

## **October 2004 Resolutions**

### **Land Use Committee**

#### **Richard Asche, Chairperson**

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

**Re: 345 West 86<sup>th</sup> Street, Dexter House (West End Avenue-Riverside Drive.)**

WHEREAS, 345 West 86<sup>th</sup> Street, New York, New York is a Class A Single Room Occupancy dwelling known as the Dexter House, which has long been occupied solely by low and moderate-income permanent, rent-stabilized tenants; and

WHEREAS, tenants have reported that the new management of the Dexter House has begun to pursue an aggressive campaign to replace permanent tenants by transient (daily) guests; and

WHEREAS, transient rentals in a Class A SRO are a violation of the New York State Multiple Dwelling Law; and

WHEREAS, the New York City Zoning Resolution classifies the district in which the Dexter House as R-10A (residential); and

WHEREAS, occupancy by transient guests would effectively constitute the Dexter House as a de facto commercial hotel, which is permitted only in R-10H districts; and

WHEREAS, tenants report that several rooms at the Dexter House have been turned into hostel rooms with multiple bunk beds, thereby creating a serious overcrowding problem, disrupting the peaceful and quiet enjoyment of their premises by the permanent tenants, overcrowding elevators, interrupting the free flow of traffic in the lobby, and placing an illegal and undue burden on the basic systems in the building, including public bathrooms; and

WHEREAS, allegedly, illegal alterations such as the splitting of public bathrooms and incorporation of one half of each into a private room have taken place, without the owner's first having obtained a Certificate of No Harassment and an Alteration Permit from the Buildings Department; and

WHEREAS, tenants report that the management of the Dexter House has in recent months attempted to evict significant numbers of permanent tenants, often on frivolous grounds; and

WHEREAS, the conversion of the Dexter House to transient use would remove one of the last decent affordable single room occupancy dwellings on the Upper West Side from its intended occupants;

WHEREAS, Community Board 7 has a long-standing interest in preserving affordable housing, and particularly SRO housing;

BE IT RESOLVED THAT Community Board 7/Manhattan calls upon the City Department of Buildings and the City Department of Law to investigate the tenants'

complaints and, if they are found to be valid, to take aggressive action to bring to an immediate end the owner's illegal activities, including, if appropriate and necessary, the initiation of legal proceedings to halt the rental of permanent tenant rooms to tourists, the use of other rooms as hostels, and the performance of all illegal alteration work.

*Committee: 2-0-0-0. Board Members: 2-0-0-0.*

### **Joint Land Use Committee and Transportation Committee**

**2. Re: 753 Amsterdam Avenue, 120 West 97<sup>th</sup> Street and 135 West 96<sup>th</sup> Street. Application #C010171ZSM to the Department of City Planning by Candace Parking Corp. for a special permit pursuant to allow an attended accessory parking garage with a maximum capacity of 257 spaces in a portion of the common cellar of three buildings at 753 Amsterdam Avenue, 120 West 97<sup>th</sup> Street and 135 West 96<sup>th</sup> Street.**

**The Full Board voted 28-0-0-3 to affirm all of the findings reached by the joint committees:**

- 1) Spaces are needed to serve accessory uses  
Committees: 0-7-0-0      Board Members: 0-1-0-1  
approval FAILS thus FINDING NOT MET
- 2) Insufficient parking available in the vicinity  
Committees: 0-7-0-0      Board Members: 0-1-0-1  
approval FAILS thus FINDING NOT MET
- 3) Facility will not cause or contribute to traffic congestions  
Committees: 2-2-2-0      Board Members: 1-0-0-1  
approval FAILS thus FINDING NOT MET
- 4) Facility will not draw traffic to residential streets  
Committees: 3-1-2-0      Board Members: 0-1-0-1  
approval FAILS thus FINDING NOT MET
- 5) Reservoir spaces are adequate  
Committees: 0-6-0-0      Board Members: 0-1-0-1  
approval FAILS thus FINDING NOT MET

Candace Garage Company, the operator of an accessory use garage in the cellar of 120 West 97<sup>th</sup> Street, has applied for a special permit pursuant to Zoning Resolution 13-561 to increase the maximum number of permitted parking spaces from 147 to 257. The operation of the garage would change from self-park to attendant parking.

