

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEE OF ORIGIN: BATTERY PARK CITY

COMMITTEE VOTE:	6 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	33 In Favor	3 Opposed	2 Abstained	0 Recused

Re: Transparency and accountability of Expenditures from the Battery Park City Joint Purpose Fund

WHEREAS: The Battery Park City Authority (BPCA) is a NYS public benefit corporation whose mission is to plan, create, coordinate and sustain a balance community of commercial, residential, retail, parks and open space within its designated 92-acre site on the West Side of Lower Manhattan; and

WHEREAS: As part of its operations, the BPCA collects Ground Rents, PILOT and Civic Fees from the commercial, residential and retail entities within Battery Park City (BPC); and

WHEREAS: The Joint Purpose Fund is defined as a percentage of the balance of monies from the BPCA's various income streams -- such as "ground rent" and payment in lieu of taxes and civic fees -- remaining after the BPCA covers costs such as maintenance, programming, operations, capital projects, and debt service. This percentage is calculated every year and is based on the relationship between PILOT and Ground Rent; and

WHEREAS: Pursuant to a 2010 Amendment to a Settlement Agreement (hereafter, the Settlement Agreement as amended will be referred to as the "Settlement Agreement") between New York State (represented by BPCA) and New York City (represented by the Office of the Mayor and the Office of NYC Comptroller), the agreed upon expenditure obligations of Joint Purpose Fund monies was fulfilled in Fiscal Year 2021; and

WHEREAS: To date, no new Joint Purpose Fund obligations have been decided upon, except \$5M earmarked for Affordable Housing at 5 World Trade Center; and

WHEREAS: In Fiscal Year 2023 the BPCA collected \$363M in Total Revenue; and

WHEREAS: The BPCA spent \$141M or 39% on Operations, Debt Service and other required fees; and

WHEREAS: The Excess Revenue, \$222M or 61%, was transferred to New York City as per the terms of the Settlement Agreement, to two separate funds:

- 78% of \$222M (\$173,160,000) to the NYC General Fund and
- 22% of \$222M (\$48,840,000) to the Joint Purpose Fund; and

WHEREAS: The BPCA reported that as of February 2024, there is currently \$135M in the Joint Purpose Fund, with \$5M earmarked to be spent on 5 World Trade Center; and

WHEREAS: The disposition of the amounts held in the Joint Purpose Fund will be the subject of a not-yet-concluded agreement among New York State (represented by BPCA) and the City of New York (represented by the Office of the Mayor and the Office of NYC Comptroller) to amend the Settlement Agreement; and

WHEREAS: In a resolution dated December 21, 2021, MCB1 called on the NYC Mayor, the NYC Comptroller and the BPCA to include community representation and to commit to transparency in the negotiations for an amendment to the Settlement Agreement, but to date, these negotiations remain a closed, opaque process; and

WHEREAS: MCB1 acknowledges that the BPCA does not have control over the funds once transferred to New York City, however, as an entity of the NYS, the BPCA does have a role in determining future iterations of Joint Purpose Fund expenditures; and

WHEREAS: To date, there has been no agreement as to how the remaining – and future – Joint Purpose Fund monies are to be spent; and

WHEREAS: Moreover, historically, there has been little accountability or explanation from the City of New York regarding the actual and specific disposition of funds transferred to the City from the Special Purpose Fund; now

THEREFORE

BE IT

RESOLVED

THAT: MCB1 reiterates its previous call the NYC Mayor, the NYC Comptroller and the BPCA for transparency and community representation in the decision-making process for determining the expenditures from the Joint Purpose Fund; and

BE IT

FURTHER

RESOLVED

THAT: MCB1 calls on the City of New York, including the Office of the Mayor and Office of NYC Comptroller to issue public reports on at least an annual basis identifying the specific uses to which Joint Purpose Fund funds have been putting,

including, but not limited to, identification of the specific projects or programs on which the funds have been spent.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEE OF ORIGIN: BATTERY PARK CITY

COMMITTEE VOTE:	4 In Favor	2 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	30 In Favor	1 Opposed	8 Abstained	0 Recused

Re: Support of [S2963A/ A7622](#): Establishing ground rent rebates for income-eligible homeowners and renters in Battery Park (City) project area

WHEREAS: This bill is intended to promote housing affordability and stability for income-eligible homeowners and renters whose primary residences are located in the Battery Park City neighborhood in Lower Manhattan; and

WHEREAS: "Eligible homeowner" is defined as an owner of a residence in BPC who occupies their home as their primary residence and whose annual household income does not exceed 150% of the area median income (AMI), adjusted for household size; and

WHEREAS: "Eligible renter" is defined as a renter in BPC who occupies a rental unit that is designated a quasi-rent stabilized unit or has a restriction on annual rent increases under a regulatory agreement between the landlord and the BPCA, and whose annual household income does not exceed 150% of the AMI, adjusted for household size; and

WHEREAS: According to the [NYC Housing Preservation & Development Affordable Housing Area Median Income Chart for 2023](#), 150% of AMI for a 1 person-household is \$148,350 and a 2-person household is \$169,500; and

WHEREAS: "Homeowner's ground rent" is defined as the portion of a homeowner's building's ground rent attributable to the homeowner's occupancy of their primary residence; and

WHEREAS: "Renter's ground rent" is defined as the portion of a renter's rent payment attributable to the ground rent for the occupancy of their unit as their primary residence; and

WHEREAS: This Bill would direct the BPCA to offer to each eligible homeowner and renter a rebate of the portion of their ground rent equal to the difference between the amount of the homeowner's or renter's ground rent due in the base year and the amount due and paid in the year for which the eligible homeowner or renter applies for the rebate. This paragraph also directs the BPCA to permit eligible homeowners and renters to certify that they expect to meet eligibility criteria in the next succeeding year, so they are not required to certify each year; and

- WHEREAS: This Bill further requires that the BPCA shall promulgate procedures for the rebate program within 180 days of the effective date of the subdivision; and
- WHEREAS: Battery Park City (BPC) is a mixed residential and commercial neighborhood. Over time, rapid escalation of property values in the area have made it increasingly difficult for many residents to continue to afford to live there, especially low-, moderate-, and middle-income residents who first moved to BPC when the neighborhood was affordable and who helped re-build BPC after the September 11, 2001 Terrorist Attacks. Since 2001, the cost of housing in Lower Manhattan, including BPC, has skyrocketed; and
- WHEREAS: This legislation will preserve some housing stability and affordability for income-eligible primary residents who own or rent their home in BPC; and
- WHEREAS: According the 2022 US Census Bureau [ACS 5-Year Estimates Subject Tables](#), 32% of Owner-Occupied housing units in BPC-10280 and BPC-10282 combined had a Median Household Income of less than \$150,000 – most if not all of whom, according to the [NYC Housing Preservation & Development Affordable Housing Area Median Income Chart for 2023](#), could be “eligible homeowners”. That is potentially 509 out of 1,585 owner-occupied units; and
- WHEREAS: Additionally, 27% of Renter-Occupied housing units in BPC-10280 and BPC-10282 combined had a Median Household Income of less than \$150,000 – which equates to 1,436 out of 5,343 renter-occupied units according to the [ACS 5-Year Estimates Subject Tables](#) noted above who could be “eligible renters”; and
- WHEREAS: In BPC-10282, there are 240 owner-occupied housing units, all of which reported a Median Household Income of \$150,000 or more according to the [ACS 5-Year Estimates Subject Tables](#) noted above; and
- WHEREAS: Although the census data does not break down household income level by rent-regulated status of housing unit, it is reasonable to assume that the share of residents at 150% of AMI or below in rent-regulated units in BPC will be at least as great as that share of such residents in BPC rental buildings overall; and
- WHEREAS: CB1 recognizes that [S2963A/ A7622](#) will not protect all renters or owners in BPC, only the most needy, and that its impact is limited to Battery Park City; now

