



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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Dominic P. Berg, Board Chair

Susan Stetzer, District Manager

May 2012 Full Board Minutes

Meeting of Community Board #3 held on Tuesday, May 22, 2012 at 6:30pm at Henry Street Settlement Youth Services Gymnasium, 301 Henry Street

Public Session:

1. Lee Thatcher from the 6th Street Community Center spoke of the availability of Community Supported Agriculture shares.
2. Peter Cramer from Petit Versailles spoke in favor of community gardens and supporting funding for same.
3. Vaylateena Jones spoke in favor of a group presenting a special event on Friday nights, Community Leadership Nights, for young people. She left flyers.
4. Dorothy Thom spoke against the installation by DOT of 27 bike parking space on St. James Place because 5 streets converge there and it is dangerous.
5. Ellen Fields read a prepared statement from the Teen Relationship Abuse Prevention Program, asking for it not to be cut from the budget.
6. Katy Abel spoke against the reconfiguration of the Standard East Village Hotel so that there would be sound abatement for the two occupants of the residential building adjoining the hotel. She listed her 3 concerns.

SPURA SPEAKERS. Dominic Berg asked people to not repeat what others have said and to stick to the 2-minute limit so that hopefully all could speak.

7. Joel Feingold led the chant "Fight! Fight! Fight! Housing is a human right!" He spoke of the right of evicted tenants to return and the demand for as much low-income housing as possible. We need 100% living wage jobs.
8. Quo Yun from CSWA spoke through a translator. She has worked here over 2 years. She can't afford a place to live with her 2 children, even with a good job earning \$2000/month and rent of \$1000/month. She has 1 room. Other people have less income than she. Government land should be 100% low-income housing.
9. Wah Lee from CSWA spoke through a translator. CB3 must use their power to fight for low-income families in the district. Low income people's rights in the community are being taken. It must include a school and health care center and gathering places for young people. Councilmember Chin's recommendation to support this is not a good one. Community members should not be treated like children.
10. Joanne Lum from the People's First Campaign spoke against affordability, which it really isn't, and for only 60 years. In 197, the 1800 families that were dispersed, never got the chance to come back. Are the same plans being enforced now? We need spaces that small businesses can afford. We want a chance to make our own plan.
11. Yolanda Donato of the National Mobilization against Sweatshops spoke of Margaret Chin's recommendation to support this plan. She recommends instead to vote for a plan that guarantees 100% urgently-needed low-income housing. She said apartments available to people earning up to \$130,000 are NOT low-income. The plan should also include senior centers, health clinics, day care centers, etc. so the community can continue to develop. This plan benefits big developers.
12. Michael Lalan of the National Association against Sweatshops and the Coalition to Protect Chinatown and the Lower East Side spoke of the vote of several CB3 Housing and Land Use Committee members against this vote. "Affordable" must be defined so it is truly affordable. There are 1000s of seniors, veterans, restaurant workers, etc. who keep our small businesses and our community going.
13. Gilbert Alicea, a member of GOLES, said he is undecided on this issue, but he questions the 60-year affordability limit. What about elderly people who won't be here in 60 years? He understands schools are overcrowded. Adding residences will increase the need for a school.
14. Carol Anastasio spoke in favor of the plan because she sees it as a plan to diversify the community. Looking out, she sees low-income and middle-income residents. It includes parks and talks about schools. It's disingenuous to talk about upper income limits when there are realistic low-income limits too. She thanks everybody who worked hard on this plan.
15. Wanda DiVena from Puerto Rico was attracted to the diversity of the neighborhood. She supports this plan because it includes diversity, not just low-income. She's a mother of 3.
16. Luis Torres, a member of 32 B.J. (a service workers union) is most concerned about good jobs and permanent affordability.
17. Maritza Silva-Farrell works for an association building relationships between communities, ALIGN. They have moved to disapproval of the current proposal. She listed recommendations, including wage

- standards, 50% local hiring, a ban on WalMart, and others. The values of the neighborhood must be maintained. Changes must be made.
18. Stephanie Yazgi from WalMart Free NYC spoke about the retail needs of the local community as it is. She cited the lack of community recommendations into this process, and that they must be included in the RFP process. Many studies have shown that the presence of a WalMart depresses wages in an existing area.
 19. Kimberly Kelly from GOLES spoke of the difficulty of finding jobs, and jobs that pay well enough. There should be good housing for young people to have a healthy environment in which to grow. She recommended building a boys and girls club. (She was told by Chair Berg that she had not listened to information provided by Margaret Chin.)
 20. Chris Mangual wants to make sure his 2-year-old niece can grow up in the neighborhood. He's a dancer. Why is there no performing arts school in the project so that people can improve and improve and improve?
 21. Teresa Pedrona from GOLES said there should not be a WalMart. Her granddaughter was struck and killed by a care on Delancey. A big box store would attract more traffic, making the area more dangerous.
 22. Auguste Olson has been staring at the vacant lots for a long time. The plan represents a workable solution. It's not perfect. Putting it to rest tonight is not the answer.
 23. Bob Zuckerman of the LES BID said it was a privilege and honor to work with CB3 and committee members on this plan. He agrees with Margaret Chin that this is a community plan, not a city plan. He knows Chin and Mendez will fight tooth and nail as part of the progressive caucus of the City Council to fight for the recommendations. There will be 450 new low-moderate income units, plus retail.
 24. Jac Zagoury of SHARE reiterated that Margaret Chin confirmed that affordability will be permanent. We all aim to keep the mix of history and charm. Change will grow out of the past and allow us to grow to the future. This will open up jobs and possibilities. To leave a hole in the ground for the next 40 years is the opposite of what we want.
 25. Val Orcelli of Cooper Square MHA and the Land Use Committee thought this would be the most difficult speech of his life. He cited project features already mentioned. He voted "no" because of the City's lack of commitment to permanent affordability. Therefore he urges CB3 to vote unanimously for this agreement, knowing that we have to keep working on some issues. We'll speak up at every step of the ULURP process. He's developed over 1000 units of mixed-income housing. Upper-income has to be in there to subsidize the lower-income. Who protesting for 100% low-income housing has developed any housing units? 50% of something is 100% better than nothing.
 26. Ting Ting of CSMA spoke through a translator. She lives in Chinatown. She wants SPURA to be 100% low-income housing and affordability for small businesses.
 27. 27) Angel Diaz, Chair of the Social Justice Committee of St. Mary's Church, cited the pastor. This Sunday they celebrate 186 years of active service to LES parishioners. They have tried to help the poor and those hurting the most. He was very glad to hear we won permanent affordability. We are at the right time to get something done on that site. We ask the city to keep its promise not to forget those who were relocated. We want jobs for local residents. St. Mary's has a congregation of 1000, many of whom who have no resources to move or live where they want.
 28. Ming Xing spoke through a translator. He's lived and worked in Chinatown for over 10 years and saw a lot of change, with new immigrants. He sees hotels and highrises, not small businesses. Working people and small businesses can't afford high rents. These are the 99%. We need to think about the next generation.
 29. Tito Delgado thanks the Land Use Committee for sticking together to preserve the LES we all believe in.
 30. Carmen Negrón of GOLES has been here for 45 years. She doesn't recognize the neighborhood she knew then. She now won't speak about permanence, but will address affordability. She wants to keep the LES the way it is. People of color can't afford to stay. Her son went away to college, came back and is living with her because he can't find an affordable apartment.
 31. Sandy Lee Robertson is here to represent GOLES and Cooper Union. He talks about the problem of unaffordability for artists. There is need for artists to live AND work. Any democracy without the arts will not survive. Beans and rice is more important than skyscrapers.
 32. Jeannette Toomer of GOLES grew up in public housing. She wants to speak about what a family is. She's been displaced from the LES to Brooklyn. It's disgusting that developers have the right to determine affordability of a neighborhood. "They came here because of our culture," she said, speaking of recent arrivals to the neighborhood.
 33. Tunisia Riley represents working professional families. When her grandmother was raising her children on the LES, she knew her children could get a good education, could pay the rent, could later get an apartment. Her mother knew the same thing. We don't know that any more, about her generation or her son's. The civil rights movement didn't settle for 50%.
 34. Jose Gonzalez of GOLES spoke of lessons he learned on a trip to Washington. He recommended a "No" vote.
 35. Dan Morris of the RWDSU says No to WalMart and yes to living wage jobs.

