

RESOLUTION

Date: May 4, 2010

Re: Manhattan Borough Board resolution in support of Assembly Bill A.10008 and Senate Bill S. 6873, which closes loopholes to make it possible to prosecute and close down "illegal hotels.

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

WHEREAS, New York City suffers from a shortage of affordable housing; and

WHEREAS, Manhattan community boards has always considered the preservation and development of affordable housing a top priority; and

WHEREAS, illegal hotels are units that are meant to be apartments but are illegally used as transient hotel rooms; and

WHEREAS, illegal hotels take available apartments from an already tight housing market, and disrupt the lives of the residents who still live in the building; and

WHEREAS, many tourists are unaware that the buildings in which they are staying are built for permanent residential use and do not meet hotel fire-safety codes; and

WHEREAS, illegal hotels often do not conform to the safety regulations for hotels set forth by the New York State Multiple Dwelling Law (MDL) and the New York City Building Code such as fire sprinklers and secondary egress; and

WHEREAS, illegal hotels often do not conform to the regulations set forth by the Peoples with Disabilities Act, thereby failing to ensure accessibility; and

WHEREAS, the proliferation of illegal hotels has become so prevalent that Mayor Bloomberg created an Office of Special Enforcement to investigate complaints; and

WHEREAS, the Appellate Court's decision in the City of New York v, 330 Continental LLC prevents effective enforcement against "illegal hotels"; and

WHEREAS, Mayor Bloomberg's administration participated in the drafting of legislation which closes loopholes to make it possible to prosecute and close down "illegal hotels"; and

WHEREAS, Assembly Member Richard N. Gottfried and State Senator Liz Krueger have introduced A. 10008/S. 6873, which would clarify the Multiple Dwelling Law and New York City Administrative code to disallow transient occupancy (less than 30 days) of class A dwellings and provide a path to compliance for certain hotels that have class A certificates of occupancy, but were built prior to the enactment of the MDL in 1929 and were used as hotels prior to the enactment of the New York City Zoning resolution in 1961; and

WHEREAS, Mayor Bloomberg supports this legislation as indicated in the 'Memorandum in Support from his Office of State Legislative Affairs;

THEREFORE, BE IT RESOLVED that Community Board 7/Manhattan **supports** passage of A 10008/S. 6873; and

THEREFORE, BE IT FURTHER RESOLVED that Community Board 7/Manhattan urges all Manhattan State legislators to co-sponsor A. 10008/S. 6173.

RESOLUTION

Date: May 4, 2010

Committee of Origin: Land Use

Re: 95 West 95th Street (Columbus Avenue.) Application [M 920493 (E) ZAM] to Department of City Planning by Columbus 95th Street LLC requesting a modification of the previously approved Large Scale Residential Development (LSRD) within the former West Side Urban Renewal Area, to facilitate the enlargement of the 1st and 2nd stories of an existing 33-story mixed use building at the above referenced location, to utilize available floor area for commercial and community facility uses.

Full Board Vote: 40 In favor 0 Against 3 Abstentions 0 Present

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

The owner of 95 W. 95th Street has made an application pursuant to Section 78-06 of the Zoning Resolution for permission to construct a two-story mixed commercial/community facility structure to the lot line on the east side of Columbus Avenue between West 95th and 96th Streets, wrapping around on West 96th and 95th Streets. The structure would sit in front of the existing apartment building, fill in open space on Columbus Avenue, which presently leads to the entrance to the building, replace an existing stand-alone structure on the northeast corner of West 95th Street and Columbus Avenue, and provide landscaping seating and planting areas within the zoning lot for the use of tenants only.

In order to approve the proposed addition, the Community Board and the City Planning Commission must find, among other things, that “the enlargement...enhances the streetscape and the design promotes a harmonious relationship with the existing development and contiguous blocks within the large scale residential development” [Section 78-06(b)3(vii)]. For the following reasons Community Board 7 cannot make the required findings:

- The plans presented by the developer show a building which bears no relation architecturally, esthetically or in terms of building materials, to the residential tower. It looks tacked on rather than integrated into the existing structure.
- The proposed new facility blocks an existing attractive and functional pathway between the residential tower and the stand-alone building, which pathway provides an important and pleasing break in the blockfront. The concept of the stand-alone structure is repeated on the south side of Columbus Avenue and the relationship between the two would be destroyed. As importantly, a means of entrance and egress to the residential tower would be blocked, forcing tenants to enter through a walkway on West 95th Street.
- The design for the new structure calls for a large and completely non-contextual two-story addition wrapping around West 95th Street. The eastern portion of this structure will extend at the second floor over the entrance walkway to the residential tower. The structure is not cantilevered or extended, but is supported by columns. What is now an attractive I-shaped yard area extending both from West 95th Street and from midblock on Columbus Avenue, will become a cul de sac, entered only by passing under the second floor of the new structure.

