

**RESOLUTION****Date: November 4, 2015****Committees of Origin: Land Use and Housing****Re: Zoning for Quality and Affordability (ZQA) text amendment.****Disapproval unless the following changes are made.****Full Board Vote: 33 In Favor 0 Against 0 Abstentions 0 Present**

The amendment to the Zoning Resolution proposed by the Department of City Planning and titled "Zoning for Quality and Affordability" (ZQA) has the twin goals of encouraging development of affordable housing, particularly for seniors, and improving building design. Community Board 7/Manhattan applauds the effort and shares DCP's goals. However, the proposed Amendment contains certain undesirable features, as detailed below, which prevent CB7 from endorsing the proposed amendment as it is currently drafted. Additionally, provisions in ZQA intended to improve building design do not allow sufficient flexibility to encourage truly superior architecture.

**1. Affordable and Senior Housing:**

The proposed amendment would permit an increase in floor area ratio (FAR) for buildings providing affordable senior housing and long-term care facilities. In R-10 and R-10A zones the increase would be 20% from 10FAR to 12 FAR; somewhat smaller increases would apply in zones permitting lower FAR. The proposed amendment recognizes that it is frequently difficult for a developer to utilize all of the increased FAR allowable for senior housing without increasing the permitted height of the affected buildings. Accordingly, DCP is proposing to increase the maximum height of buildings in various zoning categories by 20-40' feet in contextual districts, and by comparable amounts in non-contextual districts. The height increases would apply on both wide and narrow streets and in historic districts (subject to a Certificate of Appropriateness permit from the Landmarks Commission). The relaxation of height restrictions would also apply to narrow (45' or less), or "sliver," buildings. DCP is also proposing to increase the maximum base height to minimize the effects of an increase in total height; and to permit shared accessory space on the ground floor and in rear yard areas (other than in "B" districts). Maintenance of the building for senior affordable housing would be for a period of 30 years.

**CB7 findings and recommendations For Affordable Senior Housing:** CB7 supports the general goal of encouraging affordable Senior Housing and long-term care facilities, and recognizes that there is a growing need, particularly in the CB7 district for such facilities. Modest changes in maximum height, intended to encourage development of senior facilities only are acceptable. However, CB7 **opposes** the following proposed height increases:

- Maximum height increases on narrow streets-- narrow streets in the CB7 district have a distinctive appearance which would be threatened by new buildings of excessive height;
- Maximum height increases in historic districts- CB 7 believes that the Landmarks Commission is ill-equipped to balance the social goal of increased senior housing against the aesthetic goal of preservation of the historic districts;
- Maximum height increases for sliver buildings-- generally, sliver buildings are limited in height to the width of the facing street and CB 7 believes that this restriction should continue to apply to all developments.

Additionally, CB7 **opposes** the limitation of the requirement for affordable senior housing to 30 years, and urges that such housing be made a requirement in perpetuity.

If the foregoing proposed height increases were eliminated CB 7 would support the proposed zoning amendment with respect to Affordable Senior Housing.

## 2. Inclusionary housing areas:

The proposed amendment would provide for an increase in the maximum heights of buildings in providing inclusionary (affordable) housing. In CB7, these areas generally are the West End Avenue-and Broadway corridors, and portions of Central Park West and Riverside Drive including side streets. As with the proposal for Affordable Senior Housing, the proposed amendment does not differentiate between wide and narrow streets. Height increases on narrow streets would be either 30 or 40'.

CB7 findings and recommendations for inclusionary housing areas: CB 7 continues to supports the general goal of the inclusionary housing program, but opposes the proposed maximum height increases for narrow streets, historic districts or sliver buildings for the reasons itemized in item 1 above.

## 3. Basic residential changes in maximum building heights:

The proposed amendment provides for an increase in maximum allowable building heights for all new developments in contextual and non-contextual districts. In contextual districts the increases are from 5-10' on both wide and narrow streets; for non-contextual districts the proposed increases range from 5-20', including a proposed 20' increase on narrow streets in R-8 districts.

CB7 findings and recommendations for changes in maximum building heights: CB 7 agrees that minor relaxation of the maximum height requirements for wide streets is appropriate but opposes any increase in maximum building heights on narrow streets.