Public Officials:

Mayor Michael Bloomberg, Pauline Yu: Absent

Public Advocate Bill de Blasio, Phil Jones: Absent

Comptroller John Liu, Sandra Ung: Absent

Borough President Scott Stringer, Jessica Silver: She introduced the new Community Liaison, David Czyzyk with CB3, CB 6, the LES Ecology Project, and Assemblyman Kavanagh have been visioning East River accessibility. There are flyers about 2 upcoming meetings, May 30 and June 7. They want to hear how the waterfront is used and how we'd like to see it used. Annual CB trainings are being held with information on City budget process, land use issues, etc. Longer-term members should also attend. Their office is next in the ULURP process after the CB. She knows of the CB3 Waterfront Task Force.

Congressmember Jerrold Nadler, Daniel Weisfeld: Absent

Congressmember Nydia Velazquez, Judy Lei: \$8M Is flowing to 2 community health centers in Chinatown and Brooklyn. She spoke of the Martinez deportation case. She addressed anti-hazing measures in the military. She is committed to permanent affordable housing. She hopes to see an increase in affordable units. She hopes a favorable agreement will be reached today so the progress will move forward.

Congressmember Carolyn Maloney, Victor Montesinos: Absent

Assembly Speaker Sheldon Silver, Zach Bommer: He had a long speech about after-school cuts, minimum wage, and the dream fund, and instead congratulates the all-volunteer board on this milestone, especially the leadership of Dominic and David. Full reports are in the back.

Assemblymember Deborah J. Glick, Sarah Malloy-Good: Absent

Assemblymember Brian Kavanagh, Leslie Pena: Absent

State Senator Daniel L. Squadron, Tim Roberts (Chief of Staff): He says "ditto" to what Zach Bommer said. The announcement of permanent affordability is a very exciting thing. We know it's not perfect and there's work to be done.

State Senator Thomas K. Duane, John Bartos: He joined his colleagues in calling for Campaign Finance Reform Fund. He encourages the Governor to make this a priority. He introduced legislation creating a single-payer insurance plan in NYS, which will go farther than the federal plan. Access to health care is a right, not a privilege.

Councilmember Margaret Chin: She thanked CB3 and community members who worked so many years to put this proposal together. She grew up in the community. She's proud of her record providing housing and other benefits for 1000s of community members whom she knows. It's important to build housing on that site. We've heard you loud and clear. Last week at Land Use she urged everyone to vote for this. It continues the good work that was done. The City heard us loud and clear and ARE making the commitment to permanent affordability. They knew this was an important issue. This morning they made that commitment in a meeting. We will continue to fight for the recommendations in the guidelines. The City's other commitment is to have CB3 and the community involved in the RFP process. A vote today isn't the end of the process. We will be using from within the community individuals and groups with experience building low-income and senior housing, etc. It's not a city plan; the community developed this plan. She and Rosie Mendez will fight at the City Council for the community's recommendations.

Matt Viggiano reported that the newsletter is in the back.

Councilmember Rosie Mendez: She has Margaret Chin's back, and the community's back. She will keep fighting for what the community tells them to fight for.

Members Present at First Vote:

David Adams	[P]	Natasha Dillon	[A]	Herman F. Hewitt	[P]
Dominic P. Berg	[P]	Harvey Epstein	[P]	Anne K. Johnson	[P]
Karen Blatt	[P]	Morris Fajtelewicz	[P]	Linda Jones	[P]
Jimmy Cheng	[A]	Flora Ferng	[P]	Vaylateena Jones	[P]
MyPhuong Chung	[P]	Rabbi Y. S. Ginzberg	[P]	Meghan Joye	[P]
David Conn	[P]	Gloria Goldenberg	[P]	Joel Kaplan	[P]
David Crane	[P]	Jan Hanvik	[P]	Lisa Kaplan	[P]

Carol Kostik	[P]	Alexandra Militano	[P]	Nancy Sparrow-Bartow	[P]
Ben Landy	[A]	Chiun Ng	[P]	William Strom	[P]
John Leo	[P]	Ariel Palitz	[P]	Gary Tai	[P]
Ricky Leung	[P]	Thomas Parker	[P]	Wilson Tang	[P]
Sam Leung	[P]	Carolyn Ratcliffe	[A]	Elinor Tatum	[P]
Gigi Li	[P]	Joyce Ravitz	[P]	Rodney Washington	[P]
William LoSasso	[P]	Carlina Rivera	[P]	Jack Waters	[P]
Bernard Marti	[P]	Jamie Rogers	[P]	Justin Yu	[A]
David McWater	[P]	Richard F. Ropiak	[P]	Thomas Yu	[P]
Charlotte Miles	[P]	Susan Scheer	[P]		

Minutes:

Minutes of March 2012 were approved, as is.

Board Chairperson's Report:

Chairperson Dominic Berg: 1) He thanks the volunteers who served on the Nominating Committee. There will be an announcement about that in a few minutes. 2) SPURA: He appreciates the thanks. It was 3 ½ years, and many meetings, and 45+ years for everyone else. He thanks Linda Jones, who co-chaired with David McWater. Councilmember Chin mentioned some important things. He's been talking with the City about the RFP process. We need to have a strong voice at the table. He would have liked to have an actual vote, but the solution is unprecedented. CB3 will be part of the development of criteria for the RFP. The Task Force will review the criteria. That feedback, part of the technical score, is unprecedented. This is a big win for CB3. The committee's vote was divided, but we were united in the message of permanent affordability. He had faith that the electeds would support permanent affordability, supported by the community.

District Manager's Report:

District Manager Susan Stetzer: She'll send emails to the chairs about the start of the District Need and budget process.

Committee Reports:

Executive Committee

no vote necessary

Nominating Committee: Richard Ropiak presented a slate, to be voted on next month. Candidates next month have the chance next month, if they choose, to speak for 2 minutes. For Chair: Gigi Li. First Vice-Chair Herman Hewitt. Second Vice-Chair. Tom Parker, Ricky Leung. David Conn. Secretary: Bernard Marti, Carlina Rivera, Assistant Secretary: Jan Hanvik. Treasurer: Bill LoSasso. Anne Johnson seconded. The vote will be taken at the end.

Land Use, Zoning, Public & Private Housing Committee

Thursday, May 03, 2012 Meeting

David McWater emphasized Dominic's point about the division of the committee last week, for the first time in years, but in a way, more united than ever. He says he is thanked, but Linda Jones does the bulk of the work. He asked Melissa from EDC to speak. Everyone speaks badly of the city, but EDC has been honest about fighting. She and Gabriella from HPD are committed to permanent affordable housing. Harvey Epstein asked if the ULURUP would be amended now. The answer was that it will go in Council approval. This is in emailed i.e. written confirmed form. He reminds us that the vote is a "yes with conditions." The Speaker, Borough President, Senator Squadron, and Council members have been incredibly supportive.

Lisa Kaplan's recommendations were incorporated as a friendly amendment.

Joyce Ravitz; The Task Force of 3-7 members is guided by the Board's stance and guidelines. Susan Scheer's question about how changes at the Council level would be dealt with was answered with the clarification that CB3 will be involved in all of those discussions. Dominic thanked Eric Bottcher from the Governor's office, Susan, and Julie for their data gathering re the need for a school. The City Council will hold hearings on this issue and they will be open to public testimony.

- Discussion and working meeting to prepare for Seward Park Mixed use project ULURP recommendation
no vote necessary

Thursday, May 16, 2012 Meeting

- Working meeting and committee recommendation vote on resolution for Seward Park Mixed Use Project ULURP

VOTE: Dominic called the vote at 9:05 PM.

