

FULL BOARD MINUTES

DATE: March 23, 2000
TIME:7:00 P.M.
PLACE: St. Vincent’s Hospital, 170 W. 12th Street
Cronin Auditorium, 10th Floor

BOARD MEMBERS PRESENT: Ann Arlen, Tobi Bergman, Enid Braun, Glenn Bristow, Charle-John Cafiero, Keith Crandell, Anthony Dapolito, Doris Diether Carol Feinman, Rev. Keith Fennessy, Harriet Fields. Alan Jay Gerson, Edward Gold, Arnold L. Goren, Anne Hearn, Anthony Hoffmann, Brad Hoylman, Honi Klein, Lisa LaFrieda, Aubrey Lees, Edward Ma, Rosemary McGrath, Michael Mirisola, Doris Nash, T. Marc Newell, David Reck, Robert Rinaolo, Debra Sandler, Shirley Secunda, Ruth Sherlip, John Short, James Smith, Chair, Community Board #2, Manhattan (CB#2, Man.) Sean Sweeney, Lora Tenenbaum, Martin Tessler, Wilbur Weder, Jeanne Wilcke, Betty Williams, Suzanne Williamson, Carol Yankay.

BOARD MEMBERS EXCUSED: Helene Burgess, Noam Dworman, Elizabeth Gilmore, Jo Hamilton, Arthur Z. Schwartz, Verna Small,

BOARD MEMBERS ABSENT: Carol Reichman, Abraham Tan

BOARD STAFF PRESENT: Arthur Strickler, District Manager

GUESTS: Vinnie Maniscalco, Congressman Jerrold Nadler’s office; Meg Reed, Senator Martin Connor’s office; Yvonne Morrow, Assembly Speaker Sheldon Silver’s office; Debbie Roth, Assemblymember Deborah Glick's office; Tom Castele, Councilmember Kathryn Freed's office; Tony Simone, Councilmember Christne Quinn’s office; Dirk McCall, Man. Borough President’s office; Richard McDermott, Ruth Kuzub, J.J. LoMaglio, Mary K. Doris, Diana Stuart, Betty Rinckwitz, Lynn Pacifico, Hal Magida, Kimberly Q. Johnson, Zella Jones, Zach Winestine, Henry Chung, Eric Rayman, George Hui, Dit Nam Yu, Wellington Chan, Leiy Kai Ying, Phillip Wong, Paul Lee.

MEETING SUMMARY

Meeting Date –March 23, 2000
Board Members Present – 40
Board Members Excused– 6
Board Members Absent - 2

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II. PUBLIC SESSION

Non-Agenda Items

Parks

Ruth Kuzub spoke in favor of more parks and against the lack of green space and exclusion of public use. Also spoke against the turf on J.J. Walker park.

Bleecker Playground

Betty Rinckwitz, Perry St. Block Assn, spoke against the plan to expand Bleecker playground and Abingdon Square.

Dog Run Request

Lynn Pacifico spoke in favor of a dog run on the pier.

Support for Unionization of NYU Graduate Students

Kimberly Q. Johnson, of 650GUAW, spoke in support of the unionization drive, and stated that NYU was engaged in an anti-union campaign.

NYU Buses

Hal Magida, Washington Sq. Village Tenants' Assn., spoke against the buses and how nothing has happened to resolve this issue. He also stated that he has spoken to some students who all take public transportation and they agreed that the buses run near empty.

Special Little Italy District

Henry Chung, of CCBA, spoke regarding his reservation on the Special Little District, stating that the district is outdated and that an urban planner should be hired and that the community should work together to this end.

Landmarks & Public Aesthetics Items

Landmarking NYC Manhole Covers

Richard McDermott, NY Chronicle spoke in favor of the resolution asking for landmark status, citing the unique designs linking to NYC and their historical significance.

Diana Stuart, NY Chronicle, spoke against the art project to remove and replace manhole covers, stating that they are works of art and should be given landmark status.

Arts

Landmarking NYC Manhole Covers

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Sidewalks, Public Facilities & Access Items

Installation of fence and gate at 41 Charles St

J.J. LoMaglio, applicant, spoke in favor of the application.

Sidewalk Café Enforcement

Mary K. Doris spoke in favor of the resolution asking for all relevant city agencies to come together on the café enforcement issue.

Zoning and Housing Items

City's Proposed Unified Bulk Zoning

Zella Jones spoke against raising height limits and how the new limits create a wall on the ends of distrust. Zack Winestine spoke in support of the Committee's resolution.

Traffic and Transportation Items

M-7 Bus Route

Eric Rayman spoke in favor of the resolution.

III. Adoption of Agenda

IV. Elected Officials Present and Reporting

Vinnie Maniscalco, Congressman Jerrold Nadler's, office reported on several issues.

Meg Reed, Senator Martin Connor's office, reported on an upcoming bus forum on April 5th.

Yvonne Morrow, of Assembly Speaker Sheldon Silver's office reported on a prescription drug proposal; on a proposal to prohibit Con Edison from passing along cost; hearings re: NYPD shortage.

Debbie Roth, of Assemblymember Deborah Glick's office

Tom Castele, of Councilmember Kathryn Freed's office.

Tony Simone, of Councilmember Christine Quinn's office

V. Adoption of Minutes

Adoption of December and January minutes. Distribution of February minutes.

VI. Executive Session

1. **Chair's Report** Jim Smith reported
2. **District Manager's Report** Arthur Strickler reported.
3. **491-497 Greenwich Street**

WHEREAS, CB#2, Man. previously approved a variance application for this site, but considers the change in ownership and change in proposed design substantive enough to warrant a decision that the application, as amended, requires resubmission to CB#2, Man, for approval; and

WHEREAS the new applicant has indicated that he will continue to testify to the Board of Standards and Appeals that the application has CB#2, Man. approval;

THEREFORE, BE IT RESOLVED THAT CB#2 (a) revokes its approval of the variance application for 491-497 Greenwich Street on the basis that the ownership and proposed design has changed substantially from that approved by the Board, **(b)** refers the matter back to the Zoning and Housing Committee for a public hearing at its April meeting and **(c)** requests that the Board of Standards and Appeals postpone any further actions on this matter, including holding public hearings, until CB#2, Man. submits a new recommendation.

Vote: Passed, with 34 Board members in favor, 4 in opposition, and 2 abstentions.

STANDING COMMITTEE REPORTS

ENVIRONMENT

The New York City Planning Commission's Draft Environmental Impact Statement Related To the Unified Bulk Zoning Proposal

WHEREAS the Draft Environmental Impact Statement (EIS) for the Unified Bulk zoning proposal put forth by the New York City Planning Commission states or (by exclusion) infers that there are no negative environmental Impacts as relates to air, water supply, sanitation, sewage, and light in the zoning proposal;

WHEREAS no data or any Information was included, thereby giving absolutely *no basis from* which to make an evaluation or a decision on whether there are environmental Impacts;

WHEREAS this is NOT an Draft Environmental Impact Statement but instead is a Negative Declaration;

WHEREAS changes In zoning create an Impact on the environment, whether It be the distribution of essential services (sanitation, water supply, sewage) or our quality of life - light and air or the aesthetics of our surroundings;

WHEREAS changes in density have an important ripple effect on the overall community (as example, a NYS engineer stated that the current sewer system is predicated on the existing zoning),

WHEREAS an Environmental Impact Statement's purpose is to provide the research and data that would prove or disprove that the zoning changes would have no effect on such services as the sewer system, yet, distressingly, no data of any sort was analyzed;

BE IT RESOLVED that the Environment Committee of CB#2, Man. does not oppose the zoning changes themselves, but we oppose the proposal on the grounds that a true Environmental Impact Statement has not been completed;

FURTHER BE IT RESOLVED that no data was analyzed and no findings, good or bad, have been evaluated using such data;

FURTHER BE IT RESOLVED that the Draft Environmental Impact Statement by Its nature should be a process of evaluating the impacts that major zoning changes would have on the surrounding community and presenting these findings to the public; and we are greatly concerned that this process has been Ignored.