## 4. Changes to the building envelope:

In addition to proposed changes in building heights, DCP is proposing a variety of changes in the building envelope requirements of the zoning resolution. These will:

- permit alignment to adjacent structures providing discretion to incorporate building features such as bay windows, solar shading elements or other types of façade articulation to extend 12" beyond the street wall / property line;
- encourage better ground floor retail space and or residential units with adequate ceiling heights;
- allow for increased height of the ground floor by 5', if the second level of the building begins at a height of 13';
- provide greater flexibility in the placement of recesses in the street wall facades and create entrance courts; and
- address irregular site conditions and shallow or sloping lots.

For buildings with residential units on the ground floor, the proposal would permit raising the height of the lowest residential floor with the option of leaving the lobby area to be at street level and providing interior access via interior stairs or the elevator. For buildings zoned for ground floor commercial space, the increased ceiling heights would encourage commercial use. To compensate for the increase height of the ground floor maximum building heights would be increased by 5'. The maximum base height would also be increased by 5'. In order to encourage higher floor to ceiling heights of 10', DCP also proposes to set a limit on the number of stories a building can rise.

Additionally, the proposal would modify street-wall regulations to require that buildings "line up" with immediately adjacent buildings, rather than buildings within 150' as currently provided. The proposal would also relax rear yard requirements to accommodate a deeper building.

The DCP proposal would also change rules for corner buildings, by increasing the maximum lot coverage from 80% to 100%, and would amend the current requirement that corner buildings step down or transition from their maximum permitted height to the permitted height in an adjacent lower density district for a distance of 25'. The proposed amendment would permit the step down to be set at the lower of the permitted height on the zoning map or 75'. DCP proposes to eliminate the rear yard requirement for corner buildings.

CB7 findings and recommendations for changes to the building envelope: CB7 welcomes the efforts by DCP to improve grade level appearance and for commercially feasible lots, increased retail space, increase the building

height for the ground floor, relax rules for articulation, however, the location of where the additional 5' is located should be left to the discretion of the Architect and Owner to diversify both the appearance of the building and provide user amenity where it is best suited to the project requirements. This can include an intermediate floor that contains a building wide community space, fitness center, playroom or other associated residential activity and for senior housing create a mid-level cafeteria, library, visiting area or other associated communal space or suite of rooms. If the additional floor height were moved to the top level, this could create a roof terrace, with associated residential activity, and encourage the use of green roofs and sustainable architecture. Other areas that we believe are beneficial to a better streetscape and neighborhood appearance are the relaxation of the alignment regulations to be located no closer than the adjacent building and the opportunity for setbacks at the street wall up to 10' in non-contextual buildings and thereby encourage planting at the street wall; , relax rules for a step-down in height from corner buildings, and compensate for additional height of the ground floor by a modest increase (no more than 5') in building height.

CB 7 **opposes** elimination of the rear yard setback for any buildings.

CB7 **opposes** the proposed increase in lot coverage for corner buildings from 80 to 100%. Full lot coverage creates the risk of diminishing light and air, particularly in residential buildings. Should a developer believe that limiting lot coverage to 80% would create a hardship, the developer may apply for a variance from the BSA.

Although the proposed Quality-related amendments represent a significant step toward improving new building quality, CB7 is concerned that the proposal is still too rigid to permit novel and creative architecture, and urges DCP, working with architects and the Community Board, to revisit the proposal with a view toward greater flexibility. Recognizing that relaxation of zoning envelope rules runs the risk of inferior housing design, CB7 nonetheless believes that some mechanism should exist to permit the design of buildings to fit unique needs or conditions or to encourage superior architecture. One possible solution would be the establishment of a Special Permit system by which developers wishing to modify the rules for a particular building would be able to seek permission from DCP, after review by the Community Board. The significance of this requirement would be to design buildings that respond to specific and intimate neighborhood character and architecture regardless of whether the building is in a zoned contextual district, or not, with the aim to eliminate the tendency to create repetitive, unvaried and uniformly similar building and streetscape.

#### 5. General comments:

CB7 is disappointed that DCP has not taken advantage of the opportunity afforded by a major proposed zoning amendment to review rules for zoning lot mergers and to construct more meaningful limitations on the height of buildings resulting from such transfers in areas where height restrictions do not exist.

CB7 urges the Department of City Planning, the Buildings Department and the Department of Housing Preservation and Development to coordinate enforcement of provisions relating to housing for seniors and affordable housing.