Seward Park Mixed-Use Development

Resolution in support of ULURP and UDAAP applications relating to the Seward Park Mixed-Use Development: C120245 PPM, C120237 PQM, C120156 MMM, C120234 ZSM, C120235 ZSM, C120233 ZSM, C120226 ZMM, C120228 ZSM, C120229 ZSM, C120231 ZSM, C120227 ZRM, Z120230 ZAM, and C120236 HAM

WHEREAS, the Seward Park Urban Renewal Site has sat vacant for more than forty years; and

WHEREAS, in January 2011 Community Board 3, Manhattan ("CB3") reached an historic milestone by unanimously approving the "Seward Park Guidelines" and in June 2011 approved "Design Principles" (collectively known as the "Guidelines") for the project site (included in this resolution--see Appendix A); and

WHEREAS, the ULURP reflects CB3's commitment to affordable housing and is in accordance with the affordable housing parameters below set forth in our guidelines; and

- Approximately 50 percent of all units should be available at market-rate values (i.e., for households with no income restrictions). ("Approximately" is defined as give or take one or two percent.)
- Approximately 10 percent of all units must be reserved for middle-income households.
- Approximately 10 percent of all units must be reserved for moderate-income households
- Approximately 20 percent of all units must be reserved for low-income households.
- Approximately 10 percent of all units must be reserved for low-income seniors; and

WHEREAS, the ULURP reflects Community Board 3's commitment to the economic revitalization of the area and consistent with our guidelines calls for 40% of the FAR to be developed commercially; and

WHEREAS, consistent with the Community Board 3's policy guidelines the project reflects the mixed-income nature of the neighborhood; and

WHEREAS, consistent with Community Board 3's design guidelines the project reflects the mixed use nature of the neighborhood as well as the different contextual designs north and south of Delancey; and

WHEREAS, consistent with Community Board 3's commitment to outdoor space the project includes a small park; and

WHEREAS, consistent with Community Board 3's principles all existing streets including those de-mapped currently will be preserved; and

WHEREAS, consistent with Community Board 3's principles all residential parking lots will be replaced in the new development; and

THEREFORE BE IT RESOLVED, the above named applications are approved by Community Board 3 ("CB3") subject to the conditions that follow.

BE IT FURTHER RESOLVED, that Community Board 3 forwards this approval but only with the following conditions to all of the elected officials representing this area, as well as to Deputy Mayor for Economic Development Robert K. Steele, Mr. Seth Pinsky, Economic Development Corporation of NYC, as well as the Departments of Housing Preservation and Development, and City Planning.

Conditions of Approval

RFP Creation and Monitoring

Consistent with our conditions for approval of this ULURP action, we maintain that the RFP must reflect the following:

- *Regarding the production of housing units*, if the SPURA projects proceed in phases as a result of the RFP process, each and every phase/project must incorporate a housing component, and the housing in each phase must be developed in the same proportions as required by the ULURP.
- *Regarding employment*, if the SPURA project proceeds in phases as a result of the RFP process, each and every phase/project must commit both in effort and in results to the local hiring provisions outlined elsewhere in this resolution.
- *Regarding the production of community spaces, open spaces, and other "amenities,"* if the SPURA project proceeds in phases as a result of the RFP process, these amenities cannot be "back-ended" to

the final phases and the developer(s) must verify the provision of these amenities on a phasing schedule acceptable to CB3.

- *Community representation.* The City of New York must ensure that representatives selected by CB3 (no less than 3 members and no more than 7 appointed by the CB3 Chairperson) participate fully and transparently on a task force (similar to what was established for Manhattan Community Board 11 (CB11) on the E. 125th St. project) to provide input in the drafting of the RFP(s) which result from the ULURP action. This task force will meet at a minimum on a bi-monthly recurring basis with City officials.
- *Task force.* The Seward Park Mixed Use Development Project Task Force, "the task force," will be led by and include the above mentioned CB3 members, as well as one representative from each of the members of the City Council Districts represented in CB3 and one from the Manhattan Borough President, as well as representatives of two local stakeholder groups as appointed by the CB3 Chair. The majority of members of the task force will be composed of CB3 members.
- *Task force participation process.* The City will commit to continuing its partnership with the community on the Seward Park Mixed Use Development Project, including the community's participation within the City's RFP process as follows:
 - Prior to releasing the RFP, the City will meet with the Task Force designated by the Community Board to request their priority goals. This will include, but not be limited to, a discussion about preferences for ground-floor and retail uses. The Task Force will review final RFP goals and selection criteria prior to the City's release of the RFP.
 - One of the selection criteria in the RFP will be that the Task Force preferences will be considered in final selection.
 - Upon receipt of developer proposals, the City will provide summaries—with identifying information removed—to the Task Force of viable responses and discuss the proposals. The Task Force will provide feedback as to which proposal(s) and aspects of proposal(s) it considers to best meet the community goals. As noted, this feedback will be formally considered as part of the selection criteria.
 - Prior to final selection, the City will discuss the proposed selection with the Task Force.
 - Issued RFPs will state that developers will be required to work with the task force during the development, construction, leasing and operation of the project phase(s) in order to ensure ongoing dialogue between the Developer and the community.

Local developer participation. Issued RFPs will require that all major developers must partner with local nonprofit developers, as has been agreed to by the City in other projects. In addition, those nonprofit partners must be required to build a substantial amount of affordable housing (not less than 20% of units).

- *Monitoring and training candidates for employment.* Issued RFPs will require that the winning developer(s) will provide \$##### per phase of development to the Lower East Side Employment Network to support the ongoing monitoring and training of local candidates. This is similar to CB11's requirement on the E. 125th Street project.
- *Consistency with CB3 Project Goals and Guidelines.* The City of New York must ensure that the task force will have the ability to examine and review the RFP(s) regarding compliance with CB3 project goals. The task force will rank proposals in priority order and the City will make all diligent efforts to comply with those recommendations. In addition CB3 requires written assurances from the City that the RFP will be consistent with the conditions laid out within this approval and will include the attached original CB3 Guidelines passed in January 2011 and June 2011.
- *Quality of life issues.* The City of New York will respect any Memoranda of Understanding between CB3, the task force, and the selected developer should quality of life issues arise as a result of the development or agreed to changes in project goals or be required during the implementation phase of development, e.g. double pane windows are needed for buildings adjacent to the project site or local hiring goals have peaked and are agreed to be reduced by the task force.
- *Multiple Developers.* The City shall select multiple developers. Preference must be given to Lower East Side and/or other local non-profit developers. The cumulative effect of their proposals and subsequent actions must result in a development that adheres to CB3's guidelines and underlying principles. A single developer will have too much leverage against the City and will be able to seek modifications of the RFP from the city as the negotiation process moves forward as seen in numerous other developments throughout NYC.

- *Dormitories.* The RFP will expressly prohibit dormitories. The City will not select a developer to develop dormitories.

Affordable Housing

Whereas, the Mayor of NYC through the EDC and HPD has committed that all Affordable Housing will be required to remain so in perpetuity.

Affordable Housing in Perpetuity. All affordable housing built as part of SPURA development will be affordable in perpetuity. This is what was intended when Guidelines were agreed upon and passed CB3. The redevelopment of all nine sites including the Large Scale General Development (LSGD) Plan for the Seward Park Urban Renewal Area will have a tremendous impact on the surrounding community--already subject to permanent demographic change and development pressures that favor and promote market rate housing and commercial uses that most long-time neighborhood residents cannot afford. The ULURP documents will guarantee that all subsidized housing produced in Seward Park is permanently affordable, thereby incorporating a "forever" commitment that the 50% affordable housing in the plan will remain accessible and affordable for generations to come.

All Buildings Should Be Mixed Income. The language of the ULURP documents must include a guarantee that each residential development built, (with the exception of Housing for the Elderly), must have apartments to accommodate all income groups outlined in the plan. Additionally, all of the affordable units must be integrated with the market rate housing without discernible differentiation by location, unit mix, size, and material or design quality; there may, however, be differentiation by unit finishings.

The affordable housing may be built in stages, provided that the ratio of affordable units is never less than 50 percent of all residential units built in any phase. Therefore, the City must guarantee that they will not build only commercial development in any phase of construction.

