



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD No. 4**

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**JEAN-DANIEL NOLAND**

Chair

**ROBERT J. BENFATTO, JR., ESQ.**

District Manager

**PUBLIC MEETING**

DATE: Wednesday, December 3, 2008

TIME: Public hearings begin at 6:30 p.m., meeting to follow

PLACE: Roosevelt Hospital, 1000 Tenth Avenue (58<sup>th</sup>/59<sup>th</sup>)

**PUBLIC HEARINGS**

**Clinton Park/770 Eleventh Avenue (b. 53rd-54th)** - Zoning changes and special permits for 900 unit mixed-use development proposed by Two Trees. ULURP #s 080008ZMM, 080009ZRM, 080010ZSM, 080011ZSM. JD Nolan, Chair of Community Board 4, started the meeting at 6:40PM. He introduced Anna Levin, Chair of the Clinton/Hell's Kitchen Land Use Committee to conduct this ULURP public hearing. Anna says C/HKLU has been busy again with three public hearings in a long process with the owners of Two Trees Clinton Park (2 years). A consensus proposal was developed in a letter of denial with conditions for this extremely large development project. Jed Walentas was introduced and he presented the Two Trees proposal. Board questions followed and then the general public commented. A consensus of housing use was reached with the C/HKLU Committee of permanent affordable 80/20 formula, accessory parking, police stable and commercial use. The Mercedes auto dealership of 50k sq. ft. is below grade; parking scale back with no transient available and bicycle parking provision and 5,500 sq. ft. available for the community for a small market. The developer's presentation also included a "green building" concept, 450 permanent jobs from the community, the step back design shoving mass to the east and allowing more open space on the Dewitt/Clinton Park west side that the sloped roofed "Z" floor plan achieves. Compromises worked out in committee also included the removal of a floor to reduce overall density and an annual contribution to D/C Park. CB4 member questions and comments include getting the number of units correct that are lost to affordability; the need for a supermarket at the location; what programs should be in the community space; the imposing concrete fiber-glass façade; need of a shadow study; more affordable units; need of a public school; affordable unit distribution and side walk space. Further discussion questioned the affordable portion for family units: 900 2 bed room units and no 3 bedroom units; employment opportunities for the community and Two Trees agree to 30% local hiring (Miguel Acevedo).

**Public Comments:** Pat Dolan, Local 638, Teamsters, Building Trade thanks Two Trees for cooperating with local programs such as apprentices and supports the Clinton Park development. Lauren Barton: Warns of real estates group's promises but then hirer non-union and reminds the board of Two Tree' tradition of hiring non-union by taking the lowest bid of contractors to exploit workers: get it in writing. Mary Brendal: District Historian, relates that in 1887 a stable was on this block and had a terrible fire; 150 horses died; wishes the project luck.

Anna asks for more public comment; none, public hearing closes, 7:15P

**405 W. 53rd Street Parking Garage** - special permit for 37-space accessory parking garage. ULURP # 070305ZSM.

Ray Levin, owner, describes the idea for a basement area garage to be sold to residence of the building of this address. With 84 apartments of large families, it would take the 20% accessory parking allowance to 40% and thus the request for the parking variance. Discussion centered on the communities need to limit vehicles by sticking to the 20% limit; the cost of each parking unit, \$100K; convenient location for vehicles. No public comments.

**Mid-City Gym, 345 W. 42nd St.** - BSA application no. 258-08 BZ to legalize physical culture establishment. Anna explains that this is an applicant for a regular gymnasium. No comments, ULURP public hearing closed 7:26P

## MEETING AGENDA

Public Session	John Weis
Adoption of Agenda	Jean-Daniel Noland
Adoption of Last Month's Minutes	
Reports	
Manhattan Borough President	Angelica Crane
Local Elected Officials	Various
District Manager	Robert J. Benfatto, Jr.
Chair	Jean-Daniel Noland
Committee Reports	Jean-Daniel Noland
Committee Letters & Resolutions (letters and resolutions, see reverse)	Jean-Daniel Noland
Old Business	Jean-Daniel Noland
New Business	
Adjournment	

**Public Session:** John Weis, Vice Chair, counsels brevity and proceeds, calling the signed in names.

Karen Torterice, representing the not-for-profit **Chelsea Senior Center**, announces available programs for ages 55+, distributes a flier and urges people to call on her at the facility.

