action, affecting all boroughs and community districts, to require a special permit for new hotels; and

WHEREAS: The rapid growth of new hotels across the city has led to calls from communities and elected officials to better regulate the development hotels to limit land use conflicts and slow the pace of development in some locations. Over time, the City Planning Commission (CPC) has adopted a variety of special permits to address various planning concerns relating to residential development goals, neighborhood character, and conflicts with adjacent uses. Consequently, the City has an inconsistent and patchwork framework for new hotel development; and

WHEREAS: There have been several recent efforts to require special permits for hotels in areas of the City. The Special Purpose Districts in Inwood, Jerome Avenue, East Harlem, East Midtown, Midtown South, Garment Center, Hudson Square, Battery Park City, Clinton and Tribeca all contain provisions that require a special permit for new hotels. On December 20, 2018, the City Council approved a Citywide text amendment requiring special permits for hotels in M1 manufacturing districts throughout the City; and

WHEREAS: Although the COVID-19 pandemic caused an abrupt and precipitous drop in hotel occupancy and construction, visitation is expected to return by 2025 along with a demand for new hotels. When this occurs, a more uniform zoning framework for new hotels citywide would support more predictable development and limit the extent to which a hotel use may impair the future use or development of the surrounding area. Review of a new or enlarged hotel's relationship to neighborhood context would result in better configuration of the use on the zoning lot to minimize conflicts with adjacent uses; and

WHEREAS: The proposed text amendment would modify provisions throughout the zoning resolution, notably the use provisions in Article III Chapter 2, Article XII Chapter 3 and several special purpose districts to require a special permit for hotels. Special permits would be replaced in: East Midtown, Special Hudson Square, Special Clinton, Special 125th Street, Special Tribeca Mixed- Use, Special Garment Center, Special East Harlem Corridors, Special Jerome Corridor, and Special Inwood districts. A new special permit would be created in: Theater Subdistrict, Limited Commercial, Special Battery Park, Special Sheepshead Bay,

Special Madison Avenue Preservation, Special Coney Island, and Special Governors Island districts. The new special permit will be pursuant to Zoning Resolution Section 74-802; and

WHEREAS: As a result of this proposed text amendment, any new hotel within Community District 1 would require a Special Permit; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 recommends approval of the Hotels Special Permit Citywide Zoning Text Amendment.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	12 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Int. 2186 (Johnson), A Local Law to amend the New York city charter, in relation to requiring a comprehensive long-term plan

WHEREAS: Manhattan Community Board 1 (CB1) reached out and scheduled a presentation for our February 8, 2021 Land Use, Zoning & Economic Development Committee meeting with Annie Levers, Assistant Deputy Director of the Office of Strategic Initiatives, NYC City Council. The presentation on the proposal was very complex for a single meeting and CB1 expressed serious concerns regarding this proposal, how engagement is being conducted and the speed at which approval may be sought. Without having time for the consideration and deliberation required in order to adopt a resolution on this complex proposal in time for the February 23, 2021 hearing, CB1 Chair Tammy Meltzer wrote a Chairperson’s letter to submit as testimony which outlined general concerns; and

WHEREAS: As we understand, each New York City Community Board is not being individually briefed on this proposal, but rather presentations are conducted by request. This in and of itself gets the proposal off on the wrong foot. If this proposal intends to manifest a real opportunity for community-based, representative planning, it must first be vetted by local communities. A hearing on the proposed legislation was conducted before most Community Boards had an opportunity to review it; and

WHEREAS: Since the conception of the modern land use review process in New York City, communities have been at an inherent disadvantage. ULURP, a process designed to ensure community engagement, has been reduced to a process by which Community Boards have a very brief window to comment on near-finalized projects, and which rarely inspires real change. Many concerns have been raised that this long-term comprehensive planning proposal could result in a process that similarly imposes top-down plans onto communities that haven’t been involved in the planning itself, but who then have the largely ceremonial function of providing advisory comment during the final stages; and

WHEREAS: Further, there is concern that after these long-term plans are adopted it would further minimize the role of Community Boards during review of individual applications in the ULURP process, where greater weight may be placed on adherence to these long-term plans rather than guidance from local communities; and

WHEREAS: Finally, CB1 is particularly concerned by the amount of oversight by the Mayor's Office as part of this proposal, specifically as it relates to community engagement. CB1 has experienced a very challenging track record of engagement by the Mayor's Office in recent years, especially regarding major projects like Borough Based Jails. Though engagement was explicitly promised during earlier stages of the plan, actual community engagement has been at worst nonexistent, and at best poor; now

THEREFORE  
BE IT  
RESOLVED

THAT: We urge the New York City Council to take pause in consideration of this proposal until local communities have had a real chance to review and develop opinion on it. CB1 is not opposed to the concept of long-term comprehensive planning, but in order for it to be successful it must be rooted in local, community-based planning; and

BE IT  
FURTHER  
RESOLVED

THAT: CB1 recognizes the potential value in comprehensive long-term planning, and better long-term budget and infrastructure planning, in NYC. However, the Board has critical concerns related to this specific proposal and recommends that it does not move forward until these considerations and recommendations can be incorporated or addressed:

- The proposal is too top-down and gives too much power over this process to the Mayor's Office, which has a poor track record in true community engagement and a lack of trust among the community
- It is problematic that the individuals creating the long-term comprehensive plans for Community Boards to review work for the Mayor's Office rather than the community. This is not a good mode for true community-based planning
- There are concerns over the costs associated with this proposal; specifically, the requirement for a Generic Environmental Impact Statement for 177 land use scenarios, estimated by the Department of City Planning to cost half a billion dollars
- There is desire among the community for amendments to be made to this proposal in order to make it a more bottom-up, community-based model
- More engagement is needed before this proposal moves forward. Consideration of this proposal should be paused until every NYC Community Board has a chance to review and opine on it, and until it is revised to address the major issues
- There is distrust by communities in the existing land use review process, where community boards have only up to 60 days to review complex proposals with extremely limited resources. It is rare that proposals are rejected based on community opposition, and the extent to which proposals are amended based on community feedback is very limited. The City must re-think this proposal to avoid reinforcing these planning pitfalls

