



THE BOROUGH OF MANHATTAN
GALE BREWER, BOROUGH PRESIDENT
MANHATTAN COMMUNITY BOARD FIVE
VIKKI BARBERO, CHAIR
WALLY RUBIN, DISTRICT MANAGER

Minutes of the regular Community Board Five meeting held on **Thursday, November 14, 2019 at Xavier High School, 2nd Floor Library, 30 West 16th Street (b/t 5th & 6th Aves.), at 6:00pm.** Craig Slutzkin, Secretary, presided.

Members Present

David Achelis
 Andreas Benzing
 Julie Chou
 James Dale
 Sarah Dowson
 Laura Garcia
 Jordan Goldman
 Nancy Goshow
 Michael Greeley
 Tristan Haas
 Samuel Johnson
 Michael Kaback
 E.J. Kalafarski
 Jennifer Kasner
 Renee Kinsella
 Layla Law-Gisiko
 Sam Levy
 Lucas Lopes
 Joseph Maffia
 Evan Meyerson
 Charles Miller
 Janet Pawson
 Jonathan Rabar
 Tod Shapiro
 Craig Slutzkin
 Barbara Spandorf
 Daniel Spence
 Simon Tschinkel
 Jessica Verdi
 Rachel Weintraub

July Yang

Present Part

Christopher Clark
 William Heyer

Absent

Nicholas Athanail
 James Beitchman
 Aaron Ford
 Dominic Gatto
 John B. Harris, Jr.
 Matthew Hartman
 Robert Isaacs
 Kimberly McCall
 Clayton Smith
 Pete Webb
 Ryan Whalen

Excused

Vikki Barbero
 Blaga Lucic
 David Sandler

Public Members

Elected Officials

Richard Gottfried
 Assembly Member

Abigail Bessler
 Councilmember
 Powers

Jeremy Unger
 Councilmember Rivera

Laurie Harjowaroga
 Speaker Johnson

Justin Flagg
 Senator Krueger

Brian Lafferty
 Borough President
 Brewer

Lucas Wolf
 Comptroller Stringer

Betsy Schmid
 Congresswoman
 Maloney

Samuel Vasquez
 Senator Hoylman

Staff

Wally Rubin
 District Manager

Luke Szabados
 Community Associate

Public Attendees

Andrew Fyffe
 Sharon Riley
 John Montgomery
 Cas Stachelberg
 Joseph Smith
 Carlos Hernandez
 Jonathan Hogstead
 Sean Reilly
 Ali Bauman
 Rebecca Breslaw
 Farah Ahmad
 Mark A. Espinoza
 Mario Messina
 Sanne Wright
 Kerry Burke
 Lisa Wager
 Bobby Robaina

At 6:10 p.m., the Full Board meeting for November 14, 2019 of Manhattan Community Board Five was called to order by Secretary, Craig Slutzkin.

PUBLIC SESSION

Assembly Member Richard Gottfried – spoke of the upgrade by MTA to the train tunnel under Park Avenue and the adjoining sidewalks that will be opened while they rebuild the tunnels. He also spoke of the bill on Floating Billboards signed into law by Governor Cuomo on August 19 and stated that despite the legislation taking effect immediately, the company Ballyhoo Media continued to operate its "floating billboards" in New York waterways in violation and spoke of the letter to Mayor de Blasio asking that the City enforce the law on Ballyhoo. He also stated that earlier this month, the City announced that it had reached an agreement with Ballyhoo to pay \$100,000 to the City, and Ballyhoo relocated its billboard boat to Florida. Assembly Member Gottfried stated that thanks to new legislation passed in Albany this year, New York voters will have more time before an election or primary to vote or change their registered political party. He also stated that the environmental advocate put out a voting rating on environmental issues and he was awarded an environmental champion

Brian Lafferty – Representing Borough President Brewer – introduced himself as the new liaison and spoke of a public hearing on November 25, on Strategy and Longevity of Religious Congregations. He spoke of a survey on residential parking permit plans in 7 cities worldwide. The study was a consideration of potential side effects of congestion pricing. He also spoke of the Paper Recycling challenge for which CB5 won 2nd place.

Laurie Hardjoworogo – Representing Speaker Johnson – spoke of pilot Transit/Truck Priority (TPP) program and the hiring of Sam Schwartz to monitor the project and side streets. She also announced the Speaker's second annual toy drive and that people can drop off unwrapped toys..

Sam Vasquez – Representing Senator Hoylman – spoke of violation of workers' rights at Chipotle and stated that the Senator asked the SLA not to renew the liquor license for this establishment. He also announced that it was Transgender awareness week and stated that the Senator reached out to the court system to change jurors questionnaire that only had male/female options to include non-binary option to make it more inclusive to people who call New York home. He also announced that this was the 1st round of Community Board budgeting which will give local community boards the opportunity to recommend worthwhile projects within the district to be funded through the State and Municipal Facilities Grant Program (SAM).

Abigail Bessler – Representing Councilmember Powers – spoke of resolution regarding pedestrian overcrowding and blockage at Rockefeller Center. She also spoke of the bill to allow people to be able to cancel gym memberships online without consequences. She announced that jointly with New York Cares, Councilmember Powers would be hosting a coat and sock drive.

Luke Wolf – Representing Comptroller Stringer – spoke of the Comptroller's study of the "creative economy" in New York City and found that they account for 13% of the city's economy and that there is still opportunities for growth

Justin Flagg – Representing Senator Krueger – announced that on November 12th, Senator Krueger joined the Oversight Committee at a hearing on the MTA capital plan. He also reported that last month Governor Cuomo signed the Senator's legislation to protect patients from excessive out-of-network hospital emergency charges, including hospital inpatient services that follow an emergency room visit. He spoke of report from the CB5 Broadway Corridor Task Force.

Jeremy Unger – Representing Councilmember Rivera – spoke of after-hours variance resolution before the Board. He spoke of a bill to create community health centers as part of the NYC Cares program and the Hotel Special permit in the Union Square area before the Board.

Betsy Schmid – Representing Congresswoman Maloney – announced that the Congresswoman was voted the Acting Chair of the Oversight Committee upon the passing of Congressman Cummings. She also spoke of many complaints about helicopter noise and the federal bill to ban all “non-essential” helicopter traffic over New York City. She announced that the Committee on House Administration passed the Congresswoman bill to create a Smithsonian museum dedicated to American women’s history, and on Wednesday, the Committee on the Judiciary passed legislation to bring closer ratification of the Equal Rights Amendment. She also stated that [The Debbie Smith Act, which will help eliminate the rape kit backlog passed the House.](#) She also spoke of a letter to House Leadership and appropriators urging them to ensure the United States Census Bureau receives robust funding in the next spending package to ensure a fair and accurate 2020 Census.

Carlos Hernandez – 32BJ – spoke of need to improve working condition at Chipotle and request to stabilize work shift. He spoke of fair law and petition with complaint filed with the SLA asking to deny renewal of the liquor license for this establishment.

Jonathan Hogstad – SEIU 32BJ – spoke of liquor license held by Chipotle and abuse of wage theft and other working issues.

Mark Anthony Espinoza – SEIU 32BJ – spoke of working to help students by assisting to eliminate alcohol from fast food establishments. He spoke of concerns and asked the Board to recommend denial of any liquor license to Chipotle.

Mario Messina – 29th Street Association – spoke of Broadway Corridor Task Force report and ask for the Board’s support in approving the report before them. He also spoke of the After Hour Variance resolution before the Board.

Bobby Robaina – Fashion Institute of Technology – gave updates on events at FIT.

BUSINESS SESSION

- **VOTE ON THE OCTOBER 2019 MINUTES**

The October 2019 minutes passed with a vote of 31 in favor, 0 opposed, 0 abstaining, as follows: **IN FAVOR:** Achelis, Benzing, Chou, Clark, Dale, Dowson, Garcia, Goldman, Goshow, Greeley, Haas, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lopes, Maffia, Meyerson, Miller, Pawson, Rabar, Shapiro, Spandorf, Spence, Tschinkel, Verdi, Weintraub, Yang. **ABSTAIN:** Slutzkin.

