



MARCH 2012 RESOLUTIONS

Date: March 6, 2012

Committees of Origin: Land Use and Business & Consumer Issues Committee

Re: Upper West Side Enhanced Commercial Districts.

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

Application by the Department of City Planning to rezone the street fronts along sections on:

- Broadway, bounded by 72nd and 110th Streets;
- Amsterdam Avenue bounded 75th and 110th Streets on the west side, excluding the blocks between 100th-101st Streets and 102nd -103rd Streets, and bounded by 73rd -87th Streets, and 105th - 109th Streets on the east side of the avenue; and
- Columbus Avenue bounded by 72nd and 87th Streets.

The City Planning Commission has certified an amendment to Section 132 of the Zoning Resolution, with the purpose of preserving existing storefront widths on portions of Columbus and Amsterdam Avenues and Broadway.

In general, Community Board 7/Manhattan Manhattan views the proposed amendment favorably, but finds that there are several features that are unacceptable, and in some cases, could render nugatory the benefits intended by the amendment. This resolution sets forth the Community Board's objections.

After a public hearing and extensive discussion and debate,

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed amendment to the Zoning Resolution with respect to the creation of the Upper West Side Enhanced Commercial Districts, on condition that the text is amended to meet the following concerns:

1. **Authorizations:** The proposed text would permit CPC to override the storefront width restrictions upon a finding either a) that a proposed use cannot be accommodated within the maximum prescribed storefront width; or b) that a "high ground floor vacancy" exists within a "reasonable distance" of the proposed use due to economic conditions.

Community Board 7 finds that the first proposed ground for authorization would permit the very type of use which it is desirous to prevent, i.e., large stores which will claim that their proposed "use" cannot be accommodated within the maximum width provided. The second proposed ground, economic hardship, is acceptable in principle, but the terms "high ground floor vacancy" and "reasonable distance" should be defined, e.g., a 15% vacancy over a half mile in either direction on the affected avenue.

In the case of an application by an existing business seeking to expand into a contiguous space where such expansion would result in a storefront that exceeds the permissible maximum, the City Planning Commission shall act on such application within 90 days of submission or the application shall be deemed granted.

Finally, the text of the Amendment or some other official document should clarify that authorizations are subject to a review and comment period by the Community Board.

2. **Interface with landmarks regulations and the Landmarks Preservation**

Commission: The section of the proposed amendment treating the issue of landmarks and historic districts is susceptible of the (we believe erroneous) interpretation that the issuance by LPC of a Certificate of Appropriateness overrides the restrictions of the zoning resolution. The Community Board opposes any such rule. Landmarks, like all buildings, are subject to underlying zoning, absent a special permit or variance. There may be rare instances in which the landmark character of a building would be destroyed by adherence to underlying zoning. If the



LPC were to so certify, after notice and a hearing, then the City Planning Commission should have the right to issue an appropriate authorization.

In the area of interface between Landmarks Regulations and the Zoning Resolution, there is a generic defect in the prescribed procedures which Community Board Seven has commented on repeatedly over the years, which represents an unwarranted burden on both the developer and the Community Board and which fosters confusion rather than clarity. At present, a developer is required to obtain a Certificate of Appropriateness from the LPC and then pursue a variance or special permit. This generally results in two separate hearings often a year apart. This proposed amendment presents an ideal vehicle for prescribing a new procedure for applicants where both Landmark Regulations and Zoning action are involved. A single application, to be acted on by different agencies within the same time period should be mandated for all but exceptional cases. This would enable the Community Board to consider the Landmarks and Zoning issues of a proposed project at the same time.

