

RESOLUTION

Date: June 1, 2021

Committees of Origin: Preservation and Parks & Environment

Re: 200 Central Park West, American Museum of Natural History (West 77th – 81st Streets.) Application # LPC-21-08864 to the Landmarks Preservation Commission for the proposed relocation of the Equestrian Statue of Theodore Roosevelt.

Full Board Vote A: 38 In Favor 4 Against 3 Abstentions 0 Present

Joint Preservation and Parks & Environment Committees: 10-2-0-0. Non-Committee Board Members: 6-0-0-0.

Full Board Vote B: 31 In Favor 5 Against 3 Abstentions 0 Present

Joint Preservation and Parks & Environment Committees: 7-2-3-0. Non-Committee Board Members: 4-0-2-0.

This resolution is based on the following facts:

The American Museum of Natural History (“AMNH”) is an individual landmark designated in 1967. The buildings comprising the AMNH campus, designed by various renown architects through the generations, have been modified and replaced over the years, and new buildings have been added, including the Gilder Center that is currently under construction on the Columbus Avenue frontage of the campus.

AMNH sits within Theodore Roosevelt Park on City-owned land under the jurisdiction of the Department of Parks & Recreation (“Parks”).

This application concerns the removal of the statue of Theodore Roosevelt that dominates the plaza leading to the Central Park West entrance to the museum – one of several main entrances to the campus (the “Statue”).

The Statue was commissioned in 1925 in connection with the design of the New York State Memorial to former New York Governor and U.S. President Theodore Roosevelt. It was unveiled on October 27, 1940, after completion of the Memorial, which opened on January 19, 1936. Designed by the sculptor James Earle Fraser, the Statue portrays President Theodore Roosevelt on horseback, flanked by an African man on his left and a Native American man on his right. Like the Memorial, it was meant to celebrate Theodore Roosevelt (1858-1919) as a devoted naturalist and author of works on natural history.

The Statue has been the subject of substantial controversy for years because of its hierarchical composition that places an elevated white figure of power on horseback and generic Native American and African figures in subservient or subordinate positions walking alongside. This hierarchical depiction has been the subject of sustained objection and derision and is viewed by many as inherently racist.

The Statue was not erected with malice of intent or with the purpose of endorsing racist views of preference, privilege or supremacy. Nevertheless, the hierarchical composition of the Statue creates an image of the virtue of colonization and the supremacy of white races over others.

AMNH and Parks support the current application to remove the Statue and reconstruct portions of the Memorial Plaza.

The composition of the Statue and its interpretation of racial and class distinctions and superiority/ inferiority undermines the museum’s mission.

The Statue has been the subject of adverse public reaction over the years. In 1971 red paint was splashed on the statue by Native Americans protesting the message derived from its composition. Anti-Columbus Day protests have also featured defacement and other protests with the Statue as their subject.

Following the white supremacist demonstrations and violence in Charlottesville in 2017, the Mayor established the Commission to review statues in New York's public realm. The Commission was unable to reach a consensus re removal. The Charlottesville demonstrations were held at least in part in response to the removal of statuary of Robert E. Lee and other Civil War figures. AMNH created an exhibit in 2019 to explore and explain the intent, interpretations and reactions of the public to the Statue. The concerns and need for responsiveness that motivated AMNH's actions became more urgent after the 2020 murder of George Floyd, which in turn sparked widespread demonstrations calling attention to racial hierarchies and structural racism woven into the fabric of a host of aspects of society and government in the United States.

AMNH is making the request to remove the Statue both as an expression of its mission and educational vision, and to align the TR Memorial with the values that the legacy and history of TR are intended to convey.

Proposed Plaza and Stair Treatment

In place of the statue pedestal and base, the existing north and south plaza and stairs will be connected by a new central plaza and stairs, directly aligned with the upper staircase to the entry doors, welcoming visitors into the Theodore Roosevelt Memorial building. The contrast between existing and new features of the plaza will be marked by the use of different railings on the connecting stairs that will use a similar bronze material to the existing railings, but in a new design, and a slight gap between the existing and new stairs. This gap is intended to help reconcile the existing misalignment between the north and south existing stairs and will contain a bronze plate through which the new railings will be attached. A slim bronze outline of the Statue pedestal will be inset into the paving of the new portion of the plaza. The design will include text engraved in the stone pavers to mark the Theodore Roosevelt Memorial and explain the relocation of the statue.

Removal of the Statue does not diminish the message of the Memorial – it actually enhances it. This Statue detracts from the Memorial, and this condition justifies its removal. Removal of the Statue creates a much more open path to the main entrance, symbolizing openness to the portion of the Memorial within.

Both the removal of the Statue and the plan for the re-creation of an open plan for the Memorial Plaza, including the echo of the former plinth and the explanatory material, and the design for the handrails for the new steps, are appropriate to the character of the individual landmark and the Historic District in which it sits.

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

- A. Removal: **approves** of the application to remove the Statue of Theodore Roosevelt from the Memorial plaza under the terms and conditions proposed by AMNH as appropriate to the character of AMNH as an individual landmark and of the Historic District.
- B. Replacement: **approves** the proposal for the reconfiguration and reconstruction of the Memorial plaza under the terms and conditions proposed by AMNH as appropriate to the character of the individual landmark and of the Historic District.

RESOLUTION

Date: June 1, 2021

Committee of Origin: Preservation

Re: 120 West 74th Street (Amsterdam – Columbus Avenues.) Application to the Landmarks Preservation Commission to expand the existing top floor and rooftop addition.

Full Board Vote: 34 In Favor 4 Against 0 Abstentions 0 Present

Committee: 6-1-1-0. Non-Committee Board Members: 2-0-0-0.