Vote: Unanimous, with 40 Board members in favor.

ZONING AND HOUSING

1. 85-87 Mercer Street. Application to City Planning Commission for Modification of Use on Ground Floor. Revised APP No.N000209ZCM.

WHEREAS, this is an application to change the permitted use of a portion of the ground floor of 85-87 Mercer Street from joint living-work quarters for artists to Use Group 6 retail; and

WHEREAS, in support of the modification application, it was pointed out that the prior artist occupants not only lived in and manufactured their art in the premises, but also sold them from a showroom in the space; and

WHEREAS, a retail rug company has purchased the ground floor space and wishes to sell rugs under UG6 and the cooperative at 85-87 Mercer Street has supported the change; and

WHEREAS, the Board was shown a letter agreement that CB#2 was told would require the Cooperative's approval for any changes, but finds the language of the letter so vague and inadequate as to fail to protect the interests of the Cooperative (and of the Community) as was stated by the lawyer representing the Rug Owner (no member of the Cooperative was present). For example, there is no protection from either selling or subletting to an eating and drinking establishment. Testimony from the applicant's attorney indicated that the letter had not been written pursuant to legal advice; and

WHEREAS, has long been CB#2, Man.'s position to support JLWQA uses in SoHo and NoHo in order to maintain the intent and purposes of the zoning resolution creating M1-5A and M1-5B districts, and we do not think sufficient evidence has been provided to support the application;

THEREFORE, BE IT RESOLVED that CB#2, Man. recommends denial of the application, for the reasons cited above.

Vote: Unanimous, with 40 Board members in favor.

2. Resolution on the Unified Bulk Program

WHEREAS, it should be noted that CB#2, Man. passed a resolution in December decrying the timing of the draft EIS and the scheduling of the scoping meeting on the EIS for 8 January 2000; and

WHEREAS, the ULURP clock for review of the Unified Bulk Program (CEQR No. 00DCP034Y, SEQRA No. 02650000-0028, ULURP Nos. N000244ZRY, 000245ZMK, 0000246ZMM, Action Location: NYC, Citywide) started on 14th February 2000 with Community Board comment due on April 14th; and

WHEREAS, CB# 2, Man, did the following in order to meet the tight deadline of the ULURP process: it participated in the first scoping session for the draft EIS, it had a presentation on the Program made by City Planning representatives at January's Zoning and Housing Committee, it created a subcommittee of its Zoning and Housing Committee to review the Unified Bulk Program. The Subcommittee members individually focused on different sections of the close to 600 pages of documentation and met approximately 8 times to discuss them and make their recommendations. Focus was on how the Program would affect our own district. The Zoning and Housing Committee held two public hearings: the first to take the Subcommittee's report and hear from the public and the second to hear the CPC Chairman's presentation and ask questions; and

WHEREAS, throughout the process of CB#2, Man.’s review of the Program, City Planning personnel attended meetings, made themselves available by phone and met privately with the Chair of the Subcommittee; and

WHEREAS, while CB#2, Man. understands why many community boards and other community groups have called for an extended time period for review it finds that, given the fact that certain projects are either underway or about to be underway in our district that would not be permitted under the new zoning (e.g., Kimmel Student Center and the proposed construction of a 35-story tower by Trinity Real Estate), it has chosen not to ask for an extension; and

WHEREAS, rather than give a simple recommendation for or against the Unified Bulk Program, CB#2, Man. feels that the interests of the District would best be served by providing comments on what we like, what we do not like and what we would like to see added, amended or clarified.

THEREFORE, BE IT RESOLVED, that the attached comments from CB#2, Man. be sent to the City Planning Commission under cover of a letter.

Vote: Unanimous, with 40 Board members in favor.

Community Board #2, Manhattan Submitted Comments on the Unified Bulk Program

We have divided our comments into three parts: (a) those provisions in the proposal that we liked and (b) provisions that we would like to see either deleted or revised and (c) other comments. Wherever possible, we have also made suggestions as to revisions. Doris Diether has separately submitted a list of discrepancies and other errata to the DCP. Please note that references to Sections of the Zoning Text are for guidance only and are not meant to exclude other sections for other types of districts that deal with the same subject.

PROVISIONS THAT CB#2 WOULD LIKE TO SEE RETAINED IN THE FINAL UNIFIED BULK PROGRAM

15-012. Clarification that conversions from commercial buildings to residential buildings in the C6-1G and C6-2G Districts in Little Italy, zoned to protect the garment industry in the area, will now require the same Special Permit that is required in SoHo and NoHo.

Re: Bulk Regulations for Residential Districts

23-14(c) Any reduction in the size of an existing bonused space such as Georgetown Plaza (Waverly and Mercer) for which the building received additional floor area can now only be by Special Permit from the City Planning Commission. *Also Sections 24-112(c), 33-124, 34-113, 35-321(a) and 43-14(a), relating to commercial and residential districts, including treatment of residential buildings, commercial buildings and Community Facility buildings.*

23-531(c) – (i) Currently, in R-10 districts such as along CB#2’s Fifth Avenue, a tower-on-a-base can use the upper limit of street wall regulations within 125 feet of a wide street. Under the new regulations, the distance has been reduced to 100 feet, after which the lower narrow street requirements go into effect. This also applies to R-9 districts.

(ii) In R-9 and R-10 districts, where the street wall of a tower-on a base is higher than 85 feet, the street wall would only be permitted to exist within 70 feet of the intersection of a wide street and a narrow street.

Re: Bulk Regulations for Community Facilities in Residential Districts.

24-22 and 24-23. Bonuses for plazas and arcades have been eliminated in Residential Districts. Developers cannot gain additional floors by putting in a plaza or arcade on the ground floor.

24-33(b). Greenhouses, a ploy often used to increase the size of a building by filing for a greenhouse and then making it into a room, has been eliminated as a rear-yard obstruction.

Re: Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts.

33-13. Floor area bonuses for urban plazas may no longer be applied in C6-1 and C6-2 districts.

Re: Bulk Regulations for Mixed Buildings in Commercial Districts

35-512. In C1 and C2 Districts zoned within R6 (crosshatched areas on the zoning maps permitting local retail) the proposed zoning restricts Community Facilities to a floor area ratio of 1.0.

Re: Special Permits from City Planning Commission

74-54(d). With respect to Community Facility Buildings, the finding that the proposed modification has “a satisfactory physical relationship to existing buildings which are to remain on the site” has been modified to state that the finding must be that the modification “relates harmoniously with adjacent buildings and the surrounding neighborhood.

74-88. The Special Permit to modify height, setback and street wall regulations for towers and towers-in-a-park has been deleted.

Re: Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Use, Bulk or Parking and Loading Regulations.

77-21 and 77-22. The proposed regulations for zoning lots divided by district boundaries are clearer and more acceptable. Under the current zoning for Residence Districts, if a lot is partially in two different zoning districts, the bulk from the one which had most of the lot area could be applied to the other portion. The new regulations would require that the floor area for each part of the lot be figured separately, then added together for the permitted floor area of the lot.

77-24. For lot coverage for residential buildings on a split lot, the same formula as above applies. The total lot coverage for each portion of the parcel is calculated and then a building which does not exceed the adjusted lot coverage can be placed anywhere on the lot that other regulations allow.

77-25. Again, for split lots, the density (lot area per dwelling unit) is calculated for each portion and then the total permitted can be placed anywhere on the lot.

PROVISIONS THAT CB#2 STRONGLY RECOMMENDS BE REVISED

Re: Bulk Regulations for Residential Districts

23-132. The table with floor areas per district increases the floor area ratio (the figure by which the lot area is multiplied to get the total floor area permitted on a site) by “rounding” upwards. Although many of the increases are minimal, R7-2 Districts (e.g., the South Village) are increased from a range of 2.8 – 3.4 to a set figure of 3.5. On wide streets this would be acceptable, but on narrow streets we recommend the FAR be set at 3.0.

