

RESOLUTION

**Date: January 3, 2013**

**Committees of Origin: Land Use and Transportation**

**Re: The Department of City Planning Manhattan Core Parking Text Amendments, Application #N130105ZRM.**

**Full Board Vote: 34 In Favor 4 Against 1 Abstention 0 Present**

This resolution is based upon the following facts:

The Department of City Planning has proposed a series of zoning text amendments relating to indoor/off-street parking in the Manhattan Core (comprising Manhattan Community Board Districts 1 through 8). These text amendments are summarized at: [http://www.nyc.gov/html/dcp/html/mn\\_core/index.shtml](http://www.nyc.gov/html/dcp/html/mn_core/index.shtml), and the full text of the proposed amendments can be found at:

[http://www.nyc.gov/html/dcp/pdf/mn\\_core/mn\\_core\\_proposed\\_text\\_amendment.pdf](http://www.nyc.gov/html/dcp/pdf/mn_core/mn_core_proposed_text_amendment.pdf).

The CB7 Land Use and Transportation Committees and other Board members have received or attended multiple presentations by DCP on the proposed amendments and the studies on which the proposals are based, and have considered these matters at joint committee meetings in November and December 2012.

Now, Therefore, Community Board 7/Manhattan resolves as follows with respect to the proposed Manhattan Core Parking text amendments:

- A. CB7 **approves** the portion of the proposed text amendments relating to **Automated Parking Facilities**, which would establish the first regulations in New York City to accommodate automated parking facilities.  
*Land Use/Transportation Committee: 11-0-0-0. Board Members: 1-0-0-0.*
- B. CB7 **approves** the portion of the proposed text amendment relating to **Loading Docks**, which would enhance pedestrian safety by providing required space for such uses.  
*Land Use/Transportation Committee: 11-0-0-0. Board Members: 1-0-0-0.*
- C. CB7 **approves** the portion of the proposed text amendment relating to **Rental Vehicle Parking**, which would permit off-street parking facilities to accommodate more rental vehicles than the current limits.  
*Land Use/Transportation Committee: 11-0-0-0. Board Members: 1-0-0-0.*
- D. CB7 **approves** the portion of the proposed text amendment relating to **Commercial Vehicle Parking**, which would permit commercial vehicles to be stored in off-street parking facilities.  
*Land Use/Transportation Committee: 11-0-0-0. Board Members: 1-0-0-0.*
- E. CB7 **disapproves** the portion of the proposed text amendment relating to **Permitting Accessory Parking to Operate as Public Parking** unless a defined percentage of spaces were reserved for monthly parking only, and with the percentage to be determined through further study.  
*Land Use/Transportation Committee: 11-0-0-0. Board Members: 1-0-0-0.*
- F. CB7 **approves** the portion of the proposed text amendments relating to **Special Permits – New Findings Requirements**, which would impose new criteria for granting a special permit for any off-street facility that seeks to exceed the permitted number of spaces. In addition to general criteria, the proposed text amendment provides specific criteria where the reason additional

spaces is sought is as a result of seeking a : (a) Residential Growth Special Permit; (b) Health Care, Arts or Public Assembly Uses Special Permit; (c) Economic Generators Special Permit; or (d) Large-scale development Special Permit. CB7 calls on the DCP to retain the requirement that all special permit requests are reviewed by the City's DOT and DEP for traffic and air quality impacts.

