



THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD 3

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Jamie Rogers, Board Chair

Susan Stetzer, District Manager

May 2017 Vote Sheet

Executive Committee

- CB 3 position re Create NYC policy

VOTE: TITLE: Resolution regarding Summary Overview of comments on the NYC Cultural Plan

WHEREAS, a Summary Overview of Community Input for the NYC Cultural Plan is presently on line at CreateNYC.org. There is a two week window of opportunity to offer public comment before a final version of the NYC Cultural Plan is submitted to the NYC Council by June 30, 2017 for review and approval; and

WHEREAS, the NYC Council passed legislation requiring that NYC Dept of Cultural Affairs develop a Cultural Plan for New York City no later than the end of the fiscal year of 2017; and

WHEREAS, the Summary Overview was reviewed by the Arts and Culture subcommittee who proposed that the following priorities would be of the most benefit to Community Board; and

WHEREAS, the Issue of Equity should support arts & cultural organizations with a primary mission of serving historical underrepresented and underserved communities by encouraging and facilitating the employment of people from diverse communities and supporting individual artists who are from or work with diverse communities, as well as encourages and supporting increased language access, including ASL, for cultural programming and finding opportunities to reach broader more inclusive audiences by providing information in multiple languages and formats, and supporting disability Arts as part of supporting culture and artists, supporting artists and community based cultural organizations that work with immigrant communities, cultures and artists and continue to supporting free admission, membership or discounted programming with cultural organizations through the IDNYC program; and

WHEREAS, under Social and Economic Impact, including Arts and Culture in resiliency planning and preparedness by designating a City Liaison to help coordinate the participation of artists and arts, cultural and science communities in disaster preparedness and responses with support for cultural organizations that have a lower environmental impact; and

WHEREAS, Affordability is one of the major issues facing our arts and culture community. It is recommended that by preserving and developing long-term workspaces of the cultural community, advancing the affordable Real Estate for Artists (AREA) initiative, supporting nonprofit organizations in the development and operation of affordable workspaces in City-owned or public-private partnership facilities, consulting with local residents in the City's RFP's for new cultural facilities in order to better reflect community needs and priorities, as well as share and partner in the development of new models to develop and preserve affordable workspaces citywide-considering Community Land Trusts, fractional ownership, rent to own, deed restrictions, cross subsidization and mobile studios would best serve our community. To improve access to existing and newly developed affordable housing for artists and cultural workers by creating opportunities to increase the development of physically accessible affordable housing for artists that allows them to thrive in their own communities, inform NYC's artist and cultural communities about affordable housing opportunities and investigate how to allow for non-traditional income documentation review in affordable housing applications from artists and other freelance workers with variable income. Support longterm sustainability of artists, cultural workers and Arts & Culture and Science organizations including creating mechanisms for organizations to pool resources and encourage block buying of resources and materials such as goods and a city agency or not-for-profit 3rd party to pursue collective purchases of insurance; and

WHEREAS, City-Wide Coordination should support culture across agencies partnering with other City agencies to ensure the needs of the cultural community in all community and economic development and planning processes, develop RFP's for mixed-use developments which give reference too proposals that include cultural organization on the development team, help artist and cultural organization stop navigate city government rules, regulations and permitting, hold sessions for cultural opera and City agencies to facilitate collaboration and share information on upcoming opportunities. Strengthen interagency and inter-governmental collaboration by formally coordinating efforts to support an integrate culture across City Agencies and facilitate collaboration between

agencies, sector sea initiatives. by effectively communication cultural funding opportunities and programming citywide via exiting information systems such as th NYCH Journal and libraries; and

WHEREAS, Arts, Culture & Science Education needs to strengthen and promote high quality, diverse and sequential art culture and science education for every child in NYC Public schools by promoting and supporting arts instruction across grades K-12, integrate arts and culture in all subtexts, collaborate with arts and /or museum educators, expand the pool of arts and cultural organizations that deliver service in sand after school, expand free and affordable after school arts and culture programs citywide. Supporting professional development and fellowship for educators and teaching artists from under represented groups, including people with disabilities; and

WHEREAS, Health of the Cultural Sector should support expanded employment opportunities for local artists and arts, cultural ad science works by collaborating with partner organizations to support individual arts through direct grants, including vocally sponsored artist, help community based networks to learn form one another, coordinate their efforts and scale up through collective action, support increased marketing efforts by the City and other stakeholder to promote the broads range of arts and cultural offerings citywide and work towns safe and open environments for DIY and alternative arts spaces in collaboration with City agencies and to streamline the grant application process; and

WHEREAS, Arts & Culture in Public Space should be increased opportunities for artist to work in NYC Government and public space by removing barriers and support stakeholders in navigating the permitting process for art and cultural programming in public space and crate mechanisms for artist-led and artist -initiate project in public space and/or with City government, by inclusion of public story in all development projects on private sites; and

WHEREAS, Neighborhood Character should be maintained by supporting arts, cultural and science programs in all neighborhoods in all boroughs by incorporating local arts and culture organizations and and priorities in neighborhood planning and re-zoning, collaborating with communities and researchers to identify cutler assets and distribution of funding, partner with City agencies and community stakeholders to support cultural preservation in neighborhoods across all five boroughs; so

THEREFORE BE IT RESOLVED, Community Board 3 approves this Summary Overview of the NYC Cultural plan taking into consideration the above mentioned areas of concern as presented in this resolution and asks that the Department of Cultural Affairs release a copy of the proposed cultural plan to be submitted to the NYC Council prior to June 30 2017 for public review and comment and that data gathered from the many surveys conducted be made available to the general public and be sortable by zip code.

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Parks, Recreation, Cultural Affairs, Landmarks, & Waterfront Committee

1. Approval of previous month's minutes
approved by committee
2. Presentation by NYC Parks Landscape architect Chris Crowley of the schematic design for the Parks Without Borders project at Seward Park

VOTE: TITLE: To Support the design for Parks Without Borders Project at Seward Park

WHEREAS, Seward Park was awarded capital grant funding for improvements as part of the Parks Without Borders program; and

WHEREAS, Parks Without Borders aims to make parks around the city more welcoming and accessible to everyone by transforming underused spaces and improving current uses and entrances; and

WHEREAS, The Seward Park Conservancy and the Parks Department held numerous outreach sessions to gather community input on the proposed “ Parks Without Borders” program and funding; and

WHEREAS, there was a consensus for approval of the plan by the local community and the Conservancy; and

WHEREAS, one key aspect of the Parks Without Borders program is to minimize and lower fencing and make it more uniform. The perimeter fences in Seward Park will be lowered from 7 feet to 4 feet; and

WHEREAS, the proposed design will include: additions of an adult exercise area to the underused open area near the basketball court; bioswales, permeable pavers, and other sustainable infrastructure; and two entrances, as well as enlargement of the garden; and

WHEREAS, the project will also include reconstruction of the sidewalks, making them more uniform, safe, and easier to maintain, and beautification of the library plaza; and

WHEREAS, the Parks Department is looking into the possibility of adding bistro and game tables in the park as well as children's size furniture in the library plaza; and

WHEREAS, the classical design of the park will be maintained throughout the project; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the design for the Parks Without Borders Project at Seward Park.

BE IT FURTHER RESOLVED, due to the potential for newly lowered fences to provide easier access during the park's closed hours and given some concerns raised over the potential for misuse of the playground areas in particular, CB3 requests the 7th Precinct, the Parks Department and the Conservancy to provide ongoing support to monitor and mitigate any issues that might arise due to the new design; and

AND BE IT FURTHER RESOLVED, that CB3's support for lowering the fence height in Seward Park should not be interpreted to mean that CB3 supports the lowering of fences in other parks in our community district.

3. Presentation of design for the Reconstruction of the Compost Facility and Construction of a Wetland for LES Ecology Center in East River Park

VOTE: TITLE: To Support the design for the reconstruction of the compost facility and construction of a wetland for the LES Ecology Center in East River Park

WHEREAS, Since 1987, the Lower East Side Ecology Center (LESEC) has worked toward a more sustainable New York City by providing community-based recycling and composting programs, as well as youth development through environmental education programs; and

WHEREAS, LESEC takes in food waste and processes it into compost for planting material in East River Park. LESEC would like to expand its composting operations, which would require reconstruction of the site; and

WHEREAS, the proposed reconstruction project would formalize current composting operations to adhere to requirements of the Department of Environmental Protection for sewer discharge by creating a separate treatment system capable of treating liquid waste from the composting operations; and

WHEREAS, the proposed project would provide a space for better site integration, educational opportunity, and controlled pedestrian access, while also serving as a stormwater collection and treatment space; and

WHEREAS, the site will be enhanced with plantings, stormwater management, and spatial organization for efficient composting operations and management and a reduction in unwanted odors; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the design for the reconstruction of the compost facility and construction of a wetland for the LES Ecology Center in East River Park.

4. Planning for District Needs Statement
no vote necessary

Block Party

5. People Power Planet Party, 6/17, 622 E 6 St (btwn Ave B & Ave C)

VOTE: TITLE: To Support the People Power Planet Party on 6/17/2017 at 622 E 6th St. between Ave B and Ave C

To Support the People Power Planet Party

6. Festival Nios y Adultos, 7/15, E 6 St (btwn Ave D & FDR Drive)

VOTE: TITLE: To Support the Festival Nios y Adultos on 7/15/2017 at E 6 St. between Ave D and FDR Drive

To Support the Festival Nios y Adultos

7. Independence Day Celebration, 7/1, Market St (btwn E Bdwy & Henry)
no vote necessary
8. Vote to adjourn
approved by committee

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Landmarks

- Certificate of Appropriateness, 74 E 4th St: La MaMa Theatre full renovation, including new storefront system to replace brick with aluminum, window replacement, elevator renovation, new stairs, roof bulkheads, ADA accessibility, renovation of rear upper façade, rooftop mechanical with screen wall

VOTE: TITLE: Approval of the Certificate of Appropriateness for full renovation at 74 E 4th Street

WHEREAS, 74 East 4th Street (Block 459, Lot 23) was designated in 2009 as the Aschenbroedel Verein (now La MaMa); and

WHEREAS, the four-story (plus basement), red brick-clad building was constructed in 1873 to the design of German-born architect August H. Blankenstein; and

WHEREAS, the front façade was altered in 1892 by the architectural firm of Kurtzer & Rohl, with the addition of cast-iron ornament, pilasters, and cornice that combine elements of the German Renaissance Revival and Neo-Grec styles with folk motifs; and