This resolution is based on the following facts:

- The subject building is a townhouse constructed of brownstone in a Queen Anne and Romanesque Revival style designed by architects Thom & Wilson ca. 1886-87. It is included in the Upper West Side/Central Park West Historic District.
- The applicant has previously been granted a Certificate of Appropriateness to create a full-width basement plus 3 story addition to replace the existing L-extension in the rear yard.
- The applicant now seeks a full-height/full-width rear yard addition at the same depth as previously approved – i.e. basement plus 4 stories. The result would be a top floor of the building that would extend to the plane of the previously approved full-width extension.
- The existing fenestration, the fenestration previously approved, and the fenestration proposed for the modified rear yard addition all consist of pairs of punched 1:1 double-hung windows. The existing windows have modest sash details on all but the ground floor. The tall, thin doors and windows previously approved for garden access continue to be proposed at the ground floor. There is a small transom detail at the top of the approved and proposed windows for the parlor floor.
- The fenestration pattern in the approved and proposed rear façade continue the pattern of punched windows in the rear facades of the neighboring buildings to either side, although the applicant's building would be proud of the plane of those buildings.
- The materials previously approved for the rear yard extension was a light grey stucco. The proposed materials for the revised extension is common red brick.
- A simple black metal railing is proposed for the top of the extended rooftop deck above the new proposed rear extension façade.
- The existing condition within the donut is a hodgepodge of rear additions of varying heights and widths, and with a variety of rear parapets configurations.
- The design for the punched windows on the rear façade will be modified to incorporate lintel and sash details equivalent to the existing condition.
- The use of common red brick instead of the previously approved stucco, and the use of modest punched windows in lieu of larger modern fenestration, improve the approved design and are appropriate to the character of the historic district.

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan **approves** the application as appropriate to the character of the Historic District, conditioned upon the supplementing of the rear fenestration design to include lintels similar to the original condition.

RESOLUTION

Date: June 1, 2021

Committee of Origin: Preservation

Re: 170 Central Park West, New-York Historical Society (West 77th Street.) Application #LPC-21-07870 to the Landmarks Preservation Commission for a four-story addition to the existing museum structures on the current parking lot space on West 76th Street, including rooftop and interior gardens.

Full Board Vote: 41 In Favor 1 Against 0 Abstentions 1 Present

Committee: 8-0-0-0. Non-Committee Board Members: 3-0-0-1.

This resolution is based on the following facts:

- The New-York Historical Society is an individual landmark designated in 1966. The original structure, now the central building, was completed in 1908 and was designed by architects York & Sawyer. Wings were added to the central building along the West 77th and West 76th Street frontages ca. 1938 by architects Walker & Gillette.
- The existing building is composed of granite in a classical style. The Central Park West York & Sawyer façade features a striated granite first floor with a monumental entrance with a triangular pediment, with minimal windows flanking the entrance. The second floor includes seven recessed large windows separated by Ionic columns resting on the inset from the floor below, and leading to a copper cornice at the top. Two large bronze windows flank the seven bays where the side-street Walker & Gillette wings meet the Central Park West façade.
- The West 76th Street Walker & Gillette façade, next to which the proposed new structure is to be built, continues the striated granite first floor and recessed large window bays separated by Ionic columns on the second floor, with five such bays on the side street elevation. The first floor of the West 76th Street façade includes five short, wide rectangular windows with divided light set relatively high on the first floor elevation.
- A belt course separates the first floor striated granite and fenestration from the second floor monumental window bays.
- In the central portion of the footprint of the existing structures, the existing “stack” building contrasts with the classical facades on the avenue and side streets in being relatively unfenestrated and undecorated, and is composed of light-colored common brick. The stack building has a wing that extends to be co-planar with the West 76th Street façade, which has three courses of large metal windows spanning the relatively narrow frontage, and a clerestory set of smaller windows above. The ornate copper cornice at the top of the granite classical composition wrapping around the West 76th Street façade continues above the wing of the stack building on the side street.
- To the west of the stack and main classical buildings, the footprint of the N-YHS lots include a vacant lot area enclosed by a utilitarian brick wall.
- N-YHS proposes a four-story addition to the classical building and stack, to be built within the vacant lot on the West 76th Street side of the buildings.

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- The proposed addition will continue the design and proportions of the classical CPW building, with a first floor of striated granite and a second floor with three window bays separated by Doric rather than Ionic pilasters to emulate the columns on the CPW York & Sawyer façade. The granite used on the addition will be the same Deer Isle granite as used on the Walker & Gillette Wings.
- The addition will continue the street wall height of the neighboring brownstones as well as the proportions, scale, materials, and architectural treatment of the classically proportioned CPW building. The new building will be built as-of-right following NYC Zoning regulations and will not require a zoning variance.
- Windows matching the dimensions, materials and composition of the second floor monumental windows on the West 76th Street façade will be added to the south façade of the stack building.
- The belt course between the first and second floors on the West 76th Street façade will be emulated in a slightly different composition on the new granite portion of the south façade. Windows matching the dimensions of the existing first floor rectangular horizontal windows will be cut into the new addition, arranged vertically rather than horizontally.
- Sculpture gardens will be added in the rear open space behind the new wing and on top of the completed addition.
- The new wing and renovations to the stacks building are designed to be capable of construction in phases depending on financial resources available and programmatic needs.
- The Walker & Gillette wings included slight variations on the York & Sawyer façade, and still create an harmonious composition that functions as a single work.
- The Walker & Gillette wings were the inspiration for the current proposal.
- The Stack tower is tall but is not visible from directly in front of the York & Sawyer building. It is only visible from locations up and down CPW.
- The design, materials, scale, and correspondence with slight variations between the proposed new structure and the existing buildings are appropriate to the character of this individual landmark and of the Historic District.