Allocation of affordable units

The City commits that sufficient residential square footage will be set aside and reserved for residential use in order to develop 900 units. CB 3 requested at least 800 and preferably more than 1,000 housing units *in* the guidelines for the site, to be allocated as follows:

- In total, *approximately* 10 percent of all units must be affordable to renters/buyers with household income between 131% and 165% percent of the area median income ("AMI").
- *Approximately* 10 percent of all units must be affordable to renters/buyers with household income between 51% up to 130% of AMI.
- *Approximately* 20 percent of all units must be affordable to renters/buyers with household income below 50% percent of AMI.
- *Approximately* 10 percent of all units must be affordable to seniors with income below 50% of AMI.
- At least 50% of all affordable units are to be offered to CB3 area residents under community preference.

Big Box Stores

CB3 is steadfastly opposed to big box development on any of the sites within the SPURA plan. We firmly believe that such stores will threaten existing small businesses and will generally disrupt the community's character. Our Guidelines passed in January 2011 said very directly "With the exception of a possible supermarket, no single retail tenant should exceed 30,000 square feet in size." The ULURP document not only allows for such development; in fact it includes an action which permits very large departments stores with a metropolitan focus to be built in the proposed C2-5 District on sites 3-6. *Without a special permit and a zoning text amendment to ZR Section 74-744 such stores could not be built in this zone.*

Essex Street Market

In accordance with our Guidelines, CB3 approves the Essex Street Market plan with the following conditions:

- Vendors must be charged approximately the same or similar rent that they are paying at the time of moving for the same amount of space in the new facility.

- Additionally, the City must provide financial assistance for the entire cost of moving all vendors who wish to move to the new building, and if the City will not pay these expenses, they must find other partners or otherwise make available additional resources so that the vendors will not be responsible for paying for their own moving costs.

Local Hiring / Living Wage

Preference for at least 50% of all jobs (during the construction period and permanent). Every effort must be made to reach a goal of 50% of all jobs being given to CB3 residents, with prevailing wages for construction jobs and living wage for permanent jobs. Of the 50%, 25% must be new positions, not positions transferred from other sites. Should such efforts be made in consultation with the task force and it appears that meeting the 50% goal is not achievable, agreement can be reached between the task force and the developer as to another reasonable goal.

Former Site Tenants

Opportunity must be provided to rent affordable units in the new development to qualifying SPURA former or present residents relocated as a result of the project.

The City in partnership with CB3, must conduct extensive and credible outreach to identify, locate and notify all qualifying former site tenants about the proposed new housing development on SPURA, their continued right to return to the site, and the application process for priority inclusion in the new housing that is built.

School

We find that there is a demonstrable need for a shared District 1 and District 2 Pre-K to 8th grade school to be built as part of the Seward Park Mixed Use Project Site. The project site straddles the current boundary of Community School Districts 1 and 2.

See Appendix B for a discussion of the case for a shared school.

Rear Yards on Sites 8, 9, and 10

CB3 recommends that this ULURP document include an action to waive the rear yard requirement for the three sites located north of Delancey Street. Although the document assumes that these three sites will produce approximately 100 residential units, they are very narrow, no deeper than 70 feet at the widest point, making them difficult to redevelop for residential use. Most of these three sites are in a C4-4A zone, which requires a rear yard. We fear that a building of only 40 or 50 feet in depth will be expensive to build, will make awkwardly designed dwelling units, or may never yield the desired housing. A waiver of the rear yard requirement would make these sites more suitable for housing development.

Appendix A: Seward Park Mixed Use Development Project's Community Board 3 Guidelines

January 2011 Seward Park Urban Renewal Area Guidelines

CB3 Guidelines for Seward Park Sites Redevelopment

Presented below are recommended guidelines for consideration by Manhattan's Community Board 3 (CB 3). The CB 3 Land Use, Zoning, Public & Private Housing Committee prepared these guidelines. They are intended to guide the City of New York in its preparation of a plan and subsequent Requests for Proposals (RFP) to develop the Seward Park sites.

I. INTRODUCTION

1. Guiding Principles

- 1) The plan and subsequent RFP(s) for the Seward Park Sites must be in accordance with the principles laid out herein. Maximization of City revenue from the sale of the land should be a secondary consideration.
- 2) The City should select multiple developers, with additional consideration given to Lower East Side and/or other local non-profit developers. The cumulative effect of their proposals and subsequent actions must result in a development that adheres to these guidelines and underlying principles.
- 3) The City's conveyance of the land must include deed and other binding restrictions to assure that these principles are achieved.

2. Community Oversight

- 1) The City must communicate regularly with CB 3 and any CB 3 designated committee on all aspects of project development, from preparation of the RFP and the Uniform Land Use Review Procedure (ULURP) process through tenant selection, inclusive of completion of all associated planning, programming and development.

2. 2) There must be robust community participation in the planning and review process for the sites. This includes open information, widely distributed announcements and regularly scheduled public meetings distinct from public hearings.

II. LAND USE AND PROGRAM

A. Mixed-Use Development

- 1) The mixed-use, mixed-income character of the neighborhood must be reflected in the development plan for the sites.
- 2) Each phase of development must reflect the mixed-use, mixed-income guidelines indicated herein, except if federal regulations require senior housing to be separated from other uses and thus built as an independent phase or project element.

B. Commercial Development

1. 1) Full opportunity should be provided for economic development and local employment and entrepreneurship. Fifty percent of all on-site employment opportunities must at all times be filled by CB 3 residents; employers must make diligent efforts to advertise job openings locally. All employment opportunities should offer wages that take into consideration the cost of living in New York City, rather than the statewide minimum wage.
2. 2) Retail should be maximized in street-level building frontages along major streets (i.e., Delancey Street west of Clinton Street and Essex Street).
3. 3) Local service and convenience retail uses should predominate in street-level building frontages along side streets (i.e., Broome Street, Grand Street, Ludlow Street, Norfolk Street and/or Suffolk Street).
4. 4) Mid-box retail should be encouraged to locate predominantly on the second floors of buildings along major streets (i.e., Delancey Street and/or Essex Street). "Mid-box" retail is defined as stores equal to 10,000 to 30,000 square feet (sf).
5. 5) With the exception of a possible supermarket, no single retail tenant should exceed 30,000 sf in size. In addition, no more than three new liquor licenses within 500 feet of each other should be issued to establishments on the side streets, and no licenses can be established within 200 feet of any school or religious institution.
6. 6) There is a strong preference that the existing Essex Street Market remain on its current site. However, if the Market is to be relocated, it must remain public and be moved to a superior site on a major street to accommodate a larger market with more goods and services. The existing Essex Street Market must not be closed or demolished before the new, larger market is open. Every effort should be made to retain the then current tenants of the Essex Street Market during the change in location and facility. Such efforts should include providing special consideration as to rents (e.g., rent increases should be comparable to existing contracts), assisting tenants with moving and relocation costs (e.g., through the creation of a fund or by way of a requirement in the RFP), and assuring that the new market space is move-in ready before tenants are relocated.
7. 7) Every phase of retail development must provide a diversity of goods, services and price points.
8. 8) Non-retail, commercial development – including office, hotel and/or a movie theater – should be provided. A movie theater is a priority; this use could be a component of a multi-purpose performance space, including one in connection with civic uses (see #II.D). The final commercial uses and their floor areas will depend on market conditions at the time of development, as well as satisfactory proposals by development or operating entities.

C. Housing

- 1) The sites should be developed to optimize their aggregate residential potential. At least 800 and preferably more than 1,000 housing units must be provided. (This range should be refined following community engagement in connection with anticipated urban design analyses for the site.) However, the overall housing component should not comprise less than 60 percent of the total floor area of all sites, excluding floor area devoted to below-grade parking.
- 2) The mixed-income character of the neighborhood must be reflected in the development plan for the sites. Accordingly:
 - a. Approximately 50 percent of all units should be available at market-rate values (i.e., for households with no income restrictions). ("Approximately" is defined as give or take one or two percent.)
 - b. Approximately 10 percent of all units must be reserved for middle-income households.
 - c. Approximately 10 percent of all units must be reserved for moderate-income households.
 - d. Approximately 20 percent of all units must be reserved for low-income households.
 - e. Approximately 10 percent of all units must be reserved for low-income seniors.
 - f. Supportive housing for low-income individuals and/or families is permitted under any of the above allocations (see #II.C.2).
 - g. The household income definitions are as follows:

Percent of Area Income Range Median Income

Middle income 131 – 165 percent Moderate income 51 – 130 percent Low income < 50 percent

Maximum Income* \$130,000 \$100,000 \$ 40,000

* Income limits are 2010 approximations for a family of four based on the most recently available data and will change from year to year; they are shown here for illustrative purposes only.

h. Units should be affordable to a multitude of incomes within the above ranges (see #II.C.2.g), rather than to just the upper limits of each.

