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**THE BOROUGH OF MANHATTAN
GALE BREWER, BOROUGH PRESIDENT
MANHATTAN COMMUNITY BOARD FIVE**

VIKKI BARBERO, CHAIR MARISA MAACK, DISTRICT MANAGER

Minutes of the regular Community Board Five meeting held on **Thursday, December 10, 2020 via teleconferencing, at 6:00pm. Vikki Barbero, Chair, presided.**

Members Present

David Achelis
Nicholas Athanail
Zach Bahor
Vikki Barbero
James Beitchman
Mary Brosnahan
Kelly Burton
Renee Cafaro
Julie Chou
Christopher Clark
James Dale
Sarah Dowson
Aaron Ford
Joseph Frewer
Laura Garcia
Nancy Goshow
Tristan Haas
John B. Harris, Jr.
Matthew Hartman
William Heyer
Samuel Johnson
Michael Kaback
E.J. Kalafarski
Jamie Kang
Renee Kinsella
Layla Law-Gisiko
Sam Levy
Blaga Lucic
Joseph Maffia
Kimberly McCall
Evan Meyerson
Charles Miller
Janet Pawson
Jonathan Rabar

Tod Shapiro
Craig Slutzkin
Clayton Smith
Barbara Spandorf
Daniel Spence
Noah Stern
Sarah BJ Sung
Pete Webb
Rachel Weintraub
Ryan Whalen
July Yang

Present Part

None

Absent

Jordan Goldman
Robert Isaacs
Simon Tschinkel
Jessica Verdi

Excused

None

Public Members

Miriam Berman
Suzanne Johnson

Elected Officials

Keith Powers
Councilmember

Brad Hoylman
Senator

Liz Krueger
Senator

Carlina Rivera
Councilmember

Gale Brewer
Borough President

Laurie Harjowaroga
Speaker Johnson

Jessie K
Congresswoman
Maloney

Justin Flagg
Senator Krueger

Franklin Richards
Senator Krueger

Luke Wolfe
Comptroller Stringer

Staff
Marisa Maack
District Manager

Luke Szabados
Community Associate

Public Attendees

Dian Anderson-
Morrison
Eve Aschheim
Davis Aviles
Jermaine Burkhalter
Joseph Bauman
Alan Bornstein
John Ciraulo
Luis Cisneros
Abigail Diaz-Crofts
Assem Elfatarany
Elyse Foladare
Leslie Hendrix
Brenda Levin
Maki Livesay
Anna Makki
Lloyd Mark
Jordan Most
Michael Reiff
Sarah Ripple
Tim Roberts
Carmita Sanchez-
Fong
Peter Stamberg
Lisa Wager
Craig Wagner
Victoria Watkins
Alex Yong

At 6:00 p.m., the Manhattan Community Board Five December 10, 2020 full Board meeting was called to

PUBLIC SESSION

Keith Powers - Councilmember: thanked CB5 for its hard work during this difficult year. He welcomed the new District Manager, Marisa Maack, to the Board and introduced Franklin Richards who will be replacing Abigail Bessler at his office. He urged members to reapply to the Board.

Liz Kruger - Senator: thanked CB5 members for doing such an extraordinary job representing the people of CB5. She spoke of the light at the end of the tunnel with a COVID-19 crisis. She spoke of her work over four years with colleagues and environmental activists to get an agreement to divest the New York State Pension Funds from fossil fuels and other polluting companies and industries.

Carlina Rivera, Councilmember: announced that as Chair of the Committee on Hospitals, she has held a number of hearings on the pandemic readiness, on lessons learned, on testing and tracing. She stated that she held a hearing on Monday on maternal mortality in connection with familial support and visitation to those in labor and delivery rooms. She also stated that she did another hearing on vaccines which is expected to roll out in a phased approach as soon as December 15th. She thanked CB5 for being such great partners on quality of life.

Luke Wolf, Comptroller Scott Stringer's Office: spoke of the Comptroller's response to the COVID-19 health crisis and the launch of an investigation into the city's response and what happened in the early days, weeks and months. He stated that they have not received one document from City Hall and are taking the administration to court. He also spoke about police accountability and the op-ed that the Comptroller wrote about CCRB reform with specific recommendations to make sure the police will be more accountable going forward.

Gale Brewer, Manhattan Borough President: spoke of the work CB5 did on the Garment Center and has not forgotten that they are still focused on PPE manufacturing because hospitals still need more supplies. She spoke of silver lining in COVID-19 stating that the Economic Development Corporation has changed the IDA program so that more owners of buildings want to participate. She announced she will be testifying at the MTA hearings coming up. She also announced that the helicopter issue is ongoing and she will be having a meeting with the FAA and elected officials and that any Community Board is welcome. She stated that she is still focused on the child care slots and the loss of 500 slots in the recent budget. She spoke of the \$15 million still sitting unused in the budget for school devices. She thanked the Board for its resolution supporting the creation of a Director of Public Realm and being the first Community Board to do it, and announced that she is working on a letter to the Mayor on the same topic and will reference CB5's support for this concept. She spoke on the Grand Hyatt redevelopment scope of work and CB5's fabulous suggestions.

Brad Hoylman, State Senator: thanked CB5 on Public Realm resolution. He announced the introduction of a bill calling Sammy's Law named after Sammy Cohen, a young man who was struck down by an automobile just a few months before his bar mitzvah to allow NYC to lower

its speed limit. He announced that they will be going back to Albany next week to look at the additional revenue that New York State has to raise if Federal government doesn't come through. He spoke of advocating, along with Councilmember Powers, a survival plan for small businesses in Grand Central Terminal that have had little to no revenue because of the foot traffic having ceased in that great space and stated that they have worked out a deal with the MTA whereby small businesses are going to be given rent relief in which their rent will equal a portion of their actual earned revenue. He spoke of LGBTQ rights and thanked Councilmember Rivera for her very principled stance on passing a resolution urging Albany to use its powers to repeal the "Walking While Trans" law that allows law enforcement to essentially profile transgender women of color. He also spoke on World AIDS Day legislation with Assembly Member Dick Gottfried that would require that there be no pre-authorization by your insurance plan to get PrEP and pharmacists would be allowed to distribute PrEP without a prescription and that health insurance plan would cover the costs. He spoke about COVID-19 and noted that FDA just approved the Pfizer vaccine.

Jesse K - Congresswoman Carolyn Maloney's Office: announced that the Congresswoman released a statement on why she will be voting against the NDAA. She stated that her bill "The Corporate Transparency Act" is likely to be passed in an upcoming vote and her legislation for a Smithsonian Women's Museum passed unanimously in Senate committee. The Congresswoman also voted alongside her colleagues to pass the Marijuana Opportunity Reinvestment and Expungement Act. She also noted that along with colleagues in the New York delegation, the congresswoman pushed for emergency MTA funding and joined small business owners in demanding crucial COVID-19 relief funding including her Pandemic Risk Insurance Act. The Congresswoman also continued to fight for the passage of another stimulus package as well as other COVID-19 relief funding like the Save Our Stages Act. She noted that the Oversight Committee called the heads of Purdue and Sackler to a hearing on their role in fueling the opioid epidemic. The Congresswoman is also seeking an accounting of political appointees in career positions and a complete and accurate census count.

