



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
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CHRISTINE BERTHET

Chair

Jesse R. Bodine

District Manager

8

9 **Quality of Life Committee** **RATIFICATION** **Item# 11**

10

11 December 16, 2015

12

13 Street Activity Permit Office

14 100 Gold Street, 2nd Floor

15 New York, NY 10038

16

17 **Re: Street Activity Permit Renewal Application 2010 Applicant: Hell's Kitchen**
18 **Flea Market**

19

20 Location: West 39th St (Ninth and Tenth Avenues)

21 Date: Every Saturday & Sunday, Starting January 9, 2016

22 Time: 9:00 a.m. – 4:00 p.m.

23 EVENT ID#: 247924

24

25 On December 7, 2015 the Quality of Life committee of Manhattan Community Board 4
26 (CB4) recommended that the renewal of the street activity permit for the Hell's Kitchen
27 Flea Market (HKFM) be **denied unless** the operator agrees to the stipulations indicated
28 below. This recommendation is subject to ratification by the Full Board at its January 2016
29 meeting and is being sent now due to the NYC Street Activity Permit Office's request.

30

31 **Location & Market Hours:**

32 • The Hell's Kitchen Flea Market ("HKFM") is located on West 39th
33 Street, between Ninth Avenue and Tenth Avenue; including the
34 sidewalk and a portion of a Port Authority parking lot.

35 • Market hours are 9:00 a.m. to 5:00 p.m. on Saturday and Sunday.

36 • Load-in and set-up commences Saturday morning at 4:00 a.m.

37 • Load-out ends at 8:00 p.m. Sunday night.

38 • Before 9:00 a.m. HKFM will maintain a seven booth "buffer
39 zone", which is designated as between the easternmost
40 booth and the buildings on the east end of West 39th Street.

41 • After 9:00 a.m. HKFM may fill this open space with booths, starting at
42 the west end of the "buffer zone" as defined above.

43 • Only three vendors may be located on the eastern end of the street from
44 Ninth Avenue to 411 West 39th Street. (This is the area in front of
45 occupied buildings).

46 • When the market is not fully booked, empty space will be consolidated to

the eastern end of the market to the greatest extent logistically feasible.

- These rules will be publicized on the web site and on the vendor contract

Loading and Set up

- Vendors will begin setting up at the west end of the street.
- Vendors will load-in from the 10th Avenue side of the market.
- Vehicles will not be driven from the east end of the street.
- Vendors will use rubber-wheeled carts while on the premises.
- Vendors' goods may remain on the sidewalk overnight on Saturdays.
- These rules will be publicized on the web site and on the vendor contract

Staffing:

- *Market Manager* - HKFM operators will ensure that all staff (as listed below) are properly trained and managed by a full-time experienced manager who will be on-site throughout the market's operation. Any change of the manager's employment or schedule will be reported in advance to CB4. HKFM will provide CB4 with his/her contact information.
- *Information Booth Attendant* - In order to reduce problems for West 39th Street businesses, HKFM will post a dedicated staff member at the Ninth Avenue *Information Booth* at all times when West 39th Street is closed to traffic.
- *Traffic Coordinator* - HKFM will post a dedicated Traffic Coordinator to open and close the barricade on West 39th and 9th Avenue. (This coordinator is a different staff member from the one manning the information booth.)
- *Traffic Director* - HKFM will hire a police officer from the Paid Detail unit of the NYPD to direct the traffic at the intersection of 9th Avenue and 39th Street, from 3 pm on Saturday and Sunday until the street is re-opened. The objective is to prevent gridlock on the east side of 9th Avenue and ensure safe pedestrian crossing on the south side of 9th Avenue.
- *Security Guards* – minimum of one per 50 10x10 spaces occupied - During regular operation HKFM will be secured by at least one licensed security guard
- *Maintenance Staff* (minimum of one minimum of one per 50 10x10 spaces occupied - During regular operation HKFM will be maintained by at least one staff member specifically dedicated to sanitation.
- Each person on HKFM's staff must be, at all times, equipped with a wireless communication system to ensure the safe and efficient operation of the market.

Signage:

- HKFM will erect and maintain the following signs at the intersection of 9th Avenue and West 39th Streets HKFM will consult with CB4 for size, text and placement of signs.
- The signs must be posted 4am Saturday through 8pm Sunday.
 - #1 - Pedestrian Entry will inform residents, businesses, customers and suppliers that they may enter the street.
 - #2 - Vehicular Entry will specifically note the names of all businesses on the block.
 - #3 - Parking will inform the public of access to the parking lot. The sign must include parking rates. The hotel will provide the text and design to HKFM, which will procure and install the panel within 10 calendar days of receiving the approved design.
- All three signs must be consistent in nature (color, font, etc.) and posted in a manner that pedestrians and vehicular drivers can easily see and quickly read.

Pedestrian Access:

- Pedestrians will have 24-hour access to the closed-off portion of West 39th Street. (This includes during set-up, load-out and cleaning time periods.)
- Residents, businesses and customers will have 24-hour access to load or unload vehicles from Ninth Avenue through to 411 West 39th Street (the westernmost building.)