Jeffrey Ambroise/Linda explained the work of **Education Online**, part of the federal **No Child Left Behind** program, dedicated to computer literacy and tutoring youth 3-12 years old across NYC and the nation. Title I schools are eligible to receive the 36 hour tutorial with laptops as gifts for completion of the program. Board members Millie Glaberman and Bob Trentlyon questioned process and numbers. Jeffrey and staff go to the schools independently and by request. The laptop is renewed after two years. Thousands of students have been helped since 2000.

Peter Handson of Landmark Tavern at the Time Warner Center, reports on his restaurant's exhaust problem. He has installed two new units and moved the operation; he has increased the exhaust capacity and is monitoring the results. Anna Levin, speaking as a nearby resident, commented on this serious exhaust problem ever since the business opened and many resident-organized talks to mitigate the problem with Time Warner. Although there has been dramatic improvement with Landmark, Whole Foods continues the problem.

Lenny Walton, Common Ground, director of this catchment area, and urges contacting him for homeless issues in the area. [lw Walton@commonground.com](mailto:lw Walton@commonground.com)

Michael Epstein, speaks in support of the Eighth Avenue Bike lane. His company Google supports the traffic islands and more trees and the extension of the lanes all up the avenues.

Noah Tepperberg, Chelsea Hospitality Partners, LLC – 116 10<sup>th</sup> Ave, site of the club "Earth," speaks in support of the transfer of ownership to him and how he would honor neighbor requests and requests the board to approve.

Joshua David, The Highline, favors the Eighth Ave bike lane as an employer and family man. His dad rides a bike and he worries that he will join the statistics of thousands of crashes in the last ten years between bikes and vehicles. Also, safety for pedestrians and cycle safety have improved with the present Ninth Ave bike lane.

78% of New Yorkers do not own cars and he recommends prioritizing commercial parking to vitalize business.

Jim Jasper, 300 W15th St. Block Assoc., speaking on behalf of all his neighbors who are unanimously in favor of the Eighth Ave bike lane.

Lina Ivauova, Fashion Institute of Technology, announces the opening of an exhibit of Gothic Art this week and has fliers.

Courtney Dunn, Hudson Guild, announces a flea market this Sunday, a retirement issues group meeting on retirement tips and classes.

Caroline Samponaro, Transportation Alternatives, speaks in favor of the bike lane. She thanked CB4 for supporting livable streets and testified that she believes bikers will follow the laws.

David Warren, resident and biker, speaks in favor of bike lanes and complains that the NYC Department of Transportation's slow response to fatalities and recommends stronger use of bollards.

Marianne Eisenmann, upper west side resident, supports the bike lane; praises the direction toward safe streets.

David Glasser, resident, complains of the strip club between 23-24<sup>th</sup> Streets on Eleventh Avenue as a place of prostitution. "The Touchdown Club" and "Chelsea Inn" have building and illegal parking issues.

Ian Dutton, CB2, the bike lane is OK, but the concrete is wrong. Plastic posts would have been better and needs fine tuned signaling because the current system mixes the bikes, peds and vehicles too much on turns.

Frank Lowe, CB5 Transportation Committee, supports the bike lane and praises the work in the meat packing district and suggests encouraging hand truck delivery, car parking for customers and mentions that NYC is finally joining Paris and London in safe streets innovations.

Florent Morellet, CB2 Transportation & Traffic, speaks in favor of the bike lane and process of CB4.

Carl Strauss, Senior Citizen, supports the bike lane as a frequent rider and notes improved safety.

Bill Muraski, announces a new newspaper for the area.

JD Noland, Chair, introduces NYC Council Member Gale Brewer: She very much appreciates CB4's involvement in the negotiations for Harbor View Development that shows high intelligence. At City Hall, the Mayor's cuts to the budget are and programs being suggested for cuts is very depressing; senior day care facilities hurts a lot. The Sheffield tenants are losing the fight for their apartments and the lawyer is working on it. Business Improvement District organizations are the best thing to save the mom and pop stores.

JD moves to adopt the agenda, but suggests Item 27, the bike lane, be moved to the second order of business. Accepted. Minutes adopted.