Laurie Harjowaroga, Speaker Johnson Office: announced that the Speaker's office partnered with the NYC Department of Housing Preservation Development and the Stonewall Community Development Corporation on a virtual tenant housing resource fair. She was happy to announce that the pandemic did not stop their annual toy drive with Holy Apostles soup kitchen. She noted that they received over a thousand toys, which will be distributed to families and children in the community on December 15th. She also spoke of the office delivering 8,675 meals and 2,250 pantry boxes to seniors and families in Council District 3.

Franklin Richards, Councilmember Powers Office: spoke of their successful toy and coat drive.

Leslie Hendricks – Board Member of 29th Street Association and President of Co-op Flower Tenants Corporation: spoke of approval of the Glass Ceiling, 1204 Broadway liquor license application by SLA and disappointment towards Councilmember Powers who changed his mind to support it. She stated that she hopes that CB5 can get control back so the community can continue to get input.

Alex Yang - Resident: spoke in regards to Airbnb and the dossier he created for anybody who would like to see the latest shenanigans that Airbnb is using against NYC.

Lisa Wager – Fashion Institute of Technology: spoke of students in the pandemic and the winning team of FIT students who took third place out of 1,600 competing teams from around the world in this year's Adobe Analytics Challenge, an annual competition in which undergraduate and graduate students many from prominent business schools crunch real data from major corporations and make recommendations to the businesses. She announced credit and non-credit courses at FIT for continuation in professional studies.

Mimi Pearl – Science and Health Teacher: spoke of nutrition education taught by qualified teachers and the dietary habits of young people in direct violation of New York State Education Law. She stated that 97 percent of NYC middle and high school health teachers are not licensed to teach health. She noted that for the very class where nutrition is a required topic in some schools, principals have contracted with outside nutrition education programs to fill staffing gaps. However, there have been limited research on the quality of these programs and the qualification of their instructors. These realities mean that most NYC public school children are missing out on lessons that will enable them to live longer and healthier lives and make educated choices about their diet that would also protect them from experiencing the more severe consequences of covid-19 should they become infected. She asked that during the pandemic City Council Bill 1283 require that DOE publishes annual information regarding the frequency of nutrition education in schools, the qualification of health teachers in NYC public schools and the availability of professional development and training for nutrition education for teachers.

Paul Cardozo – Representing Gilsey House: spoke of how disappointed, sad and frustrated they are with the decision that recently was passed by the SLA to approve the beer and wine license for 1204 Broadway based upon the recommendation of Councilmember Keith Powers. He congratulated CB5, which has all along been with them in opposing the full liquor license.

Anna Mackie – Resident of Gilsey House: express her deepest disappointment at the SLA decision to approve the wine and beer application at the Glass Ceiling located right next door to her at 1204 Broadway and spoke of her surprised and disappointment by the support for this license by Councilmember Keith Powers in whose district she is a registered and voting voter. She spoke of the tour of the proposed venue by Councilmember Powers and the letter sent to Councilmember Powers last week with a picture showing him the proximity from her son's window and her concern that the applicant at 1204 Broadway has demonstrated time and again that they are not interested in abiding by the rules of law when they were constructing the venue. She thanked CB5 for their support to the community.

BUSINESS SESSION

- **VOTE ON THE NOVEMBER 2020 MINUTES**

The November 2020 minutes passed with a vote of 44 in favor, 0 opposed, 1 abstaining, as follows: **IN FAVOR:** Achelis, Athanail, Bahor, Beitchman, Brosnahan, Burton, Cafaro, Chou, Clark, Dale, Dowson, Ford, Frewer, Garcia, Goshow, Haas, Harris Jr., Hartman, Heyer, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Sung, Webb, Weintraub, Whalen, Yang. **ABSTAIN:** Barbero.

- **CHAIR'S REPORT – VIKKI BARBERO**

Chair Vikki Barbero spoke of the memorable and difficult 2020 year. She acknowledged the hard work the members did and highlighted some of the many CB5 actions, concerns and accomplishments through the year, which included:

- o sending a letter to Department of Transportation re preliminary findings on the pilot 14th Street Busway, citing concerns and requesting better data;
- o supporting the local law to amend the administrative code in relation to the use of pesticides by city agencies;
- o passing resolves on two landmark buildings: the Paramount and the Flatiron;
- o passing a resolution regarding congestion pricing requesting at least two members of the Traffic Mobility Review Board to include one individual representing interests of those living within the area and one living outside;
- o supporting the development of the Bleecker Street site and the creation of a Department of Education public school for dyslexic students at that school site;
- o reaffirming a previous denial of a very controversial rooftop lounge event space for a liquor license at the Glass Ceiling on Broadway between 29th and 30th Streets and later denying a wine and beer license at the same location as well;
- o recommending approval of a 22-story building at 241 West 28th Street that will include 98 units of affordable housing;
- o recommending approval of Rockefeller Center's Certificate of Appropriateness for a master plan that includes expansion of retail signage throughout the center and alterations for the street and the retail storefronts and approval to install lighting to illuminate artwork throughout Rockefeller Center;
- o recommending approval of Department of Transportation's request for the installation of a northbound protective bike lane and requesting DOT accelerate efforts to identify and install a safe southbound cycling route through the core of midtown;
- o recommending approval of the Central Park Conservancy project regarding the conservatory garden and dairy access path in the park;
- o issuing a statement of solidarity to protest racial injustice and announcing that CB5's committees will be holding a series of meetings to address issues such as alternative policing, access to housing, etc.;
- o reporting by the committees of the board on their letters to the mayor regarding the shaping of the city's response to Covid;
- o recommending enactment of the alcohol delivery bill and to-go legislation and conditions;
- o sending a letter to the Mayor and to the local Electeds, asking that they consider the summer youth employment program before removing it from the budget;
- o supporting the CORE Act, which would bring back composting and electronics dropoff sites;
- o weighing in on DOT's installation of crosstown protected bike lanes on 38th and 39th Streets;
- o insisting that the New York City Parks Department provide robust park opportunities and safe spaces for kids to learn, grow, heal and belong. CB5 urgently requested removal of the

- current moratorium on park space and ball field permits and urged the Parks Department to consider and remove all structural barriers regarding participation in summer youth programs in the fall;
- o opposing the city's proposed relocation of clients from the Lucerne hotel to the Harmonia permanent shelter at 31st Street;
 - o supporting the bill to exempt additional small businesses from New York City Commercial Rent Tax;
 - o addressing and supporting the Municipal Arts Society's advocacy and proposal for a new position in city government called Director of the Public Realm;
 - o supporting the Save Our Storefronts Bill;
 - o recommending approval of the Cort Theater's Rehabilitation and Restoration;
 - o recommending approval of the Flatiron Building's alterations;
 - o addressing by way of a Statement of Principles, the design and reconstruction of the Park Avenue malls.