Traffic & Parking:

- HKFM will maintain a fire lane of at least 12' to provide immediate access for emergency vehicles.
- HKFM operators will adhere to a revised site plan that includes a lane of traffic adjacent to the south curb of the street from 9th Avenue in order to allow residents, visitors and businesses access to both the garage entrance and the loading bay at 515 West of 9th Avenue. This area is approximately 100' west of 9th Avenue and is in addition to the Fire Lane.
- If problems persist with the Parking access, HKFM will agree to a revised floor plan that frees up more space between 9th Avenue and the Parking entrance - HKFM, SAPO, CB4 and the Garage will meet and agree to a new site plan that will alleviate some of the garage issues.
- In the event HKFM reinstitutes a Market Shuttle Van, it will not stand or park on the pedestrian crossing area at anytime [2006]

Sanitation:

- HKFM will ensure the entire street, including the sidewalk and the street in front of all buildings, are kept in a broom-clean condition throughout the entire operation of the market. Trash receptacles will be provided and maintained by market staff. No overflow will be permitted. Trash will be collected and stored in closed bins.

1 **Governance/Operations:**

- 2 • Vendors will be selected on the basis of quality, type, and merchandise
- 3 sales price. There will be no discrimination on the basis of race, color,
- 4 national origin, religion, gender, sexual orientation, age, disability, or
- 5 veteran status.
- 6 • Vendors suspected of fraud or the misrepresentation of merchandise, or
- 7 who otherwise fail to maintain good customer relations, may be excluded
- 8 from market. HKFM will make every effort to communicate its
- 9 concerns to the vendor in order to provide the opportunity for a second
- 10 chance IF the infraction is not egregious and is also the vendor's first.
- 11 HKFM must document all infractions and outcomes, and include the
- 12 information in its monthly reports to CB4.
- 13 • Priority may be assigned to vendors who have formerly sold at the
- 14 HKFM or Annex Antiques Fair.
- 15 • Moving forward, HKFM will provide all vendors with a printed
- 16 agreement (in a PDF format or other mutually agreed upon method),
- 17 that details the business relationship between HKFM and vendor, and
- 18 includes clearly written policies for reservations, cancellations, space
- 19 allocation, weather-driven annulations, encroachments on adjacent lots,
- 20 dispute resolution, etc. First time vendors will sign a printed agreement,
- 21 which will include current stipulations. Returning vendors will also sign
- 22 the revised agreement. All agreements must be dated and countersigned
- 23 by an authorized representative of HKFM.
- 24 • HKFM will confirm all verbal transactions by email.
- 25 • HKFM will not retaliate against vendors who have exercised the right to
- 26 speak freely at the CB4 Community Board meetings for the purpose of
- 27 improving the market.
- 28 • In the event there is a dispute between HKFM and a vendor, or between
- 29 vendors, all parties must agree to seek the services of non-binding
- 30 resolution facilitator, who will be decided upon mutual consent of all
- 31 parties. Low cost/free facilitator can be found at the New York Peace
- 32 Institute.
- 33 • If facilitation is insufficient to resolve the problem(s), HKFM and
- 34 vendor(s) agree to hire a mutually agreed upon mediator.
- 35 • HKFM will not use a raised stage.
- 36 • There will be no charge for customers to visit the market.
- 37 • Annex Antique Fair & Flea Market, Inc. will not subcontract
- 38 management of any portion of the HKFM to any outside party, nor will it
- 39 allow its vendors to sublet any portion of their space

40

41 HKFM, along with CB4, will continue to monitor the impact the revised site

42 plan has on the residents and businesses on the block and will meet with CB4 to

43 review any issues in advance of the next renewal period.

44

45 **Market Rejuvenation:**

- 46 • HKFM agrees to make its best efforts to attract new vendors by offering

1 reduced rates for new vendors and to current vendors and by other
2 marketing techniques.

- 3 • HKFM agrees to make its best efforts to attract more customers, by
4 implementing a comprehensive marketing plan and exploring the
5 opportunity to partner with other non- profit organizations that provide
6 programming.
7

8 **HKFM Communication/Documentation:**

- 9 • HKFM management will meet with CB4 on a monthly basis for a
10 minimum of one year commencing on the January 2016 Quality of
11 Life Committee meeting and/or upon request, for the duration of
12 2016.
- 13 • At each meeting, HKFM management must be prepared to discuss all
14 aspects of its operations, including but not limited to the following:
- 15 • Documentation to provide to CB4:
 - 16 ○ Monthly – HKFM’s Marketing Report, as noted below, must
17 state the number of existing and new vendors on site per day;
18 type of merchandise sold; booth and equipment rental income;
19 etc.
 - 20 ○ Monthly - Progress report of marketing activities, including
21 those reflected in the HKFM plan, to attract new customers.
 - 22 ○ Monthly - Report of the impact of the new site plan on specific
23 residents and businesses on the block, including what has been
24 done to resolve any issues that have arisen within the month.
 - 25 ○ Monthly - Report of vendor relations, including what has been
26 done to resolve any issues that have arisen within the month.
 - 27 ○ Before 1/7/16 - A summary, backed up by copies of cancelled
28 checks, of donations made for each year calendar year from
29 2003 to 2015.
 - 30 ○ Before 1/7/16 - Compiled Statements of Operations from 2005-
31 2006 to 2009-2010
 - 32 ○ Before 2/5/16 - Drafts of new vendor application.
 - 33 ○ Before 2/5/16 - Drafts of new the vendor agreement.
 - 34 ○ Before 2/5/16 - Draft of application for CB4 residents and
35 qualifying groups for gratis space at the market.
 - 36 ○ Before 1/7/2016 - A summary, backed up by copies of cancelled
37 checks of donations made to-date. The summary must include
38 the name and location of the organization, contact person,
39 amount of donation, and date of donation.
 - 40 ○ Before 1/7/16 A copy of the cancelled check of the agreed upon
41 funds to be deposited into the Hells Kitchen Foundation (HKF)
42 501(c)3 bank account.
 - 43 ○ Before 4-6-2016 - Copy of the operating agreement between
44 HKFM and HKF, the foundation
 - 45 ○ Before 4-6-2016 - Copy of the donation policy

