

RESOLUTION

Date: May 2, 2017

Committee of Origin: Transportation

Re: Intro 1303, to increase of number of licenses for street food vendors.

Full Board Vote to disapprove: 32 In Favor 1 Against 5 Abstentions 0 Present

Committee: 7-0-0-0. Non-Committee Board Members: 4-0-0-0.

The following facts were taken into account when drafting this resolution:

Proposed legislation - "Street Vendor Modernization Act (Intro 1303) will increase the number of food carts on our streets and sidewalks by 625 per year for the next five years. The legislation would allow vendors to move into the sidewalk up to 3 feet. It would also minimize the distance between the carts and brick and mortar stores, bus stops, crosswalks, etc., and would jeopardize wheelchair passengers' boarding of buses. Major problems with the proposed legislation are:

1. Siting is not addressed. Food carts can go where they want to;
2. Legislation does not designate any city agency to manage and enforce;
3. Permits are an asset. They can be sold and resold, not turned in, so DOH really doesn't know who is on the street;
4. Competition with brick and mortar stores (who pay all taxes, employees, fees, and are responsible for sidewalks that their vendor competition is on.

There is currently no protocol in the City of New York for assigning locations where a street vendor can do business.

Intro 1303 is calling for an increase in the number of food vendor licenses that are issued each year to 630, 30 of which are for Veteran Vendors, in each of the years until 2025. After this period of time, the cap may be removed on the recommendation of the Department of Transportation.

Community Boards already have jurisdiction over the location of newsstands, cafes, and other street furniture.

There is already a great deal of street clutter in various West Side locations, making it difficult and dangerous for persons with any disability (& others) to gain access to the sidewalk and subway entrances.

It would serve the business, residential, and vendor community to have assigned locations for vendors so that "clustering" could be controlled.

Vendors would not have to "fight" for their spot each day or remain on the street for 24 hours to "claim" their space.

Some food vendors are selling the exact same item as the stores/restaurants they are in front of.

THEREFORE BE IT RESOLVED THAT Community Board 7/Manhattan **opposes** Intro 1303 in its present form unless the following issues are addressed:

1. Community Board approval of food vendor locations;
2. An entity composed of either DCA, Sanitation, Health, Transportation, or a combo of these be assigned to identify and track the locations of all food vendors, with spaces actually being assigned to each vendor;
3. Adequate distance be maintained between food vendors, subway entrances, bus stops, crosswalks, brick and mortar stores, and other sidewalk obstructions;
4. Tracking of food vendor licenses, including their renewals and non-transferability. Licenses which are actively used should be annually renewable with appropriate fees; they should not be a permanent asset.

RESOLUTION

Date: May 2, 2017

Committee of Origin: Transportation

Re: Manhattanhenge 2017.

Full Board Vote: 39 In Favor 0 Against 0 Abstentions 0 Present

Committee: 8-0-0-0. Non-Committee Board Members: 4-0-0-0.

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the American Museum of Natural History's plan to close West 79th Street between Columbus and Amsterdam Avenues to traffic on Tuesday, May 30, 2017, from 7-9 PM, for the annual Manhattanhenge celebrations.

RESOLUTION

Date: May 2, 2017

Committee of Origin: Transportation

Re: New application # 3117-2017-ANWS to the Department of Consumer Affairs by Nishat Shaikh to construct and operate a newsstand on the southwest corner of Broadway and West 62nd Street, i/f/o of 1879 Broadway.

Full Board Vote to disapprove: 24 In Favor 6 Against 8 Abstentions 0 Present

Committee: 7-0-0-1. Non-Committee Board Members: 4-0-0-0.

The following concerns were taken into consideration when crafting this resolution:

The SW corner of 62nd Street and Broadway has had several applications for newsstands over the years, all of which have not been approved, most recently by the Public Design Commission, as it would interfere with the view corridor of Columbus Circle, but at other times by the Department of Transportation, as there are vaults underneath the sidewalk. We feel it unfair that Consumer Affairs even considers any applications for this site, and believe it should be removed from the database of available locations for newsstands.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application for a newsstand at the SW corner of Broadway and West 62nd Street, as many applications for that location have been disapproved by various city agencies over the years. The applicant is entitled to submit another application for a different location *without the payment of an additional application fee*. CB7 urges DCA to remove this location from their database of available locations for newsstands.