COMMITTEE REPORTS

PUBLIC SAFETY & QUALITY OF LIFE – NICHOLAS ATHANAIL

Mr. Athanail gave a report on the State Liquor Authority's approval of the tavern and wine liquor license for Glass Ceiling Events at 1204 Broadway which allows the premises to serve beer, wine, cider and things like that. He stated that this location is immediately adjacent to the Gilsey House residential building and some other residential buildings in the area. He gave a brief history on this application and noted that it came before CB5 for a full liquor license in December 2019, and was denied. He noted that a denial is rare for CB5, which generally reserves outright denials of liquor license applications for the most extreme cases. He stated that because of the rooftop location is so immediately adjacent to the residential building, CB5 outright denied this application. He stated that the applicant came back a couple of months later asking for reconsideration which was again denied due to location of the rooftop; this denial was supported by the residents of Gilsey House, other neighboring buildings, 29th Street Association and various Elected Officials such as Assembly Member Gottfried, Senator Krueger, Borough President Brewer and Councilmember Powers. SLA denied the full liquor license in April.

The Applicant applied for Tavern Wine license a month later and CB5 responded requesting denial on the same grounds. He stated that CB5 received notification via email on November 23rd from the Council for Gilsey House asking if CB5 knew that Glass Ceiling was on the SLA calendar for the next day. He stated that CB5 was never notified of this hearing. He noted that a letter was sent to the SLA objecting the hearing, and it was postponed to December 8th. He noted that letters were sent out by the residents and elected officials continued their opposition with the exception of Councilmember Powers who had switched his position after visiting the rooftop a week prior but did not give the residents the same courtesy. He spoke of CB5's disappointment in the Councilmember for his lack of transparency and for failing to consult with CB5 and hearing the residents' position before changing his position. Mr. Athanail stated the disturbance that this is going to cost the residents and the other concern is now that the Glass Ceiling have their foothold in with a wine and beer license, they can get their hours amended by the state liquor authority and can also now apply for a full liquor license much easier than before.

LAND USE, HOUSING AND ZONING – LAYLA LAW-GISIKO

Ms. Law-Gisiko gave brief presentations on the following five (5) resolutions and stated that the Transportation and Environment Committee would review and add their comments to the Hyatt Commodore Project Draft Scope of Work resolution at their next meeting.

109 East 42nd Street, Grand Hyatt Commodore Project Draft Scope of Work

WHEREAS, The Grand Hyatt Commodore tower is being proposed for redevelopment and is the subject of review by the Department of City Planning and the City Planning Commission; and

WHEREAS, Community Board Five has reviewed the Draft Scope of Work for the development and believes that the following areas should be addressed; and

PROJECT DESCRIPTION

The development site is currently occupied by the The Grand Hyatt Hotel, formerly known as Hotel Commodore, a 294.00 ft tower originally designed by Warren and Wetmore and built in 1919, subsequently altered by architects Der Scutt in association with Gruzen & Partners for Trump Organization in 1980. The Applicant proposes to demolish the existing building and redevelop the Development Site with up to approximately 2,982,740 gross square feet (gsf) (2,246,515 zsf) of mixed non-residential development, including up to 2,108,820 gsf of office space, up to a 500-room hotel, approximately 10,000 gsf of open-air publicly accessible space, and up to 43,370 gsf of retail (including MTA-controlled retail) on the cellar, ground, and second floors. In connection with the Proposed Development, the Applicant would provide a variety of transit and public realm improvements to improve circulation and reduce congestion at Grand Central Terminal and the Grand Central/42nd Street subway station and provide connections between the subway and mass rail transit systems.

The below-grade mezzanine level would continue to contain the existing subway station and rail station areas, with circulation improvements. The ground floor would contain the hotel lobby and office lobby, a reconstructed Lexington Passage and MTA retail located along the passage, an approximately 6,350 sf Transit Hall, and approximately 2,400-sf of additional area for subway entries off 42nd Street and Lexington Avenue. The hotel lobby would be located on the eastern frontage on Lexington Avenue, while the office lobby would be accessed from East 42nd Street. The second floor would contain office lobby and open-air publicly accessible space fronting on Lexington Avenue. Office space is planned to be located on floors 7-63, and the hotel on floors 65-83. The building envelope would be a tower rising to approximately 1,646 feet tall.

The Development Site is located in a C5-3 Zoning District, in the Special Midtown District; in the East Midtown Subdistrict, in the Grand Central Core Area, and the Grand Central Transit Improvement Zone Sub-area.

The base commercial FAR for the site is 15. The maximum amount of as-of-right floor area that can be developed is 27 FAR. An additional 3 FAR can be granted by Special Permit. The maximum FAR can be reached using three mechanisms: the district-wide transfer of unused landmark development rights, a payment to a district improvement fund to reconstruct overbuilt floor area, and the construction of pre-identified transit infrastructure projects.

The Qualifying Site would encompass the perimeter of the Development Site, the Lexington Passageway, Grand Central terminal, Grand Central Market, and Depew Alley. The Project Area includes Block 1280, Lots 1, 30, 54, and 154, and consists of **203,872 square feet** (sf). Specifically, the Project Area consists of Lot 30 (Development Site). The 57,292-sf Development Site contains a 26-story, approximately

1,028,120 sf hotel (the existing Grand Hyatt Hotel). Lots 1, 54, and 154 are on an existing merged zoning lot and contain approximately 322,664 sf of floor area comprising the Beaux-Arts-style Grand Central Terminal, Grand Central Market and Depew Alley. Depew Alley, a public thoroughfare, has been de-mapped and has been incorporated into the Qualifying Development Site.

The FAR would be calculated using the entire surface of the Qualifying site.

The following actions would be required from the CPC in accordance with the Uniform Land Use Review Procedure (ULURP):

- › A CPC special permit pursuant to ZR Section 81-621 to allow hotel use;
- › A CPC special permit pursuant to ZR Section 81-644 for transit improvements;
- › A CPC special permit pursuant to ZR Section 81-645 for public concourse improvements;
- › A CPC special permit pursuant to ZR Section 81-685 to modify qualifying site, floor area, height and setback, street wall, district plan elements, loading, and publicly accessible space regulations;
- › Zoning text amendments to amend existing special permits in ZR Sections 81-644 and 81-685, and update a section reference in ZR Section 81-613;
- › A CPC authorization pursuant to ZR Section 36-72 to reduce the number of required bicycle parking spaces; and
- › Approval for the disposition of City-owned real property pursuant to Section 197-c of the New York City Charter with respect to the Development Site.

Additionally, the following non-discretionary actions would be required:

- › A joint certification from the CPC Chairperson and the MTA pursuant to ZR Section 81-673(a) as to the size and location of transit easement volumes on the zoning lot;
- › A joint certification from the CPC Chairperson and the MTA pursuant to ZR Section 81-673(b) as to whether a transit easement volume is required on the zoning lot.

Approval by the Empire State Development Corporation or its subsidiary would also be required for the conveyance of the Development Site to the City of New York, subject to the existing ground lease between UDC/Commodore Redevelopment Corporation and Hyatt Equities L.L.C. (or its successor/assign). A lease extension would be approved pursuant to actions to be determined. Disposition of the Development Site from the City of New York to a local development corporation would require approval by the Mayor and Borough Board pursuant to Section 384(b)(4) of the New York City Charter.