CB 7 urges that a comprehensive study of both ZQA and MIH be conducted periodically by the Department of City Planning in order to evaluate the results and effectiveness of the program in neighborhoods around the city and that such a study be available for public comment.

#### CONCLUSION

Community Board 7/Manhattan encourages DCP to make the changes suggested by this resolution. If all of these changes are made, CB7 could support the proposed amendment.

**RESOLUTION****Date: November 4, 2015****Committees of Origin: Land Use and Housing****Re: Mandatory Inclusionary Housing (MIH) text amendment.****Disapproval unless the following changes are made.****Full Board Vote: 35 In Favor 0 Against 0 Abstentions 0 Present**

We want to state unequivocally that we endorse the concept of MIH, but cannot approve the proposal as presented without several important changes that are required for it to have a successful roll-out and meet its objectives. Community Board 7/Manhattan opposes MIH unless certain changes outlined below are incorporated and the issues addressed are appropriately incorporated in a revised proposal.

**Triggering MIH** – The proposed text of the zoning amendment does not create any Mandatory Inclusionary Housing, nor does it set forth the conditions under any particular type of Mandatory Inclusionary Housing would be required to be adopted for any site or district in our City. DCP has stated that it intends to implement MIH in connection with any significant rezoning and any private application for a special permit which creates an opportunity for additional housing. However, this dictum will not have the force of law, and leaves too many of the particulars of what type of Inclusionary housing and what type of building will provide it to the results of negotiations and discussions that would precede any opportunity for public review. If implemented limiting MIH to a district in which upzoning is enacted or special permits requested, but no other districts, the proposal would exacerbate the current condition that allows massive new as-of-right construction that would completely avoid any need to participate in MIH. In any event, as a minimum, the conditions triggering MIH and the specifics of how it would be implemented should be spelled out in a binding legal document.

**Offsite vs. Onsite** – The current proposal allows for affordable units to be built either: onsite, in a truly separate building on the same lot, or offsite in the CB district or within ½ mile of the site. One of the most important benefits of MIH is to maintain economic diversity in our neighborhoods and in individual buildings, and thus we want to encourage developers to exercise the onsite option. If offsite housing, which is less desirable in terms of economic integration and which is likely to be less expensive to build than onsite housing, is to be an option, developers who exercise the offsite option must be required to produce additional affordable housing in exchange for this less desirable option than they would if they were to provide the affordable housing on-site. The off-site option must be further amended to provide reliable assurances that the off-site building would be adequately funded both as to day-to-day operations and on-going maintenance and repairs.

**The poor door solution:** The proposed MIH zoning amendment prohibits the use of separate entrances in a single building for market rate and affordable units, but substitutes the option of providing two buildings on the same zoning lot, one for each class of occupants. This option is, if anything, more demeaning than the so-called poor door option, and should be deleted as an option. It is one thing to permit a developer to build affordable housing on a separate zoning lot; it is quite another thing to permit segregation of units on the same zoning lot.

**Workforce Option** – MCBs 1-8 are excluded from the workforce option of 30% affordable at 120% AMI. CB7 believes in producing affordable units for all segments of society and see the fostering of middle-class housing as part of the optimal mix of units in our neighborhood, which see new market-rate housing catering only to the most affluent. CB7 would want the option available to use the 120% AMI level. However, this would require the corresponding increase in the percentage of affordable housing produced. Possibly, something like 35% affordable at 120% AMI for CBs 1-8.

**BSA Safety Valve** – We support the concept of a safety valve being included in MIH to account for scenarios where the program places a true hardship on a developer. However, we strongly oppose any role for the Board of

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Standards and Appeals in this process. BSA has adopted an arbitrary and unrealistic method of computing return on investment in connection with ZR 72-21 which employs formulas and computations in the place of actual costs and income that are unrelated to the developer's true experience, resulting in conclusions as to the developer's expected profits that fail to comport with the reality on the ground or common sense. In addition, BSA has not historically adjudicated cases involving affordable housing. We would recommend HPD or another City agency with the mandate and expertise to prioritize affordable housing be the venue for the adjudication of any hardship applications.

