

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: ENVIRONMENTAL PROTECTION

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	41 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 5 World Trade Center Finding of No Significant Impact (FONSI)/Environmental Assessment (EA)

WHEREAS: In November 2021, Lower Manhattan Development Corporation (LMDC) and Empire State Development (ESD) Boards approved the start of the public review process for the Modification to the WTC General Project Plan (MGPP) and Finding of No Significant Impact and Determination of Nonsignificance (FONSI), based on an Environmental Assessment (EA). A hearing was held on January 12, 2022 on the MGPP and the FONSI/EA, and written comment is being accepted until February 15, 2022; and

WHEREAS: In April 2004, LMDC prepared in cooperation with the US Department of Housing and Urban Development (HUD) and the Port Authority of New York and New Jersey (Port Authority), a Final Generic Environmental Impact Statement (2004 FGEIS) for the World Trade Center (WTC) Memorial and Redevelopment Plan; and

WHEREAS: The Site 5 EA¹, published in 2021, was prepared with up-to-date information pursuant to the National Environmental Policy Act (NEPA) and the State Environmental Quality Review Act (SEQRA) and considers any new potential environmental impacts of the proposed amendment to permit the development of a mixed-use residential tower at Site 5. The EA generally follows the methodology recommended by NYC's City Environmental Quality Review (CEQR) Technical Manual, as applied to the specific uses and conditions of the WTC site and surroundings; and

WHEREAS: The EA follows both state and federal guidelines because LMDC used federal funds (HUD Block Grant), to demolish and remediate Site 5; and

WHEREAS: The Site 5 EA analyzes the potential new environmental impacts resulting from the proposed change of use from commercial to mixed use, and studies various categories which were previously analyzed in the 2004 FGEIS including shadows, hazardous materials, air quality, natural resources, and traffic; and

¹ http://renewnyc.com/attachments/content/meetings/20211210_WTCMemorialAndRedevelopmentPlan.pdf

WHEREAS: The EA resulted in a Finding of No Significant Impact (FONSI)/Determination of Non Significance, meaning that the proposed change from commercial to mixed use does not present any new adverse environmental impacts to the project; and

WHEREAS: Manhattan Community Board 1 (CB1) made several requests, both through the 5WTC Community Advisory Council (CAC) and via a letter to ESD (date of letter) , for technical experts who worked on the EA to attend the December 2021 Environmental Protection Committee meeting to “present fully on the Environmental Assessment process, give a brief overview of the findings of the Environmental Assessment, and to answer questions live during the meeting.” While ESD technical experts did attend the meeting, a presentation was not given on the EA itself, but rather on the public approvals process. CB1 members expressed that they did not feel equipped to discuss or comment on the EA without having a full presentation and discussion on each category of findings, including categories identified as having a significant adverse impact in the 2004 FGEIS. ESD also declined to attend the January 2022 CB1 Environmental Protection Committee meeting to present specifically on the environmental impacts of the project; and

WHEREAS: While CB1 supports a mixed-use development rather than the originally proposed commercial building, there are significant environmental concerns related to this project, and more clarity is needed on the different studies that have been conducted, identifying updated information from the 2004 FGEIS, and all current findings updated into current potential impacts to the community; and

WHEREAS: Although the Site 5 EA states that the impacts of the currently approved plan for a commercial/office tower at 5 World Trade Center (5 WTC) were studied in the 2004 Final Generic Environmental Impact Statement (2004 FGEIS), in fact, that is not the case, at least as to construction impacts. The 5 WTC commercial/office tower concept was modified in a 2007 amendment to the WTC General Project Plan (GPP). With respect to Site 5, the 2004 FGEIS analyzes construction environmental impacts solely with respect to demolition activities of the former Deutsche Bank Building, and does not take account of construction activities for any building to be built on Site 5; and

WHEREAS: Although an Environmental Assessment was prepared in 2005 (2005 EA), which may have addressed construction activities at Site 5, the 2005 EA is not available on the LMDC website or otherwise readily publicly available, so CB1 is unable to assess the relevance of the 2005 EA; and

WHEREAS: The 2004 FGEIS identified a number of negative impacts on residents in the vicinity of the WTC site for the construction activities addressed in the 2004 FGEIS and indicated that a number of mitigation measures would be taken; and

WHEREAS: When the WTC campus plan was approved, it was anticipated that all of the associated construction would occur in a much more compressed period of time,

rather than over the course of twenty years. The impacts of construction at Site 5 may have been anticipated to be marginal as part of a larger, campus-wide project, but today is a very different scenario as a major stand-alone project. The community surrounding Site 5 has endured construction impacts in this highly dense area for over twenty years, and there is major concern over how this construction will impact residents in close proximity and what mitigation measures will be implemented; and

WHEREAS: Community District 1 (CD1) is a highly dense neighborhood which has lost increasingly more open views of the sky. The building at Site 5 will be tall and cast significant shadows, and CB1 has major concerns over the impact of shadows on the site; and

WHEREAS: Concerns over infrastructure impacts have also been raised, as CD1 is already lacking in community and civic infrastructure to support a population that has grown 124% from 2000 to 2020 (U.S. Census Bureau). Additional residents in connection with this project will only add strain, and there will be radiating impacts on schools, subways, streets, sidewalks, etc. Further discussion is needed on those specific impacts and mitigation; and

WHEREAS: There are social and economic impacts that are not captured as part of the existing environmental analysis. ESD representatives have confirmed that the 2004 FGEIS and 2021 EA analyses do not require evaluation of wider social and economic impacts, and further discussion and consideration is required; and

WHEREAS: There are major traffic implication concerns in connection with this project. There are few functioning streets for vehicular, cyclist and pedestrian circulation in the area surrounding Site 5. With hundreds of new residential apartments, commercial, retail, and community facility space, the project will undeniably generate many new vehicular, cyclist and pedestrian trips coming into and going out of the area; including black cars, personal cars, deliveries, UPS, etc. These specifics have not yet been presented to the CB, and more discussion and consideration is needed; and

WHEREAS: There are specific traffic implication concerns related to the construction that will take place. The street network surrounding Site 5 include: Greenwich Street (Southbound), Washington Street (Southbound), Rector Street (Eastbound), Cedar Street (Westbound), Albany Street (Eastbound), Edgar Street (both East and West bound for one block into the garage), Thames Street (not for cars), Carlisle St (Westbound from Greenwich Street), and Morris Street (not a through street). When construction starts Albany, Greenwich and Cedar Streets will be impacted. Cedar street will be the only westbound street since we cannot get Liberty Street reopened to vehicles, and if Edgar Street is closed in connection with the school at the bottom of Greenwich Street. This will create serious circulation issues, including for emergency vehicle access; and

WHEREAS: CB1 has questions and concerns regarding the original and foundational 2004 FGEIS for the entire WTC campus, including what components may be outdated and require supplemental investigation and updates as it pertains to the new development at Site 5, now after 18 years. For instance, the realities of climate change and resiliency are dramatically different in 2022 than they were in 2004. The community must have assurance that all new environmental impacts have been carefully considered and incorporated into the current plans; now

THEREFORE
BE IT
RESOLVED

THAT: While this EA resulted in a FONSI/Determination of Nonsignificance, it is indisputable that this major project will have a ripple effect of impacts among the community. The 2004 FGEIS and 2021 EA studies are extensive, but NEPA and SEQRA quantitative guidelines are inherently limiting and do not capture the actual, comprehensive impact to a community; and

BE IT
FURTHER
RESOLVED

THAT: CB1 urges ESD to hold a dedicated meeting with CB1 to review environmental impacts related to this project, including a full presentation of findings from the 2004 FGEIS and the 2021 EA in the categories of: Land Use, Zoning & Public Policy; Urban Design and Visual Resources; Historic Resources; Open Space; Shadows; Community Facilities and Services; Socioeconomic Conditions; Neighborhood Character; Hazardous Materials; Water and Sewer Infrastructure and Solid Waste Services; Transportation; Air Quality; Climate Change; Noise; Coastal Zone Consistency; Natural Resources; Environmental Justice; Public Health; and Construction- as well as all mitigation measures identified in the 2004 FGEIS and any subsequent EA that would be relevant to development at Site 5 be identified and implemented by ESD; and

BE IT
FURTHER
RESOLVED

THAT : This meeting is crucial in ensuring that the community understands the real impact of this project, to review in greater detail the 2004 FGEIS, components that may be outdated or were not updated via the 2021 EA, and which areas may need supplemental study in order to be updated, and to evaluate real-world impact and mitigations that were not captured in the existing environmental studies.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	10 In Favor	0 Opposed	2 Abstained	0 Recused
BOARD VOTE:	25 In Favor	12 Opposed	3 Abstained	2 Recused

