

1 **CHELSEA LAND USE COMMITTEE**

Item #: 1

2
3 October XX, 2014

4
5 Carl Weisbrod, Chair
6 City Planning Commission
7 22 Reade Street
8 New York, NY 10007
9

10 **Re: ULURP Applications Nos. C 150101 ZMM and N 150102 ZRM**
11 **Special West Chelsea Expansion**

12
13 Dear Chair Weisbrod:

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15 At its regularly scheduled Full Board Meeting on October 1, 2014, Manhattan Community Board
16 4, on the recommendation of its Chelsea Land Use Committee and following a duly noticed
17 public hearing, voted by roll call ___ in favor, ___ opposed, ___ abstaining and ___ present not
18 eligible to recommend approval, with the condition regarding sidewalk cafes noted below, of the
19 applications to incorporate portions of Block 712 into the Special West Chelsea District (SWCD)
20 and to make clarifying amendments to portions of the Zoning Resolution.

21
22 **Background**

23
24 The Special West Chelsea District (SWCD) was created in 2005 to facilitate the transformation
25 of the High Line elevated rail line into a public park, to ensure that the form of new buildings
26 enhanced neighborhood character, to provide a transition to the lower-scale Chelsea Historic
27 District to the east and to the higher density Hudson Yards to the north, and for the general
28 revitalization of West Chelsea. Nine years after its creation, the general purposes for which the
29 SWCD was created are being fulfilled. West Chelsea is a dynamic mixed-use neighborhood.
30 Residential development is vibrant, the arts community is flourishing and the third section of the
31 High Line park has opened to enthusiastic reviews and large crowds.

32
33 During the public process that culminated in the June 2005 West Chelsea rezoning, CB4
34 advocated for the inclusion of adjacent areas of West Chelsea in the new special district,
35 including:

- 36
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 - The areas between Eleventh and Twelfth Avenues between West 27th and 30th Streets;
 - 38 • The Chelsea Market block;
 - 39 • 85 and 99 Tenth Avenue; and
 - 40 • The south side of West 15th Street between Ninth and Tenth Avenues.

41
42 Since 2007 the Board has included a request in its annual Statement of District Needs for a study
43 by the Department of City Planning (DCP) of these areas for future actions appropriate for the
44 neighborhood, including their incorporation into the SWCD.
45

As part of the 2012 Chelsea Market rezoning, which mapped the Chelsea Market block as Subarea J of the SWCD, DCP committed to studying the expansion of the SWCD. Over the course of two years CB4's CLU committee held several public meetings and developed recommendations for presentation to DCP. In June 2013 DCP released its report, "study for the potential expansion of the Special West Chelsea District." While declining to take action on the other areas proposed by the Board for inclusion in the SWCD, the study recommended the incorporation of the south side of 15th Street between Ninth and Tenth Avenues into the M1-5 district of the SWCD.

Requested Actions

• Proposed Zoning Map Amendment

Include block 712, bounded by West 14th and West 15th Streets, and Ninth and Tenth Avenues, excluding the segment of the block beyond 325 east of Tenth Avenue and south of the block centerline - the Project Area - in the M1-5 district of the SWCD.

• Proposed Zoning Text Amendments

- Amend ZR 98 Appendices A and B to expand the SWCD map to include the Project Area in the SWCD M1-5 district.
- Amend ZR 98-423 to strengthen street wall requirements for corner lots with narrow street frontages.
- Amend ZR 98-41 to clarify that where rear yard equivalents are required they shall be provided at the mid-block.
- Amend ZR 14-44 to allow unenclosed sidewalk cafes on wide streets in the SWCD.

CB4 Recommendations

• Proposed Zoning Map and Zoning Text Amendments Related to Block 712

CB4 welcomes the proposed inclusion of the south side of 15th Street between Ninth and Tenth Avenues, and across from Chelsea Market, in the M1-5 district of the SWCD and recommends approval of these actions.

The incorporation of the block into the SWCD does not change existing permitted density but does change permitted building form. Currently, maximum building heights are subject only to sky exposure plane limitations, which can produce buildings in excess of 250 feet tall. Under the new zoning, buildings will be restricted to minimum and maximum base heights of 50 and 95 feet, respectively, and a maximum height of 135 feet. This will preclude the transfer of development rights from adjacent properties for the purpose of building taller than 135 feet. CB4 agrees with DCP that the inclusion of the Project Area in the SWCD M1-5 district provides

an appropriate transition from the three to six story buildings in the Gansevoort Market Historic District to the south to the buildings with varied heights to the north.

We have received requests from developers of proposed new and altered buildings taller than would be permitted by the current application to consider changes that would allow them to proceed with their projects. Their arguments include references to larger nearby buildings such as 111 Eighth Avenue and the future Tenth Avenue frontage of Chelsea Market, as well as to 412-414 West 15th Street where a 250+ foot hotel is under construction. We believe that the building form established by the SWCD M1-5 district is appropriate for this block and reject the argument that the out-of-scale midblock hotel under construction should establish the new context for the block. We only regret that this action comes too late to prevent that particular building.

The inclusion also does not change existing permitted uses. The Board recommended that hotels be excluded from the West 15th Street block, either by changing zoning to M2-3 or by text amendment, but DCP declined, saying that they believed that the bulk restrictions in the SWCD M1-5 district and the strong demand for office space would be sufficient to discourage hotel uses. As we have written elsewhere, the Board supports the general proposal to require a special permit for a hotel.