3) Every effort should be made to secure Federal, State and other outside funding to achieve the quantities of non-market-rate housing set forth above. The ability of respondent developers to maximize the number of non-market-rate units should be a major criterion of the RFP and in the selection of developers.

4) Developers must be encouraged to consider affordable homeownership and variant models (such as mutual housing).

5) In mixed-income buildings, the non-market-rate units should be integrated with the market-rate housing and be indistinguishable from the exterior in terms of material and design quality. Further, the non-market-rate component should have at least the same proportion of two- and three-bedroom apartments as the market-rate component; however, in all cases, at least 40 percent of all non-market-rate units should be two-bedrooms or larger. All non-market-rate units must comply with the NYC Department of Housing Preservation and Development (HPD) "Design Guidelines for New Construction," which includes standards for unit size and layout.

6) At least 50 percent of the non-market-rate housing units should be prioritized (in the following order) for residents who may be relocated as a result of planned development, Tenants at Title Vesting – the former site tenants – and qualifying residents of Community District 3. There should be a robust procedure for notifying Tenants at Title Vesting about their right to return, such as described in the Appendix (see below).

7) All non-market-rate units must remain affordable in perpetuity.

D. Civic Uses

1. 1) The site development must include community, cultural and/or institutional ("civic") uses and amenities that benefit residents of all ages.
2. 2) Full opportunity should be provided for civic uses and amenities. It is understood that such use(s) for each site will depend on project feasibility as well as a satisfactory proposal by a development or operating entity. Civic use is broadly defined to include a possible non- or limited-profit retail component and/or non-profit offices.
3. 3) The civic use obligation may in large measure but not entirely be satisfied by any one such use.
4. 4) Sufficient land and building capacity should be set aside for a public primary or secondary school. Ideally, students from both School Districts 1 and 2 should be allowed to attend the school, regardless of which district it is ultimately located in. (This will result in either new flexible district boundaries – as already exists at 14th Street – or a redistricting of the area to include the entire Seward Park development in District 1) The siting of the school should allow it to be oriented to a side street.
5. 5) An assisted living/nursing home is a preferred community facility use.
6. 6) Parks and open space must be a major feature of the final development program. A side street orientation is preferred for local neighborhood open space, such as a playground.
7. 7) Every effort should be made to include a non- or limited-profit retail or other commercial component in the final program. This use may substitute for either local service or convenience retail (see #II.B.3). It is understood that this use will depend on project feasibility as well as a satisfactory proposal by a development or operating entity.

III. SITE LAYOUT AND DEVELOPMENT

1. Site-Specific Concerns

If necessary, as a development plan approaches and enters the ULURP process, site-specific concerns (e.g., regarding program mix, affordability, urban design or other aspects) that arise should continue to be addressed by members of the Community Board, its designated committee and the City.

2. Commercial Overlay

The sites along Delancey Street and Grand Street should be rezoned to include a commercial overlay.

3. Urban Design

1. 1) The final building and site plans must be in keeping with current planning principles of contextual design: e.g., building orientation and access should support and enhance the pedestrian realm and weave together the fabric of the neighborhood. Their final designs should consider successful models that have been employed in other cities around the nation and the world, especially as they pertain to mixed-income and mixed-use developments.
2. 2) Existing streets, including those that have been de-mapped, should be preserved.
3. 3) The development should exemplify good urban design and sound environmental principles. Environmental design solutions, such as passive and active energy and water use efficiencies, should be promoted. The development should comply with Enterprise Green Communities certification, which has been adopted by HPD as the standard for its new projects.

4. Parking

The development should include approximately the same amount of public parking as currently exists for cars (i.e., excluding commercial vehicles and trucks) that will be displaced as a result of development.

IV. Appendix

Model language/procedure for contacting former site tenants:

"Upon the initiation of the Environmental Impact Review, the City must mail a letter to all former site tenants and to all children of former site tenants apprising them of the planning process and assuring them that all

former site tenants and all children of former site tenants will have first priority for all non-market units once housing is built on the site. Upon the award of the RFP(s), the City must mail a binding document to all former site tenants and all children of former site tenants informing them of their first priority for all non-market units on the site. In this same mailing, the City must also enclose a pre-application for this housing to guide the later tenant selection process."

June 2011 Design Principle Motions

MOTION 1:

WHEREAS, the Community Board 3 Land Use, Zoning, Public & Private Housing Committee is considering guidelines for the Seward Park Redevelopment Project Environmental Impact Study (EIS); so

THEREFORE, BE IT RESOLVED the committee supports the following Urban Design Principles for Sites 1-6 (those South of Delancey Street):

1. Height of all buildings. The buildings should be contextual in design, taking into account the unique crossroads of the two different urban design contexts presented by the area. As such, Sites 1, 3 and 6 should not exceed fourteen stories. Site 2 should not exceed 24 stories. Either Site 4 or 5 can be up to 24 stories, with the other not to exceed 14 stories.
2. School. If a school is developed (as preferred), it should be on Site 5, with the entrance on a side street and not Grand Street.
3. Commercial development. If commercial development is needed beyond the ground level and second floor (e.g., to comply with the guidelines), the extra commercial development should be placed on either Site 2 or Site 4, with a final determination following the EIS's study of the comparative impacts of the two alternative sites.
4. Public open space. Public open space of not less than 10,000 square feet should be provided on the north side of Site 5 or the south side of Sites 2, 3, or 4.
5. Pedestrian safety. A pedestrian overpass should be built over Delancey Street, between Site 2 and Site 9.
6. Parking. All future parking lots on any of the sites should be underground.
7. Street grid. The four streets in the grid should remain and be utilized.
8. Street life. The site area's design should be done so as to maximize street life.
9. Mixed-income quality. Assure that all of the buildings (with no exceptions) are mixed-income, so as to avoid the problem of uneven distribution of amenities, maintenance, and more; with the exception of senior housing that depends on federal funding that does not allow mixed-income.

Motion 2:

WHEREAS, the SPURA Guidelines approved by the Land Use, Zoning, Public and Private Housing Committee and unanimously by Community Board 3 in January 2011 specify that "with the exception of a possible supermarket, no single retail tenant should exceed 30,000 sf in size" and that "'mid-box' retail is defined as stores equal to 10,000 to 30,000 square feet (sf)"; and

WHEREAS, many chain stores achieve lower prices by paying inadequate wages to their employees; and

WHEREAS, chain stores may fail to provide adequate benefits to their employees; and

WHEREAS, the lower prices thus achieved may force out local small businesses the Guidelines encourage; so

THEREFORE, BE IT RESOLVED stores exceeding 15,000 sf (square feet) are required to hire locally, pay a living wage, and provide appropriate benefits.

Appendix B. Case for a school within the Seward Park Mixed Use Development

The Seward Park Mixed Use Project Site plan includes a potential 1,000 housing units. Of this total, at least 50 percent will be affordable housing. The entire development can be expected to attract families who will send their children to a local public school, for reasons of both affordability and quality. There is ample evidence, particularly in Manhattan and Brooklyn, that market rate residents are choosing to send their children to public schools rather than private schools as the quality of public schools and quality of life has improved under this administration¹

¹ Coplon, Jeff. "Five Year Olds at the Gate: Why are Manhattan's Elementary Schools Turning Away Kindergarteners? How the Bloomberg Administration Missed the Baby Boom it Helped Create." *New York Magazine*, May 24, 2009. Web: <http://nymag.com/print/?/news/features/56942/>

Even before adding the 1,000 planned units, an examination of data from the DOE 2007-2008 and 2008-2009 "Blue Books" shows that public school enrollment is growing faster in District 1 than in any other district in the entire city--by far--at 4.1 percent per year. The current enrollment growth shows no sign of abating. Indeed, there has been a double-digit percentage increase of over 12 percent in Kindergarten enrollment alone between 2009 and 2011. Moreover, the Department of City Planning anticipates overall population growth for Manhattan, with a 4.4% percentage change of school-age population from 2000-2030.² Birth data for Manhattan from 2000 to 2009 from the NYC Department of Health and Mental Hygiene shows a percentage change of .5% for the borough.