- The City should provide technical support and resources for communities in order to be able to manage a bottom-up comprehensive long-term planning process, in *collaboration with* rather than *imposed by* the Mayor's Office and City agencies

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	1 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 31 Harrison Street, review of legalizing LPC violation of shutter removal

WHEREAS: 31 Harrison is a highly contributing building in the Tribeca Historic District and part of the only remaining continuous block front of 19<sup>th</sup> century row houses; and

WHEREAS: The majority of work shown in the presentation materials is from three previous LPC approvals; and

WHEREAS: The remaining work is to legalize the front and facade as-is without shutters at the first and second floors, and add a 21<sup>st</sup> century doorbell; and

WHEREAS: No other windows on the string of row houses have shutters at their front façade windows; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 recommends that the Landmarks Preservation Commission approve and allow 31 Harrison to legally remain shutterless.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	11 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	31 In Favor	2 Opposed	5 Abstained	0 Recused

RE: Proposed Guidelines for Liquor License Applications with Large Venues in CB1

WHEREAS: CB1 considers and reviews every application on a case-by-case basis; however, CB1 has historically discouraged the granting of liquor licenses for applications with large venues, such as Tribeca Rooftop at 10 Desbrosses Street, Live Nation at 18 Trinity Place, Sleep No More at 18 William Street/20 Exchange and Hide Lounge Inc at 24 John Street, and more specifically for proposed establishments in areas with densely populated residences that already have an overwhelming number of bars and restaurants in close proximity to one another; and

WHEREAS: Since the pandemic, bar restaurant owners have been struggling to keep their businesses open. As a result, the Committee is receiving a high volume of applications for renewals and alterations of liquor licenses with changes that propose to expand the space or increase the seating of the establishment, drastically modifying the stipulations that were originally voted on and agreed to at the initial review of the application; and

WHEREAS: CB1 is also receiving a high volume of new liquor license applications for large venue establishments. Throughout the past year, the Committee noticed that our current Questionnaire Form we require for applicants to complete as part of the Board's application process does not cover all the parameters that should be normally considered for a large-scale operation; and

WHEREAS: Without the proper scope or framework, CB1 is concerned that the SLA may be more flexible and grant stipulations that do not align with the interest of the local community when the principal files their application with the agency, and these stipulations may have a negative impact on the neighborhood's quality of life; and

WHEREAS: As a result, the Large Venues Working Group was established to further explore and create a guideline for the Licensing & Permits Committee to use when reviewing these large-scale proposals. The goal is to create an outline with a proviso included on the Questionnaire form stating that "large venues are defined by the following criteria but not limited to..."; and

WHEREAS: The Committee will consider a “large venue” an establishment designed to hold 75 persons or more according to the NYC Department of Buildings’ definition of the “public assembly” designation; and

WHEREAS: Principals applying for a new liquor license for a large venue are required to submit the SLA Standardized Notice Form at least 30 days in advance to the office; and

WHEREAS: For large venues, part of submitting a complete Questionnaire Form must now include an acoustical testing report. This kind of plan should have reports with testing results and acoustical treatment plans prepared by a sound engineer to ensure that noise including sound and bass vibrations cannot be heard outside of the operation’s premises; and

WHEREAS: Applicants must also provide traffic studies with a clear and detailed plan outlining the steps they will take to manage vehicular and pedestrian activity, as well as include parameters such as: location of main entrances; the use of nearby public transportation and use of for-hire vehicles; delivery locations and times that prevent and mitigate traffic congestion; will ushers/stewards be employed to oversee and assist in the maintenance of premises’ operations; the approval of nearby emergency vehicles from the firehouse and hospital for access to roadways; use and type of signage (no bright lights); and

WHEREAS: Sanitation plans must be provided and describe how garbage disposal and collection will be managed. The applicant may provide diagrams, photographs or other kinds of models to present how they will maintain public health and safety by preventing refuse from being left outside the premises on the streets; and

WHEREAS: Any application with a large venue must provide a security plan if live music and/or entertainment will be incorporated in the method of operation. Security must be provided inside and outside the venue to prevent noise, congestion and unruly participants. Cameras are encouraged to be used for viewing the entrance and egress; now

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 supports these new requirements to be added to the existing Questionnaire Form as an addendum and should be incorporated to the document by June 2021 in order for these guidelines to be in effect by July 1st, 2021. These new guidelines will be posted on our website with a general announcement for all liquor license applicants and legal representatives to be aware of; and

BE IT  
FURTHER  
RESOLVED

THAT:

To prepare for the City's and SLA's next steps on guidance on outdoor dining/regulations for bars and restaurants for the summer and fall season, our new guidelines will go through another round of review at the next Large Venues Working Group meeting for additional requirements to be considered and voted on.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	11 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	36 In Favor	2 Opposed	0 Abstained	0 Recused

RE: 96 South Street, application for liquor license for Fulton Market LLC & Creative Culinary Management Company LLC d/b/a Tin Building by Jean-Georges

WHEREAS: The applicant, Fulton Market LLC & Creative Culinary Management Company LLC, is applying for an on-premise liquor license for Tin Building by Jean-Georges; and

WHEREAS: The establishment is a marketplace will full service and fast casual grab-and-go restaurants, wine, cocktail, and craft beer bars, a grocery retail program with butchery, non-alcoholic beverages, fresh produce, fishmonger, prepared foods, dairy, and various shelf-stable grocery products; 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: There is only one residential building at the Northwest corner of South & Beekman Street; and

WHEREAS: The establishment is a 54,494 square foot establishment with a public assembly capacity of approximately 1,189 persons, and a 8,859 square foot dining area with 186 tables and 650 seats, a 1,455 square foot bar area with no tables and 224 seats, and a 21,722 square foot kitchen area, six stand-up bars, one service bar, and six food counters (see attached listing); and

WHEREAS: The establishment will be located on all three floors of the building, and the use of each floor is as follows: ground floor will be used for three full-service restaurants serving wine, beer and alcohol, and three fast casual restaurants serving grab-and-go meals, non-alcoholic beverages, coffee, and a grocery retail program; second floor will be used for a cocktail bar craft beer bar, three full-service restaurants, a full-service private dining room and exhibition kitchen, one fast casual restaurant

serving wine, beer and alcohol, and a dedicated space for grocery retail; third floor will be used for a commissary kitchen; and