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 supports this legislation sponsored by Senator Brian Kavanagh and Assembly Member Charles Fall which will help to preserve affordability and stability for the up to 32% of owner-occupied housing units in BPC-10280 & BPC-10282 combined who may be “eligible homeowners” and up to the 27% of renter-occupied housing unit renters who may be “eligible renters” in BPC-10280 & BPC-10282 combined; and

BE IT  
FURTHER  
RESOLVED

THAT: CB1 urges the Senate and Assembly to pass this legislation and urges Governor Hochul to sign [S2963A/ A7622](#) into law as soon as the bill is presented.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	40 In Favor	1 Opposed	0 Abstained	0 Recused

RE: **Denial** of cannabis retail dispensary license application for **Cloud Father LLC** at **149 Church Street**

WHEREAS: Cloud Father LLC is seeking an adult use retail dispensary license on the premises at 149 Church in New York, New York; and

WHEREAS: The applicant failed to appear before Community Board 1 on February 15, 2023, to allow the community the opportunity to provide comments on the proposed business; and

WHEREAS: The applicant provided no petitions of support to the community board for the proposed location; and

WHEREAS: The applicant only provided public notice in English even though the building has a large monolingual Chinese language population; and

WHEREAS: The community board received significant opposition for this location from members of the community, including 30 petitions in opposition; and

WHEREAS: The community board raised significant concerns to the applicant about the proposed location's proximity to a school located within 500 feet; and

WHEREAS: N.Y. Cannabis Law § 72 [6] states that "No cannabis retail licensee shall locate a storefront within five hundred feet of a school grounds as such term is defined in the education law or within two hundred feet of a house of worship"; and

WHEREAS: N.Y. Educ. Law § 409 [2] further defines "school grounds" as "...any building, structure and surrounding outdoor grounds, including entrances or exits, contained within a public or private pre-school, nursery school, elementary or secondary school's legally defined property..."; and

WHEREAS: The proposed location at 149 Church Street is within 500 feet of a school: Reade Street Prep located at 77 Reade Street which is consistent with the definitions under N.Y. Cannabis Law § 72 and further elucidated by N.Y. Educ. Law § 409, respectively; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 **opposes** the granting of a new application for an adult use retail dispensary license and recommends a **denial** for **Cloud Father LLC** at **149 Church** due to the above reasons.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	8 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	25 In Favor	11 Opposed	5 Abstained	0 Recused

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

WHEREAS: Dreem Box 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 appeared before Community Board 1 on February 15, 2024, to allow the community the opportunity to provide comments on the proposed business; 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 applicant reached out as requested; and

WHEREAS: There is an illegally operating Cannabis store at the current location; and

WHEREAS: CB1 has approved another CAUD application for the same address; 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 Dreem Box LLC, for the premises located at 386 Canal Street, New York, NY 10038 provided that the applicant agrees to the following signed stipulations:

1. Provide by Friday February 23rd petition signatures from the public in support of the location (completed)
2. Upon opening they will provide an ADA accessible bathroom as required by law.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEES OF ORIGIN: BATTERY PARK CITY & ENVIRONMENTAL PROTECTION

COMMITTEE VOTE:	14 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	1 Opposed	0 Abstained	1 Recused

RE: Manhattan Community Board 1 Review of the North/West Battery Park City (BPC) Resiliency Project South Cove (Reach 7) Resiliency

WHEREAS: The North/West Battery Park City Resiliency Project (NWBPCR) contemplates the creation of an integrated coastal flood risk management system from First Place, north along the Battery Park City Esplanade, across to the east side of West Street/Route 9A, and terminate above Chambers Street at a high point on Greenwich Street, and is separated into 7 distinct “Reaches”. Work will proceed through a progressive design-build effort; and

WHEREAS: On January 4, 2024 the BPCA NWBPCR Project Team appeared before the BPC Committee to present proposed design for the South Esplanade and South Cove ( Reaches 6 & 7) The Project Team consists of BPCA, AECOM, One Architecture, DCAKRF) and Design-Build Team (Turner.EECRUZ, Arcadis, BIG, SCAPE, WSP); and

WHEREAS: The NWBPCR Project is currently just past the 30% Design Phase, with the expectation that it will reach the 60% Design Phase by Spring 2024; and

WHEREAS: The January 4, 2024 NWBPCR Project presentation on Reaches 6 & 7 is the first in depth presentation provided to CB1. CB1 hopes for similar presentations for Reaches 1-5 in 2024; and

WHEREAS: This Resolution will specifically address **the 30% Design phase of the South Cove (Reach 7) encompassing the area** from the Pergola/Gazebo at the south end of the South Esplanade (Reach 6) to the southern end of South Cove, where the NWBPCR Project meets and ties into the South Battery Park City Resiliency (SBPCR) Project (Wagner Park); and

WHEREAS: The BPCA reported the following main comments concerning the South Esplanade and South Cove (Reaches 6 and 7) based on feedback from its Public Meeting(s) at Stuyvesant High School and during site walkthroughs in the fall of 2023:

1. Importance of protecting existing grove and the feel of a “forest walk”;

2. Appreciation for quiet, contemplative seating areas along the water's edge and further inland;
3. Importance of preserving views from street ends out to the river;
4. Interest in maintaining, and if possible, expanding, circulation areas to avoid pinch points; and

WHEREAS: During the meeting, the BPC Committee members agreed that the 4 aforementioned points summarized issues raised by community members in public meetings but noted steps to address one or more of these issues may work at cross purposes with others of these issues or at cross purposes with other considerations valued by the community; thus, maintained that the 4 aforementioned points should be considered as factors to balance in determining of the final design, as opposed to absolute requirements; and

WHEREAS: During the meeting, BPC Committee members challenged the BPCA's understanding and interpretation of the preservation of view corridors (point 3 above) and made clear that the community desire to preserve water views was not limited to street ends, but reflected a general desire to preserve water views from multiple vantage points along Reaches 6 and 7; and

WHEREAS: The BPC Committee found that the proposed draft designs presented for the South Cove's lower ramp does not address the community's concern for open views but in fact it lessens open views in that space; and