COMMITTEE REPORTS

- **CHAIR’S REPORT – VIKKI BARBERO - WAIVED**

- **DISTRICT MANAGER'S REPORT – WALLY RUBIN - WAIVED.**

PARKS AND PUBLIC SPACES – CLAYTON SMITH

Craig Slutzkin gave a brief presentation on the following resolution:

Application from Norikoh K.O.H. Inc, d/b/a “Norikoh”, for a new unenclosed sidewalk café with 10 tables and 20 chairs at 43 West 24th Street (between 5th/6th Avenues)

WHEREAS, Norikoh K.O.H. Inc., operating as Norikoh (“Applicant”), has submitted an application to install and operate an unenclosed sidewalk café at 43 West 24th Street (between 5th and 6th Avenues); and

WHEREAS, The café will operate daily from 11 AM, and will close Sundays by 10 PM and Monday thru Saturday by 11 PM with such hours of operation being similar to and consistent with those approved by other sidewalk cafes in 24th Street between 5th and 6th Avenue; and

WHEREAS, The proposed café would have 10 tables seating two each, using twenty (20) chairs; and

WHEREAS, The proposed café would be installed within the statutorily prescribed distances required from the curb so as to allow unobstructed pedestrian sidewalk passage on West 24th Street; and

WHEREAS, Community Board Five seeks to preserve an acceptable amount of space on the sidewalk on 24th Street, and to hold this operation to a standard consistent with the other sidewalk cafés previously approved by Community Board Five; and

WHEREAS, Applicant modified their application to DCA in response to these concerns from Community Board Five, reducing their number of tables by 3 (and number of seats by 6), thereby removing one row of tables from the proposed café, resulting in an increase of two feet of pedestrian space on the sidewalk; and

WHEREAS, There will be no additional lighting, signage, or amplified sound; and

WHEREAS, Norikoh will not serve liquor unless and until it has been granted a license by the SLA; therefore, be it

RESOLVED, Community Board Five **recommends approval** of the application from Norikoh K.O.H. Inc, d/b/a “Norikoh”, for a new unenclosed sidewalk café with 10 tables and 20 chairs at 43 West 24th Street (between 5th/6th Avenues).

Application from Madison Square Park Conservancy for “Holiday Tiny House Event,” to be held in Madison Square Park from December 4th-7th, 2019

WHEREAS, The Madison Square Park Conservancy has submitted a permit application to the Parks Department for the “Fjallraven Tiny House Event,” a commercial event to be held in the southwest gravel section of Madison Square Park near the Holiday Tree from December 4th through 7th, 2019; and

WHEREAS, Set-up would begin early AM on December 4; to be removed from the park by 6:00am on December 8, 2019; and

WHEREAS, The Event would begin at 8:00 AM on December 4 and run until 5:00 pm on December 7, to coincide with the holiday tree lighting celebration; and

WHEREAS, The Tiny House will only be open to the public from 8:00am-5:00pm during each day of the event; and

WHEREAS, The Swedish brand Fjallraven will set up a Tiny House (32’ long by 8’ wide, with a slanted roof extending from 9’-13’ high), to be decorated by Applicant with holiday lights to match the adjacent

tree, and to showcase gifts for the holidays as the main sponsor for the Holiday Tree Lighting event, and small giveaways to visitors (i.e. candy canes); and

WHEREAS, Complimentary coffee, tea, hot chocolate and limited Swedish snacks will also be served, only from the hours of 8:00am-10:30am & 2:00pm-5:00pm on the days of the event, including the Holiday Tree Celebration on December 5th; and

WHEREAS, No merchandise will be sold on site; and

WHEREAS, The event has a waste management plan to remove garbage and recycling; and

WHEREAS, Signage will be limited to a sponsor logo for Fjallraven that will be small and not obtrusive, and will appear on the side of the Tiny House, with no additional signage; and

WHEREAS, A limited number of brand ambassadors will be present to explain to members of the public who approach the Tiny House what is available inside, but will not be overtly soliciting the public outside of the area of the structure, in response to community concerns; and

WHEREAS, The Conservancy will monitor any queue management needs to ensure a seamless experience for all park goers during this Holiday Event; and

WHEREAS, The proposed sponsorship event replaces prior years' nearly month-long activation of a Gingerbread house at the same location, but at the same level of revenue for the Conservancy, resulting in a significant net decrease in the number of days of sponsor use of the gravel area; and

WHEREAS, Community Board Five believes that the nature and conduct of the event as proposed is consistent with its past approvals for holiday events held in the Park in past years; therefore, be it

RESOLVED, Community Board Five **recommends approval** of the application from Madison Square Park Conservancy for "Holiday Tiny House Event," to be held in Madison Square Park from December 4th-7th, 2019.

After some discussion, the above two bundled resolution passed with a vote of 31 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Benzing, Chou, Clark, Dale, Dawson, Garcia, Goldman, Goshow, Greeley, Haas, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lopes, Maffia, Meyerson, Miller, Pawson, Rabar, Shapiro, Spandorf, Spence, Tschinkel, Verdi, Weintraub, Yang.
ABSTAIN: Slutzkin.

PUBLIC SAFETY AND QUALITY OF LIFE – NICHOLAS ATHANAIL

Mr. Daniel Spence and Mr. Craig Slutzkin gave a brief presentation on the following resolution and report:

Community Board Five Broadway Corridor Liquor License Task Force Report

WHEREAS, Community Board Five convened a Broadway Corridor Liquor License (BCLL) Task Force; and

WHEREAS, CB5 tries to balance the needs of the entire community — ensuring the quality of life of the residents, while also allowing for businesses to flourish; and

WHEREAS, CB5 has noticed a dramatic increase in the number of liquor license applications for the blocks around Broadway between Madison Square Park and Herald Square; and

WHEREAS, The number of hotels (and hotel guest rooms) in that area has tripled in the last ten years; and

WHEREAS, New residential development in this area, along with potential development and empty lots has the potential to vastly increase the residential population in this area over the next few years; and

WHEREAS, Due to this vast and abrupt increase in development in the area, the BCLL Task Force evaluated:

1. the current conditions in this area - survey of preexisting and more recent licenses added over the past few years, how long they have been in business, their capacity (legal occupancy), identification of method of operation (hours, type of operation, dancing, outdoor space, rooftop, sidewalk cafe, etc.), and other relevant factors determining the recent evolution and current status of the area including identification of residential buildings, bike lanes, sidewalk congestion, and other factors making a special circumstance for this area; and

2. how the influx of hotels into this area may be relevant; and

WHEREAS, Over a period of four months, the BCLL Task Force gathered information by meeting with residents, businesses, block associations, neighborhood groups, and building owners, as well as engaging in direct community outreach; and

WHEREAS, The report of the BCLL Task Force (attached hereto, the "BCLL Report") was presented to PSQ and supported unanimously by the Committee after discussion took place at the PSQ meeting on October 30, 2019, with comments and input taken from the public; and

WHEREAS, The BCLL Report made various recommendations to ensure the normalized growth and development of the area from 26th Street to 31st Street, between 5th Avenue (including the West side of 5th Avenue) and 6th Avenue (including the East side of 6th Avenue), which area shall be designated the "Broadway Corridor Restricted Licensing Area" or "BCRLA"; therefore be it

RESOLVED, In furtherance of the foregoing, Community Board Five **adopts** the Policy on the Broadway Corridor Restricted Licensing Area attached hereto; and be it further

RESOLVED, Community Board Five **urges** the New York State Liquor Authority to review the BCLL Report and its findings and to support the restrictions contained in the Policy on the Broadway Corridor Restricted Licensing Area as applied to applications relevant thereto; and be it further

RESOLVED, Due to the vast increase in capacity of bar and restaurant space in the BCRLA, along with increased traffic and smaller size of sidewalks on Broadway, CB5 shall use a heightened degree of due diligence for approval of sidewalk cafes in the BCRLA; and be it further

RESOLVED, To develop more accurate data regarding congestion in the BCRLA, CB5 requests that the NYCDOT conducts traffic studies and pedestrian count analysis throughout the BCRLA

MANHATTAN COMMUNITY BOARD FIVE

POLICY ON THE BROADWAY CORRIDOR RESTRICTED LICENSING AREA

Manhattan Community Board Five hereby establishes the "BROADWAY CORRIDOR RESTRICTED LICENSING AREA" or "BCRLA" to include the area from 26th Street to 31st Street, between 5th Avenue (including the West side of 5th Avenue) and 6th Avenue (including the East side of 6th Avenue); and

Any new application for a liquor license within the Broadway Corridor Restricted Licensing Area may only be approvable provided that:

1. The PSQ Committee finds the proposed "method of operation" of the premises generally compatible with the nature of the Broadway Corridor Restricted Licensing Area; and