And BE IT FURTHER RESOLVED THAT Community Board 7 appreciates the efforts by the City Planning Commission in recognizing and addressing the issues covered by the proposed amendment. The Community Board expresses the hope that further attention will be paid to the following issues:

- a) Proliferation of chain stores: As a minimum, two outlets of a single nationwide or regional chain should not be permitted to operate within a designated radius of each other;
- b) Enforcement: The Department of Buildings with guidance from CPC should develop a protocol and allocated resources to enforce the provisions of this and all other zoning rules.
- c) Grandfathering: Community Board Seven is aware that the Zoning Resolution currently permits grandfathering of previously permitted uses in the event an amendment creates a non-compliant situation, and further that such grandfathering continues during the first two years of any vacancy subsequent to enactment of the amendment. Community Board Seven believes that the two year vacancy rules are unduly permissive and urges the City Planning Commission to study the issue with a view to modification.

Vote of the Joint Committees: 11-2-0-0. Non-Committee Board Members: 3-0-3-0.



Date: March 6, 2012

Committee of Origin: Parks & Environment

Re: PS166, West 89th Street (Columbus-Amsterdam Avenues.) PS166 PTA proposed changes to address safety concerns in the play yard to the east of the school.

Full Board Vote: 32 In favor 0 Against 0 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

PS 166 does not have a separate school yard. The play yard to the east of the school building, which is under the jurisdiction of the Department of Parks and Recreation, serves as both a play yard for the children attending the school and as a park facility open to the public during certain hours. It is heavily used.

The play yard has been renovated a number of times over the years, leaving it with a substantial area of "Belgian block" pavement that is sloped and inherently unstable, which presents a substantial dangerous condition. There have been frequent injuries.

A group of parents, acting through the PTA, have developed several alternative preliminary designs for renovating the play yard to make it substantially safer and to better serve current and anticipated future needs. The Principal of the school stated at the February, 2012 meeting of the Parks and Environment Committee of Community Board 7/Manhattan, that she supports the proposed renovation for the reasons urged by the parents. A representative of one of the larger immediate neighbors, the Columbus Condominium, also spoke in favor of the proposed renovation. The parents have also met with DPR, and they appear to have DPR support for renovating the play yard to make it safer.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan urges DPR to continue to work with the parent group and the school in the immediate future to design, obtain financing for and perform a renovation of the play yard that will make it substantially safer and that will better meet the recreational needs of the students of the school and of the public into the future.

Committee: 5-0-0-0. Non-Committee Board Members: 2-0-0-0



Date: March 6, 2012

Committee of Origin: Transportation

Re: 325 West 85th Street, Metropolitan Montessori School (West End Avenue - Riverside Drive.)

Full Board Vote: 35 In favor 0 Against 0 Abstentions 0 Present

A discussion of the safety problems affecting students and parents at the school was held. The School had sent out a survey to parents, asking how their children got to the school, as well as problems they have encountered along the route to school. The proposed solutions reflect parents' concerns. Several parents of children at the school spoke about these concerns with their children coming and going to the school, located on West 85th Street between West End Avenue & Riverside Drive. These concerns include:

- Crossing at 85th & Broadway, 86th & Broadway, 85th & West End, 86th & West End,
- Motorists not paying attention to pedestrians in crosswalks,
- A UPS truck frequently parked on West End Avenue obscuring the views of oncoming vehicles, and other problems.

Lisa Sladkus, of the Upper West Side Streets Renaissance, proposed some changes which would help the situation. These changes were incorporated into the following resolution:

Community Board 7/Manhattan supports the following actions designed to make the trip to and from the Metropolitan Montessori School, located at 325 West 85th Street, safer for both students and their parents:

- Daylighting of 8 parking spaces (see diagram), located at the corners of 85th Street & West End Avenue, 86th Street & West End Avenue.
- Installation of Leading Pedestrian Intervals (LPI's) crossing West End Avenue at 85th Street, crossing West End Avenue at 86th Street, crossing Broadway at 86th Street, and crossing Broadway at 85th Street.
- Increasing the amount of walk time crossing Broadway at 85th Street, crossing West End Avenue at 85th Street, and crossing West End Avenue at 86th Street.
- Loading zones for trucks on West End Avenue and Riverside Drive in the vicinity of 85th Street, to minimize double parking of trucks.