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan **approves** the proposal as presented as appropriate to the character of this individual landmark and of the Historic District.

RESOLUTION

Date: June 1, 2021

Committee of Origin: Preservation

Re: 322 Central Park West (West 92nd Street.) Application to the Landmarks Preservation Commission for renovation of a boiler flue, including interior base support of a stainless steel flue liner and exterior metal frame support for a flue liner extension above the existing brick rooftop flue.

Full Board Vote: 39 In Favor 0 Against 3 Abstentions 0 Present

Committee: 6-1-0-0. Non-Committee Board Members: 2-0-0-0.

This resolution is based on the following facts:

- The subject building is a 15-story masonry apartment building with a limestone base and common brick façade with limestone details. It was built ca. 1926 by architects George and Edward Blum. It is included in the Upper West Side/Central Park West Historic District.
- The owners of 322 CPW having converted the oil furnace to a dual-fuel (gas/oil) boiler propose to line the boiler chimney flue from the furnace to the roof with a stainless steel flu liner to preserve the chimney and minimize future damage to the surrounding masonry as a result of condensation created by gas combustion.
- The existing masonry chimney, constructed in accordance with codes applicable at the time of construction, is non-compliant with the 2014 Mechanical Code as it relates to its height and proximity to other adjacent structures. By virtue of lining the chimney, the building is now required to bring the chimney into compliance with the 2014 Mechanical Code.
- In accordance with the Code and given the proximity of the chimney to the nearby domestic water tank, the flue must be raised to approximately 16 feet. Given the slenderness of the exposed extension, it cannot be executed in heavy masonry to match the existing but rather constructed in metal with structural steel enframement which will be painted a dull gray.
- A request for a reconsideration to allow the chimney to remain at its existing height has been submitted to DOB, but it is unlikely that grandfathering will be granted.
- Drawings illustrate that there is no other location re reroute the chimney or relocate the water tank that would have less impact on the sightlines from a public thoroughfare.
- From one spot on 92nd Street, from Central Park West, and from Central Park the flue is visible.
- The flue extension is minimally visible, and is consistent with the type of utilitarian structures routinely found on the rooftops of apartment buildings located within the Historic District. The proposed flue extension is thus appropriate to the character of the Historic District.

BE IT FURTHER RESOLVED THAT, Community Board 7/Manhattan **approves** the application for the flue extension as appropriate to the character of the Historic District.

RESOLUTION

Date: June 1, 2021

Committee of Origin: Preservation

Re: 263 West 93rd Street (Broadway – West End Avenue.) Application to the Landmarks Preservation Commission for a window replacement.

Full Board Vote: 40 In Favor 2 Against 1 Abstention 0 Present

Committee: 6-1-0-0. Non-committee Board Members: 1-1-0-0.

This resolution is based on the following facts:

- The property is within the Riverside-West End Historic District. The building is a townhouse with its parlor floor only a few steps above the sidewalk, built ca. 1897 by architect Alexander M. Welch.
- The property has received approval from LPC at the staff level for replacement of all windows - except second floor front windows - for a new bulkhead addition as well as other alterations.
- The two second floor front windows are special windows. They are single hung windows with a transom-like window composed of stained glass above. The stained glass transoms will be preserved. The bottom portion is operable and provides ventilation for the room currently by sliding up and down. The applicant requests permission to replace the bottom portions. The operation of the bottom portion will be different from the windows already approved at LPC – the proposed operation will be to pivot on an axis near the top of the tall, thin rectangular windows. Since the stained glass top portion will remain, the bottom portion will operate as a single hung window. The replacement window will be an awning window in order to provide code required ventilation. The difference in size of the new glass vs. the existing glass is 1%, which is below the 6% threshold set by LPC.
- The proposed windows are Marvin aluminum clad windows and will open up to 8 inches away from the façade at the bottom. LPC approved the other Marvin clad windows in the building.
- The use of awning windows that preserve the relative dimensions of the existing windows and conform to customary materials and appearance of front façade windows found elsewhere in the area is appropriate to the character of the Historic District.

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan **approves** the application for the replacement windows as appropriate to the character of the Historic District.

RESOLUTION

Date: June 1, 2021

Committee of Origin: Preservation

Re: Construction Netting.

Full Board Vote: 38 In Favor 0 Against 5 Abstentions 0 Present

Committee 7-0-0-0. Non-committee Board Members 2-0-0-0

The following facts and circumstances were considered by the committee in reaching its decision:

- Construction and renovation projects throughout New York City, including in Historic Districts, are increasing as the pandemic restrictions are easing.
- Several buildings in our district are planning Local Law 11 repairs and/or façade cleaning.
- In addition to scaffolding and sidewalk sheds it is likely that several of these projects will require Construction Safety Netting (also referred to as Debris Netting).
- Such netting is often essential to reduce the risk for accidents from debris, provide additional accident protection for workers as well as reducing clean up time.
- Much, if not all, of the netting in use in our district (and throughout the City) is black.
- The widely used black netting creates a “shroud” like effect and an ambience of gloom in addition to a reduction of visibility through the netting; the reduction of visibility reduces the effectiveness of security lighting at the site, particularly illumination of vacant floors, and the ability to observe any existing damage. Black netting also absorbs and retains heat causing increased discomfort to both workers and building occupants.
- The use of black netting is particularly inappropriate on structures in a historic district and on individual landmarks wherever situated within New York City.
- A review of Safety Netting manufacturers servicing the New York City area indicates that almost all such manufacturers make code compliant safety netting in “white” or “light sand” colors and thus such netting is readily available.

