**Draft 07.01**

**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, July 08, 2021 via in person and teleconferencing, at 6:00pm. Vikki Barbero**, Chair, presided.

**Members Present**

Nicholas Athanail

Vikki Barbero

James Beitchman

Mary Brosnahan

Julie Chou

Sarah Dowson

Joseph Frewer

Laura Garcia

Nancy Goshow

Tristan Haas

Matthew Hartman

Marc Hershberg

Michael Kaback

Layla Law-Gisiko

Sam Levy

Maki Thomas Livesay

Blaga Lucic

Kimberly McCall

Charles Miller

David Sigman

Craig Slutzkin

Simon Tschinkel

Pete Webb

Rachel Weintraub

Ryan Whalen

July Yang

**Present Part**

**Absent**

David Achelis

Zach Bahor

Natalie Diggins

Renee Cafaro

Aaron Ford

Jordan Goldman

John B. Harris, Jr.

William Heyer

Robert Isaacs

Samuel Johnson

Kathy Kahng

E.J. Kalafarski

Jamie Kang

Renee Kinsella

Megan Lione

Joseph Maffia

Janet Pawson

Tod Shapiro

Clayton Smith

Barbara Spandorf

Daniel Spence

Noah Stern

Sarah BJ Sung

**Excused**

None

**Public Members**

**Elected Officials**

Betsy Schmid

Congresswoman Maloney

Kate Scherer

Councilmember Rivera

Laurie Harjowaroga

Speaker Johnson

Franklin Richards

Councilmember Powers

Tavin Williams

Senator Hoylman

**Staff**

Marisa Maack

District Manager

Kim Rodney

Asst. District Manager

Luke Szabados

Community Associate

**Public Attendees**

Lisa Wager

Samir Lavingia

TomMulloney

Adam Taubman

Paul

Charles Todd

Steve

Gabriel

B Friedman

Meloney Bryant

Daniel Haney

### At 6:00 p.m., the Manhattan Community Board Five July 8, 2021 Full Board meeting was called to order.

**Franklin Richards, Councilmember Powers Office**: reported on the FY22 budget approval and it’s various distributions such as additional 605 million to NYC public schools, 27 million to citywide literacy program and additional resources allocated for full-time social workers and in-house mental health. He announced that he city also launched Cleanup core which is a new program dedicated to recovery to beautify the city and provide 10,000 new jobs. He also reported that Councilmember Powers in his discretionary budget allocated $5,000 to CB5.He also announced that city has invested a billion dollars into a rainy day fund to combat anything that comes up in the future.

**Kate Scherer, Councilmember Rivera Office**: gave updated on the FY22 budget approval which will include, 112 million dollars in mental health crisis funding, 50 million dollars for a new public health corps to expand health care access in need communities, one billion dollars for the city's rainy day fund. Also included in the budget will be, 19 million for the restoration of sanitation services to include curbside pickup and curbside composting and an additional 11 million for litter basket collection services, 27 million in cure violence programs and 135 million for small businesses and arts and cultural institutions. She also announced that the Councilmember was happy with that Mt. Sinai will not be relocating and will remain at the East 16 and East 17th Streets campus and that Councilmember Rivera join with advocates to demand full community's demands are met including a return to previously removed inpatient beds and medical services and better community involvement. She also announced that Councilmember Rivera was able to advocate with the City Property Tax Reform Commission for the recommendations for tax rates for long time cb5 and working class homeowners.

**Tavin Williams, Senator Hoylman Office,** spoke of introduced of Bill 7261, which will help with the public meetings hybrid model that will address bringing hybrid to the community board meetings. He reported on the passing of Legislative Bills such as the Jose Weber Untraceable Firearms Act S14A, which bans the sale of the ghost guns, the Gender Recognition Act, which makes it easier for gender and non-conforming New Yorkers to obtain government-issued ids signed into law by the Governor and the criminal justice reform legislation, which helped with

s68 s689. He also announced that the Adult Survivors Act did not pass the assembly this session.

**Betsy Schmid, Congresswoman Maloney Office,** announced that Congresswoman Maloney introduced the Women and Minorities in Stem Booster Act, which would support programs designed to increase participation for women and minorities in science technology engineering and math and stated that under this bill grants would support online workshops mentoring opportunities to connect professionals with students internships and outreach programs for k-12 students. She also announced the passing of HR 3684, the investing in a new vision for environment and surface transportation in America or the investing in America Act. She also announced the

introduction of the Overdraft Protection Act. She spoke of the beginning of the increased child tax credit monthly payments.

**Laurie Harjowaroga, Speaker Johnson Office**: announced the passing of FY22 budget to include $935 000 for new technology including computers and printers for public schools throughout district 3. In addition, theaters in the district will be receiving funding for upgrades and renovations, which will include a green roof for the new 42nd Street theater, for the critical programming and services for Holy Apostles soup kitchen and 250,000 dollars for tenant protection work in the district by Housing Conservation Coordinators. She also spoke of the urgent call for blood Donors.

