

## RESOLUTION

**Date: February 4, 2020**

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

**Re: Expansion of Lafayette Academy (03M256).**

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

*Committee: 8-0-0-1.*

This resolution is based on the following facts:

Lafayette Academy (03M256) is a public middle school located in the Joan of Arc Building at 154 West 93<sup>rd</sup> Street, currently serving students in grades 6-8.

Lafayette Academy offers a French-English dual language curriculum that employs a dual immersion model, with students learning language skills in both languages, and eventually learn academic subjects (e.g. math, science, history) in both languages on alternate days.

Facility or fluency in multiple languages is an important skill in the world and economy of the future. Research has shown that students who pursue dual language immersion studies have a higher graduation rate, achieve higher wages and social capital going forward.

Embedded in the dual language immersion approach is a fundamental respect for and appreciation of other cultures. This leads to greater respect and greater facility with the world around us.

Lafayette Academy seeks to expand to a 6-12 middle and high school, and to become certified to offer an International Baccalaureate (“IB”) diploma. The IB approach combines in depth academic rigor with so-called “soft skills” such as perseverance, discernment, empathy and analysis, all of which have been identified as essential executive functions for future success.

The IB approach embraces curriculum that meets or exceeds all applicable New York State standards.

As part of the IB diploma program, high school seniors must complete a “capstone” project of their own design, demonstrating interdisciplinary research, analysis and innovation leading to a thesis-like written work and a live presentation.

Certification to offer an IB diploma requires intensive training and support for the faculty and administration, leading to successful on-site reviews and observations of the curriculum and faculty in action. The faculty and administration of Lafayette Academy are prepared to pursue this certification process, and the efforts have attracted strong support from current Lafayette Academy parents.

Achieving IB certification would continue the evolution of Lafayette Academy by positioning its students for even greater gains in academic as well as social achievement.

Expansion of Lafayette Academy to a 6-12 school would create another District 3 high school that would give preference to continuing District 3 middle school students.

To pursue the expansion of the school to a 6-12 grade offering and to become certified as an IB school, Lafayette Academy requires new or additional space not currently available at the Joan of Arc building, and funding to offset the costs of training, curriculum development and related expenses to prepare for and satisfy the IB requirements.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan:

- (a) Supports the introduction of a French-English dual language program at Lafayette Academy; and
- (b) Supports the efforts of the administration, faculty and parents to expand to serve grades 6-12 and to be certified to offer an International Baccalaureate diploma; and
- (c) Calls on the Department of Education and our elected officials to provide the classroom space and the funding necessary to achieve the expansion and IB certification sought by Lafayette Academy.

**RESOLUTION**

**Date: February 4, 2020**

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

**Re: 225 Columbus Avenue (West 70<sup>th</sup> Street)**

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

*Committee: 8-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** new application to the SLA for a two-year liquor license by Stephen Locke Corp to be formed, d/b/a To be Determined.

## RESOLUTION

**Date: February 4, 2020**

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

**Re: Renewal Unenclosed Sidewalk Cafés:**

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

*Committee: 8-0-0-0.*

BE IT RESOLVED THAT Community Board 7/ Manhattan **approves** the following Renewal Unenclosed Sidewalk Café Applications:

- **Re: 267 Columbus Avenue** (West 72<sup>nd</sup> – 73<sup>rd</sup> Streets.) Renewal application #1072082-DCA to the Department of Consumer Affairs by Classic Food, Inc., d/b/a Sido, for a four-year consent to operate an unenclosed sidewalk café with 3 tables and 6 seats.
- **Re: 475 Columbus Avenue** (West 83<sup>rd</sup> Street.) Renewal application #1382144-DCA to the Department of Consumer Affairs by IL Rifugio, Inc., d/b/a Tarallucci E Vino, for a four-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.
- **Re: 2450 Broadway** (West 90<sup>th</sup> - 91<sup>st</sup> Streets.) Renewal application #0940252-DCA to the Department of Consumer Affairs by Carmine's Broadway Feast, Inc., d/b/a Carmine's, for a four-year consent to operate an unenclosed café with 7 tables and 22 seats.
- **Re: 1018 Amsterdam Avenue** (West 110<sup>th</sup> Street.) Renewal application #2050848-DCA to the Department of Consumer Affairs by Madrel, LLC, Inc., d/b/a Marlow Bistro, for a four-year consent to operate an unenclosed sidewalk café with 30 tables and 58 seats.