WHEREAS, four 1892 cast-iron pilasters survive and will be restored; and

WHEREAS, alterations dating from 1969 include the central metal-and-glass entrance doors, which are surmounted by a wooden panel and sign; and brick infill between and above the pilasters; and

WHEREAS, the building was acquired in 1967 by the La MaMa Experimental Theatre Club; and

WHEREAS, the building remains one of the significant reminders of 19th-century German-American cultural contributions to New York City, as well as the continuing vitality of off-off-Broadway theater in the East Village, and

WHEREAS, proposed exterior work includes rooftop bulkheads and a mechanical screen wall that are not visible from a site line directly across the street; and

WHEREAS, it is proposed to remove the first floor brick infill and replace it with a recessed glass and aluminum storefront, including a suggestion of a storefront cornice, retaining and restoring the cast-iron pilasters; and

WHEREAS, the treatment of the historic façade is a restoration of special architectural elements, such as the cast-iron window surrounds, quoins, and cornice; and

WHEREAS, the proposed colors are based on forensic analysis; and

WHEREAS, the replacement windows will be wooden; and

WHEREAS, restoration and rehabilitation of this historic building will enable this important community cultural asset to serve its constituents well into the future; so

THEREFORE BE IT RESOLVED, CB 3 approves the application for a Certificate of Appropriateness for a full renovation at La MaMa Theatre at 74 E 4th St. The renovation will include a new storefront system to replace brick with aluminum, window replacement, elevator renovation, new stairs, roof bulkheads, ADA accessibility, renovation of rear upper façade, rooftop mechanical with screen wall.

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Land Use, Zoning, Public & Private Housing Committee

1. Approval of previous month's minutes
approved by committee
2. 421-a application for 79 Avenue D: mixed use building of 110 residential apartments including 22 affordable, 87 market rate, basement and ground floor retail

VOTE: TITLE: Approval of 421-a application by Avenue D Owners LLC and Avenue D Affordable LLC for 79 Avenue D (Block 376, Lot 33), a 12-story, mixed use building of 110 residential apartments, including 22 affordable, 87 market rate, basement and ground-floor retail

WHEREAS, the applicant is constructing a mixed-use residential and commercial building at 79 Avenue D with 110 apartments, 22 of which are affordable, as well as ground-floor retail; and

WHEREAS, CB 3 approved the inclusionary housing program for the building in June, 2015; and

WHEREAS, because of the HFA regulatory agreement, the affordable units will be affordable to families at or below 60% of AMI for 35 years and, upon vacancy, at or below 80% of AMI thereafter; and

WHEREAS, under the regulatory agreement, if operating expenses exceed revenues, the market-rate units will subsidize the affordable units; and

WHEREAS, the retail space has been pre-leased to RiteAid; and

WHEREAS, apartment facilities such as dishwashers and washer/dryers, are included in both the market rate and affordable units (neither market rate nor affordable studios have washer/dryers); and

WHEREAS, amenities will include a gym, lounge, laundry, bike room, and two outdoor areas, which will be available to all tenants, at no charge (except for the bike room, for which the affordable tenants will pay a lower amount); so

THEREFORE BE IT RESOLVED, CB 3 urges the New York City Department of Housing Preservation and Development to approve the 421-a application for 79 Avenue D.

- 3. Housing application checklist
no vote necessary
- 4. Chinatown Neighborhood Plan update
no vote necessary
- 5. Planning for District Needs
no vote necessary
- 6. Response to Two Bridges area development EIS draft scope

VOTE: TITLE: Approval of the EIS Draft Scope

See Appendix A at end of document

- 7. Vote to adjourn
approved by committee

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED (excluding Land Use item 6)
31 YES 0 NO 2 ABS 0 PNV MOTION PASSED (Land Use item 6)

Health, Seniors, & Human Services / Youth, Education, & Human Rights Committee

- 1. Approval of previous month's minutes
approved by committee
- 2. Discussion of Mount Sinai Beth Israel Certificate of Need
no vote necessary
- 3. Continued discussion of proposed resolution regarding hate-free zone
no vote necessary
- 4. Planning for District Needs
no vote necessary
- 5. Vote to adjourn
approved by committee

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Economic Development Committee

- 1. Approval of previous month's minutes
approved by committee
- 2. Union Square Tech Hub - update on recent occurrences
no vote necessary
- 3. Planning for Special District
no vote necessary
- 4. Planning for District Needs Statement

- no vote necessary
5. Vote to adjourn
approved by committee

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Transportation & Public Safety and Environment Committee

1. Approval of previous month's minutes
approved by committee
2. PS/MS34 student presentation: Trash Free Waters – collection of data, engagement of neighbors to reduce plastic street litter (cafeteriaculture.org)
no vote necessary
3. LES Partnership - pedestrian plaza between Seward Park and Straus Square

VOTE: TITLE: Preliminary Support for Pedestrian Plaza between Seward Park and Straus Square

WHEREAS, the 'Parks without Borders' program will make significant investments in Seward Park; and

WHEREAS, underutilized portions of the roadbed exist between Seward Park and Straus Square; and

WHEREAS, residents have expressed a desire for additional pedestrian space and amenities in this location; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the closure of the Canal Street roadbed between Seward Park and Straus Square to vehicular use; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 supports necessary and appropriate changes in parking regulations to accommodate relocation of the existing taxi relief stand; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3 supports granulated resurfacing to discourage skateboarding; and

THEREFORE BE IT FURTHER RESOLVED, Community Board 3's support is conditioned on the understanding that a final design and programmatic use concept will be presented to the Parks Committee prior to implementation, with the exception of work involving granulated resurfacing and the installation of required pedestrian safety buffers such as planters and/or bollards.

4. DOT presentation: Weekend Walks, Shared Streets and Seasonal Street Closures planned for Chinatown summer 2017

VOTE: TITLE: Approve Concept for Pilot Seasonal Closure & Shared Streets in a Portion of Chinatown

WHEREAS, DOT presented a conceptual program for pilot programs on some streets in the historic core of Chinatown for the 2017 warm weather season. The Chinatown BID is a partner with DOT for this program, and would provide programming for streets that would be partially or fully closed during the pilot program:

- A full seasonal closure of Doyers Street is being considered from mid-July through September. The southern-most 100 feet would remain open, primarily for access to the Post Office. The Chinatown BID would program the closed street, by, for example, putting street furniture out during the daytime.
- A few streets are being considered for designation as a Shared Street on Friday evenings from 6 pm-10 pm in July and August – Mott Street from Canal St to Chatham Square, Pell Street from the Bowery to Mott Street, and Mosco Street from Mott Street to Mulberry Street. A Shared Street is a roadway designed for slow travel speeds where pedestrians, cyclists, and motorists all share the right of way. Vehicles are advised to drive 5 MPH; and

WHEREAS, all of the streets proposed for Seasonal Closure or Shared Streets are narrow with very narrow sidewalks. In effect they already operate similar to how a designated Shared Street would operate, but without benefit of adequate planning; and

WHEREAS, the programming/closure of the Seasonal Closure or Shared Streets would take into account overall circulation, building access, emergency access, sanitation, deliveries, pick-up and drop-offs, and parking; and

WHEREAS, DOT and the Chinatown BID will provide promotion, signage, amenities, programming, sanitation, and a monitoring plan; so

THEREFORE BE IT RESOLVED, that Community Board 3 approves of the conceptual programming for both the seasonal closure of Doyers Street and the Friday evening Shared Streets operation of Mott Street, Pell Street and Mosco Street in the historic core of Chinatown during 2017; and

THEREFORE BE IT FURTHER RESOLVED, that Community Board 3 asks DOT the Chinatown BID to return to CB 3 with the detailed programming for the Seasonal Closure and Shared Streets designations before implementation.

5. Two Bridges weekend walk, June 24 and Sept 23, Rutgers Street, between Madison St and E Broadway

VOTE: TITLE: Recommendation to Support Two Bridges Weekend Walk

Community Board 3 hereby supports the Two Bridges Weekend Walk, to be held June 3, 2017 and September 23, 2017 from 9 am – 4 pm on Rutgers Street between Madison Street and East Broadway.

6. Street co-name request 7th Street between 2nd Avenue and 3rd Avenue to be co-named Moises Locon

VOTE: TITLE: Support for street co-naming for Moises Locon, 7th Street between 2nd Avenue and 3rd Avenue

WHEREAS, Moises Ismael Locón Yac, an employee at Sushi Park Restaurant on 2nd Avenue between 7th Street and St Marks, died in the East Village gas explosion in 2015 at the age of 26; and

WHEREAS, Moises was born in Guatemala and came to the United States in 2008. Though he resided in Queens, he spent a great deal of time in the East Village; and

WHEREAS, Moises has been described as hard-working, taking on long shifts 6 days per week at the sushi restaurant and saving the money he earned in hopes of one day returning to Guatemala; and

WHEREAS, as a result of the increase in attention the 2015 East Village gas explosion brought to the issue of gas safety, on December 6, 2016 Mayor Bill de Blasio signed ten City Council gas safety bills into law; and

WHEREAS, residents of the East Village organized to support co-naming the street where Moises worked in his honor. They presented petitions and letters from 288 residents and many of the businesses on the block, as well as the local City Councilwoman; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the co-naming of 7th Street between 2nd Avenue and 3rd Avenue in honor of Moises Locón.

7. Street co-name request 2nd Avenue between 7th Street and St. Marks Place to be co-named Nicholas Figueroa

VOTE: TITLE: Support for street co-naming for Nicholas Figueroa, 2nd Avenue between 7th Street and St Marks Place

WHEREAS, Nicholas Figueroa, a native New Yorker, died in the East Village gas explosion in 2015 at the age of 23 while dining at the Sushi Park Restaurant on 2nd Avenue between 7th Street and St Marks; and

WHEREAS, Nicholas, of Puerto Rican descent, was raised on the Upper West Side and East Harlem and eventually graduated from Buffalo State College; and

WHEREAS, Nicholas has been described as adventurous, family-oriented, and always happy; and

WHEREAS, as a result of the increase in attention the 2015 East Village gas explosion brought to the issue of gas safety, on December 6, 2016 Mayor Bill de Blasio signed ten City Council gas safety bills into law; and

WHEREAS, residents of the East Village organized to support co-naming a street in honor of Nicholas. They presented petitions and letters from 288 residents and many of the businesses on the block, as well as the local City Councilwoman; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the co-naming of 2nd Avenue between 7th Street and St Marks Place in honor of Nicholas Figueroa.

