

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: JULY 23, 2024

COMMITTEE OF ORIGIN: BATTERY PARK CITY

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	36 In Favor	0 Opposed	2 Abstained	1 Recused

RE: Manhattan Community Board 1 Review of Construction Plans at 60% Design of the Battery Park City North West Resiliency Project (NWBPCR Project) & Suggestions for Alternate Use of Public Spaces During Construction as well as Possible Incorporation into Construction

WHEREAS: The Battery Park City Authority (BPCA) is a New York State public benefit corporation whose mission is to plan, create, coordinate and sustain a balanced community of commercial, residential, retail, parks and open space within its designated 92-acre site on the West Side of Lower Manhattan; and

WHEREAS: As part of its operations, the BPCA is working on two interrelated resiliency projects as part of the Lower Manhattan Coastal Resiliency (LMCR) Project to protect Battery Park City and the Lower Manhattan coast from the threats of storm surge and sea level rise; and

WHEREAS: The South Battery Park City Resiliency Project (SBPCR), part of LMCR, will protect the park and the adjacent community against more severe and more frequent storms. The project will create an integrated coastal flood risk management system from the Museum of Jewish Heritage, through Wagner Park, across Pier A Plaza, and along the northern border of the Historic Battery; and

WHEREAS: The North/West Battery Park City Resiliency Project (NWBPCR) contemplates the creation of an integrated coastal flood risk management system from First Place, north along the Battery Park City Esplanade, across to the east side of West Street/Route 9A, and terminate above Chambers Street at a high point on Greenwich Street, and is separated into [7 distinct “Reaches” \(Slide 17\)](#). Work will proceed through a progressive design-build effort; and

WHEREAS: A third initiative, the BPC Ball Fields & Community Center Resiliency Project, now complete, entailed construction of an independent flood barrier system along the eastern, northern, and southern boundaries of the BPC Ball Fields. This space falls totally within BPC and therefore is not a part of the LMCR; and

WHEREAS: This Resolution will specifically address **the 60% Design Phase of the NWBPCR Project as it relates to quality of life issues during – and after - construction;** and

WHEREAS: On June 6, 2024, the Battery Park City Authority (BPCA) NWBPCR Project Team appeared before the BPC Committee, presenting the 60% completed Design Phase. On June 20, the BPCA team presented the proposed resiliency plans at a public meeting at Stuyvesant High School; and

WHEREAS: The NWBPCR Project is currently just past the 60% Design Phase, with the expectation that it will issue a **Draft Environmental Impact Statement** by the Fall of 2024; and

WHEREAS: Construction Duration - **Slide 47** – will be at least 5 years but will not begin until the SBPCR Project is completed, which is on schedule, in the Summer of 2025; and

WHEREAS: Construction Progress/timeline: The BPCA plans to stagger the construction to avoid widespread closure of open spaces as much as possible.

Slide 48: They plan to start construction simultaneously with the South Neighborhood/South Cove Plan (Reach 7), the north side of the Brookfield Place Plan (Reach 5), the North Esplanade Plan (Reach 2) and the North Moore section of the Route 9A/Tribeca Plan (Reach 1); and

Slide 49: At the start of year two, they will expand to the South Esplanade (Reach 6) and expand across the North Cove Marina area of the the Brookfield Place Plan (Reach 5), and into more of the North Esplanade Plan (Reach 2) as well as onto the East side of the Route 9A; and

Slide 50: By the middle of year two, the BPCA anticipates that South Neighborhood/South Cove Plan (Reach 7) will be mostly completed and reopened, while everywhere but the North Neighborhood (Reach 3) will be fully under construction; and

Slide 51: By the end of year three/beginning of year four, South Cove (Reach 7), South Esplanade (Reach 6), Route 9A/Tribeca on the west side of West Street (Reach 1) and North Esplanade (Reach 6) will be completed and reopened. Brookfield Place/GatewayPumphouse Park (Reach 5) and the entire North Neighborhood (Reaches 3 & 4) as well as Route 9A/Tribeca/Pump Station (Reach 1) will be under construction; and

Slide 52: By the beginning of year five, the east and north sides of Brookfield Place will be reopened as well. Gateway North (Reach 6), the Ferry Terminal, Lily Pond, Rockefeller Playground, the basketball and handball court area (Reach 5) and a portion of Route 9A/Tribeca/Pump Station (Reach 1) on the west side of the highway will be under construction; and

Slide 53: By the end of year five all construction will be completed and all will be reopened; and

WHEREAS: CB1 notes (**Slide 54**) that spaces opened throughout the 5+ years of construction include: Wagner Park, BPC Ball Fields, Rector Park, Teardrop Park, West Thames Park, Rockefeller Park North Lawn; and

WHEREAS: The Route 9A and Tribeca Section encompasses the area on the North and East sides of Stuyvesant High School, crossing Route 9A (West Side Highway) at the south side of North Moore Street, and ending at Greenwich Street. **Slides 18 & 20** show the proposed design and FBS (Flood Barrier System) wall elevations; and