- **Proposed Zoning Text Amendments to ZR 98-423 and ZR 98-41**

The proposed amendments to ZR 98-423 and to ZR 98-41 address ambiguities in the SWCD text related to requirements for street walls for corner lots and for rear yard equivalents. The Board recommends their approval.

- **Proposed Zoning Text Amendment to ZR 14-44**

ZR 14-44 governs sidewalk cafes in special zoning districts. Currently, unenclosed sidewalk cafes are not permitted in the SWCD. After receiving requests from restaurant owners and holding public meetings on the issue, the Board recommended to DCP that the text be amended to permit unenclosed sidewalk cafes on wide streets in the SWCD. However, based on further review of sidewalk widths, traffic and the nearby mid-street seating area, we now believe that sidewalk cafes should not be permitted on the west side of Ninth Avenue between West 14th and West 16th Streets.

The board recommends approval of the amendment to ZR 14-44 on the condition that it be modified to exclude unenclosed sidewalk cafes on Ninth Avenue.

CB4 wishes to thank the members of the Department of City Planning who worked with us for the expansion of the Special West Chelsea District to include Block 712. We look forward to ongoing discussions on our other recommended areas and hope that their rezoning and inclusion can be completed in advance of development inconsistent with the purposes of the special district.

Christine, Lee, Betty

1 **CHELSEA LAND USE COMMITTEE**

Item # 2

2
3 October XX, 2014
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6 Hon. Meenakshi Srinivasan
7 Chair
8 Landmarks Preservation Commission
9 Municipal Building, 9th floor
10 One Centre Street
11 New York, NY 10007
12

13 **Re: Burlington Coat Factory Sign – 695-709 Sixth Avenue**
14

15 Dear Chair Srinivasan:
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17 At a regular Board meeting on October 1, 2014, Manhattan Community Board 4 by a vote
18 of ___in favor, ___opposed, ___abstaining and ___present but not eligible, voted to approve an
19 application to the Landmarks Preservation Commission for a Certificate of Appropriateness for
20 the referenced sign, which is in violation of the maximum projection and height limitations of the
21 Zoning Resolution of the City of New York. This vote reflects the recommendation of the CB4
22 Chelsea Land Use Committee which voted on this application on September 15, 2014.
23

24 Considering the sign's over nineteen years of presence and established importance to the
25 advertised tenant's economics, and considering the tenant's contribution to employment and
26 commerce in the community, the Board holds that an exception to the projection and height
27 limitations is warranted for the duration of Burlington's tenancy in the building. The Board does
28 not hold that a different sign would be similarly appropriate and thus recommends that the
29 Certificate of Appropriateness be restricted to this particular sign. The Board anticipates that if
30 and when it receives an application to the Department of City Planning for a special permit under
31 ZR 74-711, the Board will recommend that the special permit be limited to the tenancy of
32 Burlington, and that it terminate when Burlington vacates its space and removes its sign.
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34 Sincerely,
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36 Christine, Lee, Betty
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1 **CHELSEA LAND USE COMMITTEE**

Item # 3

2
3 October XX, 2014
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6 Hon. Meenakshi Srinivasan
7 Chair
8 Landmarks Preservation Commission
9 Municipal Building, 9th floor
10 One Centre Street
11 New York, NY 10007
12

13 **Re: Townhouse Renovation – 333 West 20th Street**
14

15 Dear Chair Srinivasan:
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17 At a regular Board meeting on October 1, 2014 Manhattan Community Board 4 by a vote
18 of ___in favor, ___opposed, ___abstaining and ___present but not eligible, voted to recommend
19 denial of an application for the replacement of the front door at 333 West 20th Street. This vote
20 reflects the recommendation of the CB4 Chelsea Land Use Committee which voted on this
21 application on September 15, 2014.
22

23 The applicant proposes to replace the existing front doors of a single family house undergoing
24 renovation. The existing doors have vertical glass panels, while the proposed replacements
25 would have vertical solid wood panels and a horizontal glass transom above. The applicant stated
26 that the current doors had been badly damaged and would be expensive to rebuild, and that the
27 rebuilt doors might be weaker.
28

29 This house is directly at the sidewalk and doesn't have a stoop as some of the other houses on the
30 street have and therefore is more easily accessible. The owners of the house would prefer solid
31 wood door panels for privacy and security. The applicant pointed out that there are a number of
32 doors with solid panels and glass transoms on this block.
33

34 The Board recommends denial of this application because the proposed doors would be a
35 dramatic change in character for the building. The current doors with glass panels are
36 harmonious with the building, consistent with the verticality established by the vertical windows
37 on five floors. The proposed solid-panel doors with a horizontal transom interrupt this consistent
38 verticality. The Board also believes that there are a variety of solutions to achieve privacy and
39 security with glass door panels, noting that there are houses with similar glass panels located on
40 both sides of the same street as the subject building.
41

42 Sincerely,
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44 Christine, Lee, Betty

1 **WATERFRONT, PARKS & ENVIRONMENT COMMITTEE**

Item #: 9

2
3 October XX, 2014

4
5 Honorable Corey Johnson
6 Office of Councilmember Corey Johnson
7 224 West 30th Street, Suite 1206
8 New York, NY 10001
9

10 **Re: Capital Funding for Parks in Council District 3**

11
12 Dear Councilmember Johnson,

13
14 Manhattan Community Board 4 (CB4) would like to thank you for providing \$1.6 million worth
15 of capital funding for parks within Council District 3. As you are well aware, our neighborhoods
16 are seeing an explosion of new residential development. Our open space, however, is not
17 growing and our small neighborhood parks are being used by increased numbers of people. Our
18 district has traditionally ranked near the bottom for open green spaces. MCB4 welcomes any
19 opportunity to add open green space to our district, but we are also concerned about the state of
20 our current parks. The commitment by your office to our existing parks will go a long way
21 towards adding to the quality of life for residents and visitors to our District.
22