23-522(b)(1)(iv). CB#2 recommends deleting the proposed District Building Height and to have the Standard Building Height for a district to be the maximum height a building can attain regardless of the adjacent building. Explanation: The proposal establishes a Minimum and Maximum Base Height for buildings before the required setback and then a Standard Building Height which is the total height a building can attain after the setback. However, there is also a District Building Height for commercial or Community Facility buildings that permits a building to exceed the Standard Building Height if it shares a lot line for at least 70 feet with a building at least 10 feet higher than the Standard Building Height. The new residential building can either match the height of the neighboring building or go to the District Height Limit. As written, this can create a domino effect as one building after another is built under this formula and some new buildings might be able to be twice the height of Standard Building Heights. It is noted that there is no similar reduction in height should the neighboring buildings be considerably lower than the Standard, so this could effectively impact and change the character of a neighborhood.

Re: Bulk Regulations for Community Facilities in Residential Districts.

24-422. There has been no change in permitting the FAR of a Community Facility building in Residence Districts to be almost double the size of the permitted FAR for a residential building. CB#2 recommends that the maximum FAR for Community Facilities be no more than 1.5 times that permitted for residential buildings in the same district.

24.45- CB#2 recommends that the text be amended to consider a street on the southerly side of a park, or any street abutting a waterfront park be considered a narrow street, so as to assure maximum sunlight and a feeling of open space in the park. Explanation: According to both the current zoning and the proposed zoning, a “park” is considered to be a wide street for purposes of Maximum Height of Buildings, Walls and required Setbacks. However, a CPC Special Permit pursuant to Sec. 74-72(c) can only be issued if there is a finding that the modification allows “maximum sunlight on parks and playgrounds.” Section 118-30, the Special Union Square District, provides that “no development or enlargement shall penetrate the sky exposure plane or be a tower within 100 feet of the street line opposite a public park.”

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts.

33-23. As written, the new zoning would permit a Commercial or Community Facility building in C6-2A and C-63-A Districts to extend into the rear yard for two stories not to exceed 30 feet in height. We would like to see the current 1-story extension of not more than 23 Feet to be retained.

Bulkhead (23-51(d)(1) & (2), 24-41(c)(1) & (2), 43-32 + others.) . CB#2 recommends that the increased permitted height bulkheads be less than the currently proposed increase of 4 times the street wall width to 8 times the street wall width and a height of 40 feet. The placement of the bulkhead should be required to not intrude on the skyline. Additionally, the term “bulkhead” needs to be better defined, with an exact description of what does and does not constitute bulkheads.

42-422.

Accessory Off-street Parking and Loading Regulations

While wall or plantings is required for any off-street open parking or for any roof top parking in R6 through R10 districts (25-66(b)), it is limited in Commercial and Manufacturing districts to only those lots or garages that are adjacent to Residential districts. CB#2 would like to see the screening requirements extended to any open parking or rooftop parking facing a residential building in any type of district. Additionally, it would like to see it extended to all of the M1-5A and M1-5B district because JLWQA is permitted there, and perhaps to other mixed use areas as well.

Re: Bulk Regulations for Mixed Buildings in Commercial Districts

35-312. This new section restricts Community Facilities in C1 and C2 districts which are mapped within R6 and R7-1 districts to a Maximum Floor Area of 1.0. Since the only difference between R7-1 and R7-2 districts is the parking requirement, CB#2 recommends that R7-2 be added to this section (e.g., South Village).

Manufacturing District Regulations: Bulk Regulations

43-32. CB#2 recommends that the height limits for M1-5 and M1-6 districts be reduced to be more in keeping with the built context envisioned with the current FARs, rather than mimicking the few taller buildings in the areas. As written, the general character of many of our Manufacturing Districts would be overwhelmed. For example, in M1-5 districts the base height would be 85 feet and the district height would be 140 feet. Yet the vast majority of buildings in SoHo (M1-5A and M1-5B) are only 75 feet tall. A building of 140 feet would be almost twice as high. This does not meet the stated goal of the new zoning, which is to discourage tower in the park construction. In an M1-6 district, base/district heights would be 125/150 feet on a narrow street and 185/210 on a wide street.

Furthermore, CB#2 notes that M1-5A and M1-5B zoning districts appear only within CB#2’s borders. For that reason, it is recommended that the District Height Limit for these two districts be severed from the generic M1-5 District Height Limit, to more carefully and fairly promote the special UG17D (JLWQA) uses promoted by the zoning and to keep the general character of these neighborhoods which draw large numbers of tourists.

Re: Special Permits from City Planning Commission—Bulk Modifications

74-72. CB#2 has some strong concerns about this new section, which establishes a special permit for bulk modifications. It seems as if the idea has not been fully thought out or planned enough to be made part of a final proposal. Some of the required findings, such that the development or enlargement “exhibits superior design quality which merits such modifications” and “significantly enhances the relationship of the development or enlargement to surrounding buildings and the neighborhood, etc. are extremely vague. Also, we have serious problems with the Advisory Design Panel, which shall consist of six members appointed by the Director of the DCP (the Chair is also appointed by the Director) plus the Director of DCP’s Zoning and Urban Design Division as an *ex officio* member. We also note that there is no indication of where, in the process, the Panel will make its recommendations. For this reason, CB#2 recommends the following.

1. There should be established criteria for the members of the Advisory Design Panel to follow in order to avoid a weak and poorly defined body.
2. There should be no permanent panel, with exception of the Chair and the *ex officio* member. Instead, members should be appointed by lot out of a pool for the purpose of convening a panel for review of each particular bulk modification application.
3. At least two members of the Advisory Design Panel should be chosen by the Borough President of whichever borough the particular applicant is located in.
4. The panel should include a landscape architect on any project that has outdoor aspects.
5. The criteria for the Special Permit should include that it “relates harmoniously with adjacent buildings and the surrounding neighborhood” and consideration should also be given to the historic character of the affected area.
6. The language should clearly indicate that the views of the Advisory Design Panel should be considered in good faith by the Commissioners making the final decision.
7. The term “public amenity” should be defined.

8. The Advisory Design Panel should enter the process before ULURP starts, and its recommendations made available to the appropriate Community Board and city officials (e.g., the Borough President, City Council Member) at the time the certified ULURP application is submitted.

Other comments.

23-522. We would like clarification that reduction of the initial setbacks from 15 feet to 10 feet on wide streets and 20 feet to 15 feet on narrow streets would not create a situation in which the bulk of the building does not overwhelm the street.

In addition to the requests for definitions of terms made above, please also define the following:

Passageway

Penthouse (should be "mechanical penthouse")

Cargo (define to indicate "ship's cargo" as in 43-32).

A number of sections need diagrams to assist in understanding them. These include 23-523, 23-531(c), 33-424, 35-622.

TRAFFIC AND TRANSPORTATION

1. Broadway/Lafayette/Bleecker St. Subway Complex as 'Key ADA Station'

WHEREAS, the Broadway/Lafayette/Bleecker St. subway station complex in Lower Manhattan's now a critical part of a growing business and population center, With a huge retail growth in NoHo and SoHo and along Broadway and rapidly changing demographics of adjacent New York University; and

WHEREAS, the complex is ill designed to serve the growing number of potential users in the following major respects'

Like every other subway station in CB#2, Man., this complex is inaccessible to people with disabilities; this is especially important at this complex because the platform for the D, F, or B trains is more than 70 steps below street level - the equivalent of six long flights of stairs - rendering it inaccessible not only to people with disabilities but to many elderly, parents with small children in strollers, and shoppers with large bundles.

The Bleecker St. station (#6 train) is accessible to the Broadway-Lafayette station (D, F, B trains) *only from the southbound platform*. Passengers on the #6 northbound who wish to change to the D, F, or B trains must exit the system and pay another fare. Likewise, passengers on the D, F, and B trains who wish to change to the northbound #6 must exit the system and pay another fare.