1 **Non-profit Activities and Sponsor**

- 2 • At least two spaces will be made available each day on the Port
- 3 Authority lot to local community groups and/or charitable non-profit
- 4 organizations without charge. Application forms will be available at the
- 5 market, on HKFM's website and/or upon request. Space will be
- 6 assigned to groups on a rotating basis in consultation with, and at the
- 7 recommendation of CB4.
- 8 • HKFM staff will maintain the painted promenade and immediately re-
- 9 paint any deterioration
- 10
- 11 • HKFM has established the Hell's Kitchen Foundation (HKF) for the
- 12 purpose of supporting struggling artists who live or work in Hell's
- 13 Kitchen
- 14 • The Market had agreed to donate 25% of its profit in 2006 and in 2007
- 15 to a local charity, preferably in the Hell's Kitchen – Clinton area. This
- 16 level of contribution reflects the high investment the Market had to
- 17 make in order to relocate to 39th street.
- 18 • HKFM agrees to deposit 25 % of its profits into HKF accounts
- 19 retroactively since 2006.
- 20 • Going forward, HKFM agrees to meet and consult with CB4 in regard
- 21 to the creation of the HKF Board to ensure participation of local arts and
- 22 relevant non-profit organizations.
- 23 • HKF will establish a contract with HKFM to operate the Hell's Kitchen
- 24 Flea Market
- 25 • HKF will establish and publish a donation policy in collaboration with
- 26 CB4, as described above. Until such time, HKF funds will not be
- 27 disbursed.
- 28

29 **Hell's Kitchen Foundation Documentation & Outreach:**

- 30 • Monthly Progress in board recruitment
- 31 • Before 2-5-16 – Draft of the operating agreement between HKFM and
- 32 HKF.
- 33 • Before 3/5/16 - Draft detailed mission statement.
- 34 • Before 3/5/16 - Draft of the grant policies.
- 35 • Before 3/5/16 - Draft of the grant application.
- 36 • Before 6/1/16 – Copies of submitted grant applications.
- 37 • Before 3/5/16 – Draft of the grant agreement.
- 38 • Before 3/5/16 – Draft of the grant reporting requirements and
- 39 procedures, if any.
- 40 • Before 3/5/16 – Draft of outreach plan to find grant applicants.
- 41 • Before 3/5/16 – Report on specific activities undertaken to find grant
- 42 applicants.

43 **Renewal:**

- 44 • The HKFM's permit renewal will be assessed on a month-to-

1 month basis by CB4, with inspection and oversight by the
2 appropriate governmental agencies, to ensure HKFM complies with
3 all laws and CB4 stipulations.

- 4 • CB4 will review the HKFM's vendor growth and
5 diversification before any renewal to determine whether the
6 market has attained a size sufficient to justify the continued
7 closing of West 39th Street, a public space, every weekend.
8
9
10

Sincerely,



Christine Berthet
Chair



Tina DiFelicianantonio
Co-Chair
Quality of Life Committee



David Pincus
Co-Chair
Quality of Life Committee

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12
13 cc: Hon. Gale A. Brewer, Manhattan Borough President
14 Hon. Corey Johnson, City Council
15 Alan Boss, Hell's Kitchen Flea Market
16 Sean Basinki, Director, Street Vendor Project
17 David Bros
18 Jessica Charitos, Domani Consulting
19

1 Quality of Life Committee

Item#: 12

2
3 Owners of IL Bastardos
4 191 7th Avenue
5 New York New York 10011
6

7 Re: Il Bastardo

8
9 Dear Owner

10
11 Manhattan Community Board 4 ("MCB4") writes to acknowledge that Mr. Sherif Ibrahim, Il
12 Bastardo's Director of Operations and General Manager, appeared before our Quality of Life
13 Committee on December 7th, 2015 to respond to a number of constituent complaints regarding
14 the operation of your establishment, located at 191 Seventh Avenue.
15

16 We appreciate Mr. Ibrahim's willingness to address and to take immediate action to rectify the
17 problems, which primarily relate to noise, crowd control, customer management, hours of
18 operation, capacity, misuse of amplified music, vehicular and pedestrian congestion, illegal
19 dancing, and the inebriation of customers. MCB4 requests written confirmation that your
20 establishment will abide by its current stipulations, as well as those outlined below.
21

22 Please be aware that the Council of Chelsea Block Associations, as well as neighborhood
23 residents and businesses, have sent numerous letters and issued 311 complaints listing quality of
24 life issues, in particular, screaming, fighting and vomiting on the sidewalk.
25

26 EXISTING STIPULATIONS

27 **Occupancy:**

28 It is MCB4's understanding that IL Bastardo has a public assembly permit from the Department
29 of Buildings ("DOB") for 169 people (including employees.) The New York State Liquor
30 Authority ("SLA") has confirmed that the establishment is licensed to serve alcohol to 74 people
31 at a time. This includes the exterior café, which is permitted to have twelve (12) tables and
32 twenty-three (23) seats.
33

34
35 Mr. Ibrahim, however, stated that Il Bastardo was operating under the DOB limit of 169, not the
36 74 cited on its alcohol license. Given the discrepancy, he agreed to send documentation
37 demonstrating that Il Bastardo's limit is 169. Yet, as of today, MCB4 has not received any such
38 paperwork. Without documentation proving otherwise, it is MCB4 supposition that the 95-person
39 variation under which Il Bastard has been operating could be a significant underlying factor
40 triggering the violations and problems as noted in this letter.
41