23 As reported by your staff at CB4's Waterfront, Parks and Environment Committee (WPE)
24 meeting the Department of Parks and Recreation (DPR) has provided your office with a very
25 detailed update of planned work for our neighborhood parks. We appreciate the opportunity to
26 be a part of the ongoing conversation with DPR and your office to ensure community concerns
27 are addressed. It is our hope that your office will also consider providing capital funding for
28 some of the smaller green spaces, like the pocket parks within our district that provide a much
29 needed oasis from our increasingly crowded neighborhoods.
30

31 The open dialog established by your office will result in improvements that will match
32 community needs for parks like Clement Clarke Moore, DeWitt Clinton, Hudson River and
33 Matthews-Palmer. CB4 looks forward to continuing the conversation with DPR and your office
34 in the near future.
35

36
37 Sincerely,
38 Christine Berthet Maarten de Kadt Co-Chair Delores Rubin Co-Chair
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40 cc: Steve Simon, City of New York Parks & Recreation
41 Shanti Nagel, Cultivate HK, CHDC
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1 **Transportation Planning Committee**

Item #: 10

2
3 October XX, 2014

4
5 Polly Trottenberg
6 Manhattan Borough Commissioner
7 NYC Department of Transportation
8 59 Maiden Lane, 37th Floor
9 New York, NY 10038

10
11 **Re: Request to Study Protected Crosstown Bike Lanes in Midtown Manhattan**

12
13 Dear Commissioner Trottenberg,

14
15 Manhattan Community Board 4 (CB4) has been an advocate for protected bicycle lanes for over
16 10 years. We were pleased that the first protected bicycle lane in Manhattan was on 9th Avenue
17 and hope we can be among the first Community Boards to host a cross town bicycle lane. More
18 specifically, we request that the Department of Transportation (DOT) study potential streets in
19 midtown that might be viable for a crosstown protected bike lane.

20
21 Manhattan Community Board 4 continues to support the protected bicycle lanes, not only
22 because it is an important part of a vision we share with DOT for a more bicycle friendly city
23 and provides protected bicycle access to many parts of city, but because protected bicycle paths
24 have a proven record of decreasing pedestrian and bicycle accidents and improving pedestrian
25 safety. It is also an important recognition that DOT understands the increased residential (and
26 tourist) nature of the “midtown” areas of CB4 and the important need to prioritize pedestrian and
27 bicycle needs along with those of vehicular traffic (which have historically been the higher city
28 priority).

29
30 The improved safety features of protected bicycle lanes – specifically refuge areas on every other
31 block that reduce pedestrian street crossing distances and the actual separated protection for
32 bicycles – are particularly important given the dangerous conditions for pedestrians and
33 bicyclists that exist in our neighborhood. Since 2005 more than 20 pedestrians have been killed
34 in our community, with 4 occurring this year alone.

35
36 In 2013 after the installation of protected bike lanes in many parts of New York City, the DOT
37 reported a 75% decrease in the average risk of a serious injury experienced by cyclists in New
38 York City. Furthermore, the Department of Health and Mental Hygiene reports that over half a
39 million New Yorkers rides a bike at least several times a month. The installation of protected
40 crosstown bike lanes will further increase the amount of bike rides, and greatly improve the
41 safety conditions of the streets they ride on.

42 CB4 hopes that DOT will seriously consider this request and report back to our board with
43 potential streets that could be studied for protected bike lanes.

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45 Sincerely,

1 **Transportation Planning Committee**

Item #: 11

2
3 October XX, 2014

4
5 Polly Trottenberg
6 Manhattan Borough Commissioner
7 NYC Department of Transportation
8 59 Maiden Lane, 37th Floor
9 New York, NY 10038

10
11 **Re: DOT Art Installation on West 45th Street between Tenth and Eleventh Avenues**

12
13 Dear Commissioner Trottenberg:

14
15 Manhattan Community Board 4 (CB4) strongly supports the proposal for an art installation on
16 the sidewalk bridge located on West 45th Street between Tenth and Eleventh Avenues. We are
17 happy that DOT has selected this location for one of its Urban Art Division installations. We
18 believe this block and this sidewalk bridge in particular will benefit from the installation, as it
19 will greatly improve the atmosphere of this location. We are pleased with the proposed design by
20 artist Asae Soya and we hope that the DOT will consider making the installation permanent or
21 consider replacing it with another design if the one currently proposed is removed.
22 CB4 looks forward to the installation of the artwork later this year.

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24 Sincerely,
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1 **Transportation Planning Committee**

Item #: 12

2
3 October XX, 2014

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5 Jonathan Mintz
6 Commissioner
7 Special Application Unit
8 Department of Consumer Affairs
9 42 Broadway 5th Floor
10 New York N.Y. 10004

11
12 **Re: Newsstand application #: 12019-2014-ANWS**
13 **S/E/C 10th Avenue & W. 15th Street**
14

15 Dear Commissioner Mintz,

16
17 Manhattan Community Board 4 (CB4) supports the application for a newsstand on the southeast
18 corner of Tenth Avenue and W. 15th Street. We note that this sidewalk is extremely wide and
19 even with the newsstand, will leave over 17 feet of clear path for pedestrians. We also note that
20 the proposed location has minimal sidewalk obstructions, no other newsstands currently in the
21 area, and no major subway or stops nearby. This newsstand will also be a resource for residents
22 and pedestrians entering and exiting Chelsea Market, the nearby plaza, and the High Line.
23