Community Board 7/Manhattan ("CB7") finds that the applicant has failed, both in the application itself and at a hearing before the Transportation and Land Use Committees of the Board, to present facts sufficient to justify a finding with respect to one or more of the findings required by the Zoning Resolution. The conclusion of CB7 with respect to each such finding is as follows:

#### **1) Spaces are needed to serve accessory uses**

The applicant has failed to demonstrate that such parking spaces are needed for, and will

be used by, the occupants, visitors, customers or employees of the use to which they are accessory.

**Committee Members' Votes: 0-7-0-0. Board Members' Votes: 0-1-0-1.**

### **Approval FAILS thus FINDING NOT MET**

The applicant does not claim that there is, at present, a need within the residential building to which the garage is accessory for any additional parking spaces. At the Committee hearing, the applicant was asked whether there was a waiting list among tenants for space, and the applicant failed to confirm the existence of any such list. Moreover, not all of the spaces in the garage are occupied by tenants, who have priority, giving rise to the conclusion that there are more spaces in the garage than tenants seeking to use the spaces.

The operator has sought to overcome this failure of proof by claiming to have conducted a study of car ownership patterns in Manhattan and apartment turn-over rates. The applicant claims that in the future tenants in the building will be younger persons, who tend to have a high rate of car ownership. The applicant does not support this claim with any statistics.

The applicant also claims that car utilization rates have increased in Manhattan, based on census data from 1990 to 2000. However, even according to the applicant's data, the increase has only been 7.6% within a 10 year period and the cars to household ratio in 2000 rose only to 36.6%. Even assuming the accuracy of this information, it would not demonstrate a future need, much less a current need in the subject premises.

The applicant projects that in 20 years for a ratio of garage spaces greater than the current 35%, in Manhattan there will be a vehicle to household ratio of 42.4%. CB7 does not believe that it is appropriate to grant a special permit on conditions which may or may not exist in 20 years. In any event, even if there were a 42.4% ratio of vehicles to household, there is no showing that all of the vehicles owned by tenants would be parked at the subject premises, as opposed to on the street or elsewhere.

The Committee hearing was attended by a substantial number of building residents, all of whom opposed the application. If additional parking spaces were needed for the occupants, their visitors or customers, it would be expected that tenants in the building would support the application. Not one tenant spoke in favor of the application.

### **2) Insufficient parking available in the vicinity**

The applicant has failed to demonstrate that within the vicinity of the site, there are insufficient parking spaces available.

**Committee Members' Votes: 0-7-0-0. Board Members' Votes: 0-1-0-1.**

### **Approval FAILS thus FINDING NOT MET**

The applicant's presentation with respect to this required finding was poorly executed and unconvincing. The applicant claims that on-street parking is...impractical for residents that normally do not use their cars daily due to the regulated parking meters and the need to constantly move cars.

The applicant provides no hard data with respect to any tenants in the building using on-street parking. No tenants have complained about the absence of available parking.

The absence of tenant support of the applicant is significant. Several months ago, when a proposal was made to sell three city-owned garages on 108<sup>th</sup> Street, there was overwhelming and resounding opposition to the closing of the garages from users and neighborhood institutions. No such ground swell exists in support of this application.

The applicant claims to have conducted a survey of local garages which demonstrate that there is no additional capacity in the surrounding community. However, the efficacy of this survey is in substantial doubt. For example, the survey omits two substantial garages east and west of Columbus Avenue on 95<sup>th</sup> Street, and also omits accessory use garages in other buildings in the immediate vicinity.

### **3) Facility will not cause or contribute to traffic congestions**

The applicant has not demonstrated that the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement.

**Committee Members' Votes: 2-2-2-0. Board Members' Votes: 1-0-0-1.**

### **Approval FAILS thus FINDING NOT MET**

The applicant alleged that traffic was observed during a two hour period from 10-12 on Fridays on three occasions and was not heavy. At the Committee hearing, it was disclosed that the observation was made by the attorney for the applicant while having breakfast at a restaurant on the corner of 97<sup>th</sup> Street and Columbus. The attorney reiterated his observation at the Committee hearing but also stated that he did not notice that there was a green market on 97<sup>th</sup> Street at the time of his observation. (Green markets are conducted on Fridays).

In any event, the applicant notes that the peak periods of entry and exit from the garage are 7-8 a.m. and 6-7 p.m., and there is no indication that traffic patterns were observed at that time.

