

COMMUNITY BOARD 7/MANHATTAN MARCH 2001 RESOLUTIONS

RESOLUTION

Date: March 6, 2001

Committee of Origin: Land Use

Re: 183 Columbus Avenue, Elite Café.

Full Board Vote: 26 In Favor 3 Against 0 Abstentions 0 Present

WHEREAS, the applicant has agreed to remove the roll-down canvas/plastic enclosures that were installed by the previous owner to enable an unenclosed sidewalk café to serve as an enclosed café; and

WHEREAS, the applicant has agreed not to cover the sidewalk with carpeting, etc.;

BE IT RESOLVED THAT Community Board 7/Manhattan approves the new application #0835735 to the Department of Consumer Affairs by VK Food Shop Inc., d/b/a Elite Café at 183 Columbus Avenue (68th-69th Street), for a one-year consent to operate an unenclosed sidewalk café with 6 tables and 11 seats.

Committee: 5-0-0-0. Board Member: 1-0-0-0.

RESOLUTION

Date: March 6, 2001

Committee of Origin: Land Use

Re: 414 Amsterdam Avenue, Savann.

Full Board Vote: 28 In Favor 2 Against 0 Abstentions 0 Present

WHEREAS, the applicant has agreed to remove the flower boxes and menu stand from the railing and outside of the sidewalk café;

BE IT RESOLVED THAT Community Board 7/Manhattan approves the renewal application #1016775 to the Department of Consumer Affairs by BEK Enterprise, Inc., d/b/a Savann Restaurant at 414 Amsterdam Avenue (West 79th-80th Streets), for a five-year consent to operate an unenclosed sidewalk café with 8 tables and 17 seats.

Committee: 5-0-0-0. Board Member: 1-0-0-0.

RESOLUTION

Date: March 6, 2001

Committee of Origin: Land Use

Re: 434 Amsterdam Avenue, Roppongi.

Full Board Vote: 31 In Favor 1 Against 0 Abstentions 0 Present

WHEREAS, the wooden platform that was there before the summer of 2000 has been removed; and

WHEREAS, the establishment has agreed not to reinstall the wooden platform;

BE IT RESOLVED THAT Community Board 7/Manhattan approves the renewal application #1002039 to the Department of Consumer Affairs by Pensu Corp. d/b/a Roppongi Japanese Restaurant at 434 Amsterdam Avenue (West 80th–81st Streets), for a five-year consent to operate an unenclosed sidewalk café with 10 tables and 25 seats.

Committee: 5-0-0-0. Board Member: 1-0-0-0.

RESOLUTION

Date: March 6, 2001

Committee of Origin: Land Use

Re: 2290 Broadway, Artie's Delicatessen.

Full Board Vote: 31 In Favor 1 Against 0 Abstentions 0 Present

WHEREAS the applicant has agreed to install a bicycle rack within the confines of the sidewalk café and has agreed to submit to Community Board 7/Manhattan plans revised to document this change and stamped by the NYC Department of Consumer Affairs (received on 2/27/01);

BE IT RESOLVED THAT Community Board 7/Manhattan approves the renewal application #1023819 to the Department of Consumer Affairs by West Side Deli LLC, d/b/a Artie's Delicatessen at 2290 Broadway, for a five-year consent to operate an unenclosed sidewalk café with 18 tables and 54 seats.

Committee: 4-1-0-0.

RESOLUTION

Date: March 6, 2001

Committee of Origin: Land Use

Re: 254 West 72nd Street, Sugar Bar.

Full Board Vote: 26 In Favor 3 Against 3 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan approves the renewal application #1003589 to the Department of Consumer Affairs by Sugar Bar, Inc., d/b/a Sugar Bar at 254 West 72nd Street, for an extension of a one-year consent to a five-year consent to operate an unenclosed sidewalk café with 4 tables and 12 seats.

Committee: 6-0-0-0. Board Member: 1-0-0-0.

RESOLUTION

Date: March 6, 2001

Committee of Origin: Health and Human Services

Re: 2724 Broadway, Regent Family Shelter (104th Street). Economic Development Corporation proposal for the long-term leasing of commercial space on the ground floor.