Committee: 6-1-2-0. Non-Committee Board Members: 3-0-0-0.



Date: March 6, 2012

Committee of Origin: Housing

Re: The Restoration of the Neighborhood and Rural Preservation Programs and the Foreclosure Prevention Services Program.

Full Board Vote: 33 In favor 0 Against 1 Abstention 0 Present

Governor Cuomo's 2012-13 budget eliminates two housing programs that will impact families all across New York State and on the Upper West Side. The following facts and concerns were taken into account in arriving at our conclusions:

- Neighborhood and Rural Preservation Program
 - a. Throughout the tenure of Neighborhood and Rural Preservation Programs, those companies delivering this program have been responsible for revitalizing hundreds of communities to such an extent that some have become disqualified from the programs by their success.
 - b. The companies have administered, with constancy, 62% or greater of the programs sponsored by Housing and Community Renewal including, but not limited to, the Low Income Housing Tax Credit, Urban Initiatives, RESTORE, HOPE, Homeownership Assistance Program, Weatherization, Clinton Area Revitalization Program, Main Street, foreclosure prevention assistance, eviction prevention and adjudications.
 - c. Upper West Side programs that rely on the Neighborhood and Rural Preservation Program include Stryker's Bay Neighborhood Council, West Side Federation of Senior and Supportive Housing, and the Manhattan Valley Development Corporation.
- Foreclosure Prevention Services Program
 - a. Without restoration of \$25 million for foreclosure prevention services, the vast majority of New York's distressed homeowners will lose access to the housing counseling and legal assistance essential to saving their homes.
 - b. In addition, the Foreclosure Prevention Services Program is a vital, cost-effective program, which, to date, has saved more than 14,000 of New Yorkers' homes from foreclosure and which has saved the State an estimated \$3.4 billion in costs and lost tax revenues. With over 250,000 homes in New York State currently either in foreclosure or facing foreclosure, additional lost property values and the reduction in local tax bases will slow the State's economic recovery.
- The entire New York State Senate Democratic delegation, led by Senator Adriano Espaillat, wrote to the Governor on January 27th calling on him to restore these programs and this funding

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan calls upon Governor Cuomo to restore \$22.35 million for the Neighborhood and Rural Preservation Programs and restore \$25 million to the Foreclosure Prevention Services Program in the 2012-2013 Budget.

Committee: 6-0-0-0.

Date: March 6, 2012

Committees of Origin: Preservation and Parks & Environment Committee

Re: Central Park (Central Park West and West 67th Street.) Department of Design & Construction application to the Landmarks Preservation Commission for the restoration of the Tavern on the Green building.

Full Board Vote: 31 In favor 0 Against 0 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

- Many of the more recent additions to the original 1871 barn structure and 1934 restaurant modifications have been and will be removed to reveal the original architectural elements of the Victorian Gothic structure, which will be restored to the extent practicable.
- The overall building square footage will be reduced significantly, from 31,000 sf to 12,450 sf.
- The renovated structure will once again have its primary orientation to the east, opening out to Central Park around a central courtyard.
- A new glass dining “pavilion” set within the courtyard will be designed to be as transparent and open as possible. The two existing “wings” will be cut back slightly to enable the reconstruction of two original dormers.
- New fenestration will be modeled on the original tripartite design, with heavy chamfered wood frames and mullions. Glazing will be single-pane, double-glazed, with low E clear glass.
- The main entrance will remain to the north, supplemented by a new ADA-compliant entrance installed beneath a restored dormer directly to the west.
- The service functions of the building will be located at the west side of the building, accessed from a dedicated service courtyard.
- Much of the mechanical equipment will be housed internally within the mezzanine and attic spaces at the west side of the building. The only exterior HVAC equipment will be a large a.c. chiller, located to the south of the building (adjacent to the Park Transverse.)