The confusing nature of the complex and inadequacy of the signage causes substantial confusion for passengers from out of town, including overseas; this is a special problem for this neighborhood, which because of its large SoHo and NoHo arts community attracts large numbers of tourists, especially overseas visitors; and

WHEREAS, CB#2, Man. has over the years repeatedly urged basic upgrading of this station complex as an important contribution to transit accessibility and to the economic life of the community;

NOW THEREFORE BE IT RESOLVED that CB#2, Man. strongly urges the Metropolitan Transportation Authority's Transit Disabled Committee to designate the Broadway-Lafayette-Bleecker St. Subway complex as "Key ADA Station;" and

BE IT FURTHER RESOLVED that CB#2, Man. strongly urges the Metropolitan Transportation Authority, as part of its upgrading of the Broadway/Lafayette/Bleecker St. Subway complex, to make it possible for passengers to make complete interchange between the various lines stopping at this complex.

Vote: Unanimous, with 40 Board members in favor.

2. M-7 New Route and MTA's Proposed Modification

WHEREAS NYC Transit Bus Operations Planning Department submitted a presentation to CB#2, Man.'s Traffic & Transportation Committee on March 14th, 2000, by Jackie Carter and Ted Orosz to route the M-7 bus south of 14th St. with a layover of one to three buses on the west side of University Place between 13th and 14th St.; and

WHEREAS CB#2, Man. community was not notified nor were there any public hearings held by the MTA to route the M-7 bus through our community and change the layover of a bus route which doesn't serve our community to within our boundaries; and

WHEREAS Community Board #5, Manhattan (CB#5, Man.) has had several MTA presentations and meetings along with the 14th St. BID about these proposed modifications and re-routing plans and the new route of the M7 taking it off Union Square West (USW) and moving it onto Broadway north of 14th St., which has already been done without CB#2, Man. knowledge; and

WHEREAS CB#2, Man. has had no input nor were we invited to any of these meetings by MTA, CB#5, Man. or the 14th St. B.I.D. and

WHEREAS MTA has proposed a new route to continue south of 14th St. on already overcrowded Broadway requiring the M-7 to make its last stop on the jammed-up Broadway corridor between 13th and 14th Sts., then making a right turn onto the heavily trafficked 13th St. and another right turn onto University Place where it will layover but not service our neighborhood; and

WHEREAS the heavily trafficked 13th St. is one of the only thru west bound Sts. from Fourth Avenue, is already used as an alternate cross town route for west bound 14th St., with an inordinate amount of traffic and new business traffic generators; and

WHEREAS the proposed layover on either the east or west side of University Place requires the M-7 to make a left turn onto 14th St. @ University impacting another already dangerous intersection, which doesn't allow any pedestrian crossing time without vehicle turning conflicts; and

WHEREAS the Traffic & Transportation Committee is presenting a resolution to the full Board on March 23rd about the dangerous 14th St. University/Union Square West intersection at the request of CB#5, Man, and our community;

THEREFORE BE IT RESOLVED that CB#2, Man. demands that the MTA-NYC Transit immediately restore the M-7 bus to its original route down Union Square West and create a layover stop between 14th and 15th Sts. allowing it to make a right turn onto 14th St. when it makes its way back uptown by way of 6th Avenue; and

BE IT FURTHER RESOLVED that CB#2, Man. demands that New York City Transit immediately cease their plans to re-route the M-7 bus down extremely overcrowded Broadway to the 13th St. and University Place route without immediately holding a public hearing; and

BE IT FURTHER RESOLVED that CB#2, Man. strongly urges the New York City Transit Riders Council respond to our plea to stop the MTA's "NEW" routing of the M-7 bus onto the over-crowded, dangerous Broadway and the 14th St., University Place-Union Sq. intersection; and

BE IT FURTHER RESOLVED that CB#2, Man. takes exception to the position taken by CB#5, Man. and the 14th St. BID and insists that in the future CB#2, Man. be included in any traffic issue which concerns our district; and

BE IT FURTHER RESOLVED that CB#2, Man. asks the Borough Board to please take up this issue and help our communities come to a reasonable solution with NYC Transit.

Vote: Unanimous, with 40 Board members in favor.

3. Pedestrian-Vehicle Turning Conflicts and Safety At East 14th St., University Pl. & Union Sq. West-

WHEREAS 14th Street is the boundary between CB#2, Man. and Community Board No. 5, Manhattan (CB#5, Man.), and New York City defines such a boundary as a joint interest area of equal concern to adjacent Community Boards, and New York City policy requires that neighboring Boards share jurisdiction over that boundary (NYC Appendices can be supplied); and

WHEREAS the intersection on 14th Street @ University Place and Union Square West (USW) has head-on traffic from University going north and USW going south creates a hazardous condition for safe pedestrian crossing with numerous pedestrian-vehicle turning conflicts; and

WHEREAS this heavily congested intersection has been impacted by numerous new "traffic generators" including but not limited to the extension of Union Square Park, the Green Market, numerous retail stores, restaurants, the 12-plex movie theater, residential and institutional building; and

WHEREAS these new "traffic Generators" have increased pedestrian and vehicle density and congestion at this intersection, especially since it's impossible to cross on Broadway @14 Street, pushing additional pedestrian density to the west side of University and 14th street;

THEREFORE BE IT RESOLVED that CB#2, Man. urges the Department of Transportation, the Department of City Planning and the MTA NYC Transit to make the following immediate changes at the intersection of 14th Street, University Place and Union Square West:

- 1). install signage restricting USW south bound traffic, except buses, from making right turns onto 14th street and direct other vehicular traffic to turn right at 15th Street which already goes west;
- 2). install signage to allow the M-7 bus to layover on the blocks between 14th and 15th Streets @USW, instead of clogging the already over trafficked University Place intersection;
- 3). install signage restricting University Pl. north-bound traffic from making left turns onto 14th Street and direct the traffic to turn left from University at 13th Street which already goes west
- 4). Increase the red cycle on the traffic light at the west side of 14th Street and University allowing pedestrians a safe crossing time of a minimum of 20-30 seconds
- 5). Install "high visibility crosswalks at the west side of 14th Street @ University Place creating a safe crossing and encouraging pedestrians to cross at this side of the block, instead of using the east side of the block which has the dangerous turning conflicts.

BE IT FURTHER RESOLVED that CB#2, Man. calls on the Department of City Planning to work with Department of Transportation to create a Plan for signage, street, sidewalk and lighting repairs to keep up with the growing Union Square area's increased traffic congestion, commercial expansion and density that has impacted the safety and quality of life of our community south of 14th Street; and

BE IT FURTHER RESOLVED that CB#2, Man. reminds CB#5, Man. and the 14th Street B.I.D. that New York City defines such a boundary as a joint interest area of equal concern to adjacent Community Boards, and New York City policy requires that neighboring Boards share jurisdiction over that boundary and urges CB#5, Man. and the 14th Street B.I.D. to include, inform and confer with our community in the continued expansion of their plans for the Union Square area.

Vote: Unanimous, with 40 Board members in favor.

4. Ruth Wittenberg Triangle Enhancements

WHEREAS the triangle at the intersection of 6th and Greenwich Avenues, is still a barren traffic island despite the bluestone surface and brass plaque dedicating it to the good work and memory of Villager, Ruth Wittenberg; and

WHEREAS this barren triangle, property of the City Department of Transportation, within the Greenwich Village Historic District, is considered by many to be the "center" of the West Village and is passed each year by thousands of visitors from the City, across the country and around the world; and

WHEREAS the recent design competition sponsored by the Van Alen Institute and the Parsons School of Design was a competition of ideas only with no promise that any winning design would be constructed; and

WHEREAS many community members have suggested designing and building a simple planter for one or more trees and/or shrubs in the center of the Triangle; and

WHEREAS the Village Alliance supports the idea and has offered to arrange for the maintenance of such a planting;

THEREFORE BE IT RESOLVED that CB#2 Man. strongly urges that in order to create a more fitting memorial for our beloved colleague and enhance this important gateway to our community, the Department of Transportation expeditiously install a low planter and a high canopy tree in the center of Ruth Wittenberg Triangle and that the Green Streets program provide appropriate planting material, subject to the consideration of the "Special Wittenberg Committee".

