

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	11 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	32 In Favor	3 Opposed	3 Abstained	0 Recused

RE: **Approval** of cannabis retail dispensary license application for **Biwa Beads LLC** at **386 Canal Street Street**

WHEREAS: Biwa Beads LLC is seeking an adult use retail dispensary license on the premises at 386 Canal Street in New York, New York; and

WHEREAS: The applicant is immuno-compromised and was scheduled to appear before Community Board 1 in December 2023 but CB1 had a Covid cases and was over capacity of the meeting room for the bulk of other applications, so the applicant needed to postpone until January 2024; and

WHEREAS: CB1 contacted OCM to let them know the applicant needed to have a second postponement until January 2024 because CB1 had an outbreak of Covid cases, the applicant is immuno-compromised and OCM rules do not account for CDC rules around Covid19 or medical circumstances; and

WHEREAS: The applicant appeared before Community Board 1 on January 18, 2024 to allow the community the opportunity to provide comments on the proposed business; and

WHEREAS: The premise has a bathroom on the mezzanine level up a flight of exterior stairs, currently not ADA accessible and applicant did not know if it was possible to add a ramp but would move the bathroom downstairs; and

WHEREAS: There is a park within 500 feet named Albert Capsouto Park and Tribeca Park; and

WHEREAS: A substance abuse clinic is within 200 feet; and

WHEREAS: There is an illegal Cannabis Store operating in the location that was reported to OCM and the landlord but it has not been shut down; and

WHEREAS: The Community Board found no significant objection to the application; now

THEREFORE
BE IT
RESOLVED

THAT: Community Board 1 recommends the application for an Adult-Use Retail Dispensary for Biwa Beads LLC, for the premises located at 386 Canal Street, New York, NY 10013 provided that the applicant agrees to the following signed notarized stipulations that it will:

1. Operate within the hours of 12-10pm, 7 days a week
2. Owner will request a bike rack from DOT/The City to be placed in the parking lane in front of the location
3. Bikes will never be parked on the sidewalk
4. The bathroom will be ADA accessible and moved to 1st floor prior to opening
5. Space will be provided inside so they will have no queuing outside
6. Return to Community Board 1 for approval before operating outside the agreed hours
7. Have no music emanating from the business.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	10 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	21 In Favor	14 Opposed	2 Abstained	0 Recused

RE: **Approval** of cannabis retail dispensary license application for **Bud Nation LLC** at **88 Fulton Street**

WHEREAS: Bud Nation LLC is seeking an adult use retail dispensary license on the premises at 88 Fulton Street on a Mezzanine level in New York, New York; and

WHEREAS: The applicant appeared before Community Board 1 on January 18, 2024 to allow the community the opportunity to provide comments on the proposed business; and

WHEREAS: No ADA accessibility at entrance is currently possible (location is on a mezzanine with sole entrance up a flight of steps) and the applicant did not know if it was possible to add any type of ramps or change the entrance to the store; and

WHEREAS: There is no ADA accessible bathrooms on-site; and

WHEREAS: The applicant did not know if it was possible to add any type of ramps or change the entrance to the store; and

WHEREAS: The location is across the street from Deluris Square Park; and

WHEREAS: The applicant did not post the proper notification in the lobby of the residential building at the same location nor at the buildings across the street; and

WHEREAS: The Community Board found no significant objection to the application; now

THEREFORE
BE IT
RESOLVED

THAT: Community Board 1 recommends the application for an Adult-Use Retail Dispensary for Bud Nation LLC, for the premises located at 88 Fulton Street, New York, NY 10038 provided that the applicant agrees to the following signed notarized stipulations that it will:

1. Maintain hours of operation as only 10am - 8pm, 7 days a week
2. Return to Community Board 1 for approval before operating outside the agreed hours
3. Upon opening the location will be ADA accessible as it is not possible now and there are no ramps.
4. Upon opening the bathroom will be ADA accessible
5. Return to community board before a change of operating hours is made
6. Ensure any queuing happens inside the business
7. Limit buyouts to two events a year
8. Have no music emanating from the business.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	29 In Favor	5 Opposed	4 Abstained	0 Recused

RE: **Approval of cannabis retail dispensary license application for Omni Urban Crafters LLC at 310 Canal Street full building floor through 53 Lispenard**

WHEREAS: Omni Urban Crafters LLC is seeking an adult use retail dispensary license on the premises at 310 Canal Street in New York, New York; and

WHEREAS: The applicant appeared before Community Board 1 on January 18, 2024 to allow the community the opportunity to provide comments on the proposed business; and

WHEREAS: The location is in a landmark building and the permit for the work expired after 5 years with no actions. The landlord and applicant will be reapplying to Landmarks Preservation Committee to change the front step to ADA accessible; and

WHEREAS: The Community Board found no significant objection to the application; now

THEREFORE
BE IT
RESOLVED

THAT: Community Board 1 recommends the application for an Adult-Use Retail Dispensary for Omni Urban Crafters LLC, for the premises located at 310 Canal Street, New York, NY 10013 provided that the applicant agrees to the following signed notarized stipulations that it will:

1. Operate within the hours of Monday-Thursday 11am-9pm, Friday-Saturday 11am-10pm, Sunday 11am-7pm
2. Enlarge the waiting area inside to ensure no queuing outside
3. Return to Community Board 1 for approval before operating outside the above hours
4. Make the bathroom ADA accessible inside
5. Return to CB1 with the building owner to show proposals to the Landmarks Preservation Committee for building and exterior renovations.
6. Have no music emanating from the business.

7. There will be no customer ingress and egress or delivery of supplies on Lispenard Street
8. Garbage pickup will be on Canal Street
9. No employee loitering on Lispenard Street
10. Lispenard Street access will be used for emergency egress and employees only
11. The one delivery bike for the store will be parked in the street or at bike parking locations on Lispenard Street and not on the sidewalk of Canal Street.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: LAND USE, ZONING, & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	36 In Favor	1 Opposed	1 Abstained	0 Recused

RE: 25 Water Street (aka 115 Broad Street, 4 New York Plaza) – Application for City Planning Commission (CPC) Chair Certifications for (1) Horizontal Enlargement Within an Existing Privately Owned Public Space (POPS) Arcade and (2) Design Modifications to an Existing POPS Plaza

WHEREAS: 25 Water Owner, LLC (the applicant), a joint venture led by GFP Real Estate and Metro Loft Management, has undertaken an as-of-right conversion of the 22-story, 1.1 million square foot office tower at 25 Water Street to become what the applicant describes as “the nation’s largest office-to-residential conversion,” scheduled to be completed in 2025. The project will result in a reported 1,300 rental units, which the applicant confirms will be entirely market-rate rentals with no affordable housing; and

WHEREAS: As part of the conversion, the applicant seeks to infill approximately 3,754 square feet of the building’s existing privately-owned public space (POPS) arcade, under the 2016 Water Street Upgrades Text Amendment (N 160166 ZRM), to “activate” the project’s storefront space, while making certain modifications to the existing plaza and creating an open-air café on the Broad Street frontage of the building close to the corner of Water Street. The entire application is available on the NYC Department of City Planning’s (DCP) Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2023M0432>; and

WHEREAS: The project property features a 7,573 square-foot, “L-shaped” plaza wrapped around the property’s frontage along Broad Street and a portion of Water Street, as well as an approximately 3,754 square-foot arcade connected to the plaza along Broad Street. When originally built in 1969, the plaza open space generated approximately 75,730 square feet of bonus floor area, while the arcade generated 9,372 square feet of bonus floor area; and