24 As always, thank you for your consideration.

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27 Sincerely,
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1 **Transportation Planning Committee**

Item #: 13

2
3 October XX, 2014

4
5 Polly Trottenberg
6 Transportation Commissioner
7 NYC Department of Transportation
8 59 Maiden Lane, 37th Floor
9 New York, NY 10038

10
11 **Re: Jitney Bus Operation and West 42nd Street between Eighth and Ninth Avenues**

12
13 Dear Commissioner Trottenberg,

14
15 Manhattan Community Board 4 (CB4) would like request the assistance of the Department of
16 Transportation (DOT) in better regulating the Jitney bus operation on 42nd Street between
17 Eighth and Ninth Avenues outside of the Port Authority Bus Terminal. Currently three bus
18 operators, Fuji, Galaxy, and Three Aces use locations on the north and south side of the street as
19 curbside terminals. Although these operators have been using these locations for close to a
20 decade they failed to apply for a permit from the DOT as required by provisions 04-01 and 04-10
21 in Section 4 of the Rules of the City of New York which requires Intercity Bus operators with
22 existing DOT authorized bus stops to reapply to keep these stops and provide for a 90-Day
23 review period, including Community Board review.

24
25 The use of these Intercity Bus stops along West 42nd Street between Eighth and Ninth
26 Avenues has grown so significantly in recent years that it has become impassable for most
27 pedestrians (particularly around commuting and after-theater hours). The bus operations block a
28 designated bus lane which causes significant delays for the MTA M42 bus which has frequently
29 been the winner of the Straphanger Campaign's "Slow Poke Award." During evening commute
30 and after theater shows, the lines for commuting passengers waiting to load on the North Side of
31 the street typically extends from mid-block on West 42nd Street around the corner to mid-block
32 on Ninth Avenue between West 42nd and West 43rd Streets.

33
34 Furthermore, these buses are a safety concern for cars and pedestrians. The buses are frequently
35 idling and double parked causing greater congestion on an already heavily congested roadway
36 and creating unnecessary pollution. On their approach to the Lincoln tunnel these buses make a
37 left turn on Ninth Avenue heading towards West 41st Street, which causes further backup on both
38 Ninth Avenue and West 42nd street.

39
40 CB4 appreciates the service these buses provide to commuters from New Jersey, but would like
41 their operation to be better managed. First we would like them to submit their application to the
42 DOT for the intercity bus permit, and we would like the help of the DOT and the New York
43 Police Department (NYPD) to increase enforcement on the operation for operating without a
44 permit. It has come to the attention of CB4 that there is some confusion between NYPD and
45 DOT regarding the status of the permit and the NYPD's ability to enforce the operation. CB4
46 requests that DOT send a letter to NYPD copying CB4 clarifying that these operator have not

applied for a permit and that the NYPD should be enforcing the violation of provisions 04-01 and 04-10 in Section 4 of the Rules of the City of New York.

In addition to enforcement CB4 requests that the DOT consider the following locations for the bus operations when their applications are received:

Drop off locations (with direct access from Lincoln Tunnel)

- West 40th Street – (8/9) - SE corner of Ninth Avenue and West 40th Street, on West 40th street 84' - Space for 1 Drop Off – Existing regulation: no standing – Taxi stand.
- West 40th Street –(8/9) - SW corner of Eighth Avenue and West 40th Street – 300 West 40th street 68' – space for 2 Drop Off, Existing regulation: no standing- commercial.

Pickup locations (with direct access to Lincoln Tunnel)

- West 41st Street (Dyer/10th) – NW corner of Dyer and West 41st, IFO MTA vents 82' - space for 2 pickup - Current regulation (private signs) : No standing except authorized vehicles (maybe left over from construction zone)
- West 41st Street – (7/8) – North side, in front of 219 West 41st Street 88' – space for 2 pickups Existing Regulation: commercial.

These locations do not include layover. The buses should use existing layover location in the western part of the neighborhood.

CB4 believes these recommend locations would allow the buses to operate better and more safely within our community.

Our community has been dealing with these bus operations for many years, and we hope that with the cooperation of the DOT, NYPD, and the bus operators, we can improve the situation for all involved. As always we thank you for your time and consideration.

Sincerely,



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

3
CHRISTINE BERTHET
Chair

5
NELLY GONZALEZ
Acting District Manager

7 **EXECUTIVE COMMITTEE**

Item # 14

8

9 **TO: Manhattan Community Board 4**

10 **FROM: Balanced Business Working Group of MCB4**

11 **DATE: September 25, 2014**

12

13 Manhattan Community Board 4 formed the Balanced Business Working Group in response to
14 community concerns about the district's decreasing diversity of the retail and service businesses
15 necessary in a residential community, the increased concentration of alcohol-serving
16 establishments, and the issues and problems accompanying those establishments (particularly on
17 residential side streets).

18 The working group held three meetings with the community over the past year and discussed at
19 length the specific issues and problems, the community's goals, and possible solutions.

20 As part of its work, the working group, assisted by members of the community, surveyed the mix
21 of businesses on the avenue blocks in the district, recording the nature of the businesses and the
22 street frontage of each business. A summary of that survey is attached.

23 As discussed during these meetings, the working group believes that there are two prongs to any
24 solution: (1) limiting the concentration of alcohol-serving establishments on the avenues and the
25 spread of such establishments to residential side streets; and (2) attracting a full diversity of
26 affordable retail and service businesses in the district.