## **REPORTS FROM ELECTEDS:**

Daniel Pajora, representing Borough President Scott Stringer, spoke on the BP's office support of a new NYC grocery program to make healthier, affordable choices accessible to poorer communities. Input on this issue was garnered through public meetings and a widely attended forum at Columbia University (at which Mayor Bloomberg spoke). Community leaders and his office staff are poring through the data.

The BP's office opposes the MTA's proposed fare hikes. He asked the public to join him at a protest on 72<sup>nd</sup> and Broadway against the rises. He reminded CB4 of the February deadline for new board member applications and board member re-application. Training sessions for CB members are coming up.

Micah Lasher, representing US Congressional Representative Jerrold Nadler: Nadler has been attempting to stop last minute pardons by the Bush administration. Locally, he is seeking funds for rail-transit infrastructure. Lisa Daglion asked Micah about the cross-Harbor rail freight project, to which he responded that transport of goods by truck is criticized by the Port Authority in its EIS so rail freight must go ahead on schedule. He explained that the region needs 20% state-matched to the federal funds and that might be a problem considering the economic situation in Albany. Still, he expects an increase in federal funding with the new administration.

Gregor Amante, representing Assembly member Linda Rosenthal: Announced that Linda has joined the Upper West Side in their innovative public space projects. She recommends that instead of the MTA hikes and service cuts that the City reinstate the commuter tax. She supports the findings of the Richard Ravitch committee on the MTA proposals. She is against rent vacancy decontrol – a crucial issue to many, many New Yorkers.

Medina Napier from Assembly member Richard Gottfried's office gave a community update on traffic congestion at 53<sup>rd</sup> Street and making sure that the Eastern Railyards EIS includes CB4 concerns.

Melanie LaRocca, representing our City Council member and Speaker Christine Quinn, reported that the number one issue now is challenging the Dept of Aging/ the Mayor's proposed cuts to senior citizen program/centers. Other budget modifications are being challenged by the entire City Council. The Speaker is working hard to create revenue sources for Medicine-On-Wheels, medical programs for homebound seniors. She reports good news about the London Terrace tower tenants and the acceptance by the City of their hardship case filed over ten years ago.

NYC Comptroller Bill Thompson's representative, Sandra ? reported on the update of a lawsuit against the Mayor's proposed changes to local term limits. His office is auditing finances at Yankee Stadium. She told the assembly that they could check fiscal updates on the Comptroller's website.

CB4's District Manager, Bob Benfatto, offered his monthly report: on adult-use retailer at 540 Ninth Avenue which was found in violation of the 60-40 adult/non-adult proportion of products on sale. The NYPD's Special Enforcement Unit allows fifteen days for a shop owner to comply. The store will be cited again until it complies with the law. He reported on the 621 EVENTS nightclub application now before the State Liquor Authority's 500 foot hearing. The Supreme Court of the State of New York decided that the plain language of the rule permits another nightclub in the area (46<sup>th</sup> Street between 11<sup>th</sup> Avenue and the Hudson River). Benfatto said he was gratified by Richard Gottfried's letter to the Mayor regarding proposed cuts to the Community Board budgets.

CB4 Chair JD Noland's Report: He complimented the CB's committees on their shedding light on government processes and revealing community needs. "It takes a lot of extra work to keep the community informed." He specifically cited the Quality of Life committee for its diligence viz sidewalk café decisions and the Transportation Committee for the success of its 8<sup>th</sup> Avenue Bike Lane forum. He reminded everyone of the Related Companies

public meeting for the Signature Theatre which will occupy the theatre space in the new building going up on 42<sup>nd</sup> Street between Dyer and Tenth Avenue. JD testified before the City Council about NYCHA's plans for the neighborhood. He spoke of CB4's new Small Business Task Force; the sidewalk space working group; the Theater Task Force; and the efforts of the Business License committee to balance the needs of the nightlife industry with the concerns of residents. JD announced the death of longtime CB4 supporter Gerry Schoenfeld, head of the Shubert Organization.

## **COMMITTEE REPORTS – LETTERS & RESOLUTIONS**

### **Executive Meeting**

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#### **Item 1: Style Guidelines**

JD Noland explained that we would not be voting on this particular item but have it clarified and make it a matter of record. As chair of this Style Guidelines committee, John Doswell spoke to emphasize a couple of things, as he put it: a letter should state in the first paragraph the outcome of any approval or vote by the board. The body of the letter is to amplify different points and the conclusion is for re-statement. Continuing style suggestions are accepted.

