

1 **MANHATTAN COMMUNITY BOARD 4**

2 October 1, 2014

3 Fulton Center Auditorium, 119 Ninth Avenue (17/18)

5 **PUBLIC HEARING**

7 **Presentation – Mayor’s Office to Combat Domestic Violence** Commissioner Rose
8 Pierre-Louis

10 **Presentation – Department of City Planning** Special West Chelsea Rezoning - W. 15th Street

13 **MEETING AGENDA**

15	Public Session	Hugh Weinberg
16	Adoption of Agenda	Christine Berthet
17	Adoption of Last Month’s Minutes	Christine Berthet
18	Manhattan Borough President	Diana Howard
19	Local Elected Officials	Various
20	Working Group Reports	
21	<i>Chair’s Best Practices</i>	Delores Rubin
22	<i>Retail Survey</i>	Frank Holozubiec
23	Chair Report/Committee Reports	Christine Berthet

27 Chair Christine Berthet called the meeting to order at 6:40 p.m.

29 **PUBLIC HEARING:**

30 **Presentation – Mayor’s Office to Combat Domestic Violence** Commissioner Rose
31 Pierre-Louis

33 The Mayor’s office to combat domestic violence is a charter-mandated agency for providing
34 comprehensive services. They work on legislative and policy initiatives and community-based outreach.
35 They recently opened a Family Justice Center, which provides wrap-around services for victims, and
36 works with DA Vance’s SVU. Before, victims would have to go all around the city to gain safety.
37 Commission Pierre-Louis is meeting with all community boards, precinct councils, etc.

39 On average, NYPD responds to 770 domestic violence calls per day. 24% of NYC’s population lives in
40 high poverty, low-education, high unemployment, and those populations account for 42% of domestic
41 violence homicides. 30% of the increase in crime in NYCHA is due to domestic violence.

43 Domestic violence is absolutely happening in our community district. Almost one quarter of felony
44 assaults in this community district are domestic violence-related. There’s real value to grassroots outreach
45 and education. Today is the beginning of domestic violence awareness month.

47 Delores Ruben wants to know if office is working with non-profits like Bystanders No More.

1 The Commissioner stated that she knows the leader of Bystanders No More well. In the past, the anti-
2 violence movement might not have embraced voices of men enough, but they're working to rectify that.
3 The Office works with a number of community-based organizations.
4

5 **Presentation – Department of City Planning Special West Chelsea Rezoning - W. 15th Street**
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7 Lee Compton led the public hearing to expand the Special West Chelsea district. He stated that the
8 Chelsea Land Use committee would like to thank Carolina Hall from DCP for her help. The Community
9 Board has been trying to expand this District for a great deal of time, since even before the district was
10 created.
11

12 Carolina Hall introduced herself. She is the planner liaison to CD4 and CD7. DCP is proposing a zoning
13 map and zoning text amendment to include the partial block bounded by W 15th St, W 14th St, 9th and 10th
14 Aves and exclude a portion that begins roughly 350 feet from 10th Ave.
15

16 The Special West Chelsea district was mapped in 2005 between W 16th and W 30th St, largely between
17 10th and 11th Avenues, with two partial blocks beyond that. There was a recognition that as the
18 neighborhood transitioned from warehouse and auto-related uses to gallery uses and residential, the
19 zoning had to reflect that. In 2012, the special district was expanded to include Chelsea Market. It created
20 a sub-area to allow increased density and a special building form. This proposal stems from a
21 collaboration with CB4 to expand the district.
22

23 This block is showing a transition from manufacturing to office and retail, especially in the meatpacking
24 district. The M1-5 zoning district is marked over the area to be rezoned as well as surrounding blocks.
25 The M1-5 district allows for 5.0 FAR. It currently has no height limitations, and is not compatible with
26 the low-rise building to the south or the height limitations to the north. The project area is between the
27 Special West Chelsea district to the north and the Gansevoort Historic District to the south, with one
28 building in the project area within the Historic District.
29