27 In connection with the first prong, the working group has prepared the attached draft of an
28 MCB4 Policy Regarding Concentration and Location of Alcohol-Serving Establishments, which
29 the working group recommends be adopted by MCB4.

MCB4 POLICY REGARDING CONCENTRATION AND LOCATION OF ALCOHOL-SERVING ESTABLISHMENTS

Issues and Concerns

MCB4 hears an increasing number of complaints and concerns from community residents regarding the disruptions to reasonable quality of life caused by the increasingly heavy concentration of alcohol-serving establishments, as well as their presence on predominantly residential small side streets. Although it recognizes that alcohol-serving establishments are an important component of the commercial make-up of the district, MCB4 has observed that problems increase significantly when such establishments are heavily concentrated on commercial and mixed-use streets or located on predominantly residential blocks. These problems include increased noise and sidewalk congestion when their patrons enter and leave, often in groups, and when they smoke on sidewalks outside these establishments; increased traffic as their patrons drive into and out of the neighborhood and circle the streets seeking parking; and disruption to the sleep of community residents from the noise accompanying these establishments because they commonly operate with late night hours.

MCB4 has surveyed the types of businesses located on the most commercial avenue blocks in the district and has found that many avenue blocks have an over-concentration of alcohol-serving establishments; on some blocks, these establishments exceed 50% of the street footage of all lots on the block.

Such concentration also has the unfortunate corollary of forcing out of the area the types of retail stores and service businesses necessary to support a residential community. The location and convenience of these retail and service businesses are particularly important to the senior citizens who make up a significant proportion of this district's population.

Many of the side streets in this district -- which includes the Special Clinton District, created to preserve and strengthen the residential character of that area -- are primarily residential in nature. Often, these blocks consist of low-rise residential building stock, including century-old structures poorly insulated from street noise. MCB4 has found that the quality of life for residents on such streets is inevitably disrupted by the increased noise, congestion, and traffic that accompany alcohol-serving establishments located on such streets.

Issues of increased pedestrian and vehicular traffic are of particular concern because of the already-crowded conditions in many areas of the district. For example, the sidewalks along Ninth Avenue in Clinton/Hell's Kitchen are narrower than the typical avenue sidewalks because of the additional traffic lane for access to the Lincoln Tunnel. The presence of the Lincoln Tunnel in the center of the district itself creates a notable amount of vehicular traffic passing through the district.

MCB4 has also noted the statistics in a recent New York City Department of Health community health survey that found that, in 2012, the percentages of residents in the

Clinton/Hell's Kitchen neighborhood -- a major part of MCB4 -- who engaged in heavy drinking (10.50%) and binge drinking (34%) were almost double the city-wide percentages (5.90% and 19.70%, respectively). This survey also found that both heavy drinking and binge drinking had increased significantly in Clinton/Hell's Kitchen from 2010 to 2102 and had increased at a much higher rate than the city-wide averages. MCB4 is concerned that the rapid proliferation of alcohol-serving establishments in this district may be a contributing factor to these disturbing statistics.

Policies

In implementing the policies below, MCB4 will continue its commitment to considering each applicant on a case-by-case basis. When considering an application, MCB4 will give the concerns of surrounding residents strong consideration (including, among others, concerns regarding operating hours and method of operation). In particular, significant support for an applicant from immediately-affected residents would be a critical factor in a determination to recommend approval of an application not conforming to a stated policy. MCB4 will also be mindful of the fact that its district is composed of the neighborhoods of Chelsea and Clinton/Hell's Kitchen, where distinct retail and commercial configurations may present specific issues and considerations.

Preserve Residential Character and Quality of Life by Limiting Alcohol-Serving Establishments on Primarily-Residential Side Streets.

To preserve residential quality of life, MCB4 will pursue changes to the zoning of residential side streets to advance residential quality of life by addressing the issues and concerns above.

For these same reasons, MCB4 rarely recommends approval of applications for liquor licenses (including transfer and alteration applications) for establishments located on primarily residential small side streets, particularly establishments that seek to remain open after 11:00 p.m. MCB4 rarely recommends approval of applications for sidewalk cafes on small residential side streets because they are especially disruptive to nearby residents.

Avoid Over-Concentration on the Avenues.

MCB4 deems an area over-concentrated if the street footage of all establishments with full on-premise liquor licenses on the avenue block containing the applicant and the blocks on either side of applicant (a total of three blocks, both sides of the block, considered in total) exceeds 25% of the street footage of all lots located on those three avenue blocks. This three-block radius is roughly co-extensive with the distance of 500 feet that serves as the measurement standard in the provisions of the New York Alcoholic Beverage Control Law commonly referred to as the "500 Foot Rule."

As an example, on an avenue block with typical 25-foot storefronts, an over-concentrated area would involve, in a three-block span, 12 or more 25-foot storefronts

(or 24 or more 12-foot storefronts) occupied by establishments serving full liquor. For purposes of this calculation, establishments serving full liquor shall include any establishment licensed to serve all types of alcohol for consumption on its premises (including, without limitation, on-premise licenses, hotel licenses, catering establishment licenses, and cabaret liquor licenses, but excluding wine-and/or-beer licenses). For corner establishments, only their street footage on the avenue is included in the concentration calculation. This policy will not apply to renewals of existing licenses that do not seek any changes to the license.

To avoid the problems that accompany over-concentration of alcohol-serving establishments and taking into account the 500 Foot Rule, MCB4 rarely recommends approval of applications for full on-premise liquor licenses (including transfers and alterations of such licenses) on avenue locations in over-concentrated areas.