*Land Use/Transportation Committee: 8-2-0-1. Board Members: 1-0-0-0.*

- G.** CB7 **approves** the portion of the proposed text amendments relating to **Floor Area Exemption**. The existing floor area exemption for parking spaces between curb level up to 23' in new developments would be retained only for buildings wrapped to a depth of 30' with non-parking uses. In residential districts, exempted floor area would have a planting and screening requirement.  
*Land Use/Transportation Committee: 10-0-1-0. Board Members: 1-0-0-0.*
- H.** CB7 **approves** the portion of the proposed text amendments relating to the **As-of-right retail cap allowance**. The as-of-right retail parking allowance would be capped to 10 spaces.  
*Land Use/Transportation Committee: 10-0-0-0. Board Members: 1-0-0-0.*
- I.** CB7 **approves** the portion of the proposed text amendments relating to **Removing Parking Requirement Provisions**. While parking is not required in new developments today, parking was required prior to the 1982 parking regulations and currently cannot be removed. This proposal would allow for reductions or removal of this once-required parking by a City Planning Commission authorization.  
*Land Use/Transportation Committee: 11-0-0-0. Board Members: 1-0-0-0.*
- J.** CB7 **approves** the portion of the proposed text amendments relating **Requirement exemptions**. Ramps and mechanical space would be exempted from the 200'-per-space parking requirement and standards would be defined for mechanical lifts.  
*Land Use/Transportation Committee: 11-0-0-0. Board Members: 1-0-0-0.*
- K.** CB7 **approves** the portion of the proposed text amendments relating to **Waiving Reservoir Requirements**. Reservoir space requirements to allow small facilities to waive out would be modified to enable a more rational provision of reservoir spaces given garage capacities.  
*Land Use/Transportation Committee: 11-0-0-0. Board Members: 1-0-0-0.*
- L.** CB7 **approves** the portion of the proposed text amendments relating to **Enhanced Pedestrian / Vehicular Design and Safety Requirements**. Design regulations to ensure safe vehicular and pedestrian access would be established with a 'stop' sign and a speed bump located within the exit lane of the parking facility.  
*Land Use/Transportation Committee: 11-0-0-0. Board Members: 1-0-0-0.*
- M.** CB7 **approves** the remainder of the proposed text amendments.

**RESOLUTION**

**Date: January 3, 2013**

**Committee of Origin: Housing**

**Re: Construction problems at 315 West 103<sup>rd</sup> Street.**

**Full Board Vote: 32 In Favor 0 Against 3 Abstentions 0 Present**

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

- 315 West 103<sup>rd</sup> Street has been in a deplorable state of semi-construction for the last 3+ years.
- There is currently a stop work order in effect but it is unclear what the owner would be required to do to resolve it.
- The CB7 Housing Committee is unable to form a conclusive opinion on how to resolve the current state of affairs at 315 West 103<sup>rd</sup> Street in large part because of the difficulty in gathering information from the Department of Buildings.
- THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan requests that the New York City Department of Buildings make the resolution of issues at 315 West 103<sup>rd</sup> Street a priority and that it make itself available to respond to the questions and concerns of Community Board 7, of local elected officials, and concerned members of the community; and
- BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan requests the New York City Department of Buildings to notify us immediately should a stop work order be lifted at 315 West 103<sup>rd</sup> Street and that they shall provide the justification for the lifting of the stop work order.

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

**RESOLUTION**

**Date: January 3, 2013**

**Committee of Origin: Business & Consumer Issues**

**Re: Unenclosed Café Renewal Applications.**

**Full Board Vote: 32 In Favor 0 Against 4 Abstentions 0 Present**

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

- **412 Amsterdam Avenue** (West 80<sup>th</sup> Street.) Renewal application DCA# 1158198 to the Department of Consumer Affairs by 412 Amsterdam Corp., d/b/a Bettola, for a two-year consent to operate an unenclosed sidewalk café with 13 tables and 26 seats.  
*Committee: 5-0-0-0. Non-Committee Board Member: 1-0-0-0.*
- **476 Amsterdam Avenue (West 83<sup>rd</sup> Street.)** Renewal application DCA# 1218332 to the Department of Consumer Affairs by Upper West Rest., Corp. d/b/a Fred's, for a two-year consent to operate an unenclosed sidewalk café with 22 tables and 44 seats.  
*Committee: 5-0-0-0. Non-Committee Board Member: 1-0-0-0.*
- **203 West 103<sup>rd</sup> Street (Amsterdam Avenue.)** Renewal application DCA# 1380748 to the Department of Consumer Affairs by 201 West 103, Corp., d/b/a Buca, for a two-year consent to operate an unenclosed sidewalk café with 5 tables and 10 seats.  
*Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.*
- **951 Amsterdam Avenue (West 107<sup>th</sup> Street.)** Renewal application DCA# 1277938 to the Department of Consumer Affairs by Ram Eats, LLC, d/b/a Blockheads Burritos, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.  
*Committee: 7-0-0-0. Non-Committee Board Member: 1-0-0-0.*