2. Hours of operation of the premises shall not be later than:
 - i) Sunday through Wednesday nights: closure no later than 1:00 AM; and
 - ii) Thursday through Saturday nights: closure no later than 2:00 AM; and
3. If there is any outdoor space (including any unenclosed or semi-enclosed area — rooftops and backyards, as well as decks, balconies, open windows, terraces, etc.), such outdoor space comply with CB5’s Rooftop/Rear Yard On-Premises Liquor License Policy, i.e. closing no later than 10:00 pm Sunday through Thursday and no later than 11:00 pm Friday and Saturday, which hours may be reduced subject to specific conditions in the particular location; and
4. Outdoor pool locations with bar service shall be limited to use by hotel guests only; and
5. For any outdoor space adjacent to a residential building, protections shall be implemented to preserve the privacy of any abutting residential areas; and
6. No music, including ambient music, will be permitted in any outdoor space other than a rooftop space more than ten stories above nearby residential buildings; and
7. No DJs or live music shall be played in any outdoor space at any time; and
8. Any areas with permitted outdoor music will require a sound engineer to survey the premises and surrounding area and make recommendations to prohibit sound from traveling outside of the space. In addition to providing an initial analysis and recommendations, there should be a follow up by the sound engineer to confirm that the recommendations were actually implemented and are achieving the recommended sound limits; and
9. For any hotel liquor license or any on-premises liquor license within a hotel where the applicant requests later operating hours to accommodate late-arriving hotel guests, PSQL may consider such request but only for a specifically designated space, indoors only, which space is accessible by hotel guests only; and
10. For any on-premises liquor license not within a hotel, the premises shall contain not more than 4,000 square feet of space for patron use if it is within a one block radius from an existing “Business Class”, “Boutique Hotel” or similar “Large Scale” operation and establishment that has already been granted and is validly operating according to a suitable hotel and/or on-premises liquor license; and
11. For any on-premises liquor license not within a hotel, the premises shall include either a full kitchen, or a food preparation area that is suitable, and logically related to the proposed method of operation and in compliance with all local regulations; and
12. For any on-premises liquor license in a co-working space or a private club, the following additional restrictions shall apply:
 - i) alcohol may be provided for members and their immediate guests only, not the general public; and
 - ii) special events open to non-members shall be limited; and
 - iii) no alcohol shall be accessible (i.e. self-serve) after hours of operation; and
13. The establishment’s proposed use and method of operation shall be consistent with the certificate of occupancy and permitted use and zoning category on record with the NYC Department of Buildings; and
14. The premises shall not be used as a cabaret, disco, or nightclub, except to the extent that the applicant can show by clear and convincing evidence that any such use and method of operation will not cause problems or disturbances unsuitable for the mixed commercial and residential nature of the BCRLA, as determined using the following matrix:

Key Issues	Less Desirable	1	2	3	4	5	More Desirable
Size	Larger						Smaller
Method of Operation	Nightclub, bottle service, private events, bottomless brunch						Restaurant or Bar
Hours	4am						2am
Promoters	Used						None
Noise Level	DJs, live music, large sound system						Ambient music, smaller sound system
Crowd Control	Velvet Rope; Outdoor queuing						Indoor Queue
Proximity to Residences	Abutting or close to						Farther From
Outdoor Space	In highly trafficked area						In less trafficked area

15. There must be sufficient space provided for patrons to wait for access in order to prevent crowds cueing on the sidewalks and, as necessary, security personnel must discourage patrons from gathering on sidewalks after exiting; and

16. Hotels must conduct traffic studies to determine optimal traffic patterns for loading docks of the hotel, in order to reduce street traffic congestion and noise; and have a security guard or attendant to help with the flow of traffic; and

17. The applicant shall provide a 24-hour hotline phone contact (in the case of a hotel, a number other than the front desk) with the Authority to immediately address complaints and an email contact for non-critical issues; and
18. The applicant shall meet with PSQL committee members and nearby community residents to negotiate details of their methods of operation; and
19. The applicant shall execute and deliver a legally-binding affidavit, whereby the applicant shall:
 - i) Represent, for each area of the premises (a) the square footage, (b) the capacity, (c) the "method of operation," (d) the number and location of all patron bars and service bars; and
 - ii) Agree to all conditions and stipulations as required by the PSQL Committee as a condition to approval of the application; and
 - iii) Agree to incorporate all of the restrictions into the "Method of Operation" included as part of the liquor license application submitted by applicant to the New York State Liquor Authority, a copy of which shall be simultaneously submitted to CB5.

Existing establishments in good standing with CB5 that became licensees prior to the adoption of this Policy shall be required to maintain their current method of operation. Notwithstanding the foregoing, any existing establishment that has community complaints, police reports, or that attracts violence, illegal activity, and/or creates a public nuisance, shall not benefit from this "grandfather" clause and may be subjected to these restrictions or even stricter scrutiny, and possibly referred to the State Liquor Authority for enforcement action.

**MANHATTAN COMMUNITY BOARD FIVE
COMMITTEE ON PUBLIC SAFETY AND QUALITY OF LIFE
REPORT OF THE BROADWAY CORRIDOR TASK FORCE**

Overview and History

The Public Safety and Quality of Life (PSQL) Committee of Manhattan Community Board Five is responsible for, among other things, reviewing liquor license applications in the district. In doing so, we try to balance the needs of the entire community — ensuring the quality of life of the residents, while also allowing for the businesses to flourish. In fact, we feel that both go hand in hand. A happy resident is a happy customer.

The PSQL Committee has noticed a dramatic increase in the number of liquor license applications for the blocks around Broadway Avenue between Madison Square Park and Herald Square. According to the New York State Liquor Authority, there are 81 active liquor licenses in this area. Of those, 45 have been granted in the past 5 years; 26 in the past 2.5 years. This represents 7.39% of all liquor licenses granted in CB5 over the past 5 years, which is disproportionate to its size, both in terms of Lot Area (6% of CB5) and Building Floor Area (3.84% of CB5) (according to Primary Land Use Tax Lot Output data, which is maintained by the City's Department of City Planning). See Appendix A for a map outlining this vast increase.

This area is zoned an M1-6 district with manufacturing or commercial being the only as-of-right use. However, numerous residential and mixed use buildings are scattered throughout the area, as well as a number of high-rise residential buildings on 6th Avenue resulting from rezoning in the 1990s. Buildings off of the 6th Ave. corridor are, by and large, coop loft conversions from the 70s-80s with a zoning variance, and mixed use buildings with long-term rental units, many of which are either artists' spaces

(AIR) or “tenant as of right” spaces with no eviction. Within the Task Force Area, hotel and office (i.e. commercially purposed) space is the only as of right usage permitted — as a result, not only has the rezoned area allowed for large residential development, hotel construction in the area has also boomed.

The number of hotels (and hotel guest rooms) in the past ten years has tripled. There are currently six new hotels being built, which, when completed, will substantially increase the number of guest rooms in this area (from approximately 1200 to 2500) resulting in an increased occupancy of 2100 to 4400 persons. The multiple restaurants and bars in these spaces will be large, increasing the potential capacity of such venues (from none in 2009 to 5,600-8,000 in 2019). Combined with hotel guests, the total capacity has the potential to add 7,000 to 12,400 patrons to the area.. See hotel guidelines below, and in Appendix B.

The new development in this area, along with potential development (there are ten new building permits issued since 2012, according to the Department of Buildings; see Appendix E) and empty lots has the potential to vastly increase the residential population in this area as well. In fact, according to median sale prices for 2018, this area is the second most expensive in the city, behind only Tribeca. Moreover, the Landmarks Preservation Commission has declined to extend the Ladies’ Mile Historic District, thus allowing for the possibility of more rapid development in the area.

In addition, many commercial upper-floor spaces have been converted from warehouse/wholesale use to shared-work spaces, many of which are now applying for liquor licenses, potentially creating multiple venues in buildings already having a licensed restaurant/bar on the ground floor. There are currently seven of these spaces in the Task Force area, including Nomad, Glass Ceiling, and The Yard co-working spaces.

Even as development has grown exponentially, traffic has become restricted — Broadway now has restricted access to the north of 32nd Street and decreased to one lane—along with 29th and 26th streets—to accommodate protected bike lanes. This will only add to issues of density and crowd/traffic control.

Due to this vast and abrupt increase in development in the area, Board Chair Vikki Barbero and PSQL Committee Chair Nicholas Athanail convened the Broadway Corridor Liquor License (BCLL) Task Force, to evaluate:

1. The current conditions in this area - survey of preexisting and more recent licenses added over the past few years, how long they have been in business, their capacity (legal occupancy), identification of method of operation (hours, type of operation, dancing, outdoor space, rooftop, sidewalk cafe, etc.), and other relevant factors determining the recent evolution and current status of the area; identification of residential buildings, bike lanes, sidewalk congestion, and other factors making a special circumstance for this area;
2. Analysis about how the influx of hotels in this area may be relevant;

Over a period of four months, the BCLL Task Force has gathered information by meeting with residents, businesses, block associations, neighborhood groups, and building owners, as well as engaging in direct community outreach. After reviewing this information, the Task Force has come to the following conclusions.