WHEREAS: A question was raised about a potential discrepancy between the square footage of the arcade and plaza spaces as documented in the application and that maintained Municipal Arts Society of New York (MAS NYC)’s Advocates for Privately Owned Public Space (APOPS) website, which lists the arcade at 2,874.07 square feet and the plaza at 6,967 square feet. The applicant indicated that area figures

provided in the application are consistent with the records of the arcade and plaza areas as maintained by and available at the New York City Department of Buildings (DOB) and DCP and that it is unclear where the MASNYC APOPS website obtained the figures with respect to the arcade and plaza areas. Manhattan Community Board CB1 (CB1) has asked DCP to inquire and clarify; and

WHEREAS: The application requests a CPC Chairperson certification (and accompanying notice of certification) specifically for the following proposed actions:

1. A horizontal enlargement of an existing arcade located at the Broad Street frontage of the project site, pursuant to Section 91-83 (Retail Uses Within Existing Arcades) of the Zoning Resolution (ZR);
2. Allow for design changes to the existing plaza, pursuant to ZR Section 37-625 (Design Changes); and
3. Allowing for an open air café on the Broad Street frontage of the existing plaza, pursuant to ZR Sections 37-624 (Kiosks and Open Air Cafes) and 37-73(c) (Certification); and

WHEREAS: According to the application’s Project Description, infilling the arcade would “establish a consistent, transparent ground-floor street wall at the Plaza boundaries up to the upper floors.” The applicant has represented that the infill would consist of one floor only and that its target tenants for the newly formed commercial spaces would be those providing services primarily aimed at the building’s residents and the nearby residential community; and

WHEREAS: The application’s Project Description details the specific design changes proposed for the plaza, including providing “a variety of seating, with benches with and without backs along newly configured planters, and movable tables and chairs,” reconfiguring and adding planters as well as seven new trees, and providing ADA accessibility throughout the plaza, and adding other required amenities (such as bicycle racks, litter receptacles, and public space signs); and

WHEREAS: DCP certified the application on December 8, 2023 and referred it to CB1 for a 45-day review period; and

WHEREAS: The Land Use, Zoning and Economic Development (LZE) Committee of CB1 reviewed the application at the LZE Committee’s January 8, 2024 meeting, where Committee members asked questions and expressed concerns around the project generally (including the lack of any affordable housing and the developer’s trash management and delivery / traffic-management plans), the adequacy of the compensating amenity to the community, and features of the upgrades and redesign to the plaza (including seating capacity and whether additional greening might be viable); and

WHEREAS: Following its review and discussion of the application, the LZE Committee voted to recommend that those portions of the application seeking (1) a CPC Chairperson’s certification to allow the horizontal enlargement within an arcade pursuant to ZR Section 91-83 and (2) a CPC Chairperson’s certification to permit design modifications to an existing POPS pursuant to ZR Section 37-625 be approved with conditions¹; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 recommends that those portions of the application seeking (1) a CPC Chairperson’s certification to allow the horizontal enlargement within an arcade pursuant to ZR Section 91-83 and (2) a CPC Chairperson’s certification to permit design modifications to an existing plaza pursuant to ZR Section 37-62 be approved with the following conditions:

1. That the community be compensated for the lost public space by ensuring that the use of the infilled commercial / retail space be one which enhances the neighboring community generally and does not solely or primarily benefit only the tenants of the building; and
2. That the applicant provide and maintain, whether in the commercial / retail space or elsewhere on the ground floor of the project, an accessible public restroom usable by the general public and not just patrons of any commercial or retail establishment; and
3. That as part of the upgrades / redesign of the plaza, the applicant include additional landscaping and more robust greening, particularly given the applicant’s plan to coat and paint the brick façade of the building a drab gray; and
4. That also as part of the upgrades / redesign of the plaza, the applicant include additional wayfinding signage.

¹ In a separate resolution dated January 23, 2024, CB1 addresses the application’s request for a CPC Chairperson’s certification to allow for an open air café under Sections 37-624 and 37-73(c).

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DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: LAND USE, ZONING, & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	6 In Favor	3 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	1 Opposed	0 Abstained	0 Recused
BOARD VOTE:	32 In Favor	4 Opposed	2 Abstained	0 Recused

RE: 25 Water Street (aka 115 Broad Street, 4 New York Plaza) – Application for City Planning Commission (CPC) Chair Certifications for Creation of an Open Air Café in the Existing Privately Owned Public Space (POPS) Plaza

WHEREAS: 25 Water Owner, LLC (the applicant), a joint venture led by GFP Real Estate and Metro Loft Management, has undertaken an as-of-right conversion of the 22-story, 1.1 million square foot office tower at 25 Water Street to become what the applicant describes as “the nation’s largest office-to-residential conversion,” scheduled to be completed in 2025. The project will result in a reported 1,300 rental units, which the applicant confirms will be entirely market-rate rentals with no affordable housing; and

WHEREAS: As part of the conversion, the applicant seeks to infill approximately 3,754 square feet of the building’s existing privately-owned public space (POPS) arcade, under the 2016 Water Street Upgrades Text Amendment (N 160166 ZRM), to “activate” the project’s storefront space, while making certain modifications to the existing plaza and creating an open-air café on the Broad Street frontage of the building close to the corner of Water Street. The entire application is available on the NYC Department of City Planning’s (DCP) Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2023M0432>; and

WHEREAS: The project property features a 7,573 square-foot, “L-shaped” plaza wrapped around the property’s frontage along Broad Street and a portion of Water Street, as well as an approximately 3,754 square-foot arcade connected to the plaza along Broad Street. When originally built in 1969, the plaza open space generated approximately 75,730 square feet of bonus floor area, while the arcade generated 9,372 square feet of bonus floor area; and

WHEREAS: The application requests a CPC Chairperson certification (and accompanying notice of certification) specifically for the following proposed actions:

1. A horizontal enlargement of an existing arcade located at the Broad Street frontage of the project site, pursuant to Section 91-83 (Retail Uses Within Existing Arcades) of the Zoning Resolution (ZR);

2. Allow for design changes to the existing plaza, pursuant to ZR Section 37-625 (Design Changes); and
3. Allowing for an open air café on the Broad Street frontage of the existing plaza, pursuant to ZR Sections 37-624 (Kiosks and Open Air Cafes) and 37-73(c) (Certification); and

WHEREAS: According to the application’s Project Description, infilling the arcade would “establish a consistent, transparent ground-floor street wall at the Plaza boundaries up to the upper floors.” The applicant has represented that the infill would consist of one floor only and that its target tenants for the newly formed commercial spaces would be those providing services primarily aimed at the building’s residents and the nearby residential community; and

WHEREAS: The application’s Project Description details the specific design changes proposed for the plaza, including providing “a variety of seating, with benches with and without backs along newly configured planters, and movable tables and chairs,” reconfiguring and adding planters as well as seven new trees, and providing ADA accessibility throughout the plaza, and adding other required amenities (such as bicycle racks, litter receptacles, and public space signs); and

WHEREAS: DCP certified the application on December 8, 2023 and referred it to Manhattan Community Board CB1 (CB1) for a 45-day review period; and

WHEREAS: The Land Use, Zoning and Economic Development (LZE) Committee of CB1 reviewed the application at the LZE Committee’s January 8, 2024 meeting, where Committee members asked questions and expressed concerns around the seating, accessibility, and possible purveyors of the proposed space to be used with the open air café; and

WHEREAS: Following its review and discussion of the application, the LZE Committee voted to recommend that the portion of the application seeking a CPC Chairperson’s certification to allow for an open air café under ZR Sections 37-624 and 37-73(c) be approved¹; now

¹ In a separate resolution dated January 23, 2024, CB1 addresses the application’s requests for (1) a CPC Chairperson’s certification to allow the horizontal enlargement within an arcade pursuant to ZR Section 91-83 and (2) a CPC Chairperson’s certification to permit design modifications to an existing POPS pursuant to ZR Section 37-625.