# COMMUNITY BOARD 7 Manhattan

## RESOLUTION

**Date: January 3, 2013**

**Committee of Origin: Business & Consumer Issues**

**Re: Multi-block street fairs.**

**Full Board Vote: 31 In Favor 0 Against 2 Abstentions 1 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the following applications to the Street Activity Permit Office for Multi-Block Street Fairs in 2013.

DATE	SPONSOR NAME	LOCATION	PRODUCER	VOTE	
				COMMITTEE	BOARD MEMBER
4/28/13	Veritas, Inc.	Bway, 96-102 E	Mort & Ray		
4/28/13	Duke Ellington Blvd. Neighborhood Association	Bway, 102-105 E	Mort & Ray		
4/28/13	24 <sup>th</sup> Precinct Community Council	Bway, 105-106 E	Mort & Ray		
5/05/13	Strycker's Bay Neighborhood Council	Bway, 93- 96 E	Mort & Ray		
5/05/13	Broadway Mall Center	Bway, 86-93 E	Mort & Ray		
5/12/13	Valley Restoration, LDC	Amst, 97-106	Mardi Gras Festival	C: 7-0-0-0.	BM: 1-0-0-0.
5/12/13	Committee for Environmentally Sound Development	Bway, 60-65E	Clearview Festival	C: 7-0-0-0.	BM: 1-0-0-0.
5/19/12	West Manhattan Chamber of Commerce	Amst, 77-90	WMCC		
5/26/13	Coalition for a Livable West Side	Bway, 72-82 W	Mort & Ray	C: 7-0-0-0.	BM: 1-0-0-0.
5/26/13	Safe Haven West Side Basketball League	Bway, 82-86 W	Mort & Ray	C: 8-0-0-0.	BM: 1-0-0-0.
6/02/13	Mitchell-Lama Residents Coalition	Bway, 65-66 W	Mort & Ray		
6/02/13	Project Open at Lincoln Center Towers	Bway, 66-72 W	Mort & Ray	C: 7-0-0-0.	BM: 1-0-0-0.
6/09/13	The Broadway Mall Association	Bway, 82-86 E	Mort & Ray	C: 7-0-0-0.	BM: 1-0-0-0.
6/09/13	WS Federation of Neighborhood & Block Assoc.	Bway, 73-82 E	Mort & Ray	C: 9-0-0-0.	BM: 1-0-0-0.
7/28/13	Lincoln Square Neighborhood Center	Col, 66- 72	Clearview Festival		
8/25/13	Goddard Riverside	Amst, 79-86	Clearview Festival	C: 7-0-0-0.	BM: 1-0-0-0.
9/22/13	West Manhattan Chamber of Commerce	Col, 66-86	WMCC		
10/06/13	Bloomingdale Area Coalition	Bway, 96 - 103W	Mort & Ray		
10/20/13	Symphony Space	Bway, 90-96 W	Mort & Ray	C: 7-0-0-0.	BM: 1-0-0-0.
10/20/13	NAACP Mid-Manhattan Branch	Bway, 86 - 90 W	Mort & Ray	C: 6-0-0-0.	BM: 1-0-0-0.

*E = East Side / W= West Side*



**RESOLUTION**

**Date: January 3, 2013**

**Committee of Origin: Preservation**

**Re: 2261 Broadway, d/b/a Teavana (West 81<sup>st</sup> Street.) Application #13-7884 to the Landmarks Preservation Commission to install illuminated signage.**

**Full Board Vote: 31 In Favor 0 Against 0 Abstentions 0 Present**

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

- The signage will employ the company's logo block style letters.
- The letters will be coated copper, contain LED bulbs pointed to the back of the letters for soft backlighting.
- The letters will be 15" high and 3" thick. They will sit 1" off the face of the dark wood panels above the window openings on both the Broadway and 81<sup>st</sup> Street facades.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the new halo-lit signage is reasonably appropriate to the historic character of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the new halo-lit signage.