WHEREAS: For example, the BPCA confirmed the existing South Cove wood deck is to remain "as is" but that they plan to re-design the lower and upper Esplanade areas running West to East (space on the southern side of side the Regatta) such that the lower level is widened and the existing wall is rebuilt. CB1 maintains that this in fact does not widen the circulation area, as the most traversed section of this space is the upper level; and

WHEREAS: The BPCA advised that the new FSB Wall at the South Cove (Reach 7) will be built in front of the existing privacy walls along 50 Battery Place and 70 Battery Place; and

WHEREAS: The BPCA advised that an approximately 24-foot-long deployable roller gate would be installed at the end of Third Place, between 50 and 70 Battery Place, keeping the view corridor and access to the Esplanade/South Cove open. A similar deployable is to be added at Second Place; and

WHEREAS: The BPCA advised that an approximately 20-foot-long deployable swing gate is expected to be installed where there are currently steps from the upper Esplanade to the lower Esplanade; and

- WHEREAS: The BPCA advised that a 50-foot-long deployable Flip Up Gate is expected to be installed at the end of South End Avenue, in line with the south side of the Regatta building; and
- WHEREAS: The BPCA advised that while some trees will have to be removed at the north side of South Cove “forest”, they are working to preserving as many of the existing trees and tree groves as they are able; and
- WHEREAS: The BPCA advised that they are exploring the possibility of adding In-Water Habitat Modules along the South Cove’s bulkhead walls; and
- WHEREAS: Throughout, the BPCA’s plans look to preserve as many **existing** trees as possible for which CB1 is grateful; and
- WHEREAS: The BPCA presented additional options to address the Pergola/Gazebo in Reach 7 – at the corner of Reaches 6 & 7 – in response to community opposition to the destruction of the current Pergola/Gazebo that had been originally suggested, such new options being designated (1) 40% Proposed Design (see presentation slides 61, 63, 65, and 67 of 74); (2) Pergola Maintained (see presentation slides 60, 62, 64, and 66 of 74) and (3) Hybrid Approach (see presentation slides 69-74); and
- WHEREAS: Although BPC Committee members appreciated the presentation of multiple options for the Pergola/Gazebo area, the BPC members expressed a strong preference for the existing configuration, including the “street trees” among cobblestones between the Regatta and South Cove to any of the other options presented, as all of the presented options appear to block water views from the Regatta area and adjacent walkway. That said, BPC Committee members did not oppose that some additional planting replace the cobblestones, as long as “street trees” are used and the new foliage does not block views; and
- WHEREAS: Among the options presented, the BPC Committee members expressed preference for the “Pergola Maintained Option” as a second choice with modifications if maintenance of the status quo is not feasible; the “Pergola Maintained Option”, in comparison to the other presented options, adds less plantings and fewer new trees to allow for a more open feeling with the preservation of the existing Pergola/Gazebo; CB1 cherishes the wide-open space and unobstructed views of the Statue of Liberty and the Harbor all along that walkway adjacent to the south side of the Regatta; and
- WHEREAS: BPC Committee members strongly opposed the “40% Proposed Design” and the “Hybrid Approach”, each of which adds foliage density that obstructs the view corridor, narrows the upper level thoroughfare while widening the unused lower path and replaces the wooden benches with concrete seating (which CB1 strongly dislikes for reasons stated in the Reach 6 Resolution also dated February 27, 2024); and

WHEREAS: As a result of time constraints, the BPCA January 4th presentation did not address FBS options at the streets in detail for the South Cove and the BPCA is encouraged to return to the CB to present the current options as soon as they are available; and

WHEREAS: BPC Committee notes that the 1 ½ hours allocated for discussion and questions on Reaches 6 & 7 was insufficient, as we did not thoroughly explore Reach 7, South Cove; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 thanks the BPCA and its Project Team for the detailed presentation on Reach 6 and most of Reach 7. It was a productive, informative and very useful meeting; and

BE IT

FURTHER

RESOLVED

THAT: CB1 asks that BPCA reconsider the redesign of the Pergola/Gazebo area and preserve to the extent possible the spirit of the existing configuration status quo, that is, retaining the existing Pergola/Gazebo, and moving East along the Esplanade walkway on the South Side of the Regatta adjacent to South Cove, install/retain “street trees” and low vegetation to preserve views; and

BE IT

FURTHER

RESOLVED

THAT: To the extent that the precise status quo cannot be maintained consistent with the resiliency measures to be installed, CB1 prefers the Pergola Maintained option modified to decrease the density of the foliage so as to preserve the view corridor, among the options presented at the January 4, 2024 Battery Park City Committee. CB1 opposes 40% Proposed Design and the Hybrid Approach options; and

BE IT

FURTHER

RESOLVED

THAT: To the extent that the design selected for the Pergola/Gazebo area includes expanded planting east of the Pergola/Gazebo, CB1 requests BPCA to consider moving the planted area closer to the water or narrow it somewhat, so that the actual thoroughfare (between the Regatta and the planted area) can be expanded. To be clear, THIS is the pinch point CB1 is concerned about widening, not widening circulation on the less-used, more isolated lower path; and

BE IT  
FURTHER  
RESOLVED

THAT: Throughout Reach 7 (South Cove), CB1 urges the BPCA to weigh the addition of new (especially new, leaf-dense) trees against the fact that the unobstructed access and view corridors along the South Esplanade including as it merges into the southernmost end of South Cove; and

BE IT  
FURTHER  
RESOLVED

THAT: Going forward, CB1 requests that the BPCA's designs continue to show "existing" and "existing with overlay" and "proposed" as it is so much easier for lay people to grasp. Additionally, CB1 requests that the BPCA create slides in Reach 7 that more accurately depict the buildings and includes the names of the buildings on each Slide, again for ease of understanding by lay people; and

BE IT  
FURTHER  
RESOLVED

THAT: CB1 requests that the BPCA return to CB1 to continue the presentation on Reach 7 (South Cove) as well as to provide updated design options for the areas currently still under development in Reach 7, as soon as they are available, but prior to the 60% Design Phase.