Guidelines:

Geographic Area

The M1-6 district lies from 23rd St. to 31st St., between 5th Ave and 6th Ave (thus including Broadway). After a survey of the businesses, liquor licenses, hotels, and residences in this district, the Task Force came to the conclusion that the busiest and densest area - with the most concern of unchecked development - and thus what should be included in “Broadway Corridor,” is from 26th St. to 31st St., between 5th Ave (including the West side of 5th Ave) and 6th Ave. (including the East side of 6th Ave.)

Outdoor

Due to the vast increase in capacity of bar and restaurant space in this area, along with the increased traffic and size of sidewalks on Broadway, the Task Force recommends that a heightened degree of due diligence is required for approval of sidewalk cafes in this area. We also ask that the Department of Transportation provide studies and pedestrian counts throughout the area.

Further, the Task Force also recommends compliance with the Rooftop/Rear Yard On-Premises Liquor License Policy that is already in place. Among its provisions, it states:

- Permitted rooftop bars/restaurants must be a minimum of ten (10) stories above abutting and cross-street residences;
- The applicant must complete a Community Board 5 Questionnaire (CB5Q) in a timely fashion, complete with the necessary drawings, photos, and/or layouts detailing the use of the space for which the liquor license is requested;
- A scheduled site visit by a representative(s) of the Public Safety and Quality of Life (PSQL) Committee of CB5 must be completed before the application is reviewed at the regularly scheduled meeting of the PSQL Committee;
- The service and consumption of alcohol and/or food in rooftop/rear yard outdoor spaces will be primarily by seated service;
- The rooftop/rear yard outdoor space will be closed and vacated by 10:00 PM Sunday through Thursday and 11:00 PM Friday and Saturday. Additional hours of operation may be negotiable depending on proximity to residences;
- The applicant will provide an effective sound baffling or sound controlled environment through landscape or other type of enclosure, wherever possible;
- The Applicant shall provide a Certificate of Occupancy for the premises and, if the occupancy is to exceed 74 persons, a Public Assembly Permit;

We define outdoor to include any unenclosed or semi-enclosed area — rooftops and backyards, as well as decks, balconies, open windows, terraces, etc. Any outdoor space shall preserve the privacy of any abutting residential areas.

Hours of Operation

The hours of operation of a business are huge factor in both the success of the business, as well as the quality of life of the nearby residents. As a result, it is something that the Task Force has tried to balance, with the input of all of the various stakeholders.

Requesting restricted hours of operation is not to dictate the precise hours of a dining establishment, but to set the maximum hours of operation that seem appropriate for this area. For instance, an establishment could close earlier than the maximum hours in our guidelines. The Task Force defines “closing hours” as the time of closure, not last seating or last order placed to the kitchen or bar.

To determine appropriate hours to ask of an applicant, Task Force members surveyed licensed dining operations in the area (see Appendix C), and compared this reality on the ground with the requests we have made of applicants over the last several months in regard to their closing hours. It is the Task Force’s finding that an appropriate restriction is 1am closure Sundays through Wednesdays, and 2am closure on Thursdays through Saturdays. We have found that these hours provide a balance to the needs of both residents and businesses in the area, allowing for an increased quality of life for residents and for businesses to still flourish.

Size/Occupancy and Method

Similarly, the size and method of operation of an establishment are important to the businesses and residents in the area, and something we tried to balance in our deliberations. While we want to encourage responsible business development, numerous venues with larger occupancies, particularly with nightclub method of operations, will only exacerbate the density issues in the area, particularly if close to high occupancy hotels.

As such, any new application for an on-premises (non-hotel) liquor license within the proposed Task Force Area may only be approvable provided that:

- The premises contains not more than 4,000 square feet of space for patron use if it is within a one block radius from an existing “Business Class”, “Boutique Hotel” or similar “Large Scale” operation and establishment that have already been granted and are validly operating according to a suitable Hotel and/or Restaurant Liquor License;
- The establishment proposed use and method of operation shall be consistent with the Certificate of Occupancy and Permitted use and Zoning Category on record with the NYC Department of Buildings ;
- The premises includes either a full kitchen, or a food preparation area that is suitable, and logically related to the proposed method of operation and in compliance with all local regulations;
- The premises shall not be used as a cabaret, disco, or nightclub, except to the extent that the applicant can show by clear and convincing evidence that any such use and method of operation will not cause problems or disturbances unsuitable for the mixed commercial and residential nature of the Task Force Area, as outlined in Appendix D.

Hotels

In 2009 there were four hotels in the task force area all located in buildings dating from the early 1900’s, which had seen better days: they had become transient hotels, budget class tourist hotels, or SROs (Single room occupancy residences). New hotel development began shortly afterwards with the addition of six new hotels. With the completion of six new additional hotel projects currently underway, the number of hotels in the area will be more than triple the number existing ten years ago. While the number of hotels and their hotel guests will grow exponentially, the number of restaurant and bar patrons will increase exponentially as hotels incorporate multiple restaurants, bars, event spaces and rooftop venues within their buildings. This very large presence of hotels, particularly larger hotels, as public venues would require some additional guidelines:

Community

- Applicant to meet with PSQL committee members and nearby community residents to negotiate details of their methods of operation and provide an affidavit with agreed-to stipulations to the Community Board.
- Provide a 24-hour hotline phone contact to the nearby residents with the authority to immediately address complaints (other than front desk). An email contact to be provided to residents for non-critical issues.

Hours of Operation

- Hotels requesting 4:00am closings to accommodate late-arriving hotel guests may accommodate these guests in a limited way. For example, in a space limited by size and location (eg indoor only). This would be for hotel guests only.
- Hours of operation for indoor bars, restaurants and event spaces open to the general public would be subject to the same restrictions proposed for the area: 1am weeknights and 2 am weekends.
- Maintain outdoor closing hours for outdoor spaces adjacent to indoor venue spaces, even if the indoor closing is later.

Outdoor Spaces

Hotel outdoor spaces would be subject to the Rooftop/Rear Yard On-Premises Liquor License Policy currently in effect with some additional modifications:

- These guidelines will also apply to open windows either at street level or elsewhere on the building: closing at 10:00 pm Sunday through Thursday, and at 11:00 pm Friday-Saturday hours subject to location.
- No music, including ambient music, will be permitted in any outdoor space other than a rooftop space more than ten stories above neighboring residential buildings.
- Any rooftop location must meet the Rooftop/Rear Yard Policy guidelines. However, additional methods of operation or hours may be required, depending on location.
- No DJs or live music in any outdoor space at any time.
- Outdoor pool locations with bar service would be limited to use *by hotel guests only*, and subject to the same closing hours under the current outdoor policy: 10pm Sunday-Thursday, and 11:00 pm Fri-Sat.

Music and Sound

All areas with outdoor music will require a sound engineer to survey the premises and surrounding area and make recommendations to prohibit sound from traveling outside of the space. In addition to providing an initial analysis and recommendations, there should be a follow up by the engineer to confirm that the recommendations were actually implemented and are achieving the recommended sound limits.