**"In lieu of" Fund** – CB7 is open to the option of using this fund to accommodate small buildings where MIH may be problematic. However, the MIH text does not provide sufficient explanation for how this fund will work. A much more detailed description of this fund is required before we could possibly support it. A small sampling of unanswered questions include: How is the expense determined? What mechanism controls the changing expense over time? What mechanisms ensure that the money will be expended efficiently and timely? Will HPD have adequate access to adequate staff and experts to ensure that the fund is applied as required? In addition, adequate protections must be erected to deliver on a commitment that the affordable housing built or preserved through the fund is located proximate to the site generating the payment.

**Preservation of Existing Affordable Housing/421a Provisions** – One of our chief concerns was that a building which currently or in the recent past included rent regulated units or units subject to other affordable housing restrictions could be torn down for a larger building with only the minimum Inclusionary units under MIH, representing a net loss of affordable units. DCP contends that all MIH buildings would also be subject to 421-a, which has provisions to ensure that the number of affordable units on a lot are not lost. Since 421-a periodically must be reauthorized by the State legislature, and may not now or in a future iteration apply to every MIH project, it is essential that MIH include on its own an incontrovertible requirement that at least the highest number of rent-regulated units with at least the same floor area as was in the demolished building over the five years preceding the demolition be replaced as affordable units in any new or replacement building, and that none of those units be counted to satisfy the MIH requirements. This requirement must be embodied in the text of MIH.

**Stifling Negotiation** – We have concern that despite MIH's intention to establish a floor for affordability in a building, we may in effect be establishing a ceiling that will stifle negotiation between developers and the Community Boards, Borough Presidents, City Council Members, City Planning representatives and others involved in the public review that must precede any decision on how MIH would be implemented in any given situation. While affordable housing is our priority, we owe it to our current and future neighbors and constituents to ensure that providing much-needed units of affordable housing does not result in further overloading our schools, subways, parks, and roads. MIH will make buildings as-of-right that previously would have required careful negotiation which we fear will impact our ability to manage the development of our district going forward. The proposal must be amended to ensure that a full public review process is required and that approval of any application would not be as-of-right if the developer agreed to provide the minimum Inclusionary housing as called for in the proposal.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan opposes the Mandatory Inclusionary Housing program unless the seven changes spelled out in this resolution are addressed.

**RESOLUTION**

**Date: November 4, 2015**

**Committee of Origin: Preservation**

**Re: 378 West End Avenue, Collegiate (aka 372-378 West End Avenue & 262 West 78<sup>th</sup> Street.)**

**Application to the Landmarks Preservation Commission for rooftop addition and restorative work.**

**Full Board Vote: 32 In Favor 0 Against 1 Abstention 0 Present**

*Committee: 6-0-0-0.*

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

- The building's façade will be restored, including recreating the cresting at the cornice, reconstructing the original Juliet balconies, and a full window replacement program.
- The interior will be returned to its original residential use, connecting to the new residential structure to be constructed on the adjacent site of the existing school building (Platten Hall).
- The original 378 West End Avenue entrance will serve as the main entrance to the entire new apartment building.
- A new 2-story stepped rooftop addition will be created, minimally visible from the street.

The Preservation Committee of Community Board 7/ Manhattan believes that the proposed design for a new rooftop addition and for restorative work are reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the rooftop addition and restorative work.



## RESOLUTION

**Date: November 4, 2015**

**Committee of Origin: Preservation**

**Re: 260 West 78<sup>th</sup> Street, Collegiate (Broadway – West End Avenue.) Application to the Landmarks Preservation Commission to demolish an existing no-style school building.**

**Full Board Vote: 32 In Favor 0 Against 1 Abstention 0 Present**

*Committee: 6-0-0-0.*

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

- The existing structure is a bulky, blocky mass along 78<sup>th</sup> Street, visually separate from the adjacent structures in design or scale.
- While the proposed structure is several stories taller at its high point, its massing steps back from the street so that there is less vertical frontage along 78<sup>th</sup> Street than in the Platten Hall façade..
- The new structure is designed to be sensitive to its context, incorporating different approaches to the facade treatment and the massing. The eastern portion of the south facade is designed to be seen as more neutral “background” architecture where the structure is nearest the rear façade of the apartment buildings on Broadway. It is more dramatic in design and more elaborately detailed at the center of the south façade, where the new structure will be seen in juxtaposition to the Collegiate West End Church structure. An overall high quality palette, materials and architectural details reinforce these varied readings; the central portion of the south facade is rendered in red brick, relating to the Church colors, while the “background” portions of the rear and side elevations are faced in tan brick. Along 78<sup>th</sup> Street, a lighter brick framework along the street façade gives way to the same red brick treatment as the building steps up and back.