THEREFORE
BE IT
RESOLVED

THAT: CB1 recommends that the portion of the application seeking a CPC Chairperson's certification to allow for an open air café under ZR Sections 37-624 and 37-73(c) be approved.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: LAND USE, ZONING, & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	30 In Favor	0 Opposed	0 Abstained	0 Recused

RE: “City of Yes” – Zoning for Economic Opportunity (ZEO) Zoning Text Amendment

WHEREAS: As part of New York City Mayor Eric Adams’s “City of Yes” initiative, the New York City Department of City Planning (DCP) is proposing a series of changes to the Zoning Resolution (ZR) three broad zoning categories: (1) carbon neutrality, (2) economic opportunity, and (3) housing opportunity; and

WHEREAS: DCP previously proposed a citywide zoning text amendment aimed at zoning for carbon neutrality by implementing numerous changes to the ZR “to remove impediments to, and expand opportunities for, decarbonization projects” throughout New York City. As part of the review by all 59 of the City’s Community Districts under the Uniform Land Use Review Procedure (ULURP), on June 27, 2023, Manhattan Community Board 1 (CB1) passed a resolution approving, with certain specified conditions, the Carbon Neutrality Zoning Text Amendment; and.¹

WHEREAS: As the lead City agency and applicant, DCP now proposes a citywide zoning text amendment, described as a “comprehensive overhaul of zoning regulations” to “primarily update use definitions and use allowances within existing Commercial and Manufacturing zoning districts” to meet four broad goals of spurring economic opportunities, including to: “(1) make it easier for businesses to find space and grow by lifting barriers to enable businesses to locate closer to their customers; (2) support growing industries by reducing impediments for emerging business types; (3) foster vibrant neighborhoods by ensuring businesses contribute to active, safe, and walkable corridors; and (4) create new opportunities for local businesses to open by establishing new zoning tools to boost job growth and business expansion; and”

¹ On December 6, 2023, the New York City Council passed the Carbon Neutrality Zoning Text Amendment.

WHEREAS: As of the application’s certification to community boards, the entire (redlined) text of the ZEO amendments spans 1,127 pages. The entire application and zoning text language are available on the DCP’s Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2023Y0405>; and

WHEREAS: The application contains 18 specific proposals, organized among the four broad goals described above, specifically:

A. Make it Easier for Businesses to Find Space and Grow

1. ***Lift Lifetime Limits to Reactivating Storefronts:*** This proposal “allow nonconforming vacant storefronts in residence and historic districts to legally re-tenant their space in locations where it is not already allowed.” Under current ZR Section 52-61, existing commercial storefronts—many of which have existed long before changes in zoning which made their use more restrictive—are allowed to remain forever and even be re-occupied with nonconforming uses, so long as there is not a gap of two years of longer between uses. But this proposed amendment, “would ease regulations on the reactivation of vacant retail spaces by expanding the applicability of Section 52-61 to all Residence Districts as well as Historic Districts,” thereby “support[ing] the economic stability of neighborhoods, while promoting walkability and access to local goods and services.”
2. ***Simplify Rules for Business Types Allowed on Commercial Streets:*** This proposal “would simplify zoning regulations to permit the same range of commercial businesses on similar commercial street types ...” According to the application’s Project Description, current zoning rules restrict uses that are allowed in certain commercial districts but not others (*e.g.*, allowed in C1 but not C2), “effectively bar[ring] these uses, which are allowed in [a] district, from ground floor tenancy” and “exacerbate[ing] vacancy while also unnecessarily restricting small businesses from locating in spaces that could be suitable but for the zoning restriction.”
3. ***Expand Opportunities for Small-Scale Clean Production:*** This proposal “would provide additional location options for small-scale, clean production space and other light industrial activities.” Specifically targeting small-scale production and light industrial uses currently permitted in special mixed use districts, “include[ing] but [] not limited to ice cream shops, bakeries, brewpubs, pottery stores, woodworking shops, 3-D printers, and apparel makers,” the applications Project Description states that this amendment would “allow these small-scale production uses up to 5,000 square feet” in C1 and C2 districts, and “[i]n C4, C5, C6, and C7 districts, clean production activities would be allowed up to 10,000 SF on the ground floor—with no size restrictions above the ground floor.” All uses nevertheless still must comply with all environmental, clean-air, and venting / stacking requirements.

4. ***Modernize Loading Dock Rules so Businesses Can Adapt Over Time:*** This proposal would “remove the possible requirement of providing additional loading berths for a change of use in an existing building” and “update the dimensions of required loading berths to bring them in line with recent changes in special purpose districts and the Manhattan Core.” According to the application’s Project Description, this change “would allow buildings to more easily evolve over time by not requiring additional loading berths for a change of use in an existing building. While new buildings will continue to be required to provide loading berths according to the uses intended to occupy the space, this proposal will allow existing buildings to evolve their tenant mix over time without adjusting the number of loading berths.”
5. ***Enable Commercial Activity on Upper Floors:*** This proposal would “update the location of use rules in mixed buildings (buildings with residences).” More specifically:
 - In C1, C2, and C3 districts, the proposal would allow commercial uses on the second story of all mixed buildings.
 - In low-density Commercial Overlay Districts, it would allow commercial uses on the second story of all mixed buildings.
 - In C4, C5, and C6 districts, the Proposal would allow commercial uses occupy separate parts of the same story or to locate above residences

Production uses (described above in Proposal 3) and “commercial uses that have a rated capacity (e.g. Eating or Drinking Establishments, Theaters, etc.),” where they are permitted on the same story as a residential use, must (1) erect a “15-foot vertical or horizontal buffer” including at least one partition wall; and (2) provide “floor, ceiling, or partition wall attenuation certified by a licensed architect or engineer to the Department of Buildings such that no activity shall create a sound level in excess of ambient sound levels when measured inside a receiving residential unit.”

6. ***Simplify and Modernize the Way Businesses are Classified in Zoning:*** This proposal would re-organize Use Groups and update use terms to better reflect modern commercial and industrial activities” by “reorganiz[ing] the current uses in the 18 “Use Groups “ into 10 categories that better reflect the land use activities that occur in the city (e.g., housing, retail/service, storage, production, etc.).” According to the application’s Project Description, “this change would not, on its own, change any zoning regulations, it would make it easier to understand what rules apply.”

B. Support Growing Industries

7. ***Clarify Rules to Permit Indoor Agriculture:*** This proposal would “clarify enclosure rules for Commercial Districts on what activities can occur outdoors and indoors.” Put simply, this proposal would allow indoor agricultural uses in commercial districts. According to the application’s Project Description, “Agriculture is a permitted use in any zoning district, but in Residence and Commercial districts Use Group 4B agriculture is subject to an open use requirement that precludes completely enclosed (*i.e.*, indoor) operations. The rise of vertical farming and hydroponic and aquaponic agriculture create the potential for more localized food production in neighborhood contexts.”

8. ***Give Life Sciences Companies More Certainty to Grow:*** This proposal would “simplify the use definition for a laboratory and expand geographic applicability of the current Scientific Research and Development Facility Special Permit.” According to the application’s Project Description, the amendment “would update the terminology for laboratories in Commercial Districts, clarifying the extraneous terminology in the current ‘medical or dental laboratory’ definition to make the ZR up to date with the City’s interpretation that laboratories of all types are permissible in Commercial Districts subject to environmental conditions.” New laboratories would be required to comply with rules ensuring they do not pose danger or fire, explosion, noise vibration, *etc.*, as well as follow any other City, State or federal regulations governing labs. The scientific research and development facility special permit is currently allowed only in C6 and C2-7 districts, but this proposed amendment would expand it to be an allowed use in all commercial districts and community campus facilities.