- Not only is there no “harmonious” relationship between the proposed structure and contiguous blocks in the urban renewal area, there is no relationship at all.
- The sidewalk between West 95th and 96th Streets is presently well planted with mature trees, running down the center of the sidewalk. These trees create a pleasant walking area and streetfront. Should the proposed development be approved these trees would have to be moved. As between having a row of trees running the length of the lot line on Columbus Avenue or having a two-story, non-harmonious addition, Community Board 7 prefers the former.

In addition to the findings required as to enhancement of streetscape, the applicable Zoning Resolution section provides that “significant adverse impacts resulting from {the proposed development} shall” be “avoided or minimized...”. Presently there are three commercial establishments on Columbus Avenue. These establish-

ments appear to have loyal followings and contribute significantly to neighborhood coherence. They are the “mom and pop” stores which preserve and strengthen neighborhoods. Any new development on the block is likely to attract a different type of commercial tenants, those able to pay what are likely to be enhanced rents. No realistic plan to mitigate or avoid this unwanted consequence has been presented.

The foregoing discussion addresses the developer’s plans as presented to Community Board 7’s Land Use Committee on April 21, 2010. We are advised that the developer has substantially revised its plans, but has done so too late for meaningful review pursuant to our committee system, and certainly too late for meaningful public participation. Any significant change in plans, of course, would fail procedurally because the Zoning Resolution requires that the City Planning Commission shall not grant any application pursuant to section 78-06 prior to 45 days after the application is referred to the affected community board. Clearly the application referred to the community board must be the application that is voted on by City Planning, not some significant revised plan never studied by the Community Board. Should City Planning refer a new or revised plan to the Community Board, it will be considered within the allotted 45 days from such referral.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application by the owners of 95 West 95th Street for a proposed two story commercial/community facility between West 95th and 96th Streets on the east side of Columbus Avenue, and

BE IT FURTHER RESOLVED THAT in view of the findings in the resolution and the developer’s untimely submission of major modifications, Community Board 7/Manhattan requests that City Planning Commission restart the clock and abstain from a vote.

RESOLUTION

Date: May 4, 2010

Committees of Origin: Preservation Joint with Parks & Environment

Re: Riverside Park. Restoration of the 101st Street Field House, including removing non-period infill from arches and installing public restrooms, programming space, and a base for a park maintenance worker. The restoration is being undertaken by DPR and the Riverside Park Fund in partnership with the Design Workshop at Parsons School of Design. (Joint with Preservation Committee.)

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

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

The Parsons School of Design students who presented this application, first to the Preservation Committee, and then to the Parks and Environment Committee, of Community Board 7/Manhattan, and their faculty advisor, were well-prepared, courteous and responsive to the committees' concerns. The committees appreciated their returning for a second meeting in response to concerns expressed by committee members at the first meeting, and the thoughtful and successful ways in which those concerns were resolved by modifications to the design originally presented.

The joint Committees prefer the recommended solution to the comfort station issues of having three fixtures and one sink in each of the (men's and women's) comfort stations, with an auxiliary sink in the outside corridor, to the alternate solution of two fixtures and two sinks in each comfort station.

The joint Committees recommend that the designers revisit the issue of cooling the interior space in the summer, including considering various mechanical ventilation systems.

The joint Committees believe that the proposed design is appropriate to the historic character of Riverside Park.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan jointly **approve** the proposal of the Department of Parks and Recreation for the restoration of the 101st Street Field House in Riverside Park.

Joint Committee Members: 10-0-0-0.

RESOLUTION

Date: May 4, 2010

Committee of Origin: Youth, Education & Libraries

Re: West Side Crime Prevention Program.

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

This resolution is based on the following facts:

1. The West Side Crime Prevention Program is celebrating its 30th anniversary of service to the Upper West Side Community. The Program is an independent, community-based not-for-profit that works to promote the safety of all who live, work in or visit our community.

2. One of its signature programs is the “Safe Haven” program, which enlists local businesses to provide a safe place for school children and teens to call for assistance if they should feel threatened or harassed as they make their way to and from school and afterschool activities. All children in the District are taught to seek out the familiar yellow insignias on the windows of scores of storefronts.

3. In addition, the West Side Crime Prevention Program offers conflict resolution, mentoring, social and educational, and crime-prevention programs that build community as they teach awareness.

4. The expansion of the Program beyond its original precincts on the Upper West Side is a testament to its effectiveness and vision.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan congratulates the West Side Crime Prevention Program on its 30th anniversary of service, and supports its continued outstanding efforts to unite diverse constituencies in promoting safety and respect for all in our community.

Committee: 4-0-0-0.

RESOLUTION

Date: May 4, 2010

Committee of Origin: Transportation

Re: 695 Amsterdam Avenue (West 94th Street.)

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

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** Renewal application #B01527 to NYC Taxi & Limousine Commission by New Family Radio Dispatcher Inc. for a For Hire Base Station license. *Committee: 9-0-0-0. Board Member: 1-0-0-0.*

RESOLUTION

Date: May 4, 2010

Committee of Origin: Business & Consumer Issues

Re: 127 West 72nd Street (Columbus Avenue)

Full Board Vote: 37 In favor 0 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** applications to the SLA for a two-year liquor licenses by Imperial Food New York Corp, d/b/a "To Be Determined".