Along both West 78<sup>th</sup> Street and West End Avenue, where the new construction meets the existing structures, the new facades set back slightly from the street, visually separating old and new. At West End Avenue, this allows for the creation of a small garden (“Healing Turtle Island Garden”) between the church and residential structures.

The new structure will be built “as of right” and will utilize less than the maximum allowed FAR.

The Committee commends the applicant on its overall approach to the project, including:

- The partnership process between the church and the community;
- The church acting as the developer in order to further its goals to strengthen and preserve its own community and to aid in maintaining and restoring the historic church and schoolhouse structures;
- The consistently high quality of the proposed design and details;
- The sensitivity to context in the choice of materials and massing and visually reducing the bulk of the proposed building through careful volumetric modulation and manipulation;
- The introduction of greenery;
- The extensive historic research.

The Preservation Committee of Community Board 7/ Manhattan believes that the demolition of an existing no-style school building, and the proposed design of a replacement building are reasonably appropriate to the historic character of the building and of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the demolition and replacement of an existing no-style school building.



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**RESOLUTION**

**Date: November 4, 2015**

**Committee of Origin: Housing**

**Re: Intro 214, providing legal counsel for low-income tenants who are subject to eviction, ejection or foreclosure proceedings.**

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

*Committee: 7-0-0-0. Non-Committee Board Members: 2-0-0-0.*

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

- Fewer than 10% of tenants in city housing courts have legal counsel and upwards of 90% of landlords have representation
- The majority of tenants in eviction proceedings are poor, elderly, single parents, immigrants and/or minorities who cannot afford counsel
- 30,000 families were evicted from their homes in New York City in 2013, up more than 20% in the past decade, two-thirds of whom live with children under 18 years of age
- Tenants without counsel are evicted at a rate of 44% versus 10% for those with counsel
- 37% of those admitted to shelters are coming from an eviction
- Our city's affordable housing stock is diminishing as owners raise rents in stabilized units after an eviction
- Tenant representation in housing court saves taxpayers money in the long-term: a Boston Bar Association pilot found that for every one dollar spent on legal services, two to three dollars were saved by reductions in municipal expenses associated with eviction, including the cost of shelter, health care, and increases in public benefits

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan supports Int. No. 214 and urges the New York City Council and Mayor de Blasio to pass it into law; and

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan recommends that the Office of Civil Justice institute processes for public reporting and data sharing that substantiate the expected costs and benefits of the office, with special attention made to the value of avoided homelessness.

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**Int. No. 214**

By Council Members Levine, Gibson, Barron, Chin, Dickens, Eugene, Ferreras-Copeland, Johnson, Lander, Mendez, Wills, Treyger, Rodriguez, Kallos, Koslowitz, King, Rosenthal, Cornegy, Cohen, Reynoso, Torres, Palma, Levin, Richards, Espinal, Miller, Mealy, Gentile, Maisel, Koo, Van Bramer, Cumbo, Williams, Constantinides, Rose, Menchaca, Dromm, Crowley and the Public Advocate (Ms. James)

A Local Law to amend the administrative code of the city of New York, in relation to providing legal counsel for low-income tenants who are subject to eviction, ejection or foreclosure proceedings.

Be it enacted by the Council as follows:

Section 1. Title 27 of the administrative code of the city of New York is amended by adding a new chapter 4 to read as follows:





**Chapter 4**  
**Provision of Legal Services in Eviction, Ejectment and Foreclosure Proceedings.**

§ 27-4001 Definitions. For purposes of this chapter the following terms shall have the following meanings:

- "Covered proceeding" means any action or special proceeding to evict an eligible individual, including those seeking possession for the non-payment of rent or holdover, or proceedings for ejectment or foreclosure.
- "Eligible individual" means an occupant of a rental dwelling unit, an owner of shares of a cooperative corporation who occupies the dwelling unit to which such shares are allocated, the owner and occupant of a dwelling unit owned as a condominium or the owner and occupant of a one- or two-family dwelling where such dwelling unit or dwelling is located in the city of New York who is a defendant or respondent in a covered proceeding and whose gross individual income is not in excess of one hundred twenty-five percent of the federal income official poverty line.
- "Designated organization" means an organization or association that is identified and designated by the civil justice coordinator pursuant to section 27-4003 of this chapter.
- "Legal counsel" means a lawyer or lawyers licensed to practice law in New York state.