The Preservation Committee and the Parks and Environment Committee of Community Board 7/ Manhattan believe that the restoration is reasonably appropriate to the historic character of the building and of Central Park.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the final design of the restoration of the Tavern on the Green building. The Committees strongly recommend that the design of the new glass “pavilion” be more responsive to and integrated with the original building’s architecture and massing.

Vote of the Joint Committees: 8-0-1-0. Non-Committee Board Members: 2-0-0-0.



Date: March 6, 2012

Committee of Origin: Preservation

Re: 12 West 68th Street (Central Park West.) Application # 12-4278 to the Landmarks Preservation Commission to demolish a rooftop addition constructed without Landmarks Preservation Commission permits, and to alter the facade and construct a new rooftop addition.

Full Board Vote: 23 In favor 8 Against 4 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

- The existing illegal rooftop addition built in 2007 will be removed completely.
- A new brick parapet wall with cast stone coping will be re-built at a similar height to the original 1925 parapet wall. Within the parapet face, there will be an articulated brick cornice aligning with the existing perpendicular cornice at 14 West 68th Street.
- A clear glass and aluminum post railing will extend above the top of the brick parapet wall to reach full code-required height.
- The new rooftop addition will be set back approximately 3.5 to 8 feet from the undulating parapet wall. Its sloped roofline will be minimally visible from the street.
- The north façade and sloping north-facing roof will be fully glazed with multi-paned black anodized aluminum doors, windows and skylights. The glass will be clear, insulated.
- The new east and west façades will be built of red common brick similar to the existing lower floors. On the east façade, a brick soldier course will separate the new brick from existing brick below.
- The south façade will have a pair of black anodized aluminum French doors surrounded by gray zinc-sheathing.
- The rear-facing terrace fence will be constructed of an aluminum post and wire cable railing set above the existing brick parapet wall.

While the Preservation Committee of Community Board 7/ Manhattan believes that the façade alteration and new rooftop addition contain many elements that are reasonably appropriate to the historic character of the building and of the Historic District, several members had reservations about the large extent of glass, and the fact that the rooftop addition would be even marginally visible, leading to the conclusion that the proposal is not appropriate.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** the façade alteration and the construction of a new roof-top addition.



Date: March 6, 2012

Committee of Origin: Preservation

Re: 45 West 70th Street (Columbus & Central Park West.) Application to the Landmarks Preservation Commission for a roof top addition, replacement windows for street facade and rear-yard addition.

Full Board Vote: 28 In favor 0 Against 5 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

- The windows in the front façade will be replaced with new double-hung, double-glazed wood windows, one-over-one to match existing. Window sash and frames to be painted dark brown.
- To allow for the installation of a new swimming pool at the bottom of the building, the Cellar will be excavated 7.5 feet and the rear yard will be excavated 15 feet. To achieve this excavation, the existing rear yard addition will be demolished completely, then re-built at its existing location.
- The building's rear (north) façade wall will be shifted four feet north, to the 30-foot rear-yard setback line.
- The new rear façade and rebuilt rear-yard addition will be constructed of red brick to match existing, with original brick re-used as much as possible.
- The new fenestration will be in two vertical rows at the north and east facades. Windows will be multipaned, dark bronze anodized aluminum casements.
- The rooftop addition will be set back from the front and rear parapet walls, not visible from the street. A pair of clear finish anodized aluminum French doors will be set within gray stucco clad walls.
- New air conditioning equipment will be located at the northwest corner of the roof, enclosed in a low structure so not visible from the street. Sound insulation materials will be provided.

The Preservation Committee of Community Board 7/ Manhattan believes that the replacement windows in the front facade, rooftop addition and rear-yard addition are reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the rooftop addition, replacement windows for street facade and rear yard addition.

Committee: 5-0-0-0. Non-Committee Board Members: 2-0-0-0.



Date: March 6, 2012

Committee of Origin: Preservation

Re: 240 Columbus Avenue, Cafe Tallulah (West 71st Street.) Application # 12-7797 to the Landmarks Preservation Commission to install new storefront infill and signage, and modify an enclosed sidewalk cafe.