9. ***Support Nightlife With Common-Sense Rules for Dancing and Live Entertainment:*** This proposal would “clarify the distinction between ‘eating or drinking establishments,’ and ‘eating or drinking establishments with entertainment that has cover charges or specified showtimes,’ while removing zoning’s role in regulating the act of dancing,” by “consolidat[ing] and clarify[ing] the distinctions between categories of eating or drinking establishments based primarily on capacity rather than use.” More specifically, according to the application’s Project Description, the proposed amendment would make the following changes / updates:
 - Eating and drinking establishments without cover charges or specified showtimes would continue to operate without occupancy limitation as they do today, and this existing use would be made as-of-right in C3 districts.
 - Eating or drinking establishments with forms of scheduled entertainment such as music, comedy, or dancing, that have cover charges or specified showtimes, would be consolidated from the existing UG 6C, 10A, and 12A categories into one use. In C1-C3 districts, these businesses would be limited to the pre-existing UG 6C capacity limitation of 200 persons or fewer.

- Venues over 200 people would be newly allowed in C5 districts, including throughout Lower Manhattan.

The application’s Project Description claims these changes “would allow modern regulations governing live scheduled entertainment to better reflect the ways in which these uses interact with surrounding businesses and residences, allowing these activities in appropriate zoning districts while ensuring quality of life.”

10. ***Create More Opportunities for Amusements to Locate:*** This proposal would “consolidate existing amusements uses into categories based on whether the business operates in a building or outside” by consolidating the various potentially applicable uses into two new use terms, dubbed “amusement or recreation facilities” and “amusement parks.” According to the application’s Project Description, the two new uses would be categorized as follows:

- An “amusement of recreation facility” would be limited to 10,000 SF in C1 and C2 districts and must be indoors in C1-C6 districts. Open versions of the use would require a BSA permit in those districts.
- An “outdoor amusement park” would be a new term meant to reflect a broad range of current outdoor amusement uses found in the ZR. It would be restricted from C1-C6 districts and would be limited to 10,000 SF in C7, C8, and M districts.

11. ***Enable Entrepreneurship With Modern Rules for Home-Based Businesses:*** This proposal would “modernize regulations for home-based businesses” by “eliminating the list of non-permitted uses and allow[ing] home businesses to expand in size to 49% of floor area and 3 employees.” According to the application’s Project Description, “home businesses would continue to be subject to rules that ensure they are good neighbors.”

C. Enable More Business-Friendly Streetscapes

12. ***Introduce Corridor Design Rules That Ensure Buildings Contribute to Surroundings:*** According to the application, this proposal “would activate the city’s commercial corridors by establishing clear and consistent streetscape regulations.” The application states, “To ensure the success of commercial corridors and ease the regulatory process for small businesses to comply with streetscape rules, the proposal would also create consistent groundfloor design requirements to ensure that retail and commercial streets remain active and attractive. [It] would establish a tiered approach to streetscape regulations, with rules that are responsive to pedestrian street character, increasing in regulatory strength in areas with stronger existing active commercial context.” For new buildings, this proposal “would create a tiered approach to streetscape regulations, with rules that intend to respond to local street character,” with more details on the “tiers” described in greater detail in the application’s Project Description.

13. ***Reduce Conflicts Between Auto Repair Shops and Pedestrians:*** Noting that “auto installation, service, and repair uses are mostly restricted to C8, M1, M2, and M3 districts (current UG16B),” this proposal would expand the possible location and use of auto repair shops by “consolidate[ing] the range of auto servicing uses into two zoning-defined categories: ‘light’ or ‘heavy’ motor vehicle repair and maintenance shops.” According to the application’s Project Description, “Those repair uses that are not required to register with the DMV would be considered ‘light’ motor vehicle repair and maintenance and would be able to locate in most Commercial Districts with a BSA special permit to ensure new businesses can open, but with an increased ability to ensure oversight of land use conflicts caused by auto operations in pedestrian areas.”
14. ***Encourage Safe and Sustainable Deliveries With Micro-Distribution:*** Consistent with the City’s “established policies of encouraging alternative freight deliveries including having the “last mile” of delivery performed by pedestrian or bicycle,” this proposal would include a new use called a “Micro-Distribution Facility,” restricted to 2,500 square feet in C1 and C2 districts and allowed up to 5,000 square feet on ground floor (and up to 10,000 square feet above the ground floor) in C4-C7 districts. A larger proposed “micro-distribution facility” in these districts would require a discretionary action.

D. Create New Opportunities for Businesses to Open

15. ***Facilitate Local Commercial Space on Residential Campuses:*** According to the proposal, “[n]o zoning tools exist to allow commercial uses on residential campuses other than a full area-wide rezoning, which may be too costly, time-consuming, or not appropriate for many locations. The application’s Project Description states this proposal “would allow the City Planning Commission to approve larger-scale commercial spaces in Residence Districts on campus sites. The use would be subject to size restrictions (15,000 SF) and locational restrictions. The authorization would be subject to both environmental review and Community Board approval, with conditions that stipulate approval only if development would not create traffic congestion or environmental concerns.”
16. ***Create Process for Allowing Corner Stores in Residential Areas:*** This proposal “would create a pathway for a new neighborhood-serving business to locate in a Residence District.” It would create a new CPC Authorization to allow for up to 2,500 SF of retail, service, or office uses to locate in a Residence District, provided that the commercial storefront is located within at least 100 feet from an intersection.
17. ***Rationalize Waiver Process for Business Adaptation and Growth:*** This proposal “would rationalize and supplement existing discretionary zoning tools to address gaps that prevent businesses a path to expand or adapt.” More specifically, it would create a new permit for retail / service, amusement, and production uses that would allow the BSA to modify the size, enclosure, and other requirements

for permitted uses. The proposal includes numerous limitations around BSA permitting and processes, described more fully in the application’s Project Description.

18. ***Create New Kinds of Zoning Districts for Future Job Hubs***: This proposal would create new zoning districts that are for use in future mapping actions. The proposal would create a range of new job-intensive, non-residential zoning options to enable job growth. These new districts will range from 2-15 FAR, address longstanding bulk and physical challenges, and come in several use-mix options, described in more detail in the application’s Project Description.

WHEREAS: The application was certified by the NYC City Planning Commission (CPC) on November 8, 2023 and referred to all 59 community boards for a 60-day review period. In response to a united request from a majority of the City’s community boards in all five boroughs, DCP Director (and CPC Chairperson) Daniel Garodnick agreed, in a letter dated November 15, 2023, to provide community boards until the beginning of February 2024 to evaluate and vote on the application and to ensure that each community board’s vote receives “thorough consideration by the Commission”; and

WHEREAS: The Land Use, Zoning and Economic Development (LZE) Committee of Manhattan Community Board 1 (CB1) began formal review of the ZEO application at the LZE Committee’s November 13, 2023 meeting. Officials with DCP attended the meeting and provided an extensive presentation of the application’s 18 proposals, including maps of proposals’ applicability throughout Community District 1 (CD1); and

WHEREAS: The LZE Committee continued review of the application at its December 11, 2023 meeting, where members posed numerous significant questions around expanding agriculture in the context of marijuana growers, the impact of expanding home-based businesses in residential buildings, the wisdom of increasing potential large-venue nightlife uses in Lower Manhattan, and more. Officials with DCP attended the December meeting and provided a further extensive presentation, specifically tailored to the application’s potential impacts throughout CD1; and