§ 27-4002 Civil justice coordinator. The commissioner of housing preservation and development shall appoint a civil justice coordinator who shall be responsible for establishing and implementing a program for the provision of legal services for eligible individuals with respect to covered proceedings.

§ 27-4003 Designation of organizations.

- a. The civil justice coordinator shall
  - i. identify one or more organizations eligible to provide legal counsel in accordance with the provisions of this chapter, and/or
  - ii. develop a plan in conjunction with the New York city bar association whereby the services of private counsel are rotated and coordinated by an administrator, and such administrator may be compensated for such service.
- b. The commissioner of housing preservation and development shall by rule establish procedures for the monitoring by the civil justice coordinator of the services provided pursuant to this chapter to ensure that designated organizations are providing competent legal services.
- c. The civil justice coordinator shall annually review the performance of designated organizations and may decline to renew the designation of any such organization.

§ 27-4004 Method of assigning legal counsel.

- a. The civil justice coordinator shall cause a designated organization to be expeditiously assigned to represent an eligible individual upon receipt of a request for such services from:
  - i. the eligible individual;
  - ii. a judge to whom a covered proceeding has been assigned or an administrative judge; or
  - iii. a designated organization.
- b. The civil justice coordinator shall require each designated organization to identify the geographic areas from which the organization will represent eligible individuals, and for each geographic area to maintain a list of such organizations that will represent such individual.

§ 27-4005 Compensation.

- a. The civil justice coordinator shall provide each designated organization assigned pursuant to this chapter with fair compensation which will allow each organization to provide an organizational structure with appropriate supervision, caseloads and oversight of staff and service delivery to promote high quality representation and legal work.
- b. Services performed by a designated organization pursuant to this chapter or any contract or other agreement entered into pursuant to this chapter shall not be used to satisfy any obligations or responsibilities of such designated organization pursuant to any other program or any other agreement or contract.

§ 2. If any provision of this local law is for any reason found to be invalid, in whole or in part, by any court of competent jurisdiction, such finding shall not affect the validity of the remaining provisions of this local law, which shall continue in full force and effect.

§ 3. This local law shall take effect one hundred eighty days after enactment except that the commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.



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**RESOLUTION**

**Date: November 4, 2015**

**Committee of Origin: Transportation**

**Re: Winter's Eve**

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

*Committee: 8-0-0-0. Non-Committee Board Members: 2-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** Lincoln Square BID's application to the Mayor's Office of Street Activity Permits for the November 30 Winter's Eve street closures.

**RESOLUTION**

**Date: November 4, 2015**

**Committee of Origin: Transportation**

**Re: 130 West 87<sup>th</sup> Street (Columbus Avenue – Amsterdam Avenue.)**

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

*Committee: 8-0-0-0. Non-Committee Board Members: 2-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** application EIN # 54-2070479 to the Department of Transportation by Y&A Realty, LLC for a new revocable consent to construct, maintain and use a stoop, steps, and fenced-in area.



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**RESOLUTION**

**Date: November 4, 2015**

**Committee of Origin: Transportation**

**Re: Reduction of pedestrian fatalities in MCD7.**

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

*Committee: 8-0-0-0. Non-Committee Board Members: 2-0-0-0.*

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

Our community has suffered a large number of tragic deaths on our streets in recent years. In addition to the well-publicized deaths, 505 people were injured on our streets in 2013, 464 people were injured in 2014, and 332 people were injured between January 1-September 30, 2015, a pace for ~450 injuries in 2015.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan's highest Transportation-related priority for 2016 is to work to significantly reduce the number of deaths/injuries on our streets, with a goal of zero deaths and a goal of at least 1/3 reduction in injuries in 2016; and

BE IT FURTHER RESOLVED THAT CB7 calls on the New York City Department of Transportation ("DOT"), the New York Police Department ("NYPD"), and all other relevant City & State agencies to work with CB7 and our elected officials on an on-going basis to coordinate and prioritize efforts to achieve these zero death and reduced injury goals in 2016; and