WHEREAS: The hours of operation will be from 6AM opening to 1AM Sunday through Wednesday, and 6AM opening to 2AM closing Thursday through Saturday, and the hours of food service and bar service will be the same as the hours of operation; and

WHEREAS: The applicant has represented that there will be recorded background music, live music, DJ, jukebox, non-musical entertainment in the form of live cooking shows that can be filmed and broadcasted with audience, no dancing and six TV monitors; and

WHEREAS: The applicant agreed to provide a 30-days notice in advance to the Community Board for a venue that intends to play music outside of the premises; and

WHEREAS: Delivery of supplies, goods and services will be made from 5AM to midnight; and

WHEREAS: Windows will be open seasonally from May through October, from 6AM to 10PM Monday through Thursday, and 6AM to 11PM Friday through Sunday; and

WHEREAS: The applicant intends to have bicycle delivery personnel, and will employ professional security staff that will be present both inside and outside the building to control patrons/crowds within the premises; and

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

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

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 opposes the granting of an on-premise liquor license for Fulton Market LLC & Creative Culinary Management Company LLC d/b/a Tin Building by Jean-Georges at 96 South Street, unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	11 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	0 Abstained	0 Recused

RE: 220 Front Street, application for liquor license for TrummerRx LLC d/b/a Rx

WHEREAS: The applicant, TrummerRx LLC, is applying for an on-premise liquor license for Rx; and

WHEREAS: The establishment is a cocktail bar serving small plates of sushi rolls, salad bowls, and similar servings; 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: There are 15 residential units within the property; and

WHEREAS: The establishment is a 800 square foot restaurant with a public assembly capacity of approximately 35 persons, and a 450 square foot dining area with 7 tables and 20 seats, a 250 square foot bar area with no tables and 8 seats, and a 150 square foot kitchen area, and one L-shaped stand-up bar located in the center of the dining area, and a service bar that will be part of the existing bar area; and

WHEREAS: The establishment will be located on the ground floor of a mix-use building, and patrons will not have access to any unlicensed outdoor areas of the premises; and

WHEREAS: The hours of operation will be from 12PM opening to 12AM closing Sunday through Thursday, and 12PM opening to 1AM closing Friday and Saturday, and the hours of food service and bar service will be the same as the hours of operation for the days mentioned; and

WHEREAS: The applicant has represented that there will be recorded background music, no live music, no DJ, no non-musical entertainment, no dancing and no TV monitors; and

WHEREAS: Delivery of supplies, goods and services will be done about one to two times per week, with food purveyors delivering to other restaurants, and deliveries will be made starting at 12PM, and liquor delivery once a week from 12PM to 2PM; and

WHEREAS: Windows will be open from 12PM to 10PM; and

WHEREAS: Garbage collection will be done by garbage pick-up trucks daily at 12AM; and

WHEREAS: The applicant intends to employ security staff on an on-needed basis; and

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

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of an on-premise liquor license for TrummerRx LLC d/b/a Rx at 220 Front Street, unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	8 In Favor	1 Opposed	2 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	1 Opposed	0 Abstained	0 Recused
BOARD VOTE:	30 In Favor	5 Opposed	3 Abstained	0 Recused

RE: 451 Washington Street, application for liquor license for an Entity to be Formed by David Litwak d/b/a Maxwell

WHEREAS: The applicant, Entity to be Formed by David Litwak, is applying for an on-premise liquor license for Maxwell; and

WHEREAS: The establishment will be a private members club, where members can drop by for a casual cocktail or a late night bite to eat, experience cultural programming and meet new friends; and

WHEREAS: The applicant represented that their business model is one that is not to run a large-scale restaurant, rather it is to create a space that is small and intimate where members of the local community can come together. The establishment will allow members to bring guests, and membership dues cost \$250 a month, with possibility of discounted memberships and flexible billing cycles. The space may be used by members to hold private events and will not be open to the public; 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: There are eight residential units within the property and approximately three residential buildings neighboring or across the street from the premises; and

WHEREAS: The establishment is a 4,900 square foot club with a public assembly capacity of approximately 162 persons, and a 4,900 square foot ground floor with 1 table and 10 seats at the table, as well as 12 counter seats, and 50 lounge seats at the bar area, and neither stand-up bars nor service bars, and no food counters; and

WHEREAS: There will not be traditional food and beverage service, and there will be no wait staff, and instead the applicant intends to have a food service program where food

purveyors and restaurants in the neighborhood can have the opportunity to deliver and serve food to the establishment; and

WHEREAS: The establishment will be located on the ground floor of a 6-story mix-use building, and patrons will not have access to any unlicensed outdoor areas of the premises; and

WHEREAS: The hours of operation will be from 9AM opening to 10PM closing Monday through Thursday, 9AM opening to 11PM closing Friday through Sunday. The hours of food service and bar service will be the same as the hours of operation; and

WHEREAS: The applicant has represented that there will be recorded background music, DJ on the weekends, live music in the form of jazz and not bands that will be generating amplified noise, which will play during special programming or special events only, non-musical entertainment such as comedy nights, quarterly supper clubs, idea dinners, and dinners celebrating culinary and creative talent, no dancing and no TV monitors; and

WHEREAS: Members will be able to purchase liquor from the establishment and store the contents in their own lockers; and

WHEREAS: The applicant agreed to be cognizant of the nature of the community, as well as be sure to keep operations in check to prevent any quality of life issue from arising such as noise disturbances, crowds lining outside the establishment, drunken members leaving from the club past operating hours, etc.; and

WHEREAS: The applicant also agreed to provide notice to neighbors and residents of the building at least 5 days in advance for any event held that will have more than 75 patrons; and

WHEREAS: There is an approximately 500 square foot loading dock located in front of the premises with 10 seats used from the former China Blue restaurant. This outdoor space will be open until 10PM all days of the week; and

WHEREAS: Delivery of supplies, goods and services will be made after 7:30 AM Monday through Friday; and

WHEREAS: Windows will not be open; and

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

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

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 opposes the granting of an on-premise liquor license for Entity to be Formed by David Litwak d/b/a Maxwell at 451 Washington Street, unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	11 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	0 Abstained	0 Recused