WHEREAS: As shown in **Slide 19**, along North Moore Street which encompasses the Northern sides of BMCC and Independence Plaza, the FBS wall will start at 9.6 feet above the sidewalk at Route 9A and slowly work down to 2.5 feet above the sidewalk upon reaching Greenwich Street. This is possible as the street naturally rises in elevation as you go East. At all times the Design Flood Elevation (DFE) being built to is +16 Feet above seal level. There will be no seating along North Moore street, but planters will be integrated along the FBS and entrances will be maintained through the use of deployables; and

WHEREAS: New planters and precast concrete seating with wood tops on the seating elements are proposed along the FBS wall along the West Street side of Borough of Manhattan Community College (BMCC) as shown in **Slide 21**; and

WHEREAS: Along both North Moore Street and West Street/Route 9A, the BPCA will add planting along the street edge which will include trees as allowable considering underground utilities, as per **Slides 19 and 21**; and

WHEREAS: The North Esplanade Plan encompasses the area on the northern side of Stuyvesant High School from West and Chambers Streets to the west side of Tribeca Pointe Rental Building (41 River Terrace). This area is relatively high ground, so the FBS wall will range from 1.5 feet above the Esplanade path to 4.5 feet above the Esplanade path when completed. (**Slide 22**); and

WHEREAS: A combination of FBS walls and deployables will connect the North Esplanade Plan to the Route 9A and Tribeca Plan. The BPCA is working with the Hudson River Park Trust and other agencies to obtain approvals to build out the esplanade in this area to avoid the pinch point that currently exists as one turns left onto the path at the northwestern-most corner of the BPC Esplanade; and

WHEREAS: As shown in **Slide 23**, this built-out portion of the Esplanade will be closer to the water, with new precast-concrete bench seating, with integrated wheelchair/stroller spaces at the waterfront edge. There will also be an upper esplanade level, with a slow curvature. Additionally, while mention is made of wheelchair spaces integrated into the wide bench seating (which appears to be

precast-concrete topped with wooden slats) only steps are shown in the rendering presented; and

WHEREAS: The Rockefeller Park Plan connects to the North Esplanade Plan after a short stretch which is already at 16.5+ feet elevation and, as the BPCA assures us, needs no changes in elevation nor FBS walls or deployables; and

WHEREAS: The BPCA maintains that there will be minor impacts to Rockefeller North Lawn during the 5+ years of construction and that there will be no change to the handball court; and

WHEREAS: As shown in **Slide 24**, the Rockefeller Park Plan, the FBS Wall offset will be East of the existing stone wall along River Terrace. The height of this wall will vary between 1.3 and 3.5 feet above the sidewalk until just past the area where the swings are. The basketball court will be reconfigured at its existing location and a new precast-concrete seating area will be created. An FBS deployable will be installed on the east side of the basketball court to allow ingress and egress to the park; and

WHEREAS: The Environmental Protection Committee is reviewing and addressing questions as to the location of this FBS wall in terms of variance from USACE on 15' Vegetation Free Zone between trees and flood barriers, requests to preserve existing trees, height of the FBS wall and FBS deployables, etcetera in a separate resolution also dated July 23, 2024. This BPC Committee Resolution is focused solely on quality of life impacts during and after construction; and

WHEREAS: The community concern in this area centers on removal of existing trees as they provide shade and wildlife habitats. Relying on **Slide 24**, it appears that the BPCA will plant approximately 33 new trees – 9 along River Terrace to replace those removed and 24 new trees throughout Rockefeller Park, outside the scope of work. Shade and wildlife concerns do impact quality of life, so we will state simply that while CB1 is grateful for the additional trees, we must point out that it will take years for the new trees to provide the shade and habitat that the ones removed do today; and

WHEREAS: The Rockefeller Park Playground Plan (**Slide 26**) is one of the more impactful sections for north BPC as, to preserve more mature trees, the width of the playground will be narrowed and the beloved stone water features along the eastern edge of the playground will be removed; and

WHEREAS: The Lily Pond Plan (**Slide 27**) allows for the existing Lily Pond to remain, which CB1 had requested. The FBS wall will curve behind the Lily Pond; there will be a 50 foot opening with a roller gate deployable and then the FBS wall will continue at a height between 3.5 and 4 feet from the sidewalk, meandering through a new landscaped area with precast-concrete seating as well as repurposed World's Fair wooden bench seating, grass, plantings and new trees; and

WHEREAS: **(Slide 30)** CB1 notes that the FBS wall height in front of 300 Vesey Street is 4 feet above the Esplanade and CB1 is concerned that this will impact the view corridor from said building. The BPCA team addresses this concern by adding taller deck chairs and bar-type seating along this stretch along 300 Vesey Street; and

WHEREAS: The BPCA team is redesigning the step-down to the river to increase greenery and seating between 300 Vesey Street and Belvedere Plaza as well as is adding new trees and plantings for shade, although, again, it will be years before the newly planted trees are able to offer shade; and

WHEREAS: Dining areas outside of PJ Clarke's and Le District restaurants will be preserved; and

WHEREAS: Stepped seating elements – precast-concrete – will be added throughout the transition from lower to upper level esplanade in North Cove Marina, with new access between levels added, including ADA-accessible access at multiple points; and

WHEREAS: **Slide 32** - Pumphouse Park will have an FBS wall cut through its western most side, requiring the removal of a number of trees. This is required because of underground utilities and infrastructure. The BPCA provided two options for rebuilding that space (Slide 32).