RESOLUTION

Date: May 2, 2017

Committee of Origin: Transportation

Re: Pedestrian safety at the intersection of West End Avenue and 96th Street.

Full Board Vote: 35 In Favor 0 Against 1 Abstention 0 Present

Committee: 7-1-0-0. Non-Committee Board Members: 3-0-1-0.

The following facts were taken into consideration when crafting this resolution:

The intersection of 96th Street/West End Avenue is one of the most dangerous in CD7, with many vehicular/pedestrian crashes, vehicle/vehicle crashes, and many near-misses for several reasons.

It is a major access point to the only highway on the west side of Manhattan. Pedestrians crossing the intersection's western side receive a brief leading pedestrian interval and then quickly face vehicles turning west onto 96th Street from both the north and south simultaneously.

Additionally, located at the southwest corner of the intersection are P.S. 75 and the West Side Collaborative Middle School, which have a combined 1,400 students, many of whom cross this intersection on their way to and from school.

In June 2016, Hilda Chazanovitz, who spoke before the Transportation Committee at its April 2017 meeting, was struck by a turning SUV while crossing with the light from the northwest to the southwest corner of the intersection. She is still recovering from her injuries.

CB7 has asked DOT for relief in a number of proposals, from adding time to the pedestrian signal phase, to pedestrian refuge islands, to changing the timing of the signals surrounding this intersection, to asking DOT to implement some of the Nelson/Nygaard recommendations for the intersection, without any action on these from DOT. Recently, Councilmember Helen Rosenthal has requested a "Barnes Dance" for this intersection, which has also been rejected by DOT.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan requests immediate action from DOT to make this dangerous intersection safer, including as many of the following as possible:

a) more pedestrian time in the traffic signal for those crossing 96th Street on the west side of West End Avenue;

- b) the construction of a pedestrian refuge island in the middle of 96th Street, west of West End Avenue; c) curb extensions on the corners;
- d) a change to the timing of the traffic signal at 97th Street and West End Ave, to disallow westbound traffic on 97th Street to speed to 96th Street and make the turn west on 96th Street to the Henry Hudson Pkwy;
- e) preventing vehicles heading west towards the highway from turning into a crosswalk with pedestrians who have a walk signal, and
- f) all other infrastructure changes proposed in the Nelson/Nygaard report.

RESOLUTION

Date: May 2, 2017

Committee of Origin: Transportation

Re: Accidents in "mixing" zones that are shared by cars and cyclists.

Full Board Vote: 38 In Favor 1 Against 0 Abstentions 0 Present

Committee: 8-0-0-0. Non-Committee Board Members: 4-0-0-0.

The following facts were taken into consideration when crafting this resolution:

In some physically protected bike lane designs, a "mixing zone" accommodates left-turning motor vehicle traffic by allowing motor vehicles to merge to the left into the space occupied by cyclists.

The Upper West Side's physically protected bike lanes on Columbus and Amsterdam avenues have mixing zones every two blocks, with the exception of major intersections.

Requiring cyclists and turning drivers to negotiate the same space at the same time is highly dangerous for two reasons. First, it is often not clear who has the right of way. Second, motorists often are not aware of or cannot see cyclists to the left of their intended turning path: cyclists may be in the driver's blind spot, or drivers may be distracted by pedestrians in the crosswalk they need to traverse or focused on making the turn.

In the absence of infrastructure to keep them out of the bike lane and to slow them down, drivers will often angle in towards the curb and make a fast left turn, further endangering cyclists as well as pedestrians in the crosswalk.

Many cyclists (and some pedestrians) have been injured in the mixing zones, including one cyclist who was killed this month.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan urgently requests the Department of Transportation to change the design of intersections with mixing zones so as to address this critical safety concern. Ideally, the mixing zones would be eliminated and cyclists and turning drivers physically separated, with each given their own dedicated signal so that conflicts between the two users are impossible. If physical separation is deemed impossible, DOT should install infrastructure changes that encourage vehicles to keep the greatest possible distance from cyclists, thereby making drivers far more aware that they may encounter bike traffic to their left and forcing them to make slower and wider left turns after

the avenue crosswalk so that both cyclists and pedestrians to their left are more visible to them. These changes might include: bollards or more permanent barriers separating the bike lane and the turning lane as far as possible before the turn, forcing drivers to make a close to 90-degree left turn; and extending the bike lane's green paint through the intersection, in the same way that a crosswalk extends the sidewalk to the other side of the street.