RE: Recommendations for New York City Agency Rulemaking Per Local Law 114

WHEREAS: Manhattan Community Board 1 was early to call for support for restaurants in the form of open dining in New York City during the first wave of the COVID-19 pandemic; and

WHEREAS: The first year of open dining witnessed a rapid maturation of the dining structure design leading to an arms race of sorts between establishments with structures progressing from the simple to seemingly permanent and fully enclosed; and

WHEREAS: Community boards as the agencies responsible for upholding the quality of life and service delivery for their districts became the nexus for communities who wished to log critiques of the emergency open restaurants program and the structures that were produced during this period; and

WHEREAS: In September 2021, CB 1 adopted a resolution opposing the Open Restaurants Citywide Zoning Text Amendment on the basis that there were too many unanswered questions, and recommended that the City pause its efforts to remove all zoning text related to sidewalk café regulations until those questions were answered in full, and details were available on the future Open Restaurants program; and

WHEREAS: Since that resolution, New York City Council approved the text amendment, but the thrust of this resolution speaks to the design of the permanent program as it relates to rule making, internal DOT community engagement guidelines, and future legislating by the City Council should they continue to support a permanent Open Restaurants program; and

WHEREAS: The absence of community review in the Open Dining legislation that was passed in 2021 indicates that local input to avoid unnecessary pitfalls is not valued by the city, a fact that can be reversed through the rulemaking process; and

WHEREAS: The standing committees of Manhattan Community Board 1 each considered how to envision an outdoor dining program that provided additional clientele for restaurants as well as a safe, convenient and pleasant eating experience for customers all while minimizing spillover effects to the wider community; and

WHEREAS: The committees in CB1 were challenged to frame the elements of the program in an aspirational light of what the program could be instead of what people don't want it to be; and

WHEREAS: The community boards provided valuable and necessary feedback to the former Department of Consumer & Worker Protection when the Sidewalk Cafe program was in effect and continues to create a venue for the public to comment on revocable consent, street markings, and curb regulations so DOT is better prepared to make decisions and act; now

THEREFORE

BE IT

RESOLVED

THAT: CB 1 wishes for the success of the Open Restaurants program and the restaurant sector of our economy that makes New York City such a wonderful place to live and do business while ensuring the quality of life of those who live and work in our mixed use communities; and

BE IT

FURTHER

RESOLVED

THAT: Community Board review is an essential element of any kind of successful program that takes public space and sets it aside, even temporarily, for a private use so that the most essential elements of clear path, quality of life, and the common good are upheld by allowing the public to hold the agency to these important principles; and

BE IT

FURTHER

RESOLVED

THAT: CB 1 believes that the following list program elements would represent the high water mark for a successful permanent program in Lower Manhattan:

Structures:

- Have sides that are not see-through, they should not be more than 3.5 feet high so that drivers, cyclists, and pedestrians can have a line of sight, especially for roadbed dining spaces near intersections.
- Reflectors are installed on any outer barriers to enhance a dining area's visibility to traffic.
- Be accessible and safe for people with low/no vision and/or that use a wheeled device for mobility
- Clearly delineate the space that is permitted by the DOT for outside dining so that diners, employees, pedestrians, cyclists, drivers, etc. know what space can be used by a business and what is not the restaurant's space.
- Nothing affixed to the ground so that everything is readily movable.
- Structures should be designed to be wind and weather resistant.
- All street restaurant structures should follow uniform guidelines: the exterior portion should adhere to safety codes: fire regulations, drainage lighting, etc., and then the interior can be individualized to the restaurant style to represent the establishment.

Outdoor Restaurant space:

- Qualifying restaurants should have indoor, first floor, sit-down restaurant service.
- Outdoor dining seating should not exceed 25% of the indoor seating to prevent "ghost kitchens" from crowding out retail uses that were intended by zoning.
- Establishments should not use garbage bags, traffic cones, or any other obstructions to block off additional street space outside of what they are permitted for their open dining structure.
- Sidewalk and road bed space for outdoor dining should be directly in-front of the restaurant's indoor space, with use of the space next to a corner restaurant only if the frontage sidewalk does not qualify for use.
- All restaurant structures (e.g. tables and all chairs when occupied, promotional signs, etc.) and activities (e.g. lines, wait staff activities, etc.) must be fully within the space licensed from the DOT for Open Dining.
- Restaurants on streets with narrow and/or crowded sidewalks and narrow roadbeds should only be allowed space on the sidewalk or street, depending on where it will create fewer problems for the movement of people.
- Roadbed space (sometimes known as a parking lane) should be considered for other uses (such as neighborhood loading zones, bike corrals, public bathrooms) to maximize the public good and community's needs before it is licensed to a private business for outdoor dining or any other purpose.
- Roadbed space should only operate mid-March through Thanksgiving.

- Licensed agreement space should be only for one year at a time so that renewals can be denied for excessive complaints or rule breaking or to repurpose the space for other uses that benefit the public good.
- Annual permits/licenses for sidewalk and/or roadbed outdoor dining space should be at least 50% of the restaurant's per square foot indoor rent per month of operation to disincentivize landlords from including permissible outdoor frontage area value from being bundled into the rent.
- Any space permitted for outdoor dining should be completely cleared and restored to the public within 30 days of disuse or non-payment. Deposits should be collected and used by the DOT for this task if the permit holder fails to complete.
- Food carts that had a regular location before 2019 should have priority over a restaurant applying for outdoor dining if both businesses should apply for the same sidewalk or street space.
- Not on historic sidewalks with weight restrictions due to distinctive materials such as bluestone or granite or due to subsurface vaults.

Clear Path Requirements:

- Clear path for pedestrians must be the greater of 8 feet or 70% of the sidewalk width and be smooth (no cobbles, etc.), level (not slanted or include curb cuts) and not include any obstructions including signs, bus stops, food carts or their customer lines, etc.
- Painted sidewalk extensions should not be included as part of a sidewalk's width, especially toward the clear path described above.
- Any sidewalk width that resulted from a zoning agreement such as a building setback done in exchange for more building bulk should not include in sidewalk width that could be occupied by a private business, including restaurant seating or the its clear path requirement.
- At least a portion of the clear path should be solid versus a surface with any sort of grating such as porous, metallic surfaces, which are not appropriate for wheeled devices or common narrow-heeled footwear.

Quality of Life Issues:

- The hours for outdoor dining should be limited to 9:00 AM - 10:00 PM Sunday through Thursday and 9:00 AM - 11:00 PM on Friday-Saturday or commensurate with the stipulations with the local community board, whichever is more restrictive.
- No music or amplified sound is allowed outdoors including opening any openings (e.g., doors, windows, etc.) that allow indoor entertainment or announcements to be heard outdoors.
- Bathroom facilities must be adequate for the restaurant/bar patrons based on all outdoor as well as indoor occupancy limits.
- Curb access for drop offs, pickups and deliveries must be available for each block.

- Bussing carts and fresh tableware carts should be kept indoors.

Enforcement:

- A DOT contact should be available to monitor complaints about rule breaking can be made in real time during Open Restaurant hours plus one so that rule infractions and problems can be made and addressed as feasible.
- Multiple options for making and receiving complaints should include 311, but also DOT social media, the DOT website and other potential options.
- All Open Restaurant permits should be posted online with boundaries and any stipulations given.
- Cancelled or non-renewed licenses for street or sidewalk Open Restaurant space should be made public.
- Businesses with outdoor dining space should pay a deposit that the DOT can use to remove or clear any structures that have been abandoned or are in an unsafe condition or position.
- All structures should be removable with 30 days' notice.
- Music or television that is carried over outdoor speakers or live performances should be limited in accordance with the stipulations that the establishment created in concert with the local community board.