8. Street co-name request E 2nd St btwn Ave A and Ave B to be co-named for Mary Spink

VOTE: TITLE: Support for street co-naming for Mary Spink, E 2nd Street between Avenues A and B

WHEREAS, Mary Spink, the longtime activist and resident of the block of East 2nd Street between Avenues A and B, died in 2012 at the age of 65 after many decades of service to this community; and

WHEREAS, Mary was executive director of Lower East Side People's Mutual Housing Association and a valued member of Community Board 3, as well as a board member of the LES People's Federal Credit Union, the LES Girls Club, and many more organizations; and

WHEREAS, Mary has been described as passionate, hard-working, determined, resilient, and a person who always made time to volunteer for causes she cared about. Her work in preserving and creating affordable housing on the Lower East Side has left a lasting legacy on the district; and

WHEREAS, the Lower East Side People's Mutual Housing Association organized to support co-naming the street where she lived in her honor. They presented petitions and letters from 365 residents and many of the businesses on the block, as well as the local City Councilwoman; so

THEREFORE BE IT RESOLVED, Community Board 3 supports the co-naming of East 2nd Street between Avenues A and B in honor of Mary Spink.

- 9. Planning for agenda topics
no vote necessary

- 10. Support for: Delancey Street Bike Lane as presented by DOT in April

VOTE: TITLE: Approve Delancey Street Protected Bike Lanes and Safety Improvements

WHEREAS, in its presentation at the April 2017 meeting of the Community Board 3 Transportation, Public Safety, and Environment Committee, DOT proposed the installation of a two-way protected bike lane on Delancey Street between the Williamsburg Bridge (at Clinton Street) and Chrystie Street, adjacent to the median on the east-bound side of Delancey Street; and

WHEREAS, this Delancey Street bike lane would create direct connections between the bike facilities on the Williamsburg Bridge, Allen Street and Chrystie Street; and

WHEREAS, there would be a reduction from four to three moving lanes for east-bound traffic between Allen Street and Norfolk Street, which DOT explained would be sufficient for the level of traffic observed during the 5:00 P.M. to 6:00 P.M. peak hour; and

WHEREAS, there will be a protected bike box at the center of the intersection of Allen Street and Delancey Street to provide southbound cyclists making a left turn onto Delancey Street with a safe, efficient bike connection; and

WHEREAS, construction would begin in Spring 2018; and

WHEREAS, at the Community Board 3 Transportation, Public Safety, and Environment Committee meeting two suggestions were made to help with safe rollout:

- There is a severe ponding condition on the median at Norfolk Street where the bike lane is proposed that needs to be corrected before installing any bike lanes; and
- Measures will be needed to educate the cyclists and pedestrians about the two-way operation through street outreach and possibly additional signage; so

THEREFORE BE IT RESOLVED, that Community Board 3 approves of the installation of the Delancey Street Protected Bike Lanes and Safety Improvements; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 asks DOT to address the ponding conditions at Norfolk Street and to develop a program to educate cyclists and pedestrians when the new bike lane becomes operational.

- 11. Planning for District Needs
no vote necessary
- 12. Vote to Adjourn
approved by committee

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

SLA & DCA Licensing Committee

- 1. Approval of previous month's minutes
approved by committee

Applications within Saturated Areas

2. The Irish Times Pub and Eatery NYC LLC, 158 Ave C (op)
withdrawn
3. Tortaria, 172 Orchard St (op)
withdrawn
4. Chamusca (Harvest of the Sea LLC), 92 Rivington St btwn Orchard & Ludlow Sts (wb)

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

To deny the application for a wine beer license for Harvest of the Sea LLC, with a proposed business name of Chamusca, for the premises located at 92 Rivington Street, between Orchard Street and Ludlow Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service seafood restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 12:00 P.M. to 11:00 P.M. Sundays through Thursdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" to 7:00 P.M. each night,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Alterations

5. Saluggi's East (Saluggi's East Inc), 399 Grand St btwn Clinton & Essex Sts (op/extend hours to 4am all nights)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Saluggi's East Inc., doing business as Saluggi's East, is seeking an alteration of its full on-premises liquor license for the premises located at 399 Grand Street, between Clinton Street and Essex Street, to wit extending its closing times to 4:00 A.M. all days; and

WHEREAS, this applicant is also seeking to reduce the hours its kitchen is open, in that it is seeking to close its kitchen two (2) hours before closing every night; and

WHEREAS, this applicant was denied a full on-premises liquor license by Community Board 3 in May of 2016, unless it agreed to make as conditions of its license stipulations that it would 1) operate a full-service Italian restaurant, with a kitchen open and serving food during all hours of operation, 2) have hours of operation of 8:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 8:00 A.M. to 2:00 A.M. Thursdays through Saturdays, 3) close any front or rear façade doors and windows at 10:00 P.M. every night or during any amplified performances, including but not limited to DJs, live music and live nonmusical performances, 4) play ambient background music only, consisting of recorded music, and not have live music, DJs, promoted events, scheduled performances or any event at which a cover fee would be charged, 5) not apply for any alteration in its method of operation without first appearing before Community Board 3, 6) not host pub crawls or party buses, 7) have happy hours to 7:00 P.M. each night, 8) not have unlimited drink specials with food, 9) designate an employee to oversee patrons and noise on the sidewalk, 10) conspicuously post this stipulation form beside its liquor license inside of its business, and 11) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, the full on-premises liquor license for this applicant was then issued by the SLA on August 25, 2015, and this applicant has been operating its business for seven (7) months; and

WHEREAS, this applicant was then heard by Community Board 3 in February of 2017 for an alteration to extend its liquor license to an outdoor café within its buildings line, consisting of eleven (11) tables and twenty-two (22) seats and was denied unless it agreed to make as additional conditions of its license additional stipulations that it would 1) have an outdoor café consisting of eleven (11) tables and twenty-two (22) seats, and 2) have hours of operation for its café of 10:00 A.M. to 10:00 P.M. all days; and

WHEREAS, although the applicant furnished eighty-five (85) signatures from area residents in support of its application and two (2) area residents appeared on its behalf, representatives of the Seward Park Around Canal Street Block Association and the Orchard Street Block Association appeared and stated that the applicant has been operating only seven (7) months and had entered into an agreement with the Seward Park Around Canal Street Block Association prior to the approval of its full on-premises liquor license which included an agreement to have hours of operation of 8:00 A.M. to 1:00 A.M. Sundays through Wednesdays and 8:00 A.M. to 2:00 A.M. Thursdays through Saturdays, consistent with its operation as a restaurant; and

WHEREAS, this applicant confirmed that it has not been operating its kitchen during all of its hours of operation which is inconsistent with its existing stipulations; and

WHEREAS, given that the applicant has been operating only seven (7) months, has already altered its full on-premises liquor license to allow it to serve alcohol in its outdoor space and is not operating consistent with its stipulations, in that it is closing its kitchen earlier than it is closing its business; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for an alteration of the full on-premises liquor license for Saluggi's East Inc., doing business as Saluggi's East, for the premises located at 399 Grand Street, between Clinton Street and Essex Street, to wit extending its closing times to 4:00 A.M. all days.

6. Momofuku KO (KO EP LLC), 8 Extra Pl (aka 4-8 Extra Place, aka 22 E 1st St) btwn Bowery & 2nd Ave (op/additional eating area, refigure entrance/exit, stand up bar to service bar)

VOTE: TITLE: Community Board 3 Recommendation To Approve

To approve the application for an alteration of the full on-premises liquor license for KO EP LLC, doing business as Momofuku KO, for the premises located at 8 Extra Place a/k/a 4-8 Extra Place a/k/a 22 East 1st Street, between Second Avenue and Bowery, to wit creating an additional dining space from the storage area located at the northern end of the restaurant, which will consist of seven (7) tables and fourteen (14) seats, moving its entrance further into the alley, relocating its standup bar to a new waiting area and converting the existing standup bar to a service bar.

New Liquor License Applications

7. Spectrum Catering and Concessions (Facility Concession Services Inc), 119-125 E 11th St btwn 3rd & 4th Aves (op) (operating concessions at Webster Hall)
withdrawn

8. Sensei (Gallery Sensei LLC), 135 Eldridge St btwn Brome & Delancey Sts (upgrade to op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Gallery Sensei LLC is seeking a full on-premises liquor license to operate an art gallery, tavern and art event space at the premises located at 135 Eldridge Street, between Broome Street and Delancey Street, New York, New York; and

WHEREAS, this applicant is seeking to operate an art gallery and tavern with a proposed business name of Sensei, a certificate of occupancy of sixty (60) people, seven (7) tables and forty (40) seats, an eight (8) foot bar with four (4) stools, hours of operation of 12:00 P.M. to 12:00 A.M. Sundays through Tuesdays and 12:00 P.M. to 2:00 A.M. Wednesdays through Saturdays, two (2) televisions or monitors, happy hours to 8:00 P.M. each night, recorded background music and security all nights; and

WHEREAS, this applicant was heard for a full on-premises liquor license application for the same business located on the second floor of 278 Grand Street in May of 2014 but was denied for a wine beer license only unless the applicant agreed to make as conditions of its license stipulations that it would 1) operate a tavern and art gallery, with a prep area serving food during all hours of operation, 2) have hours of operation of 12:00 P.M. to 12:00 A.M. Sundays through Tuesdays and 12:00 P.M. to 2:00 A.M. Fridays and Saturdays, 3) play ambient background music, consisting of recorded music, and not have live music, DJs or any event at which a cover fee would be charged, and any promoted events or scheduled performances would consist of art related events or performances consisting of visual or film arts, 4) not commercially use any outdoor areas, 5) have a closed fixed façade with no

open doors or windows, 6) not apply for any alteration in its method of operation without first appearing before Community Board 3, 7) not have "happy hours," 8) not host pub crawls or party buses, 9) insure that there are no wait lines outside and designate an employee to oversee patron noise and crowds on the sidewalk, and 10) provide a telephone number for residents to call with complaints and immediately address any resident complaints; and

WHEREAS, this is a location which has never been licensed and, although, commercially zoned, it is substantially different from the Grand Street location in that it is on a narrow street densely populated with residential apartment buildings; and

WHEREAS, there are at least thirty-three (33) full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the apparent public benefit for approving a full on-premises liquor license for this location is its method of operation as an art gallery; and

WHEREAS, although the applicant has stated that a full on-premises liquor license is necessary to sustain its business, there are numerous galleries within this community board district which operate without any liquor license and the history of operation of the applicant; and

WHEREAS, although the applicant furnished evidence of support from the surrounding community for its business, in that it furnished forty (40) petition signatures and two (2) patrons appeared on its behalf, a resident of 134 Eldridge Street submitted a letter in opposition to this application and the landlord of the adjacent 133 Eldridge Street appeared in opposition to this application, both stating that the business, which has already been open for three (3) weeks looks like a tavern and has already hosted an event, both of which are inappropriate for this residential street; and

WHEREAS, notwithstanding the history of the applicant, the proposed application for a tavern, art gallery and art event space with later nighttime hours than its previous business, happy hours and security is inappropriate for this heavily residential block of Eldridge Street; now

THEREFORE, BE IT RESOLVED that, for all of the aforementioned reasons, Community Board 3 moves to deny the full on-premises liquor license for Gallery Sensei LLC for the premises located at 135 Eldridge Street, between Broome Street and Delancey Street, New York, New York.