Option 1 which reduces the open space of the lawn with a new berm with new trees, precast-concrete seating and creates a smaller, sunken lawn and

Option 2, which restores the shrub border to keep the open vista with a necessarily slightly smaller, flat lawn; and

WHEREAS: As per **Slide 33**, the South Esplanade Plan calls for the removal of the current privacy walls at Gateway Plaza, Hudson Tower Residences, Liberty Terrace Residences and the Regatta Residences and replacing them with an FBS wall that will range from 8.5 to 10 feet from the Forest Walk (what currently is the upper level of the South Esplanade.); and

WHEREAS: This will be a major disruption to the quality of life of the residents of these buildings for the 2 to 3 years it will take to reopen this area. Construction is expected to start on the South Esplanade in 2025; and

WHEREAS: South Neighborhood/South Cove Plan calls for the removal of the current privacy walls at the Riverwatch Building and South Cove Plaza Building and replacing them with an FBS wall that will range from 5.5 to 8 feet from the path. This portion ties into the SBPCR Project at First Place as shown in **Slide 37**; now

THEREFORE
BE IT
RESOLVED
THAT:

CB1 asks for clarification and more details about the following:

1. The width of the upper and lower levels of the new North Esplanade walkways; and
2. CB1 asks for clarification as to whether and what type of seating will be provided on the upper level of the North Esplanade; and
3. CB1 requests that the BPCA provide updated renderings that clearly indicate where ADA-accessible ingress and egress will be placed throughout the NWBPCR Project as the community needs an opportunity to opine on the pedestrian, bike, dog and wheelchair/stroller traffic flow throughout; and
4. CB1 requests that the BPCA provides a pedestrian ingress and egress plan during construction at the North Cove Marina, Brookfield Place Plaza, and Rockefeller Park ; and
5. CB1 questions whether there will be access to public bathrooms near Rockefeller Park and in the Ferry Terminal during construction and if so, where; and
6. CB1 urges the BPCA to relocate all the stone water features from the Rockefeller Park playground within the playground and advise where they will be placed; and
7. CB1 applauds the BPCA for its active engagement with the Gateway Plaza Tenants Association and urges them to initiate similar engagement with the condominium building boards of The Regatta, Liberty Terrace, Liberty View, Hudson Towers, River & Warren, Riverhouse, as well as the residents of all rental buildings adjacent to the FBS, whether they have a tenants association or not, including Independence Plaza in Tribeca; and
8. In regards to the proposed Pump Station (**Slide 43**), the BPCA estimates that pre-design will begin in January, 2025. CB1 asks that the BPCA present the pre-design, 60% design and 100% design to the Community Board in a timely fashion sufficient to allow community

comment and engagement so that concerns can be addressed and possibly incorporated into the design; and

9. CB1 is not clear how the restaurant in Gateway Plaza and the restaurant and school currently located on the ground floor of the Regatta Residences will be able to remain in business during and after construction, with a new FBS wall installed. CB1 asks the BPCA to report back after conversations with these businesses and share its mitigation plan during and after construction; and
10. CB1 understands that the segment of the FBS adjacent to 375 South End Ave, where the building extends over the platform, is still under design. CB1 asks that the 60% design for this segment be presented to CB1 as soon as possible.
11. CB1 asks that the BPCA schedule a design charrette to explore seating options throughout the NWBPCR Project as we need more discussion to ensure that the seating materials and form lends itself to community use and conviviality; and
12. CB1 asks that signs and notices be posted throughout the construction zone; and
13. As per **Slide 30**, the art installation on the lower level of the Esplanade will be preserved. Please advise as to whether or not it will have to be removed and returned or if it will be left as is during construction; and

BE IT
FURTHER
RESOLVED

THAT: CB1 would like to be kept updated as to any new developments for staging of the construction including at the site of the proposed Independence Plaza tower at the former P.S. 150 site; and

BE IT
FURTHER
RESOLVED

THAT: CB1 appreciated the earlier walkthroughs of the NWBPCR Project and now, with 60% Design completed, requests another set of walkthroughs be scheduled before the Draft Environmental Impact Statement (DEIS) is completed; and

BE IT
FURTHER
RESOLVED

THAT: CB1 urges the BPCA to ensure that the new Rockefeller Park playground has at least the same square footage as the existing playground, even if in a slightly different shape. Furthermore request that Rockefeller Park itself also provide at least the same square footage of open and green space as it presently does; and

BE IT
FURTHER
RESOLVED

THAT: CB1 urges that Brookfield Place and the North Cove Marina area continue to provide at least the same number of public tables and chairs (with umbrellas for shade) on both the upper and lower waterfront plaza and maintain the same open feel that the space currently provides. Interspersed plantings and preservation of the public art are welcomed to the degree that they do not change the feel of the space; and

BE IT
FURTHER
RESOLVED

THAT: CB1 is pleased to note that much of the open flexible community space on Esplanade Plaza will be preserved for volleyball, pickleball, summertime dances, community gatherings, the annual BPC Block Party, and more; and