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

**RESOLUTION**

**Date: January 3, 2013**

**Committee of Origin: Preservation**

**Re: 446 Columbus Avenue, d/b/a Corvo Bianco (West 81<sup>st</sup> – 82<sup>nd</sup> Street.) Application to the Landmarks Preservation Commission to change entrance door and display window.**

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

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

- The existing columns around the two existing openings will be maintained, restored as required and repainted.
- The number of additional non-historical architectural elements will be reduced.
- Decorative moldings will be added horizontally to continue the detail at the top of the rectangular section of the column capitals.
- Within the existing spaces between the columns, the existing front door pair to the north and the existing fixed window to the south will be replaced by two same-height, frameless glass units: a hinged door pair to the north; and full-width, full-height bi-fold windows to the south.
- The columns and horizontal elements will all be painted a single light gray color to unify the architectural elements.
- The new signage will combine the two components of the existing triangular-shaped blade signage panels (separately-placed signage and menu boxes) into one taller triangular signage box. The new taller, single blade sign will be installed in the space between the two columns to the left of the front door, replacing the larger existing blade sign
- **The new signage will be metal, painted dark gray, with cut-outs revealing white acrylic, internally-lit letters**
- **The dark gray cut-out metal letters will be “recycled”, installed on the flat panel above the bi-fold doors to the south.**

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the new restaurant entrance, including the treatment of the architectural elements, the new door, bi-fold windows, and signage are reasonably appropriate to the historic character of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the new entrance door, bi-fold windows and other elements of the restaurant entrance as proposed.

*Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.*

**RESOLUTION**

**Date: January 3, 2013**

**Committee of Origin: Preservation**

**Re: 337 West 87<sup>th</sup> Street (West End Avenue – Riverside Drive.) Application # 13-1690 to the Landmarks Preservation Commission to construct a rear-yard addition.**

**Full Board Vote: 30 In Favor 1 Against 3 Abstentions 0 Present**

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

- The existing 3-story dog-leg addition will be removed.
- The new addition will be full-width, 3-stories, extend 8'-0 1/2" out from the rear façade.
- The new facade will be clad in common red brick to match/ approximate the existing rear façade material, with a larger central expanse of glass.
- The new fenestration will be wood, painted black, arranged in tri-partite combinations of casement windows and doors, operable transoms and fixed panels.
- The terrace at the top floor of the rear-yard addition will be enclosed by a solid brick parapet wall.
- New metal railings for the exterior garden stair, the decorative third floor "Juliet" balcony, and the rooftop addition perimeters will be black painted metal.

As part of an application previously approved at staff level:

- The cellar level will be excavated 3'-11" for increased headroom.
- The rear yard will be excavated 1'-2" to align with the new, lower basement level floor.
- A new full-height elevator will be installed along the eastern party wall.
- A new rooftop addition will be constructed, clad in beige-colored stucco with central glass doors and transoms, painted black.

The Preservation Committee of Community Board 7/ Manhattan believes that the design of the rear yard addition is minimally appropriate to the historic character of the Historic District, **with the following strong recommendations:**

- Reduce the height of the masonry at the top of the new rear yard addition by replacing the parapet wall enclosure with open metal railings, similar to those used elsewhere in the project.
- Employ a single type of metal railing for all the railing components to unify the design.
- Reconsider the introduction of a "Juliet" balcony, an architectural element which is inconsistent with the design of typical row house rear facades.
- Reduce the extent of impervious paving materials at the rear yard, and increase the extent of planted areas.