Crowd Control

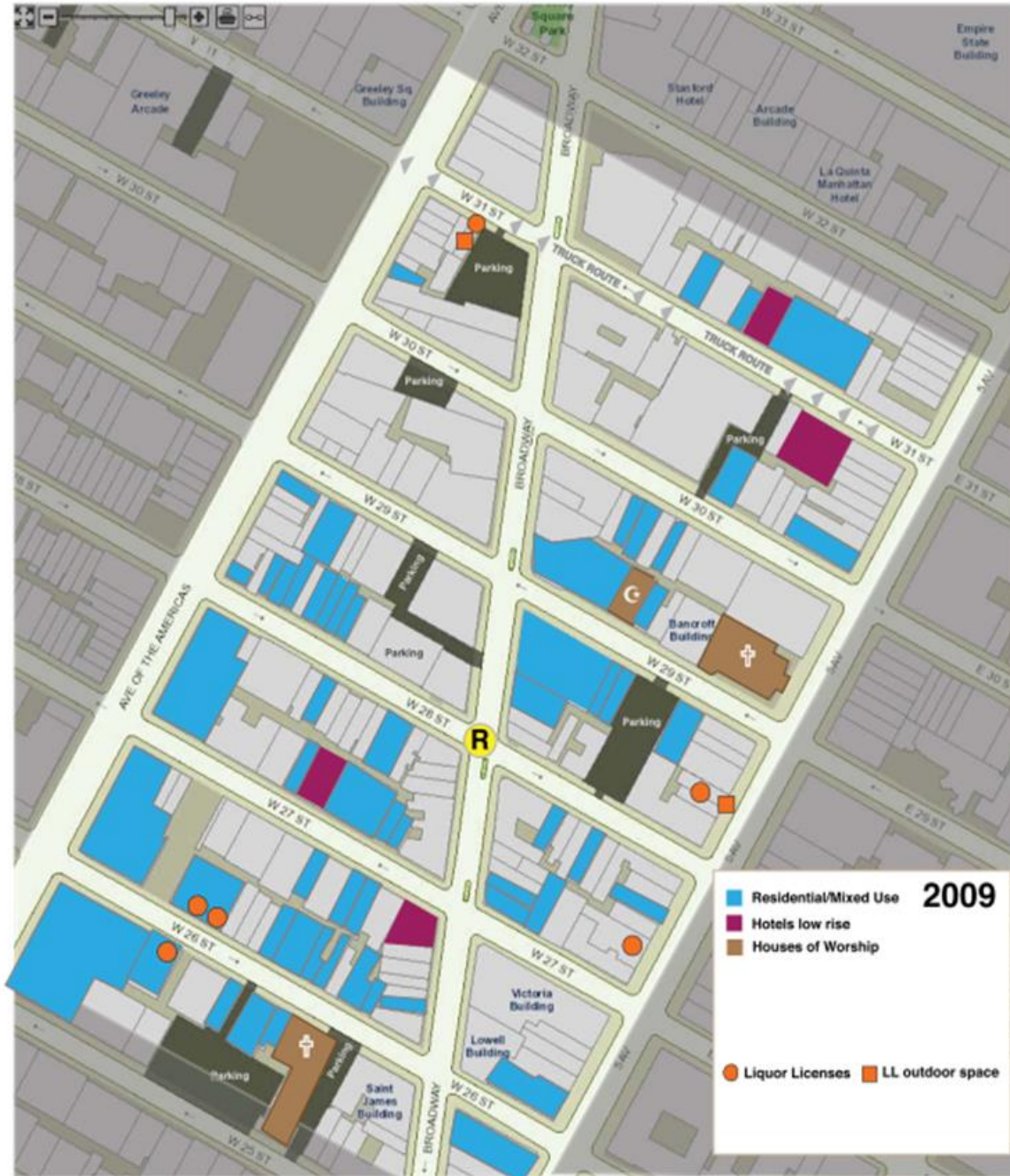
- There must be sufficient space provided in elevator lobby areas for event patrons to wait for elevator access in order to prevent crowds cueing on the sidewalks.
- Similarly, security personnel must discourage patrons from gathering on sidewalks after exiting from event spaces.
- Hotels must conduct traffic studies to determine optimal traffic patterns for loading docks of the hotel, in order to reduce street traffic congestion and noise; and have a security guard or attendant to help with the flow of traffic

Co-Working Spaces and 'Private Clubs'

The Task Force area is also home to a large number of co-working or business networking spaces. A significant number of these have applied or have the potential to apply for liquor licenses, creating buildings with multiple licenses on upper floors in addition to street level venues. Because of the potential to add further density to this area, the Task Force proposes that all applications of this kind:

- Require valid current Certificate of Occupancy for intended usage.
- Provide alcohol for members and their immediate guests only, not the general public.
- Limit number of events, including but not limited to private parties, open to the **non-member general public**.
- Follow outdoor guidelines for any outdoor spaces.
- Follow hour of operation guidelines.
- Require no alcohol access (ie, self serve) after stipulated hours of operation.
- Require capacity and speed of elevator(s) to be appropriate to space occupancy.
- Require interior lobby queuing space

Appendix A — Maps of Liquor Licenses in BCLL, 2009 and 2019





Appendix B — Current Liquor License Closure Hours

Business	Address	Type of Operation	Weekday Close	Weekend Close
Bazar	31 W. 26th St.	Restaurant/Bar	12:00 AM	1:00 AM
Hog Pit	37B W. 26th St.	Restaurant/Bar	4:00 AM	4:00 AM
Meltshop	55 W. 26th St.	Restaurant; Beer/Wine	10:00 PM	10:00 PM
Grey Bar and Restaurant	43 W. 26th St.	Restaurant/Bar	2:00 AM	2:00 AM
Flatiron Hall Restaurant and Beer Hall	38 W. 26th St.	Restaurant/Bar	1:00 AM	2:00 AM/10:00 PM
Hanjan	36 W. 26th St.	Restaurant/Bar	11:30 PM	11:30 PM
Flatiron Room	37 W. 26th St.	Restaurant/Bar	2:00 AM	2:00 AM/12:00 AM
Latin American Restaurant	29 W. 26th St.	Restaurant; Beer/Wine	6:00 PM	6:00 PM
Cafesta	33 W. 26th St.	Cafe; Wine	6:00 PM	Closed
Hill Country BBQ	30 W. 26th St.	Restaurant/Bar	12:00 AM	2:00 AM
Izakaya Nomad	13 W. 26th St.	Restaurant/Bar	1:00 AM/2:00 AM	2:00 AM/11:00 PM
Mexicue	225 5th Ave.	Restaurant/Bar	10:00 PM	10:00 PM
230 5th Ave. Rooftop	230 5th Ave.	Restaurant/Bar	4:00 AM	4:00 AM
The Smith	1150 Broadway	Restaurant/Bar	12:00 AM	1:00 AM/12:00 AM
Vin Sur Vingt	1140 Broadway	Wine	1:00 AM	12:00 AM
La Pecora Bianca	1133 Broadway	Restaurant/Bar	11:00 PM	10:00 PM
Patent Pending	49 West 27th	Bar/Lounge	2:00 AM	2:00 AM

Oscar Wilde	45 West 27th	Restaurant/Bar	2:00 AM	2:00 AM
Nomad Hotel	1170 Broadway	Hotel	12:00 AM	2:00 AM
Breslin	16 W. 29th St.	Restaurant	11:00 PM	12:00 AM
Ferris	44 W. 29th St.	Hotel Restaurant	11:00 PM	11:00 PM
MADE Hotel	44 W. 29th St.	Hotel	10:00 PM/12:00AM	2:00 AM
Ace Hotel	20 W. 29th St.	Hotel	2:00 AM	3:00 AM
Chandni Restaurant	13 W. 29th St.	Restaurant	12:00 AM	12:00 AM
Swingers mini golf and bar	1227 Broadway	Virgin Hotel Basement	2:00 AM	2:00 AM
Hyatt House Hotel	815 Sixth Ave	Hotel	10:00 PM	10:00 PM
Virgin Hotel	1227 Broadway	Hotel	10:00 PM/11:00PM	11:00PM/12:00AM
Eventi hotel	851 Sixth Ave	Hotel	11:30 PM	11:30 PM
Gaonnuri	1250 Broadway	Restaurant	10:00 PM	10:00 PM
Hyatt Herald Square Hotel	30 W 31st St	Hotel	11:00 PM	12:00 AM
Life Hotel	19 W. 31st St.	Hotel	1:00 AM	2:00 AM
O'Reilly's Pub	54 W. 31st St.	Restaurant/Bar	2:00 AM	2:00 AM
Ayza Wine & Chocolate Bar	11 W 31st St	Restaurant	12:00 AM	2:00 AM
Herald Square Spirits	34 W 31st St	Liquor Store	11:00 PM	12:00 AM
Osamil	5 W 31st St.	Restaurant/Bar	2:00 AM	3:00 AM