RESOLUTION

Date: May 2, 2017

Committee of Origin: Transportation

Re: Central Park West sidewalk reconstruction and safety concerns in the bike/pedestrian lane

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

Committee: 7-1-1-0. Non-Committee Board Members: 1-0-2-0

The following facts were taken into consideration when crafting this resolution:

The reconstruction of the sidewalk along Central Park West has resulted in not only the loss of the bike lane, but the loss of the pedestrian sidewalk, resulting in a temporary narrow pedestrian lane in the easternmost land of Central Park West. Cyclists are directed to share a lane with motor vehicles but often use the temporary pedestrian lane, creating dangers for both users.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan requests DOT to take immediate action so as to provide safe passage for pedestrians and bicyclists during construction along the CPW (park side) sidewalk.

RESOLUTION

Date: May 2, 2017

Committee of Origin: Steering

Re: Support of Amendments to the Commercial Rent Tax.

Full Board Vote: 35 In Favor 0 Against 1 Abstention 0 Present

Committee: 13-0-2-0.

This resolution is predicated on the following facts:

The City of New York imposes a tax on the rent paid by a tenant in commercial space south of 96th Street in Manhattan where the annual rent exceeds \$250,000. After allowing for certain statutory adjustments, and subject to certain exemptions and partial credits, the commercial tax rate is 3.9% of the base rent. The threshold for the imposition of the commercial rent tax (the "Tax") has not been adjusted since 2001.

The City of New York and the State of Florida are the only jurisdictions in the United States still employing a version of a commercial rent tax.

The explosion in commercial rents in the portion of Manhattan to which the Tax applies in the years since the Tax threshold was last adjusted has had the effect of imposing the Tax on hundreds of stores, restaurants and other small businesses occupying modest-sized premises.

Our small businesses operate in one of the most competitive and challenging markets anywhere in the nation. In addition, in a typical commercial lease in Manhattan, the landlord passes along to its commercial tenants some or all of the real property taxes on the premises, or at a minimum some or all of increases to the real property taxes during the lease term.

City Council Intro 799-A proposes to raise the threshold for the imposition of the Tax from \$250,000 to \$500,000, and to make certain other amendments to increase certain partial credits and adjustments to the Tax. As of tax year 2016, the increase in the threshold would have made about 3,400 fewer businesses subject to the Tax, with a savings of \$45.9 million.

City Council Intro 1107-A and Borough President "Preconsidered Intro No. [blank]" would exempt from the Tax under certain circumstances commercial spaces used for, respectively, theatrical productions and grocery stores.

City Council Intro 1376 would require the Department of Finance to deliver to the Speaker of the City Council and the public an annual report setting out key information concerning the imposition of the Tax.

While small businesses in our District and Borough face many more challenges to their survival, and are in need of a far more comprehensive approach to supporting and sustaining these vital elements of our local economy and sources of employment, the measures cited above are an important first step in leveling the playing field for these small businesses.

THEREFORE, Community Board 7/Manhattan calls upon the City Council to adopt, and the Mayor to sign into law, Intros 799-A, 1107-A, 1376, and Preconsidered Intro No. [blank].

RESOLUTION

Date: May 2, 2017

Committee of Origin: Business & Consumer Issues

Re: Applications to the SLA for new two-year liquor licenses.

Full Board Vote: 34 In Favor 0 Against 0 Abstentions 0 Present

Committee: 6-0-0-0.

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the following applications to the SLA for new two-year liquor licenses:

- **100 West 82nd Street** (Columbus Avenue) Flame West Inc. d/b/a To be Determined.
- **685 Amsterdam Avenue** (West 93rd Street) Jin's 88 Corp. d/b/a Kouzan.

RESOLUTION

Date: May 2, 2017

Committee of Origin: Business & Consumer Issues

Re: 566 Amsterdam Avenue (West 87th Street)

Full Board Vote: 34 In Favor 0 Against 0 Abstentions 0 Present

Committee: 6-0-0-0

The applicant did not attend the committee meeting;

THEREFORE, BE IT RESOLVED THAT Community Board 7/ Manhattan **disapproves** the application to the SLA for a two-year liquor license by Le Petit Amelie LLC. d/b/a Amelie Wine Bar.