The enrollment increases are already contributing to rising class sizes, with 52 percent of District 1 General Education, Gifted and Talented, and CTT Kindergarten classes exceeding the benchmark of 19.9 students in K-3 in the City's Contract for Excellence Plan (established by law to settle the Campaign Fiscal Equity lawsuit in 2007) with 20.1 students in the 2011-2012 school year. The possibility of 30 children per class exists for District 1 schools in 2012-2013. Further contributing to space constraints is the infusion of charter schools into the community, which reduces the availability of classrooms as well as much-needed spaces for purposes such as cluster rooms, therapy areas for special education students, and libraries, all of which are vital to delivering a quality education. The district's significant percentages of special education and ELL pupils already create specific educational needs and will continue to do so. According to one projection, the number of special education students alone is expected to double, comprising over 16 percent of the total elementary and junior high enrollment by 2018. The district currently has approximately 14 percent English Language Learners. It is a priority for schools to meet these students' needs.

Over the last decade, School District 1 has seen the greatest improvement of any district in the city in terms of student achievement, despite an economically and ethnically diverse population, in large part because of two critical factors: the provision of full-day pre-Kindergarten and small class sizes in the early grades. These are the only two education reforms that have been proven through rigorous evidence to narrow the achievement gap.

If residential growth in CB3 is allowed to continue without any planning for a school, the schools in District 1 and 2 will likely lose their Pre-K programs, and class sizes will continue to increase in size to far above optimal levels. The 2,400 children on waiting lists (as of May 22, 2012) for their zoned Kindergarten both this year and last are testament to a severe lack of planning for large scale residential development.

Also, in grades 4-8, class sizes have increased in District 1. They rose from 20.1 students in a class on average in 2009-2010, to 20.6 in 2010-2011, and then jumped to 23 in 2011-2012. This now tops the Contract for Excellence Plan's goal of 22.9 for grades 4-8. It is worth noting that while the "Blue Book" assumes a class size of 28 in grades 4-8, this capacity number is not aligned with the City's own state-mandated Contract for Excellence Plan of an average class size of 23. The disconnect between policy and school construction is stark.

Unfortunately, the DOE cannot be relied upon to accurately forecast the need for school space. It is alarming to compare actual data to the DOE's own 2009 Grier report, which projected a five-year enrollment growth for District 1 of 7.6 percent from a 2008 baseline: the actual increase of 4.1 percent in 2008-2009 alone already surpassed the half-way point of the five-year projection. The consistent discrepancies in DOE's projections and actual enrollments have been documented in several reports, including studies by the Manhattan Borough President, NYC Comptroller, and other non-profit and industry analysts.

District 1 and District 2 are growing at a comparable rate. While District 2 suffers from extreme overcrowding, new schools are being built; yet this is not expected to satisfy the population increase in District 2 based on housing start projections. According to the NYC School Construction Authority's projected new housing starts, which are used for the 2010-2014 Capital Plan, enrollment projections show an additional 1,880 housing units between 2009 and 2018 for District 1.³ While housing starts had declined following the recession in 2007, the US Census Bureau and the Manhattan Borough President's office have reported on an increase in Manhattan since 2009.⁴

² "New York City Population Projections by Age/Sex and Borough, 2000-2030," New York City Department of City Planning, December 2006. Web: http://www.nyc.gov/html/dcp/pdf/census/projections_briefing_booklet.pdf

³ "Projected New Housing Starts as Used in the 2009-2018 Enrollment Projection 2010-2014 Capital Plan," New York City School Construction Authority. Web: <http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Housing/2009-2018HousingWebChart.pdf>

⁴ "School Daze: Fuzzy Numbers Mean Overcrowded Schools," Office of Manhattan Borough President Scott M. Stringer, September 2009. Web: http://mbpo.org/uploads/policy_reports/schooldaze.pdf

Therefore, for the reasons cited above as well as based on data gleaned by multiple governmental and industry reports, the need for a dual District 1 and District 2 Pre-K to 8th grade school on the Seward Park Mixed Use Project site is critical. A dual district school would provide flexibility and consistency with the Department of City Planning's own recommendations for responsible planning around new residential developments.⁵ The school should also be considered part of District 1's "District of Choice" policy whereby any District 1 student can rank the new school as their top choice school to enroll into and any child from District 2 who resides within CB3's boundaries can request to enter this school over their zoned school, yet will be able to attend the latter should a lottery system be employed at the new school and the child cannot attend the new school on the Seward Park Mixed Use Project site. This school would preferably serve CB3 children primarily within an approximate ½ mile radius of the school site with a 50/50 mix of District 1 and District 2 children as the first priority for acceptance. CB3 and the City shall work with the State legislature to amend the current boundaries to allow for this dual district system.

(Land Use, Zoning, Public & Private Housing Committee)

44 YES 0 NO 0 ABS 1 PNV MOTION PASSED

Economic Development Committee

No report.

- Report from the Subcommittee on Retail Diversity
no vote necessary

Transportation & Public Safety and Environment Committee

No report.

not submitted

Human Services, Health, Disability, & Seniors / Youth & Education Committee

No report.

1. Review District Needs Statement
no vote necessary
2. Review Senior Services inventory
no vote necessary
3. Discussion of issue of a school in Seward Park Mixed Use Development Project district
no vote necessary

Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee

No report.

1. Coleman Oval Dog Run- Improvements by the Adopt a Park agreement between Parks and Architecture for Humanity
no vote necessary
2. Tompkins Square Park movies/pre movie concerts Thursday, July-August
no vote necessary

Block Party Application

3. Iglesia Cristiana Monte Hermon Community Outreach and Informational Fair, 7/14, E 3rd St (Aves C-D)
VOTE: CB3 supports the block party application for Iglesia Cristiana Monte Hermon Community Outreach and Informational Fair, 7/14, E 3rd St (Aves C-D)

Arts & Cultural Affairs Task Force

No report.

1. Informational: NoHo Design District May 18-22
no vote necessary
2. Recognition of District Lifetime Achievement in the Arts
no vote necessary
3. Arts Jobs Training Project update
no vote necessary
4. Loss of art venues, particularly Houston-14th, Avenues A-D
no vote necessary

SLA & DCA Licensing Committee

⁵ "Community Facilities and Services: Developing Mitigation," CEQR Technical Manual, January 2012 edition, Page 6-15.

Web:

http://www.nyc.gov/html/oec/downloads/pdf/2012_ceqr_tm/2012_ceqr_tm_ch06_community_facilities_and_services.pdf

Renewal with Complaint History

9 is a denial because we didn't get the requested stipulations. Re #13, Le Lupenar, Carol Kostic neglected to put in a Whereas clause, which she read, and which will be emailed.

1. Boiler Room (JB Max Inc), 86 E 4th St (op)

VOTE: To deny the renewal of the full on-premise liquor license for JB Max Inc., doing business as Boiler Room, for the premise located at 86 East 4th Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that it will employ security to be located in front of the establishment Fridays and Saturdays and as needed on other days.

2. Ninth Ward (Church & Louis Inc), 180 2nd Ave (op)

VOTE: To deny the renewal of the full on-premise liquor license for Church & Louis Inc., doing business as Ninth Ward, for the premise located at 180 Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate its sidewalk café no later than 9:00 P.M. Sundays through Thursdays and 10:00 P.M. Fridays and Saturdays, 2) it will post signs on its façade asking patrons to be quiet, and 3) it will designate an employee to control noise and congestion from patrons in front of its establishment.