For these same reasons, MCB4 discourages applicants and property owners from seeking to open an establishment with a full on-premise license at a location in an over-concentrated area (as defined above) that falls within the 500 Foot Rule and that has not been previously licensed.

Improve Residential Quality of Life.

Community residents regularly turn to MCB4 for help in resolving issues with the operation of alcohol-serving establishments that undermine reasonable residential quality of life. Through its history with such complaints, MCB4 has learned that several aspects of the operation of such establishments are particularly likely to lead to complaints and concerns.

Accordingly, MCB4 requests that alcohol-serving establishments in the district adhere to a list of operational best practices. MCB4 rarely recommends approval of an application for a liquor license unless the applicant agrees to comply with MCB4's best practices. These practices are listed in the MCB4 agreement for method of operations that an applicant signs and are updated from time-to-time to reflect the most current information MCB4 has collected.

In considering applications, MCB4 will view positively applicants that agree to close by 2:00 a.m. or earlier.

MCB4 has learned that an applicant's character and the history of operations and complaints at other establishments owned or operated by an applicant for a liquor license are often highly predictive of issues and problems at a new establishment. Accordingly, MCB4 will continue to give serious weight to an applicant's character and prior history with licensed establishments, including the relationship between those establishments and the community, when determining whether to recommend the approval of a liquor license application.

The presence of bars and restaurants in buildings that also contain residential units presents a particular set of concerns for the residents of such buildings because noise (both amplified sound and patron noise) and odors frequently escape from those

121 establishments into the residential units and patrons frequently congregate in front of
122 such buildings, beneath residential windows, disrupting residential quality of life with
123 late-night noise and smoking. Accordingly, MCB4 will expect applicants in buildings
124 that contain residential units to take steps to deal with such concerns and an overall
125 protection of residential quality of life and be prepared to discuss their responses to
126 these concerns with MCB4. These steps may include the installation of adequate
127 sound-proofing and kitchen ventilation, earlier closing hours, monitoring the adjacent
128 sidewalk to prevent excessive noise and intrusive smoking by patrons, and arranging
129 for garbage to be collected in the manner least noisy and intrusive for nearby residents.

130 To preserve reasonable residential quality of life, MCB4 will continue to enforce the
131 MCB4 Rear Yard/Rooftop Policy for Liquor Licenses and will apply that policy to all
132 outdoor space, including front yards, rear yards, rooftops, and sidewalk cafes. As the
133 title of the policy makes clear, this policy applies to all liquor licenses and all alcohol-
134 serving establishments.