RESOLUTION

Date: May 2, 2017

Committee of Origin: Business & Consumer Issues

Re: New Unenclosed Sidewalk Cafés:

Full Board Vote: 37 In Favor 0 Against 0 Abstentions 0 Present

Committee: 6-0-0-0.

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the following applications to the Department of Consumer Affairs for unenclosed sidewalk cafes:

- **2167 Broadway** (West 76th Street.) New application #3534-2017-ASWC to the Department of Consumer Affairs by Muginoho International, Inc., d/b/a Beard Papa's, for a four-year consent to operate an unenclosed sidewalk café with 4 tables and 8 seats.
- **574 Columbus Avenue** (West 88th Street.) New application #2635-2017-ASWC to the Department of Consumer Affairs by B.L.T.G. Pizza Inc., d/b/a Bella Luna, for a four-year consent to operate an unenclosed sidewalk café with 15 tables and 30 seats.
- **573 Columbus Avenue** (West 88th Street.) New application #2435-2017-ASWC to the Department of Consumer Affairs by Bodega 88 LLC, for a four-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.
- **933 Amsterdam Avenue** (West 106th Street.) New application #4260-2017-ASWC to the Department of Consumer Affairs by Hot Dawgz LLC, d/b/a NY Brat Factory, for a four-year consent to operate an unenclosed sidewalk café with 14 tables and 30 seats.

RESOLUTION

Date: May 2, 2017

Committee of Origin: Business & Consumer Issues

Re: 2794 Broadway (West 108th Street.)

Full Board Vote: 36 In Favor 0 Against 0 Abstentions 0 Present

Committee: 6-0-0-0.

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the new application #3079-2017-ASWC to the Department of Consumer Affairs by Malaxiangguo Enterprise Inc, d/b/a Malaxianogguo 108 Food Dried Hot Pot, for a four-year consent to operate an unenclosed sidewalk café with 5 tables and 10 seats.

RESOLUTION

Date: May 2, 2017

Committee of Origin: Preservation

Re: 267 Columbus Avenue (West 73rd Street.) Application to the Landmarks Preservation Commission for replacement of a cast iron and glass sidewalk vault structure with concrete consistent with the balance of the sidewalk.

Full Board Vote: 24 In Favor 10 Against 3 Abstentions 0 Present

Committee: 3-2-0-0.

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

- The building was constructed ca. 1888-89 as a residential building (flats) with commercial units on the ground floor.
- The cellar included space extending under the sidewalk and the resultant “vault” was covered by a “sidewalk vault” cover approximately 10’ wide extending approximately 4’ from the building, consisting of an iron frame surrounding small circular glass “domes”.
- The sidewalk vault is bordered by granite slabs. The balance of the adjacent sidewalk is concrete.
- The proposal is to tint the concrete to match the granite that borders the main façade.
- During façade and store renovations, the sidewalk vault collapsed and needs to be completely replaced.
- Sidewalk vaults are not as prevalent in the historic district as they are in other areas in Manhattan, particularly lower Manhattan, Tribeca and Soho.
- Sidewalk vault lights were used to allow natural light into cellar vaults so they were usable for commercial purposes.
- LPC has published guidelines for replacement of sidewalk vaults (lights) which call for restoration either with glass vault lights or black painted diamond plate steel.

The Preservation Committee of Community Board 7 believes that while such vaults are not prevalent on the Upper West Side, those that do exist should be preserved as part of the historic architectural fabric, and that the sidewalk vault should be replaced by iron and glass “lights” to replicate the original or by black painted diamond plate steel. The committee believes replacement of the sidewalk vault with concrete is inappropriate to the character of the building and the historic district.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to replace the sidewalk vault with concrete.

RESOLUTION

Date: May 2, 2017

Committee of Origin: Parks & Environment

Re: The Broadway Mall Association's Joy Brown sculpture exhibition.

Full Board Vote: 37 In Favor 0 Against 0 Abstentions 0 Present

Committee: 5-0-0-0. Non-Committee Board Members: 1-0-0-0.

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

Community Board 7/Manhattan welcomes public art exhibits in the park areas in its District.

The proposed bronze sculptures by sculptor Joy Brown will be placed on the Broadway Malls at 72nd Street, 79th Street, 96th Street and 103rd Street for six months, starting in May, 2017. The installation and maintenance of the sculptures will be privately financed.