Appendix C — Hotel Occupancy

Hotel Name	Address and Block ID	Project Location	Project Name	Year built or opened	Floors	Capacity # of rooms	# of rooms	# of hotel bedrooms	Opening Dates	Comments
Palmer Hotel	218 28th St 4th Flr 11-13 Room 625-25	Building Total		built 1926, total since 2012/2011	13 floors	143	96	110	12/04/1926	This hotel is currently closed and under renovation.
Beacon Hotel	32 W 27th St 625-14	Building Total no renovation in last		built 1926, renovation since 1998	7 floors	131	75	100	10/10/1926	
Aria Hotel	30 W 28th St 625-54	Building Total ground floor renovation, ground floor lounge, 2nd floor renovation, 3rd floor renovation, 4th floor renovation, 5th floor renovation	Renov	built 1926, renovation since 2013	13 floors	461	258	258	12/01/2013	Recently renovated, opened 2/2016 (partially). No longer open. Plans for the building's reopening are under application. Month 12/01/2016
Paul Hotel	32 W 28th St 625-57	Building Total Cafe Bar renovation, ground floor renovation, 2nd floor renovation, 3rd floor renovation, 4th floor renovation, 5th floor renovation	Renov	built 2013, opened in 2013/2014	13 floors	141	108	108	12/01/2013	
Wicks Hotel	40 W 28th St 625-73	Building Total Cafe Bar renovation, 2nd floor renovation, 3rd floor renovation, 4th floor renovation, 5th floor renovation	Renov	built 2013, opened in 2013	13 floors	192	108	108	12/01/2013	No additional event space
Hotel Windsor	418 2nd St 625-15	Building Total no renovation in last		built 1934, renovation since 2012	13 floors	308	173	173	12/01/1934	Built in 1934 as a residence hotel.
Life Hotel	18 W 2nd St 625-18	Building Total ground floor renovation, 2nd floor renovation, 3rd floor renovation, 4th floor renovation, 5th floor renovation	Renov	built 1926, renovation since 2017	8 floors	171	98	98	12/01/1926	No additional event space
Hotel Herald Square	30 W 2nd St 625-42	Building Total ground floor renovation, 2nd floor renovation, 3rd floor renovation, 4th floor renovation, 5th floor renovation	Renov	built 2016, opened in 2017	13 floors	213	122	122	12/01/2016	From open application at CBQ Annual 2018
Roadway Plaza Hotel	100 Broadway 625-33	Building Total ground floor renovation, 2nd floor renovation, 3rd floor renovation, 4th floor renovation, 5th floor renovation	Renov	built 1927, total since 2017	13 floors	101	98	98	12/01/1927	Application under review regarding 1.0% MTR and 1.0% PRR per new application
Planned Hotel	100 Broadway 625-33	Building Total ground floor renovation, 2nd floor renovation, 3rd floor renovation, 4th floor renovation, 5th floor renovation	Renov	under construction	14 floors	91	91	91		
Grand Hotel	175 Broadway 625-16	Building Total ground floor renovation, 2nd floor renovation, 3rd floor renovation, 4th floor renovation, 5th floor renovation, 6th floor renovation, 7th floor renovation, 8th floor renovation, 9th floor renovation, 10th floor renovation, 11th floor renovation, 12th floor renovation, 13th floor renovation	Renov	built 1923, total since 2012	13 floors	364	188	188	12/01/1923	Building offers over 2,000 sq ft of event space and outdoor seating, and is currently under renovation. Plans for the building's reopening are under application. Month 12/01/2016
Flu Center	100 Broadway 625-33	Building Total		under construction	40 floors/150,000 sq ft	407	250	250		Under construction. Ground floor renovation and rooftop bar planned.
Stable Hotel	1200 Broadway 625-18	Building Total ground floor renovation, 2nd floor renovation, 3rd floor renovation, 4th floor renovation, 5th floor renovation, 6th floor renovation, 7th floor renovation, 8th floor renovation, 9th floor renovation, 10th floor renovation, 11th floor renovation, 12th floor renovation, 13th floor renovation	Renov	under construction	28 floors	627	460	460	12/01/2016	Application under review regarding 1.0% MTR and 1.0% PRR per new application

New Hotel under construction	302 Park Ave 625-14	Building total		under construction	28 floors	384	188	188		since 11/2008 website location is already listed Virgin Hotel on Broadway
New Hotel under construction	302 Park Ave 625-14	Building total		under construction	27 floors	382	180	180		
New Hotel under construction	302 Park Ave 625-57	Building total ground floor renovation, ground floor renovation, 2nd floor renovation, 3rd floor renovation, 4th floor renovation, 5th floor renovation, 6th floor renovation, 7th floor renovation, 8th floor renovation, 9th floor renovation, 10th floor renovation, 11th floor renovation, 12th floor renovation, 13th floor renovation	Renov	under construction	28 floors	324	188	188	12/01/2016	Capacity and seating estimates from recent new license application
						4,630	2,061	2,061	gross rooms	
						3,838	1,638	1,638	gross rooms	
						704	424	424	gross rooms	
						1,075	612	612	gross rooms	
						360	217	217	gross rooms	
						2,158	1,241	1,241	gross rooms	
						2,238	1,268	1,268	gross rooms	
						1,828	1,011	1,011	gross rooms	
						1,477	848	848	gross rooms	
						488	287	287	gross rooms	
						1,828	1,011	1,011	gross rooms	
						1,477	848	848	gross rooms	
						488	287	287	gross rooms	
						1,828	1,011	1,011	gross rooms	
						1,477	848	848	gross rooms	
						488	287	287	gross rooms	

[APPENDIX C attached separately]

Appendix D — Method of Operation Approval Matrix

Key Issues	Less Desirable	1	2	3	4	5	More Desirable
Size	Larger						Smaller
Method of Operation	Nightclub, bottle service, private events, bottomless brunch						Restaurant or Bar
Hours	4am						2am
Promoters	Used						None
Noise Level	DJs, live music, large sound system						Ambient music, smaller sound system
Crowd Control	Velvet Rope; Outdoor queuing						Indoor Que
Proximity to Residences	Abutting or close to						Farther From
Outdoor Space	In highly trafficked area						In less trafficked area

Appendix E — New Building Permits

House #	Street Name	Job #	Job doc. #	Job Type	Block	Lot	CB	Zip Code	Bldg Type
135	WEST 30TH STREET	120745471	1	NB	806	13	105	10001	2
125	WEST 28TH STREET	120041374	1	NB	804	22	105	10001	2
132	WEST 27TH STREET	121184235	1	NB	802	61	105	10001	2
101	WEST 28TH STREET	121329222	1	NB	804	34	105	10001	2

132	WEST 26TH STREET	121328296	2	NB	801	60	104	10001	2
304	5 AVENUE	104224778	1	NB	833	40	105	10001	2
44	WEST 29TH STREET	121326779	3	NB	830	73	105	10001	2
140	WEST 28TH STREET	121190950	1	NB	803	62	105	10001	2
846	6TH AVENUE	121192413	1	NB	831	78	105	10001	2
7	WEST 29TH STREET	121204133	1	NB	831	30	105	10001	2

After much discussion, the above resolution and report passed with a vote of 32 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Benzing, Chou, Clark, Dale, Dowson, Garcia, Goldman, Goshow, Greeley, Haas, Heyer, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lopes, Maffia, Meyerson, Miller, Pawson, Rabar, Shapiro, Spandorf, Spence, Tschinkel, Verdi, Weintraub, Yang
ABSTAIN: Slutzkin.

BUDGET, EDUCATION AND CITY SERVICES – RENEE KINSELLA

Ms. Kinsella gave a brief presentation on the following resolution.

Int 1737, A Local Law to amend the administrative code of the City of New York, in relation to after-hours work authorization

WHEREAS, Council Members Carlina Rivera and Keith Powers, along with several other Councilmembers, have introduced a bill to amend the process for issuing an afterhours variance (AHV); and

WHEREAS, Currently an AHV is required to perform any construction activity before 7am, after 6pm, or on weekends, and can be obtained for any number of days in a 14-day period; and

WHEREAS, Currently AHVs can be obtained by applying through the Department of Buildings (DOB), and can be submitted up to two business days before the first intended work day; and

WHEREAS, The DOB does not have personnel assigned to manage and monitor this function; and

WHEREAS, This bill (Int-1737) has been introduced to mediate between the large number of building projects throughout the City and the noise concerns of residents; and

WHEREAS, Int-1737 would restrict the time permitted for AHVs to require that AHVs only be issued between the hours of 6am and 7am and 6pm and 10pm on weekdays, and 8am and 6pm on weekends; and

WHEREAS, Int-1737 would limit applicants to only request AHVs for 3 weekdays per week and 1 day on the weekend, and require AHVs to expire after 15 days; and

WHEREAS, Int-1737 would require the Department of Environmental Protection to issue an explanation on whether to issue an AHV, and submit an annual report to the Council on the administration of the AHV process, as well as submit a list of all new applications weekly to local Community Boards; and

WHEREAS, The number of AHVs has more than doubled since 2012, with now more than 70,000 AHVs issued per year; and

WHEREAS, Noise resulting from after-hours construction is of great concern to residents and businesses of the community, and is the top 311 complaint as well as one of the most important issues to community members via the annual district needs survey; and

WHEREAS, The bill is intended to compromise with developers to still permit after hours construction, but with limitations to ease disruptive conditions and data collection standards to allow for proper tracking of AHVs; and

WHEREAS, While INT- 1737 restrictions would not apply to any construction projects receiving government funding and would mostly impact private development; and

WHEREAS, CB5 believes that government funding exemptions under this legislation should be narrowly construed and apply to only those projects that involve emergency repairs or situations involving public safety; and

WHEREAS, Community Board Five understands that AHVs are abused by developers and often factored into construction timelines, and that the automatic process of requesting variances today incentives developers to apply regardless of need; and

WHEREAS, CB5 recognizes the uncertainty Int-1737 poses to development and workers on construction projects, and hopes that the City Council's deliberation process will continue to seek feedback from various groups impacted by the bill; and

WHEREAS, While CB5 supports the proposed legislation and urges the Council to work to alleviate after hours noise concerns, Community Board Five would have liked to have seen stronger economic forecasting on the effects of the proposed changes to AHVs, as well as more robust data on the current state of AHVs; therefore, be it

RESOLVED, Community Board Five supports Councilmembers' efforts to alleviate after hour noise for members of Community District Five; and be it further

RESOLVED, Community Board Five **supports** Int 1737, and urges the City Council to bring it up for consideration and a vote.