Full Board Vote: 32 In favor 0 Against 2 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

- The existing solid stucco-clad storefront enclosure on West 71st Street will be replaced by a new wood and glass storefront enclosure, painted brown to match the existing bronze café enclosure on Columbus Avenue.
- New signage on 71st street will be metal, projecting out from the building face on new decorative wrought iron brackets. Signage lighting will be surface mounted over the signage.
- Existing enclosed sidewalk café along Columbus Avenue will be modified as follows:
 - i. Existing egress doorway to be relocated from center to north end of enclosure.
 - ii. To relate to the decorative wood details at the new 71st Street storefront, new decorative metal molding will be applied to the face of wider existing mullions, painted to match the bronze mullion color.
 - iii. New burgundy canvas awning.
 - iv. New signage to be applied at center of fascia board above the awning.

The Preservation Committee of Community Board 7/ Manhattan believes that the new storefront infill, signage and existing enclosed café modifications are reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the new storefront infill and signage, and the sidewalk café modifications.

Committee: 5-0-0-0.



Date: March 6, 2012

Committee of Origin: Preservation

Re: 447B Amsterdam Avenue, dba Blondi's Hair Salon (West 81st – 82nd Streets.) Application # 12-6780 to the Landmarks Preservation Commission to install storefront infill.

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

The following facts and concerns were taken into account in arriving at our conclusion:

- The existing awning will be removed, exposing the existing decorative masonry band, restored as required.
- The new storefront will be installed between the two existing brick piers at the outer edges of the building. It will consist of large sheets of clear tempered glass, butt jointed. The glass panes will be set within horizontal bronze-finish aluminum bands at the building base, and above the door, separating the lower windows from the transom windows above.
- Signage to be applied to the glass windows.
- Existing security gates to be removed, replaced by an internal security-monitoring system.

The Preservation Committee of Community Board 7/ Manhattan believes that the new storefront design is reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the storefront alteration.

Committee: 5-0-0-0.



Date: March 6, 2012

Committee of Origin: Preservation

Re: 26 West 94th Street, Columbia Grammar & Preparatory School (Central Park West.)

Application to the Landmarks Preservation Commission for alteration of the entrances at 26 and 28 West 94th Street, installation of a new entrance canopy, and restoration of the facades of 20 through 30 West 94th Street buildings.

Full Board Vote: 33 In favor 0 Against 0 Abstentions 0 Present

The following facts and concerns were taken into account in arriving at our conclusion:

- The existing entrance located within the 26 West 94th street façade is too small and tight, accessed only by several steep steps.
- Modifications to the existing front entry court, which extends across the fronts of both 26 and 28 West 94th Street buildings, and is located 1'-9.5" down from sidewalk level, include the following:
 - i. Expansion of the double-width lower court forward to the north, to align with bottom of stoops at adjacent buildings, Nos. 24 and 30 west 94th Street.
 - ii. New wider steps with shallower rises, and a new ADA-compliant ramp will be constructed to access entry court.
 - iii. Enlarged entry court paving and new steps to be granite or bluestone, similar gray color to sidewalk. Ramp to be similar gray color.
 - iv. New simple black metal railing to be installed at sidewalk edge of court, similar to handrails existing at adjacent stoops,
- Modifications to the 26 West 94th Street facade include the following:
 - i. New wider entry door pair to be installed at east side of façade in an existing window opening, replacing the existing window pair and intermediate masonry mullion. New doors to be wood and glass, with raised wood lower panel, glass upper panel, similar to others in the area. Doors to be painted green, with decorative metal security grillwork.
 - ii. Existing entry door opening to be closed in. Per committee recommendation, new window to be double-hung to match existing double-hung windows at 28 West 94th Street. Sill heights of new and existing windows to align.
 - iii. New metal and glass semi-circular translucent glass canopy to be installed across the entire front of the building. Per committee recommendation, angle of the canopy to be set to project no higher than sill level of the floor above. Top of curved canopy to be secured to masonry façade with metal cable.
 - iv. New signage to be installed across entire width of building. School name to be spelled out with individual metal letters approximately 10" high, mounted directly to horizontal masonry band above door and window openings.
- The entire row of buildings from 20 through 30 West 94th Street will have grey paint removed, exposing reddish brownstone beneath, matching many of the other brownstones on the block. Brownstone facades to be restored as required.