BE IT
FURTHER
RESOLVED

THAT: In regard to Pumphouse Park lawn, given the two options, CB1 prefers Option 1 as it preserves the secluded feeling as well as potentially more shade than Option 2. The park has historically had serious drainage issues and CB1 urges the designers to assure adequate drainage so that the lawn is not subject to ponding and mud creation; and

BE IT
FURTHER
RESOLVED

THAT: CB1 requests that the BPCA preserve the picnic table seating to the north of the Pumphouse Park oval lawn, as well as preserve/replace the gardens in the planted areas there; and

BE IT
FURTHER
RESOLVED

THAT: CB1 is grateful for every existing tree that is preserved and appreciates the increased plantings along the South Esplanade Forest Path and Esplanade. CB1 recognizes that the Forest Walk is as meandering as it is so as to be able to preserve more existing trees; and

BE IT
FURTHER
RESOLVED

THAT: CB1 applauds the adaptive reuse of the World's Fair benches throughout the South Esplanade as it is in keeping with the beloved and unique style of Battery Park City and encourages using more of them instead of the precast-concrete seating; and

BE IT
FURTHER
RESOLVED

THAT: CB1 requests that easy access between the Forest Walk and the lower Esplanade be maintained throughout the South Esplanade Plan, as it is imperative for pedestrians to be able to move as freely between levels, as they can now; and

BE IT
FURTHER
RESOLVED

THAT: CB1 makes the following comments regarding the South Esplanade/Street End Nodes:

1. The OUTLOOK at Albany Street blocks clear access to the water with precast-concrete seating (with and without wooden toppers) and sloping planters that separate the Forest Path from the Esplanade. Two separate seating areas are created in the space that used to be the Upper Room Art Installation. This new design does not replace the use and function of said Upper Room. This new design does not create an open view corridor that invites pedestrians to the water. This new design does not allow sufficient space for ingress and egress of dogs, pedestrians, wheelchairs and strollers and instead creates pinch points. UNLESS the design is required for flood barrier protection CB1 requests that the BPCA rethinks THE OUTLOOK design; and
2. The CONVERSATION ROOM at Rector Place also blocks access and view corridors to the water – in this location adding trees to the precast-concrete seating and planters. This new design does not create an open view corridor that invites pedestrians to the water. This new design does not allow sufficient space for ingress and egress of dogs, pedestrians, wheelchairs and strollers and instead creates pinch points. UNLESS the design is required for flood

barrier protection CB1 requests that the BPCA rethinks THE CONVERSATION ROOM design; and

3. THE ART GARDEN at West Thames Street also blocks clear access and obstructs view corridors to the water – in this location adding trees to the precast-concrete seating and planters. This new design does not create an open view corridor that invites pedestrians to the water. This new design does not allow sufficient space for ingress and egress of dogs, pedestrians, wheelchairs and strollers and instead creates pinch points. UNLESS the design is required for flood barrier protection CB1 requests that the BPCA rethinks THE ART GARDEN design; and

Each of the proposed street end nodes create spaces isolated from the natural pedestrian flow that may become attractive nuisances by drawing to them people who may engage in undesirable activities. They also present conflict points for pedestrian and wheeled traffic; and

BE IT
FURTHER
RESOLVED

THAT: CB1 calls upon the BPCA to share plans for preservation and relocation of the Art installations that are currently located throughout the NWBPCR Project, including but not limited to The Upper Room; and

BE IT
FURTHER
RESOLVED

THAT: CB1 is glad to see that the existing pergola will be partially preserved and reminds the BPCA once again that open view corridors to the water and the Statue of Liberty from the Esplanade are strongly desired. CB1 maintains that new trees and plantings along the north side of the South Cove must not block views while walking or sitting in that area; and

BE IT
FURTHER
RESOLVED

THAT: Materials to be used in seating and FBS walls as per Slide 41:

1. Sitewide seating furniture and materials: CB1 urges the BPCA to incorporate the World's Fair Benches into the design as much as possible as we prefer them to the precast-concrete bench seating. (The wooden slates added to the precast-concrete benches is only a slight improvement and does not warrant the wide use of these benches throughout the project). CB1 again reminds the BPCA the importance of replicating the natural feel of BPC, the Esplanade and parks; and

2. Flood Barrier System wall pattern: CB1 asks that the appearance of the new FBS walls externally match the context of the existing walls throughout BPC as much as possible and if, not possible, be camouflaged as much as possible by plantings. The BPCA has presented four patterns: small module, medium module, large modules and extra large modules, none of which blend in with the current feel and style that sets BPC apart. CB1 requests additional options including cladding to choose from; and

BE IT
FURTHER
RESOLVED
THAT:

CB1 recognizes the desire to balance speed with the daily toll of noise & dust during construction, and asks that loud work on site be done only between 8am and 5pm on Monday through Friday and that the construction workers be reminded weekly that voices carry and loud conversations outside people's windows are also disruptive. CB1 further asks that non-emergency weekend work be avoided as much as possible; and

BE IT
FURTHER
RESOLVED
THAT:

CB1 looks forward to hearing about plans regarding air monitors, vibration monitors, and noise monitors as well as sound, vibration, and dust mitigation, and

BE IT
FURTHER
RESOLVED
THAT:

CB1 requests that a real-time telephone number where complaints can be reported must be shared and manned 24/7 as issues may arise after hours as new stages of construction are begun; and