135
136
DRAFT

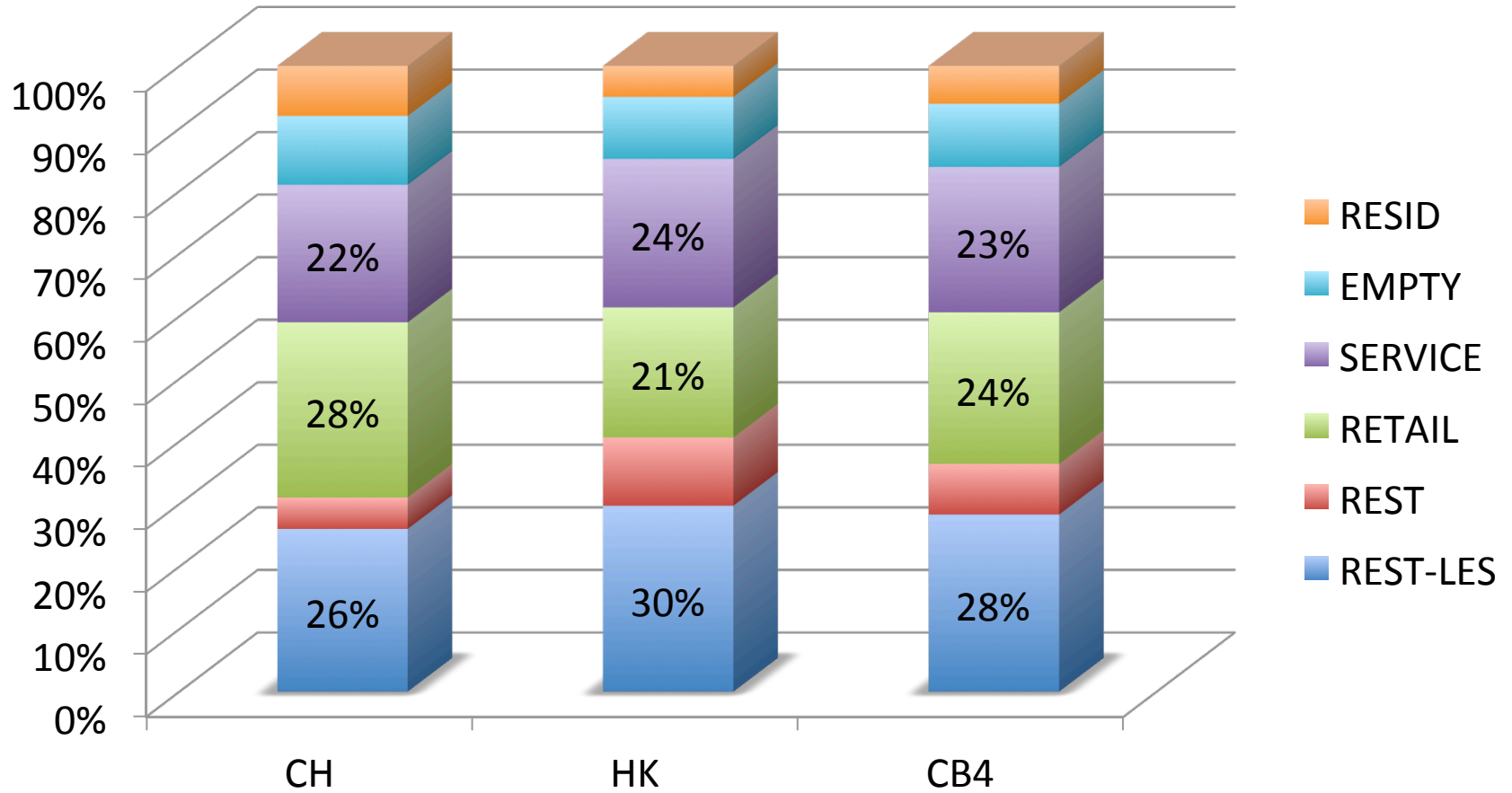
Manhattan CB4

Retail Diversity Survey

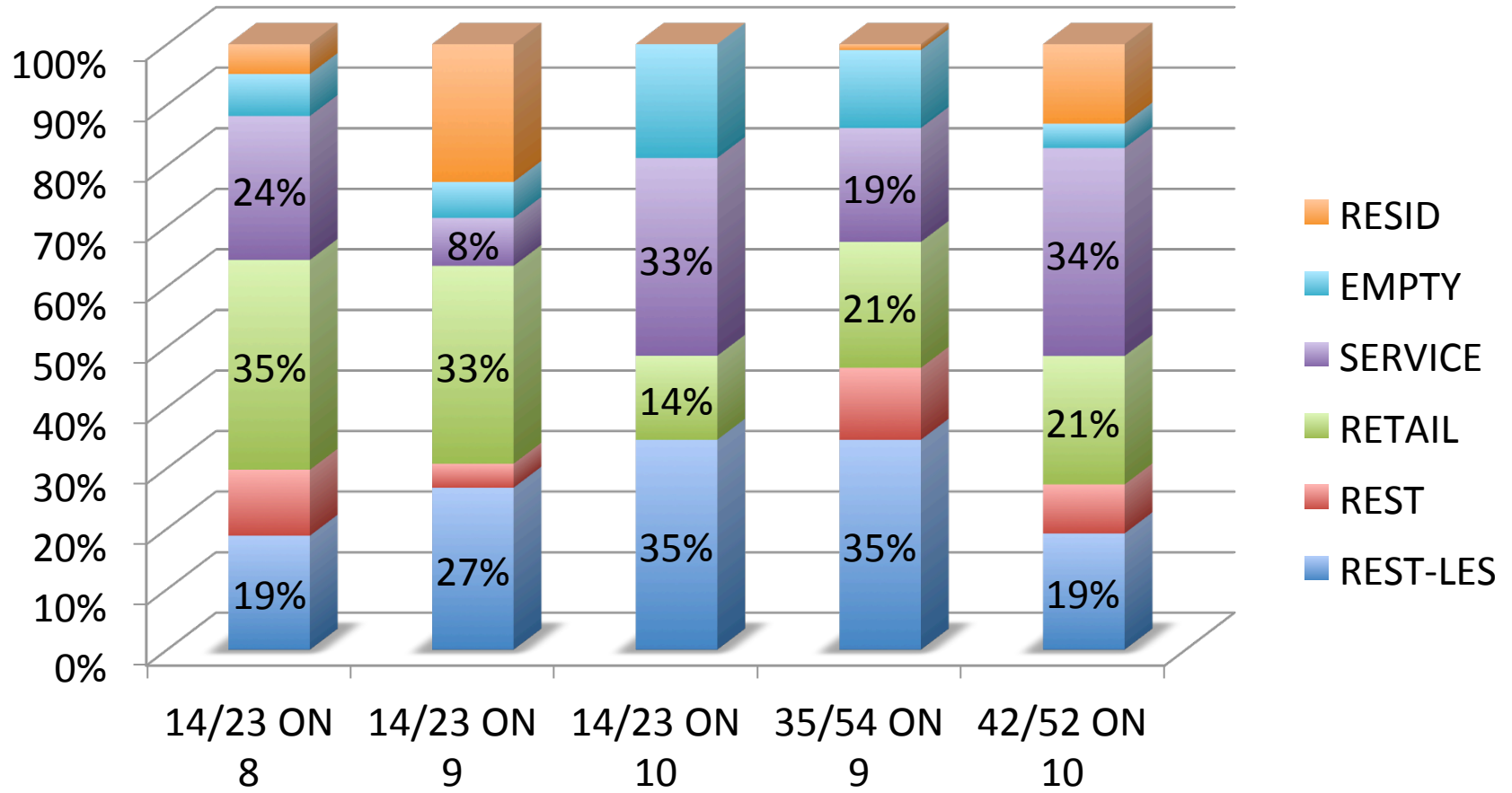
Survey Scope

| | | From Street | To street | # blocks | # store fronts |
|----|---------------------|------------------|------------------|-----------|----------------|
| CH | 8 th AV | 14 th | 23 rd | 17 | 127 |
| CH | 9 th AV | 14 th | 23 rd | 6 | 89 |
| CH | 10 th AV | 14 th | 23 rd | 4 | 41 |
| | | | | 27 | 257 |
| HK | 9 th AV | 35 th | 55 th | 24 | 301 |
| HK | 10 th AV | 42 nd | 52 nd | 22 | 129 |
| | | | | 46 | 430 |
| | | | | 73 | 687 |