**Samir Lavingia, Resident**: spoke in support of the proposal for the 5th Avenue bike lane.

**Tom Mullaney, Resident**: spoke of street cleaning on 26th Street between 6th and 7th Avenue and how confusing the sign are. He asked for the board’s help in getting the current signs changed.

**Lisa Wager – Fashion Institute of Technology**: announced that the master degree program in cosmetics and fragrance marketing and management presented their capstone project The Future of Consumerism virtually and show how Covid 19 triggered shifts in consumer mindsets and the

Accompanying impact on brands and retailers in the post-pandemic world. She also gave updates on other programs and the reopening for students and vaccines requirements.

**Lisa Schrodman, representing 343 Madison Avenue**: wanted to correct some of the misconceptions relating to the 343 Madison Avenue project.

**Paul Crickler,** spoke in support of the protected 5th Avenue Bile Lane before the Board.

**Charles Todd,** spoke in support of the 5th Avenue Bike Lane and its usefulness to pedestrians.

**Steve Kale,** spoke in support of the 5th Avenue Bike lane.

**Gabriel Lefferts, Municipal Arts Society**, shared comments on the proposal for 175 Park Avenue and stated that the magnitude of the proposed towering discussion has the potential to forever alter the Grand Central Terminal area and the iconic New York City skyline. MAS requests that the FEIS include one specific detail on where this 5000 square feet of additional open space will be allocated: two shadow and wind evaluations for project generated open spaces as well as a daylight evaluation and last a detailed signage plan that clearly indicates that the terraces are a part of the public realm.

**B. Friedman,** spoke in support of the 5th Avenue Bike Lane proposal.

**Melody Bryant,** spoke in favor of the 5th Avenue bike lane proposal before the board.

**Daniel Haney**, spoke in support of the 5th Avenue bike lane.



* **VOTE ON THE JUNE 2021 MINUTES**

The June 2021 minutes passed with a vote of 26 in favor, 0 opposed, 1 abstaining, as follows: **IN FAVOR:** Bahor, Beitchman, Brosnahan, Chou, Clark, Ford, Frewer, Garcia, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Stern, Tschinkel, Webb, Weintraub, Whalen, Yang. **ABSTAIN**: Barbero.

* **CHAIR’S REPORT – Vikki Barbero**

Chair Vikki Barbero invited new board members, Marc Hershberg, Kathy Kahng, Maki Thomas-Livesay, David Sigman., to give a brief introduction regarding their background and reasons for wanting to serve on the Board.

Chair Barbero announced the ratification of resolution regarding the New York State Senate bill S1415a and Senate bill S15A in relation to parole eligibility for certain incarcerated persons age 55 and older passed by the Executive Committee. A role call was made for ratification with a vote of 34 in favor, 0 opposed, 1 abstaining, as follows: **IN FAVOR:** Bahor, Beitchman, Brosnahan, Chou, Clark, Ford, Frewer, Garcia, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Stern, Tschinkel, Webb, Weintraub, Whalen, Yang. **ABSTAIN**: Barbero.

**JOINT TRANSPORTATION/ENVIRONMENT and LAND USE, HOUSING AND ZONING – e.j. kalafarski and Layla Law-Gisiko**

**Mr. Kalafarski gave a brief report on a presentation by the Union Square Partnership on its vision for Union Square and their long-running effort to plan for the future of the park.**

**Mr. Kalafarski along with Ms. Law-Gisiko gave a brief presentation on the following resolution:**

***341-347 Madison Ave, an application by BP 343 Madison Associates LLC, in partnership with the MTA, for two Vanderbilt Corridor Special Permits to facilitate the redevelopment of the site at 341-347 Madison Ave.***

WHEREAS, BP 347 Madison Associates LLC (the developer of the site and an affiliate of Boston Properties) and the Metropolitan Transportation Authority (MTA), jointly the applicant (the “Applicant”), have applied for a set of waivers and special permits related to the redevelopment of the properties at 341-347 Madison Avenue between East 44th and 45th Streets, collectively known as 343 Madison Avenue, aka MTA HQ; and

WHEREAS, The current building on the site was constructed in 1917, and beginning in 1979 served as the headquarters for the MTA that subsequently moved out of the buildings in 2014 with a request for proposals (RFP) in 2013, seeking a partner to redevelop the site for the purpose of generating revenue to the MTA; and

WHEREAS, In 2016, after a bidding process, the MTA selected Boston Properties for a 99 years ground lease and to develop the site; and

WHEREAS, In 2020, in accordance with the rules of the Vanderbilt Corridor subdistrict, the Applicant put forward this proposal to obtain special permits and waivers to facilitate the development; and