42 Please note that should you desire to amend your liquor license, you are encouraged to begin the
43 process by contacting MCB4's Business License Committee.
44

45 **Hours of Operation:**

46 It has come to MCB4's attention that Il Bastardo has been hosting events that take place outside
47 of the hours of operation stipulated in your agreement with the SLA. Thus, Mr. Ibrahim agreed to
48 cease holding all such events, and to conduct business strictly during the mandated hours of
49 operation. (As a reminder, your stipulated closing time is midnight, which means that all patrons
50 and staff must be off the premises by that time.)
51

1 **Background Music/Amplified Sound:**

2 Since Il Bastardo's liquor license limits the use of music to "background music", which is defined
3 as amplified music/sound played at levels whereby conversation can be easily held without
4 patrons raising their voices. This also means that amplified music/sound cannot be heard outside
5 of your establishment at any time, including moments when doors are opened and closed as
6 customers enter and leave. Mr. Ibrahim agreed that Il Bastardo would adhere to these
7 stipulations.

8
9 MCB4 acknowledges that, after numerous complaints by neighbors, Il Bastardo installed a glass
10 vestibule, which helped but did not entirely resolve the issue of amplified sound spillage.

11
12 **Live Band/Music/Entertainment:**

13 Your permit does not include the use of any live band/music/entertainment. Mr. Ibrahim agreed
14 to abide by this stipulation.

15
16 **Dancing:**

17 It has been brought to MCB4's attention that there has been dancing inside your establishment.
18 Given that you do not have a cabaret license, any dancing is strictly prohibited. Mr. Ibrahim
19 agreed to adhere to this prohibition.
20
21

22 **NEW STIPULATIONS**

23 **Events:**

24 Mr. Ibrahim agreed to the cessation of all commercial and/or private events at Il Bastardo that are
25 not produced, advertised, marketed and/or organized by Il Bastardo's owners, staff and/or
26 employees. (This means Il Bastardo may not utilize promoters.)
27

28 **Crowd Control:**

29 As you may be aware, allowing patrons to congregate outside of your establishment impedes
30 pedestrian traffic, which not only creates a public nuisance but also poses a hardship for the
31 seeing impaired and others who are differently-abled. This problem has been found to be
32 especially serious during Il Bastardo's weekend brunches, which also generates excessive noise.
33 As such, Mr. Ibrahim agreed to post one "black tie" security guard for every 50 patrons to prevent
34 patrons from being overly boisterous. (This number applies to customers both inside the
35 restaurant, as well as outside in the cafe.)
36

37 To further minimize the impact of guests congregating on the sidewalk, Mr. Ibrahim also agreed
38 to:
39

- 40 • post at least three security guards outside for crowd control whenever large crowds gather
- 41 outside of your establishment,
- 42
- 43 • stagger meal reservations so that patrons enter and leave at varied times,
- 44
- 45 • help facilitate the customers' use of taxis and other forms of transportation,
- 46
- 47 • ensure that MCB4 has an operating number for residents and business to reach the manager on
- 48 duty—Mr. Ibrahim has provided his cellphone number as 732-979-3850. Please provide a new
- 49 contact number to MCB4 if there is a change of personnel.
- 50

1 • create a waiting area inside your establishment. Given the fact that your Certificate of
2 Occupancy places a limitation of 169 people (including staff), both inside the restaurant and in
3 the outside cafe, the number of waiting patrons in the interior waiting area will not affect the
4 SLA's liquor serving maximum as long as they are not served alcoholic beverages.

5
6 **Over-Inebriation:**

7 In an effort to prevent over-inebriation, as per code, Mr. Ibrahim agreed to stop offering
8 "unlimited drinks" on site, and to cease advertising the same.
9

10 As you know, Il Bastardo's liquor license was issued by the SLA on the condition that ALL
11 stipulations be adhered to, including those outlined in your license AND those negotiated with
12 MCB4 prior to the license's issuance.
13

14 Moving forward, we kindly request written confirmation that Il Bastardo will comply with the
15 abovementioned stipulations that Mr. Ibrahim agreed to at MCB4's December 7th, 2015 Quality
16 of Life Committee Meeting. Please send your letter to Mr. Jesse Bodine, MCB4 District
17 Manager, within twenty (20) days of your receipt of this correspondence.
18

19 Thank you in advance for your cooperation.
20

21 Wishing you a fruitful holiday season,
22
23

24 Delores Rubin
25 Chair
26 Community Board 4
27

David Pincus
Co-Chair
Quality of Life Committee

Tina DiFeliciano
Co-Chair
Quality of Life Committee

28 cc.: SLA
29 local elected
30 local block associations
31 Mr. Ibrahim Sheriff, Il Bastardo

2
3 January 6, 2016
4

5 Thomas F. Prendergast
6 Chairman and Chief Executive Officer
7 Metropolitan Transportation Authority
8 347 Madison Avenue
9 New York, NY 10017
10

11 **Re: Response to MTA Proposal to Split M5 Bus Route.**
12

13 Dear Chairman Prendergast:
14

15 On December 16, 2015 representatives from the Metropolitan Transportation Authority
16 (MTA) presented a proposal for service improvements on the M5 bus line in Manhattan,
17 to the Manhattan Community Board 4 (CB4) Transportation Committee. The
18 presentation laid out a plan, which would split the M5 in Midtown at 37th Street creating
19 two separate north and south routes. Traveling from the George Washington Bridge Bus
20 Terminal in Washington Heights to the South Street Ferry Terminal the M5 is currently
21 one of the longest routes in the system and travels through Manhattan's most congested
22 areas.
23