Sanitation & Health:

- The Department of Health should include all outdoor dining areas including the vermin and trash in the immediate area in a restaurant's rating grade.
- Restaurants and bars with outdoor seating should have a vermin mitigation plan that includes dealing with the outdoor dining space as well as the area where their garbage is placed outdoors for pickup.
- Open dining adjacent to a bike lane or buffer should keep that area adjacent to their space, clean of debris.
- It should be the responsibility of businesses to keep storm drain within their licensed outdoor dining area clear, especially during rain or snow events to prevent ponding and flood conditions.
- Preserve the proper functioning of stormwater channeling and draining by keeping the gutter clear along the street and beneath dining structures.
- Plan for placement of trash so that it does not impede the pedestrian clear path adjacent to their licensed outdoor dining space or immediately next to it.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	12 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	41 In Favor	0 Opposed	0 Abstained	1 Recused

RE: Borough Based Jails/Manhattan Detention Complex

WHEREAS: Community Board 1 (CB1) voted unanimously to disapprove the Borough Based Jail (BBJ) Plan and Manhattan Detention Complex (MDC) application during the ULURP review on May 28, 2019 ([see resolution here](#)); and

WHEREAS: CB1 calls for an immediate pause on funding and work on the proposed demolition of the existing MDC at 124 and 125 White Street, and a pause on funding and work on the design-build plans to construct a 777,000 gross sq ft, 295 foot high tower for a new jail at this site; and

WHEREAS: The Lower Manhattan community accepts the closing of Rikers Island and has long accepted the location of the Manhattan Detention Complex, a city jail and the Metropolitan Correctional Center, a federal prison in the heart of our Civic Center/Chinatown neighborhood. This call to pause is not a call to relocate the jail. Rather, it is a call for this new administration to create time in which to reevaluate what we have long believed to be a deeply flawed and incomplete plan; and

WHEREAS: CB1 strongly believes the portion of the estimated \$8.3 billion BBJ budget earmarked for the demolition of the existing MDC and the construction of a new 30 story jail in Lower Manhattan is egregiously wasteful, and is in fundamental contradiction to the Lippman Commission's Report advocating for smaller and more humane buildings for detainees across the city; and

WHEREAS: CB1 believes the current BBJ plan in no way addresses the root problems which afflict detainees at Rikers Island and the existing city jails. Without incorporating plans to address these critical issues and without considering all alternatives, there is no way to assess whether this enormous expenditure is the best use of public funds to advance the needed reforms in criminal and social justice; and

WHEREAS: CB1 urges our new Mayor, Eric Adams, to consider alternatives that assure that a large part of this estimated \$8.3 billion BBJ jail budget be spent on critically needed mental health services, job training, after school programs and affordable housing in Lower Manhattan that are closely aligned with the new administration's laudable commitment to criminal and social justice reform and environmental sustainability; and

WHEREAS: CB1 continues to strongly oppose the demolition (now imminent) of the north tower of the New York Criminal Court, (the south tower of the "Tombs") which is a NYC Landmark eligible and NY State Registry eligible building. CB1 urges that any and all alternatives to preserve and renovate the tower be carefully reviewed with robust community engagement prior to allowing for its demolition; and

WHEREAS: There has been woefully insufficient public engagement on this proposal with many questions left unanswered, and requests for information unfulfilled. Certain requests for information pertaining to BBJ contracts and RFPs have needed to be subject to FOIL requests, and there have also been discrepancies and inaccuracies in certain presentations and exchanges; and

WHEREAS: To date, almost none of the ULURP recommendations put forth by former Manhattan Borough President Gale Brewer in July 2019 have been met, including: promised monthly multi-lingual meetings with the community; requests for review of schematic plans of the new jail; review of alternatives showing potential adaptive re-use of the existing MDC; alternatives showing the safeguarding of the north tower of the landmark eligible Criminal Court building; the review of using city and federally owned buildings near the existing MDC (such as 137 Centre Street and 2 Howard Street) to fulfill any of the jail's current programming requirements; and

WHEREAS: On December 31, 2021, an article was published in the *New York Times* titled 'Behind the Violence at Rikers, Decades of Mismanagement and Dysfunction'¹ which detailed the rampant corruption, dysfunction and management at the Rikers Island correctional facility. CB1 is extremely concerned about the prospect of spending billions of dollars on new correctional facilities, only to transplant existing problems with the Department of Corrections (DOC) culture into the new facilities. In the reconsideration of this plan, the City must incorporate plans for reform and training programs for DOC Correctional Officers as well as judiciary and other reforms that will reduce the numbers of detainees and their incarceration time before the BBJ plan is finalized and implemented; and

¹ Ransom, J., & Pallaro, B. (2021, December 31). Behind the Violence at Rikers, Decades of Mismanagement and Dysfunction. *New York Times*. Retrieved January 21, 2022, from <https://www.nytimes.com/2021/12/31/nyregion/rikers-island-correction-officers.html>.

WHEREAS: To date, no design review has been done reflecting any new vision of incarceration, nor sufficient plans developed on how to protect the community from the substantial adverse impacts that are confirmed in the Environmental Assessment and Impact Statements and the recent environmental probe reports for the proposed demolition of the two existing towers and the construction of the new jail; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 urges Mayor Eric Adams to take immediate action to put the proposed demolition of the MDC and the proposed construction of a 30- story jail at 124-125 White Street on pause. Given that the City remains in the throes of this historic pandemic, it is essential to allow time for City officials and the public to further review the proposed BBJ proposal, estimated to cost NYC taxpayers an estimated 8.3 billion dollars, until the following is provided:

- Projected daily jail population analysis and evaluation of updated potential detainee population reduction.
- The City's "Fair Share" analysis is reviewed again to consider a more equitable spread to other facilities, including establishing a facility in the borough of Staten Island, reducing the need for an over-one facility in Manhattan.
- Alternative proposals requested by CB1 and CB3 in March 2019 which show the cost-benefit analysis of razing and replacing 124 White Street and renovating the north tower of the Criminal Court complex (at 100 Centre Street) preserving its exterior (a city-eligible landmark), and an alternative showing the use of neighboring city or federal owned properties if additional space is confirmed to be required.
- Opportunity for community to review and provide input on specific building and site designs, complete demolition and construction mitigation plans and environmental impact mitigation plans.
- Updated traffic study which includes accurate current street conditions and impacts of congestion pricing.
- Plan of what occurs if after demolition, hazardous materials are found such that the site will be designated a Brownfield site.

And that the following promised documents are provided to CB1 immediately:

- Original RFP
- Pre-Construction Plan
- Environmental Remedial Action Plan, including specifics on how asbestos and lead abatement will be addressed, and a plan on how the underground 10,000 gallon diesel fuel tank will be removed and remediated
- Community Air Monitoring Plan
- Construction Health Plan
- Construction Waste Plan

- Evacuation plan in case of emergency and accident (as occurred when the crane fell on Worth Street in 2016)
- Demolition plan submission provided to the Department of Building, now pending approval
- Breakdown of capital costs of entire proposal (demolition and construction) in today's dollars, and cost of renovation of existing buildings (as compared to demolition and construction)

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	11 In Favor	0 Opposed	1 Abstained	1 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	2 Opposed	2 Abstained	1 Recused

RE: 250 Water Street ULURP Zoning Challenge

WHEREAS: A zoning challenge has been submitted by George Janes on behalf of the Seaport Coalition and NYC Council Member Christopher Marte to the NYC Department of Buildings (DOB) regarding the new building proposed for 250 Water Street in Manhattan; and

WHEREAS: A zoning challenge is a challenge to the legality of DOB’s zoning approval. Zoning challenges were developed in 2009 as a way of allowing anyone to challenge the legality of a building before it gets a permit. DOB has 75 days to respond. The applicant can continue to progress through the permit process while DOB considered the challenge; and

WHEREAS: This zoning challenge is being submitted now, as Section 101-15(b) of the Rules of the City of New York states that the “posting of the zoning diagram shall serve as notice of zoning approval,” and that “the public shall have forty-five (45) days from the date of posting on the department’s website of a zoning diagram filed in connection with an NB or enlargement to challenge the zoning approval.” DOB’s new system, DOB NOW, stated that the ZD1 was posted on November 17, so the challenge was submitted 44 days later; and

WHEREAS: DOB can respond to a challenge in three ways. They can “accept,” in which DOB issues an Intent to Revoke the approval and the applicant must file new plans or appeal DOB’s decision. They can “partially accept,” and the applicant must file new plans or appeal DOB’s decision (challenger cannot appeal denied items at this time). Or they can “deny,” and the challenger can appeal DOB’s decision, either to DOB within 15 days, or to the Board of Standards and Appeals within 30 days; and

WHEREAS: This zoning challenge is broken into two parts: procedural/administrative issues with the approval and zoning errors; and

WHEREAS: Procedural and administrative issues include:

1. DOB did not have authority to issue zoning approval for the proposed building in November 2021

2. DOB still does not have authority to issue zoning approval for the proposed new building because necessary zoning documents have not been submitted for DOB review
3. The plans approved by City Council do not match the ZD1 in the job file

WHEREAS: There are eight zoning issues, mostly relating to the Large Scale General Development (LSGD) Special Permit:

1. Pier 17 and 250 Water Street are not on zoning lots that are “contiguous or... contiguous but for their separation by a street or a street intersection”
2. The demapped streets are streets, not zoning lots
3. Part of the demapped streets include a partial tax lot, not a whole tax lot
4. The LSGD is not being used, developed, or enlarged as a unit
5. The LSGD is not under single fee ownership or alternative ownership arrangements
6. There is bulk distribution from LSGD zoning lots occupied by existing buildings
7. The existing buildings do not form an integral part of the LSGD
8. Pier 17 does not consist of a single zoning lot or two or more zoning lots