30 Sites to be rezoned: 400 W 15th St, currently used as a lumber yard and built to 1.0 FAR. The next
31 building has an eating and drinking establishment. 412 W 15th St is currently vacant, but a hotel is being
32 constructed there; the property has gotten air rights from neighboring lots on 14th St. It will be 10.5 FAR
33 and 24 stories. 422 W 15th St is a 6-story loft building that is currently being enlarged and readapted for
34 office use. It is expected to rise to 145 feet. 426 W 15th St is a one-story building that sold its FAR to the
35 hotel. Highline Stages is next to the west, with sound stages and photography studios. It's built to 3.0
36 FAR and is in historic district. At the corner of 10th Ave is the Milk Studios building and a one-story
37 commercial building being built beneath the High Line. Together they will exhaust the 5.0 FAR.
38

39 The new proposal will not create a sub-area, but will apply the M1-5 height limits in the rest of the
40 District to this block. Commercial and manufacturing facilities are still permitted. It will have a base
41 height between 50 and 95 feet and building height is capped at 135 feet. This won't prohibit any already-
42 permitted structures. Proposed building heights are in line with the Chelsea Market regulations to the
43 north, which allow 130 feet in the mid-block and 135 feet along 9th avenue.
44

45 Two other technical tweaks:

- 46 1. Proposing strengthening street wall requirements at corner lots so that beyond 50 feet from the
47 corner on a building on a wide street must maintain street wall for 70% of the structure.
- 48 2. Text amendment proposed to allow unenclosed sidewalk cafes
49

1 After the DCP presentation concluded, Mr. Compton called the public to speak. Six speakers spoke in
2 opposition to the rezoning. Several speakers were representatives of Vornado and Aurora Capital, who
3 wish to build a building at the current Prince Lumber site at 400 W 14th St. Vornado is concerned that
4 they can't build an adequate office building with the proposed height limits. They do not want any more
5 density and aren't opposed to height limits overall. With the current height limits, they think it's likely
6 that they'd build a hotel, and they know the community is concerned about that.

7 One community member spoke in favor the rezoning, saying that he doesn't think the community should
8 be swayed by the threat of another hotel; it doesn't make economic sense to build another hotel. Just
9 because we allowed Jamestown to increase its bulk doesn't mean we should allow Vornado to do so.

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12 With nobody else here to speak, Mr. Compton declared the public hearing closed.

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14 **LOCAL ELECTED OFFICIALS:**

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16 **Congressman Jerrold Nadler** is concerned about the current war in the Middle East. He voted against
17 arming the "moderate" Syrian rebels. He believes that the President can't commit us to war without an
18 Act of Congress. We should have voted on war with ISIS. We need to have an opportunity to have a
19 debate. We need to discuss who the moderate Syrian rebels are and whether the arms we sell them will be
20 used against us. Speaker Boehner says we're not going to vote on this until January, after the election.
21 Congressman Nadler is very conflicted about the substance of the war. ISIS is a direct military threat to
22 our allies but not to the U.S. The threat here is that people from the U.S. and Europe will be trained with
23 ISIS and come back to fight here. But that threat isn't any different if ISIS picks up more territory; it
24 needs to be dealt with surveillance and counter-terrorism. Substantively, the Congressman ends up
25 agreeing with President Obama that we should not have boots on the ground but should take stronger
26 action, but he wants to have a debate.

27
28 **State Senator Brad Hoylman** spoke about his proposed pied-a-terre tax. The census bureau estimates
29 that about 1/3 of apartments in his district are vacant 10 months of the year. These residents don't pay
30 income taxes and very low property taxes. The bill would authorize NYC to tax non-primary residences
31 worth \$5 million or more. It would impact about 1500 properties in the city, less than 2% of all non-
32 primary residences, and could generate up to \$660 million. It's estimated that NYCHA needs over \$12
33 billion in repairs, and we could funnel this money to that. Councilmember Johnson has introduced a
34 resolution to support the bill. The Senator had suggested that the Comptroller take a look at the hate
35 crimes law, which is 12 years old, which he did. The Comptroller found that there's no one central place
36 to store and analyze the data and made a number of recommendations to the NYPD, which they are
37 working on implementing. Senator Hoylman also wanted to thank all his government colleagues for
38 assisting with last week's SCRIE and DRIE workshop, and will have another one on Friday, October 10
39 from 3-5 pm at Greenwich House, Our Lady of Pompeii Senior Center. Thanks for the letter of support on
40 legislation requiring that liquor license stipulations be accessible to the public.