Full Board Vote: 34 In Favor 0 Against 0 Abstentions 0 Present

WHEREAS, NYC Economic Development Corporation seeks approval from Community Board 7/Manhattan for the proposed long-term lease of commercial space in the Regent Family Resident, at 104th Street and Broadway; and

WHEREAS, the proposed tenant, Common Ground, has presented a proposal to lease the space to Ben & Jerry's and another as yet undetermined tenant, both of whom would provide job training programs, in cooperation with supportive housing providers; and

WHEREAS, Common Ground has a laudable, proven track record of providing services and job opportunities for special populations, including formerly homeless individuals at other facilities, including the Time Square Hotel where they have successfully operated a similar program with Ben & Jerry's; and

WHEREAS, Community Board 7/Manhattan commends all those involved, including NYC Economic Development Corporation, Common Ground, Volunteers of America (operators of the Regent Family Residence) and Ben & Jerry's Partnership Program for their joint efforts in bringing a welcome commercial venture to the neighborhood and a much-needed job training program for the community;

BE IT RESOLVED THAT Community Board 7/Manhattan approves the Economic Development Corporation proposal to offer a long-term lease to Common Ground at the Regent Family Residence.

Committee: 6-0-0-0. Public Members: 2-0-0-0.

RESOLUTION

Date: March 6, 2001

Committee of Origin: Landmarks

Re: 91 Central Park West.

Full Board Vote: 36 In Favor 0 Against 0 Abstentions 0 Present

WHEREAS, all the original windows already have been replaced; and

WHEREAS, the plan is to have all future window replacement on the east and south sides of the building be done in the Chicago style (tripartite with a large fixed window in the middle and two double hung windows on the sides); and

WHEREAS, the small bathroom windows are to remain as double hung windows which is the original condition;

BE IT RESOLVED THAT Community Board 7/Manhattan approves application #01-4130 to the Landmarks Preservation Commission to establish a master

plan governing future window replacement, as proposed, but wants all windows visible from the street to be included in the plan.

Committee: 4-0-0-0.

RESOLUTION

Date: March 6, 2001

Committee of Origin: Landmarks

Re: 35 West 81st Street.

Full Board Vote: 35 In Favor 1 Against 0 Abstentions 0 Present

WHEREAS, the existing doors are in very poor condition; and

WHEREAS, a new awning configuration is proposed to match the style of the new door; and

WHEREAS, the plantings will provide privacy for the first floor windows; and

WHEREAS, the sidewalk paving with the building address will be more distinctive;

BE IT RESOLVED THAT Community Board 7/Manhattan approves application #01-3195 to the Landmarks Preservation Commission to replace the entrance door, change the canopy, add plantings to the front of the building, and change the sidewalk paving, but does not approve the extension of the canopy beyond the doorway opening.

Committee: 3-1-0-0. Public Member: 0-1-0-0.

RESOLUTION

Date: March 6, 2001

Committee of Origin: Transportation

Re: NY City Transit application of yellow paint to West 72nd Street granite curbs located in bus stops.

Full Board Vote: 23 In Favor 5 Against 1 Abstentions 1 Present

WHEREAS, Council Member Eldridge has recently allocated city dollars to the renovation of West 72nd Street, Riverside Drive to Central Park West, an area that includes designated historic landmarks, and the work has been done with high quality material, including new granite curbs; and

WHEREAS, the bus stops are indicated by tall signs; and

WHEREAS, drivers of vehicles can see the signs which indicate the bus stop area and the curbside by which it is illegal for vehicles to stand in;

BE IT RESOLVED THAT Community Board 7/Manhattan urges the NYCTA to remove the yellow paint that it placed over new granite curbs to indicate bus stops on West 72nd Street from Central Park West to Riverside Drive.

Committee: 7-1-0-0. Board Members: 2-0-0-0. Public Members: 5-0-2-0.

RESOLUTION

Date: March 6, 2001

Committee of Origin: Transportation

Re: Sidewalk closing in conjunction with the reconstruction of the 72nd Street IRT subway station.

Full Board Vote: 31 In Favor 2 Against 1 Abstentions 1 Present

WHEREAS, both the 72nd Street IRT contractor and the management of Apple Bank, which is located on the site, are concerned about the safety of pedestrians walking on the sidewalk on the west side of Amsterdam Avenue between 73rd and 74th Streets during the reconstruction of the 72nd Street IRT;

BE IT RESOLVED THAT Community Board 7/Manhattan recommends the closure of the sidewalk corridor between 9 PM and 6 AM during the reconstruction period, that a sign be placed on site indicating that this is a temporary measure, and that these actions be carried out as necessary by the workers employed by the 72nd Street IRT contractor.