WHEREAS: Despite the ZD1 posting, DOB has said that the project doesn't yet have zoning approval. DOB is rolling out a new website, and 250 Water is one of the first new buildings to use it. It appears DOB did not design the website considering the Rules of the City of New York and zoning challenges. In DOB NOW, it appears that ZD1s post when they are “submitted,” not when approved. As a result, DOB will not start a review of the zoning challenge until it is in “accepted” status. This allows for updates and amendments to the challenge to be made; and

WHEREAS: There are open issues surrounding this application. In rezonings, there are normally Points of Agreement (POA) that detail community benefits, but there is no POA in this rezoning. Alternatively, there is a letter between the Economic Development Corporation (EDC) to the South Street Seaport Museum (SSSM) that details the support the Museum will receive. Information pertaining to this letter and the agreement are available through EDC's minutes from the December 14, 2021 Executive Committee meeting. However, the letter itself must be FOIL'ed. Manhattan Community Board 1 (CB1) submitted a FOIL request for this letter and related materials on January 7, 2022 and received a request acknowledgement letter on January 14, 2022 stating that, “NYCEDC is currently searching its files for records responsive to your request and will notify you regarding the availability of these records within twenty (20) business days from the date of this correspondence. On the basis of applicable statutory authority, NYCEDC reserves the right to deny access to any items exempt from disclosure under FOIL;” and

WHEREAS: On January 10, 2022 CB1 received a letter from David Karnovsky of Fried Frank addressed to the Land Use, Zoning & Economic Development Committee regarding the 250 Water St zoning challenge. The letter states that while the zoning challenge argues that DOB has improperly issued a zoning approval for the building, citing a ZD1 Zoning Diagram on the DOB portal that does not fully

reflect the recent City Planning Commission and City Council approvals, that Fried Frank has been advised by DOB that it has not issued a zoning approval for the building and the ZD1 that appears in the DOB portal remains in submitted status and has not been approved by DOB. As such, the 45 day challenge period has not commenced, and it is their understanding that at such time as the application achieves zoning approval, a ZD1 will be issued to reflect the approval and that will trigger the start of the challenge period. Additionally, the letter states that consistent with DOB's Charter mandate, a ZD1 will be issued on the basis of a determination by DOB that the building reflected in the permit application conforms to the zoning regulations applicable to the site, including those recently approved by CPC and City Council. Accordingly, it is their view that the arguments made by Mr. Janes that DOB should reject the permit application on the basis that CPC and City Council approvals are unlawful are not properly addressed to DOB, as DOB is charged with determining compliance with zoning and has no jurisdiction to overrule decisions made by CPC and the Council pursuant to the City's land use review process; and

WHEREAS: In July 2021, CB1 adopted a resolution opposing the 250 Water Street ULURP application. The resolution captures myriad concerns and opposition to the proposed convoluted changes to the zoning resolution, particularly regarding the gerrymandered expansion of the LSGD area and the dangerous zoning and land use policy precedent it would set; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 supports the 250 Water Street zoning challenge submitted by George Janes on behalf of the Seaport Coalition and Council Member Marte.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	9 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	43 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 5 World Trade Center Proposed Modified General Project Plan

WHEREAS: In February 2006 there was a Memorandum of Understanding (MOU) between the Lower Manhattan Development Corporation (LMDC) and the Port Authority, under which the Port agreed to provide parcels it owned at the center of the campus, including the original World Trade Center (WTC) tower footprints to the 9/11 Memorial & Museum and Performing Arts center, in exchange for Site 5 and adjacent parcels owned by LMDC; and

WHEREAS: In February 2019 there was an MOU between LMDC and Port Authority to jointly RFP Site 5 for either commercial (as of right) or mixed-use (required modification to the WTC General Project Plan). In June 2019 the Site 5 RFP was released; and

WHEREAS: In February 2021 there was conditional designation of a development team for a proposed project that would include a mixed-use development including: rental residential (with 25% permanently affordable units), office, 12,000 SF community facility space, amenity and fitness space, and retail. If the proposed mixed-use project is approved, LMDC would transfer Site 5 to Empire State Development (ESD), which would enter a long-term lease with the development team. Consistent with the 2006 MOU, all rent payments would go to the Port Authority as compensation for the 9/11 Memorial & Museum and Performing Arts Center sites; and

WHEREAS: In November 2021, LMDC and ESD Board approved the start of the public review process for the Modification to the WTC General Project Plan (MGPP) and Finding of No Significant Impact and Determination of Nonsignificance (FONSI), based on an Environmental Assessment (EA). A hearing was held on January 12, 2022 on the MGPP and the FONSI/EA, and written comment is being accepted until February 15, 2022; and

WHEREAS: There will be additional opportunity for public comment on the proposed project. In Spring 2022 there will be additional LMDC and ESD Board meetings to consider public comments on the MGPP and FONSI, to take action on the MGPP and FONSI, and to take initial action and authorize a public hearing on the real

estate transactions related to LMDC and ESD site dispositions. The third LMDC and ESD public Board meetings will take place in Spring/Summer 2022 to take action on the real estate transactions. Additionally, since ESD is a public entity it is subject to the Public Authorities Control Board (PACB), and ESD will make an application to the PACB and there will be associated public meetings; and

WHEREAS: The approved General Project Plan was for commercial use only, and the MGPP includes a greater flexibility in use, commercial use, mixed-use residential development, permanent affordable housing, pedestrian bridge/connection to liberty park, and community facility space. The MGPP also includes proposed Mixed-Use Design Guidelines. This resolution serves as Manhattan Community Board 1's (CB1) comment specifically on the MGPP; and

WHEREAS: CD1 is one of the fastest growing residential communities in all of New York City. The population of New York City increased 3% from 2000 to 2020. Comparatively, Community District 1's (CD1) population increased 128% during the same time period, from 34,420 in 2000 to 78, 390 in 2020 (U.S. Census); and

WHEREAS: CD1 urgently needs an increase in civic infrastructure such as community-based facilities, amenities, retail, senior facilities and accessible healthcare providers. This need is already critical, and will only increase with an influx of new residents associated with this project; and

WHEREAS: For instance, CD1 only has 3 full-size gymnasiums among 11 schools, and the demand for these existing spaces is excessive; and

WHEREAS: CD1 is also in great need of facilities and amenities that serve the senior population, and specifically spaces for seniors to be active; and

WHEREAS: CD1 has steadily lost affordable retail that serves the residential community and has become saturated with higher end retail. Community-based retail is a critical need among the community, and specifically affordable grocery stores; and

WHEREAS: In December 2021, CB1 adopted a resolution supporting 100% affordable housing at the 5WTC site; and

WHEREAS: There is tremendous potential surrounding this project, and it is one of great symbolic importance as the World Trade Center Complex comes to completion. There should be a comprehensive approach towards this project, as one that is both state-of-the-art and which aims to improve the community fabric of the surrounding neighborhood; now

THEREFORE
BE IT
RESOLVED
THAT:

While CB1 generally supports and favors a mixed-use development as opposed to a strictly commercial development, concerns have been expressed by CB1 members and members of the public over the project as currently proposed via the MGPP. As LMDC and ESD move into the next stage of this process and consider public comment and modifications to the MGPP, we urge that they take the following points under careful consideration:

- Community facility space of only 13,000 SF is woefully insufficient in the context of the scale of this project. The MGPP should be modified to increase the size of the community facility space.
- Uses for the community facility space should prioritize those that are desperately lacking among our community, such as full gymnasium space that can be used both by children and seniors and/or senior facilities and amenities.
- The MGPP should incorporate the design of a building core that works with the integration of a larger community facility that could integrate gymnasiums as part of that community facility.
- The MGPP should specify this community space as “usable” square footage to protect from space being whittled out for mechanical purposes or other uses, as we have experienced with other projects within CD1.
- CB1 believes that rather than commercial/office space, greater retail space is needed. Specifically, retail that is affordable and geared towards serving the existing and growing residential population (e.g. grocery stores), and including local small businesses/mom and pop stores.
- The proposed mixed-use design guidelines states that, “the word ‘shall’ is always mandatory and not discretionary. The word ‘may’ is permissive.” CB1 urges that the MGPP mixed-use design guidelines be amended to change all “shall” provisions to “may” provisions, so that they operate as actual “guidelines” rather than locking in design requirements that are prohibitive towards maximizing affordable housing and community uses. This would also allow for maximum flexibility in architectural innovation.
- The MGPP and mixed-use design guidelines should provide more clarity on, and prioritize outdoor plaza space, seating, trees, sidewalks, roof usage, provisions for outdoor farmers markets that serve the residential community, etc.
- The MGPP must include that the building and surrounding areas are 100% ADA compliant and accessible for those with restricted mobility.
- The MGPP should provide greater clarity on, and prioritize building resiliency and green infrastructure (including the potential for a net-positive building). This includes bird-safe glass and design measures.
- CB1 would like to have a community charrette/workshop to discuss and further vet the allocation and programming of the non-residential spaces of the building, which we see as a great opportunity for the building to be tailored to the unique Lower Manhattan context.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	2 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	2 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	2 Opposed	7 Abstained	0 Recused