BE IT FURTHER RESOLVED THAT, in light of the foregoing, Community Board 7, Manhattan calls upon the New York City Landmarks Commission and the New York City Department of Buildings to immediately mandate that Construction Safety Netting used upon any structure in a designated Historic District or upon an individually designated Landmark, be “white”, “light sand” or equivalent light color and that the use of black safety netting be prohibited in such circumstances.

Further, Community Board 7 calls upon the New York City Council to enact a law codifying the foregoing requirement and prohibition.

RESOLUTION

Date: June 1, 2021

Committee of Origin: Youth, Education and Libraries

Re: Returning Full-Time to In-Person Learning for NYC Schools in Fall 2021

Full Board Vote: 35 In Favor 1 Against 3 Abstentions 1 Present

Committee: 12-0-0-0. Non-Committee Board Members: 2-0-0-0.

The following facts and concerns were taken into consideration:

New York City Schools Chancellor Meisha Porter has announced that “based on available health indicators, [NYC public schools from 3K to 12th grade] will return to full-time, in-person learning this September,” and that “teachers and staff will also be returning to in-person instruction in the fall.”¹

- In making the announcement, Chancellor Porter said NYC schools will “meet whatever the CDC social distancing requirements are in September,” and “expect that the city’s continuously improving health metrics may allow for more flexibility by the fall.” Additionally, the NYC Department of Education plans to maintain many of the health and safety measures in place during the 2020-2021 school year, including:
 - Requiring masks in all school buildings
 - Every school building will continue to have a nurse
 - Every classroom will have working ventilation systems
- In the same letter, the Chancellor noted: “With a current rolling 7-day COVID positivity rate of 0.16% and a consistently low transmission rate, our schools have a proven track record of being safe. We will meet whatever the CDC social distancing requirements are in September, and we expect that the city’s continuously improving health metrics may allow for more flexibility by the fall.”
- Data collected via the National Covid-19 School Response Dashboard supports the Chancellor’s statement that schools are safe for in-person learning.
 - Per Dashboard data, student and staff case positivity rates generally mirror community rates, and reveal no evidence that schools appear to be the source of COVID-19 spread.
 - Additionally, the Dashboard shows positivity rates dropping very significantly as vaccination efforts have picked up speed.
 - Lastly, the Dashboard data reveals that there is an inverse correlation between in-person school density and COVID-19 positivity rates:
 - Based on data from states including New York, schools with the highest density (e.g., >80% students receiving in-person instruction) have lower COVID-19 positivity rates than students in lower density (e.g., <80% of students receiving in-person instruction).²
 - According to the National COVID-19 School Response Dashboard Creator and Brown University Economics Professor Dr. Emily Oster, “There is nothing coming out of this

¹ <https://www.schools.nyc.gov/about-us/news/chancellor-s-message-for-families>

² <https://www.medrxiv.org/content/10.1101/2021.05.19.21257467v1>

[Dashboard] data that would suggest that having kids in a normal amount of [in-person classroom] density is problematic for COVID cases.”³

- There are many examples of school systems successfully reopening for full-time, in-person learning in other communities (e.g., Providence, nearby towns in Westchester).⁴

A return to full-time, in-person learning for NYC schools and students in the fall will provide the city’s children with access to the full academic experience after nearly a year and a half of disrupted education. Additionally, ensuring students are learning in-person will enable schools to provide the full range of enrichment opportunities, as well as provide the social/emotional support, special education services, and access to mental health providers that are an essential component of our students’ education and growth; these services have been made even more essential to address trauma that occurred during and was caused by the COVID-19 pandemic, including the wages of isolation as well as personal, community and family losses from the pandemic.

Communication – and robust advanced planning – will be critical as the City seeks to build support amongst families and guardians who will be sending their children back to full-time in-person learning, many for the first time since March 2020 (and among families of the youngest learners, for the first time ever). The past year has been one of unimaginable difficulty, loss, and financial and emotional strain for NYC families and guardians. Transparency around the details involved in the return to in-person learning, including the logistics laid out in the reopening announcement (e.g., nurses, ventilation, use of space) will be of paramount importance in rebuilding trust with families, communities and schools leading into the fall.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan supports the decision to return to full-time, in-person learning for NYC schools and students in September 2021; and

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan believes that schools should be open for all students to attend in-person, 5 days a week this fall, and supports the recent statement announcing the city’s decision to return NYC schools to full-time, in-person learning;

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan calls upon all NYC leaders, including the Mayor, the Chancellor, the Department of Education and the Department of Health and Mental Hygiene, to complete the plan to reopen all schools (3k-12) in an expedited fashion. Reopening plans should be detailed and specific – not just general frameworks – and should be formulated with meaningful participation by and guidance from superintendents, principals and teachers as well as representatives of staff so that administrators and teachers and entire school communities can implement feasible, finalized plans and begin preparing for the return of their students to full-time in-person learning, and schools can open on-time and be fully functional on September 13, 2021; and

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan urges NYC officials to provide regular updates to all stakeholders detailing progress on the plan to reopen so that entire school communities can be informed, up-to-date, and engage collaboratively to plan for the fall; and

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan urges NYC officials to engage in robust outreach to families, guardians, and students themselves via multiple channels (email, phone, etc.) to support the return to school.