24 CB4 appreciates MTA's initiative to improve service on this line for the 11,700 weekday
25 riders, and we recognize the challenges presented by this 12-mile route; however, we
26 have serious concerns about this proposal. Our primary concern is that the split in the
27 route will not result in improved service but only become an inconvenience to commuters
28 who depend on this route. Since the route will now split at 37th street it will no longer
29 service the Times Square and Theater districts from the south, forcing riders to find other
30 forms of transportation. We find this to be particularly concerning because many bus
31 riders are those who find it difficult to commute using the subway, and would find the
32 extra travel distance or the transfer of buses to be a significant burden. Additionally, we
33 believe this proposal lacks consideration for and creates difficulty for bus riders who are
34 elderly, physically handicapped, bound to wheelchairs, or using canes and crutches, by
35 forcing them to either transfer buses or travel further to their destination on crowded
36 midtown sidewalks.
37

38 Along with these concerns, which we believe must be seriously considered before
39 moving forward with this proposal, we would like to offer the following
40 recommendations:
41

- 42 • It is very important that one fare between the two new lines be honored creating a
43 free transfer for riders traveling between the north and south M5 lines. This free
44 transfer would be in addition to the existing free transfer to another cross town or
45 subway ride.
- 46 • Instead of splitting the lines we request that the MTA consider maintaining the
47 M5 line as is, but amending certain bus trips to travel the proposed split route.
48 This would maintain service for those who may be traveling either north and

49 south passed 37th street, while increasing service with the split route
50 improvement.

- 51 • We recommend the MTA consider expanding the use of the M5 limited service as
52 an alternative to splitting the route. We believe this would provide more frequent
53 service to major stops along the M5 route without inconveniencing riders who
54 travel through the Midtown split.
- 55 • We recommend that if the MTA move forward with the split, they expand the
56 midtown portion of the route between the split to encompass a larger portion of
57 midtown and thus providing greater service options for both north and south
58 commuters. For example, the northern segment would end at 23rd or 14th Street
59 and the southern segments would end at 45th or 59th Street.
60

61 CB4 appreciates the opportunity to comment on this proposal and we hope the MTA will
62 take our points into consideration before moving forward with this proposal. Furthermore
63 we believe the proposed split of the M5 bus line is adding a lot of constraints to the riders
64 without addressing the fundamental issue: Bus Service throughout Manhattan is plagued
65 by service delays and inconsistent service due to heavy traffic. We urge the MTA to work
66 closely with the New York City Department of Transportation to create more dedicated
67 bus lanes and SBS services on 6th and 7th Avenues in order to truly address the problem
68 of prioritizing mass transit over vehicular traffic.as should be in the 21st century.

69 CB4 further urges the MTA to consider Route Balancing between the East and West
70 sides to give more options to riders on all Manhattan bus lines,

71 cc

72 Electeds

73 Mayor's Office For Disabilities

74 DOT

75 Rider's alliance
76
77

1 **Transportation Planning Committee**

Item #14

2
3 January 6, 2016

4
5 Manhattan Mini Storage

6
7 Dear Mr. Borelli,

8
9 **Re: Pedestrian Safety Concerns on 29th Street and 11th Ave**

10
11 Manhattan Community Board 4 (CB4) has received complaints regarding the pedestrian safety
12 conditions caused by your facility on 29th Street and Eleventh Avenue. We are writing to you to
13 request your assistance in correcting these issues, and to thank you for your cooperation thus far.
14 The issues that have been brought to our attention are:

- 15
16
 - Currently trucks using the loading docks, on the north side of 29th street, block the
 - 17 sidewalk forcing pedestrians into the street.
 - 18 • The parking lot located at the corner of 29th street and Eleventh Avenue is being used by
 - 19 vehicles going the wrong way creating another danger for pedestrians.

20

21 Pedestrian safety in this area is a serious concern for CB4 and we anticipate that the frequency of
22 conflicts such as this will grow as this area of Manhattan Community District 4 (MCD4)
23 becomes more residential and a destination for tourists. To help alleviate some of the conflicts
24 which occur and improve pedestrian safety a representative from Manhattan Mini storage has
25 agreed to the following:

- 26
27
 - Manhattan Mini Storage agrees to install "No Right Turn" or "Left Turn Only" signage at
 - 28 the parking lot exits located on the northeast corner of West 29th and Eleventh Avenue.
 - 29 • Remove existing "Free Parking" signs and replace with new signs stating "Parking Only
 - 30 for Loading/Unloading by Manhattan Mini Storage customers; limited to 2 hours."
 - 31 • Manhattan Mini Storage Staff will instruct customers to use the parking lot, located on
 - 32 the northeast corner of West 29th and Eleventh Avenue whenever space is available.
 - 33 • Manhattan Mini Storage will put non-obstructive "warning" strips on the sidewalk at
 - 34 each end of the loading area.
 - 35 • Manhattan Mini Storage will install signage at the corners of 29th street and tenth avenue
 - 36 as well as 29th Street and Eleventh Avenue to alert pedestrian of the active loading area,
 - 37 e.g. "Approach with Caution or Cross Street at Crosswalks."
 - 38 • Manhattan Mini Storage will add language to customer communication instructing them
 - 39 to be considerate of pedestrians when loading and unloading.
 - 40 • Manhattan Mini Storage will install planters along the entrance and exit of the parking lot
 - 41 on 29th Street and Eleventh Avenue to deter cars from cutting through and traveling in
 - 42 the wrong direction.
 - 43 • Additionally we request Manhattan Mini Storage install planters between the loading
 - 44 bays on 29th street to deter cars from parking in the space and obstructing the pedestrian
 - 45 right of way.