BE IT FURTHER RESOLVED THAT CB7 calls on the DOT, NYPD, the New York State Departments of Transportation and Motor Vehicles and other relevant State departments and authorities consistently to provide CB7 with timely and current reports with sufficient detail and ancillary information as well as providing regular oral presentations and analyses from experts and representatives with pertinent information and expertise as needed, so that CB7 can work and plan effectively to meet the following goals:

- To identify the highest priority actions that will have the biggest impact on reducing deaths and injuries.
- To develop a plan to achieve these zero death and reduced injury goals in 2016, including without limitation:
  - Providing statistics and detailed back-up information relating to deaths, injuries, & incidents of concern, details of the implementation of activities undertaken to achieve these goals and feedback on their intended and collateral effects, and suggestions for further action or revisions to on-going strategies



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**RESOLUTION**

**Date: November 4, 2015**

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

**Re: 2309 - 2315 Broadway (West 83<sup>rd</sup> Street)**

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

*Committee: 5-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the application to the State Liquor Authority for two-year liquor licenses by The Pickle People LLC, d/b/a To be Determined.



## RESOLUTION

**Date: November 4, 2015**

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

**Re: Unenclosed Café Renewal Applications.**

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

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

- **229 Columbus Avenue** (West 70<sup>th</sup> – 71<sup>st</sup> Streets.) Renewal application #1186113-DCA to the Department of Consumer Affairs by Flej, Inc., d/b/a Pomodoro, for a four-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.  
*Committee: 5-0-0-0.*
- **340 Amsterdam Avenue** (West 76<sup>th</sup> Street.) Renewal application #1413323-DCA to the Department of Consumer Affairs by Amsterdam Ale House, Inc., d/b/a Amsterdam Ale House, for a four-year consent to operate an unenclosed sidewalk café with 11 tables and 32 seats.  
*Committee: 5-0-0-0.*
- **355 Amsterdam Avenue** (West 77<sup>th</sup> Street.) Renewal application #1246104-DCA to the Department of Consumer Affairs by DLS Chicken Corp., Chirping Chicken, for a four-year consent to operate an unenclosed sidewalk café with 8 tables and 32 seats.  
*Committee: 4-0-0-1.*
- **417 Amsterdam Avenue** (West 80<sup>th</sup> Street.) Renewal application # 0929109-DCA to the Department of Consumer Affairs by Gilli, Inc., d/b/a Gilli Restaurant, for a four-year consent to operate an unenclosed sidewalk café with 10 tables and 19 seats.  
*Committee: 5-0-0-0.*
- **513 Columbus Avenue** (West 84<sup>th</sup> -85<sup>th</sup> Street.) Renewal application #1384479-DCA to the Department of Consumer Affairs by 513 Columbus, LLC, d/b/a Cotta, for a four-year consent to operate an unenclosed sidewalk café with 23 tables and 44 seats.  
*Committee: 6-0-0-0.*
- **994 Columbus Avenue** (West 109<sup>th</sup> Street.) Renewal application #1454076-DCA to the Department of Consumer Affairs by 994 Columbus Avenue, Corp., d/b/a Isola, for a four-year consent to operate an unenclosed sidewalk café with 9 tables and 22 seats.  
*Committee: 6-0-0-0.*

**RESOLUTION****Date: November 4, 2015****Committee of Origin: Business & Consumer Issues****Re: 269 Columbus Avenue (West 72<sup>nd</sup> – 73<sup>rd</sup> Streets)****Full Board Vote: 24 In Favor 4 Against 1 Abstention 0 Present**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application #1392078DCA /ULURP #N150429ECM to the Department of Consumer Affairs by 72<sup>nd</sup> & Columbus Restaurant, LLC d/b/a AG Kitchen for a four-year consent to operate an enclosed sidewalk café with 16 tables and 34 seats.

*Committee: 6-0-0-0.*

**RESOLUTION****Date: November 4, 2015****Committee of Origin: Business & Consumer Issues****Re: 2290 Broadway (West 83<sup>rd</sup> Street.)****Full Board Vote: 24 In Favor 4 Against 1 Abstention 0**

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** renewal application #1350796DCA/ ULURP #N140425ECM to the Department of Consumer Affairs by Corned Beef Express, LLC, d/b/a Artie's Delicatessen, for a four-year consent to operate an enclosed sidewalk café with 26 tables and 54 seats.