RE: 124 Chambers Street, application for liquor license for Poseidon Hospitality LLC  
d/b/a Poseidon Restaurant

WHEREAS: The applicant, Poseidon Hospitality LLC, is applying for an on-premise liquor  
license for Poseidon Restaurant; and

WHEREAS: The establishment is a seafood restaurant; 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: There are five residential units within the property; and

WHEREAS: The establishment is a 2,000 square foot restaurant with a public assembly  
capacity of 74 persons, and a 1,100 square foot dining area with 12 tables and 42  
seats, a 600 square foot bar area with 3 tables and 20 seats, and a 300 square foot  
kitchen area, one stand-up bar and no food counters; and

WHEREAS: The establishment will be located on the ground floor and basement of a 6-story  
masonry building, where the ground floor will be used for the dining area and the  
basement will be used for storage, and patrons will not have access to any  
unlicensed outdoor areas of the premises; and

WHEREAS: Long time residents attended the monthly full-board meeting on May 25, 2021 to voice their opposition regarding the proposed hours of operation ending at 2AM on the weekends that were approved at the Committee meeting; and

WHEREAS: The previous establishment d/b/a Ecco closed at 11PM all days of the week and was innocuous to the community, and given the concerns from residents of possible quality of life issues arising from late closing times, the full Board motioned to accept and amend the proposed hours from 2AM to 1AM all days of the week; and

WHEREAS: The newly proposed hours of operation will be from 12PM opening to 1AM closing Sunday through Thursday, and 12PM opening to 1AM closing Friday and Saturday, and the hours of food service will be from 12PM opening to 1AM closing all days of the week, and bar service will be the same as the hours of operation; and

WHEREAS: The applicant has represented that there will be recorded background music, no live music, no DJ, no non-musical entertainment, no dancing and no TV monitors; and

WHEREAS: Delivery of supplies, goods and services will be made between 10AM and 4PM; and

WHEREAS: Windows will not be open; and

WHEREAS: Management will be responsible to maintain order and keep operations in check; and

WHEREAS: The applicant does not intend to apply for a sidewalk cafe license or have rooftop dining, but may plan to use outdoor space through the city's Open Restaurants program; and

WHEREAS: The applicant may return to the Community Board if they wish to alter their hours of operation after six months from the date of commencing operations; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of an on-premise liquor license for Poseidon Hospitality LLC d/b/a Poseidon Restaurant at 124 Chambers Street, unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	11 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	0 Abstained	0 Recused

RE: 139 Duane Street, application for removal and relocation of liquor license for Fonda Avenue B LLC d/b/a Fonda

WHEREAS: The applicant, Fonda Avenue B LLC, is applying for a removal and relocation of an on-premise liquor license for Fonda from 40 Avenue B, New York, NY 10009 to 139 Duane Street, New York, NY 10013; and

WHEREAS: The applicant is relocating the liquor license because the establishment that was licensed had to close down due to COVID-19, and the principals were not able to reach an agreement with the landlord of the property; and

WHEREAS: The establishment is an upscale mexican restaurant; 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: There are 19 residential units within the proposed property, and there are 14 residential buildings neighboring or across the street from the property; and

WHEREAS: The establishment is a 2,500 square foot restaurant with a public assembly that is yet to be determined, and an approximately 1,600 square foot dining area with 24 tables and 60 seats, a bar area with 10 seats, and a 21'x6' stand-up bar located on the front of the ground floor, no service bars, and no food counters; and

WHEREAS: The establishment will be located on the ground floor and basement of a 6-story masonry building, where the ground floor will be used for the kitchen, dining area

and bar area, and the basement will be used prep, storage and office functions;  
and

WHEREAS: The hours of operation will be from 12PM opening to 12AM closing Monday through Thursday, 12PM opening to 1AM closing Fridays, 11AM to 1AM closing Saturdays, and 11AM to 12AM Sunday, and the hours of food service and bar service will be the same as the hours of operation, except for bar service on Sundays which will be from 11AM opening to 11PM closing; and

WHEREAS: The applicant has represented that there will be recorded background music, no live music, no DJ, no non-musical entertainment, no dancing and two TV monitors; and

WHEREAS: Delivery of supplies, goods and services will be made from 8AM to 4PM; and

WHEREAS: Windows will be closed; and

WHEREAS: The applicant intends to employ bicycle delivery personnel; and

WHEREAS: The applicant does not intend to apply for a sidewalk cafe license at this time and will file their application with the SLA; however, they may plan to use outdoor space for outdoor dining through the city's Open Restaurants program; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of removal and relocation of an on-premise liquor license for Fonda Avenue B LLC d/b/a Fonda from 40 Avenue B, New York, NY 10009 to 139 Duane Street, New York, NY 10013, unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	11 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	0 Abstained	0 Recused

RE: 102 Greenwich Street, re-application for liquor license for Fathelbab, Inc. d/b/a TBD

WHEREAS: The applicant, Fathelbab, Inc., is applying for an on-premise liquor license for TBD; and

WHEREAS: The applicant initially appeared before the Committee in May 2020 and a resolution was passed that same month in favor of granting a liquor license for this establishment; and

WHEREAS: The counsel has now come back to the Committee because the application presented at the 500-foot hearing was considered incomplete and thus ruled not in favor by the Administrative Law Judge. As a result, the SLA required that the applicant re-apply and come back to the Community Board; and

WHEREAS: The applicant is working on the Certificate of Occupancy to change the listing of the premises to a restaurant; and

WHEREAS: The applicant plans to begin operations by the end of August 2021; and

WHEREAS: The counsel confirmed that no changes have been made to the application since their last appearance in May 2020 and the applicant is still adhering to the original stipulations that were agreed upon and voted on; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of an on-premise liquor license for Fathelbab, Inc. d/b/a TBD at 102 Greenwich Street, unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: NEW BUSINESS

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

RE:                    Revocable Consent to Place Five Backless City Benches at 140 Broadway

WHEREAS: In January 2018, CB 1 passed a resolution for the Landmarks and Preservation Committee, which commented on the appropriateness of a proposed alteration to a landmarked privately-owned plaza in front of 140 Broadway with a rejection of additional benches and planters was recommended; and