The Development Site sits above a transit rich network of subway and train infrastructure. MTA would also be a stakeholder in the redevelopment.

OVERALL CONCERNS

The Development Site is located in one of the densest parts of the country, an area that has not even reached its full permissible density, as other development sites in the immediate vicinity are being developed with tall commercial office towers. While the East Midtown Rezoning goal was to increase density in the area, the new zoning is still untested and has already revealed flaws by not properly assessing potential development sites (JP. Morgan Chase Headquarters), or under-valuing development sites potential density (the Grand Hyatt, subject of this application Development Site was evaluated for a 27 FAR with a Qualifying site matching the development site).

Pedestrian Traffic

The area around the project site is heavily congested. It requires careful impact evaluation as the new building will bring an additional 1705 office workers, 187 hotel workers and 75 retail workers. The 5ft sidewalk widening may not be significant enough to provide relief to pedestrian congestion on sidewalks.

Transit

The transit and below grade improvement must be evaluated with the full breadth of the potential development, including East Side Access and increased connectivity to other transportation hubs, such as ARC, etc.

Open Space

The proposed elevated publicly accessible open space's use should not be limited by lack of accessibility, or other challenges. The open space anticipated usage should be carefully evaluated, as an elevated open space may be perceived as less accessible. It is paramount that the space be designed in a way that does not rely on a heavy commercial presence to activate the area.

Shadows/Air/Light

The building will be 1605 ft high. Its penetration into the sky exposure plane will be substantial. Shadows cast by the building will be long, possibly reaching open spaces such as Bryant Park. It will also significantly reduce the amount of air and light reaching the streets, negatively impacting the pedestrian experience.

While shadows are a standard environmental impact in a study, it is paramount that thermic comfort also be evaluated. The proposed design and massing bears the risk of wind tunnels, especially at the north and east sides of the elevated open space. It could also have a heat trapping effect that would render the open space unusable in the summer months.

Sustainability

The building would use 195,580 mBTU per week and would consume more than one million gallons of water per pay. The building's environmental impacts must be evaluated using the most stringent codes and requirements. The building impact should not only consider energy consumption, but also energy sources. The building's water consumption and sewer usage should be scrutinized.

FAR Bonus Size

The FAR calculation is based on a lot that encompasses the Development Site, Grand Central Terminal, Grand Central Market, and Depew Alley. This lot aggregation substantially and artificially increases the numerator for the FAR base density calculation, thus increasing the allowed density (either as-of-right or by special permit) in a way not anticipated. Any increase in FAR granted under the provisions of the East Midtown Subdistrict needs to ensure that public realm improvements, and improvements to the transit network surrounding the site, do more than just mitigate existing system deficiencies, but rather look forward to the public needs in the decades to come.

SPECIFIC TASKS TO BE REVISED

Task 2: Land Use, Zoning and Public Policy

The Development Site is located in the East Midtown subdistrict, an area recently rezoned to provide a framework for high-density development. The data used for the rezoning may have to be corrected to match the way developers are creatively using the text.

The scope should include:

- . A with-action scenario in which FAR calculations are based on the Development Site surface and not on the Qualifying Site.

. The scope should also address that it is unusual for a public thoroughfare such as Depew Alley to generate FAR.

Task 3: Socioeconomic Conditions

The new building will generate 2,108,820 sf of commercial office space. The Covid-19 pandemic has profoundly changed the office market. The new building impact must be evaluated in the context of the Covid-19 pandemic. It must also be evaluated in the context of other large scale developments, including One Vanderbilt, the MTA site redevelopment (347 Madison Avenue), the JP Morgan Chase Headquarters redevelopment (270 Park Avenue), the Rudin Management redevelopment (415 Madison Avenue), the Penn Station redevelopment, aka Empire Station Complex Redevelopment, and Macy's upzoning (151 West 34. Street).

The scope should be revised to increase the study area radius to one mile to properly capture the large influx of additional office space in a depressed office market.

Task 4: Open Space

The project requires the creation of at least 10,000 sf of publicly accessible open space. While creating open space is a creative way to fulfill this requirement, it is imperative that the space's projected usage be adequately evaluated. The space must be fully accessible, and must be perceived as accessible. Security and safety issues must be strongly assessed and addressed during the design process. Overall programming and activation should rely on the public's organic desire to patronize the spaces and should be planned with very little commercial activation. The space **should not** rely on commercial activity to activate the space. Public bathrooms should be part of the scope.

Task 5: Shadows

The building will be 1601 ft tall. Its shadow will reach parks and open space. Shadows must be quantified using not only the shadow length but also the duration that the shadow lingers in any specific open space, including parks, POPS and other open public spaces. A shadow heat-map should be part of the scope for proper review and consideration of negative impacts. If shadow lingers in a specific public space for more than 45 minutes between September 21. and March 21., the building massing should be altered to reduce shadow duration.

Task 6: Historic and Cultural Resources

Within the 400-foot study area, there are 11 designated architectural resources located within the Study Area, two of which are also in the Project Area. There are also 20 individual structures previously determined as eligible for NYCL and/or the S/NR within the study area. The building is surrounded by some of the most significant historic resources of the City, including Grand Central terminal, The Chrysler Building, The Bowery Savings Bank, to name a few. Obstructing vista corridors is tantamount to privatizing views on the skyline. The building design and massing must be evaluated so that it minimally obstructs views on historic resources, especially on Grand Central terminal and the Chrysler Building.

Task 7: Urban Design and Visual Resources

Given the significance of the visual resources, the Environmental Impact Study analysis framework must be based on the absolute impact, rather than on the impact relative to the no-action scenario. The design and massing of the proposed building must be as minimally impactful to the existing urban context and the visual resources. The building should defer to Grand Central Terminal and to the Chrysler Building. The design must also be evaluated in the context of newly constructed or newly designed buildings so as to create a harmonious streetscape that retains the spirit of Terminal City.

Task 9: Water and Sewer Infrastructure

The building is anticipated to use more than one million gallons of water per day. Water usage should be addressed with the most stringent environmental norms in mind.

Task 10: Transportation

. Travel Demand Analysis

The project impact to travel demand should be evaluated in absolute terms rather than in comparison with the no-action scenario. The development requires transit upgrades. They should not only mitigate the new development impacts but also address the transportation challenges of the next 20 years.

. Transit Analysis

The transit analysis should evaluate impact on subways and buses. But it should also evaluate impact on train and commuter rail transit. These analyses should be based on projected rail and public transportation plans.

The scope must include rail transit analysis.

. Pedestrian Analysis

The project impact to pedestrian traffic should be evaluated in absolute terms rather than in comparison with the no-action scenario. The area is already severely congested. The proposed development will bring greatly increased density, combined with multiple high-density office towers currently in development. Mitigation measures must be significant and aggressive, so that the existing systemic deficiencies are addressed.

Task 11: Air Quality & Task 12: Greenhouse Gas Emissions and Climate Change

The building energy efficiency and its contribution to CO2 emissions must be evaluated based on the most stringent norms. The energy consumption must be properly evaluated and mitigated. The energy sources must also be scrutinized and must incorporate renewable and self-created sources of energy.