9. One Ludlow Street LLC, 1 Ludlow St @ Ludlow, Division & Canal Sts (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, One Ludlow Street LLC is seeking a full on-premises liquor license to operate a café and restaurant at the premises located at 1 Ludlow Street, at the intersection of Ludlow Street, Division Street and Canal Street, New York, New York; and

WHEREAS, this applicant is seeking to operate a café on the ground floor and restaurant in the basement with a certificate of occupancy of seventy-four (74) people, four (4) tables and eleven (11) seats on the ground floor, thirteen (13) tables with fifty-three (53) seats in the basement, a sidewalk café consisting of twelve (12) tables and twenty-four (24) seats a sixteen (16) foot bar with eight (8) stools in the basement, hours of operation of 7:00 A.M. to 10:00 P.M. all days on the ground floor and 6:00 P.M. to 12:00 A.M. Sundays, 6:00 P.M. to 2:00 A.M. Mondays through Thursdays and 6:00 P.M. to 2:30 A.M. Fridays and Saturdays, recorded background music and security Thursdays through Saturdays; and

WHEREAS, the applicant is seeking to open an eastside version of its French café and restaurant, doing business as Mimi's, located at 185 Sullivan Street, New York, New York, since October of 2015; and

WHEREAS, the apparent public benefit for approving a full on-premises liquor license for this location is that the applicant has operated a similar business with a full on-premises liquor license in the West Village since October of 2015; and

WHEREAS, this is a previously unlicensed location which has been vacant for at least thirteen (13) years; and

WHEREAS, there are at least sixteen (16) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the applicant has stated that it seeking to open this café restaurant to have a venue where it can direct the patrons for its existing business because it is so popular; and

WHEREAS, although the applicant furnished evidence of support from the surrounding community for its business, in that it furnished eighty-five (85) petition signatures from area resident, representatives of the Seward Park Around Canal Street Block Association, Resident of Two Bridges Neighborhood Association and the Orchard Street Block Association appeared or submitted statements that they were opposed to the approval of a full on-premises liquor license for this location given the existing noise and people from area nighttime businesses; and

WHEREAS, notwithstanding that the applicant has operated the same business at 185 Sullivan Street, New York, New York, for nineteen (19) months, there is no public benefit in the addition of a French café and restaurant which will operate as a destination location to this area; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the full on-premises liquor license for One Ludlow Street LLC, for the premises located at 1 Ludlow Street, at the intersection of Ludlow Street, Division Street and Canal Street, New York, New York.

10. Yuan Noodle (Yuan Noodle LLC), 157 2nd Ave btwn E 9th & E 10th Sts (op)
withdrawn

11. Epstein's (Epstein's Bar LLC), 82 Stanton St @ Allen St (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Epstein's Bar LLC, with a proposed business name of Epstein's Bar, is seeking a full on-premises liquor license for the premises located at 82 Stanton Street, at the corner of Stanton Street and Allen Street; and

WHEREAS, this is an application to operate a tavern restaurant with no listed certificate of occupancy, twelve (12) tables and thirty-six (36) seats, hours of operation of 11:00 A.M. to 4:00 A.M. all days, a kitchen open to within one (1) hour of closing, an open façade, consisting of accordion, doors, on two (2) sides of the business along both Allen Street and Stanton Street, a speaker system mounted over or beside its accordion doors, three (3) televisions, recorded entertainment level music, happy hours to 7:00 P.M. and security; and

WHEREAS, the previous licensee opened its business in 2004 but its original license application was not heard by Community Board 3; and

WHEREAS, the previous licensee, Stanton Restaurant Corp, also doing business as Epstein's Bar, had a long adverse history before the SLA, consisting of 1) a conditional no contest plea on February 23, 2007, for unreasonable noise on May 19, 2006, and sale to a minor on May 25, 2006, 2) a conditional no contest plea denied without known resolution on June 5, 2013, for unlicensed security and failure to supervise on February 26, 2011, unlicensed security on February 27, 2011, prohibited sales after hours on March 26, 2011, disorderly premise on August 21, 2011, sale to minor on October 20, 2011, and unlimited drinks and exceeding maximum occupancy on January 7, 2012, 3) a conditional no contest plea on February 8, 2012, for disorderly premise on June 4, 2011, 4) a settlement on June 1, 2015, for records and signage violations, failure to conform to the application and unlicensed security on May 30, 2014, and noise on November 26, 2014, and 5) a conditional no contest plea on March 1, 2017, for occupancy violation on July 16, 2015 and September 30, 2015, work without a permit on October 16, 2014, occupancy violations and failure to comply on October 20, 2014, failure to comply and false material statements on March 19, 2015, gas line violations, not operating as a bone fide business, records violations and having defective emergency lights, fire extinguisher and fire exits signs on August 27, 2015, and not conforming to codes on April 23, 2015, June 25, 2015, August 20, 2015, and December 3, 2015; and

WHEREAS, the New York Police Department also conducted a multiagency or MARCH operation against the business on August 28, 2015; and

WHEREAS, the business ceased operating as a *bona fide* business and ceased its operations entirely in December of 2015, and the corporation placed its license into safekeeping with the SLA where it has remained; and

WHEREAS, the prior licensee submitted a letter to the SLA on December 7, 2016, in support of its ability to keep its license in safekeeping that it would resolve its outstanding buildings and code violations, which includes a present certificate of occupancy for a retail clothing store, however, these remain outstanding according to present applicant; and

WHEREAS, although the license for the former Epstein's remains in safekeeping with the SLA and this applicant is seeking to reopen as Epstein's, it has represented that it is a new corporation with new principals; and

WHEREAS, this location is now within five hundred feet of forty-seven (47) full on premises liquor licenses and two (2) pending full on-premises liquor licenses; and

WHEREAS, the applicant did not state a public benefit for the reintroduction of Epstein's with a full on-premises liquor license into this community; and

WHEREAS, numerous residents of Stanton Street submitted letters in opposition to the approval of a full on-premises liquor license at this location and the return of Epstein's, and two residents appeared to speak in opposition to this application, all of whom complained of loud music and loud noise from patrons emanating from the open façade of Epstein's during daytime and nighttime hours and unsafe conditions from patrons crowding the sidewalk outside Epstein's, drinking on the sidewalk, overdrinking during its "boozy" brunches and fighting outside of the business, as well as a lack of concern about these conditions by the business' and

WHEREAS, residents also complained that given the now horrible conditions from the existing nightlife businesses within the same block as this location, which have crowds and wait lines on the sidewalk, loud music and noise from their open facades and promoted events and a lack of control over their patrons, residents cannot support another late night drinking venue on this block; and

WHEREAS, the LES Dwellers, a local residents organization, submitted a statement and appeared in opposition to this application, citing the long adverse history of buildings, code, police and SLA violations at the prior business, that the business had not operated as a *bona fide* business and had been closed since 2015, the forty-seven (47) full on-premises liquor licenses within five hundred (500) feet of this location, the rising crime rates in the immediate area, the horrific noise and traffic congestion within one (1) block of this location, as well as the growing need for retail diversity in this neighborhood; and

WHEREAS, consistent with its violation history and resident complaints, YELP patrons for Epstein's cited its "boozy" brunches, unlimited drink specials, free drinks and pub crawls; and

WHEREAS, the applicant has articulated limited experience operating a licensed business in New York State and furnished no documentation in support of its license or similar experience, in that the applicant has operated a tavern with a full on-premises liquor license at 310 Bowery Group LLC, doing business as 310 Bowery, located at 310 Bowery, New York, New York, since June 22, 2016, one principal was a bartender at the former Epstein's and principals cited experience working at restaurants in San Francisco and Florida; and

WHEREAS, although the applicant stated that it had assumed control of the business known as 310 Bowery in June of 2016, this business, per the LES Dwellers, which submitted documentation in its support, this business has wait lines, pub crawls, an open front door, ticketed events and dancing in violation of the stipulations it signed with Community Board #2; and

WHEREAS, although the applicant furnished evidence of support from the surrounding community for its business, in that it furnished one hundred forty (140) petition signatures, eighty-two (82) of which appeared to be from residents of the immediate area, as well as twenty-one (21) letters, many of the letters were signed by people who had also signed the petitions, which was conceded by the applicant, and some of the petition signatures were from representatives of businesses rather than from residents; and

WHEREAS, given the adverse history of the previous business with the same business name at this location, the existing deleterious conditions on this block from the present nightlife establishments and the forty-seven (47) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location; now

THEREFORE, BE IT RESOLVED that, for all of the aforementioned reasons, Community Board 3 moves to deny the application for a full on-premises liquor license for Epstein's Bar LLC, with a proposed business name of Epstein's Bar, for the premises located at 82 Stanton Street, at the corner of Stanton Street and Allen Street.