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RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEES OF ORIGIN: BATTERY PARK CITY & ENVIRONMENTAL PROTECTION

COMMITTEE VOTE:	14 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	1 Abstained	1 Recused

RE: Manhattan Community Board 1 Review of the North/West Battery Park City (BPC) Resiliency Project South Esplanade (Reach 6)

WHEREAS: The Battery Park City Authority (BPCA) is a NYS public benefit corporation whose mission is to plan, create, coordinate and sustain a balanced community of commercial, residential, retail, parks and open space within its designated 92-acre site on the West Side of Lower Manhattan; and

WHEREAS: As part of its operations, the BPCA is working on two interrelated resiliency projects as part of the Lower Manhattan Coastal Resiliency (LMCR) Project to protect Battery Park City and the Lower Manhattan coast from the threats of storm surge and sea level rise; and

WHEREAS: The South Battery Park City Resiliency Project (SBPCR), part of LMCR, looks to protect Wagner Park and the adjacent community against more severe and more frequent storms. The project will create an integrated coastal flood risk management system from the Museum of Jewish Heritage, through Wagner Park, across Pier A Plaza, and along the northern border of the Historic Battery; and

WHEREAS: The North/West Battery Park City Resiliency Project (NWBPCR) contemplates the creation of an integrated coastal flood risk management system from First Place, north along the Battery Park City Esplanade, across to the east side of West Street/Route 9A, and terminate above Chambers Street at a high point on Greenwich Street, and is separated into 7 distinct “Reaches”. Work will proceed through a progressive design-build effort; and

WHEREAS: A third initiative, the BPC Ball Fields & Community Center Resiliency Project, now complete, entailed construction of an independent flood barrier system along the eastern, northern, and southern boundaries of the BPC Ball Fields. This space falls totally within BPC and therefore is not a part of the LMCR; and

WHEREAS: This Resolution will specifically address **the 30% Design Phase of the South Esplanade (Reach 6) encompassing the area from Esplanade Plaza south to West Thames Street, inclusive of both;** and

WHEREAS: On January 4, 2024, the BPCA NWBPCR Project Team appeared before the BPC Committee to present the 30% completed design phase of the South Esplanade and South Cove ([Reaches 6 & 7](#)). The Project Team consists of BPCA, AECOM, One Architecture, DCAKRF) and Design-Build Team (Turner.EECRUZ, Arcadis, BIG, SCAPE, WSP; and

WHEREAS: The NWBPCR Project is currently just past the 30% Design Phase, with the expectation that it will reach the 60% Design Phase by Spring 2024; and

WHEREAS: The January 4, 2024 NWBPCR Project presentation on Reaches 6 & 7 is the first in depth presentation provided to CB1. CB1 hopes for similar presentations for Reaches 1-5 in 2024.

WHEREAS: The BPCA reported the following main comments concerning the South Esplanade and South Cove (Reaches 6 and 7) based on feedback from its Public Meeting(s) at Stuyvesant High School and during site walkthroughs in the fall of 2023:

1. Protect as many large trees as possible;
2. Provide equal or additional vegetation;
3. Preserve as much as possible of the public art installations on Albany Street (Upper Room), Rector Place (Rector Gate) and West Thames Street;
4. Previous proposed design has too much meander and change in elevation;
5. Provide greater details on the Flood Barrier System (FBS), i.e: details of walls including location, openings, height, and width
6. Views to the water from the street-ends should be kept
7. Programs at the street end nodes (Albany, Rector and West Thames) were understood as “nice amenities”; and

WHEREAS: During the January 4th meeting, the BPC Committee members agreed that the 7 aforementioned points summarized issues raised by community members in public meetings but noted steps to address one or more of these issues may work at cross purposes with others of these issues or at cross purposes with other considerations valued by the community; thus, the 7 aforementioned points should be considered as factors to balance in determining of the final design, as opposed to absolute requirements; and

WHEREAS: BPC Committee members noted the following additional considerations that should be taken into account in the next design phase for Reach 6:

1. The existing open space along the Esplanade, including Esplanade Plaza and at the street end nodes has been well-used by the community and visitors. Although the community wishes to preserve existing green space as much as possible, it does not in general wish to have existing, well-used hardscape replaced with additional vegetation;
2. The street end nodes are not well-suited for the types of programming contained in the 30% design presentation: the Esplanade in Reach 6 is relatively narrow and

is subject to a large volume of pedestrian traffic, dogs and cyclists, particularly on weekends and in warmer weather; the current plaza areas at street end nodes allow for neighbors and visitors to pause and socialize without blocking the heavy pedestrian traffic on the walkways, which in the segments between street nodes are relatively narrow; as presented, the design creates spaces that are not ADA accessible, as wheelchairs, scooters and strollers can not navigate on grass, and on uneven surfaces; as thoroughfares, neither the upper or lower walkways are locations where small children should be encouraged to play;

3. Water views should not only be preserved from the street ends, but should be prioritized throughout Reach 6 – the primary draw of the Esplanade is its waterfront location. Therefore new vegetative planting should be of a type and configuration that does not block waterfront views;
4. Reach 6 currently has copious amounts of seating, almost all of which has a wooden slat seating surface (e.g., World’s Fair benches). The volume, aesthetics and comfort of seating in the rebuilt Esplanade should be consistent with what exists today; concrete seating is not fitting with the existing more natural aesthetic of the area and that the design may attract skateboarders which can potentially compromise the use of the space for the elderly or infirm;
5. The preservation and reuse of the existing wooden slat World’s Fair benches (instead of the proposed concrete seating) ensuring the same or additional number of benches as currently exist in Reaches 6 and 7; and

WHEREAS: BPC Committee members were pleased to see that the design for the Flood Barrier Shield (FBS) wall along Gateway Plaza - and perhaps along all other buildings in Reach 6 - incorporate a curved top on the new FBS wall, enabling flood barrier protection with a reduced wall height; and

WHEREAS: The FBS walls at Gateway Plaza backyard garden, Hudson Towers, Liberty Terrace, and the Regatta will be installed in the same location as the current privacy walls, which must be removed and replaced. The BPCA advised that this work further requires the demolition of all plantings and the upper walkway, encompassing the area from the current privacy walls to the strip of vegetation and trees that currently separates the upper and lower walkways along the Esplanade; and

WHEREAS: The BPCA maintains that most of the lower walkway along the Esplanade in Reach 6 will remain intact, as is. The majority of the construction/re-construction will be on the upper walkway to the privacy walls of said buildings; and

WHEREAS: The BPCA advised that each of the buildings to be affected has been notified and that once work begins, there will be air quality monitoring, but also acknowledged that this work will be a major disruption for the people living in these buildings during construction. These concerns must be addressed further as the design-build progresses; and

WHEREAS: The BPCA advised that they are still working on a FBS wall design for the areas in front of the two restaurants along the South Esplanade (Reach 6), one located in Gateway Plaza and the other located in the Regatta (Reach 7). CB1 asks that the BPCA come back to this Committee once viable design options are identified for these locations so that CB1 can review and comment prior to a final design option being chosen; and

WHEREAS: BPC Committee members noted that no plans were presented that address the cherished art work currently installed at the street ends at Albany Street and Rector Place. The BPCA advised that they will all have to be removed and that they are currently exploring where and how to incorporate them – or a version of them – into the new NWBPCR design. BPC Committee acknowledges that “I don’t know yet” is a reasonable response for the time being, but implores the BPCA to return with options once they are identified – for the art work as well as the other issues noted above; and

WHEREAS: BPC Committee members also noted that the BPCA January 4th presentation did not address FBS options at the streets and urges the BPCA to return to present options as soon as they are available; and

WHEREAS: Focusing on the West Thames Street Cul de Sac adjacent to the Regatta and the beginning of the South Cove, CB1 is grateful that the BPCA was able to re-design the FBS Wall from an obstructive 19+ Foot wall across the entire space that blocked access and views to the River to a series of three smaller in width 19+ foot walls. The BPCA advised that deplorables will be used to fill in the gaps, which while requiring more manpower to deploy, keep the space as open and accessible as possible; now