Committee: 6-0-0-0.

RESOLUTION

Date: May 4, 2010

Committee of Origin: Business & Consumer Issues

Re: 612 Amsterdam Avenue (West 89th Street.)

Full Board Vote: 37 In favor 0 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** applications to the SLA for a two-year liquor licenses by Nipa Thai Restaurant Corp, d/b/a Thai Season.

Committee: 6-0-0-0.

RESOLUTION

Date: May 4, 2010

Committee of Origin: Business & Consumer Issues

Re: Unenclosed Café Renewal Applications.

Full Board Vote: 39 In favor 1 Against 0 Abstentions 0 Present

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

- **193 Columbus Avenue** (West 68th -69th Streets.) Renewal application DCA# 1216111 to the Department of Consumer Affairs by Yunhua on Columbus Inc., d/b/a Empire Szechuan for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.
- **241 Columbus Avenue** (West 71st Street.) Renewal application DCA# 0895637 to the Department of Consumer Affairs by Burrito Junction, Inc., d/b/a Harry's Burrito for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 36 seats.
- **570 Amsterdam Avenue** (West 87th -88th Streets.) Renewal application DCA# 1068447 to the Department of Consumer Affairs by Rancho West Corporation, d/b/a Rancho, for a two-year consent to operate an unenclosed sidewalk café with 12 tables and 24 seats.
- **668 Amsterdam Avenue** (West 92nd – 93rd Streets.) Renewal application DCA# 1139454 to the Department of Consumer Affairs by Talias Restaurant Group, LLC d/b/a Talia's Steakhouse & Bar, for a two-year consent to operate an unenclosed sidewalk café with 9 tables and 36 seats.
- **732 Amsterdam Avenue** (West 96th Street.) Renewal application DCA# 1138270 to the Department of Consumer Affairs by Le-Se Amsterdam 732 Restaurant, Inc., d/b/a Dive Bar, for a two-year consent to operate an unenclosed sidewalk café with 7 tables and 17 seats.

Committee: 6-0-0-0.

RESOLUTION

Date: May 4, 2010

Committee of Origin: Business & Consumer Issues

Re: Enclosed Café Renewal Application.

Full Board Vote: 34 In favor 6 Against 0 Abstentions 0 Present

368 Columbus Avenue (West 77th- 78th Streets.)

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application DCA# 1085915 to the Department of Consumer Affairs by Ixhel Corporation, d/b/a Café Frida, for a two-year consent to operate an enclosed sidewalk café with 10 tables and 28 seats.

Committee: 6-0-0-0.

RESOLUTION

Date: May 4, 2010

Committee of Origin: Business & Consumer Issues

Re: New Unenclosed Café Applications.

Full Board Vote: 39 In favor 0 Against 1 Abstention 0 Present

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

- **392 Columbus Avenue** (West 78th – 79th Streets.) New application DCA# 1347140 to the Department of Consumer Affairs by Open City Restaurant Group, LLC, d/b/a Café Ducale, for a two-year consent to operate an unenclosed sidewalk café with 14 tables and 34 seats.
- **612 Amsterdam Avenue** (West 89th – 90th Streets.) New application DCA# 1345730 to the Department of Consumer Affairs by Nipa Thai Restaurant, Corp., d/b/a Thai Season, for a two-year consent to operate an unenclosed sidewalk café with 10 tables and 24 seats.
- **2607 Broadway** (West 98th-99th Streets.) New application DCA# 1345744 to the Department of Consumer Affairs by Workhouse Restaurant Inc., d/b/a Regional, for a two-year consent to operate an unenclosed sidewalk café with 9 tables and 18 seats.

Committee: 6-0-0-0.

RESOLUTION

Re: Certification of Proposed Riverside Center Development
Full Board Vote: 37 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, Extell Development Company submitted an application to the Department of City Planning to develop "Riverside Center" on the land between West 59th and 61st Streets, West End Avenue to Riverside Blvd.; and

WHEREAS, the proposed development, which includes 5 high-rise buildings, 2500 residential units, 210,000 GSF of retail, a hotel, a movie theater, and a public school, will have a significant impact on the infrastructure and the community of the Upper West Side; and

WHEREAS, it is expected that the City Planning Commission will certify the application for Riverside Center on May 10, 2010, which will start the ULURP clock for a 60-day Community Board review period; and

WHEREAS, the participation of public school parents, faculty, and administration are of particular importance during the Community Board review period, and are generally not available to attend meetings or hearings between the third week of June and the first week of September;

BE IT RESOLVED THAT if the City Planning Commission does not certify the Riverside Center project on May 10, 2010, then Community Board 7/Manhattan emphatically requests that the application for Riverside Center not be certified until after the second week of September 2010.