12. San Marzano (Evir Corp), 117 2nd Ave @ E 7th St (upgrade to op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, Evir Corp., doing business as San Marzano, is seeking a change in class of its wine beer license to a full on-premises liquor license for its restaurant located at 117 Second Avenue, at the corner of Second Avenue and East 7th Street; and

WHEREAS, the wine beer license for this applicant was denied by Community Board 3 in May of 2011, unless the applicant agreed to make as conditions of its license the stipulations that it would 1) operate a full-service Italian restaurant, serving food to within one (1) hour of closing, 2) have hours of operation of 11:00 A.M. to 1:00 A.M. Sundays through Thursdays and 11:00 A.M. to 3:00 A.M. Fridays and Saturdays, 3) close its façade at 10:00 P.M. every day, and 4) play recorded background music and not have DJs, live music, promoted events, scheduled performances or any events at which a cover fee is charged; and

WHEREAS, this applicant previously applied to Community Board 3 for a change in class of its wine beer license to a full on-premises liquor license in May of 2016 and was denied because of its proximity to a house of worship, to wit New Middle Collegiate Church, located at 112 Second Avenue, between East 6th Street and East 7th Street; and

WHEREAS, the applicant has stated that it then applied for a change in class to the SLA within the past two (2) months and was instructed to return to Community Board 3 for a rehearing of its application; and

WHEREAS, the applicant has now asserted without any documented support that New Middle Collegiate Church does not operate exclusively as a house of worship; and

WHEREAS, although Community Board 3 understands that the SLA, in evaluating this application, will make a determination about the use of New Middle Collegiate Church as a house of worship, this location has had a longstanding history in this community as a free standing house of worship with regular church and community services and Community Board 3 believes that, as such, it is primarily operated as a house of worship; and

WHEREAS, despite its stated public benefit of offering affordable food and having operated at this location for several years, this is outweighed by the forty-two (42) full on-premises liquor licenses and two (2) pending full on-premises liquor licenses within five hundred (500) feet of this location; and

WHEREAS, the applicant has offered no evidence of outreach to the community or community support for this application, in that, although requested to provide such evidence by Community Board 3, it furnished no petition signatures in support of this application from area residents; now

THEREFORE, BE IT RESOLVED that Community Board 3 moves to deny the application for a change in class of a wine beer license to a full on-premises liquor license for Evir Corp., doing business as San Marzano, located at 117 Second Avenue, at the corner of Second Avenue and East 7th Street.

13. TTBK Inc, 188 Suffolk St btwn E Houston & Stanton Sts (op)

TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

To deny the application for a full on-premises liquor license for TTBK LLC, with a proposed business name of Subject, for the premises located at 188 Suffolk Street, between East Houston Street and Stanton Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a tavern, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 4:00 A.M. Mondays through Fridays and 12:00 P.M. to 4:00 A.M. Saturdays and Sundays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not host pub crawls or party buses,
- 8) it will not have unlimited drink specials with food,

- 9) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 10) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 11) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints

Community Board 3 is approving this application for a full on-premises liquor license although this is a location in an area with numerous full on-premises liquor licenses because 1) this is a sale of assets of a preexisting tavern with full on-premises liquor license and the applicant will maintain the method of operation and business name, 2) one of the principals has been the bar manager at this location for the past two (2) years and the other principal has operated Prohibition Bakery at 9 Clinton Street, between East Houston Street and Stanton Street, since 2011, and 3) the applicant has demonstrated support for this application, in that it has furnished six-eight (68) signatures from area residents in support of its application, and

14. Novo Partners, 57 2nd Ave (op)
withdrawn

15. 00+Co (Plant-Based Pizza New York LLC), 65 2nd Ave (upgrade to op)
withdrawn

16. Dos Cientos (200 Allen Restaurant LLC), 200 Allen St a/k/a 175-177 E Houston Street (op)

VOTE: TITLE: Community Board 3 Recommendation To Deny

WHEREAS, 200 Allen Restaurant LLC, with a proposed business name of Dos Cientos, is seeking a full on-premises liquor license for the premises located at 200 Allen Street, between East Houston Street and Stanton Street; and

WHEREAS, this location is also known as 175-177 East Houston Street; and

WHEREAS, this is an application to operate a Mexican restaurant with a certificate of occupancy of one hundred ninety-nine (199) people with sixty-eight (68) people on the ground floor and one hundred thirty-three (133) people in the basement, fourteen (14) tables and thirty-eight (38) seats on the ground floor and twenty-seven (27) tables and one hundred twenty-one (121) seats in the basement, hours of operation of 9:00 A.M. to 12:00 A.M. Sundays through Wednesdays and 9:00 A.M. to 2:00 A.M. Thursdays through Saturdays, a twenty (20) foot bar with ten (10) stools on the ground floor and a twenty-five (25) foot bar with nine (9) stools in the basement, windows, two (2) televisions, background level recorded music, DJs ten (10) times per month, one hundred (100) private parties per year, two (2) security guards Thursdays through Saturdays, happy hours to 8:00 P.M. and anticipated wait lines; and

WHEREAS, although this location had a business with a liquor license once before, it has been vacant for several years; and

WHEREAS, the previous licensee was heard for a full on-premises liquor license by Community Board 3 in April of 2011 and was denied unless it agreed to make as conditions of its license stipulations that it would 1) operate a full-service American restaurant in the basement and a coffee shop, bakery and restaurant on the ground floor, with a kitchen open and serving food during all hours of operation on both floors, 2) have hours of operation of 12:00 A.M. to 12:00 A.M. all days on the ground floor and 11:00 A.M. to 2:00 A.M. all days in the basement, 3) triple soundproof windows facing a shared courtyard in the basement and install soundproof curtains along the windows or other equally effective soundproofing measures after an evaluation by a sound engineer, 4) not commercially operate the courtyard, and 5) play recorded background music and not have DJs, live music, promoted events or events at which a cover fee is charged; and

WHEREAS, this location is within five hundred feet of forty-three (43) full on premises liquor licenses; and

WHEREAS, there was no public benefit stated by the applicant for the approval of this full on-premises liquor license; and

WHEREAS, Michael Shah, the principal in the instant application, and Victor Jung, his proposed manager, are operators of 133 Essex Restaurant LLC, doing business as Sons of Essex Street, located at 133 Essex Street, between Stanton Street and Rivington Street, which was heard for a full on-premises liquor license by Community Board 3 in May of 2011 and was denied unless it agreed to make as conditions of its license stipulations that it would 1) operate a full-service American restaurant, with a kitchen open and serving food to within one (1) hour of closing, 2) have hours of operation of 10:00 A.M. to 2:00 A.M. Sundays through Wednesdays and 10:00 A.M. to 4:00 A.M. Thursdays through

Saturdays, 3) close any façade doors and windows at 10:00 P.M. every night, 4) play recorded background music and not have DJs more than fifty (50) times per year and not have live music, promoted events or events at which a cover fee is charged, and 5) use an identification scanner and security guards for special events; and

WHEREAS, residents have complained that this business is being operated inconsistent from its stipulations in that it is operated as a club with reduced daytime hours and expanded nighttime hours, loud music, loud noise from crowds on the sidewalk, regular DJs and promoted events; and

WHEREAS, 133 Essex Restaurant LLC has had a violation history before the SLA, consisting of a conditional no contest plea on November 14, 2014, for improper conduct and unauthorized trade name on May 16, 2014 and improper conduct on May 19, 2014; and

WHEREAS, Michael Shah and Victor Jung are respondents in a pending lawsuit filed by Matthew Levine, the other principal of 133 Essex Restaurant LLC for, among other allegations, stealing money from the business, commingling its funds, forgery and fraud; and

WHEREAS, Michael Shah and Victor Jung, are also operators of 19 Stanton Restaurant LLC, doing business as 205 Club and Leave Rochelle Out Of It, located at 19 Stanton Street a/k/a 205 Chrystie Street, at the corner of Stanton Street and Chrystie Street, which was heard for a full on-premises liquor license by Community Board 3 in May of 2012, and was denied unless it agreed to make as conditions of its license stipulations that it would 1) operate a full-service restaurant and lounge, serving food during all hours of operation, 2) have hours of operation of 12:00 P.M. to 4:00 A.M. all days, 3) play ambient background music, consisting of recorded music, upstairs only and may have DJs in the basement level but will not have live music, promoted events, scheduled performances or any event at which a cover fee will be charged, 4) close any façade doors and windows at 10:00 P.M. every day, 5) install additional soundproofing to minimize noise emanating from the location, 6) it will employ two (2) to four (4) security or door people daily but will have no less than one (1) security person per every seventy-five (75) people, and 7) create a traffic plan to address traffic congestion outside of its premise; and

WHEREAS, residents have complained that this business is being operated inconsistent from its stipulations, in that it has loud uncontrollable crowds on the sidewalk; and

WHEREAS, Victor Jung, who is also the landlord of 19 Stanton Street, was cited as one of the top thirty-one (31) worst landlords of 2011 because of the one hundred sixty-five (165) violations against that building in 2011; and

WHEREAS, Victor Jung, who has also represented that he will be operating the proposed business and employed by Michael Shah was convicted in 2008 by federal indictment of three (3) counts of wire fraud and one (1) count of conspiracy for crimes associated with his business dealings; and

WHEREAS, Michael Shah has also been sued by the City of New York for tax evasion associated with his business dealings with a nonprofit organization and properties in Staten Island; and

WHEREAS, Michael Shah and Victor Jung also operated The Raven, located at 53-59 Gansevoort Street, New York, New York, which was approved a full on-premises liquor license for a Mexican restaurant by Community Board #2 on September 20, 2012, and denied its renewal by Community Board #2 on April 23, 2015, because it was operating contrary to its stipulations, in that it was not operating as a *bona fide* restaurant and was operating as a club lounge; and

WHEREAS, a resident of an adjacent business on East Houston Street submitted a letter in opposition to this application, stating that there was no public benefit in the addition of a Mexican restaurant with DJs, wait lines, three (3) private parties per week and security in an area with forty-three (43) full on-premises liquor licenses within five hundred (500) feet; and

WHEREAS, a resident of an adjacent building on East Houston Street and owner of a neighboring business appeared, stating that his apartment is adjacent to the courtyard shared with this location and he is opposed to the approval of a full on-premises liquor license for this location because any noise from activity in the basement of this location is amplified through the courtyard and into his apartment; and

WHEREAS, the LES Dwellers, a local residents organization, submitted a statement and appeared in opposition to this application, citing the long adverse history of the existing business operated by the

applicant at 133 Essex Street, the relevant legal and criminal history of the principal Michael Shah and Victor Jung, his manager, the forty-three (43) full on-premises liquor licenses within five hundred (500) feet of this location, the lack of public benefit in the addition of a Mexican restaurant with DJs, security and wait lines, the rising crime rates in the immediate area, the horrific noise and traffic congestion in this area, as well as the growing need for retail diversity in this neighborhood; and

WHEREAS, consistent with its violation history and resident complaints, YELP patrons for Epstein's cited its "boozy" brunches, unlimited drink specials, free drinks and pub crawls; and