RE: 293 Church Street, application for a beer and wine license for Church Tribeca LLC d/b/a L'entrée

WHEREAS: The applicant, Church Tribeca LLC, is applying for an on-premise beer and wine license for L'Entree; and

WHEREAS: The proposed space was primarily used for retail but never open to the public, and is now planning to officially open with the concept of an upscale bar and lounge and allow local residents to meet and socialize in a professional atmosphere; and

WHEREAS: The establishment's opening was postponed more than a year due to a TCO-related delay, followed by the City's COVID-19 related shutdowns. As a result, the original lease term expired and a new lease agreement was signed in July 2021; and

WHEREAS: The applicant initially presented at the October 13, 2021 Licensing & Permits Committee meeting. The proposal received a majority of the Committee's approval with a few changes to the proposed hours; however, because the applicant did not provide proof of posting by the required 15-day deadline, and a member of the community who attended the meeting representing himself and number of residents who were opposed to this application with complaints of noise disturbances and claims that the applicants have been operating the premises without the necessary permits to serve alcoholic beverages, the Committee requested that the applicant return the following month for another round of review; and

WHEREAS: The Committee questioned if noise complaints filed by the residents against the property to 311 are in regards to the noise caused from the private events that had been occurring and the sky light located inside the premises. The applicant responded that they looked through every noise complaint filed and found that a majority of them accounted for loud music and loud talking, and will take steps to ensure that those issues are resolved as they are also in the process of soundproofing the windows; and

WHEREAS: An attorney representing the neighbors raised several points as to why the beer and wine license should not be granted in a series of testimonials from residents and signatures from community members in opposition, stating that the applicant allegedly is misrepresenting his residency and does not reside at 293 Church Street; and

WHEREAS: The counsel represented that the application is subject to the 500 Foot Rule as there are 19 surrounding licensed businesses, and thus should not be granted a beer and wine license as the community does not support the application and so it is not in the public interest. They argued that the neighborhood is indisputably overstaturated with existing licensed establishments, attracting people from other areas to these bars and restaurants into the late night hours, causing quality of life problems and compromising the uniqueness of the neighborhood; and

WHEREAS: The opposing counsel added that in absence of an acoustic study and recommendations of how exactly the sky lights glass material will be insulated, the beer and wine license should not be granted. In their report a statement provided by a retired NYPD sergeant who surveyed the premises for a span of four days, to which he concluded that there was at least one occasion on the night of October 30th to the 31st where 123 occupants entered the premises, exceeding the permissible 75 persons limit, and one patron slipped and fell in an inebriated condition. A person who appeared to be the establishment owner attempted to escort the individual off the premises, and the sergeant then called emergency services; and

WHEREAS: It was also noted that there are DOB and FDNY violations on the property that haven't been addressed. Furthermore, the original second applicant who supposedly has withdrawn his interest owns two other establishment d/b/a The Bowery Room and El Original; and

WHEREAS: Several residents commented their opposition to the proposal. One resident stated that he spoke with the applicant in March 2020 regarding sound coming from the premises starting at 10PM and lasting until 4AM, to which the applicant responded that remediation methods to alleviate the noise would be utilized but never did so. The resident pointed out that the buildings within the area are over 100 years old and were never built to be soundproofed, and that the walls of the proposed space are exposed brick. He also added that almost every building surrounding the location on the sides and back part have made complaints about the noise, loud music, yelling and strobe lights that come through the walls and sky light. The applicant has made the premises a party scene, with no regards to the tenants and neighbors. They stated they have photos, that were not shared with the Committee, indicating urine on the doorway of their building and vomit on the sidewalk the morning after; and

WHEREAS: Other residents at the meeting voiced similar concerns, complaining about the loud noise levels that permeate into the apartment units of neighboring buildings, and the parties and events that are held during the weekdays at night. One resident followed the Committee's recommendation on using 311 to file complaints; and

WHEREAS: The same resident made further comments claiming that the building owner is allegedly illegally operating the building as an Airbnb. As a result of these issues, the resident has taken commercial legal action against the alleged illegal use of the premises and the nuisances caused against the community; and

WHEREAS: The applicant represented that their concept is not a nightclub and they do not want to attract a younger audience, and they also are not a party scene. Rather

they emphasized that their establishment is an upscale wine and cocktail lounge for the community to enjoy their evenings and weekends; and

WHEREAS: Given the extensive list of allegations and complaints made by the residents and opposing counsel, while also acknowledging that the Committee has reviewed similar applications where there has been a negative track record from either the previously licensed establishment that resided at the same location or neighboring establishments who had not been a good neighbor to the community, while the proposed application is for a new business although special events have occurred; and

WHEREAS: The Committee proposed that the application be tabled for another month, and in those 30 days the applicant meet with the tenants and neighbors and come to a resolution or agreement to report back to the Committee at the December meeting. The Committee would then identify the next step in the review process based on the agreement that was made or if no agreement was made at all; and

WHEREAS: The applicant accepted the Committee's request to return in December. At the December 8, 2021 committee meeting, the applicant represented that after the November meeting they reached out to one of the residents and the opposing counsel and met with them to discuss the noise and other specific issues that were brought up throughout the previous committee meetings. The applicant provided a soundproofing plan that would cover soundproofing the sky lights and one of the windows. Soundproofing panels will be installed on the south-facing walls of the property to insulate noise from traveling to the residences next door in that direction. A sound barrier will also be installed on the top of the proposed space to insulate any sound leakage, and the sound system that will be used is JBL JF-C281BLK background speakers; and

WHEREAS: The applicant represented that due to the intense and overwhelming dialogues received by the community and the number of allegations made against their establishment, their business partner is no longer a part of the application. Since then, the applicant has held "open houses" daily as an opportunity for the community to visit the space and better understand the kind of operations the applicant intends to run; and

WHEREAS: The applicant also modified their application to downgrade their license from full liquor to beer and wine, as well as reduce their hours from the initial 12PM to 1AM Sunday through Wednesday and 12PM to 2AM Thursday through Saturday, to 12PM to 12AM Sunday through Thursday, and 12PM to 1AM Fridays and Saturdays as a way to compromise and hopefully come to a resolution with the residents; and

WHEREAS: The opposing counsel who was at the December meeting pointed out that the newly provided supporting documents submitted by the applicant were sent on the day of the committee meeting and cannot merit committee review as they did not meet the CB deadline to submit the application materials on time. The Committee agreed and requested that the applicant hold over one final time to January in order to allow an appropriate review of the new plans; and

- WHEREAS: The applicant hesitantly agreed to return in January 2022 and asked the Committee to specify what exactly is needed of them to provide to the Board in advance of their final appearance to prevent additional postponements of their application as it would be their fourth appearance; and
- WHEREAS: At the January 12, 2022 meeting, the applicant provided updated materials including the requested sound proofing plan, dozens of additional resident signatures that have been obtained, and documentation supporting the applicant's representation, including an inspection done by the NYC Department of Health and Mental Hygiene with the successful filing for a Food Service Establishment permit and a Wholesale Food Permit, negating additional claims that the proposed space was functioning as a "made at home/unpermitted food site". In addition to fulfilling the Committee's request, the applicant represented that the 500 Foot Rule no longer applies as the application is now for a beer and wine license; and
- WHEREAS: The applicant also modified the hours that were last proposed at the December meeting, from 12PM to 12AM Sunday through Thursday, and 12PM to 1AM Fridays and Saturdays, to now 12PM to 12AM Monday through Thursday, 12AM to 1AM Fridays and Saturdays, and 12PM to 10PM on Sundays; and
- WHEREAS: Throughout the four month waiting period, the applicant has been renting out the space to individuals who are looking for a place to host family members or colleagues in a private setting for events. The rental period is about four to six hours and the hosts are in control of moderating the events. Events have been held for organizations supporting black female entrepreneurs, company parties, and the Oprah Winfrey show; and
- WHEREAS: The applicant stated that they are on-site throughout the duration of the rental to oversee operations and make sure that event hosts are abiding by the establishment guidelines. The premises will no longer be in service for rentals once it opens to the public with the approved beer and wine license; and
- WHEREAS: The applicant represented that there are two doors for the property; one for residents and the other for the proposed establishment. The proposed outdoor seating will consist of one bistro table with one or two seats located at the front of the premises, where the applicant is able to obtain a permit for the bistro table in lieu of applying through the Open Restaurants Program. The bistro table will neither block those two entrances nor interfere with sidewalk passage; and
- WHEREAS: With regards to the soundproofing measures, 12 2'x4' Owens Corning thermafiber acoustic panels surround the six background speakers that are located on the walls. In response to a question from one of the Committee members if noise would travel outside by over 90% to 95%, the applicant mentioned that no noise would be escaping to the front of the premises, in addition to the soundproofing installed throughout the space, the panels used to insulate and mitigate noise from traveling were specifically installed in the back portion where residents live adjacent to the proposed space, to help resolve the noise complaints issued from neighbors living in the South side of the establishment, although nothing has been done to space as of this resolution; and