Task 15: Neighborhood Character

The building impact to the neighborhood character must be evaluated in the context of its historic neighbors, in the context of the historic Terminal City and in the context of the new Terminal City, a Terminal City 2.0, made up of new developments rendered feasible by the East Midtown Subdistrict and the Vanderbilt Corridor Subdistrict. It is paramount that a sense of space and a cohesive streetscape be developed during this fluid phase of development.

Task 16: Construction

Construction of the new building will present challenges that include demolition of an existing historic 1916 building on site, and the anchoring of the new building above a mostly hollow site. Construction nuisance must be carefully mitigated. A construction Task Force must be created and should be evaluated as part of the scope of work.

Additional Task: Community Facilities

The proposed development provides the opportunity to increase community facilities in an area that has very few such facilities. A large homeless population lives and congregates in and near Grand Central terminal. While the project will not result in the direct impact to existing community facilities, the scope should evaluate its ability to contribute to an existing need of our district. Such community space may be educational space, performance and rehearsal space, and community facility for homeless and vulnerable individuals.

CONCLUSION

Community Board Five urges city agencies and the developer to carefully assess and properly mitigate the proposed building impacts. While we support a strong business core, the framework of the new East

Midtown Subdistrict must be very carefully used and adapted to accomplish a vision of strength and resilience, indispensable criteria to sustainable growth.

The Environmental Impact Statement should very carefully evaluate vehicular and pedestrian congestion; transit needs and challenges, public realm improvements, impacts to historic and visual resources.

This large-scale development is a unique opportunity to address some of the district's systemic challenges and should aspire to create a strong and resilient 21-century midtown. Therefore, be it

RESOLVED, that Community Board Five recommends that the above mentioned recommendations be incorporated into the Final Scope of Work and be thoroughly evaluated in the Draft Environmental Impact Statement.

118 West 28th Street – Application for a BSA variance to permit the development of a non-conforming twelve story, mixed-use, commercial ground floor and residential above building in an M1-6 district

WHEREAS, The owner of the Subject Property at 118 West 28th Street (the "Applicant") filed an application for a use variance filed pursuant to Section 72-21 of the Zoning Resolution of the City of New York ("ZR"), seeking a Board of Standards and Appeals variance of ZR Section 42-00, within an M1-6 zoning district, to permit the development of a twelve (12) story, 124' tall, 19,300 square foot (9.8 FAR), mixed-use building at the premises (the "Proposed Building"); and

WHEREAS, The Proposed Building would have commercial or retail use at the ground floor and 12 residential condominium units above; and

WHEREAS, The premises has 1,975 square feet of lot area, 20ft frontage and 98.75ft depth, and is located in an M1-6 zoning district between 6th and 7th Avenues, wherein residential uses are not permitted as of right; and

WHEREAS, The existing condition of the premises (identified on the City's tax maps as Block 803, Lot 51) is improved upon with a two-story commercial loft building containing approximately 3,520 square feet of floor area (1.78 FAR) with ground floor retail uses and office space on the second floor; and

WHEREAS, The as-of-right building could be developed in conformance with the M1-6 zoning district as a 12-story commercial office (Use Group 6 office) building with storage in the cellar and would contain 17,300-square feet of floor area and rise to a height of 124 feet; and

WHEREAS, The variance is required as the proposed Use Group 2 residential use not conforming with the applicable M1-6 use regulations pursuant to ZR4 2-00; and

WHEREAS, In order to be eligible for a variance under Section 72-21 of the Zoning Resolution, each of the waivers an applicant is seeking must satisfy all five specific findings set forth in the Zoning Resolution and failure to satisfy any one of the five findings would result in a rejection of the application.

The five findings are:

(a) that there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular zoning lot; and that, as a result of such unique physical conditions, practical difficulties or unnecessary hardship arise in complying strictly with the #use# or #bulk# provisions of the Resolution; and that the alleged practical difficulties or unnecessary hardship are not due to circumstances created generally by the strict application of such provisions in the neighborhood or district in which the zoning lot is located;

(b) that because of such physical conditions there is no reasonable possibility that the development of the zoning lot in strict conformity with the provisions of this Resolution will bring a reasonable return, and that the grant of a variance is therefore necessary to enable the owner to realize a reasonable return from such #zoning lot#; this finding shall not be required for the granting of a variance to a non-profit organization;

(c) that the variance, if granted, will not alter the essential character of the neighborhood or district in which the zoning lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare;

(d) that the practical difficulties or unnecessary hardship claimed as a ground for a variance have not been created by the owner or by a predecessor in title; however where all other required findings are made, the purchase of a zoning lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship; and

(e) that within the intent and purposes of this Resolution the variance, if granted, is the minimum variance necessary to afford relief; and to this end, the Board may permit a lesser variance than that applied for.; and

WHEREAS, The Applicant contends that the undersized lot area is uniquely small, having a width of 20 feet and a depth of 99 feet, which applicant contends is not suitable for the as-of-right development of commercial office space and is smaller than 92% of the lots within the study area; and

WHEREAS, The Applicant contends that the development of the as-of-right commercial building would not provide for a reasonable return on investment and result in a net loss of \$7,852,406, and the development of the residential Proposed Building would provide a reasonable return on investment and result in a net profit of \$4,156,860; and

WHEREAS, The Applicant contends that the development of the Proposed Building would fit well within the character of the neighborhood as there are residential buildings of comparable heights throughout the immediate area; and

WHEREAS, The Applicant contends that the existing condition of the premises is not due to any self-created hardship; and

WHEREAS, The Applicant contends that the Proposed Building would be a minimal variance compared to the as-of-right building; and

WHEREAS, The Applicant has expressed an intention to provide relief for the current commercial tenant and to encourage the tenant to remain in the Proposed Building; and

WHEREAS, The Applicant also seeks a bulk variance as the proposed Building would not be non-compliant with no front setback at six stories or 85 feet, and no 30-foot rear yard required for residential use; and

WHEREAS, An as-of-right building would need to retain the setback and rear yard to be in compliance; and

WHEREAS, Although parts 23-692 & 33-492 of the Zoning Resolution, also known as the Sliver Law, which aims to prevent very tall narrow buildings in certain zoning districts do not apply in manufacturing districts, the Proposed Building is seeking a use change that would make the site an R10 equivalent, where the aforementioned articles would apply and therefore would restrict the height of a residential building; and

WHEREAS, The lot is narrow, but it is not a unique condition, and it would not prevent the development of a commercial or hotel building and the financial analysis evaluates a 8.8 FAR commercial building which does not maximize the available density as well as the possible return on investment, therefore finding (a) is not met; and

WHEREAS, The Applicant did not prepare a financial analysis for hotel use, a use that while requiring a special permit is conforming, and the variance would not be the minimum required variance to relieve hardship therefore finding (b) is not met; and

WHEREAS, The Proposed Building is requesting a variance that in effect would allow not only a new zone, but also additional bulk and would not comply with the required sky exposure plan, thus diminishing sunlight due to the removal of a setback, compared to the as-of-right building, and would have a negative impact on the character of the building, therefore finding (c) is not met; and

WHEREAS, Granting a use variance would amount to spot zoning, a practice that has been very detrimental to proper land use growth of our district, and CB5 recommends a use change should be pursued through a land use action such as a rezoning to properly evaluate, assess and mitigate such use change; therefore be it

RESOLVED, Community Board Five **recommends denial** of the application for a BSA variance to permit the development of non-conforming 12 story, mixed-use, commercial ground floor and residential above building in an M1-6 district at 118 West 28th Street.