THEREFORE  
BE IT  
RESOLVED

THAT: CB 1 asks that the following ideas as noted by the Battery Park City Committee and the Environmental Protection Committee at the joint committee on February 5, 2024 be detailed in the upcoming post-30 % designs phase:

1. The re-design options of the vegetation areas along the upper level meandering walking path of the Esplanade inclusive of seating and street access; and
2. Options for FBS walls in front of the two restaurants in Reach 6 and border of Reach 7; and
3. Confirmation that the existing wood benches will be incorporated as seating along the upper level of the Esplanade rather than the concrete indicated in 30% design renderings; and
4. Options for relocation of the art installations slated for removal; and
5. More details concerning the deployable FBS to be installed at the streets in Reach 6, as they are identified, and explanation of how they will be incorporated into the new FBS walls; and

6. Assurance the proposed designs for the South Esplanade/Reach 6 provide equal or additional public seating – utilizing the wooden benches along the entirety of the Esplanade; and
7. Elimination of the Street End Nodes
8. Re-design options for Esplanade Plaza so that the current amount of open, hardscape space is preserved; and

BE IT  
FURTHER  
RESOLVED

THAT: CB1 requests that the BPCA modify the three Entrance Node concepts presented for the street ends at Albany Street, Rector Place and West Thames Street to address the following concerns:

1. They block easy ingress and egress from the Esplanade walkway;
2. They separate the street from the Esplanade and River;
3. They do not take into consideration the fact that both the upper and lower Esplanade in Reach 6 are places where dogs are walked – and allowed to be walked – and where cyclists ride, despite not being allowed to do so;
4. They create spaces that are not ADA accessible, as wheelchairs, scooters, strollers cannot navigate on grass or sand or uneven surfaces
5. Neither the upper or lower walkways are locations where small children should be encouraged to play. It is a thoroughfare and a place where people can sit, visit and enjoy the vistas – CB1 wants to maintain that usage of the space;
6. They contemplate the addition of concrete benches which, as noted above, are not wanted by CB1; and

BE IT  
FURTHER  
RESOLVED

THAT: CB1 urges that BPCA continue to examine options for the FSB at the street ends in Reach 6 so as to maximize the openings in the FSB when the deployable barriers are not deployed; and

BE IT  
FURTHER  
RESOLVED

THAT: CB 1 urges that a curved design for ALL FBS Walls be considered and, where it is determined that it is not viable, that the BPCA Team present a detailed explanation as to why not - so that a layman can understand it; and

BE IT  
FURTHER  
RESOLVED

THAT: Going forward, CB1 requests that the BPCA’s designs continue to show “existing” and “existing with overlay” and “proposed” to allow for lay people to

fully understand the proposals. Additionally, CB1 requests that the BPCA create slides in Reach 6 that more accurately depict the buildings and include the names of the buildings on each slide, again for ease of understanding by lay people; and

BE IT  
FURTHER  
RESOLVED

THAT: CB 1 asks the BPCA to return to CB1 to provide updated design options for the areas currently still under development in South Esplanade (Reach 6) as soon as they are available, including design options are identified for the two restaurant locations along the South Esplanade (Gateway Plaza and Regatta) to ensure CB1's review and comment prior to a final design option being chosen; and

BE IT  
FURTHER  
RESOLVED

THAT: CB 1 applauds the BPCA for presenting Reach 6 30+% design on January 4, 2024 at the BPC Committee and encourages the BPCA to present Reach 5, as well as Reaches 1 through 4 in separate CB1 meetings – either BPC or Environmental Protection as their schedule allows – before reaching 60% Design in the Spring of 2024 and separate and apart from any BPCA-hosted Community Meetings which cover the entire NWBPCR project in one evening. These separate meetings allow for the different process CB1 requires to understand, digest, comment upon via Resolution as well as provide additional opportunities for engagement with the community. The different format allows for more dialogue and provides the BPCA with additional information so as to design and build the NWBPCR project with as much transparency and community input as is possible. A win/win for all parties.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

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

COMMITTEE VOTE:	11 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	1 Opposed	0 Abstained	0 Recused
BOARD VOTE:	41 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Plaza and Arcade Modification Applications Submitted to New York City Department of Buildings (DOB) – Notice to NYC Department of City Planning (DCP)

WHEREAS: Under certain provisions of the NYC Zoning Resolution (ZR), including ZR § 37-625, *et seq.*, applications for design changes or modifications to public plazas generally “may be made only upon certification by the Chairperson of the City Planning Commission ...” (CPC); and

WHEREAS: As Manhattan Community Board 1 (CB1) learned from recent work undertaken by the property owner of 77 Water Street in Manhattan, however, certain applications for plaza design changes—more specifically, an application for design changes to a public arcade space—do not require the applicant to seek approval from DCP or CPC, but rather, such applications legally may be made directly to and decided by DOB, without notice or input from DCP; and

WHEREAS: During a review of the 77 Water Street work status at the February 12, 2024 meeting of CB1’s Land Use, Zoning and Economic Development (LZE) Committee, officials with DCP explained how the DOB-only application mechanism works and what notifications to other agencies and the community are required, or more accurately, not required; and

WHEREAS: The LZE Committee views this DOB-only application mechanism for plaza and arcade modifications, without any notice to DCP or even the community, as a significant loophole in the ZR and the protections afforded to communities for public open spaces; and

WHEREAS: DCP officials suggested to the LZE Committee that it would be helpful to have a formal rule or procedure requiring DOB to give notice to DCP any time DOB receives an application for any plaza and/or POPS modification, specifically including but not limited to arcade modifications, which have not also been presented to DCP; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 urges NYC DOB to notify DCP any time DOB receives an application for any plaza and Publicly Owned Private Spaces modifications, specifically including but not limited to arcade modifications, which have not also been presented to DCP, and CB1 further urges that DCP in turn advise the relevant community board of such DOB plaza or arcade modification applications.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	40 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Docket number - LPC-23-08657 - 346 Broadway/108 Leonard Street aka 46 Lafayette Street (Former NY Life Insurance Company building), alterations to designated interior offices and alteration of an exterior door and windows

WHEREAS: This application is an amendment to the previously presented and LPC approved restoration program for certain interior landmarked areas throughout the building, including the banking hall and office spaces, and

WHEREAS: The proposed gallery's executive offices will maintain and recreate further the original doors, moldings, and other wall and ceiling decorations throughout and no remaining original materials will be removed from this area, and

WHEREAS: The proposed interior renovations in the original banking hall and mezzanine are minimal heating and cooling infrastructure (floor mounted VRF), exhibition infrastructure (tracks and embedment on the ceiling), lighting and furniture, and window treatments and non-load bearing partitions (majority of them easily reversible)– None of which distract too much from the interior landmarked designated spaces, and

WHEREAS: There is a portion of the proposal that involves the removal and storage on site of certain original interior designated landmark features, and

WHEREAS: Exterior door and various window work from the inside of the property is appropriate, and

WHEREAS: None of proposed gallery space is part of any areas designated in the property's deed as part of the space required by such deed to be allocated to the community as a "public media space", now

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 recommends the Landmarks Preservation Commission approve the proposal unless it is confirmed that any part of the privatized art gallery condominium spaces is also part of the deed restricted "public media lab space."