## RESOLUTION

**Date: February 4, 2020**

**Committee of Origin: Transportation**

**Re: Request to NYC DOT for Study on Curbside Usage.**

**Full Board Vote: 22 In Favor 12 Against 3 Abstentions 0 Present**

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

Our community currently suffers from traffic congestion, rampant double parking particularly due to growing e-commerce deliveries, significant "cruising" for parking and a substantial number of injuries to street users.

Congestion pricing is scheduled to be implemented in approximately one year and community residents and business owners have expressed concern about the impact of this new policy.

How we use our curbside space has remained largely unchanged for many decades while our City has changed dramatically. This City owned land should be used for the greatest good for the greatest number of people, with a particular focus on the needs and concerns of the residents and businesses of our community.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan requests that the City: (1) assess current policy regarding parking and curbside usage, (2) advise us as to whether there are policies that could provide greater benefit to the community, improve traffic flow and promote safer streets, including, but not limited to, paid residential parking permits, metering with surge capability and strategies learned from studying the practices of other major cities, and (3) conduct studies both before and after the implementation of congestion pricing to establish its effect on the community.

## RESOLUTION

**Date: February 4, 2020**

**Committee of Origin: Transportation**

**Re: Improving the M11 Bus Route.**

**Full Board Vote: 35 In Favor 0 Against 0 Abstentions 0 Present**

*Committee: 9-0-0-0. Non-committee Board members: 3-0-0-0.*

The M11 bus has received several Pokey awards for being the slowest bus, as well as an 'F' rating in the last three report cards due to traffic due to Lincoln Tunnel traffic, with ratings issued by the Bus Turn around Coalition, traveling at only 4.9 miles per hour, and being unreliable.

Therefore, Community Board 7/Manhattan requests that the route be studied by the NYC DOT, jointly with the MTA, to address methods to address the poor performance.

## RESOLUTION

**Date: February 4, 2020**

**Committees of Origin: Transportation joint with the Parks & Environment**

**Re: Safe, direct crosstown routes for pedestrians, cyclists, and others through Central Park.**

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

*Joint Committee Members: 13-0-1-0. Non-committee Board members: 5-0-1-0.*

Central Park represents a 2.5-mile long barrier between Manhattan's East and West sides. While motor vehicles are afforded four dedicated cross-park transverses, cyclists have only one safe and legal crossing, at 72<sup>nd</sup> Street. Elsewhere, the legal crossings for cyclists – the transverses – are unsafe, and the safe crossings – the park's surface paths – are almost entirely not legal for those using "wheeled devices."

On the morning of December 18, 2019, Dr. Daniel Cammerman was struck and killed by a school bus while riding his bicycle to work on the 96<sup>th</sup> Street transverse. In 2006, a cyclist died crossing the park on the 66<sup>th</sup> Street transverse.

At a joint meeting of Community Board 7's Transportation and Parks & Environment committees on January 14, representatives of the Department of Transportation, the Central Park Conservancy and the Central Park Precinct pledged to form a cross-agency task force with the Department of Parks and Recreation to come up with a long-term plan to allow cyclists to cross Central Park safely and legally.

In the meantime, short-term action is needed to prevent another tragedy.

Therefore, Community Board 7/Manhattan requests the following measures be taken as soon as possible:

- Clearer directional signage on the few park paths and surface roads where wheeled devices are allowed and a partial park crossing is possible;
- Stricter enforcement of motor vehicles speeding on the transverses, not limited to but including the use of "Your Speed" signs;
- Consideration of other short-term solutions to enhance safety;
- The cross-agency task force with a representative from each agency (DOT, DPR, CP & NYPD) be set-up as soon as possible;
- The task force return to the Transportation and Parks & Environment committees no later than March with proposed solutions for allowing cyclists to cross Central Park safely and legally.