Committee: 8-0-0-0. Board Member: 1-0-0-0. Public Members: 1-0-2-0.

RESOLUTION

Date: March 6, 2001

Committee of Origin: Uniformed Services and Environment

Re: Traffic control during multi-block street fairs.

Full Board Vote: 31 In Favor 0 Against 1 Abstentions 0 Present

WHEREAS, traffic problems during street fairs has caused much distress and dissatisfaction; and

WHEREAS, even the best intentions of the street fair sponsors to address the problem has met with limited success; and

WHEREAS, much of the problem can be attributed to not giving traffic enough options to divert from the affected blocks early enough; and

WHEREAS, the Department of Transportation ("DOT") has not addressed this issue, especially when it comes to providing communities with proper resources to address the problem, including traffic control agents, variable message boards, etc.

BE IT RESOLVED THAT Community Board 7/Manhattan requests the following:

- 1. DOT will provide communities with enough variable message boards to adequately divert traffic during street fairs, parades, walks, etc.**
- 2. Street Fair sponsors will communicate with DOT in an effort to coordinate traffic diversions, placement of the variable message boards, etc.**
- 3. Police precincts will coordinate with Street Fair sponsors on traffic diversion, as part of their regular meeting prior to the fairs.**
- 4. Wherever possible, Police Precincts will assist in the storage of variable message boards on an ongoing basis, so that these devices can get to the affected blocks quickly.**
- 5. Local police precincts will assist in the management and placement of the variable message boards on the days of the fairs, as well as with the diversion of traffic.**

RESOLUTION

Date: March 6, 2001

Committee of Origin: Parks, Libraries and Cultural Affairs

Re: Department of Parks and Recreation's RFP to construct and operate a cafe in Riverside South Park at 70th Street.

Full Board Vote: 37 In Favor 2 Against 0 Abstentions 0 Present

WHEREAS, the Department of Parks and Recreation ("DPR") intends to issue a Request for Proposals ("RFP") for the construction of a small café adjacent to the newly constructed pier at 70th Street in the new Riverside South Park; and

WHEREAS, DPR has, prior to releasing the RFP solicited the input of the community and considered community concerns, involving issues such as affordable food, crowding, garbage removal, and hours of operation; and

WHEREAS, the RFP will limit the number of tables in the café to 24 tables, located just to north of Pier I; and

WHEREAS, the café would operate approximately from May through October, in good weather only, and for a term of five years; and

WHEREAS, the operator would be required to provide a 20' diameter round restroom, constructed of glass brick or comparable attractive material that would have a permanent sewer line in place ready to connect with Riverside South's Building B, and until such time would store sewage in holding tanks for regular removal; and

WHEREAS, the dimensions of the café service building are limited to 20' x 30', and will be positioned in such a way so as to be available to users of the pier and park without impinging on the bike route or the area used by recreational users of the park; and

WHEREAS, the café will provide a measure of safety for the new pier and environs, by providing a base with employees and access to a phone, and it is expected that the Boat Basin Café now in operation at 79th Street in Riverside Park will close at the end of 2002 for a few years so that the Rotunda can be renovated, leaving the closest restroom facility at 74th Street and the closest café at 105th Street; and

WHEREAS, the café will also provide a place to have a drink or a meal in a beautiful setting on the waterfront, and will complement the spectacular new pier and the beautiful new park;

WHEREAS, DPR has committed that the RFP and any resulting license will provide that the café will not have waiter service and that persons who have not made a purchase at the concession stand will be allowed to use the tables; and

BE IT RESOLVED THAT [as shown on resolution sheet], and in accordance with the conception plan dated February 27, 2001 presented to the Board,

Community Board 7/Manhattan approves the Department of Parks and Recreation's proposal to send out a Request For Proposals for a café in the new Riverside South Park reflecting the terms set forth above.

Committee: 4-3-0-0. Public Members: 3-6-0-0.

RESOLUTION

Date: March 6, 2001

Committee of Origin: Land Use

Re: 44 West 106th Street, 142 Manhattan Avenue.