WHEREAS, The proposed building would comprise approximately 753,120 square feet, with a base 15 FAR and a 15 FAR bonus for transit and public realm improvements, reaching the maximum authorized density of 30.0 FAR on a 25,104 square foot parcel, with a height of approximately 1,050 feet; and

WHEREAS, To qualify for a bonus FAR, the Applicant is proposing the following transit upgrades:

* On site site improvements:
	+ Construction of 1 stair, 3 escalators and an elevator from corner of Madison Avenue and East 45th Street to East Side Access (ESA) concourse
* Off site improvements:
	+ Widening two platform stairs at the east end of the Flushing Line (7) platform
	+ Widening two sets of stairs that connect the Uptown Lexington Line to an existing passageway that provides access to existing Flushing Line platform stairs
	+ Constructing a new extension of the existing Flushing Line passageway and three new stairs that would connect the passageway extension and the Flushing Line platform; and

WHEREAS, On-site transit improvements would be performed at the expense of Boston Properties; and

WHEREAS, Off-site transit improvements would be funded via bonds issued by the MTA, and the MTA would service these new bonds with the monies the agency receives from the developer in the form of ground lease payments and payments in lieu of taxes (PILOT); and

WHEREAS, The Applicant proposes to widen the sidewalk on East 45th Street from approximately 10 feet to 15 feet wide; and

WHEREAS, The proposed building would abut two buildings to the east, the Yale Club and 52 Vanderbilt Avenue, a commercial building, and would cantilever over the East Side Access vent building along East 44th Street next to the Yale Club; and

WHEREAS, The Applicant has recently engaged the Yale Club in substantive discussions to address concerns about the impact of the proposed new building on the Club’s operations and representatives of the Club testified to the progress of those discussions; and

WHEREAS, The proposed project would produce important economic benefits for New York City as it recovers from the pandemic in both the construction and operations of the building, as was testified to in the public hearing; and

WHEREAS, The building as proposed could not be constructed as of right and would require the following special permits and waivers in order to do so

* Special permit pursuant to ZR Section 81-633 to authorize: Bonus floor area of 376,560 sf (15.0 FAR) for on-site and off-site improvements to the mass transit circulation network in the vicinity of Grand Central Terminal.
* Special permit pursuant to ZR Section 81-634 to modify:
* Street wall regulations;
* Height and setback regulations;
* Retail continuity requirements;
* Ground floor use provisions;
* Building entrance and recess requirements;
* Curb cut and loading berth provisions; and

WHEREAS, A special permit is requested to increase the base 15.0 FAR to 30.0 FAR in connection with the on-site and off-site public transit improvements; and

WHEREAS, The proposed off-site transit improvements under the East Midtown Special District would qualify for a 6.4 additional FAR bonus, which leaves 8.6 FAR for consideration beyond the bonus generated by these off-site transit improvements; and

WHEREAS, Community Board Five recognizes that development around major transit hubs such as Grand Central is generally appropriate in principle and that the proposed transit improvements are essential additions to the area; and

WHEREAS, Community Board Five, however, does not believe these improvements as proposed are sufficient to justify the additional FAR requested given the substantial density the building will bring to the area and the resulting increased demands on public transit in a corridor that already is experiencing a significant increase in density from the East Midtown and Vanderbilt Corridor rezonings; and

WHEREAS, the building massing is not compliant with the Vanderbilt Corridor daylight evaluation requirements, causing the sidewalks to be darker than a compliant massing would, and Community Board Five believes the building massing should comply with the requirements of the existing zoning, to minimize the encroachment on the sky exposure plane; and

WHEREAS, Retail frontage on Madison Avenue is a priority to maintain a vibrant and welcoming street experience for pedestrians, and the proposed lobby width is unnecessary and should be reduced to comply with the existing zoning; and

WHEREAS, CB5 recognizes that a street wall height in excess of the compliant 150 feet may be appropriate, the proposed 321 foot street wall height is excessive and should be lowered; and

WHEREAS, CB5 does not object to the special permits requested related to entrance recess, curb cut, loading berth, and street wall design to accommodate the entrance to East Side Access; therefore be it

**RESOLVED**, Community Board Five **recommends denial** of the special permits requested in this application **unless** the above concerns are addressed, specifically enhanced below grade public transit improvements, a lower street wall height, compliant daylight evaluation score, and a reduction in lobby width to accommodate the required retail frontage on Madison Avenue.

After much discussion the above resolution by the Joint T&E and Land Use, Housing and Zoning Committee passed with a vote of 35 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Bahor, Beitchman, Brosnahan, Chou, Clark, Ford, Frewer, Garcia, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Stern, Tschinkel, Webb, Weintraub, Whalen, Yang. **ABSTAIN**: Barbero.