## RESOLUTION

**Date: February 4, 2020**

**Committee of Origin: Health & Human Services**

**Re: Medicaid-Reimbursement for Sustainable Quality Health Care. Services for the Elderly and Disabled in Nursing Homes and in Home Care.**

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

**Committee: 5-0-0-0. Non-committee Board members: 2-0-0-0.**

The following facts were taken into consideration:

- Our New York State Constitution is clear on the point that we have a *mandate* to provide “aid, care, and support for the needy,” *and* to provide for the “protection and promotion” of the health of all New Yorkers.
- More than six million New York State residents rely on vital Medicaid-funded health and human services.
- New York State needs to find savings of \$600 million in FY 2020 and \$2.5 billion in FY 2021 to fill a Medicaid budget gap.
- Key parts of our health care system – and very particularly many of our highest- quality nursing facilities and community-based long term care providers – are at significant risk, as evidenced by the extensive losses of these providers due to closures or conversions since the last Medicaid Redesign Team (MRT) undertook its work in 2011.

In June 2017, three health care scholars – David Grabowski, Jonathan Gruber, and Vincent Mor – wrote a joint op-ed for the New York Time entitled, “You’re Probably Going to Need Medicaid,” which underscored the three following important facts:

- One in three people now turning 65 will require nursing home care at some point in their lifetime. (When home care is added, it becomes one in two people).
- More than three quarters of long-stay nursing home residents will eventually be covered by Medicaid.
- Cuts to long term care reimbursement have devastating effects on vulnerable patients – making it harder for these patients to access services – and when they can, they face other consequences of the cuts – with fewer staff to care for them, and much greater odds of negative outcomes, including increased unmanaged pain, reductions in functional ability, and increases in avoidable hospitalizations.
- New York State is facing huge future needs for long term care – with expected 94% growth in our population over the age of 85 in the next 20 years, and 36% growth in those who are both over 65 and disabled.
- In November 2018, the New York State Attorney General’s Office – in guidance released by its Charities Bureau – sounded an alarm over the accelerating loss of high-quality, community-based, not-for-profit long term care providers in New York State due to closures or conversions of 48 not-for-profit nursing homes between 2014 and 2018.



- Citing research linking not-for-profit sponsorship with especially strong quality outcomes in patient care and patient satisfaction, the Charities Bureau flagged the deeply concerning trend that in recent years New York has lost close to 5% of its not-for-profit nursing homes *annually* to sales where the purchaser was not another not-for-profit provider.
- Reports published by trade associations after the 2018 Charities Bureau guidance support the high quality of care provided by not-for-profit nursing homes, including research published by (1) Continuing Care Leadership Coalition on November 18, 2019 showing the “not-for-profit difference” evidenced by current and trended quality performance research, and (b) LeadingAge New York based on 2018 New York Department of Health Nursing Home Quality Initiative statistics and 2019 Centers for Medicare and Medicaid Services’ 5-star rating data concluding that the average staffing scores for New York’s not-for-profit nursing homes were 41 percent higher than for the State’s for-profit providers and that the average avoidable hospitalization rate for for-profit homes was 21 percent worse than the not-for-profit average.
- In 2011 the average shortfall between the daily Medicaid payment and the daily cost of caring for a Medicaid resident stood at \$42.00. By 2017, it had widened to \$64.00.
- In 2011, average not-for-profit nursing home margins stood at -1.8%. By 2017, they had worsened dramatically, falling to -5.2%
- In 2011, not-for-profit nursing homes numbered 252, and represented 40% of the facilities in the State. By 2017, the number of not-for-profit homes had dropped to 207, and they represented only 34% of the facilities in the State. In just six years, our State lost 45 not-for-profit facilities – depriving 45 communities of a vital, high quality resource for their residents.
- In 2011, 70% of the State’s Certified Home Health Agencies (CHHAs) operated in the red. By 2017, this percentage had grown to 78%, with the average New York State CHHA losing 13.5% on operations.
- As pressures on the CHHA sector have increased since 2011, we have seen several instances where high-quality, long-standing, and highly regarded CHHAs have been forced to scale back dramatically or exit their markets altogether.
- Virtually, all long term care providers in our state are “safety net” providers insofar as they are deeply involved in serving the Medicaid-eligible population (with fully 72% of all nursing home days of care, and 87% of all home care and personal care services, tied to serving Medicaid beneficiaries.
- Our best providers are already losing hundreds of millions annually on Medicaid. Their margins are below -5%. They are selling and closing at alarming rates. Already, the 1% nursing home cut implemented on January 1<sup>st</sup> is taking away two thirds of the revenue from the 1.5% transformation adjustment provided during the same period – which itself was the first sector-wide increase received by nursing facilities in over ten years.
- The nursing home benchmark rate has been essential to providing a measure of stability as nursing homes were brought into mandatory Medicaid managed care following the 2011 Medicaid Redesign Team.
- Governor Cuomo is currently convening a Medicaid Redesign Team (MRT). It is vital to make sure that the MRT has a strong representation of individuals who understand what is needed to sustain quality Long Term Care services, and how those services work together to bring greater efficiency to our health and human services systems as a whole.