WHEREAS: In 2018 and 2019, the Landmarks and Preservation Committee, commented on the appropriateness of a proposed alteration to a landmarked privately-owned plaza in front of 140 Broadway and rejected additional benches and planters; and

WHEREAS: During the March 20, 2018 LPC public hearing on 140 Broadway, several of the LPC Commissioners went on record opposing the addition of benches at the west side of the plaza despite their understanding that the Broadway edge was not part of LPC's purview. The commissioners hoped that DOT would listen to the LPC proceedings in advance of their decision; and

WHEREAS: Relocating food trucks along or on the sidewalks at Cedar and Liberty Streets was not presented to LPC in 2018 during their public hearing on the proposed modifications to the plaza; and

WHEREAS: The addition of benches along the Broadway side of 140 Broadway was opposed by all of the City's primary preservation groups, including the Municipal Arts Society, Historic Districts Council, Docomomo, Landmarks Conservancy, and this board in 2018; and

WHEREAS: New York City Comptroller's Audit of NYC Privately Owned Public Spaces (POPS) in 2017 indicated that 140 Broadway was not in compliance with POPS regulations at that time. The audit indicated a violation resulting from cars parked on the POPS on Liberty Street; and

WHEREAS: In 2020, the owners of 140 Broadway returned to CB 1 to pursue support for an application for revocable consent from the Department of Transportation (DOT) to permit street furniture along the public right-of-way on the 18.92-foot-wide right-of-way that is adjacent to the western edge of the POPS at Broadway between Cedar and Liberty Streets as previewed during the landmarks review at CB 1 two years prior; and

WHEREAS: In 2020, numerous concerns were raised, specifically in support of the street vendors who would be displaced by the plan, CB 1 requested that the applicant suspend their application and work out an agreement with the street vendors through their advocates at the Street Vendors Project (SVP) and return to with a compromise plan that does not force the elimination of any vendors from the block; and

WHEREAS: The applicant returned in May of 2021 with a compromise plan that was endorsed by the SVP that accommodate five (5) backless steel “Chelsea” Citybenches along with two vendors to be located in the public right-of-way on Broadway, three vendors on Liberty Street inside the POPs, and two vendors on Cedar Street on the public right-of-way; and

WHEREAS: Members of the committee raised design and procedural concerns about whether the Landmarks Preservation Commission (LPC) and the Department of City Planning (DCP) had signed off on the respective historic appropriateness and POPS accordance of placing vendors within the boundaries of the plaza on the Liberty Street side, especially since the Noguchi Cube is adjacent to that side; and

WHEREAS: Members of the committee raised design concerns about whether the Landmarks Preservation Commission (LPC) had signed off on the respective historic appropriateness of the new plans; and

WHEREAS: During the CB1 Executive Meeting 5/19/21 Beau August, Director of Asset Management for Metzler Realty, the building representative of 140 Broadway, and Jackson Wandres, Director of Landscape Architecture at NV5 stated their understanding is that DOT’s revocable consent office obtained sign offs from LPC and DCP for the design and to allow food carts to be located within the landmark POP and the benches on the western side on behalf of the applicant before sending the applicant before the local community board; and

WHEREAS: Pursuant to a follow up by CB1 to from DCP; CB1 received an email reply on May 25th - “The applicant received a design change cert in 2012 for the placement of the Citibike station in the plaza along the Liberty Street side. This is a unique case and was necessary to facilitate the bike parking because the property boundary is in the current right-of-way due to the widening of the previously narrow Liberty Street. That action including an approved drawing showing the location of the bike parking, so if they move the parking then they need to come in for another design cert.”; and

WHEREAS: DCP affirmed in the email that the applicant went to DCP in 2018 seeking another design change cert: but subsequently did not pursue the action; and

WHEREAS: DCP further affirmed by email: Food trucks or food carts are not permitted obstructions within the plaza whether they leave every day or not. Because they

are not permitted in the plaza, this is the reason all the food trucks historically were in the right-of-way of Broadway and Cedar Street. Kiosks and cafes could be permitted in the plaza but that would require another certification; now

THEREFORE  
BE IT  
RESOLVED

THAT: Community Board 1 rejects this application for revocable consent UNLESS the applicant meets the following conditions:

1. The Department of Transportation's has DCP issue a design certificate and confirms that the Landmarks Preservation Commission has reviewed and approved designs prior to applicants presenting before The Community Board or any approval is given; and
2. The applicant and Street Vendor Project consult with the vendors who must agree to a new plan that is approved by both DCP and LPC and does not negatively impact the vendors.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: QUALITY OF LIFE & SERVICE DELIVERY

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

RE: Support for Senate Bill S2864A to Reform and Enhance SCRIE & DRIE Applicability in New York City

WHEREAS: The Furman Center describes the Senior Citizen Rent Increase Exemption (SCRIE) Program as exempting “low-income renters who are 62 or older eligible from some or all rent increases, and exempts low-income senior owners eligible from their cooperative’s carrying charges, capital assessments, or voluntary capital contributions, as long as the residents are paying at least one-third of their disposable income on rent.<sup>1</sup>”; and

WHEREAS: The Furman Center similarly describes the Disability Rent Increase Exemption (DRIE) Program as exempting “disabled renters from some or all rent increases, and exempts disabled limited-equity owners from their cooperatives carrying charges, capital assessments, or voluntary capital contributions, as long as the residents are paying at least one-third of their disposable income on rent. Tenants must receive eligible state or federal disability-related financial assistance to be eligible for the program.<sup>2</sup>”; and

WHEREAS: These programs, while regarded as successful and sought after, require statutory reform to broaden the income applicability as well as the housing types where residents find themselves eligible to receive benefits; and

WHEREAS: NYS Senator Sponsored Bill S2864A<sup>3</sup> to allow the maximum income allowable for SCRIE and DRIE recipients to dynamically increase or decrease according to the regional Consumer Price Index (CPI) as opposed to requiring legislative intervention after outcry when rent burdened tenants are dropped from the program when the current static limits do not respond to inflationary pressures; and