WHEREAS: Residents at the meeting argued that there have been noise complaints filed the night before the committee meeting where noise from conversations was heard from the establishment. One resident stated that the neighboring buildings are in extremely close proximity. They submitted photographs indicating approximately seven feet between the establishment and the building at 38 White Street where the resident resides. The sky light is directly under apartment units from next door, where tenants can hear all kinds of noise. Two other residents stated the same concern about the noise, explaining that they were awoken numerous times with their windows bouncing due to the noise levels; and

WHEREAS: Further representations made by the opposing counsel and other residents argue that the applicant never sought the appropriate permits to alter their sound installation, and that the applicant promised that residents would be able to meet with him and the sound engineer, but this never occurred; and

WHEREAS: The Committee took a straw poll and felt that granting a beer and wine license with strong, enforceable stipulations that address the Committee's and the community's concerns regarding noise and overall operations at the premises was a better way to proceed than not granting a beer and wine license; and

WHEREAS: Considering that the acoustics are a critical component of the application and it is apparent that the noise issues have been a major problem for the residents and neighbors, the Committee ultimately proposed to vote in favor of granting a beer and wine license upon receiving a viable acoustic report that outlines the STC ratings for the premises and provides effective methods of sound mitigation, and that the applicant proactively work with the neighbors in ensuring that the soundproofing is preventing noise from permeating to the next door apartment units; and

WHEREAS: The Committee also reminded the applicant that approving a beer and wine license for this establishment grants them a 2-year term for operating the space with the permit, and if the applicant does not work to resolve the issues that the residents experience and noise disturbances persist, the Committee will not approve the renewal of the license; and

WHEREAS: The approval of this business entity is also upon confirmation that this establishment is not operating as a nightclub, there will be no private parties or special events held, and that the applicant's proposed hours be further reduced to the following: 12PM to 12AM Monday through Saturday, and 12PM to 10PM on Sundays; and

WHEREAS: The applicant agreed on the conditions proposed by the Committee and represented that they will take the measures necessary to resolve these outstanding quality of life issues. Residents at the meeting were encouraged to alert CBI's office of any complaints which are also documented to 311 so that the Board can notify the SLA for enforcement and disciplinary action; and

WHEREAS: There are four residential units above the proposed establishment, with approximately six buildings neighboring or across the street from the property; and

- WHEREAS: The applicant has represented that there are no buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and
- WHEREAS: The applicant has represented that there are three or more establishments with on premises liquor licenses within 500 feet of this establishment; and
- WHEREAS: The establishment is a 2,317 square foot establishment with a public assembly capacity of 67 persons, and a 1,522 square foot dining area with 8 tables and 50 seats, and a 795 square foot kitchen area, and one rectangular stand-up bar located at the center of the proposed space. The main bar area will have 20 seats and the cocktail lounge in the rear portion of the space will have 30 seats; and
- WHEREAS: The establishment is located on the retail and ground floor of a five-story mixed use building, where the wine bar will be on the retail floor and the cocktail lounge in the rear portion, and the kitchen and storage will be located on the ground floor; and
- WHEREAS: There is a kitchen without a hood for ventilation. Food that will be served to customers will not require an open flame and hooded ventilation, so food that will be prepared on and off-site will only need heating and reheating. Other items on the proposed food menu include small-bites such as fruit bowls, sandwiches and pastries that would be purchased from distributors; and
- WHEREAS: The establishment has two restrooms, one located in the retail level that is ADA compliant and the other located on the ground floor that is not accessible, and patrons can use either or. There is a step in the front of the space where there is currently no ramp because the property is a landmarked building; however, the applicant represented that there is a portable ramp that can be utilized when requested to allow mobility; and
- WHEREAS: Patrons will not have access to any unlicensed outdoor areas of the building; and
- WHEREAS: The applicant has indicated that there will be recorded background music, no live music, no DJs, no non-musical entertainment, no dancing and no TV monitors. They must adhere to abide by CB1's definition of background music, such that no sound from music will be heard outside the premises or by neighbors; and
- WHEREAS: The applicant will have delivery of supplies, goods and services between 9AM and 2PM Monday through Friday; and
- WHEREAS: Windows will be closed; and
- WHEREAS: The applicant does not intend to employ bicycle delivery personnel; and
- WHEREAS: Security will be deployed when necessary, and host will be stationed at the entrance door, with management on-site at all times; and
- WHEREAS: The applicant does not intend to apply for a sidewalk cafe license; and
- WHEREAS: The applicant has signed and notarized a stipulations sheet; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 opposes the granting of a beer and wine license to Church Tribeca LLC d/b/a L'Entree at 293 Church Street **unless** the applicant complies with the limitations and conditions set forth. Please note although granting was not an easy decision for the Committee, the stipulations stated in this resolution must be adhered to; and

BE IT
FURTHER
RESOLVED

THAT: CB1 urges the SLA to ensure that the soundproofing and acoustic plans are done by a certified professional and submitted with the application to the SLA before final approval of the beer and wine license.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	43 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 279 Church Street, application for alteration and method of operation change of liquor license to relocate main bar for TM Restaurant Group LLC d/b/a twiggy to go

WHEREAS: The applicant, TM Restaurant Group LLC, is applying for an alteration to relocate its main bar operations to the rear of the licensed premises, as well as for a method of operation change to extend their closing hours from 12AM to 2AM on the weekdays including Sundays, and from 1AM to 2AM on the weekends; and

WHEREAS: A resolution was adopted in September 2019 in favor of granting an on-premise liquor license for this establishment. The applicant opened the restaurant during the start of the pandemic while COVID-19 restrictions were enacted and catering services were shut down. In March 2021 the applicant received their liquor license and has been operating with the license for the outdoor portion of the premises; and

WHEREAS: Because of the restrictions during the pandemic, the applicant had to modify their operations and successfully adapt a to-go service concept; however, as a result they were not able to utilize the bar and dining service as initially planned. The applicant now intends to relocate the bar service to the rear end of the establishment in order to offer both full service food and beverage dine-in options for their evening service now that the City is slowly lifting pandemic restrictions; and

WHEREAS: The existing retail food counter located at the front of the restaurant will remain as a service counter with no alcoholic service, and will provide service during daytime operations until evening service commences and patrons start entering to the dining area located in the proposed rear end of the premises; and

WHEREAS: The current hours of bar service are 10 AM to 12AM on Sundays, 8AM to 1AM Fridays and Saturdays, and 8AM to 12AM Monday through Thursday; and

WHEREAS: Members of the community expressed numerous concerns regarding the proposed extension of hours with the risk of noise emanating from the music late into the night hours. The owner responded that only background music will be played; and

WHEREAS: One of the Committee members reminded the applicant that any music played must not be heard outside the premises or by neighbors; and

WHEREAS: There were also concerns about a subwoofer under the service counter, as well as an agreement that was made between one of the restaurant owners and a resident of 35 White Street to extend their outdoor shed into the area allotted for the resident's commercial space temporarily. The outdoor shed was to be removed by December 31, 2021; however the resident represented that it has not been taken down yet; and

WHEREAS: In response to the concern about the outdoor shed, the applicant represented that the contractor he works with for the shed had scheduling conflicts during the holidays leading up to December 31st, and a majority of the contractor's team contracted COVID-19 which prolonged the outdoor shed removal process; and

WHEREAS: The applicant confirmed that they have not renewed the agreement for the outdoor shed and is doing their best to make sure it is taken down as possible. Their counsel also confirmed that the proposed rear dining space will have soundproofing. The applicant in response to the claim regarding the subwoofer represented that there is no subwoofer and they are using the same sound system that was utilized by the former establishment for five years which composes of small speakers playing ambient music; and