**TRANSPORTATION/ENVIRONMENT – ej kalafarski**

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

***Proposal by Department of Transportation for installation of a southbound protected bike lane on Seventh Avenue***

WHEREAS, The Vision Zero program mandates a multi-agency effort to improve safety measures for all road users, including implementation of a connected protected bicycle lane network; and

WHEREAS, The New York City Department of Transportation (“DOT”) has previously installed—and Community Board Five has approved—crosstown bicycle lanes on 52nd and 55th Streets, 38th and 39th Streets, 26th and 29th Streets~~.~~, and DOT has also previously installed—and Community Board Five has approved—northbound/southbound bike lanes on parts of Fifth, Sixth, Seventh, and Eighth Avenue(s), as elements of a connected protected bicycle lane network; and

WHEREAS, DOT has previously, as of 2016, installed a bicycle lane on Seventh Avenue  southbound from 46th Street to 42nd Street and 30th Street to 14th Street; and

WHEREAS, The West Drive exits Central Park at Seventh Avenue and 59th Street; and

WHEREAS, Since 2018, Central  Park has been closed to car traffic, significantly decreasing southbound car traffic on Seventh Avenue  from 59th Street south; and

WHEREAS, DOT has proposed the installation of  a southbound protected bicycle lane on Seventh Avenue from 59th Street to 47th Street, and an  unprotected connecting bicycle lane from 47th Street to 46th Street, achieved via the removal of one  standard traffic lane and painted pedestrian islands; and

WHEREAS, DOT has not installed any bike infrastructure on Seventh Avenue between 42nd Street and 30th Street that would pass Penn Station, the largest mass transit hub in the United States; and

WHEREAS, Specific and legitimate concerns were raised concerning (i) the available radius for eastbound and westbound buses turning south onto Seventh Avenue, (ii) the potential for traffic backups and congestion where Seventh Avenue narrows on the block south of 47th Street, and (iii) the continuing lack of response by DOT to Community Board Five's requests for follow-up reporting on usage, operational and safety concerns regarding previous bicycle lane installations; and

WHEREAS, While Community Board Five has consistently been supportive of the growing bike lane network, board members continue to raise concerns about the degree to which the posted rules and regulations of the bicycle network are followed appropriately, to be addressed by both DOT and enforcement officials as the city continues to upgrade its infrastructure to allow for more cycling activity; therefore be it

**RESOLVED**, Community Board Five **recommends** approval of DOT's proposal for the installation of a protected southbound bicycle lane on Seventh Avenue from 59th Street to 46th Street; and be it further

**RESOLVED**, Community Board Five **requests** that, prior to installation of the bike lane, DOT further investigate, on the ground and not solely using software simulations, the safety of turning radii for buses turning onto Seventh Avenue coming from both directions of 59th Street; and be it further

**RESOLVED**, Community Board Five **requests** that, prior to installation of the bike lane, DOT consider the use of flexible dividers and other safety options for the new bike lane that does not contain a barrier and investigate the feasibility of possibly removing a travel lane to allow for a barrier between the bike lane and the travel lanes on Seventh Avenue between 47th Street and 46th Street; and be it further

**RESOLVED**, Community Board Five **requests** that DOT fast track the installation of a southbound protected bike lane on Seventh Avenue from 42nd Street to 30th Street to allow for a continuous protected bike lane along Seventh Avenue from 59th Street to 14th Street in Community Board Five; and be it further

**RESOLVED**, Community Board Five **requests** that DOT install audible signals on pedestrian crossings on affected blocks to ensure the safety of visually-impaired pedestrians, and that DOT engage the visually-impaired community on an ongoing basis; and be it further

**RESOLVED**, Community Board Five **requests** that the DOT redouble substantive and long-term efforts at teaching and advocating for safe cycling behavior, including delivery cyclists, Citibike users, cyclists riding at extremely high speeds, and e-bike users; and that these efforts go significantly beyond the current temporary deployment of "Street Ambassadors" for a short period following the installation of new bike lanes; and be it further

**RESOLVED**, Community Board Five **requests** that enforcement of illegal and dangerous cycling behavior be reconsidered and reinvented by the City, whether by NYPD or empowerment of another agency or agencies to do so, to find ways to incorporate regular and predictable enforcement of traffic safety laws for cyclists into standard daily enforcement in Manhattan, via safe and appropriate enforcement on vehicles similar to those being regulated; and be it further

**RESOLVED**, Community Board Five **requests** that DOT return to CB5 after the installation of these proposed bike lanes as soon as practical after significant data can be collected related to the use of these streets after their redesign, including but not limited to the number of total vehicles (cars and bicycles) using the street after the redesign, compared with the equivalent time period before the street redesign, along with residential concerns, and pedestrian safety statistics, and that DOT also respond to CB5's numerous previous requests for similar reporting set forth in its previous resolutions approving bicycle lanes in the district.