**FURTHERMORE, the Committee has serious concerns** that the lack of development of or investigation into the structural requirements and physical implications of the proposed elevator, and of whatever mechanical systems are being considered will result in significant additions to the massing on the new roof, and potentially create noise and vibration which could pose a serious nuisance to the party-wall neighbors.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the rear yard addition with the above-stated design recommendations, **but requests the immediate analysis and development of the elevator and mechanical systems.**

*Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.*



**RESOLUTION**

**Date: January 3, 2013**

**Committee of Origin: Youth, Education & Libraries**

**Re: DOE Proposal to re-site Innovation Diploma Plus High School from the Brandeis Educational Campus to building M233 in District 6.**

**Full Board Vote: 33 In Favor 0 Against 1 Abstention 0 Present**

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

- The Brandeis Complex is currently home to four high schools - Innovation Diploma Plus, The Global Learning Collaborative, the Urban Assembly School for Green Careers and Frank McCourt High School - and one elementary school, the Upper West Success Academy, a K-4 charter school co-located in the complex in 2011.
- Innovation Diploma Plus (IDP) serves a vulnerable population of over-age and under-credited students struggling to graduate. This is a student population whose circumstances require a particularly stable, consistent and supportive school environment for success.
- IDP families and students have made it clear they do not want the school to be moved from its present location. A large number of students testified at the December DOE hearing that they did not support the proposal. While a portion of the students do live in the D6 area, they specifically chose IDP for its safe and easily accessible location and the extra programming available from a campus of different high schools.
- IDP students benefit from the cooperative and shared programming and resources offered by the Complex' other high schools, including sports teams, afterschool programs, clubs and enrichment programs. The availability of such programs has been shown to be critical in keeping struggling students in school. In the proposed re-site location, on the other hand, IDP would have sole use of the space and, as a small school, be unable to offer the type of programming currently available to the students.
- The proposed site of relocation is an inferior space that requires extensive capital improvements to serve as a high school. It does not contain a gymnasium or science labs and the projected cost for such improvements is between \$1.5 – \$3 million.
- Elected officials and community members of D6 have asked the DOE to place a Career Technical high school in their district and would like the M233 building to be used for that purpose rather than as a transfer high school.
- The educational community and elected representatives of District 3 have all opposed this proposal. D3 Community Education Council and the School Leadership Teams and Parent Associations of all other high schools within the Brandeis Complex are unanimously opposed and the district's elected officials, including State Senator Tom Duane, Assemblymember Linda Rosenthal and Councilmember Gale Brewer, testified in opposition to this re-siting proposal.

**THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **opposes** the proposal to re-site Innovation Diploma Plus High School from the Brandeis Educational Campus.**

*Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.*

**RESOLUTION**

**Date: January 3, 2013**

**Committee of Origin: Youth, Education & Libraries**

**Re: NYC Department of Education amendments:**

**A) To Chancellor's regulation A-850 - solid waste management (recycling) Re: NYC Department of Education Regulation of the Chancellor A-850 on Sustainability in Schools.**

**Full Board Vote: 32 In Favor 0 Against 0 Abstentions 0 Present**

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

- The goal of increasing sustainability in school buildings and the incorporation of sustainability planning within the curriculum and administration of City schools should be encouraged and supported.
- The Chancellor Regulation A-850 (“regulation”) does not cause undue burden on individual school administrations, but rather institutionalizes and organizes existing efforts.
- Each school within a NYC public school building should strive for sustainability and cooperation between co-located schools must be encouraged, the addition of charter schools under the regulation is appropriate.

THEREFORE, BE IT RESOLVED that Community Board 7/Manhattan **supports** the Chancellor’s Regulation A-850.

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

**B) NYC Department of Education Regulation of the Chancellor C-810 on Smoking.**

**Full Board Vote: 31 In Favor 0 Against 0 Abstentions 0 Present**

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

- Smoking and second hand smoke has been proven to cause harm.
- The proposed change in Chancellor Regulation C-810 (“regulation”) extends the non-smoking area from 50 ft to 100ft of any school entrance or outdoor school area.
- This regulation pertains to all persons and will result in disciplinary action for DOE employees.
- The DOE will provide signage for all schools to ensure notice of the regulation.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **supports** Chancellor’s Regulation C-810.

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