Zoning for Coastal Flood Resiliency, a citywide text amendment to update and make permanent the temporary 2013 Flood Resilience Zoning Text Amendment

WHEREAS, The Department of City Planning (DCP) is proposing a zoning text amendment, Zoning for Coastal Flood Resiliency (ZCFR) to update the Special Regulations Applying in Flood Hazard Areas; and

WHEREAS, ZCFR expands beyond the current zoning rules, which were adopted on an emergency basis in the 2013 Flood Text and the 2015 Recovery Text to remove zoning barriers hindering reconstruction after Hurricane Sandy as well as to ensure future construction would be more resilient to flooding; and

WHEREAS, ZCFR primarily affects development in the 1% annual and 0.2% annual chance floodplains, zones that touch 50 out of 59 community districts but not Manhattan Community District 5; and

WHEREAS, Despite Community Board 5 (CB5) being landlocked and not containing any 1% or 0.2% annual chance floodplains, certain aspects of the ZCFR text do apply, and therefore CB5 was compelled to comment on the proposed Zoning Text Amendment as it pertains to our district; and

WHEREAS, One of the goals of the ZCFR is to prepare New York for future recovery against potential disasters, ecological and otherwise, by reducing regulatory obstacles; and

WHEREAS, The rationale for including districts outside of the 1% and 0.2% annual chance floodplains is because areas impacted by disasters such as floods can include areas not in these floodplains, and areas outside of floodplains can aid in recovery efforts; and

WHEREAS, The part of the ZCFR text, among others, that applies to CB5 Manhattan is the “Power Systems and Other Mechanical Equipment” section, because “appropriately scaled power system on lots throughout the city...make it easier to provide back-up energy, especially in the event of a disaster,” and a disaster like that of Hurricane Sandy can cause power system disruptions beyond the 1% and 0.2% annual chance floodplains; and

WHEREAS, This section of ZCFR expands beyond the 2013 Flood Text, which allowed back-up systems like emergency generators to be “considered permitted obstructions in the required yards and open spaces for single and two-family residences in the floodplain,” although this only applied to the 1% annual chance floodplains; and

WHEREAS, ZCFR will expand this citywide, therefore including CB5 Manhattan, and would require power systems to be placed a minimum of five feet from property lines; and

WHEREAS, “Coverage would be limited to 25 percent of the minimum required open space, although the coverage would be restricted to 25 square feet if the equipment is located between the building and the front lot line to minimize its effect on the street;” and

WHEREAS, The text also explicitly exempts “space necessary for routinely accessing and servicing” mechanical equipment from floor area calculations, in addition to already clearly outlined exemptions for mechanical, electrical, plumbing equipment, fire protection, and power systems; and

WHEREAS, Community Board Five believes that the goals of ZCFR are important to ensure resiliency and adaptability in the face of any future disasters; and

WHEREAS, Community Board Five recognizes that the vast majority of ZCFR provisions do not apply to our district, and is not commenting on the portions of the text that do not apply to CB5; and

WHEREAS, Permitting Power Systems and Other Mechanical Equipment, such as diesel generators, to intrude upon building rear yards would have a negative impact on noise and air quality; and

WHEREAS, Rear yards play a crucial role in providing much needed access to air and light in our high density built environment and should not be encumbered with noise and fumes-producing equipment; and

WHEREAS, While the building code may have provisions restricting the generator permissibility in rear yards, it is essential that both Building Code and Zoning Resolution are harmonized so as to not create unnecessary conflicts, gray areas, contradictions between agencies and between their interpretation of the codes and rules; therefore be it

RESOLVED, Community Board Five **recommends conditional approval** of the Zoning for Coastal Flood Resiliency citywide zoning text amendment, on the condition that diesel generators are not permitted in rear yards in Manhattan Community Board Five.

25 East 21st Street, The Gramercy Condominium, application for an authorization pursuant to Section 15-20(b) of the Zoning Requirement (ZR) to waive the floor area preservation requirements of Section 15-21 for permitted commercial or manufacturing uses, to allow the conversion of an existing 11-story building to Use Group 2 (Residential Use)

WHEREAS, The application is for an authorization pursuant to Section 15-20(b) of the ZR to waive the floor area preservation requirements of Section 15-21 for permitted commercial or manufacturing uses, to allow the conversion of 10-stories of an existing 11-story building (ground floor not in scope) to Use Group 2 (Residential Use); and

WHEREAS, The building is located in an M1-5M zoning district; and

WHEREAS, If conversion approval is granted, residential space will consist of 10 residential units, each a full floor; and

WHEREAS, Section 15-21 requires at least 33% of the building’s floor area to maintain its commercial use; and

WHEREAS, The building lies within the Ladies Mile Historic District, a designated Historic District by the Landmarks Preservation Commission; and

WHEREAS, Previous alterations to building received a Certificate of Appropriateness from the Landmarks Preservation Commission that was reviewed and approved by Community Board Five (CB5); and

WHEREAS, LPC issued a report in favor of the landmarks maintenance plan adopted in perpetuity, a necessary requirement to fulfil the criteria under Section 74-711; and

WHEREAS, The portions of the building being converted to residential use comply with the density requirements set forth in paragraph (a) (3) of Section 74-711 (Landmark preservation in all districts); and

WHEREAS, The preceding four points attest to the applicant's compliance with Section 15-20(b) of the ZR, thereby permitting the waiving of floor area preservation requirements of Section 15-21; and

WHEREAS, The applicant has agreed to maintain the building's mixed use and remove the first floor from the scope of the request (original application requested conversion of entire building); and

WHEREAS, The first floor is ~4,300 square feet, and 10.4% of the building's floor area; and

WHEREAS, The applicant has committed to modify the application accordingly and has re-filed the application as per the stipulations agreed with Community Board Five; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the request to waive the floor area preservation requirements of Section 15-21 for permitted commercial or manufacturing uses, to allow the conversion of 10 stories of this existing building (floors 2-11) to Use Group 2 (Residential Use), *subject to* the applicant's modification of their application to remove the first floor from the scope of the request, thereby maintaining the building's mixed use designation.

Comments on the Phased Redevelopment of Governors Island

The Governors Island Trust holds title to 150 acres of the 172-acre island; the remaining 22 acres is owned by the National Park Service and is a National Monument. Governors Island is located in New York Harbor, approximately 800 yards south of Manhattan and 400 yards west of Brooklyn. Governors Island is part of Manhattan Community Board One.

The Governors Island Trust introduced a sweeping land use action, named The Phased Redevelopment of Governors Island, proposing among other things to enable up to 4.5 million gross square feet of development on the South Island. The Office of the Deputy Mayor for Housing and Economic Development is the lead agency.