After some discussion, the above resolution passed with a vote of 35 in favor, 0 opposed, 1 abstaining:

**IN FAVOR:** Bahor, Beitchman, Brosnahan, Chou, Clark, Ford, Frewer, Garcia, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Stern, Tschinkel, Webb, Weintraub, Whalen, Yang. **ABSTAIN**: Barbero.

**LAND USE, HOUSING AND ZONING – layla law-gisiko**

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

***Application by the Department of City Planning (DCP) for a Citywide Zoning Text Amendment - Hotels Special Permit.***

WHEREAS, The Department of City Planning (DCP) proposes a citywide zoning text amendment, (ZTA), to establish a new special permit under the jurisdiction of the City Planning Commission (CPC) for new hotels, motels, tourist cabins and boatels in C1, C2, C4, C5, C6, C8 and Mixed-Use (MX) districts (the Proposed Action), to create a more consistent zoning framework for new hotels; and.

WHEREAS, The stated purpose and goal of the proposal is to create a more consistent zoning framework for new hotels, to address conflicts with nearby commercial, industrial and residential uses that new transient uses may introduce, and to avoid potential for hotel development to impair future use and development of areas around a new hotel; and

WHEREAS, the Proposed Zoning Text Amendment would create a new special permit for hotel development citywide; and

WHEREAS, It is intended to create a consistent framework for hotel development and ensure that hotels do not negatively affect the surrounding area; and

WHEREAS,  DCP Division of Housing and Economic Development is spearheading this proposed action; and

WHEREAS, By 2019, before the COVID-19 pandemic hit, NYC experienced record growth in the tourism industry and its hotel room construction pipeline; and

WHEREAS, Visitor trends peaked in 2019 with 67M visitors/year, up from 46M in 2009 and visitor count was forecasted to increase even more in 2020 to 69M and absent the pandemic, there was a consistent and substantial growth in the number of tourists visiting NYC; and

WHEREAS, With regard to the supply of hotel rooms, the total number of rooms grew from 80K in 2009 to 128K in 2019 and in the past five years, the city saw a 40% increase in the hotel room inventory; and

WHEREAS, Pre-COVID-19, NYC hotel occupancy rates were among the highest for urban markets in the country, with the growth in the NYC hotel market driven by international and domestic travelers coming to visit NYC cultural offerings, shopping, site-seeing, and overall tourism for 86% of people who visited the city, and demand continued to rise keeping NYC annual occupancy rate for hotel rooms at about 87%; and

WHEREAS, rapid growth of new hotels across different districts of the city has led to concerns about land use and zoning conflicts with surrounding areas; and

WHEREAS, In commercial and industrial mixed-use districts, hotels have introduced conflicts with surrounding uses as overnight accommodations differ from their neighboring conforming uses; and

WHEREAS, Examples of these land use and zoning conflicts include such characteristics as a hotel in a manufacturing area that may cause added pedestrian traffic where heavy machinery and trucks are being operated, or a hotel setback from the street which creates a disruptive streetscape and possibly an unsafe pedestrian environment; and

WHEREAS, To address concerns associated with rapid hotel growth and proliferation throughout the city, the CPC adopted a variety of special purpose districts with special permits related to hotel development which were very context and location specific; and

WHEREAS, An example is the East Midtown Sub-district, where in 2017, a special hotel use permit was adopted with findings and criteria specific to the needs of the local business community and to this sub-district; and

WHEREAS, The City believes that a robust tourism economy is vital to New York’s economic health and tourism is expected to recover from the pandemic, and once it does, hotel development is expected to resume at the pace it was prior to the pandemic; and

WHEREAS, DCP is bringing forward this ZTA which will create a consistent zoning framework for new hotels and allow the CPC to evaluate each hotel development’s impact on the current and future use and development of its surrounding fabric because hotels have the potential to create land use conflicts in a variety of ways and in a variety of neighborhood contexts; and

WHEREAS, The proposed citywide Hotels Special Permit will replace all existing special district special permits, with the exception of the existing M1 Districts Hotels Special Permit; and

WHEREAS, The proposed citywide Hotels Special Permit will replace all the other existing Hotels Special Permits, including the Midtown East Sub-District Hotel Special permit; and

WHEREAS, Hotels would still be not permitted in residential districts; and

WHEREAS, Current rules for Use Group 5 developed solely for a public purpose, such as temporary housing for the un-housed communities and the homeless, will not change, allowing these facilities to meet the City’s legal obligation to provide emergency shelter and social services for the needs of these populations; and

WHEREAS, The proposed ZTA is intended to address the land use concerns related to commercial hotels and is neutral with regard to current policies related to siting social services and shelter facilities that also have sleeping accommodations; and