WHEREAS, although the applicant stated that it was furnishing substantial evidence of support from the surrounding community for its business, in that it furnished seven hundred (700) petition signatures, only fifty-seven (57) appeared to be from residents of the immediate area; and

WHEREAS, the legal history of the individuals involved in this application, their history operating their existing businesses, the scope of the proposed application, the lack of public benefit in the addition of another nightlife venue to this area and its proximity to forty-three (43) full on-premises liquor licenses render this application for a full on-premises liquor license inappropriate for this location; now

THEREFORE, BE IT RESOLVED that, Community Board 3 moves to deny the application for a full on-premises liquor license for 200 Allen Restaurant LLC, with a proposed business name of Dos Cientos, for the premises located at 200 Allen Street a/k/a 175-177 East Houston Street, at the corner of East Houston Street and Stanton Street; and

17. Burgers and Chismis LLC, 143 Orchard St btwn Rivington & Delancey Sts (wb)

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

To deny the application for a wine beer license for Burgers and Chismis LLC, for the premises located at 143 Orchard Street, between Rivington Street and Delancey Street, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service Filipino restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 1:00 A.M. Tuesdays through Sundays and it will be closed Mondays,
- 3) it will not commercially operate any outdoor areas,
- 4) it will install soundproofing,
- 5) it will close any front or rear façade entrance doors at 10:00 P.M. every night or when amplified sound is playing and will otherwise have a closed fixed facade with no open doors or windows,
- 6) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 7) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" to 8:00 P.M. each night,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

18. Ladybird (DeRose Mac LLC), 111 E 7th St btwn 1st Ave & Ave A (wb)

VOTE: TITLE: Community Board 3 Recommendation To Deny Unless Stipulations Agreed To—Stipulations Attached

To deny the application for a wine beer license for Derossi Mac LLC, with a proposed business name of Ladybird, for the premises located at 111 East 7th Street, between First Avenue and Avenue A, unless the applicant agrees before the SLA to make as conditions of its license the following signed notarized stipulations that

- 1) it will operate as a full-service vegan restaurant, with a kitchen open and serving food during all hours of operation,
- 2) its hours of operation will be 5:00 P.M. to 2:00 A.M. Mondays through Fridays and 3:00 P.M. to 2:00 A.M. Fridays and Saturdays,
- 3) it will not commercially operate any outdoor areas,

- 4) it will close any front façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances,
- 5) it will play ambient background music only, consisting of recorded music, and will not have DJs, live music, promoted events, scheduled performances or any event at which a cover fee will be charged,
- 6) it will not apply for any alteration in its method of operation without first appearing before Community Board 3,
- 7) it will not seek a change in class of its liquor license to a full on-premises liquor license without first obtaining the approval of Community Board 3,
- 8) it will not host pub crawls or party buses,
- 9) it will not have unlimited drink specials with food,
- 10) it may have "happy hours" to 7:00 P.M. each night,
- 11) it will insure that there are no wait lines outside and will designate an employee to oversee patrons and noise on the sidewalk,
- 12) it will conspicuously post this stipulation form beside its liquor license inside of its business, and
- 13) it will provide a telephone number for residents to call with complaints and immediately address any resident complaints.

Items not heard at Committee

19. El Camion III LLC, 198 Ave A (wb)
no vote necessary
20. Shinsen, 44 Bowery (wb)
no vote necessary
21. Rose & Basil (Rose & Basil LLC), 104 E 7th St (wb)
no vote necessary
22. Chibaola Inc, 152 2nd Ave (wb)
no vote necessary
23. Chutney Masala NYC Inc, 175 Ave B (wb)
no vote necessary
24. Vote to adjourn
approved by committee

33 YES 0 NO 0 ABS 0 PNV MOTION PASSED

Appendix A

Robert Dobruskin, AICP
New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

RE: CB3 Comments on Draft Scope of Work for Two
Bridges LSRD

Dear Mr. Dobruskin,

The following details the comments of Community Board 3 (“CB3”) on the Draft Scope of Work (“Scope”) for the Draft Environmental Impact Statement (“DEIS”) that will study the environmental impacts for the proposed amendments to the Two Bridges Large-Scale Residential Development Plan (LSRD).

Project description & purpose and need of the proposed action

The proposed project will introduce building forms to this neighborhood that are new to the District and contrary to local plans. These building forms were not considered possible, considering the Large-Scale Residential Development Plan that governs the area.

The project as described will introduce new building forms, informally referred to as “super-talls,” to a district composed largely of medium density housing. While the underlying zoning allows such density, the right to build under those densities was removed with the adoption of the Large-Scale Residential Development Plan (LSRD) in 1972. The LSRD plan limited the development on the site to, generally, what can be seen there now: developments of between 3.5 and 4.9 FAR, with buildings ranging from one to 26 stories, surrounded by open space. The existing level of development is in-scale and in context with the surrounding development.

The primary governance of the use, mass and plan of this site is the LSRD, not the underlying zoning. Considering the scale of the change proposed, the determination that this action is a minor modification of the LSRD should not rest solely on the underlying zoning.

The amendment of the LSRD plan is not a minor modification. The CPC needs to better explain and justify its decision on how they reached their determination that the project is a minor modification. It should be done as quickly as possible before the Final Scope of Work or the DEIS are released.

On August 11, 2016, former Chair of the City Planning Commission Carl Weisbrod explained the CPC’s decision to classify this action as a minor modification. This decision meant that the action avoided ULURP. In that letter, he agreed to perform an environmental review but he also justified the continued classification of the action as a minor modification by quoting Title 62, Section 2-06(g)(5)(ii) of the Rules of the City of New York regarding ULURP.

CB3 notes that these rules do not say that this project must be classified as a minor modification, only that it may be classified as a minor modification if the CPC so determines. One of the

considerations the CPC must consider when making this determination is if the amendment, “increases the height, bulk, envelope or floor area . . . or alters conditions or major elements of the site plan.” It is of great concern that the CPC saw the proposed changes to the site plan, read the Rules of the City of New York, and still found that these changes to the LSRD constituted a minor modification. CB3 has concerns about whether the CPC fully considered all conditions that the Rules of the City of New York instruct the CPC to follow when making this decision. For example, will the Lead Agency provide evidence that that it reviewed, “earlier hearings at the community board or Commission,”¹ as required by the Rules of the City of New York, by releasing transcripts and/or other materials that documented those earlier CPC and Community Board hearings?

The purpose and need for the proposed action needs to better justify the scale of the change.

CB3 recognizes the value of the proposed 694 units of affordable housing. The project description needs to provide more detail regarding these units.

- Will they be permanently affordable?
- Will they all be on-site or may some be placed off-site?
- What AMIs will they serve? If this has not yet been determined, what are the possible AMIs that will be served and when will the decision be made regarding AMI levels?
- Will the affordable housing target a single AMI range or will there be several tiers of AMIs?
- How well do the targeted AMIs match with the community’s current AMIs? Or in other words, will the affordable housing provided in the buildings match the community AMIs?
- Will the applicant get public subsidies for the provision of such affordable housing? Or in other words, will public subsidy support affordable housing in this building that could be used elsewhere in the community?
- Will the mix of unit sizes (and thereby average household size) reflect the community’s unit size/household size distribution?

Other than the development of new and affordable housing, provide additional explanation for the project need and justifications for the action.

Please better explain how the proposed development is consistent with the development goals of Two Bridges LSRD.

The drawings describing the buildings allowed by the proposed action are not detailed enough, have errors, and need improvements and additions so that the scope of the regulatory action is clear.

Cherry Street is a wide street, but it is alternately described as a wide and narrow street depending on the drawing. Clinton Street is described as an “80 foot narrow street,” which is not possible since according to the Zoning Resolution all streets 75 feet and wider are wide streets.

¹ Title 22, Section 22-06(g)(5)(ii)(D)

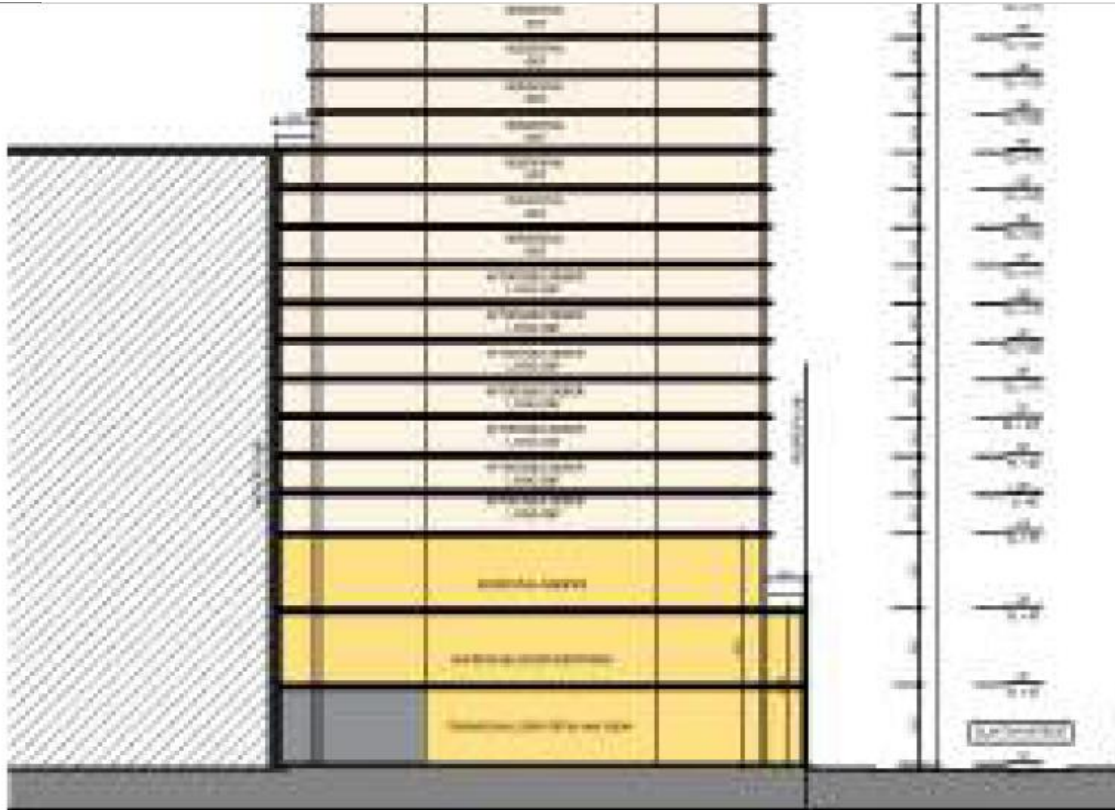
Appendix A

South Street is described as a 70 foot narrow street, but it unclear if this is the size of the mapped street or just the street excluding the bike lane. South Street is also unusual as it is partially under the FDR, which results in two overlapping mapped streets. Do two overlapping mapped streets that, together, are more than 75 feet constitute a wide street for the purposes of zoning?