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42 **PUBLIC SESSION:**

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1. Five members of the public, one representative of the Hell's Kitchen 50th/51st St Block Association, and one representative of the Parc Vendome spoke to support the work of the Balanced Business working group.
 2. A representative from Lenox Hill Healthplex announced again that the Healthplex is now open and busier than expected.

3. The 448 W 55th St managing agent said that we've been getting an average of 3 recycling violations per month and there's no due process. It's impossible to know what the inspector saw. A representative should be present when they go to inspect the garbage.
4. One community member opposes the Select Service M34 and M34A bus service. There was no reason for these buses. No other East-West street has them. It takes a half hour to wait for a bus. Select Service makes more sense on north-south streets, though not the M15.
5. Carlice Johnson from the Civilian Complaint Review Board spoke. They investigate police misconduct, mediate it, and administratively prosecute officers. They investigate force, abuse of authority, discourtesy, and offensive language. When you file a complaint, you choose if you want it to be investigated or mediated. If mediated, you meet with an officer and a trained mediator. If investigated, there's a civilian investigator who tries to obtain evidence and see if a violation was committed. CCRB is happy to come to community organizations to speak.
6. Peter Mullen from Friends of the High Line announced that they opened the northernmost section of the High Line 3-4 weeks ago. Thanks to CB4 for working so hard to make it happen. Note that the section along the river does not have lighting, so closes earlier.

ADOPTION OF AGENDA:

Item 18 is tabled. Item 17 is tabled and changed to an administrative letter. Item 19 is new business. Motion to adopt the agenda as amended (PASSED).

ADOPTION OF LAST MONTH'S MINUTES:

Adopted.

REPORTS OF ELECTED OFFICIALS:

Diana Howard, for Borough President Gale Brewer, introduced Brazil Songhai (sp?), the office's new Director of Community Affairs. Community Board application will be on website starting November 3. There will be interactive community board interviews, but there will be improvements based on our feedback.

Erica Overton, for Assemblymember Linda Rosenthal, announced that on Tuesday, October 14, they are having a bicycle safety forum. They are providing free flu shots on October 23.

Matt Green, for Councilmember Corey Johnson, announced that the Councilmember is embarking on participatory budgeting. Next Tuesday, at 8:30, in Fulton Houses, they are having their first neighborhood assembly. On October 9, they are having a forum on affordable housing with HPD Commissioner Vicki Been, Joe Restuccia, and Sarah Desmond (the latter two being members of community board 4) at the Fashion Industries High School.

Tricia Shimamura from Congresswoman Carolyn Maloney's office, wanted to let us know that the Congresswoman was joined by Cy Vance to celebrate the renewal of the Debbie Smith act, which the Congresswoman originally wrote. The act will provide funds to go through the backlog of rape kits. Congresswoman Maloney is fighting to preserve affordable housing. She introduced legislation that would prohibit the Federal Housing Finance Agency from setting arbitrary limits on multi-family housing mortgages, which would limit how much multi-family housing would get built.

R.J. Jordan, from Comptroller Scott Stringer's office, is the new liaison to community board 4 from the office. His contact info is 212-669-3745, rjordan@comptroller.nyc.gov.

1 **Eric Boucher, from Governor Cuomo’s office**, came to talk about a program to train us in Emergency
2 Preparedness. On October 15, co-sponsored by CB4, at FIT, there will be a presentation on emergency
3 preparedness. There are other dates as well.
4

5 **REPORT OF MCB4 CHAIR CHRISTINE BERTHET:**

6 The search committee is starting interviews of 8 very strong candidates for District Manager. She hopes
7 to present a candidate at the November board meeting.

8 Betty Mackintosh, reporting from the nominating committee, said that so far the current officers want to
9 stay in their spots, and nobody else has put their names forward. If you’re interested in running for Board
10 Office, let Ms. Mackintosh know.