After much discussion, the above resolution passed with a vote of 29 in favor, 3 opposed, 1 abstaining: **IN FAVOR:** Achelis, Benzing, Chou, Clark, Dale, Dowson, Garcia, Goldman, Goshow, Greeley, Haas, Heyer, Johnson, Kaback, Kalafarski, Kinsella, Law-Gisiko, Levy, Lopes, Maffia, Meyerson, Miller, Pawson, Rabar, Shapiro, Spandorf, Spence, Verdi, Weintraub. **OPPOSED:** Kasner, Tschinkel, Yang. **ABSTAIN:** Slutzkin.

TRANSPORTATION/ENVIRONMENT – E.J. KALAFARSKI

Mr. Kalafarski gave a brief presentation on the following resolution:

Proposal to address pedestrian overcrowding on the blocks surrounding Rockefeller Center

WHEREAS, The area around Rockefeller Center has become heavily congested with pedestrian traffic, especially during the holiday season; and

WHEREAS, Dangerous conditions have been observed on 49th and 50th Streets between 5th and 6th Avenues, as well as on 5th Avenue for several blocks in the upper 40s and low 50s; and

WHEREAS, The NYPD has responded each November through January with ad hoc pedestrian barricades and vehicular closures and detours, which has the intended effect of controlling the crowds in the area but also the unintended effect of further slowing and compressing the pedestrian traffic; and

WHEREAS, Nicole Gelinas of the Manhattan Institute has proposed a plan for the area surrounding Rockefeller Center that would include:

- the temporary closure of 49th and 50th Streets between 5th and 6th Avenues during the weeks when the Rockefeller Center Christmas Tree is standing, and
- establishing bus, truck, and pedestrian priority on approaching portions of 49th and 50th Streets across Midtown, and
- designing pedestrian-friendly street design treatments (bollards, etc) to make each of these streets more accommodating to the increased seasonal crowds; and

WHEREAS, This section of the City is currently used by enormous numbers of pedestrians (a peak count of 20,000 per hour on the most crowded block) and very low numbers of cars (only a total of 560 total car-commuters live within Community Board Five); and

WHEREAS, City Councilmember Keith Powers and Manhattan Borough President Gale Brewer have co-authored a published op-ed calling for the pedestrianization of 49th and 50th Streets between 5th and 6th Avenues; and

WHEREAS, Published reports indicate that the NYC Department of Transportation has designed an improved pedestrian plan for the blocks of 5th Avenue between 48th and 51st Streets; and

WHEREAS, This month the New York City Council approved a sweeping call for a long-term streets “master plan” developed by the NYC Department of Transportation that would include the creation of substantial new pedestrian spaces across New York City in future years; and

WHEREAS, Currently, there are no approved official plans to address either this year’s impending pedestrian crisis on these blocks, nor are there long-term plans to permanently solve the problem; and

WHEREAS, Community Board Five has repeatedly called on the NYC Department of Transportation for a comprehensive street use plan to address street use by all users and designs to improve the utilization of our City’s streets; and

WHEREAS, Community Board Five has also repeatedly called on the NYC Department of Transportation for a specific plan to make 5th and 6th Avenues into “Complete Streets” to better accommodate pedestrians and cyclists moving north and south through the Midtown core; and

WHEREAS, Solutions both short-term, applying to the current calendar year and holiday season, and long-term, including study of any short-term pilots and long-term planning for future years and holiday seasons, must be pursued on these blocks; and

WHEREAS, The large numbers of pedestrians in the area as well as the significant numbers of crosstown bus riders who use 49th and 50th Streets should be studied and prioritized over the small number of private and for-hire vehicle users; and

WHEREAS, Any additional pedestrian space created should be prioritized for the flow and access of pedestrians, and not compromised with the addition of new programming, vendors, or kiosks which would impede the flow of pedestrians as intended by any plan; and

WHEREAS, Any redesign or pedestrianization of areas adjacent to Rockefeller Center should be studied comprehensively for its effects on pedestrian flow, traffic, and public transit, including: effects on traffic on 5th and 6th Avenues; effects on traffic to the west of 6th Avenue; pedestrian counts on the pedestrianized areas of 49th and 50th Streets; effects on noise in the area; effects on cross-town bus routes; continued access for emergency vehicles; the effects of increased tourism and its impact on residents; therefore, be it

RESOLVED, Community Board Five recommends immediate coordination between DOT and the NYPD to implement temporary improvements to 49th and 50th Streets and 5th Avenue for the coming holiday season, including but not limited to the reported DOT treatment of 3 blocks of 5th Avenue, as well as better-designed pedestrian control techniques on all of these streets; and be it further

RESOLVED, Community Board Five calls on DOT to implement a comprehensive study of the area around Rockefeller Center, especially 49th and 50th Streets, to determine the feasibility of full closure and pedestrianization of one or both of these streets next year; and calls on DOT to use this year's holiday months to test the effects of possible designs (ie, through studied short-term closures of each and both of the blocks in question, as well as other possible treatments on these and surrounding blocks), and urges DOT to complete such a study and propose a new design for these streets no later than summer 2020 to allow for full implementation of an approved plan by the 2020 holiday season.

After some discussion, the above resolution passed with a vote of 31 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Benzing, Chou, Dale, Dowson, Garcia, Goldman, Goshaw, Greeley, Haas, Heyer, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lopes, Maffia, Meyerson, Miller, Pawson, Rabar, Shapiro, Spandorf, Spence, Tschinkel, Verdi, Weintraub, Yang. **ABSTAIN:** Slutzkin.

LANDMARKS – LAYLA LAW-GISIKO

Ms. Law-Gisiko gave brief presentations on the following two bundled resolutions.

Rockefeller Center – Application to make changes in the: 1) Channel Gardens; 2) Sunken Plaza Stairs; 3) Sunken Plaza; 4) North and South Gardens; and, 5) Rockefeller Plaza Street Bed.

WHEREAS, Rockefeller Center (the “Center”) is an Art-Deco style commercial, office and entertainment complex of 19 commercial buildings covering 22 acres between West 48th and 52nd Streets in Manhattan, built by the Rockefeller family during the Great Depression; and

WHEREAS, In designating the Center a NYC Landmark in 1985, the Landmark Preservation Commission noted it had become a symbolic and physical center for New York, achieving a harmonious integration of art and architecture, planning and plantings; and

WHEREAS, The current application is for a Certificate of Appropriateness to make changes to the: 1) Channel Gardens; 2) Sunken Plaza Stairs; 3) Sunken Plaza; 4) North and South Gardens; and 5) Rockefeller Plaza street bed; and

WHEREAS, The Channel Gardens, which separate La Maison Francaise Building from the British Empire Building, currently include six pools surrounded by various plantings and historical markers that are either filled with water or used for displays depending on the season; and

WHEREAS, The pools were built originally with a silver mirror finish on the underside of glass blocks and the Applicant proposes to replace them with reflective but more translucent glass blocks to allow light to pass through to the concourse below the Gardens; and

WHEREAS, The cast bronze fountain heads and granite piers on the pools will not be modified, but two historical markers will be relocated in the Gardens and the “Credo” monument at the entrance to the Sunken Plaza will be relocated to the entrance of the Gardens near Fifth Avenue, with minimal changes to make a plaque on the monument more visible; and

WHEREAS, The current configuration of the Sunken Plaza Stairs from the street level at the west end of the Channel Gardens requires visitors to split north or south as they descend because a large granite parapet obstructs the path of travel, and much of the view, from the Channel Gardens to the Sunken Plaza; and

WHEREAS, The applicant proposes to reduce the size of the granite parapet and incorporate an underlit bronze-painted railing with added greenery; and

WHEREAS, The original stair configuration from the Channel Gardens to the Sunken Plaza was a ‘spilling’ design that the Applicant proposes to recreate during the summer season with temporary additions to the main staircase; and

WHEREAS, The temporary staircase will be made of wood and adjoin seamlessly to the existing staircase showcasing the same underlit bronze-painted railings; and

WHEREAS, Two large bronze statues, “Youth” and “Maiden,” will be relocated from the top of the Sunken Plaza Stairs and installed to flank the main Prometheus statue/fountain on the west side of the Sunken Plaza; and

WHEREAS, The current terrazzo flooring and the granite walls of the Sunken Plaza have deteriorated with age and the retail openings in the granite walls are uneven and not aligned; and