WHEREAS: The Committee proposed that the applicant reconsider the extension of hours of 12AM Sunday through Thursday and 1AM Fridays and Saturdays instead of the initial 2AM so that they can build a rapport with the community and demonstrate a proven track record. The applicant can return to the Committee after 1 year of starting operations with the approved alterations to request for hours of 2AM; and

WHEREAS: No other changes are being made to the establishment besides the proposed alterations and extension of hours; and

WHEREAS: The applicant has signed and notarized a stipulations sheet; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 opposes the granting of alteration of liquor license to relocate its main bar operations to the rear of the licensed premises, as well as for a method of operation change to extend their closing hours to 12AM Sunday through Thursday and 1AM Fridays and Saturdays for TM Restaurant Group LLC d/b/a twiggy to go at 279 Church Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	43 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 33 Vesey Street, re-notification re-notification of application for liquor license for Legends Hospitality LLC d/b/a TBD

WHEREAS: The applicant, Elim Eatery Corp., attended the November 10, 2021 Licensing & Permits Committee to apply for a new liquor license; and

WHEREAS: The Committee granted the approval of a new liquor license for the proposed establishment; however, after the meeting the counsel announced that the establishment upon preparing their materials for the November meeting, the applicant was under the impression that the premises was not within 500 feet of three or more on premise establishments based on the results obtained from the NYSLA LAMP database; and

WHEREAS: It was only until preparing the NYSLA application that the applicant discovered the premises was indeed subject to the 500-foot ruling, which prompted the Committee to request that they reappear at the January 2022 meeting; and

WHEREAS: This application is a class change from a summer tavern license to a summer OP full liquor license and the Committee finds no issue with the establishment; and

WHEREAS: The applicant has signed and notarized a stipulations sheet; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a class change of liquor license to Legends Hospitality LLC d/b/a TBD at 33 Vesey Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	43 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 1 Broadway, application for liquor license for Aramark Services Inc. d/b/a TBD

WHEREAS: The applicant, Aramark Services Inc., is applying for an on-premise liquor license for TBD; and

WHEREAS: The establishment is a catering establishment; and

WHEREAS: The applicant has represented that there are no buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there are not three or more establishments with on premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is a 9,436 square deli store with a public assembly capacity that is to be determined, and a 5,000 square foot dining area with 46 tables and 98 seats, and a 36 square foot bar area with no tables or seats, and a 216 square foot kitchen area, and one 12' x 3' rectangular stand-up bar within room 11.05; and

WHEREAS: The establishment is located on Floors 8-11 of the premises, and those floors will be used for office space and catering thereto; and

WHEREAS: Patrons will not have access to any unlicensed outdoor areas of the building; and

WHEREAS: The hours of operation and food service will be from 7AM to 5PM all days of the week, and bar service hours will be 8AM to 5PM Monday through Thursday, 7AM to 5PM Fridays and Saturdays, and 10AM to 5PM on Sundays; and

WHEREAS: The applicant has represented that there will be recorded background music, no live music, no DJs, no non-musical entertainment, no dancing and 20 TV monitors for news channels only; and

WHEREAS: The applicant will have delivery of supplies, goods and services between 7AM and 5PM; and

WHEREAS: The applicant does not intend to employ bicycle delivery personnel; and

WHEREAS: The applicant does not intend to apply for a sidewalk cafe license; and

WHEREAS: The applicant has signed and notarized a stipulations sheet; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a liquor license to Aramark Services Inc. d/b/a TBD at 1 Broadway unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	43 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 94 Greenwich Street, application for liquor license for 94 Greenwich St LLC
d/b/a Sienna Pizza

WHEREAS: The applicant, 94 Greenwich St LLC, is applying for an on-premise liquor license for Sienna Pizza; and

WHEREAS: The establishment is a pizzeria including Italian pastries; and

WHEREAS: The applicant has represented that there are no buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there are three or more establishments with on premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is a 1,000 square foot restaurant with a public assembly capacity not applicable as represented by the applicant, and a 700 square foot dining area with 10 tables and 24 seats, and a 150 square foot bar area, and a 150 square foot kitchen area, and a 6 foot rectangular service bar located next to the food prep area; and

WHEREAS: The establishment is located on the first floor of a multi-unit 3 story building including the basement where the ground floor will be used for the restaurant itself; and

WHEREAS: Patrons will not have access to any unlicensed outdoor areas of the building, and the First floor will be used for storage of alcoholic beverages; and

WHEREAS: The hours of operation, food service and bar service will be from 11AM to 11PM Monday through Wednesday, and 11AM to 12AM Thursdays and Fridays, 12PM to 12AM on Saturdays, and no hours on Sundays; and

WHEREAS: The applicant has represented that there will be recorded background music, no live music, no DJs, no non-musical entertainment, no dancing and one TV monitor; and

WHEREAS: The applicant will have delivery of supplies, goods and services during the hours of operation; and

WHEREAS: The applicant does not intend to employ bicycle delivery personnel; and

WHEREAS: The applicant does not intend to apply for a sidewalk cafe license; and

WHEREAS: The applicant has signed and notarized a stipulations sheet; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a liquor license to 94 Greenwich St. LLC d/b/a Sienna Pizza at 94 Greenwich Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: QUALITY OF LIFE & SERVICE DELIVERY

COMMITTEE VOTE:	8 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	1 Opposed	4 Abstained	0 Recused

RE: 5 WTC Affordability Amidst the Greater Context of Unaffordability in Lower Manhattan

WHEREAS: To supplement CB1 resolution of December 2021 supporting 100% affordability at 5 WTC, to address the impact of the proposed plan for luxury housing at 5WTC on the community; and

WHEREAS: Since 9/11/2001, the vast majority of housing that is built in the district has been market rate, luxury buildings, with only a token percentage, if any, of temporarily affordable units offered; and

WHEREAS: The increase in luxury housing has led to the loss of a large number of its once affordable units as landlords and owners have taken advantage of rising prices to convert to market-rate, and 421-g and other tax abatements have expired, including but not limited to three 39-story buildings in Independence Plaza; Gateway Plaza, where the quasi-rent stabilization protection for approximately 600 out of 1,700 units permanently ends in less than 8 years; ; and Southbridge Towers, which opted to transition to market rate Cooperative buildings; alone; and

WHEREAS: Additionally, at Tribeca Point, where quasi-rent stabilization for 270 out of 340 apartments has been allowed to expire this means that although these tenants would pay market-based rents when they first moved into the building, increases above that baseline would be limited to those allowed by the City's Rent Guidelines Board for the apartments it regulates, usually limited to less than two percent; and

WHEREAS: This quasi-rent stabilization can provide a crucial protection for middle-class tenants, who can generally afford the rents prevailing at the outset of a lease, but are often later forced from their homes by the gyrations of the New York real estate market. For context, the net effective median rent for New York City as a whole rose 22.8 percent in November (compared to the same period a year earlier), and many landlords have responded to the real estate market's recent bounce back by demanding increases of between 50 and 70 percent.

<https://www.ebroadsheet.com/the-broadsheetdaily-1-12-22-at-41-river-terrace->

[affordability-provisions-extended-for-low-income-residents-but-not-for-middle-income-renters/](#)); and

- WHEREAS: The loss of this affordable housing impacts low- and moderate and middle income residents -including 9/11 survivors, adult children raised here, and the seniors, who have built and rebuilt this community, after 9/11 and cannot afford double digit percentage increases in their rent; and
- WHEREAS: The combination of planning and zoning decisions favoring “Big Real Estate” and exorbitant rents and housing costs have in effect rendered Community Board 1 a segregated community. Based on the 2020 US Census numbers, the Non Hispanic White population as a share of the overall population of NYC is up by down while the same population increased its share of the overall population of Community District 1’s census geographies; and
- WHEREAS: People Of Color will not benefit from the current LMDC plan. African American, Hispanic and/or Indigenous peoples and many 9/11 Survivors are not receiving equal benefit of or access to 9/11 related redevelopment despite equal exposure to 9/11 related toxins and equal loss of health, property and sometimes life. We not only need “affordable” housing, in general, we need more housing that’s specifically and genuinely affordable for people of color and 9/11 Survivors & 1st Responders at large; and
- WHEREAS: Affordable housing is needed for “public-facing” workers critical to the health and education of our community, and the success of our businesses. According to a recent study sponsored by the Real Estate Board of New York, which found that 500,000 units of new housing are needed in the City by 2030: “Without affordable housing located within and proximate to job centers, critical workers suffer from higher rents and longer commutes, and residents suffer higher costs for important services.”; and
- WHEREAS: Funding mechanisms to build and maintain 100% affordability exist but have not been fully explored by LMDC and could include a federal allocation of Project-Based Section 8 funding - which is different than the Section 8 voucher program, special Congressional appropriation, or 501(c) (3) bonds with Section 8 and a smaller appropriation.; and
- WHEREAS: These funding mechanisms, such as Project-Based Section 8 funding, are exemplified by projects such as Manhattan Plaza in Hell’s Kitchen, with 1,689 mixed “affordable” income units, and is successful and proven to be financially and socially sustainable since 1977; and
- WHEREAS: CB1 has committed to identify and root out systemic racism in our community and supports/sees this integrated “affordable-socio-economic” model as a big step in this direction; and