Manhattan Community Board One reached out to other Manhattan Community Boards seeking comments on the proposal, as Governors Island is a citywide resource and its redevelopment will have long lasting impacts for residents and stakeholders in other parts of the city, including Manhattan Community Board Five (M-CB5). Community Board Five reviewed the proposal from the Governor's Island Trust.

The following outlines our comments regarding the proposal:

Overall the development plan has a lot of adverse potential issues that impact zoning, city planning, environmental concerns, and the Brooklyn and Manhattan waterfronts. However, we are focusing our comments on citywide impact from the perspective of M-CB5.

M-CB5 acknowledges that Governors Island is a valuable asset for the city-at-large and must maintain its current footprint for open space and park activities. Development such as ball fields, walking paths, outdoor recreation areas, outdoor events, day camps, etc. would be the preferred choices for future development. It would serve the public interest even if these outdoor activities are limited during the off-season or winter months. M-CB5 does not believe that the scope of the proposed development lives up to this stated purpose and, instead, takes away valuable public space for speculative commercial purposes.

M-CB5 believes that the city must be committed to providing accessibility to the island. Any developments without a commitment to an accessibility master plan for increased ferries or transportation options to the island in its current state are unfounded.

M-CB5 also feels that the strategy that Governors Island has to be developed or upzoned/rezoned in order to generate or increase its revenue to serve a self-funding modality is deeply flawed. The redevelopment states that Governors Island must generate revenue to pay for the services that it would provide to its

users and to the city. This economic model is a flawed and challenging precedent for public parks and open spaces citywide. It would allow and justify commercial development within other city parks and open spaces in order to fund the services they provide. This strategy by the Governors Island Trust doesn't suit the best interests of the city or the public interest. Governors Island currently generates \$5 million annual revenue. Additional revenue could be generated by Governors Island without development of a built environment. Furthermore, the model proposed is based on an aleatory and speculative revenue stream from the sale of development rights.

New York City's growing population is not adequately served by its existing large parks, whether Central Park, Prospect Park or Randall's Island, which are wonderful and much needed but also overused. The need for additional open space, especially for residents of Manhattan and Brooklyn, is dire.

The city should not sacrifice open space on Governors Island in order to attempt to create an artificial market demand for year-round development. Instead, the city and the Trust should continue to promote ways for the public-at-large to enjoy the island during the core May-September season by increasing accessibility. Thoughtful programming should be developed for the off-season, to extend the usability of the open space.

M-CB5 believes that the rationale for this proposal would create a lethal precedent that could lead to further reduction in public funding for parks and to further encroachment from developers on public parks and open space.

After much discussion, the above five resolutions passed as follows: **109 East 42nd Street, Coastal Flood Resiliency and Governors Island Proposal** passed with a vote of 44 in favor, 0 opposed, 1 abstaining; **118 West 28th Street** passed with a vote of 39 in favor, 5 opposed, 1 abstaining; **25 East 21st Street** passed with a vote of 43 in favor, 1 opposed, 1 abstaining; **IN FAVOR:** Achelis, Athanail, Bahor, Beitchman, Brosnahan, Burton, Cafaro, Chou, Clark, Dale, Dowson, Ford, Frewer, Garcia, Goldman, Goshow, Haas, Harris Jr., Hartman, Heyer, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Sung, Webb, Weintraub, Whalen, Yang. **OPPOSED (28th Street Only):** Frewer, Goshow, Haas, Spence, Weintraub. **OPPOSED (21ST Street Only):** Goshow. **ABSTAIN:** Barbero.

PARKS AND PUBLIC SPACES – CLAYTON SMITH

Mr. Smith gave a brief presentation on the following two resolution:

Proposal from Municipal Art Society for the creation of the position of Director of the Public Realm in New York City

WHEREAS, The Municipal Art Society, in partnership with New Yorkers for Parks, has issued a policy brief calling for the creation in New York City of a Director of the Public Realm, a new position tasked with coordinating the many public and private entities that oversee public spaces in the City; and

WHEREAS, Unlike many other large American cities, New York City lacks a central position within its government for planning and maintaining the public realm, instead divvying up oversight of these essential pieces of urban infrastructure across a vast array of City agencies and private entities that do not coordinate consistently or comprehensively; and

WHEREAS, Public parks, pedestrian plazas, sidewalks, street beds, privately-owned public spaces, and playgrounds fall under the jurisdiction and management of completely different entities, including the Department of City Planning (DCP), the Department of Transportation (DOT), the Department of Parks and Recreation (NYC Parks), the New York City Housing Authority (NYCHA), or the Department of

Education (DOE)—and often in contractual partnership with conservancies, BIDs, or private entities that may be additionally involved; and

WHEREAS, These spaces should function together as a seamless public realm network, but instead are governed with different rules, competing priorities, and disjointed leadership, resulting in confusion and opacity about enforcement of compliance with City laws and regulations regarding use, public safety and health, sanitation and permitting practices; and

WHEREAS, A Director of the Public Realm would help address this disjointed approach to our public spaces by greatly reducing overlap and providing coordinated leadership; and

WHEREAS, This role could help ensure that investment in the public realm is equitable, and that the City could act quickly and think innovatively about long-term improvements to the health and equity of public space across the city; and

WHEREAS, One key focus of the proposal is the role of the Director in preserving and expanding sunlight access within the public realm—a critical issue facing Community District Five; and

WHEREAS, Community Board Five prioritized the request for funding of the proposed position as part of the budget request process in November, 2020; therefore, be it

RESOLVED, Community Board Five **strongly supports and endorses** the proposal put forth by the Municipal Art Society, in partnership with New Yorkers for Parks, for the creation of a position in New York City government of a Director of the Public Realm.

Application from the Madison Square Park Conservancy, in association with The Salvation Army, for a charitable and commercial installation to take place from December 11--15, 2020 in Madison Square Park

WHEREAS, The Madison Square Park Conservancy (MSPC) (“Applicant”), in association with The Salvation Army, has submitted an application to install an “artistic, larger-than life” iconic kettle sculpture in Madison Square Park from December 11, 2020 through December 15, 2020; and

WHEREAS, The load-in and assembly of the materials for the event will take place from midnight to 6 AM on December 11 and disassembly and load-out will take place between 8 PM and 11:30 PM on December 15; and

WHEREAS, The actual installation will be ‘activated’ between the hours of load in and load out, with a representative from the Salvation Army present during park hours and an on-site security guard present 24/7; and

WHEREAS, The installation will be located in the southwest gravel area of the park, and will include (1) 10’-0” x 10’-0” pop-up tent and a 5’-6” tall sculpture of the iconic Salvation Army kettle, suspended from an A-frame structure measuring 32’-0” tall, and supported on a triangular-shaped plan of 16’-0” x 16’-0” x 16’-0”;

WHEREAS, There will be a quiet-running 1800-watt generator to power lights to illuminate the sculpture; and

WHEREAS, There is no sound component to the event, amplified, bell ringing, or otherwise; and

WHEREAS, The event will be passively filmed by a fixed camera that will live-stream a view of the kettle installation on the internet and that will be viewable by the public, live, but there shall be no commercial use for this footage aside from use in the live feed; and

WHEREAS, There will not be any signage as part of this event and nothing shall be distributed or sold as part of the event; and

WHEREAS, Applicant does not expect any trash to be generated as part of this event; and

WHEREAS, In light of the COVID-19 Pandemic, this is the only event out of four contractually allowed marketing events that the Applicant will be able to host in 2020, providing critical funding for maintenance of the Park, which is such a respite for the community; therefore, be it

RESOLVED, Community Board Five **recommends approval** of the application from the Madison Square Park Conservancy, in association with The Salvation Army, for a charitable and commercial installation to take place from December 11--15, 2020 in Madison Square Park.