11 We have had a few small meetings over the last month: There was a meeting with 15 bus companies and
12 NJ Transit where we learned of the progress they are making in changing the schedule of buses coming
13 into the Port Authority. Chelsea Land Use chairs met with the Moinian Corporation about two properties
14 where they wanted to exceed the height limit. Clinton Land Use met with a property on 43rd street which
15 is seeking a special permit.
16

17 **WORKING GROUP REPORTS:**

18 Delores Rubin, reporting from the Best Practices Committee, said that the committee produced a
19 document that will serve as a guideline for new chairs and new members to the Board. It’s a living
20 document and not set in stone.

21 Frank Holozubiec, reporting from the Balanced Business working group, said that the working group
22 determined that there were two prongs to any balanced business solution. One is limiting the diversity of
23 alcohol-serving establishments, and the other is encouraging other business. We’ve finished the first
24 prong, and Burt Lazarin will be chairing the process for the next prong. We surveyed the major avenues
25 and listed exactly what kind of businesses are on each block. The survey is online. The bottom-line of the
26 survey is that 28% of businesses surveyed are establishments with liquor licenses. The survey informed
27 the policy that we are going to vote on.

28 The State Liquor Authority was very impressed with our survey, saying that we were the only community
29 board that has done that.
30

31 **COMMITTEE LETTERS AND RESOLUTIONS:**
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33 **Chelsea Land Use**

34 *Item 1: Letter to CPC re Special West Chelsea Rezoning – W. 15th Street (APPROVED)*

35 Mr. Compton wanted to point out that everyone who spoke earlier was with Vornado, and that this was
36 hardly a cram job, given that the committee has been working on it for years.

37 The committee wanted to ask City Planning to amend the application to exclude sidewalk cafes on the
38 14th-16th Street blocks on Ninth Avenue, the only two blocks in the district on Ninth Avenue.

39 Martin Treat asked about Line 122: Do you mean wide sidewalks, not streets? Mr. Compton said no, we
40 mean sidewalks on wide streets, it’s a definition in the zoning resolution. Mr. Treat said you should
41 define what a wide sidewalk is. Mr. Compton said that since there’s a minimum passage required for a
42 sidewalk café, that’s already defined.

1 The following items were bundled: Items 1 and 2 (**APPROVED**)

2 *Item 2: Letter to LPC re 695-709 Sixth Ave - 116 W. 23rd St. – Burlington Coat Factory Blade Sign*

3 *Item 3: Letter to LPC re 333 W. 20th Street – Townhouse Renovations*

4

5

6 **Business Licenses and Permits Committee (BLP)**

7 The following items were bundled: Items 4-8 (**APPROVED**)

8 *Item 4: Letter to SLA re 714 11th Avenue – American Retro Bar & Grill*

9 *Item 5: Letter to SLA re 526 W 47th Street – Parada 47 Mexican Restaurant*

10 *Item 6: Letter to SLA re 339 W 38th Street – Lightbox*

11 *Item 7: Letter to SLA re 126-128 W 18th Street – Rogue Tomate*

12 *Item 8: Letter to SLA re 735 10th Avenue – El Original*

13 JD Noland wanted to know item 5 is on a mid-block and doesn't that contradict a policy? Mr. Holozubiec
14 explained that this doesn't add a restaurant.

15 Sarah Desmond wanted to know which establishment item 8 is. It's in the Skyline Hotel. The sidewalk
16 café was already approved a year ago.

17 **Waterfronts, Parks and Environment Committee (WPE)**

18 *Item 9: Letter to CM Johnson re Capital Funding Update (APPROVED)*

19

20 **Transportation Committee (TRANS)**

21 *Item 10: Letter to DOT re Study request – Midtown protected bicycle lane (APPROVED)*

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23 Delores Ruben thinks that protected bike lanes on cross streets shouldn't be made in bulk, that it creates
24 more traffic problems for pedestrians and cyclists. We should consult with each block association and
25 blocks.

26 JD Noland seconds that and wants us to put in our letters that bicyclists should be careful to observe the
27 rules and pedestrian safety.

28 Ernest Modarelli accepts as a friendly amendment about bike safety, including language about recent bike
29 incidents, and being clear that this is a study and that they should come back with us with proposals and
30 consult with us and block associations.