BE IT
FURTHER
RESOLVED
THAT:

CB1 encourages all residents and workers in Lower Manhattan to review the Temporary Uses of Open Spaces During Construction website <http://bit.ly/3A2XBiD> and complete the survey which closes on 9/2/2024. CB1 further asks the BPCA to keep this survey open past this date, for as long as possible, and publicize this survey within the NWBPCR project zone.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 23, 2024

COMMITTEE OF ORIGIN: ENVIRONMENTAL PROTECTION

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	38 In Favor	0 Opposed	0 Abstained	1 Recused

RE: Battery Park City North West Resiliency Project (BPCNWRP) at Phase of 60% completion for West Street Crossing/Tribeca (Reach 1), North Esplanade (Reach 2), Rockefeller Park (Reach 3), Belvedere Plaza (Reach 4), North Cove (Reach 5), South Esplanade (Reach 6), South Cove (Reach7)



WHEREAS: The North West Battery Park City Resiliency Project (NWBPCR) is a proposed integrated coastal flood risk management system divided into 7 “Reaches” covering the areas from South Cove to First Place, north along the Battery Park City North Esplanade, across to the east side of West Street/Route 9A, terminating above Chambers Street at a high point on Greenwich Street in Tribeca; and

WHEREAS: Community Board 1's (CB1) Environmental Protection and Battery Park City Committees have written several resolutions dated [09/2023](#), [02/2024](#) & [04/2024](#) in review of the BPCNWRP at several phases of the design work; and

WHEREAS: The Battery Park City Authority (BPCA) team presented proposed resiliency plans for NWBPC at approximately 60% completion, at a public meeting at Stuyvesant High School on June 20, 2024; and

WHEREAS: CB1's Environmental Protection Committee is responding to the aforementioned BPCA's June 20th public meeting in this resolution and is providing a list of concerns and requests, stated in previous resolutions, that have not yet been fully addressed by the BPCA; the BPCA promises to address these community concerns and requests prior to the completion this fall of the NWBPC Draft Environmental Impact Study (DEIS) which include the following 13 items:

- 1) presentation demonstrating a holistic understanding of the resiliency plans for the entirety of Battery Park City showing how each area (Reach) ties into the next and how the NWBPCRP plans interface with the U.S. Army Corps of Engineers' (USACE) and the city's resiliency plans; and
- 2) presentation of the plan's impact on traffic patterns, parking, pedestrians and bikers at different times of the day inclusive of data indicating future projections; and
- 3) walking tours of the NWBPC site on 2 weekdays and one weekend date and assurance the tours are videotaped; and
- 4) completed tree impact study for the entirety of NWBPC indicating the total number of trees removed and the total number added in each reach and indicating the total number removed and added for the entirety of the project site; and
- 5) update on potential of variance from USACE on 15' Vegetation Free Zone between trees and flood barriers indicating where a variance can and cannot be achieved and why and why not; and
- 6) presentation of the details of the flood barrier system (FBS) materials with presentation of deployment and maintenance of FBS (walls and gates) inclusive of details of areas between FBS and existing walls and to include all types of FBS, including swing gates, 50' roller gates (in front of Lily Pond), slide-up gates (on north side of south cove), flip up gates (at South End Avenue in South Cove); and
- 7) review of deadlines for upcoming regulatory permits and review of schedule for all public meetings with all city, state and federal agencies; and
- 8) modeling and /or simulation of flood plain showing NWBPCR project in context of North Tribeca, north of Chambers Street to the South Side of Canal Street, inclusive of lower Manhattan areas where the fatalities occurred during Superstorm Sandy; and
- 9) presentation of selection and location of proposed art for NWBPCRP plans; and
- 10) detailed presentation of how the northern and southern reaches connect and a presentation of all aspects of the pump house and the area at Stuyvesant Plaza; and
- 11) confirmation where the Institute for Sustainability's "Envision Framework" will be applied, and if not applied, an explanation of why not and an explanation of how BPC's sustainability goals will be met; and
- 12) presentation of updated seating designs that demonstrate the community's desire to see a significant reduction in the amount of concrete used and clarification of the types of benches being used and why (i.e "sculptural seating"vs other types of seats); and
- 13) presentation demonstrating possibilities on how more natural "green" elements can be introduced to soften the hard edges of the flood barrier walls; and an updated presentation of Pumphouse Park that takes into account the Committee's favored option, # 2 "the sunken lawn"; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 ask that all requests enumerated above (items 1 to 13) be fully addressed by this fall (2024) prior to the release of the DEIS and prior to the city's Public Design Commission review; and

BE IT

FURTHER

RESOLVED

THAT: CB1 urges the BPCA design team to ensure that the beloved, unique, beautiful and natural qualities of the existing park are respected and maintained as much as possible while continuing the design work on the NWBPCR; and

BE IT

FURTHER

RESOLVED

THAT: CB1 thanks BPCA for their continued support of the community's interest and commitment to making BPC and lower Manhattan resilient and looks forward to the next public meeting this fall prior to the completion of the DEIS.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: JULY 23, 2024

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	42 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Tunnel2Towers NYC 5K

WHEREAS: The Tunnel to Towers 5K Run & Walk in New York City (NYC) is held each year on the last Sunday of September; September 29th in 2024; and