Full Board Vote: 21 In Favor 11 Against 2 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan disapproves the application #265-00-BZ to the Board of Standards & Appeals for a variance pursuant to Sections 23-145 and 23-32 of the Zoning Resolution to allow the construction of a six-story plus penthouse, five-family residence at 44 West 106th Street, aqua 142 Manhattan Avenue by permitting:

- an increase in the lot coverage from 80% to 100%**
- an increase in the number of permitted dwelling units from two to five.**

Committee: 4-2-0-0. Board Members: 0-1-1-0. Public Members: 1-1-0-0.

RESOLUTION

Date: March 6, 2001

Committee of Origin: Land Use

Re: 23 West 73rd Street, Park Royal.

Full Board Vote: 38 In Favor 0 Against 0 Abstentions 0 Present

WHEREAS, Town Sports International is already operating a New York Sports Club health club in the first floor and basement of 23 West 73rd Street, pursuant to special permit #C950227 ZSM; and

WHEREAS, the existing New York Sports Club health club has not adequately addressed long-standing complaints from residents of its host building concerning noise and vibration, and associated official citations; and

WHEREAS, the existing New York Sports Club health club has exhibited a lack of good-neighborliness to its host building in additional ways, such as carelessness regarding fire safety, by blocking emergency exits with towel bins;

BE IT RESOLVED THAT Community Board 7/Manhattan disapproves the application #000550ZSM to the Department of City Planning by Town Sports International for a second special permit pursuant to Section 74-711 of the Zoning Resolution to convert 892 ft² for studio use in the basement and 2387 ft² for aerobics use in the cellar of 23 West 73rd Street.

Committee: 5-0-1-0. Board Member: 1-0-0-0.

15. Re: Broadway and 110th Street. Application #306-00-BZ to the Board of Standards and Appeals by Columbia University for variances to allow the construction of the Columbia University School for Children and Faculty Housing at the southeast corner of Broadway and 110th Street (Joint with Youth, Transportation and Housing Committees).

Community Board 7/Manhattan Full Board Meeting

March 6, 2001

Committee of Origin: Land Use

Richard Asche and Larry Horowitz, Co-Chairs

Joint with Youth, Transportation and Housing Committees.

Resolution 15.

Re: Broadway and 110th Street. Application #306-00-BZ to the Board of Standards and Appeals by Columbia University for variances to allow the construction of the Columbia University School for Children and Faculty Housing at the southeast corner of Broadway and 110th Street

I. Description of the Proposed Mixed-Use Building

Columbia University ("Columbia") seeks to construct a 12-story, 149 feet high building with 141,128 square feet of floor area to be located at the southeast corner of Broadway and 110th Street and Broadway. This proposed building will contain approximately 30 units of housing for faculty and a kindergarten through eighth grade school for children of university faculty and staff.

The 26,798 square foot zoning lot is located in R8 and C1-5 overlay zoning districts. The zoning lot is now occupied by a 5-story residential building on West 109th Street (Lot 6), a 5-story building at the corner of Broadway and 109th Street (Lot 1) that accommodates part of a Chase Manhattan Bank and vacant commercial space on the ground floor and residential units above, a 2-story commercial building on Broadway (lot 3) also occupied by part of the Bank, and the 2-story Congregation Ramath Orah Synagogue on West 110th Street (Lot 56). All of these buildings would remain on the Zoning Lot and their unused development rights would be incorporated into the new building. A 2- story commercial building at the northwest portion of the zoning lot (Lot 4), now housing a supermarket and other retail uses, would be demolished.

The allowable FARs for this site is 6.5 for community facility and 6.02 for residential use. Since both the school and the faculty housing are considered community facilities, the maximum floor available is 174,187 square feet. The proposed building has 141,128 square feet of floor area.

The new school would accommodate approximately 650 children in Grades K through 8, with preference for children of faculty affiliated with Columbia. It is expected that approximately half will be children of the faculty and staff and half will be selected by lottery from the greater community of School Districts #3 and #5. Financial aid, based on need, will be available for children from the community. In the proposed building the school would occupy floors through 2 to 6 and have a total of 63,979 square feet of floor area. In addition to classrooms, gymnasium, labs, studios, performance spaces and offices, the school would have an open play area of 3,200 square feet on the roof over the 5th floor.

The faculty housing is located on floors 6 through 12 and would contain 3 and 4 bedroom housing for families. There is 7,261 square feet of commercial space on the ground floor intended to provide general retail uses for residents and the neighborhood. There will be additional retail uses and storage in the cellar. Chase Bank will continue to be located on the site.