WHEREAS, The COVID-19 pandemic has had a significant effect on the NYC hotel industry and its workers wherein a net total of 146 hotels (out of 705) and 42,030 rooms closed with 96.3% of room closures occurring in Manhattan and an estimated 197,000 jobs lost in 2020, in the leisure and hospitality industry; and

WHEREAS, 105 of the mostly luxury and upscale Hotels that closed due to the pandemic were located in Midtown Manhattan; and

WHEREAS, Experts predict a full recovery in the Hotel industry by 2025; and

WHEREAS, CPC proposes recovery provisions intended to restore the hotel industry to pre-COVID levels which include modified vesting, exclusions of recent or active land use applications and extended discontinuance; and

WHEREAS, Modified vesting will allow projects in the DOB pipeline to advance, even if foundations are not complete by adoption of the proposed ZTA; and

WHEREAS, Exclusions of recent or active land use applications include Hotel Special Permit applications approved by CPC or BSA or those that begin the CPC public review or file with the BSA after January 1, 2018 and prior to the adoption of the proposed ZTA will not require a special permit; and

WHEREAS, Extended Discontinuance will allow hotels that exist on the date of the proposed ZTA adoption, should they become vacant, to retain their hotel use six years (rather than two years for other non-conforming uses) from the date of adoption without a special permit and allow existing hotels to convert to another use and convert back to hotel use until six years from the date of adoption; and

WHEREAS, A draft Environmental Impact Statement (DEIS) was issued on May 3, 2021 which identified significant adverse impacts with respect to the Hotel and Tourism Industry; and

WHEREAS, The proposed ZTA for the citywide Hotel Special Permit states that the findings required to grant such Hotel Special Permit, are that the hotel use will not impair the future use or development of the surrounding area and the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area; and

WHEREAS, Community Board Five believes that hotel use should be regulated with a Hotel Special Permit framework; and

WHEREAS, The findings and criteria to justify the issuance of a special permit under the current proposal are very vague, could be subject to interpretation and lack objective metrics; therefore be it

**RESOLVED**, Community Board Five recommends **denial** of the application proposing a Zoning Text Amendment to require a City Planning Commission Special Permit for new hotels in CB5’s District **unless**:

**1.**                 **The approval format, requirements and definitions of findings of all existing Hotel Special Permits in the CB5 district remain in place because the current Hotel Special Permit requirements are stronger and more context specific than the vague requirements of the proposed ZTA; this means that on attached applicability map of CB5, all areas shown in gray will retain their Hotel Special Permit zoning text intact.**

**2.**                 **For those areas shown in red on the applicability map, the proposed ZTA definitions of findings and approval criteria are strengthened and clarified with objective and specific metrics including but not limited to:**

**1)**                **First and foremost, the neighborhood character similar to the requirements and findings of other such Special Permits;**

**2)**                **Impact on pedestrian traffic;**

**3)**                **Impact on vehicular traffic, congestion and air pollution;**

**4)**                **Streetscape, and street wall continuity;**

**5)**                **Overall urban design, bulk and massing;**

**6)**                **Economic displacement,**

**7)**                **All other environmental effects**

After much discussion, the above resolution passed with a vote of 35 in favor, 0 opposed, 1 abstaining:

**IN FAVOR:** Bahor, Beitchman, Brosnahan, Chou, Clark, Ford, Frewer, Garcia, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Stern, Tschinkel, Webb, Weintraub, Whalen, Yang. **ABSTAIN**: Barbero.

**BUDGET EDUCATION AND CITY SERVICES – renee kinsella**

**Ms. Kinsella presented the following resolution:**

**Commu*nity Board Five urgent appeal for New York City to reduce class sizes starting in Fall 2021***

WHEREAS, In 2003, in the landmark Campaign for Fiscal Equity (CFE) case, the state’s highest court concluded that New York City public school class sizes were too large to provide students with their constitutional right to a sound basic education; and

WHEREAS, Class sizes in public schools have increased since that decision was made, particularly in the early grades; and

WHEREAS, As of last school year, about one third, or over 300,000, New York City students were crammed into classes of 30 or more; and

WHEREAS, Reducing class size has been proven through research to be one of the best ways to improve student learning, lower teacher attrition rates, and narrow achievement and opportunity gaps between students of different racial, gender, and economic groups;

WHEREAS, Smaller classes have also been shown to lead to better grades and test scores, more robust student engagement, fewer disciplinary referrals, and higher graduation and college-going rates, especially for students who need help the most; and

WHEREAS, Reducing class size has remained the top priority of New York City public school parents with children in grades kindergarten through 12 when asked what change they would most like to see in their children’s school since the Department of Education (DOE) began to administer parent surveys in 2007; and