WHEREAS, The applicant proposes to replace the current terrazzo floor of the Sunken Plaza with a terrazzo fashioned to imitate the existing “crab orchard” style stone existing throughout the plaza in color and jointing; and

WHEREAS, The applicant proposes to reconfigure all openings in the Sunken Plaza to a uniform height of 11ft and to adjust the granite piers to be slightly taller to mimic the original design; and

WHEREAS, The Applicant proposes to increase the number of openings in the Sunken Plaza and reconfigure them with bronze-painted steel doors to allow for greater traffic flow in and out of the concourse; and

WHEREAS, The applicant proposes to replace the granite panel wall surrounding the Sunken Plaza with in-kind materials from the original granite quarry and install a plant trellis and lighting on them; and

WHEREAS, The North and South Gardens adjacent to the Sunken Plaza are mirror images of each other, consisting of multiple flag poles, plantings, stairs, and elevators at street-level; and

WHEREAS, To provide increased accessibility, the Applicant proposes to remove the non-original elevators in the North and South Gardens and replace them with new elevators to be installed slightly east of the original locations, designed to stop at the street, terrace, and concourse levels; and

WHEREAS, The new elevators will be modern hydraulic piston elevators made of glass and bronze-painted metal with a large overhanging roof and canopy; and

WHEREAS, The new elevators will be built with modern glass capable of displaying art imagery; and

WHEREAS, The Applicant proposes to lower the profile of the granite parapet in each garden and incorporate new under-lit bench seating; and

WHEREAS, The Applicant proposes to remove small decorative fountains and granite from each garden and install new stairs to connect the street level with the terrace level and the concourse below; and

WHEREAS, The Applicant proposes to enclose each of the two new staircases in a glass enclosure equipped with under-lit bronze-painted railings with glass side-panels; and

WHEREAS, the Applicant proposes to create additional pedestrian space by slightly repositioning several flagpoles and to enhance their appearance by installing up-lighting on them; and

WHEREAS, In 2000 the original street-bed that ran in front of 30 Rockefeller Plaza was raised but left a 3-inch lip at the original granite curb that has been a serious pedestrian tripping hazard; and

WHEREAS, Bollards were installed to bring focus to the change in surface height; and

WHEREAS, The applicant proposes to lift the street-bed again to remove all unevenness and to remove the bollards but leave the original granite curbs in place to outline the original street path; and

WHEREAS, The Applicant will install bluestone and granite pavers on the Plaza in a pattern to complement the rest of the Plaza and install a French drain for water removal; and

WHEREAS, Community Board Five overall found the proposed modifications to be thoughtful, respectful, and sensitive to the Center, although, with respect to the North and South Gardens, Community Board Five found that the proposed stairs incorporate glass side-panels that are modern and non-contextual with the landmark, and that the proposed elevators are too bulky, block views of the terrace, and incorporate an intrusive overhanging canopy that is not appropriate or contextual with the landmark; therefore, be it

RESOLVED, Community Board Five **recommends approval with modifications** of the proposed alterations, strongly urging that the Applicant address concerns about the proposed elevators and staircases in the North and South Gardens, which are non-contextual and not harmonious and that should be designed to better integrate with the landmark.

625 Fifth Avenue, St. Patrick's Cathedral, Certificate of Appropriateness application for the installation of a decorative iron security fence along Madison Avenue.

WHEREAS, Saint Patrick's Cathedral (the "Applicant") is a Decorated Neo-Gothic Roman Catholic cathedral located on 5th Avenue with frontage on 50th and 51st streets, and Madison Avenue, and designated Individual Landmark in 1966; and

WHEREAS, The Applicant seeks a Certificate of Appropriateness to authorize the construction of a new fence on its Madison Avenue perimeter; and

WHEREAS, The fence would deter intruders from accessing the building perimeter and would provide security near the Cardinal's residence; and

WHEREAS, The metal fence security features have been reviewed by the NYPD unit tasked with building security; and

WHEREAS, The fence would be placed atop an existing granite wall between the Cardinal's Residence and the Rectory, and;

WHEREAS, The posts of the proposed fence would be inserted into the wall's existing granite coping stone with a 2 ½" core to accept the posts; and

WHEREAS, The fence would be made of painted steel to mimic wrought iron; and

WHEREAS, The height of the granite wall on which the fence will sit is 4' 7", the metal fence on the wall is 6' 6", thus, the total height from ground to top of the fence 11' 1"; and

WHEREAS, The fence would be constructed in sections, each section being 3' 3" wide; and

WHEREAS, The design of the fence would mimic the design of existing fences on the north and south sides of the Cathedral; and

RESOLVED, Community Board Five **recommends approval** of the Certificate of Appropriateness for the construction of the proposed fence while urging that the Applicant take great care and exercise necessary prudence and skill while penetrating the existing wall to provide footings and support for the proposed fence.

After some discussion, the above two bundled resolutions passed with a vote of 31 in favor, 0 opposed, 1 abstaining for the Rockefeller Center and 30 in favor, 0 opposed, 1 abstaining, 1 present not entitled to vote: **IN FAVOR:** Achelis, Benzing, Chou, Dale, Dowson, Garcia, Goldman., Goshow, Greeley, Haas, Heyer, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lopes, Maffia, Meyerson, Miller, Pawson, Rabar, Shapiro, Spandorf, Spence, Tschinkel, Verdi, Weintraub, Yang. **ABSTAIN:** Slutzkin. **PRESENT NOT ENTITLED TO VOTE:** Lopes (only on 625 5th Avenue).

LAND USE, HOUSING AND ZONING – LAYLA LAW-GISIKO

Ms. Law-Gisiko gave a brief presentation on the following resolution.

Application by owner/developer of 12-14 East 48th Street for a variance from the Board of Standards and Appeals for a hotel project.

WHEREAS, The applicant, 1248 Associates LLC – an affiliate of Hidrock Properties, is the owner and developer of 12-14 East 48th Street, located between Madison and 5th Avenues, and is requesting a one-year extension of construction time from the Board of Standards and Appeals; and

WHEREAS, The applicant is in contract with Hilton Resorts Corporation to build a 32-story, 161-key hotel and timeshare with ground floor retail at 12-14 East 48th Street; and

WHEREAS, 12-14 East 48th Street is a through-block lot with 50 feet frontage on East 48th Street and 25 feet frontage on East 47th Street and is located within the East Midtown Special Subdistrict, where new hotel development is only allowed by City Planning Commission special permit; and

WHEREAS, DOB granted construction permits for the redevelopment of a hotel at 12-14 East 48th Street on January 20, 2017, then a conforming use; and

WHEREAS, The East Midtown Special Subdistrict zoning text allows those hotel projects that started work before the Special Subdistrict's enactment on August 9, 2017 to continue construction for two and a half years and allows the Board of Standards and Appeals to extend construction time up to either one additional year or January 31, 2021, whichever is sooner; and

WHEREAS, For the BSA to grant an extension in construction time for a hotel in East Midtown three findings must be met:

1. Construction delays were caused by hardship or uncontrollable circumstances
2. Project changes would prevent the substantial financial recovery of investment
3. No public safety issues have arisen to necessitate special permit enforcement; and

WHEREAS, Major construction delays were caused by the discovery during excavation that the underpinnings of an adjacent building at 8 East 48th Street encroached on 12-14 East 48th Street's lot, and by the subcontractor, as the pouring of the concrete floors of the hotel's superstructure took longer than contracted and the subcontractor went out of business before the job was completed; and

WHEREAS, The applicant has been in contract with Hilton Resorts since the project's inception and worked with a hotel architect, as the building is designed for hotel use; and

WHEREAS, The applicant explained in multiple ways that if they were to now change the use of the building, which is currently over 80% complete, to a different use – such as office or residential – there would be extensive additional expenses to make the building commercially viable and compliant with the zoning text for those uses; and

WHEREAS, Community Board Five has not found any public health, community safety, or welfare issues that have come about due to this project; therefore, be it

RESOLVED, Community Board Five **recommends approval** of the application by the owner and developer of 12-14 East 48th Street for an extension of one additional year of construction time.

After some discussion, the above resolution passed with a vote of 31 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Benzing, Chou, Dale, Dowson, Garcia, Goldman, Goshow, Greeley, Haas, Heyer, Johnson, Kaback, Kalafarski, Kasner, Kinsella, Law-Gisiko, Levy, Lopes, Maffia, Meyerson, Miller, Pawson, Rabar, Shapiro, Spandorf, Spence, Tschinkel, Verdi, Weintraub, Yang. **ABSTAIN:** Slutzkin.

There being no further business, the regularly scheduled meeting of Community Board Five adjourned at 7:58 p.m.

Respectfully submitted by,

Craig Slutzkin
Secretary

Julie Chou
Assistant Secretary