WHEREAS: The Tunnel2Towers 5K Run & Walk pays homage to the 406 First Responders and thousands of civilians who lost their lives on September 11, 2001 and those who continue to perish from 9/11 related illnesses; and

WHEREAS: The event symbolizes FDNY Firefighter, Stephen Siller's final footsteps from the foot of the Battery Tunnel to the Twin Towers, locations and an event that are significant in Manhattan Community District One (MCD1); and

WHEREAS: In past years, numerous local residents and CB1 members have participated in the Tunnel2Towers 5K Run & Walk. This year is not expected to be different; and

WHEREAS: Proceeds from the event support the Foundation's programs, including 9/11 and catastrophically injured Veterans; and

WHEREAS: What began with 1,500 people in 2002, organizers anticipate having 20 to 25, 000 participants this year; and

WHEREAS: Organizers in 2024 have reduced tents and sponsors on Vesey Street to allow for more people in the event space and bought out El Vez and Seamore's restaurants along Vesey Street for participants in the Run/Walk; and

WHEREAS: In MCD1, the participants will exit the Hugh L Carey Tunnel then proceed north on West Street (Route 9A), west on Liberty Street, north on the Battery Park City Esplanade, turn east onto Warren Street and then south on West Street to the finish line, located in the southbound lanes of West Street at Murray Street; and

WHEREAS: Per the TBTA Police Department as notified to T2T, The Hugh L Carey Tunnel will be closed to traffic by 7:30 AM, and will reopen to traffic at 12:30 PM; and

WHEREAS: NYPD advised T2T, the southbound lanes of West Street south of Canal Street will also close to traffic at 7:00 AM and reopen at about 2:00 PM. Vesey Street, River Terrace, Murray Street and Warren Street in Battery Park City (BPC) will also be closed; and

WHEREAS: Continuing the tradition set in 2022, Event Organizers recognize the need to have east/west access in and out of northern BPC on Chambers Street and will try to help remedy the situation during the event; and

WHEREAS: CBI has requested that T2T work with NYPD to have more vehicle access: Close West Street just south of Chambers Street, closer to Warren Street and ensure there is east-west access in and out of northern BPC on Chambers Street; and

WHEREAS: The first wave of participants, those who have sustained catastrophic injuries and will have West Point cadet escorts, are scheduled to start at 8:30, in advance of the official 9:00 AM race start. The last wave of walk/run participants start at 10:40 AM; and

WHEREAS: The event sponsors will have a water station by the tunnel in MCD1 and a sports medicine tent on Vesey Street. A street fair will be open on Vesey Street west of West Street. A barbeque and concert that uses a stage set up on Vesey Street, just east of North End Avenue will take place from 10:00 AM - 1:30 PM; and

WHEREAS: The route and entertainment in MCD1 are the same as past years and 2024 is the last year that a band will be along West Street/Murray Street; and

WHEREAS: Public portable bathrooms will be provided by the Event Organizers on West & Vesey Street on the pedestrian sidewalk; Brookfield Place remains open with access to public bathrooms; and

WHEREAS: The NYC Department of Sanitation and event organizers have been coordinating a schedule to keep the pickup trash on the curb lines in BPC to manage the trash and then sweep the event route; and

WHEREAS: The organizers are encouraging the use of mass transportation by arranging New York Water Taxi ferries between Pier11/Wall Street and Brooklyn before and after the event. No other information about sustainable modes of transportation at the end of the race are given; and

WHEREAS: New York Water Taxi ferries leave from Pier11/Wall Street for Brooklyn beginning at 6:00 AM. The last vessel leaves for Brooklyn at 7:45 AM, but participants must be online by 7:30 AM for the starting line. People returning to Brooklyn after the race and festivities, can get free transportation from Pier 11 with their bib; and

WHEREAS: Security and wayfinding for the event are not a concern as organizers liaison with multiple agencies, Brookfield Place Security and the Battery Park City Authority and have agreed to put up signage along the route a week prior; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board One (MCB1) supports the Tunnels to Towers Foundation's request for a street permit for their annual 5K Walk and Run on Sunday September 29, 2024.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 23, 2024

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	9 In Favor	0 Opposed	2 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	42 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **130 West Broadway**, revocable consent application for a Dining Out NYC Sidewalk Cafe for HLD Tribeca LLC dba Sushi of Gari Tribeca

WHEREAS: The applicant, HLD Tribeca LLC dba Sushi of Gari Tribeca at 130 West Broadway, is applying for a Dining Out NYC Sidewalk Cafe; and

WHEREAS: The applicant agrees that any furnishings in the outdoor space will be for the sole use of dining patrons and will not include stand up bar space or be used for any type of private bar event; and

WHEREAS: The applicant has represented that there will be 7 tables and 14 chairs in the sidewalk cafe; and

WHEREAS: The establishment's current outdoor seating plan does not show ADA pathways for entrance and exit nor the accessway to the indoor bathrooms that will service indoor and outdoor patrons; and

WHEREAS: The applicant has agreed to outdoor hours of 5:00PM - 9:45PM Tuesday to Thursday and 5:30PM - 10:15PM Friday - Saturday and no outdoor service on Sunday and Monday; and