3. Numero 28 (La Meridiana 2 Ltd), 176 2nd Ave (wb)

VOTE: To deny the renewal of the beer wine license for La Meridiana 2 Ltd., doing business as Numero 28, for the premise located at 176 Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation 1) that it operate as a full-service Italian pizza restaurant, serving food to within one (1) hour of closing, 2) its hours of operation will be 11:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 11:00 A.M. to 1:00 A.M. Thursdays through Saturdays, 3) it will close any façade doors and windows at 10:00 P.M. every night, 4) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged.

4. The 13th Step (149 Second Ave Rest Inc), 149 2nd Ave (op)

VOTE: To deny the renewal of the full on-premise liquor license for 149 Second Ave. Rest. Inc., doing business as The 13th Step, for the premise located at 149 Second Avenue, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that it will employ doormen or security personnel all days, but particularly Thursdays through Saturdays from 10:00 P.M. to 4:00 A.M., to be located on the sidewalk outside of its establishment to mitigate noise and congestion.

Corporate Change with Complaint History

5. SakaMai (SakaMai LLC), 157 Ludlow St (op)

VOTE: To deny the application for a full on-premise liquor license for SakaMai LLC, for the premise located at 157 Ludlow Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Japanese restaurant, serving food during all hours of operation, 2) its hours of operation will be 5:00 P.M. to 4:00 A.M. all days, 3) it will play ambient background music, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will close any façade doors and windows at 10:00 P.M. every day, 5) it will create an indoor waiting area for patrons to minimize noise and congestion from people waiting on the sidewalk, and 6) it will post signs on its façade asking patrons to be quiet.

Sidewalk Café Application

6. Nicoletta (Letta #1 LLC), 160 2nd Ave

VOTE #1 (MOTION PASSED): To approve the application for a sidewalk café permit for sixteen (16) tables and thirty-seven (37) seats for Letta #1 LLC, with a proposed business name of Nicoletta, 160 Second Avenue, because the applicant has signed a change agreement which will become part of its DCA license that 1) the café will consist of sixteen (16) tables and thirty-seven (37) seats, with eleven (11) tables and twenty-five (25) seats located on Second Avenue, three (3) tables and eight (8) seats located on East 10th Street and two (2) tables and four (4) seats located on the corner of the café, and 2) it will maintain an awning over the café on both Second Avenue and East 10th Street.

VOTE #2 (MOTION PASSED): To approve the alteration of the full on-premise liquor license for Letta #1 LLC, with a proposed business name of Nicoletta, for the premise located at 160 Second Avenue, to wit extending said liquor license to a sidewalk café consisting of sixteen (16) tables and thirty-seven (37) seats.

7. Cornerstone Café (AO Café and Restaurant LLC), 17 Ave B

VOTE: To approve the application for a sidewalk café permit for six (6) tables and fourteen (14) seats for AO Café and Restaurant LLC, doing business as Cornerstone Cafe, 17 Avenue B, because the applicant has signed a change agreement which will become part of its DCA license that 1) the café will consist of six (6) tables and fourteen (14) seats, and 2) its hours of operation will be 8:00 A.M. to 11:00 P.M. every day.

Applications within Resolution Areas

8. To be Determined, 34 Ave A (wb)

withdrawn

9. Zaragoza Mexican Deli (Zaragoza Mexican Deli & Grocery Inc), 215 Ave A (b)

Vote: Application denied because the stipulations were not received.

VOTE: To deny the application for a beer license for Zarazoga Mexican Deli & Grocery Inc., doing business as Zarazoga Mexican Deli, for the premise located at 215 Avenue A, because the applicant has failed to sign and return a signed notarized stipulation that agrees before the SLA to make as conditions of its license that 1) it will operate as a bodega with fast food Mexican service, serving food during all hours of operation, 2) its hours of operation will be 10:00 A.M. to 12:00 A.M. Mondays through Thursdays, 10:00 A.M. to 4:00 A.M. Fridays and Saturdays and 11:00 A.M. to 12:00 A.M. Sundays, and 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged. Community Board #3 is approving this beer application although this is a locatvotion in an area with numerous licensed premises because 1) this location has operated as a deli for the past ten (10) years, has had sit down service for the past five (5) years and had a beer license through July of 2011, 2) although it allowed its license to expire in July of 2011 and received a violation for selling beer without a license in August of 2011, said violation is the only known violation which this applicant has had.

10. Pizza Grupo (Fat Dog Inc), 98 Ave B (wb/removal from 186 Ave B)

VOTE: To deny the application for a beer wine license for Fat Dog Inc., doing business as Pizza Grupo, for the premise located at 98 Avenue B, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service Italian pizza restaurant, serving food during all hours of operation, 2) its hours of operation will be 11:30 A.M. to 11:00 P.M. Sundays through Thursdays and 11:30 A.M. to 12:00 A.M. Fridays and Saturdays, 3) it will play ambient background music only, consisting of recorded music, and not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will maintain a closed fixed façade with no open doors or windows. Community Board #3 is approving this beer wine application although this is a location in an area with numerous licensed premises because 1) this location has operated as an Italian pizza restaurant at its present location of 186 Avenue B for the past eleven (11) years without any known complaints or violations, and 2) it is relocating to a location which was previously occupied by a licensed restaurant.

11. Babel, 129 Ave C (op)
withdrawn

Alterations

12. The Standard East Village (Cooper AB LLC), 25-33 Cooper Sq (op/close 2nd floor bar terrace/new outdoor space on north/alter hours/other alts)

VOTE: **WHEREAS**, the applicant, Cooper AB, LLC, by its qualified representative or principal, is seeking alterations to its hotel liquor license for a twenty-one (21) story hotel, doing business as The Standard East Village Hotel, and located on the northeast corner of East 5th Street and Cooper Square, New York, New York, otherwise known as 25-33 Cooper Square; and

WHEREAS, said applicant will maintain the primary method of operation of said location of renting hotel rooms and is seeking alteration of the following ancillary public uses:

1) a newly configured interior first floor restaurant comprised of the existing first floor interior dining space and first floor interior bar space, converting said bar space to a dining area and kitchen and moving the existing interior bar license to the interior Easternmost dining area, said combined area to maintain a capacity of two hundred three (203) people, have forty-five (45) tables with one hundred thirty-six (36) seats and a twenty-three (23) by seventeen (17) foot bar with twenty (20) stools;

2) eliminating the existing interior second floor restaurant and bar with a sixty-two (62) person capacity and with five (5) tables and twenty-three (23) seats and an additional seven (7) bar stools, by converting it into a guest room or other private hotel space;

3) maintaining the exterior first floor dining terrace with a sixty-six (66) person capacity and with eight (8) tables and forty (40) seats with closing hours of 10:00 P.M. weekdays and 11:00 P.M. Fridays and Saturdays;

4) privatizing the existing .exterior second floor terrace with a seventy-seven (77) person capacity and with three (3) tables and thirty-two (32) seats, comprised of chairs and couches, by making it an amenity to the private second story room referenced above, including removing the public staircase leading from the front entrance of the hotel, located on Bowery, to said terrace and removing the eastside staircase leading from the garden to said terrace;

5) transferring the second floor bar license for the eliminated second floor interior space to an interior and exterior café dining space fronting Bowery and consisting of a) fifteen (15) tables with thirty-four (34) seats and a sixteen (16) by eight (8) foot bar with fifteen (15) stools inside, and b) thirty-seven (37) tables with seventy-four (74) within the building property line outside on Bowery, with a closing time of 1:00 A.M.;

6) enclosing sixty percent (60%) of the exterior garden fronting East 5th Street which will become part of a newly configured lobby and consist of ten (10) tables with fifty-six (56) seats and a service bar of eighteen (18) by eight (80 feet);

7) maintaining a reduced exterior garden on East 5th Street, consisting of six (6) tables and twenty (20) seats, its existing closing time of 9:00 P.M. every night and soundproofed by additional walls enclosing said area on all sides and attaching a fixed trellis as a roof; and