³ <https://www.youtube.com/watch?v=eH2t8leIs8g>

⁴ Ibid

RESOLUTION

Date: June 1, 2021

Committee of Origin: Health & Human Services

Re: Sexual harassment in the workplace: prevention, disclosure, and response

Full Board Vote: 37 In Favor 0 Against 3 Abstentions 0 Present

To better prevent sexual harassment and create work environments where people feel safe to disclose and know how respond appropriately, NYS and NYC should consider how to implement a more comprehensive and ongoing approach than what NYS and NYC human rights laws require of employers and employees. It is possible to improve the quality and effectiveness of prevention and response in ways beneficial to NYC’s diverse workforce without overburdening employers and workers.

This resolution is based on the following facts and information:

- **Public health and gender-based discrimination:** Sexual harassment is a public health issue and a form of gender-based discrimination that violates Title VII of the Civil Rights Act of 1964.ⁱ (It is a form of discrimination under local, state, and federal law.ⁱⁱ) The NYC Commission on Human Rights (CCHR) defines sexual harassment as “unwelcome verbal or physical behavior based on a person’s gender.” It includes a range of behaviors from display of images to sexist or derogatory comments to assaultⁱⁱⁱ (defined as any nonconsensual sexual act^{iv}); and it “does not need to be severe or pervasive to be against the law.”^v
- **Prevalence:** The Equal Employment Opportunity Commission (EEOC) estimates that “anywhere from 25% to 85% of women report having experienced sexual harassment in the workplace.”^{vi} (Prevalence is difficult to assess due to inconsistent research, such as whether survey questions ask about “sexual harassment” or behaviors; different questions elicit different responses.)
- **Underreporting:** Sexual harassment tends to be underreported. When people experience it, the most common responses are avoidance, denial, and attempts to “ignore, forget, or endure”; and the least common response is to report internally or file a complaint. EEOC reports that ~3 of 4 of those who experience harassment do not speak of it with a supervisor, manager, or union representative.^{vii} A recent national survey found that only 1 in 10 women and 1 in 20 men file a complaint or report to an authority figure.^{viii} Those who experience it may fear reactions of disbelief, inaction, blame, or retaliation. (Research suggests that though most people tend to believe accounts,^{ix} many employees who report do face indifference, trivialization, hostility, and/or retaliation at work.^x) Some may not recognize behaviors as harassment or understand their options and their employer’s responsibilities.^{xi}
- **Hostile environment:** EEOC notes that “whether or not women label their unwanted experiences as sexual harassment appears to have little influence on the negative consequences of these experiences.” Sexual harassment can create an intimidating and hostile environment and impact an individual’s health as well as work performance, employment, and opportunities. It also results in economic costs to organizations and impacts on work culture, productivity, and retention.^{xii,xiii}
- **New York’s human rights laws (NYS and NYC):** New York’s Human Rights Law “requires all employers . . . to provide a workplace free from sexual harassment” for employees and anyone providing services (in and out of the physical office).^{xiv} The law prohibits sexual harassment and retaliation (toward those who report, testify, or assist in investigations/proceedings); and requires supervisors/managers to

report any knowledge of incidences. Every employer is required to adopt a prevention policy and annual training that meets or exceeds minimum standards.^{xv, xvi}

- The law requires that employers provide employees with policy and training materials in both English and in an employee's primary language if it is Spanish, Chinese, Korean, Polish, Russian, Haitian-Creole, Bengali or Italian. NYS provides resources in these languages;^{xvii} and NYC provides resources in additional languages (Arabic and Urdu).
- The minimum standards for training require that it be interactive^{xviii} and include examples and information on sexual harassment, federal and state statutory provisions, remedies available to victims, employees' rights of redress, and supervisors' responsibilities.^{xix} NYC also requires that training include information and resources on bystander intervention.^{xx}
- The law does **not** require the availability of a live, certified trainer with whom participants can interact and ask questions; or the availability of a web-based alternative such as AI or live chat.^{xxi}
- The law does **not** require and NYS and NYC do not provide sample training modules focused on these intervention and prevention strategies:
 - guidelines and scripts for how to respond to sexual harassment, such as whether and how to assert oneself in the moment; the importance of reporting promptly (to protect oneself and others);^{xxii} and factors to consider when making decisions about the reporting process. Such factors include desired outcomes; records (notes, photos, evidence); statutes of limitations; lawyers; non-disclosure agreements; public disclosures; differences among reporting options (e.g., internal or external; named or anonymous) and reporting channels (e.g., filing a criminal and/or civil claim and with NYPD [various units], EEOC, and/or CCHR). Guidelines and scripts could also assist those who receive reports to ensure appropriate responses. This approach considers what information is necessary from a victim's perspective - to improve understanding of what to expect and do; be prepared; and empower workers to disclose harassment and make informed decisions.
 - workplace civility training, which builds community and promotes behaviors that demonstrate respect, inclusion, and civility and contribute to positive and healthy workplaces.^{xxiv, xxv}
 - methods for leaders to create a holistic culture of non-harassment.^{xxvi} Leaders can help prevent harassment and enable disclosure through communication, tone, role modeling, mentoring, incentives, and accountability.^{xxvii} A recent survey found that men who perceive that their supervisors work to prevent harassment are less likely to report engaging in those behaviors.^{xxviii}
 - strategies for creating safer environments and supports for people to disclose, such as giving multiple and diverse workers the responsibility of receiving reports. This makes it more likely that those who experience harassment can find and talk to someone with whom they are comfortable.^{xxix} The U.S. Department of Health and Human Services also suggests supportive measures for those who opt not to engage in a formal grievance process, such as methods for deterrence and safety (e.g., protective escort services) as well as equal access to supports and solutions (e.g., counseling, mediation, reassignments).^{xxx}
 - training in policies, language, and expectations for navigating interactions and sexual relationships in the workplace. This might include an overview of policy language restricting such relationships; and when permitted, conditions for active consent (as well as how to communicate clearly and appropriately if/when co-workers engage, approach,

and respond). The goal is to provide a concrete language and norms for guiding boundaries and mutually consenting behavior in workplaces with power inequities and high stakes consequences for individuals and organizations. Any discussion would ideally include opportunities for questions and answers.