Item 27: Letter to Department of Transportation re Eighth Avenue Bicycle Lane, 14<sup>th</sup> Street to 23<sup>rd</sup> Street – Co-Chair of the Transportation Committee, Christine Berthet, spoke on this DOT plan to convert the 8<sup>th</sup> Avenue Bike Lane to a protected extension keeping the same number of traffic lanes on 8<sup>th</sup> Avenue. She emphasized that this plan is similar to the already constructed 9<sup>th</sup> Avenue Bike Lane. All left turns from 8<sup>th</sup> Avenue will continue. Member Corey Johnson spoke up to compliment the Transportation Committee on its public forum on the new 8<sup>th</sup> Avenue Bike Lane which he now supports wholeheartedly. He further hoped that retaining parking spaces, improved and fewer street signs and reduction of horn honking would follow suit. Member Anthony Juliano testified that he was at first skeptical of the 8<sup>th</sup> Ave Bike Lane but after the public hearing and business survey he has modified his position to support the bike lane. Millie Glaberman questioned line 85 in Item 27's letter re: NYPD License plates for bicycles. Ch5ris Berthet responded that delivery bikes must display licenses but not otherwise. Board member Joe Walsh asked about the full length of the 8<sup>th</sup> Avenue Bike Lane. Christine responded Bank Street north to 23<sup>rd</sup> Street, and she suspects more extensions will be proposed by DOT. Additional remarks from board members included: current traffic studies showing extreme traffic congestion on 8<sup>th</sup> Avenue and that a Bike Lane would make no difference in congestion. Miguel wondered if trucks would be directed closer to the high school. Christine said that drivers must follow truck routes and that these routes are planned away from schools. Would emergency vehicles be affected by the new bike lanes? Christine said that no, the bike lanes are wide enough to accommodate ambulances and fire trucks. The question is called on Item 27: **Passed – two opposed.**

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#### **Landmarks Task Force (LAND)**

Nothing to report

### **Quality of Life/Education, Libraries, and Cultural Affairs (QoL)**

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Chair JD Noland asked the Board to discuss the proposed letters from the Quality of Life committee to SAPO (NYC Street Activity Permit Office) before being voted on one at a time. He asked for a correction on Item #7 - that "Applicant has five business days..." be deleted. Robert Trentlyon asked if Item #4 was a fundraiser, as are #8 and #9. John Lamb asks, "Aren't there too many street fairs already in Chelsea? Is there a maximum limit?" Christine Berthet explained that large fairs require early approval so that we can keep count of the multi-block closings. These proposed tonight are small, with only half block closings. Corey said he is against adding any more street fairs/closings. Millie Glaberman said she had no such objections and speaking as co-chair of the QoL committee she said all issues had been addressed on the applications. She thought more important than the number of fairs was their quality. She said that CB4 should have a process to reach out to small businesses that are affected and to welcome them to participate in the fairs. Other members recommended signs announcing fair sponsors. David Pincus added that several of these fairs raise money for good causes. He agreed that explanatory signs and info is lacking. Bob T remembered a time when small local businesses could not afford the booth rental and thus were not included in the fairs. He proposes that fair promoters focus on local businesses. Board member Amy Johannes reported that we are in a "Cemusa Nightmare!" on all our sidewalks – referring to bus stops and the proliferation of new newsstands. (These are under the umbrella of the Transportation Committee.) Tony stated that all street fair permit renewals should guarantee safe transit across major thoroughfares such as 23<sup>rd</sup> Street. Discussion followed regarding restricting the number of fairs, a Port-A-John complaint, promoters' percentage of income and transparency of their accounts. JD reminded all that the City mandates transparency. Ed Kirkland reminded all that political club events are very different from street fairs. Wilma Vasquez said that the busy, overcrowded **July 4<sup>th</sup> weekend should have no street fairs.**