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 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:	39 In Favor	1 Opposed	0 Abstained	0 Recused

RE: Docket number - LPC-24-06263 - 110 South Street - Reconstruction of a 4-story 19th century brick building from and roof visible roof addition

WHEREAS: The decision to completely reconstruct the historic 4-story street wall is very welcome on this extremely important 19th century block in the South Street Seaport Historic District, and

WHEREAS: The proposed storefront work is appropriate, and

WHEREAS: The canopy restoration work is appropriate, and

WHEREAS: The roof addition is visible, but not overwhelming, and very similar in bulk to previously approved successful designs on the same block front of South Street between Peck Slip and Beekman Street, now

THEREFORE

BE IT

RESOLVED

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

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 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:	27 In Favor	2 Opposed	10 Abstained	0 Recused

RE: EPSTEIN BILL A8427A

WHEREAS: New York State Assembly bill A8427a would allow applicants at previously unlicensed locations to be issued a temporary full OP liquor license under a new and expedited process; and

WHEREAS: Our downtown communities have seen an enormous rate of “conversions” from businesses that serve the residents of the community [hardware stores, laundromats, stationery stores, etc.] to alcohol-licensed businesses; and

WHEREAS: The purpose of the 500-foot Law is to put the burden on the applicant to show that adding additional liquor licenses to an already saturated area would be in the “public interest” as determined by a 500-ft hearing Administrative Law Judge [ALJ] and the State Liquor Authority full board; and

WHEREAS: Assembly bill A8427 would allow the issuance of a temporary OP license after the community board hearing and the issuance of a positive “public interest” finding from the 500-ALJ – but before the SLA Full Board has held a public hearing on the application; and

WHEREAS: The Alcoholic Beverage Control Act does not give the 500-ft Administrative Law Judge [ALJ] the final word on whether an OP license meets the 500-foot “public interest” standard or whether that license contributes to “over-saturation” of licenses in an area, a power that belongs only to the State Liquor Authority Full Board; and

WHEREAS: The SLA reporting [and return of FOIL requests] of basic documents such as a 500-ft Hearing ALJ determinations is now delayed for as long as six months – and affected communities do not know if the ALJ determination has been made or what that determination concluded until after a temp OP license may have been granted; and

WHEREAS: Assembly bill A8427A would allow a temporary OP license to be issued to an applicant who was deemed to have met the “public interest” standard by an Administrative Law Judge only and not the SLA Full Board at a fully public

hearing – as is mandated by law – and without the affected community given a full opportunity to participate in this decision and consider any traffic and pedestrian impacts; and

WHEREAS: A8427a accelerates the rate of conversion of previously unlicensed locations where essential community stores did business and turns them to restaurants, bars, event spaces (large and small) and lounges; now

THEREFORE

BE IT

RESOLVED

THAT: A8427a does not give either community residents -- or the SLA Full Board -- sufficient opportunity to be heard or review impacts on license applications that may be inappropriate and injurious to the community prior to opening; and

BE IT

FURTHER

RESOLVED

THAT: Because of its legal flaws and its potential harmful impact on communities saturated by liquor licenses, this legislation should be withdrawn and reconsidered, and

BE IT

FURTHER

RESOLVED

THAT: A8427a should not be passed into law because it gives automatic temporary licenses to previously unlicensed locations without community board review or input.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	6 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	2 Opposed	0 Abstained	0 Recused
BOARD VOTE:	40 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **293 Church Street**, application for a new application and temporary retail permit for a wine, beer and cider license for Revolving Store Church St LLC dba Revolving Store

WHEREAS: The applicant, Revolving Store Church St LLC dba Revolving Store at 293 Church Street, is applying for a new application and temporary retail permit for on-premise 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 with retail pop ups on the ground floor, with a total of 1765 square feet, there will be a public capacity of 67 people with 3 tables with 10 seats; and

WHEREAS: The hours of operation will be 7:00AM - 12:00AM Monday to Saturday, 7:00AM - 10:00PM Sunday; and

WHEREAS: The hours of operation for outdoor seating will be 7:00AM - 10:00PM Monday to Sunday; and

WHEREAS: The applicant has represented that there will be live and recorded background music from 8 indoor speakers, as well as a DJ who will control music at private events; and

WHEREAS: The applicant has agreed to no more than 24 buyouts annually where music will be turned off at 9:00PM; and

WHEREAS: The applicant has agreed to close the windows and provide ADA access ramp; 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 hours of operation; and

WHEREAS: The applicant has indicated that garbage pickup will be Monday, Wednesday Friday after 7:00 PM; 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 new application and temporary retail permit for on-premise Wine, Beer and Cider license for Revolving Store Church St LLC dba Revolving Store at 293 Church Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	1 Abstained	0 Recused
BOARD VOTE:	40 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **100 Church Street**, application for a corporate change for a liquor, wine, beer and cider license for Unit 001, IFNOTNOW LLC aka 100C Venture LLC d/b/a C Tribeca aka New York Vintners

WHEREAS: The applicant, IFNOTNOW LLC aka 100C Venture LLC d/b/a C Tribeca aka New York Vintners at 100 Church Street, Unit 001, is applying for a new corporate change 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 wine bar, private event space and sports lounge, with a total of 18000 square feet, there will be a public capacity of 150 people with 4 tables with 40 seats and 20 seats at the bar; and

WHEREAS: The hours of operation will be 12:00PM - 12:00AM Monday to Friday and , 12:00PM - 1:00AM Saturday & Sunday; and

WHEREAS: The applicant has represented that there will be live and recorded background music, there will be 4 TVs on the lower level and none on the ground floor; and

WHEREAS: The applicant has indicated that they do not plan to have bicycle delivery personnel; and

WHEREAS: The applicant has indicated that they will receive delivery of goods and services will be conducted during 11AM to 8PM; and

WHEREAS: The applicant does not intend to apply for outdoor seating through the DOT Dining Out NYC program; 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 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 corporate change for on-premise Liquor, Wine, Beer and Cider license for IFNOTNOW LLC aka 100C Venture LLC d/b/a C Tribeca aka New York Vintners at 100 Church Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	40 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **78 Leonard Street**, application for a class change and temporary retail permit for a liquor, wine, beer and cider license for Smart Kitchen Tech Inc dba GOA Indian

WHEREAS: The applicant, Smart Kitchen Tech Inc dba GOA Indian at 78 Leonard Street, is applying for a class change and 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, with a total of 6011 square feet, there will be a public capacity of 168 people with 18 tables with 88 seats; and

WHEREAS: The hours of operation will be 9:00AM - 11:00PM Monday to Thursday, 9:00AM - 1:00AM Friday and Saturday, 9:00AM - 10:00PM Sunday; and