**THEREFORE, BE IT RESOLVED THAT** Community Board 7/Manhattan urges Governor Cuomo to ensure that the Medical Redesign Team (MRT) includes individuals with strong long term care expertise. At a minimum, the MRT should include representatives who bring:

- Knowledge of the particular challenges and pressures facing not-for-profit long term care providers in NY;
- Clinical expertise and knowledge about what is required to consistently deliver quality outcomes to vulnerable elders and persons with disabilities requiring long term care services;
- Expertise in addressing social determinants of health among older New Yorkers, and an understanding of how housing and supportive social services are integral to meeting these needs effectively and reducing unnecessary health care spending overall; and
- An understanding of long term care's role in supporting a more efficient health system - and how opportunities such as New York State's pending DSRIP plan can be leveraged to capture savings that Medicaid-funded long term care activities at the State level generate for the Federal government and the Medicare program overall.
- An understanding of the needs of older adults who are dually eligible for both Medicaid and Medicare, and a commitment to supporting integrated care for these socially and medically vulnerable older adults.

**BE IT FURTHER RESOLVED THAT** CB7 urges the appointed Medicaid Redesign Team to do everything possible to avoid or offset new Medicaid cuts affecting our best not-for-profit providers like The New Jewish Home and the Amsterdam Nursing Home, which have been serving the elderly on the upper west side since 1848 and 1897, respectively, in furtherance of their charitable mission.

**BE IT FURTHER RESOLVED THAT** CB7 urges the appointed Medicaid Redesign Team to especially focus on and address the alarming trend of sales and closures of high-quality not-for-profit providers.

**BE IT FURTHER RESOLVED THAT** CB7 urges the Governor, State Assembly Members and State Senators to commit to sustaining benchmark rates for nursing homes and establishing them for home health providers.

## RESOLUTION

**Date: February 4, 2020**

**Committee of Origin: Preservation**

**Re: 132 West 80<sup>th</sup> Street (Amsterdam – Columbus Avenues.) Application #LPC-20-02856 to the Landmarks Preservation Commission to construct a rooftop addition.**

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

**Committee: 7-0-0-0; Non-committee Board members: 2-0-0-0**

The following facts were taken into consideration:

- The applicant's property is in the Upper West Side/Central Park West Historic District.
- The subject building is a townhouse with a basement plus 4 full stories built ca. 1893 by architect Henry Andersen.
- The applicant is the co-op owner of a studio apartment on the top floor in the rear of the building who seeks to add a room above the footprint of the apartment.
- The neighboring townhouses on either side have existing rooftop additions, one of which is visible from the street.
- The proposed rooftop addition will cover less than half the roof, and is situated at the rear. The addition would be set back from the rear façade by approximately one foot.
- The rear wall of the proposed addition will angle away from the rear façade, and appear as though chamfered.
- The proposed addition is to be clad in dark bronze-colored metal with vertical joints. The addition will include a large casement window facing the rear.
- The existing corbelled brick roof line at the top of the rear façade of the main building will be repaired and preserved, and the punched windows on the fourth floor of the rear façade will be retained in their current arrangement.
- Chimneys on the roof will be increased in height to conform to Code.
- The entire proposed rooftop addition will not be visible from any public way.

The proposed addition is similar to existing rooftop additions, is modest in scope, materials and size, is consistent with similar additions found in townhouse rear yard donuts, and is reasonably appropriate to the character of the Historic District.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application for a rooftop addition as described above as reasonably appropriate to the character of the Historic District.