---

<sup>1</sup> NYU Furman Center, Directory of New York City Housing Programs, Senior Citizen Rent Increase Exemption (SCRIE) “<https://furmancenter.org/coredata/directory/entry/senior-citizen-rent-increase-exemption-program>”, Accessed May 23, 2021

<sup>2</sup> NYU Furman Center, Directory of New York City Housing Programs, Disability Rent Increase Exemption (DRIE) “<https://furmancenter.org/coredata/directory/entry/disability-rent-increase-exemption>”, Accessed May 23, 2021

<sup>3</sup> “<https://www.nysenate.gov/legislation/bills/2021/s2864>”

WHEREAS: Furthermore, the bill would also enable the City of New York, at its discretion, to permit tenants of former Mitchell-Lama buildings to be eligible for SCRIE and DRIE to tenants if the building owners agree to limit rent increases to those that would be permissible under rulings of the Rent Guidelines Board (RGB) or to another amount approved by the Department of Housing Preservation and Development under a regulatory agreement; now

THEREFORE

BE IT

RESOLVED

THAT: Community Board 1 supports this bill and encourages the members of the New York State Senate Committee on Aging to pass this to the Senate Floor; and

BE IT

FURTHER

RESOLVED

THAT: Community Board 1 calls upon its representatives in the State Assembly and Governor to champion this bill from introduction to final passage and signature into law during the current legislative session.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMITS

COMMITTEE VOTE:	5 In Favor	2 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	0 Opposed	1 Abstained	0 Rescued
BOARD VOTE:	24 In Favor	4 Opposed	6 Abstained	0 Rescued

RE: Central Business District (CBD) Tolling Program

WHEREAS: The Central Business District (CBD) Tolling Program [NY Veh & Traf L § 1704 (2019)], commonly called congestion pricing, was passed as part of the State budget to levy a charge on motor vehicles entering, exiting, or staying in Manhattan south of 61st Street; and

WHEREAS: The Metropolitan Transportation Authority's (MTA) Triborough Bridge and Tunnel Authority (TBTA) is tasked with implementing the charge and installing, operating and maintaining the congestion pricing collection system; and

WHEREAS: A Memorandum of Understanding (MOU) between the TBTA and the New York City (NYC) Department of Transportation (DOT) defines each agency's role; and

WHEREAS: The legislation provides a framework, but leaves most details to the TBTA, informed by a Traffic Mobility Review Board (TMRB) and traffic studies, including the congestion tolls, additional hardship exemptions or tax credits for tolls and how bridge and tunnel fees will affect congestion charges; and

WHEREAS: The TMRB will include a Chair plus three members appointed by the TBTA, one by the mayor and one each from the Long Island Railroad (LIRR) and Metro North; and

WHEREAS: Exemptions specified in the law include emergency vehicles, vehicles transporting people with disabilities and vehicles that remain on the FDR Drive or Route 9A. Residents of the CBD with an annual income less than \$60,000 can get a tax credit for tolls not taken as a business expense; and

WHEREAS: Annual revenue from the program is required to be enough to bond against a minimum of \$15 billion in capital spending for the 2020-24 MTA capital plan plus those that follow; and

WHEREAS: After a one year delay, the United States Department of Transportation (USDOT) authorized New York to proceed with the crucial next steps toward implementing the CBD Tolling Program, an environmental assessment to show that it complies with the National Environmental Policy Act (NEPA) and public outreach; and

- WHEREAS: Congestion-pricing on federal roads, including the FDR, Route 9A and a section of Canal Street, require federal approval through the USDOT’s Value Pricing Pilot Program (VPPP). This gives Transportation Secretary Buttigieg’s team the authority to adjust the program’s goals; and
- WHEREAS: The original program goals were relief from traffic congestion and raising funds to improve mass transportation. Reducing carbon emissions in accordance with New York’s Climate Leadership and Community Protection Act and reducing air pollution to improve health equity support a goal of improved air quality; and
- WHEREAS: Taxi and For-Hire Vehicle passengers have been paying \$2.50 and \$2.75 congestion surcharges respectively per ride south of 96th Street in Manhattan since February 2019; and
- WHEREAS: It is important that taxis and For-Hire Vehicles invest in electric, accessible vehicles so that they can provide inclusive, zero-emission services. So industry regulation, versus a daily congestion charge, might be more reasonable; and
- WHEREAS: Revel moped-share has shown itself to be a popular private-public (NYC DOT) partnership that provides a low-cost, emission free method of transportation with discount programs for military veterans and low-income users. Congestion fees would risk making this equitable option not financially viable; and
- WHEREAS: A significant number of Manhattan Community Board 1 members believe that congestion pricing will unduly burden motor vehicle operators and owners in the CBD so they should be exempt. Other members feel that it is time to reduce private car use, improve sustainable travel and put health first; and
- WHEREAS: Residents and businesses in Manhattan Community District 1 (MCD1) worry about the cost of tolling on their visitors, patrons and workers so favor having some lower cost times for car travel in the CBD; and
- WHEREAS: A significant portion of traffic in MCD1 is experienced M-F during business hours, and has a large concentration of government offices, which are largely closed nights and weekends, making it worth a traffic study to see if reduced or no tolls might be warranted; and
- WHEREAS: London<sup>1</sup> has shown that as traffic is reduced in response to congestion pricing, other revenue streams or program adjustments were needed to avoid simply increasing congestion tolls on the same group of drivers; and

---

<sup>1</sup> Badstuber N, “London congestion charge: what worked, what didn’t, what next”, *The Conversation*, (updated 2019), <https://theconversation.com/london-congestion-charge-what-worked-what-didnt-what-next-92478>, accessed May 7, 2021.