31 Maarten De Kadt wanted to emphasize importance of changing culture of bicycles in the city. Chair
32 Berthet suggested sending another admin letter requesting more bike enforcement.

33 The following items were bundled: Items 11-13. (**APPROVED**)

34 *Item 11: Letter to DOT re Art for bridges on 45th Street between 10th and 11th Avenues*

35 *Item 12: Letter to DCA re Newsstand application #: 12019-2014-ANWS at S/E/C 10th Avenue & W. 15th*

1 *Street*

2 *Item 13: Letter to DOT & NYPD re Jitney Bus operation on W. 42nd Street (8/9)*

3 **Executive Committee (EXEC)**

4 *Item 14: Balanced Business Policy (APPROVED as amended)*

5 JD Noland ask about Line 18—who determines overconcentration?—and Line 24—what is the proportion
6 of senior citizens? What determines the appropriateness of a liquor license? Seems to say that we'll accept
7 it if residents do, but we need to say who those applicants are. On Line 111, we refer to an applicant's
8 character. That's a loaded word. We should say retail history of running a business.

9 Mr. Holozubiec said he was happy to delete character, though it is one of the few things the SLA takes
10 into consideration. Meant immediately surrounding residents, will come up with a better word.

11 Jay Marcus said that he was uncomfortable with the overall letter. It Includes things we haven't
12 traditionally turned down bars for. Bad bars can be subjective. It's too broadly worded and comes across
13 as anti-nightlife.

14 Mr. Holozubiec responded that this doesn't substitute for case-by-case determination. The SLA requires
15 that and looks askance at hard and fast rules. It is meant to let constituents involved here—landlords,
16 business owners, residents—all know what our perspective is. It doesn't apply to beer and wine licenses
17 and doesn't say we'll turn down bars that close after 2 am, just that we'll look positively. He also added
18 that we met with the SLA and didn't get pushback.

19 Betty Mackintosh asked if would we put the policy on our website? Because this particular issue is very
20 compelling in the meat packing area and people there would appreciate reading it.

21 Mr. Compton said that we've struggled to come up with a consistent approach. This is a flawed but
22 excellent first step. Let's try it and amend if necessary.

23 Burt Lazarin said that he believed we were trying to come up with definitions, not just perceptions. It's a
24 work in progress and vision of what we want. When we take things piece by piece we change
25 neighborhoods without realizing it.

26 Paul Seres said that he agreed with Lee. One concern is that policies tend to get thrown back in our face
27 by the community and this won't prevent that. He wants some language tightened up.

28 **Housing, Health & Human Services Committee (HH&HS)**

29 The following items were bundled: Items 15-16 (APPROVED)

30 *Item 15: Letter to HPD re 401 W. 31st Street – affordable housing application*

31 *Item 16: Letter to HPD re 606 W. 57th Street – affordable housing application*

32 Items 17 and 18 were tabled.

33 *Item 17: Letter to Silverstein re 601 West 41 Street – tenant issues*

34 *Item 18: Letter to HPD & DCP re Current and Proposed Affordable Housing Development Sites in*
35 *Community District 4*

36 **New Business**

- 1 Item 19: Letter to DCA re Giovanni Rana restaurant – 75 Ninth Avenue (**PASSED**)
- 2 Mr. Compton explained that this relates to a sidewalk cafe outside Chelsea Market. It's now part of
- 3 special west Chelsea district where sidewalk cafés are not allowed and it's a bad place for a sidewalk cafe
- 4 anyway, only 6.5 feet of sidewalk. Want to oppose sidewalk cafe there.
- 5 *Item 20: Letter to NYS Hoylman re legislation for liquor license applicants* (**PASSED**)
- 6
- 7 *Item 21: Letter to NYPD re Police ride along request* (**TABLED**)
- 8 Chair Berthet clarified that the goal was to invite the new SLA commissioner to do a ride-along with the
- 9 NYPD. She will change the letter to clarify this.
- 10 Mr. Noland wanted to know if this was ok with the precinct.
- 11 Mr. Seres explained that CB3 already did this. We wanted to encourage it in our district too.
- 12 Mr. Noland replied that the police department has no right to look at over concentration.
- 13 This was tabled until the Quality of Life committee redrafts.

DRAFT