- The law does **not** require reviews or updates of policies and trainings.
- The law does **not** require and NYS and NYC do not provide multiple models of sector specific trainings for different workplaces (e.g., bar, law firm, school, construction site, or doctor's office).
- The law does **not** require and NYS and NYC do not provide sample methods for all employers to self-assess their workplace conditions through climate surveys or other methods. EEOC suggests that employers conduct self-assessments; and identify risk factors and methods for minimizing risks. Examples of risk factors include isolated workspaces, tolerance and encouragement of alcohol consumption, homogenous workforces, significant power disparities, gender inequity in leadership and compensation, and gender imbalance on teams.^{xxxi, xxxii} (NYC does require city agencies and offices to conduct climate surveys and assess risk factors and report any incidences to the DCAS.^{xxxiii})
- NYS and NYC do **not** have a means of connecting with workplaces to research and report on the effectiveness of policies and trainings, the extent of sexual harassment, or use of best practices citywide. (Any reports should protect anonymity and/or confidentiality and aggregate data.) It is important to identify risk factors for perpetration and victimization (citywide); as well as find ways to remove barriers to disclosure and enable remedies, especially for populations disproportionately exposed to or *impacted* by sexual harassment. This includes those who previously experienced sexual violence; those who may endure multiple forms of discrimination (on the basis of protected classes^{xxxiv}); and those dependent on jobs or vulnerable due to immigration status or other factors.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan rejects and condemns sexual harassment and affirms every person's right to a workplace free of all forms of harassment.

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan calls on the NYS Division of Human Rights and the NYC Commission on Human Rights (CCHR) to engage with relevant agencies* to develop additional standards and models that support a comprehensive and ongoing approach to prevention, disclosure, and response, such as

- 1) additional training videos (that incorporate content and strategies listed above; as well as sector-specific training);
- 2) methods for employers to opt to evaluate, review, and update trainings; and
- 3) methods for employers to conduct periodic assessments of risk, prevalence, and impact. NYS and NYC should provide incentives for employers to participate in citywide research (anonymously and/or confidentially); this could enable NYC to
 - a) identify needs;
 - b) remove barriers to disclosure and remedies; and
 - c) determine effectiveness and any necessary modifications to policies and/or trainings. It is also crucial to provide incentives for employers and workers to participate in surveys⁵ anonymously to gain insights from those who experience and those who perpetrate harassment; and for NYS and NYC to work with legal experts (to address questions of anonymity and liability) and survey design

⁵. Government agencies and nonprofit organizations have called for workplace discrimination data to be collected through the inclusion of questions in population-based surveys (e.g., the Census, American Community Survey, and those conducted by the Bureau of Labor Statistics and other agencies).

experts to frame questions in ways that solicit accurate answers and useful findings.

**Relevant agencies include the EEOC, NYPD, DA's Office, Commission on Gender Equity (CGE), Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV), NYC Economic Development Corporation, Office of Workforce Development, Small Business Services, Center for Innovation through Data Intelligence; and the NYS Department of Health's Sexual Violence Prevention Program.*

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan calls on The Mayor's Office of the Chief Technology Officer, Department of Information Technology & Telecommunications, NYS Division of Human Rights, and CCHR to research the use of translation technologies to make materials available in additional languages; to provide materials in audio and/or other appropriate modalities for the visually impaired and for those who do not read; and to enable a mechanism through which employees can submit questions anonymously and receive timely answers in response to trainings and/or policies (and this should be available in multiple languages).

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan calls on the NYS Department of Financial Services to work with insurance companies to create methods for employers to receive reductions on liability insurance* premiums for providing evidence of low sexual harassment risk (e.g., through assessments and/or leadership trainings). *Employment practices liability insurance.

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan calls on CCHR, CGE, ENDGBV, and borough presidents to work with community boards, schools, and other organizations to incorporate anti-sexual harassment training in anti-bias, anti-bullying, and anti-sexual violence efforts; as well as in efforts to improve diversity, equity, and inclusion and enhance a culture of civility, sensitivity, and empathy in workplaces.^{xxxv} This training could include effective strategies related to prevention, disclosure, intervention, and response. We call for opportunities for genuine dialogue (perhaps tailored to groups) so communities can ask honest questions; learn tools for processing experiences; and listen and respond productively to difficult conversations circulating in public discourse.

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan calls on New York City to provide funds to the Department of Citywide Administrative Services, CCHR, ENDGBV, and CGE to support these enhancements to implementation of the law.