WHEREAS: The applicant has represented that they will not be utilizing sidewalk seating November thru April; and

WHEREAS: The applicant has represented that they have a seasonal structure for the entrance that is compliant with DOB but does not appear on the diagrams but they will create diagrams that show sidewalk seating including the ADA Access path and the seasonal enclosure for the entrance; and

WHEREAS: CB1 is requesting that NYC DOT confirm with DOB that the seasonal entrance structure is compliant with DOB and DOT rules; and

WHEREAS: The applicant has represented that they will update the diagrams for DOT for 2 seasons including the ADA Access; and

WHEREAS: The building has a designated rubbish disposal area and storage of outdoor dining furniture on Duane Street outside of the applicant premises; and

WHEREAS: The applicant represented that the service will come from inside through the doors to service the outdoor sidewalk cafe and does not need another service aisle; and

WHEREAS: The applicant has indicated that they will not be utilizing any outdoor lighting or electrical connections; and

WHEREAS: The applicant already has a signed a stipulation sheet for SLA on file for sidewalk service; and

WHEREAS: The applicant has acknowledged and agreed to our modifications; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 recommends approval with modifications of the Dining Out NYC Sidewalk Cafe for HLD Tribeca LLC dba Sushi of Gari Tribeca at 130 West Broadway, **and** the applicant agreed to comply with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 23, 2024

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	10 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	40 In Favor	1 Opposed	1 Abstained	0 Recused

RE: Public Comment for SLA Rulemaking to applicants and licensees regarding the use of outdoor space for the sale/service of alcoholic beverages as part of their licensed premises including outdoor municipal public space, as authorized by ABCL 111-a

WHEREAS: As of April 11, 2022 NYS Alcohol Beverage Control Law Contains new privileges (guidelines) enhance the on premises licenses to serve liquor and wine aka “ Drinks To-Go” for take-out and delivery with several conditions:

- Several conditions apply to the sales of Liquor and wine for take-out and delivery
- Take-out and delivery of alcoholic beverages may only occur during licensed hours of operation, in designated areas as agreed in CB1 signed stipulation and guidelines
- To-go alcohol service is not allowed by law to be consumed in the outdoor seating areas of the establishment.

WHEREAS: While CB1 is opposed to the serving of *to-go alcohol* as a concept, the board agrees that all applicants should not serve *to-go alcohol* after 10:00PM Sunday to Thursday and 11PM Friday and Saturday and not allow *to-go alcohol* patrons to occupy any Dining Out NYC outdoor seating areas of any establishment after these hours; and

WHEREAS: Public Notice of application should be posted and clearly visible on the outside of the establishment within 14 days of filing the municipal notice with CB1. This notice must be posted in a conspicuous place at the entrance of the proposed establishment and remain posted throughout the pending license application period. The notice shall be printed or highlighted in a pink ink of neon, luminous or fluorescent variety.

WHEREAS: Community Boards should have the discretion to reduce operating hours for Outdoor Dining licenses under the 12 o’clock midnight threshold provided by the Department of Transportation. Particular discretion should be given to residential areas and narrow streets; and

WHEREAS: CB1 believes restrictions should be made to avoid outdoor spaces being used for full scale, stand up bar space or for private bar event spaces. Restrictions should be made to either limit stand up areas or require standard tables and chairs at an adequate level to make spaces for dining purposes only; and

WHEREAS: CB1 supports outdoor dining as intended and without allowing establishments to use them as ancillary bar and event spaces; and

WHEREAS: CB1 requests the SLA ensure public notification for all alcohol service in outdoor dining areas (sidewalk and roadbed) use the same timeline and posting notices on as currently established in CB1; and

THEREFORE
BE IT
RESOLVED

THAT: CB1 respectfully requests that the State Liquor Authority evaluate outdoor liquor license requests based on the upcoming DOT Dining Out NYC program according to these requirements:

- To-Go Alcohol cannot be consumed in any outdoor dining seating of any permitted establishment;
- Outdoor Dining liquor licenses are only granted after approved DOT process;
- Restrictions should be made to limit outdoor spaces for dining purposes only;
- Licenses for outdoor areas should be required to include tables and chairs;
- Public Notice of application should be posted on the outside of the establishment within 14 days of filing the municipal notification as detailed above; aBD

BE IT
FURTHER
RESOLVED

THAT: These are CB1 recommendations for rule making and CB1 will review each application on a case by case basis; and

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 23, 2024

COMMITTEE OF ORIGIN: LAND USE, ZONING, & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	35 In Favor	2 Opposed	4 Abstained	0 Recused

RE: City of Yes for Housing Opportunity (COYHO) Zoning Text Amendment

WHEREAS: As part of New York City Mayor Eric Adams’s “City of Yes” initiative, the New York City Department of City Planning (DCP) has proposed a series of changes to the Zoning Resolution (ZR) three broad zoning categories: (1) carbon neutrality, (2) economic opportunity, and (3) housing opportunity; and

WHEREAS: DCP previously proposed a citywide zoning text amendment aimed at zoning for carbon neutrality by implementing numerous changes to the ZR “to remove impediments to, and expand opportunities for, decarbonization projects” throughout New York City. As part of the review by all 59 of the City’s Community Districts under the Uniform Land Use Review Procedure (ULURP), on June 27, 2023, Manhattan Community Board 1 (CB1) passed a resolution approving, with certain specified conditions, the Carbon Neutrality Zoning Text Amendment; and