WHEREAS: CB1 held a public hearing on the ZEO application on January 8, 2023, immediately preceding the LZE Committee’s final meeting on the topic of the application; and

WHEREAS: Officials with DCP appeared again for the final review at the Committee’s January 8, 2024 meeting and provided answers to LZE Committee members’ prior questions, as well as another presentation tuned specifically to the Committee’s questions and concerns about potential impacts of the ZEO application throughout Governors Island; and

WHEREAS: CB1 specifically notes its concerns with the potential unintended consequence of any of the ZEO application’s 18 proposals to make further changes within the currently-existing zoning and uses allowed at Governors Island or the South Street Seaport Historic District, which CB1 strongly opposes and which CB1 understands from DCP representatives is not the intention of the ZEO application; and

WHEREAS: Upon further discussion and debate at its January 8, 2024 meeting, the LZE Committee considered and voted separately on each of the ZEO application’s 18 proposals, including discussions and votes on requesting various modifications. Though LZE Committee members voted to “approve,” “disapprove,” or “approve / disapprove with conditions or modifications” as to each proposal—and thus the Committee’s vote count varied on each proposal—the LZE Committee came to a consensus on a single resolution expressing the recommendations as to each separate proposal as set forth below²; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 makes the following recommendations as to the ZEO Zoning Text Amendment application:

<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
1	Lift Lifetime Limits to Reactivating Storefronts	Approve	
2	Simplify Rules for Business Types Allowed on Commercial Streets	Approve	
3	Expand Opportunities for Small-Scale Clean Production	Approve	

² Throughout its review of this application, George Janes of George M. Janes & Associates, a land use consultant retained by CB1 to help in its review of the application, provided invaluable research and technical expertise to CB1’s LZE Committee. Mr. Janes authored memoranda that synthesized this vast application for Committee members and attended the Committee’s meetings on the application, where he explained critical impacts of the application throughout CD1 and helped Committee members through their varied questions. CB1 publicly thanks Mr. Janes for his help to CB1 in reviewing this application.

<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
4	Modernize Loading Dock Rules so Businesses Can Adapt Over Time	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● This proposal should be modified so that it would not apply in mixed buildings. ● This proposal further should be modified to require a special permit that includes findings that consider local traffic as well as any residential uses that might exist in the building. ● This proposal further should be modified to require community board review and vote on applications for loading berth reductions for existing buildings. ● This proposal further should be modified to require on site storage on sites that receive loading berth reductions.

<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
5	Enable Commercial Activity on Upper Floors	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● This proposal should be modified so that it would not allow for residential to commercial conversions, which could create further competition between commercial and residential uses in buildings in commercial districts. ● This proposal further should be modified to require strict separation, vertically and horizontally, between residential persons' circulation and commercial persons' circulation, so that they do not mix. ● This proposal further should be modified to apply the proposed separation, attenuation and air quality rules to establishments of all sizes and uses, including but not limited to personal establishments or those with an occupancy of less than 75, not just "production uses" or "commercial uses that have a rated capacity." ● This proposal further should be modified to require that there be study and permitting for additional traffic flow of the commercial activity within any building with a residential component, specifically taking into account (but not limited to) residents' quality of life. ● This proposal should further be modified to exclude rooftops.
6	Simplify and Modernize the Way Businesses are Classified in Zoning	Approve	<ul style="list-style-type: none"> ● This proposal should be modified to exclude Governor's Island from modifications to Use Groups to preserve the intentions of the special district.
7	Clarify Rules to Permit Indoor Agriculture	Disapprove	

No.	Proposal	Approve / Disapprove	Requested Modifications
8	Give Life Sciences Companies More Certainty to Grow	Approve (With Modifications)	<ul style="list-style-type: none"> ● This proposal should be modified to require that, because of the risks such laboratories pose to their neighbors, life science uses that are obligated to register with the NYC Department of Health and Mental Hygiene should not be developed as-of-right and should need a special permit to locate anywhere in NYC. ● This proposal should further be modified to provide that life sciences companies cannot be located in a building with any residential component.
9	Support Nightlife With Common-Sense Rules for Dancing and Live Entertainment	Disapprove	
10	Create More Opportunities for Amusements to Locate	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● This proposal should be modified to allow for consideration of smaller-scale amusement uses (<i>i.e.</i>, 10,000 square feet or less, particularly by an amusement user serving the local community) by CPC special permit. ● This proposal should further be modified so that indoor amusement facilities should conform to existing height and bulk regulations. ● This proposal should further be modified to exclude Governor’s Island from modifications to Use Groups to preserve the intentions of the special district.

11	Enable Entrepreneurship With Modern Rules for Home-Based Businesses	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● This proposal should be modified to include a square-footage limitation of the home occupation usage to a cap of 1,000 square feet or 49% of the size of the entire unit, whichever is less. ● This proposal further should be modified to include trip generation limitations, so as to regulate the frequency of a home-based business's clients, deliveries, <i>etc.</i> on an hourly or daily basis. ● This proposal further should be modified so that the number of visitors to a building should be limited via limitations to the hours and the number of clients and deliveries per week that can visit a home business. ● This proposal further should be modified to include a notification requirement to neighbors that there is a home-based business. ● This proposal further should be modified to establish a mediation system, similar to the Mediating Establishment and Neighborhood Disputes (MEND) initiative that resolves disputes regarding nightlife establishments, for neighbors and business owners to resolve disputes regarding nuisances ● This proposal further should be modified to limit the number of outside employees to three and the overall total number of persons (including owners, partners, employees, <i>etc.</i>) to five. ● This proposal further should be modified so that the home-based business locations should be primarily residences. ● This proposal further should be modified to include a cap on the number of home-based businesses within a residential building.
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<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
12	Introduce Corridor Design Rules That Ensure Buildings Contribute to Surroundings	Approve (With Request for Clarification)	<ul style="list-style-type: none"> ● CB1 notes that this proposal does not explain how, if at all, it might apply in the special district of Battery Park City. CB1 has requested clarification on this point from DCP and reserves the right to amend its position on this proposal upon review of this clarification.
13	Reduce Conflicts Between Auto Repair Shops and Pedestrians	Approve	
14	Encourage Safe and Sustainable Deliveries With Micro-Distribution	Approve	
15	Facilitate Local Commercial Space on Residential Campuses	Approve (With Modifications)	<ul style="list-style-type: none"> ● This proposal should be modified to require Community Board review and vote on application of non-residential uses on residential campuses.
16	Create Process for Allowing Corner Stores in Residential Areas	Approve	
17	Rationalize Waiver Process for Business Adaptation and Growth	Disapprove	
18	Create New Kinds of Zoning Districts for Future Job Hubs	Approve	

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	30 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 315 Greenwich Street, new storefront opening and infill and removal of original fire balconies

WHEREAS: The removal of the original fire escape balconies is not acceptable, and

WHEREAS: The removal of any original exterior parts is not approvable, and

WHEREAS: Otherwise, the proposed new storefront extension and existing replacement work is appropriate, and

WHEREAS: The use of cast-iron for the new engaged column on the ground floor Duane Street facade is much appreciated, now

THEREFORE

BE IT

RESOLVED

THAT: CB1 recommends the Landmarks Preservation Commission **approve** the proposal without the removal of any original materials including and not limited to the fire balconies and existing storefront columns.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	5 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	30 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 77 Hudson Street, removal, and disposal of original covered vault lights

WHEREAS: Typically, the removal of any known original fabric is frowned upon, and

WHEREAS: However, since the deteriorated vault lights have been covered since well prior to designation of any of the Tribeca Historic Districts, we believe (in this case) the vault lights cannot be reasonably salvaged, reinstated, and reinstalled as per the LPC permit, and