WHEREAS: The applicant has represented that there will be live and recorded background music from 10 speakers, as well as a DJ; and

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

WHEREAS: The applicant has agreed to have no more than 12 buyouts per year; and

WHEREAS: The applicant has indicated that they do not plan to have bicycle delivery personnel; and

WHEREAS: The applicant has agreed to accommodate ADA access to the first floor establishment with a removable ramp as they are unable to make any physical changes to the building per their lease agreement; and

WHEREAS: The applicant does not intend to apply for outdoor seating through the DOT Dining Out NYC program; 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 stipulation requirements; and

BE IT

FURTHER

RESOLVED

THAT: CB1 opposes the granting of a class change and temporary retail permit for on-premises Liquor, Wine, Beer and Cider license for Smart Kitchen Tech Inc dba GOA Indian at 78 Leonard Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	40 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **214 Front Street**, application for a class change and temporary retail permit for a liquor, wine, beer and cider license for Calebria Restaurant LLC dba Il Brigante Restaurant

WHEREAS: The applicant, Calebria Restaurant LLC dba Il Brigante Restaurant at 214 FrontStreet, is applying for a class change and 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, with a total of 1050 square feet, with 20 tables with 44 seats indoors, 3 tables with 12 seats on the sidewalk and 6 tables with 24 seats curbside; and

WHEREAS: The hours of operation will be 12:00PM - 11:30PM Monday to Thursday, 12:00PM - 12:30AM Friday and Saturday, 12:00PM - 11:30PM Sunday; and

WHEREAS: The outdoor (sidewalk and curbside) seating hours will be 12:00PM - 10:00PM Monday to Sunday; and

WHEREAS: The applicant has represented that there will be recorded background music from 6 small speakers in the ceiling, no subwoofers, no TV; and

WHEREAS: The applicant has agreed to close the windows at 10PM nightly; and

WHEREAS: The applicant has indicated that they do plan to have bicycle delivery personnel; and but delivery of goods and services will be conducted during Monday to Friday before 3:00PM; and

WHEREAS: The applicant has indicated that they will receive delivery of goods and services will be conducted during 9AM to 4PM; and

WHEREAS: The applicant has indicated that garbage pickup will be Mon/Wed/Thurs/Fri/Sat 7PM to 7AM; 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 current hours of operation for the outdoor dining; 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 stipulation requirements; and

BE IT

FURTHER

RESOLVED

THAT: CB1 opposes the granting of a class change and temporary retail permit for on-premises Liquor, Wine, Beer and Cider license for Calebria Restaurant LLC dba Il Brigante Restaurant at 214 Front Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	1 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	2 Abstained	0 Recused

RE: **206 West Street/ 200 Chambers Street**, application for a new application and temporary retail permit for a liquor, wine, beer and cider license for Baires Grill NY Tribeca LLC dba Baires Grill

WHEREAS: The applicant, Baires Grill NY Tribeca LLC dba Baires Grill at 206 West Street/ 200 Chambers Street, is applying for a new application and 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** no establishments with on premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is an Argentinian steakhouse on the ground floor and mezzanine, with a total of 10,641 square feet, there will be a public capacity of 225 people with 22 tables with 106 seats, outdoor seating on private property with 14 seats; and

WHEREAS: The hours of operation will be 7:00AM - 12:00AM Monday to Thursday, 7:00AM - 1:00AM Friday and Saturday, 7:00AM - 10:00PM Sunday; and

WHEREAS: The outdoor seating hours will be 12:00PM - 10:00PM Monday to Sunday; and

WHEREAS: The applicant has represented that there will be live from violin or guitar but no amplified sound and recorded background music, as well as, a DJ, 2 TVs for menu display; and

WHEREAS: The applicant has represented that the DJ will be available 5PM- 8PM only, there will be no more than 12 buyouts per year; 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 8:00AM - 12:00PM; and

WHEREAS: The applicant has indicated that garbage pickup will be 10:00PM - 1:00AM; 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 agreed to supplying a letter of support from the condo board of 200 Chambers Street; 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 stipulation requirements; and

BE IT

FURTHER

RESOLVED

THAT: CB1 opposes the granting of a new application and temporary retail permit for on-premise Liquor, Wine, Beer and Cider license for Baires Grill NY Tribeca LLC dba Baires Grill at 206 West Street/ 200 Chambers Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 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:	40 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **164 Pearl Street**, application for a new application and temporary retail permit for a wine, beer and cider license for Lin’s Restaurant Group Inc dba Mikado

WHEREAS: The applicant, Lin’s Restaurant Group Inc dba Mikado at 164 Pearl Street, is applying for a new application and temporary retail permit for on-premise 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, with a total of 1500 square feet, with 25 tables with 46 seats; and

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

WHEREAS: The applicant has represented that there will be recorded background music from a CD player and 1 TV; 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 between 4:00PM and 5:00PM; and

WHEREAS: The applicant has indicated that garbage pickup will be midnight; 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 new application and temporary retail permit for on-premise Wine, Beer and Cider license for Lin's Restaurant Group Inc dba Mikado at 164 Pearl Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEE OF ORIGIN: QUALITY OF LIFE & DELIVERY SERVICES

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	41 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: Requesting Con-Ed Prioritize Lower Manhattan Projects to Alleviate Construction Backlog

WHEREAS: Lower Manhattan is the site of many ongoing construction projects including major building and infrastructure projects; and

WHEREAS: Lower Manhattan has incredibly old public utility infrastructure leading to considerable complexities and complications within projects; and

WHEREAS: The New York City Department of Design and Construction alone are responsible for seven current major street construction projects that require opening the roadbed and trenching to reveal infrastructure; and

WHEREAS: These projects are greatly impacting the quality of life for residents causing construction noise, construction vibrations, street closures, increased vehicular traffic, vehicular horn honking and impacts on pedestrian safety; and

WHEREAS: Delays in the projects only prolong the impacts and create more problems as more projects will overlap; and

WHEREAS: Con Edison utility work is a necessary part of many of these projects; and

WHEREAS: Con Edison work is currently limiting the advancement or completion of several projects in Lower Manhattan; and

WHEREAS: The projects are listed here as:

1. HMMWTCB1-Reconstruction of Nassau Street
2. HMMWTCB2- Reconstruction of Greenwich Street
3. HMMWTCB6-Reconstruction of Vesey Street; and

WHEREAS: Completion of the Con Edison work will more quickly conclude these construction projects, alleviating the quality-of-life issues that impact the surrounding community; now

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 requests that Con Edison immediately prioritizes these projects in Lower Manhattan to reduce delays in the street bed infrastructure projects operated by the Department of Design and Construction; and

BE IT  
FURTHER  
RESOLVED

THAT: We request that a representative from Con Edison attends the CB1 Quality of Life public meeting every other month to better coordinate with the Department of Design and Construction and resolve issues more quickly and efficiently.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMIT

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	41 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Request for a crosswalk in front of P.S. 150