This matters because the required setback of the towers varies according to the width of the street on which they front. The street widths need to be accurately described on the drawings. Further, in part because of the errors in the street widths, and in part because there is missing data in the description of the proposed action, it is unclear if the developments are completely as-of-right under C6-4 zoning or if they too will require modifications under the LSRD to allow them to comply. **Table A of Appendix A** appears to be an attempt to show zoning compliance, but it fails by leaving out critical elements of zoning compliance (e.g. tower coverage), and answers are not consistent from site to site. This table should read: regulated element (e.g. yards, tower coverage, FAR, etc.), what is allowed in the district, what is proposed, and then if the project complies. This table appears to have been cobbled together from the different developers, each of which are using different standards, with no attempt to make it consistent or meaningful.

If the project is shown to require relief from some element of compliance with underlying C6-4 zoning under the amended LSRD, then there needs to be drawings demonstrating what element of the project will need relief under the LSRD. This will disclose to the Lead Agency and the public the magnitude of the change this LSRD requires from the existing underlying zoning.

Further, because information about the project comes from different developers, they all follow different standards in their drawings, produced at different resolutions, which makes them difficult to compare. For example, the following is a detail of the Site 6 Illustrative Section (Figure 12), which shows that the text on the drawing cannot be read, as reproduced below:



Drawings that include numbers and text that cannot be read need to be corrected. All drawings need to be legible and should follow the same standards so they can be more easily compared. For example, site six seems to have a much more reasonable use of mechanical space when compared with site 4A/B. However, it is difficult to say with certainty because the drawing is not legible and the drawings use different standards. The Lead Agency should select a standard and then instruct the individual developers to submit drawings that follow that single standard so that the scope of the project is clearly disclosed to the public.

Alternatives to the project as proposed

In addition to the No-Action alternative, the DEIS should study the following alternatives:

- An alternative that examines the project that accounts for all currently approved amendments to the LSRD Plan that have not yet been built.
- A lesser density / lower-scale alternative that adds additional housing and affordable housing above the no action alternative, but which is more in scale with the surrounding neighborhood. This alternative may be modeled after the plan for the area produced by the Chinatown Working Group (CWG) within Sub-District D.
- An alternative design that does not add unnecessary and unwarranted height. For example, the building proposed on site 4A/B is proposed for 1,008 feet to the top of the mechanicals. This height includes 15 floors of mechanical spaces and voids that add 324 feet to the building height and which, presumably, do not count against zoning floor area.

While ample mechanical spaces make for good buildings, devoting nearly 1/3 of the building's height to mechanical spaces is extraordinary and introduces bulk to the neighborhood which provides only impacts and no benefits. The Lead Agency should instruct the applicant to study an alternative that minimizes the use of mechanical spaces to introduce unwarranted height.

- Finally, the DEIS should study a No Unmitigated Impact alternative. This may result in an alternative that is more like the CWG alternative, but its purpose would be to demonstrate the changes that would have to be taken to eliminate all of the project's unmitigated impacts. While this alternative may not be feasible in relation to the project objectives, it will serve as a tool that demonstrates the magnitude of change to the project that would be necessary to eliminate impacts.

Land Use, Zoning, and Public Policy

Considering the size of the project, a quarter-mile study area is likely too small to capture all the indirect impacts, especially to the north and west. Because of project's location along the water, a uniform study area is not warranted, but should extend further inland than the ¼ mile proposed. As instructed in the CEQR Technical Manual, "the study area does not have to be regular in shape" and in this case shouldn't be: the study area should extend at least to Grand Street and then follow Bowery Street to Oliver Street to the shoreline. The size of such a study area will be similar to the ¼ mile radius proposed, but will cover neighborhoods likely to feel indirect impacts.

The list of projects expected to be built in the study area (No Action projects) should be cross-referenced with the soft-sites collected in the CWG plan to ensure that none are missed.

CB3 is aware of discussions between and among NYCHA and New York City about facilitating infill on public housing estates. The area around the development site has several potential NYCHA infill sites. Earlier this month NYCHA announced a plan for infill development at LaGuardia houses with 50% market rate and 50% affordable housing. If the proposed action changes the AMI mix of the neighborhood (see Neighborhood Character), might the proposed action change NYCHA infill policy? For instance, there is currently, just this one infill site proposed, but if AMIs in the area change, will NYCHA's infill policy regarding the number of development sites also change? Or will NYCHA's policy regarding the income mix of proposed units change? If the action is developed as planned, will NYCHA policy regarding infill building height/scale change because such large buildings are being introduced into the context? The Lead Agency should determine how NYCHA makes their infill policy decisions, and if they make any infill policy decisions considering neighborhood AMI or neighborhood built context, the impact of changing AMIs and built context should be projected onto NYCHA infill policy, and any new NYCHA sites that might be indirectly developed because of the action should be disclosed.

In addition to completing the Waterfront Revitalization Program (WRP) Consistency Assessment Form, the DEIS should include analysis of how the combined developments will adhere to the 44 policies (relevant to these developments) of the NYS Coastal Management Program, if the development shall receive any funding or financing from the State of NY as required by the NYS Coastal Management Program.

Socioeconomic conditions

Direct Residential Displacement

Disclose specific relocation plans for the residents of the ten units at 80 Rutgers Slip, including how relocation costs will be addressed for those residents, the duration of time they will be relocated, where they will be housed and under what conditions, and what costs will be incurred and by whom.

Indirect Residential Displacement

The method described in the CEQR Technical Manual for assessing indirect residential displacement is wholly inadequate for this area, as it assumes that all older larger buildings have tenants that are rent protected and insulated from increases in rent due to changes in market-rate rent. With the erosions of rent stabilized units in recent years, this assumption is clearly not true. To properly do this analysis, it will be critical to determine the number of units that are market-rate rentals, which will require collecting data on rent stabilized units by building. These data are available from the New York State Department of Homes and Community Renewal, HPD, and/or NYC Dept. of Finance. The DEIS should use these sources (not the Census Bureau) to obtain data. Simply, any method of indirect displacement that does not attempt to get a real count and understanding of market conditions in mixed market/stabilized buildings will likely understate the impact because the base data are wrong.

Further, it is no longer safe to assume that just because a unit is regulated that the residents are immune from indirect displacement. The DEIS should examine the potential of the action to accelerate the trend of changing socioeconomic conditions that will potentially displace vulnerable populations regardless of the regulated status of their unit. In addition to data from the Census and RPAD, and current real estate market data, this analysis should include data that correlate with actual displacement. These sources should include eviction and foreclosure data for the past five years, building and alteration permits, demolition permits, complaints of landlord harassment, an inventory of currently regulated building stock that will soon expire, all subsidized, rent regulated and or stabilized apartments, an inventory of local requests for Right to Counsel, and interviews with local housing groups that counsel tenants who have been subject to harassment, discrimination, and displacement.

Because of the size of this project and the number of market rate units, the study area should at least match the study area described in the Land Use, Zoning, and Public Policy section.

Indirect displacement should also attempt to identify the people who are most at risk: especially those who do not speak English as a first language, so a mitigation program can be developed that is able to reach those most in need.

The Lead Agency should consider anti-harassment measures to help protect those in rent stabilized units and if significant impacts are shown, direct HPD to help mitigate those impacts by developing a Housing Plan, like those written for East New York and East Harlem, that targets buildings and tenants in the area for increased availability of funding for both new and existing regulated buildings in the area.

Indirect Business Displacement

For Indirect Business Displacement, the Scope of Work focuses on businesses that are, “essential to the local economy.” Residents of this area are often linguistically isolated and there are many local businesses that specifically service the needs of these linguistically isolated populations. Displacement of businesses that provide goods and services to non-English language speakers is the displacement of businesses that are, “essential to the local economy” since if these establishments are displaced, residents will lose essential services. Consequently, when determining which businesses are “essential to the local economy,” the DEIS should study not only the size of the business, but the populations that they serve and the choices those populations have if these businesses were to be displaced.

In addition to public data sets, the economic development section of the CWG Plan, as well as the Asian American Legal Defense and Education Fund study both contain essential information on this topic, which should be used by the Lead Agency when evaluating indirect business displacement. Further, data from indirect residential displacement should be used to determine how shifts in shopping patterns due to neighborhood income change would impact local businesses. Or in other words, if there is significant indirect displacement, some local businesses will be losing their customers. The people who replace those who are displaced may have different shopping patterns, which may result in indirect business displacement, even if rental rates do not change.

Mitigations should include both tax incentives for property owners who rent to local businesses as well as limitation on certain uses – including limitations on size.

Community Facilities and Services

FIRE AND POLICE:

For Fire and Police protection, the Scope of Work states, “the proposed actions are not expected to trigger detailed analyses of police and fire protection serving the project area” and they will not be studied in the DEIS. This is contrary to the instruction in the CEQR Technical Manual considering the scale of the project proposed.

The DEIS should examine the adverse impact that gentrification-driven over policing will have on existing low income and communities of color, in particular on our youth.

The CEQR Technical Manual states that there is no threshold when evaluating the potential of significant impacts, but they should be studied when, there is the introduction of a “sizeable new neighborhood (e.g. Hunters’ Point South.)” The proposed size of the development at 2,775 units,² while smaller than Hunters’ Point South, is not so much smaller as to warrant dismissing any impacts on police and fire protection in the area. Further, the building forms being introduced are new to the area. Do the engine and ladder companies that serve this area have the capacity and equipment necessary to provide services to a 1,000 foot building? Do the local police precincts that serve this area have the capacity to add the officers necessary to provide services to the greatly increased area? Are there other infrastructure or organizational issues that must be considered when staffing up the Police and Fire services necessary to serve what amounts to a new neighborhood?

² This is also over the minimum of for Type 1 action under §617.4(5)(v).