Vote: Unanimous, with 40 Board members in favor.

BUSINESS AND INSTUTIONS

1a. Applications to the SLA for New Licenses to Sell Liquor on Premises:

675 Hudson Vault, LLC, 675 Hudson St. a/k/a 222-228 Ninth Ave. NYC 10014

WHEREAS the applicant is applying for an on-premises license for a Sushi restaurant containing 36 tables, sushi bar, and dining bar with a capacity of 178 seats, and

WHEREAS the applicant has attested to the fact that he operates only restaurants and not clubs or bars where the serving of liquor is secondary to the serving of food, and is currently the operator of the Atlantic Grill, Blue Water Grill, Park Avalon, Coconut Grill, Isabella's, Ocean, Ruby Foos (2), and

WHEREAS the applicant has stated to CB#2, Man. that he also attested to the SLA at a recent 500' rule hearing that the premises will be utilized only for a restaurant and will not be turned into a club, discotheque or cabaret, and

WHEREAS hours of closing are scheduled for 1-1:30 AM with no intent to stay open until the 4AM closing hour allowed by the SLA, and

WHEREAS the applicant has yet to file plans with the NYC Department of Buildings,

THEREFORE BE IT RESOLVED that CB#2, Man. does not object to the granting by the SLA of an on-premises liquor license for 675 Hudson Vault, LLC, 675 Hudson St. NYC 10014, and

BE IT FURTHER RESOLVED that CB#2, Man. conditions this non-objection to the inception and continuation solely of a bonafide restaurant and not a bar, nightclub, discotheque or similar establishment where entertainment and the serving of food is secondary to the serving of liquor and obtaining the necessary Certificate of Occupancy from the NYC Dept. of Buildings.

Vote: Passed, with 34 Board members in favor, 4 in opposition, 1 abstention and 1 recusal

Chickweed, Inc., d/b/a Annisa, 13 Barrow St. NYC 10014 (Bleecker-W. 4th).

WHEREAS the applicant is applying for a transfer of the existing on-premises license and is establishing a new Epicurean restaurant with 13 tables and 45 seats, and

WHEREAS the applicant intends to be open until 12 midnight, and

WHEREAS there was no neighborhood opposition,

THEREFORE BE IT RESOLVED that CB#2, Man. does not oppose the granting by the SLA of an on-premises license to Chickweed, Inc. d/b/a Annisa, 13 Barrow St., NYC 10014.

Vote: Unanimous, with 40 Board members in favor.

Old World Holding, Inc., 312 Spring St. NYC 10013 (Renwick-Greenwich).

WHEREAS the applicant has requested a postponement for the past two months, and

WHEREAS the location of the proposed establishment is in the midst of 20 other on-premises locations licensed by the SLA, and

WHEREAS the applicant has indicated it will not be serving food and will have no kitchen thus presenting the community with one more proposed drinking establishment that does not promote the public interest,

THEREFORE BE IT RESOLVED that CB#2, Man. unalterably opposes the granting of an on-premises license and strongly recommends denial of an on-premises license by the SLA to Old World Holding, Inc., 312 Spring St., NYC 10013; and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to hold a 500' rule hearing so that the strong negative views of the community can be heard in opposing this application.

Vote: Unanimous, with 40 Board members in favor.

Chamaja, Inc., d/b/a Boom, 152 Spring St., NYC 10003.

WHEREAS the applicant is applying for a new/transfer of an on-premises license as a result of a corporate restructure, and

WHEREAS CB#2, Man. has received complaints of noise and loud music from neighboring residents that have been generated by the applicant's premises, and

WHEREAS such complaints have not been fully abated,

THEREFORE BE IT RESOLVED that CB#2, Man. recommends to the SLA that it call applicant's attention to these neighborhood disturbances and condition its approval of the transfer of such on-

premises license to the new Chamaja, Inc., d/b/a Boom, 152 Spring St. NYC 10012 only if applicant agrees to actively abate the noise and disturbances emanating from its premises, and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to investigate operations at this premises and get the owner to abate the noise and also wishes to go on record that it will oppose any future renewal if this condition is not corrected.

Vote: Unanimous, with 40 Board members in favor.

T-Bone Restaurant LLC, 13 East 12th St. NYC, 10003 (Bway.-University).

WHEREAS the applicant is proposing to open a new restaurant containing 56 tables and 242 seats in the former Asti Restaurant space, and

WHEREAS the applicant has represented that he only operates reputable restaurants and not entertainment clubs, and

WHEREAS the applicant has produced a valid Certificate of Occupancy for an eating and drinking establishment with a 242 person capacity, and

WHEREAS there are 3 or more on-premises licensed establishments within 500' of the applicant's premises thus necessitating a 500' rule hearing,

THEREFORE BE IT RESOLVED that CB#2, Man. has no objection to the granting by the SLA of an on-premises license to T-Bone Restaurant LLC, 13 East 12th St, NYC 10003 and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to hold a 500' rule hearing so that the views of the public can be heard.

Vote: Unanimous, with 40 Board members in favor.

Zouk, Ltd., 28 Cornelia St. NYC 10014 (Bleecker-W.4th).

WHEREAS the applicant is applying for an on-premises license for 11 tables and 22 seats, and

WHEREAS the applicant has produced a Certificate of Occupancy indicating a capacity of 20persons, and

WHEREAS subject premises is in an area with more than 3 on-premises licenses;

THEREFORE BE IT RESOLVED that CB#2, Man. does not object to the granting of an on-premises license by the SLA to Zouk, Ltd., 28 Cornelia St., NYC 10014, provided that it revise its plans to a capacity of 20 to comply with its Certificate of Occupancy; and

BE IT FURTHER RESOLVED that CB#2, Man. calls upon the SLA to hold a 500' rule hearing so that the views of the public can be heard.

Vote: Unanimous, with 40 Board members in favor.

1b. Applications to the SLA for Alteration to Sell Liquor On premises

West Eighth Enterprises LLC, 40 W. 8th St. NYC 10011(MacDougal).

WHEREAS the applicant is applying for a transfer of an on-premises license whose location and late closing at 4 AM has been the constant cause of complaints from its residential neighbors, due to noise, crowds, fighting and other types of disturbances that affect the peace and tranquility of the neighborhood, and

WHEREAS the applicant is proposing to continue the same type of late night operation generating crowds staying until the 4AM closing time, and

WHEREAS residents of the immediate surrounding residential buildings appeared to protest the application for an on-premises license, and

WHEREAS CB#2, Man. has previously gone on record opposing the granting of an on-premises license to the previous operator, and

WHEREAS no evidence has been presented for CB#2, Man. to change its position in the granting of an on-premises license

THEREFORE BE IT RESOLVED that **CB#2, Man. strongly opposes the granting of an on-premises license to West 8th Enterprises LLC, 40 W. 8th St., NYC 10011, and calls upon the SLA to deny an on-premises license to West 8th Enterprises LLC as being patently bad public policy to perpetuate the continuation of a licensed premises in a venue that should never have been originally permitted.**

Vote: Unanimous, with 40 Board members in favor.

LANDMARKS AND PUBLIC AESTHETICS

1. Proposal to landmark all manhole covers, coal chutes and vault covers in the City.

WHEREAS, in 1985 the Los Angeles legislature landmarked all their manhole covers to protect them during street maintenance and urban renewal projects; and

WHEREAS, many of our manhole covers are attractive works of art by themselves, not to mention of historical importance; yet there are few records or reference sources; and

WHEREAS, none of New York City's manhole covers are being protected and we are rapidly losing these rare treasures as well as a piece of history;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this initiative and requests it be further developed and the parameters defined.

Vote: Passed, with 36 Board members in favor, 2 in opposition, and 2 abstentions.