**RESOLUTION**

**Date: February 4, 2020**

**Committee of Origin: Preservation**

**Re: 164 West 81<sup>st</sup> Street (Amsterdam – Columbus Avenues.) Application to the Landmarks Preservation Commission to construct a 3-story rear addition, restore front stoop and entrance, replace front areaway wall, and install the rooftop HVAC equipment.**

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

**Committee: 7-0-0-0; Non-committee Board members 2-0-0-0.**

The following facts were taken into consideration:

- The subject building is in the Upper West Side/Central Park West Historic District.
- The building is a red brick townhouse in the Renaissance Revival style that was originally constructed ca. 1883-83 by architects D. and J. Jardine.
- The applicant proposes to restore the front stoop using materials and newel post design to match the companion townhouse building next door. The tax photos confirm that the original stoop had a wrought iron railing similar to the condition to be replicated. The stoop will lead to the original site of the main entrance, which will be restored to a doorway flanked by modest sconce lighting.
- The existing rear yard condition is a brick façade with no “L” or other extension, featuring punched windows with stone lintels above. The windows are in pairs on the garden and parlor floors, and narrower sets of three on the top two floors.
- The applicant proposes to create a full-width addition that extends to the 30’ rear yard depth on the garden floor (extending an additional 16’6” from the existing façade), which will set back to a 39’ rear yard depth on the parlor and second floors (extending 7’7” from the existing façade).
- The proposed rear yard addition will retain the punched windows with stone lintels on the second and third floors in the same proportion and arrangement as the current. These windows match the condition on the companion building to the west.
- The windows on the garden and parlor floors will be sets of four tall, thin metal-framed panels divided by mullions, with the middle two operable French doors, and the flanking windows fixed. The metal framed windows will be surrounded by two feet of brick to match the original condition, and topped by stone lintels to match the condition of the punched windows above.
- The roof of the garden and second floor additions will be terraces accessible by the new doors, and a metal stair will descend from the parlor floor terrace to the garden below.
- The excavation will be done in accordance with the enhanced Code protections required in Historic Districts, and will not extend beyond the footprint of the building either to the front or rear.

The restoration of the front stoop and associated areaway adjustments will enhance the appearance of the building and the block by returning a symmetrical and historic feature of the front facades, and is thoroughly appropriate to the character of the historic district.

The rear yard addition is consistent with rear yard modifications found throughout the Historic District, and respects the continuity of the modest fenestration and common plane of rear façades found throughout the District, and is reasonably appropriate.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the restoration of the front stoop and associated front façade and areaway as thoroughly appropriate to the character of the Historic District, and **approves** the rear yard addition and excavation as reasonably appropriate to the character of the Historic District.

*Directed by the City Charter mandate that Community Boards review matters prior to consideration by the Landmarks Preservation Commission, the Preservation Committee reviews the “appropriateness” of proposed changes to individually designated landmarks as well as to properties listed within the Upper West Side’s Historic Districts.*

## RESOLUTION

**Date: February 4, 2020**

**Committee of Origin: Steering**

**Re: Transportation Mobility Review Board.**

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

*Committee: 17-0-0-0.*

This resolution is based on the following facts:

Congestion pricing was adopted by the New York State Legislature and signed into law by the Governor in 2019. The law would require various types of motor vehicles entering certain portions of Manhattan below 61<sup>st</sup> Street to pay a fee upon entering the zone.

The details of the Congestion Pricing plan, including the amount(s) of the fee to be charged, those required to pay the fee and those potentially exempt, and the specifics of implementation of the program, are referred to a committee to be formed with appointees from the Governor and the Mayor to be called the Transportation Mobility Review Board.

Because the interests of Manhattan residents inside and beyond the Congestion Pricing zone may not be aligned, fairness dictates that all relevant voices be heard and represented on the Board.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan calls on the Governor, the Mayor, the State Legislature, the City Council and all others involved in the process to ensure that the members of the Transportation Mobility Review Board be selected or expanded so that at least two such members be Manhattan residents, with one residing within the Congestion Pricing zone, and one residing beyond the zone.