WHEREAS: LPC senior staff should have realized that the existing vault lights were not reasonably salvageable prior to issuing a permit that bonded the applicant to do something which is practically impossible, now

THEREFORE

BE IT

RESOLVED

THAT: Signoff the open permit without the requirement to salvage and reinstall the existing original vault light known to be covered by diamond plate for at least 35 years.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	5 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	28 In Favor	1 Opposed	1 Abstained	0 Recused

RE: Governors Island – Building 111 (spa building), new barrier free access, kitchen roof gooseneck, and exterior light fixtures

WHEREAS: The 2 new ramps do not detract from the Georgian design of building 111 and waterside campus, and

WHEREAS: The kitchen roof exhaust duct is not oversized and does not overwhelm the view of the building's roofscape, and

WHEREAS: The proposed lighting plan and fixtures is acceptable, now

THEREFORE

BE IT

RESOLVED

THAT: CB1 recommends the Landmarks Preservation Commission **approve** the proposal.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	6 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	28 In Favor	2 Opposed	0 Abstained	0 Recused

RE: 83-85 Chambers Street aka 65-63 Reade Street: Continuous (not built at the same time) block-through 19th century loft buildings. Proposal to remove fire escapes, replace storefront infill, replace second floor special window, replace center windows (all floors of 85 Chambers), new ground floor canopies, and roof enlargements

WHEREAS: The removal of the fire escapes is appropriate, and

WHEREAS: Most of the existing storefront infill is not original and all existing original (including those materials that are covered by 20th century coverings) shall be retained and refurbished (ie. cast-iron columns, vaults, detailing), and

WHEREAS: The proposed storefront is well-proportioned, however the average height of bulkheads is too low and painted wood is a more appropriate material to use for such a wide storefront along the historic Chambers Street corridor, and

WHEREAS: The proposed double-hung central windows on 85 Chambers Street floors 3-5 do not mimic at all the original configurations and therefore a missed opportunity, and

WHEREAS: The proposed second floor special window configurations are mediocre but acceptable, and

WHEREAS: Visibility of the additional bulk is minimal, and

WHEREAS: Visibility mock-ups were not in place at the CB-1 committee meeting the additional bulk, as presented in renderings, looked minimal and possibly acceptable (but you know renderings), and

WHEREAS: The storefront canopies are not historically appropriate and disrupt the vistas looking east-west on Reade and Chambers Street, now

THEREFORE
BE IT
RESOLVED

THAT: CB1 recommends the Landmarks Preservation Commission **approve** the proposal without canopies.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	30 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **253 Church Street**, application for a class change on a full liquor license for TK Tribeca LLC dba Tara Kitchen

WHEREAS: The applicant, TK Tribeca LLC dba Tara Kitchen at 253 Church Street, is applying for a class change on-premise Liquor, Wine, Beer and Cider license; and

WHEREAS: The applicant has represented that there are **no** buildings used exclusively 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 Moroccan restaurant on the ground floor, with a total of 1718 square feet, there will be a public capacity of 48 people with 15 tables with 46 seats; and

WHEREAS: The hours of operation will be 11:00AM - 9:00PM Sunday to Thursday, 11:00AM - 10:00PM Friday to Saturday; and

WHEREAS: The applicant has represented that there will be recorded background music from a Rockville 180 watt sound system with 6 wall mounted speakers, no TV monitor, no subwoofer, acoustic panels strategically placed to reduce sound; and

WHEREAS: The applicant has agreed to close the windows; and

WHEREAS: The applicant has indicated that they do not plan to have bicycle delivery personnel but delivery of goods and services will be conducted during 9:00AM - 5:00PM; and

WHEREAS: The applicant intends to notify the community board when they intend to have a sidewalk cafe through the DOT Dining Out program when it becomes available and has agreed to the same hours of operation for the sidewalk cafe; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 will evaluate any alteration and/or renewal requests against stipulation requirements; and

BE IT

FURTHER

RESOLVED

THAT: CB1 opposes the granting of a class change for on-premise Liquor, Wine, Beer and Cider license for TK Tribeca LLC dba Tara Kitchen at 253 Church Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	30 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **17 Battery Place**, application for a new license and a temporary retail permit for a full service liquor license for Terravita Battery Park LLC dba Terravita

WHEREAS: The applicant, Terravita Battery Park LLC dba Terravita at 17 Battery Place, is applying for a new license and a temporary retail permit for on-premise Liquor, Wine, Beer and Cider license; and

WHEREAS: The applicant has represented that there are **no** buildings used exclusively 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 restaurant on the ground floor and cellar, with a total of 5154 square feet, there will be a public capacity of 115 people with 35 tables with 105 seats, Courtyard has an additional 30 tables and 72 seats and the sidewalk cafe has an additional 8 tables and 16 seats; and

WHEREAS: The hours of operation will be 7:00AM - 12:30AM Monday to Saturday and 7:00AM - 11:00PM on Sunday, outdoor seating hours are 7:00AM - 10:00PM Monday to thursday, 7:00AM - 11:00PM Friday to Saturday and 7:00AM - 10:00PM on Sunday; and

WHEREAS: The applicant has represented that there will be live acoustic jazz occasionally, daily recorded background music from 12 units of full range speakers hanging pendant style from the ceiling and subwoofer, R30 insulation to soundproof ceiling, no TV monitor; and

WHEREAS: The applicant has agreed to close the windows; and

WHEREAS: The applicant has indicated that they do not plan to have bicycle delivery personnel but delivery services will be conducted during 8:00AM - 4:00PM; and

WHEREAS: The applicant has agreed to consult with other area business and try to coordinate garbage pickup 8:00AM to 10:00 AM daily; and

WHEREAS: The applicant has an exterior courtyard designated under DOB as a privately owned public space; and

WHEREAS: The applicant has agreed to no more than six (6) buyouts per year; and

WHEREAS: The establishment has been advised that a public capacity of 75 persons or more according to the NYC Department of Building definition of indoor “public assembly” designation is considered a “large venue” by the community board and will be subject to additional stipulations if capacity is exceeded; and

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

THEREFORE

BE IT

RESOLVED

THAT: CB1 will evaluate any alteration and/or renewal requests against large stipulation requirements; and

BE IT

FURTHER

RESOLVED

THAT: CB1 opposes the granting of their new license and a temporary retail permit for on-premise Liquor, Wine, Beer and Cider license for Terravita Battery Park LLC dba Terravita at 17 Battery Place, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: QUALITY OF LIFE & DELIVERY SERVICES

COMMITTEE VOTE:	7 In Favor	0 Opposed	1 Abstained	0 Rescued
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	34 In Favor	2 Opposed	3 Abstained	0 Rescued

RE: 41-43 Beekman Street Shelter by DSS/DHS

WHEREAS: Community Board 1 received notification on October 17, 2023^a of the: 41-43 Beekman Street, Manhattan planned shelter to open in Late 2024; and

WHEREAS: The notification said this facility will provide housing for 170 single adults experiencing homelessness with safety, security, social services, and support in finding and securing employment; and

WHEREAS: DHS/DSS promised “In partnership with our not-for-profit provider-partner HELP Social Services Corporation (HELP), we will work collaboratively with the community to make this the best experience it can be for our clients as they get back on their feet....Our goal at any DSS-DHS location is to work together with community stakeholders to ensure that our facilities are integrated seamlessly into the community”; and

WHEREAS: HELP has noted in their 2021-2022 Annual report that the Beekman Project has been in development ^b; and

WHEREAS: DHS/DSS affirmed HELP had been awarded the RFP for the location but did not have the information on the lease with the building owner; and