After some discussion the above two resolutions passed as follows: **Director of Public Realm** with a vote of 44 in favor, 0 opposed, 1 abstaining and **MSP Salvation Army Event** with a vote of 41 in favor, 0 opposed, 4 abstaining: **IN FAVOR:** Achelis, Athanail, Bahor, Beitchman, Brosnahan, Burton, Cafaro, Chou, Clark, Dale, Dowson, Ford, Frewer, Garcia, Goshow, Haas, Harris Jr., Hartman, Heyer, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Sung, Webb, Weintraub, Whalen, Yang. **ABSTAIN:** Achelis (**on Salvation Army Event only**), Barbero, Brosnahan (**on Salvation Army Event only**), Clark (**on Salvation Army Event only**).

BUDGET, EDUCATION AND CITY SERVICES – RENEE KINSELLA

Ms. Kinsella gave a report on New York Smoke Free and their youth group reality check, which is made up of local students. The purpose is to reduce tobacco usage and second-hand smoke exposure which is done through education policy and advocacy initiatives.

LANDMARKS – LAYLA LAW-GISIKO

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

122 5th Avenue between 17th-18th Street, application for storefront alterations, a rooftop addition, landscaped roof at the existing building and a new building in the adjacent parking lot at 9 West 17th Street that will be an extension of the existing building

WHEREAS, 122 Fifth Avenue (“The Applicant”) is a ten-story T-shaped neo-Renaissance store and loft building with three discontinuous facades, at 2 West 18th Street, 3-7 West 17th Street, and 122-24 Fifth Avenue in the Ladies Mile Historic District; and

WHEREAS, The Applicant is proposing to construct a new building as an annex to the existing building to fill the empty lot at 9 West 17th Street; and

WHEREAS, The Applicant is proposing to add a one-story rooftop pavilion to the existing building; and

WHEREAS, The Applicant is proposing a new ground floor storefront masterplan for the facades on Fifth Avenue, West 17th Street and West 18th Street; and

WHEREAS, The Applicant is proposing to add flagpoles at various locations, including two flagpoles on the Fifth Avenue façade of the building; and

WHEREAS, The new building would occupy a vacant lot on the north side of 17th Street, at 9 West 17th Street, adjacent on the west to the existing wing of 122 Fifth Avenue; and

WHEREAS, The materials to be used for the façade of the new building would include granite for the street level base, cast stone to mimic limestone for the ground to third stories, buff brick for the window heads and shaft, aluminum painted dark bronze for the window frames and the cornice, aluminum painted dark bronze for the perimeter of the canopy and aluminum painted brass for the underside of the canopy perimeter; and

WHEREAS, The color of the materials to be used for the façade of the new building would be similar in color to the materials of the façade of the existing historic building; and

WHEREAS, The new building would serve as the main entrance to 122 Fifth Avenue replacing the current main entrance on Fifth Avenue that would be converted to retail space; and

WHEREAS, The new building would have a canopy measuring 24 feet in width, and extending 13 feet from recessed doors and extending 10 feet from the lot line; and

WHEREAS, The one-story rooftop pavilion would be recessed and not be visible from the street; and,

WHEREAS, The existing non-historic storefronts on Fifth Avenue would be reconfigured under a master plan with three possible options and would be sympathetic to the building articulation; and

WHEREAS, The existing historic storefront entrances on 18th street and 17th street would be upgraded, glazing would be re-introduced and historic metal frames would be preserved and restored; and

WHEREAS, The new storefront infills would not replace any existing historic materials; and,

WHEREAS, Other proposed changes to the roof include a terrace, a new mechanical enclosure and new bulkheads, none of which would be visible from the street; and

WHEREAS, While the color of materials of the new building are similar to the colors of the existing building, and other design elements are intended to reference elements of the façade of the existing building, the proposed physical texture of the cornice, the windows, the façade and the canopy are flat and very modern, and could maintain a modern style but be more contextual and compatible with the existing building if they incorporated a more variegated texture; and,

WHEREAS, The size and protrusion of the canopy is massive and out of proportion to the new building and not contextual for the Ladies Mile Historic District; and

WHEREAS, The proposed addition of flagpoles to the building is not contextual for the Ladies Mile Historic District, especially on Fifth Avenue, one of New York exceptional visual corridors; therefore be it

RESOLVED, Community Board Five **recommends denial** of the application for 122 5th Avenue **unless**

- the protrusion of the canopy is drastically reduced; and,
- the flagpoles are removed from the proposal.

18 East 50th Street, application for proposed window replacement project.

WHEREAS, 18 East 50th Street (“The Applicant”) is located between Madison and 5th Avenues;

WHEREAS, The 11-story Hampton Shops Building is located on the south side of East 50th Street, near Madison Avenue, across from St. Patrick’s Cathedral; and

WHEREAS, The building was designed as a commercial building in the neo-Gothic or Perpendicular Gothic style, and has an 11-story tripartite façade clad with grey terra cotta resembling granite, and was built in 1915-16; and

WHEREAS, The Applicant represented by Thomas Fenniman Architects is proposing a replacement to all of the non-historic windows on the primary façade from the 4th through the 11th floors; and

WHEREAS, It is proposed to remove a blank transom panel over the non-historic aluminum 9-over-9 double-hung windows; and

WHEREAS, On the top floor where the blank transom panel is inside of the arched masonry, it would be replaced with an oversized window that would be concealed behind the arched window frames and would be made to look like curved glass to fit inside the historic arches; and

WHEREAS, The proposed window replacement will be double-hung windows, with simulated 12-over-12 window panes to simulate the historic configuration; and

WHEREAS, The existing terra cotta lintel will remain untouched; and

WHEREAS, The window frame and mullions inside the window are bronze-colored coated aluminum; and

WHEREAS, The committee expressed concern about aluminum windows, yet learned that there are currently no windows with original material and the application would not result in removing any historic components; and

WHEREAS, The committee found that the proposed window plan is contextual and appropriate; therefore be it

RESOLVED, Community Board Five recommends **approval** of the proposed window replacement application for the building located at 18 East 50th Street.

After some discussion the above two resolutions passed with a vote of 44 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Babor, Beitchman, Brosnahan, Burton, Cafaro, Chou, Clark, Dale, Dowson, Ford, Frewer, Garcia, Goshow, Haas, Harris Jr., Hartman, Heyer, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Sung, Webb, Weintraub, Whalen, Yang. **ABSTAIN:** Barbero.

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