The applicant commissioned an Environmental Assessment Statement (EAS), which predicted an increase in vehicular traffic of 33 and 37 trips per hour in the morning and evening

peak periods. The EAS concluded that this would not have a significant impact. While it may be that an increase of 33-37 trips per hour would not be significant if the additional vehicles were proceeding with traffic on 97th Street, such an increase might well be significant where the vehicles are entering traffic mid-block without any traffic control devices. Each time a car leaves the garage, traffic east of the garage must necessarily stop to allow it to enter the flow of traffic. If this occurs 33-37 per hour more than is currently the case, such an increase might well contribute to serious traffic conditions. This is particularly true, since West 97<sup>th</sup> Street, which is a major thoroughfare for westbound traffic from the park transfer to the Henry Hudson Parkway, reduces from four lanes to two lanes at Columbus Avenue.

It is possible that with additional data and studies, the applicant could provide information to support the finding, but given the information provided in the application, it has not done so.

#### **4) Facility will not draw traffic to residential streets**

Community Board 7 expresses no opinion as to whether the applicant has demonstrated that the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets.

**Committee Members' Votes: 3-1-2-0. Board Members' Votes: 0-1-0-1.**

#### **Approval FAILS thus FINDING NOT MET**

The purport of this required finding is far from clear. If the relevant issue is whether the garage is likely to have a significant impact on streets other than the street on which it is located, this finding has been met. Access to the garage is from 97<sup>th</sup> Street which, between Central Park West and Columbus, is several lanes wide, or from Columbus Avenue which is a wide, one way avenue.

On the other hand, if the finding relates to traffic on the street on which the garage is located, the finding has not been met. 97<sup>th</sup> Street between Columbus and Amsterdam is significantly narrower than the Central Park West-Columbus block, and approximately four lanes of traffic are funneled into two lanes if the traffic crosses Columbus. The garage is situated west of Columbus.

#### **5) Reservoir spaces are adequate**

The applicant has not demonstrated that adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no even shall such reservoir spaces be required for more than 50 vehicles.

**Committee Members' Votes: 0-6-0-0. Board Members' Votes: 0-1-0-1.**

#### **Approval FAILS thus FINDING NOT MET**

In a literal sense, the applicant has provided for reservoir space for the requisite number of cars. However, the reservoir space consists entirely of the entrance ramp, one of two extremely narrow lanes used for entering and exiting the garage. The reservoir is in reality a

line-up of cars, stretching from the street entrance door down the ramp. Use of the entrance ramp as a reservoir would leave only a single lane for entrance and egress.

A review of the garage configuration reveals that the reservoir cannot be used to maneuver cars or to turn cars in any way without interfering completely with ingress and egress.

CB7 is fearful that given the absence of room to maneuver in the garage (because the reservoir is only one car width wide) that car jockeying will take place on the sidewalk and street adjacent to the garage.

CB7 heard testimony at the Committee hearing from several tenants representations who complained about overcrowded conditions, poor ventilation, tenant harassment, poor service and the use of the garage for transient parking in violation of the Certificate of Occupancy. CB7 finds it unnecessary to address these significant concerns in the resolution, because the applicant has not satisfied the required findings.

### **3. Re: 2672 Broadway, Mama Mexico (West 102<sup>nd</sup> Street.)**

#### **Full Board Vote: RESOLUTION NOT ADOPTED**

WHEREAS, the proposed modification of the existing enclosed café exceeds the allowable width of 7 feet set forth in Community Board 7's *Sidewalk Café Guidelines*; and

WHEREAS, the proposed modification wraps around onto West 102<sup>nd</sup> Street;

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the new application DCA #1063188/ULRURP# N010128ECM to the Department of Consumer Affairs by Plaza Mexico, Inc., d/b/a Mama Mexico, for a two-year consent to operate an enclosed sidewalk café with 13 tables and 40 seats.

*Committee: 5-2-0-0. Board Members: 1-0-1-0.*

#### **Transportation Committee**

**Andrew Albert, Chairperson**

### **4. Re: 477 Amsterdam Avenue (West 83<sup>rd</sup> Street.)**

**Full Board Vote: 20 In favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the renewal application DCA #0885881/ULRURP# N040522ECM to the Department of Consumer

Affairs by 83<sup>rd</sup> Amsterdam Restaurant Corp., d/b/a Hi-Life Bar & Grill, for a two-year consent to operate an enclosed sidewalk café with 6 tables and 16 seats.

*Committee: 4-1-0-0.*

**5. Re: 2418 Broadway, Georgette's Bakery (West 89<sup>th</sup> Street.)**

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

New application DCA#1172236 to the Department of Consumer Affairs by Three Friends, LLC d/b/a Georgette's Bakery, for a two-year consent to operate an unenclosed sidewalk café with 5 tables and 14 seats (instead of 14 tables and 32 seats.)