RESOURCES

How to report:

[NYC Commission on Human Rights](#), [EEOC's NY District Office](#), [NYS Division on Human Rights](#), [NYPD: How to Report a Crime](#)

FAQ:

[NYS Division of Human Rights](#), [Stop Sexual Harassment in NYC Act](#), [CCHR factsheet](#), [Women's Rights in NYC](#)

Sexual violence helplines and resources:

[Safe Horizon's rape and sexual assault hotline](#), [NYC Alliance Against Sexual Assault helpline and chatline](#), [NYS Sexual Violence Prevention Program](#)

Sexual harassment prevention training:

[NYC Commission on Human Rights](#), [OutSmartNYC](#) (sector-specific training for nightlife industries)

Bystander intervention training and anti-violence education:

[NYC Commission of Human Rights](#), [Center for Anti-Violence Education](#), [NYC Anti-Violence Project](#), [Bystander Intervention Tips and Strategies](#) (National Sexual Violence Resource Center), [Kirwan Institute for the Study of Race and Ethnicity](#), [Guide to Responding to Microaggression](#), [Hollaback](#), [How to Be an Active Bystander When You See Casual Racism](#), [How to Be a \(Good\) Bystander](#), [Sexual Harassment Training Doesn't Work. But Some Things Do](#)

Endnotes (see links below for information about sources)

- ⁱ <https://www.eeoc.gov/fact-sheet/facts-about-sexual-harassment>
- ⁱⁱ <https://www1.nyc.gov/site/cchr/law/sexual-harassment-training-main.page>
- ⁱⁱⁱ https://www1.nyc.gov/assets/cchr/downloads/pdf/materials/SexHarass_Factsheet-English.pdf
- ^{iv} <https://www.justice.gov/ovw/sexual-assault#sa>
- ^v <https://www.ny.gov/programs/combating-sexual-harassment-workplace>
- ^{vi} https://www.eeoc.gov/select-task-force-study-harassment-workplace#_Toc453686302
- ^{vii} https://www.eeoc.gov/select-task-force-study-harassment-workplace#_Toc453686302
- ^{viii} <https://gehweb.ucsd.edu/wp-content/uploads/2019/05/2019-metoo-national-sexual-harassment-and-assault-report.pdf>
- ^{ix} <https://gehweb.ucsd.edu/wp-content/uploads/2019/05/2019-metoo-national-sexual-harassment-and-assault-report.pdf>
- ^x https://www.eeoc.gov/select-task-force-study-harassment-workplace#_Toc453686302
- ^{xi} https://www.eeoc.gov/select-task-force-study-harassment-workplace#_Toc453686302
- ^{xii} <https://www.eeoc.gov/fact-sheet/facts-about-sexual-harassment>
- ^{xiii} <https://www.eeoc.gov/select-task-force-study-harassment-workplace>
- ^{xiv} <https://www.ny.gov/combating-sexual-harassment-workplace/combating-sexual-harassment-frequently-asked-questions>
- ^{xv} <https://www.ny.gov/sites/ny.gov/files/atoms/files/MinimumStandardsforSexualHarassmentPreventionPolicies.pdf>
- ^{xvi} <https://www.ny.gov/sites/ny.gov/files/atoms/files/MinimumStandardsforSexualHarassmentPreventionTraining.pdf>
- ^{xvii} <https://www.ny.gov/combating-sexual-harassment-workplace/combating-sexual-harassment-frequently-asked-questions>
- ^{xviii} <https://www.ny.gov/combating-sexual-harassment-workplace/combating-sexual-harassment-frequently-asked-questions>
- ^{xix} <https://www.ny.gov/sites/ny.gov/files/atoms/files/MinimumStandardsforSexualHarassmentPreventionTraining.pdf>
- ^{xx} <https://www1.nyc.gov/site/cchr/law/sexual-harassment-training-main.page>
- ^{xxi} <https://www.ny.gov/combating-sexual-harassment-workplace/combating-sexual-harassment-frequently-asked-questions>
- ^{xxii} <https://www.eeoc.gov/youth/sexual-harassment-against-law>
- ^{xxiii} <https://www.nytimes.com/2017/11/10/style/sexual-harassment-work-advice-lawyers.html>
- ^{xxiv} https://www.eeoc.gov/select-task-force-study-harassment-workplace#_Toc453686302
- ^{xxv} <https://www.eeoc.gov/newsroom/eeoc-launches-new-training-program-respectful-workplaces>
- ^{xxvi} https://www.eeoc.gov/select-task-force-study-harassment-workplace#_Toc453686302
- ^{xxvii} https://www.eeoc.gov/select-task-force-study-harassment-workplace#_Toc453686302
- ^{xxviii} <https://www.nytimes.com/interactive/2017/12/28/upshot/sexual-harassment-survey-600-men.html>
- ^{xxix} <https://www.eeoc.gov/newsroom/eeoc-launches-new-training-program-respectful-workplaces>
- ^{xxx} <https://www.hhs.gov/sites/default/files/effective-practices-for-preventing-sexual-harassment.pdf>
- ^{xxxi} https://www.eeoc.gov/select-task-force-study-harassment-workplace#_Toc453686305
- ^{xxxii} <https://hbr.org/2017/11/training-programs-and-reporting-systems-wont-end-sexual-harassment-promoting-more-women-will>
- ^{xxxiii} <https://www1.nyc.gov/office-of-the-mayor/news/243-18/mayor-de-blasio-signs-legislation-strengthening-protections-against-sexual-harassment#0>
- ^{xxxiv} <https://www1.nyc.gov/site/cchr/law/the-law.page>
- ^{xxxv} https://www.eeoc.gov/select-task-force-study-harassment-workplace#_Toc453686314



RESOLUTION

Date: June 1, 2021

Committee of Origin: Land Use

Re: NYC Department of City Planning and NYS MTA's proposed Zoning Text Amendment 2020Y0194: Elevate Transit for Accessibility.

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

<https://new.mta.info/accessibility/zoning-for-accessibility>

The Metropolitan Transportation Authority (MTA) and City and the Department of City Planning (DCP) have jointly proposed a series of amendments to the New York City Zoning Resolution related to accessibility to and improvement of subway and train stations citywide.