WHEREAS, New York City public schools are finally due to receive more than $530 million in additional state Foundation Aid next year, rising to $1.3 billion annually over the next three years, as a direct result of the decision in the Campaign for Fiscal Equity (CFE) case; and

WHEREAS, New York City public schools are also due to receive approximately $7 billion in federal funds to be spent over the next two to three years, to help them reopen safely and with additional supports so students can begin to recover from all the disruptions caused by the pandemic; and

WHEREAS, Smaller classes would also make it easier to implement social distancing in our schools next year, as well as provide students with the additional academic support and feedback they will need, after more than a year of remote and blended learning; and

WHEREAS, The New York City Council has proposed in its preliminary budget to allocate $250 million to hire more teachers to lower class sizes starting this Fall 2021, targeted first in struggling schools with especially vulnerable students, and also enough funding to ensure that every school has at least one school counselor and social worker; and

WHEREAS, Senator Robert Jackson, the original plaintiff in the CFE case, has introduced a bill in the New York State Senate, [S.6296](https://www.nysenate.gov/legislation/bills/2021/S6296),  that would update the Contracts for Excellence law initially passed in 2007 to settle the CFE lawsuit by renewing New York City’s obligation to develop and submit a five-year plan to lower class size; and

WHEREAS, Assemblymember Jo Anne Simon has introduced the same bill in the Assembly, [A07447](https://nyassembly.gov/leg/?bn=A07447&term=2021); and therefore be it

**RESOLVED**, Community Board 5 ardently urges the New York State Legislature to pass and the Governor to sign [S.6296](https://www.nysenate.gov/legislation/bills/2021/S6296) and [A.7447](https://nyassembly.gov/leg/?bn=A07447&term=2021), that require the New York City Department of Education to develop and implement a five-year citywide class size reduction plan starting in Fall 2021; and be it further

**RESOLVED**, Community Board 5 urgently requests Mayor DeBlasio and Schools Chancellor Porter to agree to the New York City Council budget proposal that at least $250 million be used next year to lower class size, as the first step in this five-year plan, as well as sufficient funding so that every public school has at least one school counselor and one social worker.

After some discussion, the above resolution passed with a vote of 35 in favor, 0 opposed, 1 abstaining:

**IN FAVOR:** Bahor, Beitchman, Brosnahan, Chou, Clark, Ford, Frewer, Garcia, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Stern, Tschinkel, Webb, Weintraub, Whalen, Yang. **ABSTAIN**: Barbero.

**PARKS AND PUBLIC SPACES – clayton smith**

**Mr. Smith gave brief presentation on the following two bundled resolutions.**

***Application from MdeAS Architects and One Penn Plaza LLC, c/o Vornado Realty Trust, for a Distinctive Sidewalk at One Penn Plaza***

WHEREAS, MdeAS Architects and One Penn Plaza LLC, c/o Vornado Realty Trust (“Applicant”), in association with their design team, have submitted an application for the installation of a distinctive sidewalk at One Penn Plaza; and

WHEREAS, The site encompasses the entire block between 34th and 33rd Streets to the north and south and 7th and 8th Avenues to the east and west; and

WHEREAS, The site is at the prominent and highly trafficked location of the major transportation hub of Penn Station; and

WHEREAS, The distinctive sidewalk is being installed as part of the major renovation to One Penn Plaza; and

WHEREAS, The existing concrete sidewalk and steel faced curbs will be replaced with limestone pavers and curbs, to be made from Belgium “Petit Granite” limestone which is extremely hard, dense, and durable; and

WHEREAS, The pavers will be installed in a running bond pattern, similar to other locations of granite pavers within Manhattan, and in a neutral blue-gray color to recall historic bluestone paving, and will have a slip-resistant finish and tight ¼” joints throughout; and

WHEREAS, New ADA-compliant curb cuts will be installed at all corner crossings; and

WHEREAS, The applicant has agreed to consider widening the ADA-compliant curb cuts beyond the requirements of the ADA, due to the extremely high volume of pedestrian traffic at intersections on this block; and

WHEREAS, No existing trees or tree pits will be removed by the installation of the distinctive sidewalk, and the owner is investigating the feasibility of installing additional trees; and

WHEREAS, The existing Privately Owned Public Spaces (POPS) within the site will also receive the new limestone paving; and

WHEREAS, New ramps are being provided in all locations where there are stairs to the POPS and the existing stairs are being widened; and

WHEREAS, The POPS will be made more visible and welcoming with the increased access and lowering of adjacent planters; and

WHEREAS, The sidewalk on 7th Avenue will be widened as per the Department of Transportation’s plan to better accommodate the high volume of pedestrian traffic; therefore, be it

**RESOLVED**, Community Board Five **recommends approval** of the application from MdeAS Architects and One Penn Plaza LLC, c/o Vornado Realty Trust, for a Distinctive Sidewalk at One Penn Plaza.