WHEREAS: P.S. 150 is a 3K through 5th grade school located at the northwest corner of Trinity Place and Edgar Street; and

WHEREAS: The entrance to the school is by the northwest corner of Trinity Place and Edgar Street. Although there is a traffic light at the Trinity Place-Edgar Street intersection, there is no crosswalk going to the northwest corner of the intersection. Instead, pedestrians must take a path that uses two crosswalks, across Trinity Place to the southwest corner with Edgar Street and across Edgar Street to the school’s entrance; and

WHEREAS: On February 7, 2024, students from P.S. 150 delivered a presentation to the Transportation & Street Activity Committee of Manhattan Community Board 1 (“MCB1”). The students presented the results of their [study](#), which found that a significant number of pedestrians approach the school’s entrance directly by crossing Trinity Place north of Edgar Street, where there is no crosswalk, instead of using the path of two crosswalks south of the school. As such, the students request that a crosswalk be inserted on Trinity Place, north of Edgar Street, directly in front of the school’s entrance; and

WHEREAS: The lack of a crosswalk that crosses Trinity Place directly to the entrance of P.S. 150 creates dangerous conditions for pedestrians and vehicles, as most pedestrians used paths of convenience rather than crossing Trinity Place using the route that requires using two crosswalks to/from the school’s entrance. Pedestrians should have the most direct, and accessible, path possible; and

WHEREAS: The students from P.S. 150 also reported vehicles speeding on Trinity Place, which creates another safety concern that the Department of Transportation (DOT) should address; and

WHEREAS: The DOT has many tools to address these concerns. Speed cameras, speed bumps, elevated crosswalks, etc should all be evaluated to calm traffic and improve pedestrian safety on Trinity Place, Edgar Street and Greenwich Street around the school; and

WHEREAS: Crossing Greenwich Street to get to P.S. 150 from the west was not studied by the students, but also requires pedestrians to cross without a crosswalk or pedestrian ramp that connects to the northside of Edgar Street. Currently, traffic approaches the Edgar Street-Greenwich intersection from the (i) north via the Hugh L. Carey Tunnel; (ii) south from Greenwich Street; and (iii) west from the Battery Parking Garage. This intersection is similarly complex and dangerous for pedestrians due to a lack of crosswalks, pedestrian ramps, automated enforcement and traffic calming measures; and

WHEREAS: Any safety improvements must also consider the large and diverse group of pedestrians that rely on these intersections in their daily life. CB1 recognizes that people with disabilities, including physical and visual limitations, deserve to be considered and to benefit from safety improvements; and

WHEREAS: MCB1 is mindful that numerous city, state and federal requirements, including the Americans with Disabilities Act, make it complex to alter the design of New York City's ("NYC") streets. However, the NYC DOT needs to study how to improve pedestrian safety getting to/from P.S. 150 then implement those changes; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board 1 ("MBC1") urges the New York City ("NYC") Department of Transportation ("DOT") to study the ways that people walk to/from P.S.150 across Trinity Place from the east and across Greenwich Street from the west and create a street redesign plan that would calm traffic and allow all pedestrians to safely walk to the entrance of P.S.150 using the most convenient and ADA compliant route.

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 27, 2024

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:	41 In Favor	0 Opposed	0 Abstained	0 Rescued

RE: 2024 TD Five Boro Bike Tour

WHEREAS: Produced by Bike NYC, in conjunction with the City of New York, this 46<sup>th</sup> TD Five Boro Bike Tour will be held on Sunday May 5, 2024; and

WHEREAS: The approximately 40 mile Five Boro Bike Tour is the world’s largest charity ride and includes people above the age of three of all abilities. The tour also raises funds that promote bicycle safety and confidence, including free bike education programs; and

WHEREAS: The bike tour starts in Manhattan Community Board One’s (CB1) district then heads north and uses car-free roads through all five boroughs. The tour crosses five major bridges and ends in Staten Island; and

WHEREAS: The event will run from 7:30AM – 5:30PM with street closure permits in our district from 3:00 AM to 11:00 AM, except for Franklin Street from Church to Broadway, where ceremony and event setups will be located. Closures there will be from Friday at midnight until 6:00 PM on Sunday; and

WHEREAS: As in previous years, the participants will line up and start the Tour heading north on Trinity Place/Church Street in six waves. The first wave will line up and leave from Church Street from Franklin and Duane Streets, the second wave from Duane to Murray Streets, the third from Murray to Fulton Streets, the fourth from Fulton to Thames Street, the fifth from Thames to Morris Street and the sixth from Morris Street to Battery Place; and

WHEREAS: CB1 asked Bike New York to direct bikers going to the starting corrals from the west via Chambers to Duane Street to *not* go through Bogardus Plaza; and

WHEREAS: Tour participants are permitted to use any human-powered pedaled bike (recumbent, unicycle, tandem, tricycle, etc.) or a Class 1 pedal-assist e-bike. Class 2, or throttle e-bikes, are not permitted in any Bike New York events; and

WHEREAS: Approximately 4,000 participants use bikes rented from Unlimited Biking, which will require approximately 10,000 square feet in order to store and manage bike

pickup. Old Slip Park is the location preferred by Bike New York and CB1 for the rental bike operations. It would allow easy access for arrivals via ferry to Pier 11 or the many bus and subway stops that are nearby. Using Old Slip would also allow easy access to the starting corrals; and

WHEREAS: The Main Stage, VIP area and activities will be located on Church Street between Canal and Franklin Streets. Speakers will not extend farther south on Church Street than to Leonard Street; and

WHEREAS: The Mayor's Office, not Bike New York, makes the decisions about the speeches that are delivered prior to the event's start. A total of thirteen audio speakers will be used, the same as last year; and

WHEREAS: Bike New York has been a good long-term partner with CB1 and has worked continuously to reduce the event's impact on the community. This year they will have the same reduced number of audio speakers and a hotline (reachable at (347) 480-8184) that will be operational Saturday night during setup and during race hours; and

WHEREAS: Last year, the CB1 office did not receive any complaints regarding the Tour, which is scheduled to proceed this year in substantially the same fashion; and

WHEREAS: The Five Boro Bike Tour is an important fundraiser and an event supported by the City of New York to showcase the city's five boroughs internationally; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board 1 (MCB1) supports approval of the 2024 Five Boro Bike Tour with the recommendation that Old Slip be used as the location where bike rentals from Unlimited Biking are picked up; and

BE IT

FURTHER

RESOLVED

THAT: MCB1 appreciates the work that Bike New York has done in the past to improve conditions in our district during the race. As in previous years, we request that:

- Flyers and communication be put out well in advance of the event;
- Residential buildings near the race activities be given advance notice regarding the speakers and event details;
- Staff setting up for the race overnight be instructed to limit noise, including shouting;
- Bullhorns not be used before 9:00 AM;
- Sound not exceed 80 decibels at any location;
- All speakers be angled away from residential buildings; and

- On the day of the race, a Bike New York representative be assigned to ensure that all stipulations agreed on with the community are adhered to.