WHEREAS: The notification incorrectly listed: “This community does not have shelter resources for any population experiencing homelessness,” but we have existing temporary shelters with resources, a permanent shelter due to open in 2024 at 105 Washington Street in Community Board 1 as well as, during the January 17th CB Meeting, Council Member Marte noted there are other locations nearby in Community District 1 with resources serving the same population; and

WHEREAS: From the City Website “Following this notification, DHS will work with the community board to host an informational session so that DHS can introduce the non-profit provider to the community and provide an opportunity to learn about the project and the plan to serve New Yorkers experiencing homelessness”; and

WHEREAS: To date no outreach has been done to local stakeholders and since notification in October, CB1 has requested numerous times for DHS/DSS to attend with Help Social Services to give a full presentation but HELP has never attended and DHS/DSS has not been able to answer more detailed questions; and

WHEREAS: CB1 has had a robust turnout at the November 2023 in-person and online; on January 17th, community stakeholders with over 50 people in person, many more lined up in the hallways plus over 70 people online; and

WHEREAS: The shelter is currently planned for 170 adult men and is located across the street from The Spruce Street School encompassing Pre-K to 8th grade students; and

WHEREAS: The Spruce Street school submitted a resolution from the PTA and a separate petition from parents with concerns and requests for a family shelter vs an adult single men's shelter; and

WHEREAS: A neighborhood petition with over 3500 signatures with concerns for the location for the type of shelter was submitted and stated they welcome a Women and Family Shelter in this location as it is across from the school; and

WHEREAS: DHS/DSS representatives indicated the final contracts have not been fully executed, are still in process and will be finished soon; and

WHEREAS: CM Marte and CB1 requested a copy of the approved shelter proposal from HELP that was done through the RFP process; and

WHEREAS: Council Member Marte at the January 17th meeting requested that a public meeting be set up as soon as possible with HELP, DHS/DSS and the Mayor's Office to provide a full update with details for the community; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 strongly recommends that DHS/DSS and HELP facilitate with Council Member Marte and CB1 a public meeting/ informational session, as required, to be held within the next 60 days to review the project and plans as well as any opportunities to change the population it serves from single men to families; and

BE IT
FURTHER
RESOLVED

THAT: We urge the NYC Mayor's office, DHS/DSS and the Comptroller's office to pause signing the final paperwork until after the public meeting/informational session is held.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMIT

COMMITTEE VOTE:	8 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	26 In Favor	1 Opposed	3 Abstained	0 Recused

RE: Daylighting corners to improve street safety for all users

WHEREAS: Daylighting is a street design intervention whereby visual obstructions closest to the intersections are removed to improve visibility for pedestrians, cyclists and motorists. In the context of street safety, daylighting makes pedestrians at crosswalks more visible to road users, reducing the chance of collisions at intersections; and

WHEREAS: Over half of collisions in the City of New York (NYC), including a vast majority that injure or kill pedestrians, occur at intersections.¹ There are over 50,000 intersections² in NYC. They have the most conflict points between different road users and the highest number of pedestrians; and

WHEREAS: New York State Law §1202 prohibits parking within 20 feet of an intersection because it dramatically reduces sightlines and creates dangerous, sometimes deadly, conditions for road users and pedestrians. NYC exempts itself from this state law; and

WHEREAS: The National Association of City Transportation Officials (NACTO) recommends that “Intersection design should facilitate eye contact between street users, ensuring that motorists, bicyclists, pedestrians, and transit vehicles intuitively read intersections as shared spaces.”³ In practice, they recommend designs that “daylight” intersections by removing obstacles that obscure sightlines for all street users; and

WHEREAS: The benefits of Daylighting include:

- Increase visibility of pedestrians to motorists and cyclists
- Increases visibility of vehicles and bicycles to pedestrians,
- Protects Americans with Disabilities Act (ADA) accessibility,
- Reduces pedestrian crowding at crosswalks and
- Provides space for public amenities (e.g., bike racks, plantings); and

¹ <https://crashmapper.org/#/>

² <https://www.replicahq.com/post/mapping-new-york-citys-most-dangerous-intersections>

³ National Association of City Transportation Officials, <https://nacto.org/tsdg/curb-appeal-whitepaper/>

WHEREAS: Community District One (CD1) is one of the Senior Pedestrian Zones (SPZ) that account for 19% of the citywide senior population but 31% of citywide senior pedestrian fatalities or severe injuries and 33% of citywide senior pedestrian injuries;⁴ and

WHEREAS: On November 30, 2023, Mayor Adams and DOT Commissioner Ydanis Rodriguez announced plans to make intersections safer by making safety improvements to at least 2,000 intersections per year including redesigns at 1,000/year and daylighting at least 1,000/yr;⁵ and

WHEREAS: In CD1, Canal Street, 6th Avenue from Franklin to Canal Street and all of West Street from Canal Street to Battery Place are designated as Vision Zero Priority Corridors⁶ so warrant priority consideration for intersection safety changes; and

WHEREAS: The use of only paint and flexible delineators have proven to be inadequate in CD1 where city, commercial and private vehicles are routinely seen driving over them to park or drive in locations that utilize these treatments. Significant deterrents such as boulders, bollards or a heavy planter are needed to protect pedestrians and to prevent illegal parking; and

WHEREAS: Amenities that would not interfere with sightlines, but would benefit the public should be added to the curb space and neck downs when either is installed to daylight a corner; and

WHEREAS: The NYC Department of Transportation (DOT) recommends curb extensions (also known as neckdowns) as a long-term measure to enhance visibility at intersections.⁷ The safety benefits of curb extensions include:

- Calms traffic by physically and visually narrowing the roadway
- Slows turning vehicles and emphasizes the right of way of crossing pedestrians
- Shortens crossing distance, reducing pedestrian exposure and minimum required signal time for crossing
- Improves the ability of crossing pedestrians and drivers to see each other
- Makes the crosswalk more apparent to drivers, encouraging them to stop in advance of the crosswalk and reducing illegal parking within crosswalk
- Provides additional pedestrian space and reduces crowding, particularly for queuing at crossings and bus stops or when located at a subway entrance or other protrusion
- Creates flexible multi-use space that may be used to locate street furniture, bike parking, green space, bus stops, public seating, trash containerization or street

⁴ <https://www.nyc.gov/html/dot/html/pedestrians/safeseniors.shtml>

⁵ <https://www.nyc.gov/office-of-the-mayor/news/914-23/mayor-adams-launches-new-effort-make-thousands-nyc-intersections-safer-of-broad-new>

⁶ <https://www.nyc.gov/html/dot/downloads/pdf/ped-safety-action-plan-update-2023.pdf>, p 31.