**The question is called for Items 2-12:**

- Item 2: Letter to SAPO re Chelsea Jewish Center, West 23<sup>rd</sup> St (7/8), Sunday, April 5, 2009 – **Pass. One opposed.**
- Item 3: Letter to SAPO re Chelsea Community Council, West 23<sup>rd</sup> St (8/9), Saturday, April 11, 2009 – **Pass. One opposed. One abstention.**
- Item 4: Letter to SAPO re Actors Temple/Congregation Ezrath, West 47<sup>th</sup> St (8/9), Sunday, July 26, 2009 – Passed. Two opposed.
- Item 5: Letter to SAPO re Chelsea Visiting Neighbors, 8<sup>th</sup> Ave (14/23), Saturday, April 25, 2009 – **Pass. Two opposed.**
- Item 6: Letter to SAPO re Chelsea Midtown Democrats, 8<sup>th</sup> Ave (14/23), Tuesday, September 12, 2009 – **Pass. Five opposed.**
- Item 7: Letter to SAPO re McBurney YMCA, 6<sup>th</sup> Ave (14/23), Saturday, July 4, 2009 – **Pass. Two opposed.**
- Item 8: Letter to SAPO re St. Bernard Church, West 14<sup>th</sup> St (7/8), Saturday, July 18, 2009 **Pass. One opposed.**
- Item 9: Letter to SAPO re Holy Apostles Soup Kitchen, West 23<sup>rd</sup> St (8/9), Saturday, August 8, 2009 – **Pass. One opposed.**
- Item 10: Letter to SAPO re Chelsea Reform Democratic Club, 6<sup>th</sup> Ave (14/23), Saturday, May 23, 2009 – **Pass. Three opposed.**
- Item 11: Letter to SAPO re 10<sup>th</sup> Precinct Community Council, West 23<sup>rd</sup> St (7/8), Saturday, June 20, 2009 – **Pass. Two opposed. One abstention.**
- Item 12: Letter to SAPO re Ninth Avenue Association, 9<sup>th</sup> Avenue (57/37), May 16<sup>th</sup> & 17<sup>th</sup> – Saturday & Sunday – **Pass. One opposed.**

#### **Clinton/Hell's Kitchen Land Use Committee (C/HKLU)**

Item 13: Letter to City Planning Commission (CPC) re Clinton Park/770 Eleventh Avenue (betw. 53rd-54th) - ULURPs 080008ZMM, 080009ZRM, 080010ZSM, 080011ZSM.

Chair of Land Use Committee Anna Levin said that a great deal of work has gone in to the proposed 11<sup>th</sup> Avenue Rezoning and that the community has persistent themes. The Clinton Special District ULURP promotes preservation, low density, the renovation of unused properties, and a responsible shaping of the area without compromising important qualities. The community is against startling, dazzling architecture when and if it has no relation to its surroundings. Recognizing that such is often a matter of taste, we are asking that the scale here be not more than 9 FAR overall. The benchmark of the district is the development known as Clinton Green; which includes adjacent many-storied towers. Clinton Green's precedent will affect the size and density of development on 11<sup>th</sup> Avenue. Clinton Park does not adhere to the benchmark/principles of Clinton Green. The Walentas/Two Trees Clinton Park development could set a poor precedent for the future. The Two Trees commercial designation (Mercedes Benz dealership) runs counter to the community's preference for housing. Over commercialization is not in the ULURP tradition. Anna reported that her committee is concerned about all of these issues. She offered corrections to Line 29 to get the correct information and notes that Clinton Park will include *permanent* affordable housing in the 80/20 formula – as opposed to twenty year affordable. HPD is looking into this change of policy. Parking is restricted to accessory. The letter is a recommendation for denial unless the committee's consensus proposal (conditions) is met. A new condition will be added - to employ local residents. Much discussion followed centered around the tradeoff of space, affordable housing units and floor area ratio. Lisa regrets no supermarket and proposes at least a bodhegga as a community use suggestion. Miguel permanent affordable housing is good and jobs are good. Wilma regrets no new school is in the proposal. Corey questions the commercial façade material, the Parks Conservancy donation and the FHA financing. Dividing the stipulations (conditions) is proposed; not acceptable by applicant. 30% affordable, not 20%. The question is called; **Pass.**

Item 14: Letter to CPC re 405 W. 53rd Street Parking Garage - ULURP 070305ZSM. Anna presents this change in parking language for this applicant to 38.8% accessory parking from 17%. The increase may be justified in this all owned residential building. Discussion: Brett Firfer notes that any increase should conform to the neighborhood plan, shape of the community, and this does not. The question is called. **Pass.**

Item 15: Letter to BSA re Mid-City Gym, 345 W. 42nd St. – BSA # 258-08 BZ **Pass.**