2. Proposal for art project to replace permanently three existing manhole covers on Jefferson Market Library block (Christopher-Greenwich-W. 10th-6th Ave)

WHEREAS, we applaud the artist's efforts to propagate public art and to commemorate and inform the public about local history; but

WHEREAS, 1/3 of the text around the rim of the manhole cover will consist of the name of the artist and the sponsor, which we feel is excessive, self-promoting and unnecessary; none of the creators of the historic manhole covers have their names emblazoned on the sidewalk; and

WHEREAS, an historically accurate design should be maintained at this important block, whose preservation helped galvanize the landmarks preservation movement in the 1960's; and

WHEREAS, there are more appropriate ways to commemorate a building than by removing historic elements from the streetscape; for example, a wall plaque or a metal sign on a lamppost would suffice; and

WHEREAS, the applicant could not demonstrate the historicity of the three manhole covers to be removed; and

WHEREAS, you do not save history by replacing it;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends denial of this application, unless the Landmarks Preservation Commission (LPC) determines these 3 manhole covers to be unhistorical.

Vote: Passed, with 36 Board members in favor, and 4 abstentions.

3. 600 Broadway (Houston) A 19th century commercial building. Re-submission of an application for a painted business sign

WHEREAS, the sign covers the same area as one we recently approved, the only change being the addition of the address of the business located within the building; and

WHEREAS, addition of the address reinforces the point that this is not an another advertising sign but a business sign, once a common element in this historic district;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 40 Board members in favor.

4. 560 Broadway (Crosby St. side) (Dean & DeLuca) Applications to install a new store entry door in an existing window opening, installation of an awning, a new stair and a handicapped entry ramp.

WHEREAS, we question the necessity for an awning in the first place, since the window where the awning is supposedly needed is located on the north face of a building located directly across a narrow street from a very tall 12-story building, and this window does not get the sun's direct rays; and

WHEREAS, although the new awning will match existing approved awnings located on the Broadway side, regrettably it is non-retractable; but

WHEREAS, the addition of a door in a window opening will not disrupt the rhythm of the fenestration; and

WHEREAS, the ramp will cover the extant steel plating and not protrude onto the granite sidewalk;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this application with the exception of the non-retractable awning; and,

BE IT FURTHER RESOLVED that we respectfully recommend the applicant to maintain a graffiti removal program for this wall, which attracts graffiti "bombers"

Vote: Unanimous, with 40 Board members in favor.

5. 387 West Broadway a.k.a. 73 Wooster Street (Broome & Spring) A garage building built in 1927. Architect: unknown Application is for façade and storefront work on West Broadway & Wooster St., and the construction of joint live-work quarters for artists.

WHEREAS, we appreciate the reduction in bulk and the gracious consideration of the applicant not to block the lot lines windows of the artists' residences adjacent to the project; and

WHEREAS, the restoration of the masonry and steel windows is commendable; and

WHEREAS, the canopy is historically appropriate and the signage is attractively understated; but

WHEREAS, we object to the extraordinarily tall display windows that pivot outward and which would be odd-looking in any shopping district, let alone an historic district;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this application with the exception of the pivoting display windows.

Vote: Unanimous, with 40 Board members in favor.

6. 387 West Broadway a.k.a. 73 Wooster Street (Broome & Spring) A garage building built in 1927. Architect: unknown Application is for a change of use from automotive use to retail and joint live-work quarters for artists pursuant to ZR 74-711.

WHEREAS, the Landmarks Preservation Commission has permitted the demolition of every garage building in the cast-iron historic district that has applied for such, because they were considered non-contributing structures: namely, three garage buildings on three different Houston Street lots and another garage at 101 Greene Street; and

WHEREAS, CB#2, Man. concurred with the LPC in these decisions; and

WHEREAS, like the other garage structures already demolished, this undistinguished 1927 garage with its unknown architect contributes little, if anything, to the cast-iron historic district;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends denial of this application because we believe that the 74-711 section of the zoning resolution is assumed to apply to buildings that possess at least a modicum of architectural merit, and not to be used merely to avoid a required zoning variance.

Vote: Unanimous, with 40 Board members in favor.

7. 129 Grand Street (Broadway/Crosby St.) Application is to construct a rooftop addition on a 19th century loft building.

WHEREAS, the three new lot-line windows are harmonious with the existing window; and

WHEREAS, the architect applied a sensitive design and treatment to the project; but

WHEREAS, the addition would be prominently visible from nearby Lafayette Street;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends denial of this application for a rooftop addition, but approval for the new windows.

Vote: Unanimous, with 40 Board members in favor.

8. 474 Broadway

WHEREAS the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

WHEREAS the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; and

THEREFORE BE IT RESOLVED that CB#2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 40 Board members in favor.

9. 11-13 West 10th Street (5th & 6th Aves.) Application is to alter the rear façade of an 1847 townhouse.

WHEREAS, the masonry and window restoration, concealment of the elevator and bulkhead, removal of the one-story extension and fire escape, and enlargement of the garden are most commendable; but

WHEREAS, the removal of the Earnest Flagg bay window from its original position to accommodate a contemporary glass structure, and then its subsequent use as a component of a new two-story bay window configuration certainly alters the concept of Flagg's single projecting bay; and

WHEREAS, the extremely contemporary treatment of the windows and framing are in stark contrast to the adjacent buildings;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this application, but requests the applicant to arrive at a more appropriate proposal for the windows.

Vote: Unanimous, with 40 Board members in favor.

10. 179 Macdougall Street

WHEREAS the Landmarks Preservation Commission's publication *The Certificate of Appropriateness Public Hearing: Information for Applicants* states that "applicants are strongly encouraged to contact the Community Board to arrange for review of the proposal before the public hearing"; and

WHEREAS the applicant did not contact the Community Board or appear before the Landmarks Committee to present this application; and

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends denial of this application in the absence of this important step in the review process.

Vote: Unanimous, with 40 Board members in favor.

11. **66 West 9th Street (s.e. corner of Sixth Ave.) Application is to install lighting and a bracket a sign.**

WHEREAS, the proposed sign is small with attractive colors; and

WHEREAS, the light is appropriate;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends approval of this application.

Vote: Unanimous, with 40 Board members in favor.

12. **Edgar Allen Poe House (85 W. 3rd St.) (a.k.a. 85 Amity St.) (Thompson/Sullivan) A house built in 1836. Application is to request the Landmarks Preservation Commission to evaluate this site for possible designation.**

WHEREAS, founded 1923 in Baltimore, the Edgar Allan Poe Society is an informal coalition of literary scholars and professors with world-wide membership; and

WHEREAS, the Society considers this site a literary and cultural landmark that references a giant of American literature; and

WHEREAS, *The Raven and Other Poems* was compiled and published in book form, *The Cask of Amontillado* was worked upon, and several other important literary works were published during the six months Poe lived here; and

WHEREAS, it is the only existing Poe residence in Manhattan;

THEREFORE BE IT RESOLVED, that CB#2, Man. recommends that the Landmarks Preservation Commission study and evaluate whether this modest, but appealing, building should be considered for designation as a cultural landmark.

Vote: Unanimous, with 40 Board members in favor.

SIDEWALKS, PUBLIC FACILITIES AND ACCESS

1. Application to NYCDOT for revocable consent for: Installation fence and gate in front of 41 Charles Street

WHEREAS the area was posted, the applicant appeared before the committee and;

WHEREAS the proposed installation would not give enough space for pedestrian access because of a large tree already extending onto the sidewalk; and

WHEREAS the applicant initially agreed to install the fence within the property line because of the access concern; and

WHEREAS the applicant subsequently withdrew his support for the agreement stated his wish to proceed with his original plan

THEREFORE BE IT RESOLVED that the application to NYCDOT for revocable consent for: Installation of fence and gate in front of 41 Charles St. is denied.

Vote: Unanimous, with 40 Board members in favor.

2. New application for revocable consent to operate an unenclosed sidewalk cafe by Valdino West, Inc., 581 Hudson St. with 6 tables and 20 seats, DCA #1026862.