46 We thank Manhattan Mini Storage for agreeing to the above recommendations and we hope
47 these remedies will improve the conditions and increase safety for pedestrians. Although we
48 understand that Manhattan Mini Storage is exempt from ADA sidewalk compliance in regards to
49 the obstructions caused by its loading docks, because of a grandfather clause, we hope they will
50 make every effort possible to improve the sidewalk conditions and pedestrian safety. Therefore
51 we urge Manhattan Mini Storage to work with New York City Department of Transportation
52 (DOT) to study the possibility of extending the sidewalk around the loading dock to allow for a
53 walking path large enough for pedestrians to safely pass in front of trucks using the loading
54 docks. We believe this can be done by removing parking on the south side of the street and
55 creating a bulb-out around the loading docks. This would create a pedestrian safe solution that
56 accommodates the loading docks and is safe for pedestrians without obstructing the flow of
57 traffic. We also urge Manhattan Mini Storage to consider hiring a crossing guard to safely guide
58 pedestrians to the south side of the street when trucks using the loading do.

59
60 cc

61 Electeds

62 DOT

63 US Department of Justice

64 New York City Commission on Human Rights

65 Mayor's Office for People with Disabilities

66
67
68
DRAFT

Transportation Planning Committee

Item # 15

From Manhattan CB4, Manhattan CB5, Manhattan CB6

December 22, 2015

Margaret Forgione

Manhattan Borough Commissioner

NYC Department of Transportation

59 Maiden Lane, 35th Floor

New York, NY 10038

RE: Select Bus Service M23|23rd St. Crosstown

Dear Ms. Forgione,

On Tuesday October 13, 2015, the Department of Transportation (DOT) introduced a new plan to create a Select Bus Service (SBS) corridor on 23rd Street river to river, an initiative we applaud. This meeting was the very first step in a comprehensive process of community consultations that the DOT intends to undertake next year.

DOT asked our Community Boards to write letters to them containing our communities' requests – if there were any - even before DOT/MTA makes an introductory presentation to our respective transportation committees.

Manhattan Community Boards 4, 5 and 6 formed a Tri-Board working group to coordinate discussion of ideas and issues affecting the three community boards located on the M23 route. This is especially productive because we all have had previous experience planning the 34th St. SBS bus routes, and CB6 has additional experience on the First and Second Avenue M15-SBS route corridors.

We understand that as currently planned the SBS transit corridor for the full length of 23th St. would include:

- Painted bus lanes (like 34th Street) off set from loading lane
- Boarding bulb out sidewalks for commuter comfort.
- Off-board fare collection.
- All-door simultaneous boarding
- Bus shelters including “real-time” arrival signs.
- Signal priority for transit vehicles.
- Camera-enforced lanes.

While everyone agrees that the SBS service on 1st and 2nd Avenues is working quite well, our collective experience with the Crosstown SBS M34, that most closely resembles the future M23 - is less positive :

- Painted lanes are abused by drivers and crossed by cars reaching the turning lanes. Turning lanes are used for parking, causing turning vehicles to block the bus lane.
- The paying stations do not accept credit cards, which forces seniors go down the subway stairs to buy a card or exclude any of the 52 million visitors to New York and many workers. The only other option is coins - not cash, which is very inconvenient.
- The fare machines occupy a large portion of the sidewalk and force the customers to have their back to the street, which feels unsafe.
- Local stops were removed or placed in inconvenient locations for connections
- 3 hour loading zones are not geared toward the typical 30 minutes delivery format and cause a lot of double parking.
- The parking regulations for taxis pickup and discharge, are not clearly posted, causing many taxis to receive summons and avoid the corridor, a hardship for businesses and residents.

We request that DOT explore multiple designs that should address the following needs:

- A speedier and easier travel.
 - Fully protected bus lanes: the need for turning lanes is indeed an obstacle to protecting the bus lanes as currently configured on the M34. We encourage you to explore the design adopted by many cities: center-running protected lanes as an alternative. It is worth noting that the 23rd Street Trolley operated from 1872 to 1936 in the center of the street. Consideration should be given to utilizing modern trolleys running on rails, having narrower, longer bodies than buses and better fitted for a two way street.
 - Maintain local bus stops and provide convenient transfers at all intersections having an uptown or downtown bus route bus stops or a subway station entrance. This would require restoration of the bus stop at the SW corner of E. 23rd St. & 5th Ave.
 - Provide an optimal connection to the East Ferry and improve the layover on the East side .
- A better experience for riders and pedestrians:
 - Offer a credit card payment system to attract more riders
 - Install Fare machines closer to the curb facing the sidewalk
- Access for All:
 - Recognize that 23rd St. is also home to institutions for especially vulnerable people with special needs (e.g. United Cerebral Palsy and PS 347-School for Deaf) – and invite them to participate in the planning process from the outset, along with other potentially affected parties.
 - Expand implementation of audible signals (for the blind) corridor-wide.
- Improve goods and passengers deliveries:
 - Implement sophisticated, variable parking rates and periods to reduce double parking by truly freeing space for deliveries.
 - Post regulations for passenger pickup and discharge.

80

81 Perform extensive commercial outreach. As we have learned each business is different and
82 understanding how to accommodate their operation is critical to the success. We hope DOT will
83 engage in a robust commercial outreach to ensure the businesses are properly served.

84 We applaud DOT for initiating this new project and we encourage you to bring New York City
85 in the 21st Century. We thank you for considering our suggestions.