II. Columbia University's Need for the Proposed Building and Description of the Requested Variances

Columbia claims that, in order to maintain its status as a world-renowned university in a highly competitive higher education market, it must continue to attract promising young scholars with families who want to live and work

in a diverse urban community. For academic institutions, housing and schools are an essential part of a recruitment campaign as it is for corporate and commercial businesses located in New York City. Columbia did not provide Community Board 7/Manhattan ("CB7") with documentation of its needs. But Columbia spokespersons asserted that a neighborhood University-sponsored school will not only meet its recruitment and retention need but will also permit the university to play an even greater positive role in the community. Columbia expects that the school can be a laboratory for excellent educational practice and can serve as a resource for neighborhood public schools and indeed, for the entire New York City public school system.

Over the years, Columbia has acquired approximately 6,200 apartments in Morningside Heights and in the vicinity of its Health Sciences campus. But Columbia continues to have serious housing needs and, like other institutions, has had to deal with a very tight housing market for years. These new apartments on 110th Street will provide additional large university-owned apartments near its main campus.

It should be noted that this proposed facility is the first Columbia building in Community District 7 on the Upper West Side. Columbia continues to expand south of its Morningside Heights home. The university has recently been awarded another site in Community District 7 by Department of Housing Preservation and Development to build 25 condominium units and 87 units of graduate/faculty housing.

Columbia is filing this BSA application because of the constraints of the zoning lot, which contains occupied residential buildings and a bank, which has a long-term lease. The programmatic needs of the school and efficient new apartment layouts preclude an as-of-right building that would comply with the Zoning Resolution. Moreover, such an as-of-right building would also be 18 stories and 212 feet high, with small floor plates, resulting in an out-of-context and impractical building. Thus, the requested variances are needed in order to accommodate the existing buildings on the site, to accommodate the redistribution of bulk, and to allow the applicant to build floor plates consonant with its programmatic needs.

III. Community Concerns and Responses

CB7's Land Use, Transportation, Youth and Housing Committees have held 7 public meetings on this application. CB7 members have also held a number of smaller meetings at the site, in the neighborhood and at Columbia. More than 80 community residents were present at each of two recent Land Use

Committee meetings. The community's concerns and opinions can be summarized as follows:

This congested site at a busy intersection is not a suitable location for a school for young children.

This location cannot accommodate the additional traffic, congestion, loading and unloading that will result from the new school.

This university school should be located on the Columbia campus. Columbia's expansion in the community, now even further south of Morningside Heights, is questionable and disruptive; its expansionist policies have negative impacts on the social and physical environment; there has not been an effective and full participatory community process; the university's acquisition of this site removes it from the tax rolls.

A school for Columbia children, even if there is some provision for local children, is elitist and not good public policy; it is more important to strengthen the public schools and for Columbia to use its considerable resources to promote that civic objective.

The 2-year loss of a supermarket is a serious disadvantage for the community.

The physical and social impacts on neighboring buildings and potential secondary displacement of low-income residents and businesses are very great and should be prevented.

Other residents expressed support for the project and their views can be summarized:

Columbia is an important institution whose needs should be accommodated and this new project benefits not only the university but the community and New York City.

The model school can be an unusual asset to the greater community and can provide more and better educational options for neighborhood children.

The building is well-designed and fits in with the built fabric of the neighborhood.

Columbia has been cooperative and has engaged the community in its development and planning process; the university states that it will continue to work closely with the community in the future.

IV. Community Board 7 Discussion and Concerns

Community Board 7 members reflected the mixture of concerns and views expressed by the community. The Board is also very concerned about several planning and community policy issues. Among these are the following:

- This is the first important example of Columbia building in the Upper West Side Community. It chose a site at the intersection of CD7 and CD9, at the intersection of two wide and important thoroughfares, Cathedral Parkway and Broadway. There are three "soft" sites at this intersection. Yet neither

Columbia nor the Department of City Planning have engaged the community in a planning process that would set guidelines for the development of these three sites which would enhance, unify and distinguish this gateway location. In the absence of good planning, CB7 can anticipate the possibility of individual BSA applications for the two remaining sites, which could result in fragmented development of this important corner of the West Side. A variance process is less desirable than an effective planning process.