WHEREAS the area was posted, the applicant appeared before the committee and;

WHEREAS no one from the community spoke in opposition to the application and;

WHEREAS there is sufficient passage for pedestrian access;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one- (1-) year revocable consent to operate an unenclosed sidewalk cafe by Valdino West, Inc., 581 Hudson St. with 6 tables and 20 seats, DCA #1026862.

VOTE: Unanimous, with 40 Board members in favor.

3. New application for revocable consent to operate an unenclosed sidewalk cafe by Xando Cosi, Inc. 841 Broadway, with 32 tables and 64 seats, DCA #1027305.

The matter was rescheduled for next month so that the area can be posted and the zoning verified.

4. Renewal of application for revocable consent to operate an unenclosed sidewalk cafe by Arlecchino Restaurant, Inc., 192 Bleecker St., with 6 tables and 12 seats, DCA 832177.

WHEREAS the area was posted, the applicant appeared before the committee and one member of the community appeared and complained about the noise, late hours and that there were more than 12 tables outside; and

WHEREAS based on the issues raised by the community member that the applicant was not acting like a good neighbor; and

WHEREAS the committee agreed to extend a one- (1-) year revocable consent instead of the customary three- (3)- year consent so that the applicant could correct the complaints raised;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a one- (1-) year revocable consent to operate an unenclosed sidewalk cafe to Arlecchino Restaurant, Inc., 192 Bleecker St., with 6 tables and 12 seats, DCA 832177.

VOTE: Unanimous, with 40 Board members in favor.

5. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by Red Lion Bleecker, Inc., d/b/a Red Lion, 151 Bleecker St., with 12 tables and 24 seats, DCA #981728.

WHEREAS the area was posted, the applicant appeared before the committee and;

WHEREAS there is sufficient passage for pedestrian safety and access;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk cafe to Red Lion Bleecker, Inc., d/b/a Red Lion, 151 Bleecker St., with 12 tables and 24 seats, DCA #981728.

VOTE: Passed, with 39 Board members in favor and 1 abstention.

6. Renewal application for revocable consent to operate an unenclosed sidewalk cafe by 129 Management Rest. Corp. d/b/a Da Gennaro, 129 Mulberry St., with 13 tables and 33 seats, DCA #9811502.

WHEREAS the area was posted, the applicant appeared before the committee; and

WHEREAS the applicant agreed to take down the offending fence;

THEREFORE BE IT RESOLVED that CB#2, Man. recommends approval of a three (3) year revocable consent to operate an unenclosed sidewalk cafe to 129 Management Rest. Corp. d/b/a Da Gennaro, 129 Mulberry St., with 13 tables and 33 seats, DCA #9811502.

VOTE: Unanimous, with 40 Board members in favor.

7. Proposal Regarding City Agencies Governing Sidewalk Café Regulations

WHEREAS since its inception New York’s sidewalk café program has had three city government agencies – Dept. of Consumer Affairs (DCA), Dept. of Buildings (DOB) and Dept. of Transportation (DOT) – sharing its administration, with the three agencies following different sets of regulations and/or assessing/implementing the long-existing regulations differently, and

WHEREAS over the years the trifurcated administration of this major commercial land use has created not only minor conflicts such as disagreement as to how café railings may be attached to the sidewalk, but also major inefficiencies and confusions as to procedure and accountability among these agencies, with the taxpaying public’s quality of life being made to suffer from the lack of clear, enforceable and enforced outdoor café rules, and

WHEREAS DCA is the only one of the three involved agencies having café enforcement staff but provides extremely passive enforcement efforts at best of times, responding not to the public but only to community board district managers' complaints if at all, with the result that whatever this agency neglects to enforce remains without other enforcement options, and

WHEREAS café regulation is based on two principal sets of rules, namely the underlying Zoning Resolution promulgated by the City Planning Department which sets out fundamental rules governing use and area, and the Administrative Code Title 20 Chapter 2 Subchapter 6 to which DCA adheres, and

WHEREAS it is our understanding that, based at least on tradition and practice if not on clear law, the Zoning Resolution is considered to take precedence over any other regulations which may be developed, so much so that our Community Board has seen many instances where applicants for cafes, though qualified under other regulations, could not obtain sidewalk café permits because the Zoning Resolution designated their locations as off limits thereby dooming their applications, and

WHEREAS in this case the applicable Zoning Resolution states clearly that unenclosed cafes must remove all objects except planters from the public sidewalk from December 1 through the end of February while the Administrative Code as interpreted by the present management of Consumer Affairs has begun allowing restaurants year-round sidewalk occupancy with plastic sheeting or other coverings around their cafes during cold weather, and

WHEREAS under previous DCA management's unenclosed cafes always operated seasonally and closed in winter in keeping with the Zoning Resolution's requirement and furthermore persons serving for many years with CB#2, Man.'s Sidewalks and Public Access Committee have no knowledge of unenclosed cafes having ever been allowed year-round operation, and

WHEREAS not only has DCA recently advised CB#2, Man.'s district manager that it will honor only its own understanding of the Administrative Code regulations and disregard the Zoning Resolution's prohibition against winter operation, but the agency is informing unenclosed café operators they may remain open without telling them that they will be in violation of the Zoning Resolution if they do so, and

WHEREAS CB#2, Man. with vastly more sidewalk cafes than any other New York neighborhood, has never received agency notification of this change but has been learning of it from café operators themselves after having for many years made larger table/chair recommendations than would have been realistic had it been known that both enclosed and unenclosed cafes would be allowed to operate throughout every year, and

WHEREAS CB#2, Man. thereby finding itself caught in an administrative muddle not of its making which undermines its careful efforts to maintain balanced sidewalk access in our mixed-use community, considers it horrendously unseemly and unprofessional for city agencies to conduct disputes among themselves which victimize taxpayers by making orderly neighborhood quality of life more difficult to achieve,

THEREFORE BE IT RESOLVED that CB#2, Man., urges Councilmembers Freed, Lopez, and Quinn as well as Manhattan Borough President Fields to urgently bring together all involved city government entities and require them to promptly review all regulations governing sidewalk café operations and eliminate or revise conflicting rules which undercut the underlying Zoning Resolution so that the public can finally benefit from clear, uniform regulations to be honored at all levels of government, and

BE IT FURTHER RESOLVED that, given this most recent and most flagrant evidence of the impracticality of continuing to have café jurisdiction split among three city agencies and the damage such an arrangement can cause, CB#2, Man. urges city government to empower ONE agency and only one to assume complete control of café matters and to ensure that that agency receives funding and other support adequate to maintain a well-managed and coherent sidewalk café program.

Vote: Unanimous, with 40 Board members in favor.

ARTS

Temporary Manhole Cover Art

WHEREAS artist Michelle Brody has proposed a permanent public art work, "Re-covering the Cityscape: Impressions of History Under Foot", that has three elements within our Board area, consisting of replacing existing manhole covers with new ones that will commemorate the Jefferson Market; and

WHEREAS she has worked closely with the involved utility companies and government agencies, and will receive approvals from the Landmarks Preservation Commission to ensure that no existing cover with historic significance is removed; and

WHEREAS CB#2, Man. supports and wishes to encourage public art generally and this art work will also offer the benefit of educating the public about historic buildings and sites in New York City;

THEREFORE BE IT RESOLVED that, subject to approvals granted by relevant City agencies and establishing that this artwork will not replace manholes of historic significance, CB#2, Man. approves the public art proposal by Michelle Brody to replace three existing manhole covers near Jefferson Market with new ones that will commemorate the site in this permanent visual art work.

Vote: Passed, with 37 Board members in favor, and 3 abstentions.

PARKS, RECREATION AND OPEN SPACE

Department of Parks Solutions for the Improvement and Beautification of the Broome, Watts and Thompson St. Triangle.