***Application from National Experiential on behalf of the Wall Street Journal for marketing events at Herald Square Park on June 26th-28th and Bryant Park on June 28th-29th, 2021***

WHEREAS, National Experiential ("Applicant") has submitted applications for permits for two identical marketing events on behalf of The Wall Street Journal, to take place in Herald Square Park on Saturday, Sunday, and Monday June 26th, 27th, and 28th, 2021 and in Bryant Park on Monday and Tuesday, June 28th and 29th, 2021 (the "Event"); and

WHEREAS, The purpose of the Event is to promote readership of the Wall Street Journal newspaper, and will be comprised of representatives with two promotional inflated spheres measuring 10’-0” emblazoned with the Wall Street Journal logo, as well as a cart distributing complimentary coffee to the public, estimated at 300-500 cups to be distributed daily; and

WHEREAS, The Event will occur during the hours of 7am and 6pm, with set-up and clean up times to occur daily starting one hour prior and to be completed within one hour after; and

WHEREAS, Nothing is to be sold and there will be no distribution of any other materials; and

WHEREAS, There will be localized amplified sound with a portable speaker system for ambient music only via a Bluetooth speaker, with no use of a subwoofer; and

WHEREAS, There will be a dedicated sanitation team to ensure that the general area is kept clean; and

WHEREAS, Queuing will be restricted and enforced by event personnel; and

WHEREAS, There will be no signage elsewhere in the Park, no brand ambassadors elsewhere in the Park, and no handouts or other giveaway promotional materials whatsoever other than the cups of coffee; and

WHEREAS, Although Community Board Five has concerns with the commercial nature of the events, they will have minimal impact in regard to sanitation, amplified sound, and footprint; and

WHEREAS, Applicant will make a significant contribution for the upkeep of the Park, which receives no funding from the City; therefore, be it

**RESOLVED**, Community Board Five **recommends approval** for the application from National Experiential on behalf of the Wall Street Journal for marketing events at Herald Square Park on June 26th-28th and Bryant Park on June 28th-29th, 2021.

After some discussion, the above two bundled resolutions passed with a vote of 34 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Bahor, Beitchman, Brosnahan, Chou, Clark, Ford, Frewer, Garcia, Goshow, Haas, Harris Jr., Hartman, Isaacs, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Stern, Tschinkel, Webb, Weintraub, Whalen, Yang. **ABSTAIN**: Barbero.

**LANDMARKS – layla law-gisiko**

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

***Application for a Certificate of Appropriateness for a signage Masterplan at 1780 and 1790 Broadway, both individual landmarks***

WHEREAS, The buildings located at 1780 Broadway and 1790 Broadway between 57th & 58th Streets, respectively known as B.F. Goodrich Company Building constructed in 1909; architects Howard Van Doren Shae and Ward & Willauer and the U.S. Rubber Company, constructed in 1911-12, architects Carrere & Hastings; and

WHEREAS, 1780 Broadway is a 12-story building articulated around a tripartite façade clad primarily with red brick and limestone, with a double height base; and 1790 Broadway is 20-story elegant Beaux-Arts style office building with a delicate marble clad base; and

WHEREAS, 1780 and 1790 Broadway are located in “Automobile Row” known for the leading American manufacturers in automobile and tires; and

WHEREAS, Nordstrom Department Store (the “Applicant”), performed major renovations on both buildings from 2018 - 2020 with the approval of the Landmarks Preservation Commission, and now seeks to install two flagpoles on the second floor of 1780 Broadway; and a banner on the corner of 1790 Broadway; and

WHEREAS, The flagpoles will be 12 feet by 8 feet located twenty-eight feet above the street; and have historic precedent and were previously granted temporary approval by Landmarks Preservation Commission; and

WHEREAS, The banner will be 45 feet high by 5 ½ feet wide located 41 feet above the street with approximately 23 anchor points in the masonry joints and has historic precedent; and

WHEREAS, The banner will be installed no more than 8 months out of the year, and will rotate based on seasonal programing of the department store; and

WHEREAS, No lighting is proposed; and

WHEREAS, The proposed flag poles and banner have a historic retail precedent and are appropriate in size and scale; therefore, be it

**RESOLVED**, that Community Board Five **recommends approval** of the application for a Certificate of Appropriateness for two flagpoles at 1780 Broadway and one banner at 1790 Broadway.

After some discussion, the above resolution passed with a vote of 33 in favor, 0 opposed, 1 abstaining:

**IN FAVOR:** Bahor, Beitchman, Brosnahan, Chou, Clark, Frewer, Garcia, Goshow, Haas, Harris Jr., Hartman, Isaacs, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lucic, Maffia, McCall, Pawson, Shapiro, Slutzkin, Smith, Spandorf, Stern, Tschinkel, 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