1. **Easements:** The proposed amendment provides that developers of lots in excess of 5,000 square feet consult with the MTA to determine whether the MTA would require an easement on any portion of their property within 50' of a station. The easement would be for the purpose of installing ADA compliant access to the stations. If the MTA requires the easement, floor area taken up by the easement would be excluded from the building's allowable floor area for zoning purposes, and the developer would be permitted to use the exempted floor area elsewhere on the site. Relief from open space, height, parking street wall and streetscape regulations would be available by certification of the CPC Chair. The developer would be permitted to increase the allowable height of the building by 10' (where the zoning is below R7) or 20' where the building is in an R7 or above district. In Community Board 7/ Manhattan, all streets and avenues abutting a subway station are zoned above R7.

The granting of the easement and the location of the relocated floor area would not be subject to discretionary review by the City Planning Commission or by the affected Community Board.

The proposal contemplates that an easement might not be built on immediately, and therefore would allow a developer to use space subject to the easement for temporary retail, and would allow second floor commercial uses. During this interim period (of unspecified duration) floor area of the site would be effectively increased by the area of the easement.

The granting of an easement will also result in reduction of street planting and street wall requirements. Community Board 7 favors, in principle, the use of zoning to simplify the MTA's ability to obtain easements for purposes of providing accessibility, and approves the exclusion of floor area covered by the easement from allowable floor area. Allowable floor area. However, Community Board 7 disapproves the proposed amendment insofar as it fails to provide for review by the City Planning Commission or the Community Board of the appropriateness of location on the affected site of the compensatory floor area and provides for height increases that are inimical to the physical context of the upper west side. . The configuration of the building envelope is particularly sensitive with respect to sites subject to contextual zoning and/or sites in which developer will obtain a bonus for inclusionary (i.e. affordable) housing.

Moreover, the MTA should be required to certify that it will utilize the easement within a reasonable time after the building is constructed.

2. **Station access/station improvement bonus:** The proposed amendment for "significant station improvement" would provide for an FAR bonus of up to 20% in R-9 and R-10 districts for sites within 500' of a station by authorization of the City Planning Commission. The

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community board would be notified of the application, but it would not be subject to ULURP review. The amount of the bonus would be "commensurate" with the benefit provided.

The bonus can be awarded not only in exchange for a developer providing accessibility, but also for station improvements unrelated to accessibility. In short, the proposed amendment would create a financial benefit to the MTA in exchange for significant zoning bonuses for developers. The MTA's concern would be solely with station improvements, without regard to any zoning issues.

The proposal also permits an increase of up to 25% in the allowable height of buildings subject to the discretion of the City Planning Commission, and an even larger height bonus by special permit. Additionally, the Commissioner I would be authorized to permit relief from use, bulk, parking, loading and streetscape zoning requirements.

The criteria set forth for the City Planning Commission's approval of a bonus are set forth in extremely vague terms, without any monetary guidelines. Any FAR bonus awarded in exchange for a developer providing accessibility or station "improvement" should be commensurate with the cost to the developer of the benefit conferred.

The MTA-related bonus could be used by a developer in addition to an inclusionary housing bonus, possibly resulting in a building with an FAR of 14.4 (In 9A and 10A contextual districts, the residential portion would be capped at 12 FAR, but the developer could use the additional FAR for non-residential (e.g. community facility) purposes. The application of an MTA-related bonus would supersede height restrictions in contextual zones).

Community Board 7 approves the use of an FAR bonus in exchange for a developer providing ADA accessible access to a station, but disapproves of the use of the bonus for purposes of station improvement unrelated to elevators or escalators providing accessibility.

Moreover, any MTA-related bonus should be subject to the special permit process, providing for ULURP, public hearings and Community Board Review.

WHEREFORE, BE IT RESOLVED THAT Community Board 7, Manhattan:

1. **Approves** the proposed Zoning Resolution amendments insofar as they relate to the granting of easements, if, but only if, the configuration of the displaced FAR on the building site be subject to review by the City Planning Commission and the affected Community Board; and the MTA is required to certify that it will use the easement within a fixed reasonable period of time; and
2. **Approves** the proposed Amendments to the Zoning Resolution pertaining to station accessibility, if, but only if:
 - a. the granting and the extent of the bonus are subject to measurable monetary criteria to ensure that the value of the improvement is commensurate with the value of the bonus and the benefit to the community;
 - b. the granting of the bonus is subject to the special permit process; and
 - c. the total FAR bonus (inclusionary housing and MTA-related) should be subject to a finding that the increase does not adversely impact the surrounding community, and would not cause the building to be non-contextual.
3. **Disapproves** any scheme by which a developer is awarded an FAR bonus for "improvements" which are unrelated to the provision of elevators or escalators.

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

RESOLUTION

Date: June 1, 2021

Committee of Origin: Business & Consumer Issues

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

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

Committee: 5-0-0-0. Non-Committee Board Members: 4-0-0-0.

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

- **225-235 Freedom Place South** (West 61st Street) GC Riverside LLC d/b/a Harry's Table by Cipriani.
- **433 Amsterdam Avenue** (West 81st Street) HRA Amsterdam, LLC d/b/a RA Sushi.

RESOLUTION

Date: June 1, 2021

Committee of Origin: Business & Consumer Issues

Re: 286 Columbus Avenue (West 74th Street)

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

Committee: 5-0-0-0. Non-Committee Board Members: 4-0-0-0.

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan **approves** alteration liquor license application to the SLA by Kissaki UWS LLC, d/b/a To be Determined.

RESOLUTION

Date: June 1, 2021

Committee of Origin: Business & Consumer Issues

Re: 940 Columbus Avenue (West 106th Street)

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

Committee: 5-0-0-0. Non-Committee Board Members: 6-0-0-0.

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan **approves** class change liquor license application to the SLA by Fujiyama Ramen & Sushi LLC d/b/a Mighty Catch.