- The Chase Bank has already been re-located to this corner from another Columbia location. One of the requested variances is needed (the supplementary use regulation) because of the presence of the bank. We believe that the building could be improved and require fewer variances if Columbia could have negotiated with the bank for another location. We find it surprising that Columbia managed to successfully relocate the bank from one of its sites farther uptown and not from this site.
- The loss of light and air for occupants of adjacent buildings is a matter of great concern.
- It is essential that low-income tenants not continue to be displaced or unfairly disadvantaged because of the needs of a large academic institution.
- Although Columbia has developed a Master Plan that plan has not always been site-specific. Columbia University is expanding into the Upper West Side (possibly even as far south as 59th Street), potentially creating a new and formidable institutional presence. A great institution should work closely and steadily with the community and not appear to be opportunistic.
- There are a number of traffic, transportation and pedestrian issues associated with this location, which must be addressed effectively.
- The school can be an asset to the community as well as to Columbia, but Columbia must redouble its efforts on a long-run, consistent basis to be an effective partner in the operation and improvement of the public schools in the West Side and Morningside Heights communities.

Resolution of Community Board 7/Manhattan

WHEREAS, Columbia University has argued that it is essential for its reputation and for its future growth that it provide a school for children and sufficient faculty housing; and

WHEREAS, this need has not been documented in quantitative terms but is asserted in general terms as an essential marketing tool of a great university; and

WHEREAS, Community Board 7Manhattan recognizes the great reputation and enormous value of the presence of Columbia University in New York City and therefore recognizes that housing and schools are important to its educational functions; and

WHEREAS, the community has expressed many serious concerns about this new building, including loss of neighborhood shopping, serious transportation and traffic impacts, serious impacts and loss of light and air for neighboring residential buildings; absence of community facilities in the new building, and concerns about further institutional expansion and lack of adequate community consultation, and concern about the positive and potentially negative impacts of a new private school and the need for the improvement of the public schools which could be fostered by the help of a great educational institution; and

WHEREAS, Community Board 7 believes that the proposed building would be an improvement over a complying building; and

WHEREAS, Community Board 7 urges Columbia University to redesign the fenestration and bullet windows to make them more compatible with Broadway and more in keeping with good urban design; and

WHEREAS, Columbia University has withdrawn its request for a special sidewalk treatment of West 110th Street east of Broadway; and

WHEREAS, Columbia University's new school/faculty building will impact transportation, traffic (especially at the Broadway and 110th intersection), and parking, as well as deliveries in the immediate area; and

WHEREAS, pickups and drop-offs of students will take place on the 110th Street frontage of the school; and

WHEREAS, the east side of Broadway between 109th and 110th Streets will be a loading zone until 7PM each day, eliminating a significant amount of parking; and

WHEREAS, Community Board 7 has already approved a change in the signaling at Broadway and 110th Street to facilitate eastbound turns onto 110th Street from southbound Broadway;

WHEREAS, Community Board 7 will continue to monitor traffic parking issues at this intersection, as well as bus movements in the immediate area; and

WHEREAS, Community Board 7' s Transportation Committee will seek, as part of its capital budget priorities, an additional stair at the Southwest corner of Broadway and 110th Street for downtown passengers at the 110th Street #1/9 IRT Station; and

WHEREAS, Columbia University has agreed that all occupants now living in the apartments that would lose light and air will be offered equal or better apartments in the same building; and

WHEREAS, Community Board 7 urges Columbia University to provide housing off-site to tenants in the adjacent buildings, if requested, and that Columbia University work with the community to develop additional affordable housing as part of its Master Plan and as a clear indication of its commitment to be a good neighbor to the Morningside Heights and West Side communities; and

WHEREAS, the variance requested by Columbia would have a direct impact on the light and air of several rooms now used as bedrooms in the existing 109th Street apartment buildings that the university has agreed to fully renovate as affordable housing for non-Columbia affiliated community residents, and the NYC Building Code does not permit the existence of habitable rooms lacking natural light and air, and Community Board 7 will not approve the legalization of such a condition; and

WHEREAS, these 8 apartments can be made to conform to the purpose of the code by a redesign that provides mechanical ventilation, additional lighting and eliminates habitable rooms without windows; and

WHEREAS, Columbia further agrees to provide additional affordable housing bedrooms under the same rent conditions it is renting apartments at 109th Street elsewhere in Community District 7 or the Morningside Heights area, equal to the number of bedrooms reduced in the 109th Street properties, but not less than eight; and