WHEREAS: Exempting government employees from congestion pricing fees would undermine the program's goals and erode trust with NYC residents and taxpayers who will need to pay the tolls or use a more sustainable mode of transportation; and

WHEREAS: Government employees with city-issued placards should not be exempted from congestion pricing as this undermines the CBD Tolling Program's goals and would give them a second incentive to drive their personal cars without limit; and

WHEREAS: Transit and bicycle improvements and adopting specific objectives and metrics for meeting traffic, environmental and health goals are two common sense preparations that are needed before congestion pricing starts; and

WHEREAS: The MTA must be transparent and held accountable for the program funds, including how efficiently and equitably milestones are met; and

WHEREAS: Capital costs at the MTA are among the highest in the world (add citation) so it is essential that the cost-cutting, modernization and accountability measures from the legislation be implemented by the MTA; and

WHEREAS: NYC deserves a reliable mass transit system that provides safe, affordable and efficient ways to get anywhere in the city. However, the burdens and benefits of congestion pricing and transit improvements must be shared. Then

THEREFORE  
BE IT  
RESOLVED

THAT: Manhattan Community Board 1 (MCB1) supports the goals of reducing traffic congestion, improving transit, and reducing carbon emissions to improve air quality and public health. However, many board members believe that the program, as defined in the legislation, is unacceptable without changes that include a larger financial burden being taken by the government.

BE IT  
FURTHER  
RESOLVED

THAT: Elected officials work together to expand sustainable, non-MTA transportation including:

- Making streetscapes friendlier for efficient and inclusive pedestrian travel;
- Expanding protected bicycle networks and parking;
- Expanding bike share programs to all NYC neighborhoods; and
- Integrating the use of ferries with other transportation options.

BE IT  
FURTHER  
RESOLVED

THAT: MCB1 calls on the Triborough Bridge and Tunnel Authority (TBTA) and the Traffic Mobility Review Board (TMRB) to:

- Exempt all residents of the congestion zone from Central Business District (CBD) Tolling Program fees as the use of a tax-credits and a salary cap of \$60,000 are both viewed as unacceptable since people should not pay to drive where they live and not pay up-front as tax-credits require;
- Deny exemptions to government employees;
- Exempt taxis and other for-hire vehicles from the daily congestion fee if the congestion surcharges that they collect exceed the daily congestion fee;
- Identify other funding sources to fund the Metropolitan Transportation Authority (MTA) if tolling is insufficient, rather than just raising the congestion fee;
- Safeguard the personal privacy of drivers;
- Ensure that cost-cutting and accountability measures at the MTA are enforced and made public;
- Make sure that program metrics and outcomes are transparent to the public;
- Implement variable tolling<sup>2</sup> with low cost times, informed by a traffic study, to accommodate area residents' visitors, business patrons and local workers desire to have some lower cost times to drive in the CBD;
- Implement a significantly reduced toll for motorcycles, mopeds, and other two-wheeled motor vehicles;
- Ensure that moped-share services are not exempt from congestion tolling but do benefit from reduced tolling similar to other two-wheeled motor vehicles;
- Credit bridge and tunnel tolls toward the congestion pricing fee in order to remove the incentive to toll-shop to enter or leave the CBD;
- Work with the New York City (NYC) Department of Transportation (DOT) to identify strategies to use variable tolling and/or other incentives to reduce vehicular congestion from the last-mile delivery of e-commerce goods; and
- Ensure that transportation options are increased and improved before congestion pricing is implemented so that people have alternatives to driving in the CBD.

---

<sup>2</sup> <https://ops.fhwa.dot.gov/publications/congestionpricing/sec2.htm>, variable tolling section accessed May 6, 2021

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: WATERFRONT, PARKS & CULTURAL

COMMITTEE VOTE:	7 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	25 In Favor	2 Opposed	9 Abstained	2 Recused

RE: Heritage Trail Wayfinding Markers

WHEREAS: Heritage Trails New York was a landmark public history project of the mid-1990s focused on Lower Manhattan - principally the square mile at the tip of the island, south of City Hall Park - the area that encompasses the historic core of the colonial city and the power center of the Financial District. In 1998 when the project was largely complete, Heritage Trails comprised 40 site markers - stanchions and panels with images, interpretive texts; and

WHEREAS: The Alliance, which assumed responsibility for the maintenance of these markers in 2000, has been working closely in partnership with NYC Department of Transportation (DOT) on the proposed signage changes and updates but neither the community nor CB 1 was consulted until now. The application covers an updated structure and content on the Heritage Trail Markers, as well as an updated and consistent design across all three sign types; and

WHEREAS: The Alliance and DOT are preparing to submit an application for review to the Public Design Commission (PDC), which will be submitted by DOT on behalf of the Alliance; and

WHEREAS: The 26 remaining Heritage Trail Markers have aged considerably. Some have had to be removed completely due to erosion, rust and instability. Thus, the Heritage Trail Marker structures have been redesigned to look almost exactly like the originals, but will be easier to install and maintain. The content has also been revamped in a manner that represents a more inclusive history of Lower Manhattan, where applicable, and are presently being thoroughly vetted by a historian from the Museum of the City of New York; and

WHEREAS: Also part of the Alliance's larger wayfinding system, the wayfinding plaques and orientation columns along Broadway have not been updated since 2004. These signs would maintain a similar aesthetic to the originals, and, as with the markers, will incorporate the new Downtown Alliance logo and a more contemporary look in line with our new brand identity and other public-facing assets; and

WHEREAS: The Alliance has stated that it is their intention that these long-overdue updates to wayfinding system will greatly enhance the pedestrian experience and sense of place by tying together a unified visual identity throughout the district; and

WHEREAS: The Alliance made a presentation on this proposal to CB1's Waterfront, Parks & Cultural Committee in April 2021. Committee members and members of the public displayed great interest in this project and provided ample feedback; and

WHEREAS: The Alliance, at the April monthly full Board meeting, indicated that they were interested in making some revisions to their proposal in response to the concerns raised by the Community Board and it was agreed to postpone the CB resolution until we had a full opportunity to see the changes and engage in additional discussion; and; and

WHEREAS: The Downtown Alliance has responded positively to several recommendations they received from CB1; and

WHEREAS: Much of this project is being formulated by DOT; and

WHEREAS: DOT was present at the meeting and did not object to additional signs; and

WHEREAS: The signs are in need of repair; and

WHEREAS: The applicant said that there will be a way for persons at a specific wayfinding marker to scan the QR code to see other nearby historical sites of interest and consult with stakeholders; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 recommends that the PDC approve the amended Downtown Alliance Wayfinding Signage Proposal; and

BE IT

FURTHER

RESOLVED

THAT: CB1 still asks that DOT and the Downtown Alliance work with the Community Board during a phase 2 for this work that would address these remaining issues:

- Potential for launching a design competition for signage design
- Consult historians of varied background/representation (a broader representation for historically marginalized people, i.e. people of color, queer, indigenous)
- Consider the possibility of electronic signage
- Add signs for important destinations not currently included such as Trinity Church, the Ferry Terminals, the Statue of Liberty, St. Paul's Chapel, the World Trade Center, City Hall, the South Street Seaport Historic District, Little Syria//Lower West Side, Battery Park City popular destinations and the new Performing Arts Center
- Freedom Trail incorporation
- Partner with African Burial Ground
- Recognize immigrants and historic people

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: YOUTH & EDUCATION

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	34 In Favor	1 Opposed	2 Abstained	1 Rescued

RE: In-person Learning

WHEREAS: On March 19, 2021 the CDC reduced the COVID distancing specifications from 6 feet to 3 feet between students in classrooms; and

WHEREAS: Mayor DeBlasio announced that all NYC students would have the ability to opt to return to school as a result, only to then have schools rescind that offer (other than students in K-5 classrooms) because schools still do not have adequate resources, in terms of both safety and space, to accommodate more middle and high schoolers in their buildings; and

WHEREAS: The in-person learning that is presently happening in our middle and high schools is largely remote learning – with students sitting in a classroom on a laptop listening to a remote session, and not receiving live in-person learning at all; and

WHEREAS: Many of our NYC students still do not have adequate technology and space to learn remotely, creating inequity and significant learning loss in our most vulnerable populations; and

WHEREAS: The Mayor and Chancellor’s “Blended Learning” plan released in the summer before the Fall 2020 school year began, touting up to 3 days for in-school live instruction, had several reversals, changes and delays due to a lack in proper planning and communication with the schools, creating chaos, uncertainty and anxiety for parents and students; and

WHEREAS: Elementary schools in CB1 lost up to 20% of their enrollment due to the failure of the plan; and

WHEREAS: Some private schools and even charter schools have been providing synchronous instruction to their students throughout the pandemic, creating unequal opportunities across our NYC school communities; and

WHEREAS: 600,000 of our NYC public school students are still learning remotely; and

WHEREAS: A survey conducted by Harris Poll on May 7, 2020 found that 7 out of 10 teenagers reported that they were struggling with mental health because of the pandemic. More than half said they'd experienced anxiety, 45% felt excess stress and 42% identified that they'd struggled with depression; and

WHEREAS: There have been 5 student suicides in as many months in NYC; and

WHEREAS: NYC schools received \$6.5 billion from the Federal government as part of the recent COVID-19 relief under the Biden administration; and

WHEREAS: NYC Schools have also received \$1.3 billion more than last year under the recently approved NYS budget; and

WHEREAS: In March of 2020, of the \$631 million that NYC received as part of the Cares Act, \$22 million was earmarked for ventilation repairs, air purifiers and partitions in schools; and

WHEREAS: The NYC DOE has had over a year to bring buildings into compliance in terms of that ventilation; and

WHEREAS: Many of our NYC schools are still not compliant in terms of ventilation, some even have windows that do not open, a year after COVID-19 forced the closure of schools, and is one of the reasons the DOE and UFT have given as to why schools cannot yet open; and

WHEREAS: Vaccines are readily available in NYC, and reliable in efficacy; and

WHEREAS: NYC gyms, yoga studios, indoor dining and museums are open; and

WHEREAS: The CDC has lifted mask and social distancing requirements for vaccinated individuals, and New Jersey Governor just announced that remote learning options will end with all students going back to school full time in the fall; and

WHEREAS: A significant number of NYC teachers and school workers have not yet been vaccinated; and

WHEREAS: The Department of Education, on May 11, 2021 announced that "roughly 21,000 teachers, or 28% of them, have medical accommodations that are valid through June." They went on to say that they "would have more information on next year guidance in the "coming weeks" but have yet to deliver any; and

WHEREAS: A high school principal stated in early May that "Staff remote accommodations is a huge, huge question," explaining that the difference between even having 2% of teachers remote versus 5% can be significant\*; and

WHEREAS: A Manhattan elementary school principal recently reported when asked about the idea of offering both live and remote options for Fall 2021 that “While I usually would prefer to keep all students part of my school community, I do not think it is feasible for us to run our own remote options for families,” said. “I think families should be strongly encouraged to return to in-person learning, minus a medical exception process or extenuating circumstance. This small group of students should be taught centrally and not school based.”\*\*; and

WHEREAS: Most NYC parents cannot return to work unless their children return to school; and

WHEREAS: The New York Times reported that dozens of universities say they will require students and staff members to be vaccinated (with medical and other exemptions), and some school districts are requiring vaccination of their employees; and

WHEREAS: Mayor DeBlasio announced on May 24, 2021 that all NYC public schools will reopen in Fall 2021 with no remote learning option, without supporting information on the steps that the city and DOE will achieve this; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 calls upon the Governor, Mayor and NYC DOE to support requiring vaccinations for all teachers, school staff and children to the ages the CDC has approved; and

BE IT

FURTHER

RESOLVED

THAT: That all teachers who have medical accommodations be reviewed, and those found to be at risk for vaccination or presence in the school building be given the option to teach remotely through a centrally based system provided by the DOE, (if one is created and functional by Fall 2021) or take a leave of absence with partial salary provided by the DOE until such time that it is safe for them to return to the school building; and

BE IT

FURTHER

RESOLVED

THAT: The DOE immediately provide principals with both the notice and the resources to hire vaccinated teachers to replace those unable to teach in the school for the 2021-22 school year; and

BE IT  
FURTHER  
RESOLVED

THAT: The SCA/DOE immediately remediate ventilation issues still present in our schools, including windows that do not open, in time for school opening in Fall 2021 and support efforts in maintaining public health and safety with the Governor's recent passage of the New York Heroes Act; and

BE IT  
FURTHER  
RESOLVED

THAT: All of our NYC public schools open fully for in-building, live teaching, following CDC guidelines for indoor vaccinated individuals.

**\*Chalkbeat; May 11, 2021**

**\*\* Chalkbeat; May 11, 2021**