#### **Business Licenses & Permits Committee (BLP)**

Chair suggests to bundle Items #16-18, 21, 22

Item 16: Letter to SLA re 862 9<sup>th</sup> Ave LLC – 862 9<sup>th</sup> Ave (56) **Pass**

Item 17: Letter to SLA re Gustoso LLC – 688 9<sup>th</sup> Ave (47/48) **Pass**

Item 18: Letter to SLA re Green Tree Restaurant Group LLC – 243 W. 14<sup>th</sup> St (6/7) **Pass**

Item 19: Letter to SLA re 609 W. 29<sup>th</sup> LLC – 609 W. 29<sup>th</sup> Street

A change of owner application; no resident complaints. Pass, one not eligible (Paul Seres)

Item 20: Letter to SLA re Chipotle Mexican Grill of Colorado LLC – 149 8<sup>th</sup> Ave Plans were not presented in committee, but CB office will hold until presented. **Pass**

Item 21: Letter to SLA re Mestre Inc. d/b/a Le Zie 2000 – 172 7<sup>th</sup> Avenue **Pass**

Item 22: Letter to SLA re Portici Ristorante d/b/a 44 Southwest – 621 9<sup>th</sup> Avenue **Pass**

Item 23: Letter to SLA re Three Twenty-Five Restaurant Corp. – 325 West 42<sup>nd</sup> St

Chair from Committee that the illegal blowers were removed in long standing problem; this and other additional stipulations incorporated in the letter. **Pass**

Item 24: Letter to SLA re Chelsea Hospitality Partners, LLC – 116 10<sup>th</sup> Ave Co-Chair, Lisa Daglian reports that the new owner in the transfer will change the operation for the better regarding traffic and security. Neighbor and board member Allen Roskoff reports that despite the two letters on record supporting the transfer, he was never notified and questions the outreach effort. The discussion concluded that not enough outreach to the community was achieved. In addition, a careless method of operation of previous owner at site (Earth) and the new applicant were questioned: outside promoters have created problems with crowd control. A motion is made to refer the matter back to committee and seconded. Applicant is willing to withdraw and owner comments that the committee did not see any problems. Other board members testify to not enough community input and the current saturation of clubs. Tony points out that when the board votes against a club applicant, the State Liquor Authority approves them anyway. Question on the motion to table back to committee: 16 in favor, 19 against. Christine Berthet motions to simplify the letter to a strict denial of the application without conditions; Burt Lazarin second. Discussion about having SLA approval with conditions versus without conditions. The question is called: 19 in favor of the motion, 16 against – **the motion carries**.

Item 25: Letter to SLA re Rare Chelsea LLC – 152 W. 26<sup>th</sup> Street. Lisa explains that a change of seating and a retractable roof without an outdoor setting are the issues. Sound engineering will be employed to mitigate allowable amplified music and residents are not living close to the establishment. **Pass**

#### **Transportation Planning Committee (TRANS)**

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Item 26: Letter to DOT re Protected pedestrian crossing at 23<sup>rd</sup> Street and 9<sup>th</sup> Avenue

Co-Chair Christine reports that NYC Department of Transportation will remove the left turn at the intersection and that will help mitigate the problem. Discussion: not enough of a solution, the letter needs clarification, not enough NYPD attention possible, it helps protect eastern crossing for pedestrians when left turn is not allowed. Wilma Velasquez proposes that the letter be sent back to committee, Lisa second: motion denied on vote. **Pass** with 3 opposed.

#### **Waterfront and Parks Committee (WATER)**

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Item 28: Letter to Merchandise Mart re Pier 92/94 traffic concerns

John Doswell reports that this issue of traffic/pedestrian conflict will come back to us again and we should make our comments known through this letter. **Pass**

#### **Chelsea Preservation & Planning Committee (ChP&P)**

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No items to report

#### **Housing, Health and Human Services (HH&HS)**

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No items to support

#### **New Business**

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Item 29: Letter to NYPD, NYNJPA, DOT re pedestrian fatality at Ninth Avenue and 38<sup>th</sup> Street

Christine comments that each loss of life should be of special concern to our community and that blind to traffic pedestrian crossings must be brought to the attention of authorities. A Lead Pedestrian Interval is one method that might have saved a life in this case. JD recommends this strong complaint. **Passed unanimously**.