*Committee: 6-0-0-0.*



**RESOLUTION**

**Date: November 4, 2015**

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

**Re: 187 Columbus Avenue (West 68<sup>th</sup> – 69<sup>th</sup> Streets.)**

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

*Committee: 6-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application #11625-2015-ASWC to the Department of Consumer Affairs by Jagr 187 Columbus, LLC, d/b/a Joe Coffee, for a four-year consent to operate an unenclosed sidewalk café with 6 tables and 10 seats.



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**RESOLUTION**

**Date: November 4, 2015**

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

**Re: Street vending.**

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

*Committee: 6-0-0-0.*

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

- Community Board 7/Manhattan recognizes the long history of street vending in New York City.
- CB7 considers the quality of life and public health and safety to be of paramount importance, and are concerned about any expressed interest in relaxing existing laws as they pertain to street vendors without thorough input from all stakeholders, most especially the community.
- The NYC BID Association ratified a statement on June 18, 2015, calling for a multi-agency task force and study examining street vendor rules and regulations.
- CB7 believes an inclusive, impartial, and thorough study of street vending should occur before any changes to existing law are considered, with the involvement of all stakeholders in the community.
- A multi-agency task force comprised of representatives of the myriad agencies currently charged with enforcement, such as the NYPD, the Department of Transportation, and Department of Consumer Affairs, among others, should be incorporated.
- The current uncoordinated system where multiple agencies seldom communicate with each other, or effectively communicate with street vendors, neither serves the vendor community nor allows for effective and fair enforcement.
- In a city with many competing claims on public space, Community Boards have long been charged with managing these different interests, and we strongly believe that Community Board 7/Manhattan-- and the other community boards throughout the five boroughs – must be part of any discussion on any change to street vendor laws and regulations.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **agrees** with the NYC BID Association's statement on street vending, which calls for a multi-agency task force and a study examining street vendor rules and regulations.



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**RESOLUTION**

**Date: November 4, 2015**

**Committee of Origin: Parks & Environment**

**Re: Department of Parks & Recreation's plans for the renovation of Bennerson playground, West 64<sup>th</sup> Street, Amsterdam-West End Avenues.**

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

*Committee: 5-0-0-0.*

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

Phase 1 of the renovation of Bennerson Playground has been approved by the Public Design Commission and is expected to be under construction by late 2016. DPR anticipates that Phase 2 will be constructed at the same time, and as part of the same contract, as Phase 1.

Funding has been secured for Phase 2, which includes a large play area with separate play equipment for ages 2-5 and 5-12, as well as new landscaping and benches, a drinking fountain, a user-activated spray shower and other amenities. It will also include some visual improvements such as painting on adjacent NYCHA property.

The Parks and Environment Committee of Community Board 7/Manhattan believes that the proposed design for Phase 2 of the renovation of Bennerson Playground is well thought out to meet the needs of the user community, and it **commends** the Department of Parks and Recreation for its thoughtful presentation.

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed preliminary design for Phase 2 of the renovation of Bennerson Playground at West 64<sup>th</sup> Street between Amsterdam and West End Avenues.



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**RESOLUTION**

**Date: November 4, 2015**

**Committee of Origin: Land Use**

**Re: 100 West 72<sup>nd</sup> Street, d/b/a Miccass Physical Therapy, PC and Momentum Fitness, LLC  
(Columbus Avenue.)**

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

*Committee: 14-0-1-0. Non-Committee Board Members: 1-0-0-0.*

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #188-15-BZ to the Boards of Standards and Appeals by Sheldon Lobel, P.C., d/b/a Miccass Physical Therapy, PC and Momentum Fitness, LLC for a special permit pursuant to ZR Section 73-36 to permit a physical culture establishment in the cellar level of the premises.

**RESOLUTION**

**Date: November 4, 2015**

**Committee of Origin: Steering**

**Re: CB7 Priorities for the FY2017 NYC Expense Budget.**

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

BE IT RESOLVED THAT Community Board 7/Manhattan **adopts** the priorities for the FY2017 NYC Expense Budget.

**RESOLUTION**

**Date: November 4, 2015**

**Committee of Origin: Steering**

**Re: CB7 Priorities for the FY2017 NYC Capital Budget.**

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

BE IT RESOLVED THAT Community Board 7/Manhattan **adopts** the priorities for the FY2017 NYC Capital Budget.