86

DRAFT

MEMORANDUM

FROM: Barbara Davis and Joe Restuccia, Co-Chairs, Housing, Health and Human Services Committee
TO: All Members of Manhattan Community Board 4
DATE: December 28, 2015
RE: Amendments to Affordable Housing Plan, December 2015

This memorandum outlines the proposed changes to Community Board 4's Affordable Housing Plan, which were presented during the November 19, 2015 Housing, Health and Human Services Committee meeting and approved by the Full Board by a vote of XX for, XX opposed, XX abstaining, and XX present but not eligible to vote. A draft version of the revised Affordable Housing Plan can be viewed at the following link:

<https://www.dropbox.com/s/jtgdwbypdpnpjoo/00%20EXEC%20Affordable%20Housing%20Plan-%20%20FINAL%2012.23.2015.pdf?dl=0>

The proposed changes are as follows:

Projects in Construction

The following items are in relation to projects that have experienced construction delays. We are currently in discussions with the respective developers in order to provide more accurate Construction Start and Completion Dates:

Item	Page
Update the projected completion date for 625 West 57 th Street	16
Update the projected completion date for 606 West 57 th Street	17
Update the construction start date for 424 West 55 th Street	18
Update the projected completion date for 540 West 53 rd Street	19
Update the projected completion date for 525 West 52 nd Street	20
Update the projected completion date for 301 West 46 th Street	21
Update the projected completion date for 546 West 44 th Street	22
Update the projected completion date for 525 West 28 th Street	25
Update the projected completion date for 515 West 28 th Street	26
Update the projected completion date for 560 West 52 nd Street	28
Update the projected completion date for 429 West 18 th Street	29
Update the projected completion date for 464 West 25 th Street	34
Update the projected completion date for 565 West 23 rd Street	35

HPD Development Pipeline

The following item needs to be changed in order to reflect the fact that the New York City Economic Development Corporation (EDC) is now involved in affordable housing development:

Item	Page
Change the title of the "HPD Development Pipeline" section to "HPD/EDC Development Pipeline"	38

The following items need to be changed with regard to projects that have experienced delays in the public approval process. Therefore, their Projected Completion Dates must be updated:

Item	Page
Update the projected completion date for 535 West 55 th Street	39
Update the projected completion date for 500 West 52 nd Street	41
Update the projected completion date for 552 West 52 nd Street	42
Update the projected completion date for 460 West 37 th Street	44
Update the projected completion date for 201 7 th Avenue	45

The following item reflects a project that will no longer be developed as affordable housing:

Item	Page
Delete page for 136 West 20 th Street	46

Proposed Projects

The following items reflect two projects whose statuses have changed from Proposed Projects to Projects In Development. Therefore, they must be moved to the appropriate section of the Plan:

Item	Page
Move 450 West 41 st Street (Covenant House) page from the Proposed Developments section to the newly renamed HPD or EDC Development Pipeline section; add note stating that the RFP is in development	50
Move 493 11 th Avenue (Slaughterhouse) page from the Proposed Developments section to the newly renamed HPD or EDC Development Pipeline section	51

Summary Tables

As per above, the following summary tables need to be changed to reflect projects that have moved from one stage of development to another.

Item	Page/s
Remove 136 West 20 th Street from HPD Development Pipeline Summary Table	47
Move 450 West 41 st Street and from Proposed Developments Summary Table to newly renamed HPD or EDC Development Pipeline Summary Table	56, 47
Move 493 11 th Avenue from Proposed Developments Summary Table to newly renamed HPD or EDC Development Pipeline Summary Table	56, 47

Maps

As per above, the following maps need to be changed to reflect projects that have moved from one stage of development to another.

Item	Pages
Remove 136 West 20 th Street from HPD Development Pipeline Map	38
Move 450 West 41 st Street from Proposed Developments Map to newly renamed HPD or EDC Development Pipeline Map	48, 38
Move 493 11 th Avenue from Proposed Developments Map to newly renamed HPD or EDC Development Pipeline Map	48,38

DRAFT

Manhattan Community Board 4's Business Diversity Task Force:

Strategy Report

The second phase of the CB4 Business Diversity Task Force explored ways to maintain the existing business mix of our neighborhoods which give them a unique definition and quality; and ways to support the growth of new business to add to the mix. Composed of both CB4 members and members of the public, the BDTF met periodically over the last ten months. It heard from people involved in providing support to local businesses and planning for their survival (i.e., Manhattan Borough President's office, the NYC Department of Small Business Services) and drew on information in reports and newsclips about how other cities such as San Francisco, Barcelona, Buenos Aires, London, and Paris have attempted to address similar issues.

The Task Force met and reviewed these recommendations that it is putting before the full Board for its consideration. They are grouped first by measures the Board itself could implement. These are followed in another two groupings by possible legal and administrative tools the Board would favor but whose creation would need to be accomplished by other governmental entities pursuant to legislation and/or changes in regulations.

RECOMMENDATIONS TO THE FULL BOARD

The following recommendations are made within the context of this overall goal of Manhattan Community Board 4: the support and maintenance of a diverse mix of small affordable businesses is a priority.

Actions MCB4 could take on its own

1. Create a list of culturally distinct retail businesses in our communities that together provide a sense of place and could be identified as "assets of community value". This could be done, for example, by encouraging residents and neighborhood associations of the district to nominate businesses for the list.