THEREFORE, BE IT RESOLVED that, understanding that Cooper AB LLC has entered into a memorandum of understanding with the East Fifth Street Block Association regarding its method of operation (appended hereto), Community Board #3 moves to deny the application to alter the hotel liquor license from Cooper AB LLC, for 25-33 Cooper Square, doing business as the Standard East Village Hotel, to the extent outlined above, unless the applicant agrees before the SLA to include as conditions of its license the following signed, notarized **amended** stipulations which are only intended to amend any existing stipulations for areas which are specifically referenced herein, that

With respect to the exterior café fronting Bowery, 1) that said café will close at 1:00 A.M. every night, 2) That, the applicant will not apply for a sidewalk café permit for at least one (1) year after the opening of the proposed café and new entrance and will notify the East Fifth Street Block Association prior to submitting any application for a sidewalk café permit to the New York City Department of Consumer Affairs, 3) smoking in the outdoor café will be restricted to the northernmost area of Bowery, in order to be as far from 27 Cooper Square as possible; and

With respect to the first floor garden and dining terrace, 4) the applicant will incorporate sound attenuating materials to the exterior dining terrace to reduce sound transmission to my nearest neighbors, 5) the applicant monitor and enforce a no-smoking policy throughout the garden and dining terrace and will cordon off the garden to regulate its 9:00 P.M. closure, 6) the doors to the dining terrace and garden will be closed in conformity with existing stipulations

With respect to the newly configured lobby, 7) the lobby for said proposed entrance will be reserved principally as a gathering place for hotel guests and their guests, 8) the lobby will have a door leading to the garden located on East 5th Street, 9) wood will not be burned in the lobby fireplace; and

With respect to the second floor terrace, 10) the current second floor bar and terrace will be converted into and used as a private guest room and said terrace may be used for as many as twelve (12) events per year provided that all of said events conform with the existing stipulations signed by the applicant on September 19, 2011, and that guests will be advised of the rules and regulations pertaining to said entire area and hotel personnel will administer said rules and regulations, 11) That, the staircase leading from the second floor terrace to Bowery will be removed, 12) signs will be posted on the second floor terrace reminding guests to respect neighbors by keeping their voices and phone conversations low, 13) a raised planting bed of four (4) feet in width will be constructed along the property line of the entire easterly wall of the second floor terrace; and

And further that, 14) the applicant will adhere to the recommendations of an acoustical engineer that in the interior of the hotel, speakers will be located away from doors and hung with rubber mounts so that music and sound will be reasonably abated and in compliance with all applicable noise codes, only small speakers will be used, no subwoofers will be, and all sound systems will have sound limiters, 15) any sound from the interior of the hotel will conform with all applicable sections of the New York City Noise Code and the applicant will employ best efforts to make interior hotel sound undetectable to neighbors in their apartments, 16) the proposed hotel entrance which will be located at the 27 Cooper Square side of the hotel will be used by hotel guests and their guests only and patrons of the public areas of the hotel will use the northernmost entrance which will be located at 31 Cooper Square, 17) the proposed hotel entrance at 27 Cooper Square will be inset from the sidewalk so that the sidewalk will remain clear and will be staffed by hotel personnel at all times to minimize and noise and pedestrian and vehicular congestion from its operation, 18) any sound emanating from the café and interior restaurant entrance will conform with all applicable sections of the New York City Noise Code and I will employ an acoustical engineer to ensure that any sound emanating from the café and restaurant entrance will not disturb neighbors.

13. Le Lupanar (LES Development), 103 Essex St (op/extend operating hours)

VOTE: To deny the application for an alteration of a full on-premise liquor license for LES Development, doing business as Le Lupanar, 103 Essex Street, to wit changing its method of operation to a restaurant and lounge, extending its closing hours and allowing for it to employ DJs and live music, unless the applicant agrees before

the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a restaurant lounge, serving small plates to within one (1) hour of closing, 2) its closing hours will be 2:00 A.M. Sundays through Wednesdays and 4:00 A.M. Thursdays through Saturdays, 3) it will play recorded music and have DJs but not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged, and 4) it will employ security as needed which will be located at the door.

New Liquor License Applications

- 14. Christian Vautier Le Concept, 254 Broome St (wb)
no vote necessary
- 15. To be Determined, 19 Stanton St aka 205 Chrystie St (op)
VOTE: To deny the application for a full on-premise liquor license for 19 Stanton St. Restaurant LLC, with a proposed business name of Cocktail Bodega, for the premise located at 19 Stanton Street a/k/a 205 Chrystie Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulation that 1) it will operate as a full-service restaurant and lounge, serving food during all hours of operation, 2) its hours of operation will be 12:00 P.M. to 4:00 A.M. all days, 3) it will play ambient background music, consisting of recorded music, upstairs only and may have DJs in the basement level but will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) it will close any façade doors and windows at 10:00 P.M. every day, 5) it will install additional soundproofing to minimize noise emanating from the location, 6) it will employ two (2) to four (4) security or door people daily but will have no less that one (1) security person per every seventy-five (75) people, and 7) it will create a traffic plan to address traffic congestion outside of its premise.
- 16. Hotel East Houston (Soho New York Lodging LLC), 151 E Houston St (hotel op)
no vote necessary
- 17. To be Determined, 137 1st Ave (wb)
withdrawn
- 18. Dieci (Epicure NY Corp), 228 E 10th St (wb)
withdrawn
- 19. Shervin's World Inc, 131 E 7th St (wb)
no vote necessary
- 20. Hong Kong Station (Lamma Island Inc), 45 Division St (wb)
no vote necessary
- 21. Empanadas Bar (Baires Inc), 438 E 9th St (wb)
withdrawn
- 22. Paulaner Brauhaus Restaurant LLC, 265-267 Bowery (op)
no vote necessary

Corporate Change (not heard at committee)

- 23. Sobaya (Sobaya Restaurant Inc), 229 E 9th St (wb)
no vote necessary
- 24. Rai Rai Ken (Sobaya Restaurant Inc), 214 E 10th St (b)
no vote necessary
- 25. Curry-Ya (Shinko Foods Inc), 214 E 10th St (wb)
no vote necessary
- 26. Moonwalkers Restaurant Corp, 101 Ave A (op)
no vote necessary
- 27. Changle Xin Fan Zhuang (Changle Xin Fan Zhuang Inc), 36 Eldridge St (wb)
no vote necessary

SLA Policy Task Force
to meet next week

Con Edison Task Force
to meet next week

Votes taken 9:25 PM.

(May 2012 Vote Sheet excluding Land Use Committee)
40 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Members Present at Last Vote:

David Adams	[P]	David Crane	[P]	Gloria Goldenberg	[P]
Dominic P. Berg	[P]	Natasha Dillon	[A]	Jan Hanvik	[P]
Karen Blatt	[A]	Harvey Epstein	[P]	Herman F. Hewitt	[P]
Jimmy Cheng	[A]	Morris Fajtelewicz	[P]	Anne K. Johnson	[P]
MyPhuong Chung	[P]	Flora Ferng	[P]	Linda Jones	[P]
David Conn	[P]	Rabbi Y. S. Ginzberg	[P]	Vaylateena Jones	[P]

Meghan Joye	[P]	David McWater	[P]	Susan Scheer	[P]
Joel Kaplan	[A]	Charlotte Miles	[A]	Nancy Sparrow-Bartow	[P]
Lisa Kaplan	[P]	Alexandra Militano	[P]	William Strom	[P]
Carol Kostik	[P]	Chiun Ng	[P]	Gary Tai	[P]
Ben Landy	[A]	Ariel Palitz	[P]	Wilson Tang	[P]
John Leo	[P]	Thomas Parker	[A]	Elinor Tatum	[P]
Ricky Leung	[P]	Carolyn Ratcliffe	[A]	Rodney Washington	[A]
Sam Leung	[P]	Joyce Ravitz	[P]	Jack Waters	[P]
Gigi Li	[P]	Carlina Rivera	[P]	Justin Yu	[A]
William LoSasso	[P]	Jamie Rogers	[P]	Thomas Yu	[P]
Bernard Marti	[P]	Richard F. Ropiak	[P]		

Meeting Adjourned 9:26 PM. Motion to adjourn: JH. Second: AJ.