The Preservation Committee of Community Board 7/ Manhattan believes that the entrance alteration and canopy installation as modified (new window to be double-hung, sill height to align with the adjacent windows at 28 West 94th Street; canopy angled so its highest point is at or below the second floor window sill height) and the façade restoration as proposed are all reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves as modified** the entrance alteration and canopy installation **approves as proposed** the façade restoration.
Committee: 5-0-0-0.

Date: March 6, 2012

Committee of Origin: Preservation

Re: 322 West 87th Street (West End Avenue- Riverside Drive.) Application # 12-7629 to the Landmarks Preservation Commission to construct a stoop.

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

The following facts and concerns were taken into account in arriving at our conclusion:

- Existing building is the sole remaining structure from original group of five rowhouses.
- The original stoop was removed in 1937.
- The new stoop is modeled on others on the block, constructed as a straight run.
- Steps to be cast brownstone. Sidewalls to be faced rusticated brownstone capped by cast limestone.
- Sidewalls to be capped by metal railing to achieve total required railing height, similar to other neighboring stoops.
- Metal railing at steps and at outer edge of lower court to incorporate decorative rosettes, modeled on existing rosette detail of existing metal window box railing below bowed Parlor Floor window. Metal railings to be painted black.
- New entrance doors and fixed transom at top of stoop to be wood, with lower solid raised panels and beveled glass panels above. Doors to be painted white to match existing wood window color.

The Preservation Committee of Community Board 7/ Manhattan believes that the new stoop, entrance doors and metal railings are reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the construction of a new stoop.

Committee: 5-0-0-0.

Date: March 6, 2012

Committee of Origin: Business & Consumer Issues

Re: Applications to the SLA for a two-year liquor licenses.

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

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the following applications to the State Liquor Authority for a two-year liquor licenses:

- **349 Amsterdam Avenue** (West 77th Street.) BT Restaurant Enterprises LLC, d/b/a To be determined.
Committee: 6-0-0-0. Non-Committee Board Members: 2-0-0-1.
- **380 Columbus Avenue** (West 78th Street.) LEM Uptown LLC, d/b/a 78 Below.
Committee: 6-0-0-0. Non-Committee Board Members: 2-0-0-0.
- **2427 Broadway** (West 89th Street.) Candle West LLC, d/b/a Candle West Café.
Committee: 6-0-0-0. Non-Committee Board Members: 2-0-0-0.
- **1900 Broadway** (West 65th Street.) TS3 Hospitality, d/b/a The Smith.
Committee: 6-0-0-0. Non-Committee Board Members: 2-0-0-0.



Date: March 6, 2012

Committee of Origin: Business & Consumer Issues

Re: Applications to the SLA for a two-year liquor licenses.

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

2756 Broadway (West 106th Street.) Five Lamps Corp, d/b/a "To Be Determined".
Resolution for 2756 Broadway (West 106th Street) Five Lamps Corp.

Whereas it is resolved that the application to the SLA for a two-year liquor license is denied to allow applicant to amend that part of their method of operation for the rear yard to include the following stipulations:

1. The applicant agrees to install sound abatement in the rear yard. Presently, the applicant agrees to install "sail shades" to comply with this stipulation.
2. The applicant agrees there will be no smoking in the entire rear yard.
3. The applicant agrees to amend the certificate of occupancy with the Department of Buildings to allow rear yard use.
4. The applicant agrees to limit the hours of operation as follows: On Sunday, Monday, Tuesday, Wednesday, and Thursday the rear yard will be closed at 10 (ten) pm. On Friday and Saturday, the rear yard will be closed at 11 (eleven) pm.
5. The applicant agrees there will no music in the entire rear yard. This includes any music transmitted by any electrical device.
6. Furthermore, the applicant has agreed that as long as the restaurant is open, the kitchen will remain open.