⁷ NYC Department of Transportation, “Pedestrians - Traffic Calming Design Guidelines.” <https://www.nycstreetdesign.info/geometry/curb-extension>

vendors, among many other uses. This flexibility offers community members the opportunity to advocate for uses most important to them; and

WHEREAS: Capital improvements to create neckdowns should be considered at all corners in CD1, but priority should be given to those where pedestrians need more sidewalk space than is available at the corner or pedestrian ramp users have limited space to maneuver in, frequent problems in CD1; and

WHEREAS: New York State (NYS) and NACTO recognize the importance of eye contact between pedestrians, cyclists and vehicle operators to improve safety for all. The NYC DOT needs to improve intersection and corner safety with daylighting; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board One (MCB1) supports improving safety for all road users and urges the Department of Transportation (DOT) to install low-cost temporary daylighting that includes a boulder, bollard or heavy planter to block vehicle access in Community District One (CD1) until long-term safety measures such as sidewalk neckdowns can be installed to also calm traffic, shorten pedestrian crossings and increase the space that is available at corners; and

BE IT

FURTHER

RESOLVED

THAT: Priority intersections for safety measures, including daylighting, in CD1 include:

- Vision Zero Priority Corridors of Canal Street, Sixth Avenue from Franklin to Canal Street and West Street from Canal Street to Battery Place,
- Blocks with a school, senior center, assisted living facility, facility for people with disabilities (PWD), hospital, park or library; and
- The DOT proposed Pedestrian Priority Area that is outlined by the Brooklyn Bridge, Broadway, the Battery and Water/Pearl Streets.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMIT

COMMITTEE VOTE:	5 In Favor	4 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	23 In Favor	3 Opposed	3 Abstained	1 Recused

RE: Toll Structure Recommendations from the Traffic Mobility Review Board

WHEREAS: On November 20, 2023, the Traffic Mobility Review Board issued a report detailing its toll structure recommendations (the “Recommendations”) for New York City’s Central Business District Tolling Program (“Congestion Pricing”);⁸ and

WHEREAS: Per the governing statute, the Recommendations deal only with rates, credits and exemptions, and do not opine on issues that are determined by law, such as the congestion zone, exempt roadways, revenue requirements, etc.; and

WHEREAS: Among other things, the Recommendations call for: (i) a flat-rate of \$15 for passenger vehicles that enter the Central Business District (the “CBD”) on weekdays between 5AM and 9PM, and weekends between 9AM and 9PM; (ii) a \$5 credit for passenger vehicles entering the CBD through entry points to the CBD which already include a toll; (iii) a new surcharge for taxi and for-hire vehicle trips; (iv) exemptions for vehicles with government-issued disability license plates and vehicles owned or operated by organizations that provide transportation to people with disabilities; and (iv) a discount for qualifying low-income drivers; and

WHEREAS: On December 6, 2023, the board of the Metropolitan Transportation Authority (the “MTA”) voted to approve the Recommendations, opening a 60-day public comment period; and

WHEREAS: Community Board 1 (“CB1”) has passed five resolutions regarding Congestion Pricing.⁹ As relevant to the Recommendations, CB1 has made the following requests:

⁸ The Recommendations are available at: <https://new.mta.info/document/127761>

⁹ <https://www.nyc.gov/assets/manhattancb1/downloads/pdf/resolutions/18-02-27.pdf>,
<https://www.nyc.gov/assets/manhattancb1/downloads/pdf/resolutions/19-03-26.pdf>,
<https://www.nyc.gov/assets/manhattancb1/downloads/pdf/resolutions/20-01-28.pdf>,
<https://www.nyc.gov/assets/manhattancb1/downloads/pdf/resolutions/21-05-25.pdf>,
<https://www.nyc.gov/assets/manhattancb1/downloads/pdf/resolutions/22-04-26.pdf>

- An exemption for residents of the CBD;
- No exemptions for government employees;
- An exemption for for-hire vehicles if the congestion surcharge that they collect exceeds the daily congestion fee;
- Implement variable tolling with low-cost times;
- Implement a reduced toll for motorcycles and other two-wheeled motor vehicles;
- No exemption for moped-shared services; and
- Credits for bridge and tunnel tolls in order to remove the incentive for toll-shopping; and

WHEREAS: All of the above requests are reflected in the Recommendations, with the exception of an exemption for residents of the CBD; and

WHEREAS: Per the governing statute, residents of the CBD with adjusted gross incomes of less than \$60,000 per year are eligible for a tax credit to offset the cost of the congestion fee. This policy is unworkable, as it creates an undue burden on low-income individuals by requiring them to pay the toll up-front. While this policy is determined by law, the MTA and TBTA are free to create a separate option allowing qualifying individuals to register and receive an up-front exemption; and

WHEREAS: The MTA has agreed to a separate 50% discount after the tenth trip in a month for individuals, regardless of place of residence, with adjusted gross incomes less than \$50,000 per year. Qualifying individuals would need to register with the MTA to receive this discount; and

WHEREAS: Including an exemption for residents of the CBD risks unraveling the program and would have a series of undesirable consequences. First, such a large exemption is directly counter to the goal of reducing congestion on streets within the CBD. Second, in order to meet the legally-mandated revenue goals, exempting residents of the CBD would require across-the-board changes to the Recommendations, likely including a large increase in the base rate for passenger vehicles. This result is not only unfair, but would likely increase toll-shopping around the CBD entirely, resulting in higher congestion in areas surrounding the CBD; and

WHEREAS: Existing protections for residents include: (i) trips made entirely within the CBD should not be tolled; (ii) the toll should be charged only upon entering, not leaving, the zone; (iii) residents with adjusted gross incomes (AGI) below \$60,000 are eligible for a tax credit and (iv) people with an AGI below \$50,000 are eligible for a 50% discount after 10 trips in a month. These protections are well-founded and should remain; now

THEREFORE

BE IT

RESOLVED

THAT: Residents of the Central Business District with adjusted gross incomes below \$60,000 should have the option to register with the TBTA in order to receive an upfront exemption from the congestion charge.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 23, 2024

COMMITTEE OF ORIGIN: WATERFRONT, PARKS & CULTURAL

COMMITTEE VOTE:	7 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	30 In Favor	1 Opposed	2 Abstained	0 Recused

RE: **Location of the +Pool floating pool project on the East Side of Community District 1**

WHEREAS: Governor Hochul and Mayor Adams announced in early January 2024 that they were investing \$16 million to study the feasibility of a floating pool, an initiative of a group Friends of + Pool this summer with the goal of opening the pool to the public next year; and

WHEREAS: + Pool has been in communication with and has had the enthusiastic support of Community Board #1 for several years since they placed a + Pool prototype in the East River just south of Brooklyn Bridge in October 2019 and CB 1 adopted a supportive resolution of building a permanent + Pool in the vicinity of the South Street Seaport in March of 2021; and

WHEREAS: In our March 2021 resolution which was unanimously adopted by CB1 we noted that community services and amenities are sorely lacking along the East side of our district which has enjoyed the great growth of families and seniors in need of such facilities; and

WHEREAS: Today CB 1 remains the only Community Board district in Manhattan without a fully accessible public pool, and potentially siting the floating pool near the Seaport would not only benefit our area but would surely also serve the thousands of residents who live just north of the Brooklyn Bridge including NYCHA residents who reside a short walk away; and

WHEREAS: We understand that the State and City are currently contemplating potential sites for a new subsidized floating pool and they are considering sites located in CB 1 including near the Seaport; and

WHEREAS: CB is currently considering the future design of the East River Esplanade along with the resiliency measures that will go there and new and accessible open spaces to serve the neighborhood such as + Pool could and should be strongly considered for the esplanade area south of the Brooklyn Bridge; and

WHEREAS: Designing that area and emphasizing the importance and attractiveness of our waterside is what makes CB 1 so unique and the reason so many people enjoy visiting this district; and

WHEREAS: + Pool, which aims to provide a free, safe and accessible facility for swimming in the river, also supports the preservation, restoration and conservation of our natural bodies of water; and

WHEREAS: + Pool is also a program that will offer free swim programs for youth and adults as well as environmental programs; now

THEREFORE

BE IT

RESOLVED

THAT: CB 1 reiterates its support for placing + Pool or other such in-river swimming facility on the East Side of CB 1, a location and project that can support the restoration and resiliency efforts underway in that area. Siting + Pool here would also benefit the growing population of CB 1's east side, residents of the LES including thousands of NYCHA residents, and bring even more visitors to the Seaport and the rest of Lower Manhattan. This proposed location would also be beneficial to Chinatown, Murry Bergtraum HS, and Gotham Park which similarly is looking to serve the many varied communities that intersect near the Brooklyn Bridge with an array of much needed open spaces and recreational opportunities.