WHEREAS, Columbia University has agreed to rent retail space to a supermarket in the new building and to help community residents to obtain such services during the construction period; and

WHEREAS, Community Board 7 urges Columbia University to establish appropriate community advisory committees to deal with issues arising from impacts on adjacent buildings and on the loss of neighborhood services; and

WHEREAS, Columbia University has agreed to engage in an increased and full consultative and collaborative process with local public schools and to provide substantive resources to these schools, and to ensure that this will occur, Columbia has agreed to establish a permanent relationship with the School Districts to implement these intentions; and

BE IT RESOLVED as follows:

1. On condition that the applicant execute and deliver to Community Board 7 on or before March 6, 2001, a letter agreeing to the conditions set forth below, Community Board 7 approves the applicant's request for (1) waiver

of height and set back regulations; (2) waiver of lot coverage regulations (3) waiver of rear yard equivalent regulations; (4) permission for commercial use of both the first floor and community facility use on upper stories of the proposed building; (5) waiver of lot line requirements; and (6) waiver of lot area room requirements.

2. The foregoing is subject to Columbia's written acknowledgment and acceptance of the following conditions.

a) Columbia will relocate within the existing building or in a building of similar quality in the immediate vicinity, or in the building to be constructed, all tenants of the Broadway and 109th Street buildings whose apartments will be affected by the waiver of the minimum window distance requirements. The new apartments of the relocated tenants shall be apartments of substantially equal size with substantially equal amenities, at substantially the same rent, which rent is to be rent-stabilized or rent-controlled so long as the tenants reside in the apartments. The offer for such relocation shall be conveyed to such existing tenants in writing with a copy to the Community Board no later than thirty (30) days from the final action on Columbia's application by the Board of Standards and Appeals; and any waiver of a tenant's relocation right shall be in writing.

b) Columbia will provide mechanical ventilation, additional lighting and eliminate bedrooms without windows in the West 109th Street existing buildings that do not comply with natural light and natural air standards in the Building Code.

c) Columbia University agrees to preserve, completely renovate and modernize the two apartment buildings on 109th Street, containing 17 apartments, to be residences for non-Columbia members of the community, at "affordable rents", and these rents will be defined as affordable to households spending less than 30% of their total household income on rent, with household incomes less than 90% of the Area Median Income (AMI) of NYC as defined by HUD.

d) The retail space on Broadway in the building to be constructed will be leased to a tenant only on condition that the space is dedicated to a supermarket.

e) Within thirty (30) days of the date of approval of the application, Columbia will create and disseminate a catalog of local food stores which

will deliver and accept telephone orders; and Columbia will work with Fairway and other markets in the area to create a "shopper's shuttle" to bring patrons of the existing D'Agostino's market and other neighborhood residents to other supermarkets during the period of the closure of the supermarket.

f) Columbia will continue in perpetuity to lease the existing buildings on Broadway and 109th Street to individuals not affiliated with Columbia pursuant to applicable rent control or rent stabilization laws.

g) Columbia pledges to meet periodically with Community Board 7 and Community Board 9 to discuss Columbia's plans and visions for long-range development in the immediate community.

Columbia will adhere to the following guidelines with respect to the operation of The School to be constructed on Broadway and 110th Street:

1. A minimum of 40% of the students admitted to The School will be local children, not children of Columbia faculty or staff, who reside within Community School District #3 or Community School District #5.

2. The School will admit local children by need blind lottery. That is, students will be selected randomly, regardless of their ability to pay tuition, and will be provided financial aid appropriate to their ability to pay tuition.

3. Columbia will publicize the availability of slots in The School to the local community and advise Community School Districts #3 and #5 and Community Board 7 and Community Board 9 one year in advance of the availability of such slots.

4. Columbia will provide space within The School to local community-based organizations for after school, weekend, and summer programs offered to children who do not attend The School.

5. Columbia will substantially increase the number of subsidized day care slots available within the local community.

6. Columbia will actively support local public schools through generous involvement and collaborative partnerships within the local community. Accordingly, Columbia will assemble and participate in a community advisory committee, the charter of which will be to provide guidance regarding Columbia's contribution to local public schools. The advisory committee will include parents, teachers, representatives from Community School District #3 and School District #5, representatives from Community Board 7 and Community Board 9, and representatives from local community-based organizations.