Committee: 6-0-0-0.



Date: March 6, 2012

Committee of Origin: Business & Consumer Issues

Re: Unenclosed Café Renewal Applications:

Full Board Vote: 31 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the following unenclosed café renewal applications:

- **61 Columbus Avenue** (West 62nd Street.) Renewal application DCA# 1190070 to the Department of Consumer Affairs by West 62nd Operating, LLC, d/b/a Rosa Mexicano at Lincoln Center, for a two-year consent to operate an unenclosed sidewalk café with 14 tables and 28 seats.
Committee: 4-0-1-0. Non-Committee Board Member: 2-0-0-0.
- **373 Amsterdam Avenue** (West 78th Street.) Renewal application DCA# 1416326 to the Department of Consumer Affairs by Sagi Restaurant Corp., d/b/a Francesca La Vela Cucina Italiana, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 16 seats.
Committee: 4-0-1-0. Non-Committee Board Members: 2-0-0-0.
- **480 Amsterdam Avenue** (West 83rd Street.) Renewal application DCA# 1307588 to the Department of Consumer Affairs by 480 Rest Amsterdam, Inc., d/b/a Soldier McGee, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.
Committee: 5-0-0-0. Non-Committee Board Members: 2-0-0-0.
- **566 Amsterdam Avenue** (West 87th – 88th Streets.) Renewal application DCA #1312628 to the Department of Consumer Affairs by Jos Hospitality Group, LLC, d/b/a B. Café West, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 14 seats.
Committee: 5-0-0-0. Non-Committee Board Members: 2-0-0-0.
- **245 West 104th Street** (Broadway.) Renewal application DCA# 1187714 to the Department of Consumer Affairs by Broadway 104, LLC, d/b/a Café Du Soleil, for a two-year consent to operate an unenclosed sidewalk café with 18 tables and 36 seats.
Committee: 5-0-0-0. Non-Committee Board Members: 2-0-0-0.



Date: March 6, 2012

Committee of Origin: Business & Consumer Issues

Re: 2791 Broadway (West 107th – 108th Streets.)

Full Board Vote: 20 In favor 3 Against 6 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application ULURP #N110327ECM/DCA# 0735569 to the Department of Consumer Affairs by Indian Foods International, Inc., d/b/a Indian Cafe, for a two-year consent to operate an enclosed sidewalk café with 15 tables and 52 seats.

Committee: 5-0-0-0. Non-Committee Board Members: 1-1-0-0.



Date: March 6, 2012

Committee of Origin: Business & Consumer Issues

Re: 2178 Broadway (West 77th Street.)

Full Board Vote: 16 In favor 9 Against 5 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application DCA# 1418144 to the Department of Consumer Affairs by Serafina 77 West, LLC, d/b/a Serafina, for a two-year consent to operate an unenclosed sidewalk café with 58 tables and 115 seats.

Committee: 5-0-1-0. Non-Committee Board Members: 0-1-1-0.



Date: March 6, 2012

Committee of Origin: Business & Consumer Issues

Re: Manhattan Borough Board resolution in support of reforms to improve public and police access to details of SLA licenses.