2. To choose these businesses, MCB4 could establish a public/Board group using standards developed in conjunction with professional assistance. Criteria to be considered in a designation process might include:

- longevity (how many years the business has been operating in the neighborhood not necessarily in one spot)
- ownership by a veteran
- ownership by people who have ties/do outreach to or live in the community
- a commitment to stay in the community
- a workforce with community residents
- located at a site with a distinctive façade (storefront) and/or in a landmarked building creating a sense of place
- the provision of a product or service unavailable elsewhere in the community

This cultural “landmarking” of legacy businesses could generate dramatic publicity and spotlight not only the businesses themselves but the owners of the buildings in which they are located. Awards could be handed out and notices could appear at these stores.

3. Adopt a policy with guidelines for use by MCB4’s two land use committees that could state the Board’s intention to support small businesses and urge applicants to include provisions for them in any of their plans coming before the Board as well as encourage the use of long term retail leases.

4. Compile and maintain a retail/commercial data base/inventory for the district.

5. Connect large corporations willing to assist small business with those businesses in our district.

Land Use

1. Designate small business retail corridors within MCB4’s neighborhoods. For example, parts or all of Tenth, Ninth and Eighth Avenues could be so recognized in the zoning ordinance. Within these corridors of the district formula based chain zoning (based on the existing chain presence in a defined area) would be adopted to deter large retail spaces and encourage a local presence.

2. Encourage development of small side street retail within 100’ of avenue corners.

1
2
3
4 **Real estate taxes and tenant/landlord relations and small business support**

- 5 1. Provide real estate tax incentives for landlords renting to local small businesses and those
6 designated of public interest or “assets of community value” or “cultural landmarks.”
- 7 2. Privilege needed community services possibly through real estate tax abatements that
8 could be passed through in less than “market” rate rent. Give abatements also to
9 landlords where it is found they rely heavily on commercial space to pay their way
10 because of legally imposed residential rent limitations on the other units of their property.
- 11 3. Impose real estate tax disincentives for vacant (more than six months for example) street
12 level retail property.
- 13 4. Develop a governmental framework within which the retail lease negotiation process
14 could unfold including disclosure of landlord intentions to the tenant and notification a
15 certain time before lease expiration. It might also include mandated mediation and one
16 year lease extensions if the parties were not able to come to agreement initially (described
17 in the BP report).
- 18 5. Support small business with legal assistance, information, help with training of
19 employees/on the job training, access to loans and grants and alternate financing
20 (currently provided in some ways by the NYC SBS). Help programs to evolve retail
21 condominiums. The existence of this support structure would be publicized and its
22 offerings widely communicated.
- 23
24
25

1 **EXEC**

Item#: 19

2
3 December XX, 2015

4
5 Eric Landau
6 Associate Commissioner, Public Affairs
7 New York City Department of Environmental Protection
8 59-17 Junction Blvd., Flushing NY, 11373
9

10 Re: Shaft Site at West 48 Street and 10th Avenue
11

12 Dear Mr. Landau,
13

14 Manhattan Community Board 4 (MCB4) voted at its full board on Wednesday, January 6th 2016,
15 to reiterate the community goals and the consultation process regarding the future of the DEP
16 Shaft site at West 48 Street and 10th Avenue as described in our administrative letter dated
17 December 23rd, 2015.
18

19 MCB4 would like to thank you and your staff for meeting with the leadership of MCB4 and
20 Council Member Corey Johnson on December 2, 2015, regarding the Board's long-term goal of
21 transforming a significant portion of the Department of Environmental Protection site ("DEP
22 Site") on Tenth Avenue between West 48th and West 49th Streets into a park.
23

24 MCB4 appreciates your commitment to discontinue using the DEP Site as a staging area as soon
25 as possible and to start the process of transferring the park portion of the site ("Park Site") to the
26 Department of City Wide Administrative Services in order to begin the design phase for a public
27 park. MCB4 was pleased to learn that the area to be reserved for DEP ("Shaft Site") will not
28 exceed, and may be less than, an approximately 132-foot by 91-foot area on the south east corner
29 of the DEP Site.
30

31 MCB4 is encouraged by:
32

- 33 • DEP's intent to try to reduce the size of the Shaft Site as much as possible and by its
34 proposal to consider adding additional public seating on the outside perimeter of the Shaft Site;
- 35 • DEP's commitment that the finished Shaft Site area will not be used as a storage area or
36 parking for DEP vehicles; and,
- 37 • DEP's assurance that it will meet with MCB4 to discuss fence and Shaft Site design.
38

39 As MCB4 emphasized at the meeting:
40

1 • The Shaft Site fence should be transparent so the Shaft Site area feels less walled off to
2 the surrounding residential neighborhood. In particular, the separation between the two portions
3 of the entire site (the Shaft Site and the Park Site) should be as transparent as possible to give
4 more perspective to the park;

5 • The surface of the Shaft Site might be finished in such a way as to be visually integrated
6 with the Park Site; and

7 • The entrance to the Shaft Site should be located on West 48th Street and the vehicular
8 curb cut on Tenth Avenue removed and the sidewalk curb restored.

9 MCB4 also noted that trash accumulates behind the Jersey barriers on the sidewalk at the DEP
10 Site and graffiti covers the barriers and sometimes the fence. This is an unsightly and unsanitary
11 condition. We urge you to coordinate with the ongoing Department of Design and Construction
12 Project to maintain the outside perimeter of the entire site in a responsible manner, one
13 compatible with your location in a residential neighborhood.

14 MCB4 staff and board members have expressed a willingness to join you on a site visit to review
15 the current outstanding issues. We look forward to our next meeting.

16 Sincerely,

17
18 Christine Berthet
19 Chair

Jean Daniel Noland
Chair, Clinton/Hell's Kitchen Land Use Committee

20
21 cc: Hon. Corey Johnson, City Council
22 Elke Fears, President, 47/48 Street Block Association