The sculptures will be sited to avoid pedestrian conflict, and they are not expected to present any issue of public safety. Their weight will be appropriately supported. CB7 expects that the sculptures will be an attractive amenity for visitors to the Broadway Malls in the coming months.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the installation of the sculptures by Joy Brown at the designated locations on the Broadway Malls for six months starting in May, 2017.

VOTE: 28-0-3-1.

RESOLUTION

Date: May 2, 2017

Re: 315 West 103rd Street – Violation of a Stop Work Order and need for Landmarks Preservation Commission approval of alterations to an historic townhouse.

Full Board Vote: 37 In Favor 0 Against 0 Abstentions 0 Present

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

- The subject building is one of a group of four surviving brownstone townhouses built in the Renaissance Revival style by architect Martin V.B. Ferdon ca. 1891-92.
- The Department of Buildings (“DOB”) in January 2009, approved an application to enlarge 315 West 103rd Street by 2 stories on top and 15 feet in the back based on inaccurate self-certified plans and based on false claims that the building was unoccupied when in fact there were several rent-stabilized tenants of long standing residing in the building.
- The DOB issued a Stop Work Order in July 2009 that has essentially remained in place to date, based on several inaccuracies in the developer’s applications. On several occasions, work continued despite violations and stop-work orders. Efforts to enforce the stop work orders for work performed that was prohibited by the orders has resulted in the issuance of few violations.
- The DOB approved an amended application to enlarge the building in 2012. A day after construction started, DOB reinstated the Stop Work Order stating “VIOLATING CONDITIONS STILL EXIST.”
- The building is included in the Riverside Drive -West End Avenue Historic District Extension II, which was designated an Historic District by the Landmarks Preservation Commission (“LPC”) on June 23, 2015.
- According to a September 2, 2015 DOB notice of objections, a DOB audit found that the previously approved plans were contrary to Code and that significant changes would be required for DOB approval. This DOB audit noted that LPC approval would be required.
- The DOB approved a new application for an addition to the building and issued a permit in September 2016,, despite the developer not having sought and the LPC not having granted a Certificate of Appropriateness or other approval.
- CB7 wrote to the DOB in November 2016, urging that the Stop Work Order remain in effect until an application for a Certificate of Appropriateness was filed and CB7 and LPC could complete their respective reviews.

- Subsequent to CB7’s outreach, DOB on December 1, 2016, and again on January 3, 2017, issued a Notice to Revoke its September 2016 approval of the revised plans pending LPC approval.
- DOB has now partially lifted the Stop Work Order in order to permit the developer to “weatherproof” the building. Our understanding is that this permitted weatherproofing work includes demolition of the original rear masonry wall of the building and the installation of a 6 story cinderblock wall on the expanded footprint of the building. This work is currently underway. (Per an April 25, 2017 email from Matthew Cruz of DOB, “We visited the site yesterday and the work conforms to the approved plans. A footing needs to be installed to support the concrete masonry units that will be resting on it. That footing needs to be installed on bedrock which requires minor excavation work to access the bedrock. The partial stop work order allows for weatherization which is what the inspector confirmed was occurring.”)
- The scope of work permitted under the aegis of the DOB’s recent determination far exceeds the purpose of “weatherproofing” the building, and is being interpreted as allowing the developer to make significant strides toward completion of the revised plans without having applied for or received a Certificate of Appropriateness from LPC, and without having presented an application to CB7 at a hearing at which the issue of the appropriateness of the expansion of the building to the Historic District could be presented and evaluated by CB7 and the community.
- Our understanding from LPC is that there is not a grandfathered DOB permit and that this project will need to be reviewed by LPC.

The current interpretation of the scope of “weatherproofing” threatens to circumvent the public review process required of such substantial changes to buildings in an Historic District, as it will permit substantial completion of such changes without a presentation at a CB7 meeting at which the community may be heard, or a public hearing before the LPC.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan calls on the Department of Buildings:

1. to amend its interpretation of the existing Stop Work Order relating to the building to limit “weatherproofing” actions to the minimum necessary to protect the safety of the existing building, its residents and neighbors, and not to permit substantial completion of the proposed alterations until all conditions giving rise to the Stop Work Order have been fully remedied;
2. to require the developer to apply for and receive a Certificate of Appropriateness from the LPC, and to complete the public review process required of such applications, including presentation of the proposed alterations at a CB7 meeting at which the community may be heard.