*Committee will review the revised plans and report vote at the Full Board meeting.*

**6. Re: Newsstand on the northwest corner of Broadway and West 60<sup>th</sup> Street.**

**Full Board Vote: BACK TO COMMITTEE**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #1170026 to the Department of Consumer Affairs by Marie Sepanski to construct and operate a newsstand on the northwest corner of Broadway and West 60<sup>th</sup> Street.

*Committee: 4-3-0-0. Board Members: 0-2-0-0.*

**7. Re: Newsstand on the northeast corner of Broadway and West 67<sup>th</sup> Street.**

**Full Board Vote: 21 In favor 8 Against 1 Abstention 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #1170142 to the Department of Consumer Affairs by April Sepanski to construct and operate a newsstand on the northeast corner of Broadway and West 67<sup>th</sup> Street.

*Committee: 5-1-1-0. Board Member: 0-1-0-0.*

**8. Re: 2127 Broadway, Fairway (West 74<sup>th</sup> Street.)**

**Full Board Vote: 30 In favor 1 Against 1 Abstention 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application to the Department of Buildings by Fairway, 2127 Broadway, for a curb cut on West 74<sup>th</sup> Street to allow containerized garbage pick-up.

*Committee: 7-0-0-0. Board Member: 1-0-0-0.*

**9. Re: 610 Columbus Avenue, AJO (West 90<sup>th</sup> Street.)**

**Full Board Vote: 30 In favor 1 Against 0 Abstentions 1 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the request by AJO Lumber Home Center/ACE Hardware to the City Department of Transportation for a 50-foot truck loading zone, Monday-Friday, 8AM-5PM, on Columbus Avenue.

*Committee: 7-0-0-0. Board Member: 1-0-0-0.*

**10. Re: South Ferry station rehabilitation and reconstruction.**

**Full Board Vote: 29 In favor 0 Against 0 Abstentions 1 Present**

WHEREAS, development along Manhattan's West Side is increasing at an exceptional rate from the Battery to Inwood including commercial and residential development in Tribeca, Times Square, Columbus Circle, Lincoln Center, Riverside South, Columbia's Manhattanville campus proposal and the renewal of Washington Heights; and

WHEREAS, improvements in services on the 1/9 subway line which serves much of this development is currently constrained by the existing tight looped South Ferry Terminal of this line; and

WHEREAS, MTA New York City Transit has proposed the reconstruction of the South Ferry Terminal as part of the redevelopment of Lower Manhattan using federal transportation funding pledged to Lower Manhattan projects; and

WHEREAS, the proposed reconstruction project would provide a two-track, ten-car length terminal station with improved station access and better connections to the Staten Island ferry; and

WHEREAS, the Region Plan Association has confirmed that the project as planned would allow for an increase in train capacity along the No. 1/9 line for 20% along with improved services regularity from the increase capacity at the Terminal;

BE IT RESOLVED THAT Community Board 7/Manhattan endorses the proposed South Ferry Terminal reconstruction and urges its completion during the 2005-2009 MTA Capital Program to meet rising demand along the No. 1/9 route.

*Committee: 7-0-0-0.*

**Steering Committee**

**Hope Cohen, Chairperson**

**11. Re: Intro 174-A: Requiring the Department of Information Technology and Telecommunications (DoITT) to share 311 data with community boards.**

**Full Board Vote: 30 In favor 0 Against 0 Abstentions 1 Present**

WHEREAS, the Department of Information Technology and Telecommunications' (DoITT) 311 Citizen Service Center assisted over 8 million callers in Fiscal Year 2004, and is projecting 10 million calls in Fiscal Year 2005; and



WHEREAS, the volume of calls translates into an average of 89,000 requests for service per community board district per year; and

WHEREAS, these data are vital to the Charter-mandated functions of community boards; and

WHEREAS, Council Member Gale Brewer's Committee on Technology in Government has proposed legislation that would require DoITT to share location-based 311 data with community boards, provide aggregate data on-line for the public, and meet with community board representatives on content and format;

BE IT RESOLVED THAT Community Board 7/Manhattan endorses Intro 174-A and commends the Council Member for proposing this legislation; and

BE IT FURTHER RESOLVED THAT Community Board 7 requests the Manhattan Borough Board to consider the legislation at its next meeting.

*Committee: 10-0-0-0.*