WHEREAS: Fear based, segregationist arguments such as the suggestion that if residents are subsidized, the neighborhood will become dilapidated are the same ones the United States rejected as racist, classist and unconstitutional in 1965 and CB1 continues to reject these arguments; and

WHEREAS: The World Trade Center is a unique site with billions of dollars received in subsidies by developers for the commercial buildings. The one residential building on this historic site must be 100% affordable housing as a reflection of the sacrifice of so many on that day. 5WTC is and must be developed as a symbol of the resilience of all the people of this diverse city; and

WHEREAS: CB1 community offers great resources - which include public schools, parks, waterfront, good access to transportation, which must be available to and inclusive of a diversity of races, classes and income levels; and

WHEREAS: The current design guidelines proposed by the LMDC include mandatory design requirements, such as rounded glass corners, that would cause the building to be unnecessarily expensive and thus negatively impact the ability to build a well-designed but affordable building at the site; and

WHEREAS: The LMDC has failed to create affordable housing in Lower Manhattan; and

WHEREAS: LMDC funding was to benefit the area impacted by the terrorist attacks of 9/11; and

WHEREAS: The Community made clear from inception that affordable housing was its #1 priority for rebuilding; and

WHEREAS: Site 5 WTC is public land purchased with public HUD funds and should be used for the benefit of the public; and

WHEREAS: The addition of more Luxury housing will lead to less housing diversity in CB1 community¹; and

WHEREAS: With 1,140 newly built luxury condominium apartments remaining unsold and unoccupied as of December 15, 2021², Lower Manhattan has a drastic surplus of market rate/unaffordable homes and an urgent deficit of affordable homes. There is no need nor desire for 1000 or more units of luxury rental apartments in this community; and

WHEREAS: As NYC is moving towards meeting the goals of the Climate Leadership and Community Protection Act, *5 WTC should be built using state-of-the-art 'Net-Positive plus 33 and Sustainable Urban Development standards, producing enough energy to*

¹ <https://www1.nyc.gov/site/hpd/services-and-information/area-median-income.page>

² <https://marketproof.com/reports/financial-district-new-developments-pick-up-momentum-december-2021>

maintain itself, plus 33% more energy to be shared/sold with the immediate community, thereby mitigating the costs of long-term maintenance of the structure, committing to global and local climate initiatives, and local social sustainability, equity and diversity; now

THEREFORE
BE IT
RESOLVED

THAT: The current LMDC plan for 5 WTC , which does not guarantee anything more than 25% of the 1,300 units be affordable, does not meet the needs of CB1 or the greater New York community, and 1,000 units of market-rate housing will further the huge existing gaps in both racial and economic diversity in our area; and

BE IT
FURTHER
RESOLVED

THAT: The LMDC explore all options and create a residential plan that includes 100% of the units are affordable with a range from the deepest through moderate/middle incomes, that will provide for a socially and economically integrated community and will be financially sustainable. The LMDC plan should reflect equity, inclusion, access and genuinely affordable housing consistent with and representative of the diversity of the 9/11 Community and of the City we've helped to revive after 9/11.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMIT

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	43 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: Revocable consent for accessible ramp at 80 Centre St. (159 Worth St. entrance)

WHEREAS: The New York City (NYC) Department of Citywide Administrative Services (DCAS) requests a new revocable consent from the NYC Department of Transportation (DOT) to construct, maintain and use a new accessible ramp at 80 Center St. (159 Worth St. entrance); and

WHEREAS: The Louis J Lefkowitz State Office Building, 80 Centre Street, is adjacent to Foley Square and is bounded by Worth, Centre, Leonard and Baxter Streets. It houses offices of the Manhattan District Attorney and various court offices; and

WHEREAS: The Office of the City Clerk and its Manhattan Marriage Bureau are in the building, but are reached through a separate entrance at 141 Worth Street and uses an accessible entrance at 10 Hogan Place; and

WHEREAS: The block-long building has nearly 700,000 square feet of office space in its nine stories, plus penthouse and basement levels; and

WHEREAS: The 80 Centre Street entry has a lobby decorated in an elaborate Art Deco Egyptian design with 10 stairs to that grand entry in contrast to three steps to the entry of the proposed ramp at 159 Worth Street; and

WHEREAS: The proposed three foot wide ramp with railings will leave at least seven feet 10 inches of the 10 foot wide sidewalk for pedestrians at 159 Worth St; and

WHEREAS: Signage to the accessible entrance at 159 Worth St needs to be located at the 80 Centre St entry where it can be read at street level; now

THEREFORE
BE IT
RESOLVED

THAT: Manhattan Community Board 1 supports granting the revocable consent for an accessible ramp, if a sign with the location of the accessible entry (159 Worth St) can be read at sidewalk level at 80 Centre Street; and

BE IT
FURTHER
RESOLVED

THAT: CB 1 requests that DOT ensure that the placement of the sign is harmonious with any landmark protections, should they exist for this building.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: YOUTH & EDUCATION

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	2 Opposed	6 Abstained	1 Recused

RE: Recreation Space for Lower Manhattan

WHEREAS: Five World Trade is a major project that has been in the works for many years; and

WHEREAS: It has been discussed by developers who were not chosen to build Five World Trade that they could facilitate a field house at the location. They proposed gymnasiums operated by community groups. The proposal would allow access for all ages; and

WHEREAS: The proposal included the Downton Soccer League, Downtown Little League and Manhattan Youth. These three organizations provide recreation activities for a large percentage of our neighborhood youth; and

WHEREAS: Of the nine schools in our community board only three have full-size gyms. Often these gyms are shared between a middle and elementary school in the same building; and

WHEREAS: The new PS 150 School was promised a full sized gym but that has been eliminated much to the displeasure of the community; and

WHEREAS: The proposal to build a field house/gym at 5 World Trade included approximately 60,000 square feet of space; and

WHEREAS: In past years planning for facilities has been initiated by Community Board One. CB 1 has been successful in developing Battery Park City's facility, The Downtown Community Center and all of the school buildings South of Canal Street; and

WHEREAS: We fully expect Lower Manhattan to grow over the next ten years and currently there is no plan to develop another gym or field. Youth of New York City demand a healthy lifestyle and physical activity is critical for adolescents; and

WHEREAS: It is City Planning's goal to have 2.5 acres per 1000 residents and yet Lower Manhattan has but 20-38% of that; and

WHEREAS: Wagner Park will be under construction for the upcoming years, removing the small amount of open space we have; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board 1 asks that Five World Trade Center contain a field house and full size regulation gym to accommodate the growing population of ages.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: YOUTH & EDUCATION

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	42 In Favor	0 Opposed	0 Abstained	1 Recused

RE: Reporting COVID-19 At-Home Test Kit Results

WHEREAS: Current COVID-19 protocols in some of our schools are different than CDC guidelines and are causing unnecessary hardship; and

WHEREAS: At DOE schools, if a child is exposed to COVID-19 at school, they are tested that day. If the test is negative, they can return the next day, but must be tested again after 5 days of exposure. If that test is positive, the student must be isolated for 10 days; and

WHEREAS: CDC guidelines state that one can return to work and other activities after 5 days of isolation following a positive test; and

WHEREAS: Noting that schools have solid procedures in place for 2 and 5 day testing, students could return back to school after the 5th day; and

WHEREAS: Hybrid learning is no longer an option in NYC schools; and

WHEREAS: NYC teachers are being required to provide asynchronous work while the student is isolating; and

WHEREAS: Studies have shown that students, especially those with learning disabilities, have had significant impacts to their mental health when trying to learn remotely; and

WHEREAS: Studies have also shown that students have suffered academic regression when not in school; now

THEREFORE
BE IT
RESOLVED

THAT: Manhattan Community Board 1 calls upon the Mayor's office and DOE to align COVID-19 protocols across NYC schools with those in the CDC guidelines, which would allow children who have been exposed to COVID-19 who test positive to return to school 5 days later.