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These are questions that the DEIS must answer. The existing capacity of both Police and Fire must be examined, and the impact of the project on these essential community services must be disclosed. If the proposed project discloses an impact that requires new equipment, facilities or other infrastructure, a mitigation plan must be proposed.

SCHOOLS:

The data from the CEQR technical manual for student generation is both out-of-date and imprecise. It is based upon queries of the 2000 Census PUMS file and is for all of Manhattan, rather than localized areas. The student generation tables need to be updated. Simply, the New York City of 2000 does not exist anymore. The analysis should be done using generation tables developed from the most current American Community Survey PUMS file, and the query should be more geographically targeted to CD3, rather than just assuming all of Manhattan functions the same when it comes to child generation. If these changes are not made, the DEIS will likely understate the impact on local schools, especially elementary schools.

The project is at the edge of School District 1, which is an un-zoned district. When evaluating capacity for elementary schools, the analysis should look only at elementary schools that are close to the proposed project and not all schools in the district. The analysis of capacity should examine the two closest elementary schools (PS 134 and 110).

PUBLICLY FUNDED CHILD CARE

The CEQR Technical Manual has not been updated since Universal Pre-K has been instituted in New York City, and the DEIS needs to evaluate the care and education needs of children in Pre-K at public schools and in community based organization, and in publicly funding child care (ACS, Head-Start). Capacity analysis of child care funded by ACS and Head-Start should also consider waiting lists for these facilities. If capacity for publicly funded child care is too low for the needs of the new project, a new on-site facility may be required to mitigate the impact.

LIBRARIES:

Library utilization is much less about items circulating, and much more about services that are obtained by residents in the branches. When examining the capacity of the local libraries in the catchment area, the DEIS should examine how many people local branch libraries can hold, and how many people are actually there during the most popular hours and compare this number to the number of people in the catchment area to determine a capacity and utilization rate for the library services. Using these rates, the capacity and utilization of each branch library can be calculated and the impact of the project on the capacity can be estimated.

HEALTH CARE FACILITIES:

As recommended by the CEQR Technical Manual, the Draft Scope of Work includes no analysis of health care facilities. Due to the critical lack of health care facilities in lower Manhattan, however, which has been exacerbated by the diminution of service at local facilities, there is already a critical need for additional capacity in health care facilities in the area, which will only be exacerbated with the addition of a large number of new residents. The Community District 3 Needs Assessment states: “CD3 is a federally designated health professional shortage area in the fields of primary care, dental care, and mental health,” yet there is no actionable plan to improve

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access to these services. The DEIS should study the capacity of the health care system and project how much further these new residents will increase that utilization rate. The DEIS should propose methods whereby the City and the applicants will mitigate the impacts of the lack of service in this area.

Electrical Grid: (Con Edison)

Impact of new development on the current transformer and electrical grid system. Requires a study on future impact.

Open Space

According to the CEQR Technical Manual, Open Space may be either publicly accessible, or private, but that only publicly accessible space is used in the quantitative analysis while private open space is a qualitative measure.

Because of several “tower-in-the-park” buildings, the immediate surrounding area has ample private open spaces, with the proposed development adding more to that number. Consequently, the Open Space analysis should focus solely on publicly accessible open spaces. Private open spaces are not a mitigating factor that addresses the lack of public open spaces in this community. While these private spaces are often used informally by the public because of the lack of public open spaces, continued access is not assured even from day-to-day.

If the proposed project demonstrates impacts on public open spaces, the Lead Agency should consider making all or some of the private open space proposed in the projects open and accessible to the public. These spaces should also be subject to minimum standards for amenities offered, much as is done with plazas and other privately owned, publicly accessible open spaces.

Shadows

The water should be classified as a shadow sensitive resource and impacts on the submerged aquatic vegetation and the benthic community should be assessed.

As noted above, because of the lack of public open space in the community, open spaces in large housing projects are often informally used by the public even though they are privately owned. Open spaces that are frequently used by the public should be classified as shadow sensitive resources regardless of their ownership, and the impacts on these spaces should be assessed and, if necessary, mitigated.

Historic and Cultural Resources

The study area for historic and cultural resources needs to be larger considering the size of the proposed buildings. An historic resource that experiences a shadow impact is close enough to be in the study area for Historic and Cultural Resources.

Urban Design and Visual Resources

The urban design of Cherry Street, Clinton Street and the blocks surrounding the proposed LSRD is a mix of 20 - 30 story public housing projects while much of the area west of Madison Street is 5 - 6 story tenement buildings, many of which have ground floor retail. The proposed developments will tower over the existing urban fabric. The DEIS should examine how the new

buildings impact the design framework of the area, whether the buildings maintain a solid street wall, create a sense of place, and promote increased pedestrian use of public space. It should assess whether the new uses constructively engage the existing uses, and disclose where view corridors to the water will be obstructed, and where new buildings may obstruct local landmarks that assist residents and visitors in finding their way around. It should assess whether the new buildings promote and enhance streets and public spaces that are well connected, and should be built with sustainable and maintainable materials and color patterns that complement the surrounding buildings. The DEIS should also examine whether the design uses a lighting scheme or locally designed public art and street furniture that add a strong element of the area's historic urban character. It should also examine whether the LSRD provides good signage to aid in orienting residents and visitors.

Transportation

Because the area is inconvenient to the larger subway network, there is great concern in the community over the project's impact on surface transportation. Care should be taken when determining the mode split for new residents as they will likely not follow typical Manhattan patterns due to the project's distance from the subway. Mode split may be more like waterfront developments in Brooklyn and Queens than elsewhere in Manhattan.

That said, in addition to the East Broadway station on the F, the Grand Street Station on the B and D line will likely get additional usage from the development, as it is the closet stop to get riders to Downtown Brooklyn. Yet no trips are assigned to the Grand Street station. Because of the relative lack of subways in the area, residents of the new development may be willing to travel further than the typical Manhattan resident for the subway. A line-haul analysis should be conducted of the B and D subway lines as well.

The condition of the East Broadway station is terrible. Any capacity analysis of this station's stairways and platforms should take into account the current lack of maintenance. Mitigation of the impact to the East Broadway station should include elevators and electrical escalators on each side of the platform.

There also needs to be a capacity analysis of the bus routes serving the area. The addition of such a large number of residents in an area without good subway access, and no additional on-site parking, suggests that buses will get a larger than typical proportion of the mode split. If significant impacts are shown, the Lead Agency should work the MTA/NYCT to mitigate the impact by increasing service along the lines that are projected to be impacted.

Traffic counts and patterns in the area have seen rapid changes, especially with the advent of taxi alternatives such as Uber and ride share services. The DEIS should use no counts more than three years old. CB3 strongly urges new counts be collected for the baseline analysis. The study should include an analysis of the increased impact of Uber and Uber type services which these combined developments will attract. This analysis should also include the increased traffic to the immediate entrances and exits to the FDR Drive.

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The DEIS should include an analysis of the increased bike ridership that will come to the area and how the City and developers can mitigate impacts, including potential conflicts between vehicular, bicycle, and pedestrian traffic.

The Scope states that only on-site parking will be examined. The DEIS should also perform an on-street parking analysis as detailed in the CEQR Technical Manual. This analysis should include a detailed map indicating the key parking regulations on block faces within convenient walking distance of the project site.

The Scope is silent on how parking shortfall is determined. The threshold should be clearly stated and justified. Further, any shortfall that may be met by on-site parking further than ¼ mile from the project site, should be considered when developing mitigation plans for unmet shortfall created by the project.

There needs to be consistency between the parking study area and the traffic study area. If the Grand and Clinton parking garage are in the parking survey, the surrounding intersections should be studied in the traffic analysis. We are also concerned about the assignment method being used in the technical memo included with the Scope, since it does not have vehicular trip assignments on Grand Street or on Clinton Street, north of Henry Street.

Climate Change

Proposed projects must be in line with the Mayor's current 80% GHG reduction by 2050. Details of this alignment should be included in the DEIS.

The DEIS should include an explanation and justification of the "Future Flood Level" projections used in the Flood Elevation Worksheet. Flood projections should extend throughout the expected life of the buildings (100 years), and therefore should at least be outlined up to the year 2120.

Neighborhood Character

Two Bridges' diversity and affordability give the neighborhood its character. Therefore, the project's impact on neighborhood character should focus on socio-economic diversity and impacts on people of color, immigrants, and non-English speaking populations. The study area for Neighborhood Character, since it is so directly related to the residents, should follow the same study area described in the Land Use, Zoning and Public Policy section.

To understand the project's impact on Neighborhood Character, the DEIS should include the following analysis:

The current distribution of households by AMI should be disclosed. As should the distribution for the Future No-Action alternative and the Future With-Action alternative. The No-Action household AMI distribution should be compared with that of the With-Action alternative, in order that the difference discloses how the income mix of the neighborhood is expected to change under With-Action conditions. Understanding how the action will impact the area's AMI levels is critical to understanding change in neighborhood character.

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As with AMIs, Neighborhood Character should also analyze the existing mix of affordable versus market-rate housing units in the study area and how that mix will change under both the No-Action and the With-Action alternative.

Alternatives to the project as proposed

In addition to the No-Action alternative, the DEIS should study the following alternatives:

- An alternative that examines the project that accounts for all currently approved amendments to the LSRD Plan that have not yet been built.
- A lesser density / lower-scale alternative that adds additional housing and affordable housing above the No-Action alternative, but which is more in scale with the surrounding neighborhood. This alternative may be modeled after the plan for the area produced by the Chinatown Working Group (CWG) within Sub-District D.
- An alternative design that does not add unnecessary and unwarranted height. For example, the building proposed on site 4A/B is proposed for 1,008 feet to the top of the mechanicals. This height includes 15 floors of mechanical spaces and voids that add 324 feet to the building height and which, presumably, do not count against zoning floor area. While ample mechanical spaces make for good buildings, devoting nearly 1/3 of the building's height to mechanical spaces is extraordinary and introduces bulk to the neighborhood which provides only impacts and no benefits. The Lead Agency should instruct the applicant to study an alternative that minimizes the use of mechanical spaces to introduce unwarranted height.
- Finally, the DEIS should study a No Unmitigated Impact alternative. This may result in an alternative that is more like the CWG alternative, but its purpose would be to demonstrate the changes that would have to be taken to eliminate all of the project's unmitigated impacts. While this alternative may not be feasible in relation to the project objectives, it will serve as a tool that demonstrates the magnitude of change to the project that would be necessary to eliminate impacts.