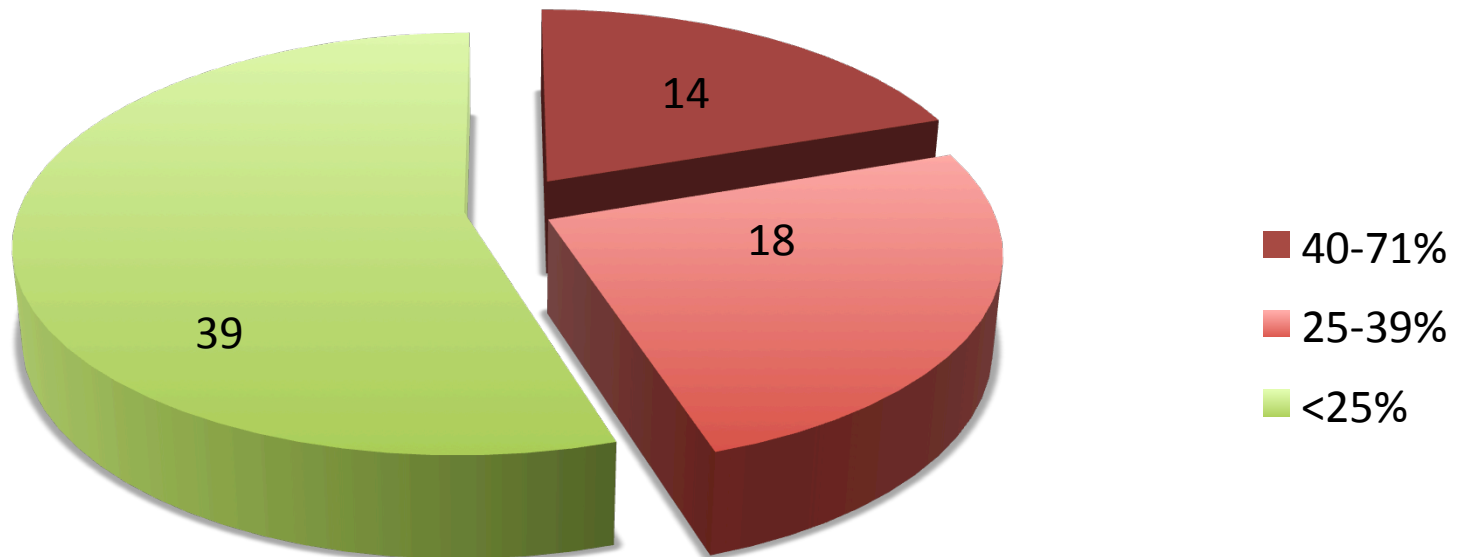
Street Frontage Uses



Street Frontage Uses



Blocks/LSE Frontage



1 **NEW BUSINESS**

Item #: 20

2
3 October XX, 2014

4
5 Senator Brad Hoylman
6 322 Eighth Avenue, #1799
7 New York, NY 10001
8

9 Dear Honorable Senator Hoylman,

10
11 The Quality of Life Committee of Manhattan Community Board 4 (MCB4) would
12 like to express its appreciation for your interest in passing legislation in the New York
13 Senate to make the stipulations agreed to by liquor serving establishments accessible
14 to the public, and to request increased funding for additional SLA investigators.
15

16 We look forward to learning more about the bill and urge you to contact us should
17 you desire any input.
18

19 We thank you and your staff for all of the good work you do for our community. It is
20 very much appreciated.
21

22 Sincerely,

23
24
25 Christine Berthet
Chair

Tina DiFelicianantonio
Co-Chair
Quality of Life Committee

David Pincus
Co-Chair
Quality of Life Committee

1 **NEW BUSINESS**

Item #: 21

2
3 October XX, 2014

4
5 New York Police Department
6 1 Police Plaza, Room 102
7 New York, NY 10038
8
9

10 The Quality of Life Committee of Manhattan Community Board 4 (MCB4) would like to
11 thank you for your commitment to ensure the safety and well-being of our
12 neighborhoods.
13

14 We write to request police ride-alongs to perform additional spot inspections of liquor
15 serving establishments due to an overabundance of complaints within our borders.
16

17 MCB4 has surveyed the types of businesses located on the most commercial avenue
18 blocks in the district and has found that many avenue blocks have an over-concentration
19 of alcohol-serving establishments; on some blocks, these establishments exceed 50% of
20 the street footage of all lots on the block.
21

22 As a result, MCB4 hears an increasing number of complaints and concerns from
23 community residents regarding disruptions to reasonable quality of life caused by the
24 increasingly heavy concentration of alcohol-serving establishments, as well as their
25 presence on predominantly residential small side streets. These problems include
26 increased noise and sidewalk congestion when their patrons enter and leave, often in
27 groups, and when they smoke on sidewalks outside these establishments; increased traffic
28 as their patrons drive into and out of the neighborhood and circle the streets seeking
29 parking; and disruption to the sleep of community residents from the noise accompanying
30 these establishments because they commonly operate with late night hours.
31

32 We look forward to hearing back from you soon. Please let us know if we can assist you
33 in any way regarding our request for additional ride-alongs. Should you desire, we
34 provide you with the stipulations for establishments that are of particular concern.
35

36 Thank you once again for working with the community to resolve these quality of life
37 issues. It is very much appreciated.
38

39 Sincerely,
40

Christine Berthet
Chair

Tina DiFelicianantonio
Co-Chair
Quality of Life Committee

David Pincus
Co-Chair
Quality of Life Committee