WHEREAS the Sunflower Park proposal supported by CB#2-Man. so far has not been funded; and

WHEREAS the Department of Parks is willing to go in as soon as possible and renovate the triangle at Broome, Watts and Thompson St.; and

WHEREAS this triangle for years has been an unattractive, blight and badly needs improvement;

THEREFORE BE IT RESOLVED that CB#2-Man. recommends that the Dept. of Parks take over this property as soon as possible and renovate this triangle with curbs, trees, plantings etc.; and

BE IT FURTHER RESOLVED that the Dept. of Parks work closely with Councilmember Kathryn Freed on this project and consider retaining the sculptures now in the street by placing them in the new park.

Vote: Unanimous, with 40 Board members in favor

PUBLIC SAFETY AND HEALTH

Defibrillator Equipment

WHEREAS the CB#2, Man. area has always been deeply concerned with the health and well-being of its residents, businesspeople and visitors, and

WHEREAS a chief concern is our area's low survival rate following cases of cardiac arrest, and

WHEREAS we are aggressively working to improve the survival rate and in fact are engaged in planning with St. Vincent's Hospital a program to place Defibrillator equipment at diverse sites within the community and train personnel to operate the equipment; and

WHEREAS it has recently come to our attention that the NYPD may implement a plan to place defibrillators in some patrol cars, and that such a plan is under discussion now; and

THEREFORE BE IT RESOLVED that CB#2-Man., urges that our community be very actively considered to receive the most expedited provision possible of defibrillator equipment in patrol cars within the precincts located in our community board area.

Vote: Unanimous, with 40 Board members in favor.

Please advise us of any decision or action in response to this resolution.

WATERFRONT

1. Army Corps of Engineers Permit

WHEREAS, the U.S. Advisory Council on Historic Preservation Officer has reached a programmatic agreement with the Hudson River Park Trust (HRPT) designed to preserve and protect historic resources along the Hudson River waterfront as the Hudson River Park is built; and

WHEREAS, the assessment of both the staff of the Advisory Council and the State Historic Preservation Officer (NYSHPO) that the programmatic agreement adequately preserves historic resources on the waterfront which have been identified and that the project, if administered in accordance with the Stipulation, will have no effect on the GV Historic District, on individually listed historic properties within the district; and

WHEREAS, the Advisory Council has already taken far too long to finalize a programmatic agreement on a permit application made in March 1998; and

WHEREAS, all of the other agencies which have considered the permit application have reached agreements with HRPT and have recommended that the permit be granted without an EIS; and

WHEREAS, our community continues to have a compelling need for construction of the park, particularly that portion of the park which is to be built on the rapidly deteriorating piers in our segment of the park;

THEREFORE, BE IT RESOLVED THAT

1. CB2 calls upon the Advisory Council on Historic Preservation to approve the programmatic agreement reached by its staff and NYSHPO with HRPT

2. That such approval, absent new evidence being brought forth at the upcoming hearing, be issued within 15 days of that hearing, so that the Army Corps can act on the permit and issue its Environmental Assessment in time for construction to begin during 2000.

3. CB2 calls on the Army Corps of Engineers to act on the HRPT permit and issue its Environmental Assessment within 30 days of a decision by the Historic Advisory Council.

4. CB2 calls upon Senators Moynihan and Schumer and Congressman Nadler to use their best efforts to bring about action by the Historic Advisory Council and Army Corps in the timeframe requested by CB2.

Vote: Passed, with 37 Board members in favor, 2 in opposition and 1 abstention.

2. Construction/Repair of Walkway Around Perimeter of Pier 40

WHEREAS, the Hudson River Park Trust is proposing a project to make the entire dock around Pier 40 into a public walkway; and

WHEREAS, Pier 40 Operating LLC has successfully and in good faith fulfilled the requirement under its permit to provide public access to the walkway on the south side of Pier 40; and

WHEREAS, CB2 generally supports improving interim public access to the waterfront; and

WHEREAS, HRPT has demonstrated its ability to effectively maintain, operate, and secure various interim public open spaces including the esplanade bikeway/walkway, the Pier 40 outdoor and indoor fields, and public access to some piers; and

WHEREAS, CB2 is opposed to expansion of commercial uses on the waterfront in the context of existing leases or permits, and/or without a public process including participation of CB2, and/or outside the context of the park plan, the Environmental Impact Statement, the Hudson River Park Act, and stipulations made by HRPT in connection with the application for a permit from the Army Corps of Engineers; and

WHEREAS, the current permit states the property "shall be used only for the purpose of the continuation of the type of uses being conducted on the premises during the 30 day period prior to execution of this permit", and although boat docking is included in a list of such prior uses, it is not clear it was; and

WHEREAS, this plan is apparently to some degree associated with providing access to waterfront area for Op Sail 2000 but it is not clear whether or how access will be restricted or controlled; and

WHEREAS, the lack of public rest rooms is a major limitation on recreational use of interim access areas and in particular prevents long stays which are essential for success of a multi-use park; and

WHEREAS, P3 is a non-profit organization that is active at Pier 40 and has expressed an interest in supporting and assisting HRPT in the further development of public activities and programs, especially for children, at Pier 40; and

WHEREAS, in July 1999 CB2 supported a plan for Pier 40 known as Pier 40 Park but HRPT has not expressed commitment to any plan for this extraordinary and unique public resource or proposed any process or timetable for future development of the pier; and

WHEREAS, the current permit for commercial operations at Pier 40 expires in December, 2000, with up to and no more than 24 monthly extensions; and

WHEREAS, the Hudson River Park Act prohibits many existing uses beyond the term of the existing permit and requires subsequent use of the pier to include at least 50 percent and up 100 percent public open space; therefore

IT IS RESOLVED that CB2 commends HRPT for its success in creating and maintaining safe interim public access to the waterfront and for this initiative to increase interim access; and

IT IS FURTHER RESOLVED that CB2 commends Pier 40 Operating LLC for its efforts to provide public access; and

IT IS FURTHER RESOLVED that CB2 supports the current proposal, but only if

5. HRPT agrees to ensure enforcement on public areas at Pier 40 of the same standards of park maintenance and security as it applies in the whole park, and
6. HRPT agrees to open and maintain clean and secure rest rooms on the ground level at Pier 40 6/12/15 for public use during hours the walkway is open, and
7. HRPT agrees to seek community input, and in particular to consult with CB 2 and the HRPT Advisory Board, prior to allowing new commercial uses or expansion of existing commercial uses on or accessible directly from public access areas at Pier 40, and
- d) HRPT agrees not to approve any expansion of the docking and operations of motor powered boats at Pier 40 during the term of the current permit including extensions, and

IT IS FURTHER RESOLVED that CB2

- a) Applauds Pier 40 Operating LLC for agreeing not to expand boat docking at Pier 40 without consulting with CB-2; and
- b) Encourages HRPT to evaluate the costs and benefits of management by HRPT of all public space at Pier 40 including the entire walkway around the pier, and to consider separating the walkway from the area controlled under the anticipated extensions of the current permit beginning YI/O.1, and
- c) Encourages HRPT to continue to work with P3 and others in the community to offer activities and programs, with an emphasis on activities for children, to increase the popularity of interim recreational use of Pier 40; and
- d) Encourages HRPT to initiate a planning process for Pier 40 so that uses subsequent to the expiration of current permits are not in violation of the Hudson River Park Act, and
- e) Encourages HRPT to ensure the Pier 40 walkway will be open on a first come first serve basis to the general public during all Op Sail 2000 events subject only to safe occupancy, and
- f) Encourages HRPT evaluate, in consultation with CB-2 and affected residents, the negative impacts of current boat operations at Pier 40, and to determine under what conditions, if any, this activity may be appropriate, and
- g) Encourages HRPT to work with Pier 40 Operating LLC and the community to find a suitable location at Pier 40 and to do required work to create an interim dog run until permanent construction of a park at Pier 40.

Vote: Passed, with 39 Board members in favor and 1 recusal.

Respectfully submitted,

Michael Mirisola
Secretary
Community Board #2, Manhattan

Cb2data\all committee files\full board\minutes\march.2000