Full Board Vote: 29 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **supports** the following Manhattan Borough Board resolution:

WHEREAS, the New York State Liquor Authority (SLA) has the jurisdiction to issue on premise licenses according to the Alcoholic Beverage Control (ABC) Laws, and is responsible for enforcing those laws; and

WHEREAS, Community Boards in Manhattan review and offer guidance to the SLA about the potential impact of a license on public safety and quality of life in our neighborhoods; and

WHEREAS, all licenses include a Method of Operation which defines the specific terms for how an establishment will be run and are legally enforceable; and

WHEREAS, Community Boards, as part of their review process, often negotiate stipulations with applicants in order to clearly define what is and isn't allowed including hours, the music system (e.g. whether it is recorded, DJ or live), soundproofing requirements, security procedures, use of outdoor space, how the entrances will be managed, and other considerations; and

WHEREAS, the existence and enforcement of such stipulations are generally viewed by the local community as key factors in determining whether bar and restaurant establishments abreacting as good neighbors; and

WHEREAS, these stipulations form the basis for the Method of Operation and therefore dictate the terms of the overall operating license; and

WHEREAS, representatives from the SLA have stated repeatedly that they depend on Community Boards and members of the public to alert them to problem locations, so they can address the issues and deploy their limited enforcement resources effectively; and

WHEREAS, currently, there is no easy way to find out the specific rules for any establishment because this information is only available to the public if they file a request under the Freedom of Information Act, which makes it onerous and time-consuming for members of the general public to know whether a bar or restaurant is in compliance with the terms of their operating license; and

WHEREAS, as a courtesy, the SLA honors Community Board requests for information but it is a burdensome and slow process; and

WHEREAS, even the local police precincts do not have real-time access to this information which makes it difficult, if not impossible, for an officer to enforce the terms of an operating license when responding to a complaint; and

WHEREAS, every SLA license is legally available to any citizen who makes a request and should be readily accessible online.

THEREFORE, BE IT RESOLVED, that the Manhattan Borough Board urges the SLA to reform its public information system to make the Method of Operation for every license available online; and

BE IT FURTHER RESOLVED, that the Manhattan Borough Board urges the SLA to require operators of nightlife establishments to post the Method of Operations in a publicly accessible location on premises or make it readily available upon request; and

BE IT FURTHER RESOLVED that the Manhattan Borough Board urges New York State elected officials to take the necessary steps to support this important reform

Committee: 6-0-0-0. Non-Committee Board Members: 2-0-0-0.



Date: March 6, 2012

Committee of Origin: Steering

Re: Banning smoking in outdoor cafes.

A. Business & Consumer Issues Committee resolution.

Full Board Vote: 8 In favor 19 Against 3 Abstentions 0 Present

This resolution is based on the following facts:

Smoking is currently limited to 25% of the total number of seats in any unenclosed cafes.

Smoking is already prohibited in any unenclosed café that contains any awnings.

Smoking is also already prohibited in any unenclosed café that contains any umbrellas.

Regular patrons of many restaurants will often choose the restaurant to frequent based on their smoking preferences when selecting to dine in an outdoor café.

Restaurant operators currently have the discretion in allowing or disallowing smoking in unenclosed sidewalk cafes not covered by the aforementioned restrictions;

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan votes to continue the policy of allowing individual restaurant owners to determine whether to permit smoking in the areas of their unenclosed sidewalk cafes not prohibited by the aforementioned restrictions.

Committee: 7-1-0-0.

B. Transportation Committee resolution.

Full Board Vote: 19 In favor 8 Against 4 Abstentions 0 Present

This resolution is based on the following facts:

Both workers and patrons can be exposed inescapably to second hand smoke during the dining and serving experience in the outdoor café.

The city council has already understood the relevant health problem and banned smoking in other outdoor public spaces such as parks, beaches, bus stops, transit stations, etc.

Not smoking during the dining experience is already a normal and expected part of New York City habit in enclosed cafe areas.

The outdoor cafe is about the only public space in which smoking is still permitted and in which workers and patrons can be subjected to second hand smoke from others.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan asks the City Council to safeguard the public spaces which are used for outdoor cafes and to immediately pass legislation to completely ban smoking in all outdoor cafes. (The intent was to be sure to include all public outdoor dining places, not just those on the sidewalk, e.g., pop-up cafes which can be in the street.)

Committee: 7-1-0-0. Non-Committee Board Members: 2-0-0-0.