WHEREAS: DCP also previously proposed a citywide zoning text amendment, described as a “comprehensive overhaul of zoning regulations” to “primarily update use definitions and use allowances within existing Commercial and Manufacturing zoning districts,” with 18 specific proposals to meet four broad goals of spurring economic opportunities. As part of the review by all 59 of the City’s Community Districts under ULURP, on January 23, 2024, CB1 adopted a resolution with varying recommendations as to each of the 18 proposals contained in the Zoning for Economic Opportunity Text Amendment; and

WHEREAS: As the lead City agency and applicant, DCP now proposes a citywide zoning text amendment “[t]o create more housing and more types of housing” through a series of specific changes to the Zoning Resolution (ZR) which fall into four broad areas: (1) Low-Density Districts, (2) Medium- and High-Density Districts, (3) Parking, and (4) Other Initiatives; and

WHEREAS: As of the application’s certification to community boards, the annotated text of the COYHO amendments consists of 1,386 pages. The entire application and

zoning text language are available on the DCP’s Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2023Y0427>; and

WHEREAS: The application contains at least 15 specific proposals, organized among the four broad zoning categories noted above. The applicant has solicited Community Boards’ feedback through a “Proposed Feedback Worksheet,” which organizes the 15 specific proposals among four categories (“Low-Density,” “Medium and High Density,” “Citywide,” and “Miscellaneous”), described more specifically in the Zoning Text Amendment Project Description. Following the “Proposed Feedback Worksheet,” the June 20, 2024 memorandum from CB1 land use consultant George Janes describes each of these proposals as follows:¹

A. Low-Density Proposals

1. ***Town Center Zoning***: This portion of the text amendment, according to the Janes memo, “would allow housing above businesses on commercial streets in low density zoning districts. Newly constructed buildings can have 2-4 stories of residential above a commercial ground floor. This change requires increases in the underlying FAR in R1 through R5 districts with commercial overlays. Along with the increased FAR, this proposal includes changes to height, yards, open space, court requirements, lot size and other measures. Further, the change would permit any low density districts with a commercial overlay on a block that is within ½ mile of a transit station to use the building envelope and FAR for R5 districts. This would include the relatively low density districts in Staten Island that are near the Staten Island Railroad.”
2. ***Transit-Oriented Development (TOD)***: This proposal, according to the application’s Project Description, makes a number of changes within the so-called Inner and Greater Transit-Oriented Development Areas, specifically “enable[ing] transit-oriented missing middle housing on large sites within the Greater Transit-Oriented Development Area—that is, the Manhattan Core and Long Island City, the Inner Transit-Oriented Development Area, and a newly created Outer Transit-Oriented Development Area that will generally encompass all areas within a half-mile of a transit stop. These initiatives add housing in parts of the city that have produced very little in recent decades, but also encourage housing options for

¹ Throughout CB1’s review of this and the other City of Yes citywide zoning text amendment applications, George Janes of George M. Janes & Associates, a land use consultant retained by CB1, provided invaluable research and technical expertise to CB1’s Land Use, Zoning and Economic Development (LZE) Committee. Mr. Janes spent many hours working the Committee, attending the Committee’s meetings on the application, where he explained critical impacts of the application throughout CD1, and otherwise helping CB1 leadership and Committee members through their varied questions. Mr. Janes ultimately authored memoranda that synthesized for Committee members the specifics of each category and the specific proposals within each, which guided the Committee’s discussion and debate that culminated in this resolution. CB1 publicly thanks Mr. Janes for his help to CB1 in reviewing this application.

older, smaller, or lower-income households that face particular challenges finding appropriate housing in low-density areas.”

According to the Janes memo, “In all low density districts near transit, COYHO will permit 3-5 story apartment buildings on lots that are at least 5,000 SF. This change applies even in districts where multiple dwellings are currently not permitted. To accommodate the change, additional FAR is allowed to approximately double and some of the higher density districts see height increases.”

3. ***Accessory Dwelling Units:*** According to the Janes memo, “COYHO defines a new type of residence called an ‘accessory dwelling unit’ or ‘ADU’ with a maximum size of 800 square feet. ADUs would be placed in rear yards behind one and two family homes as a new permitted obstruction in the rear yard. They would need to be located no closer than five feet to a yard line and can be up to 25 feet tall. They can also be placed in attics and possibly in some basements, if the basements can be legally habitable. This is a low density proposal that does impact Manhattan. In Manhattan, townhouses that have a side yard or alley access could add an ADU in the rear yard. Further, this change reduces the standard residential rear yard from 30 feet to 20 feet. It also adds to the permitted obstructions in the rear yard so this change is significant to all Manhattan districts.”
4. ***District Fixes:*** According to the Janes memo, “‘District Fixes’ is short-hand for a series of changes to lot size, lot width, FAR, height and setback for all low density districts. The idea is that some lots can be smaller and some buildings can be bigger. These changes are not as large as those seen in the Town Center Zoning and Transit Oriented Development proposals, but together with these other changes, ‘District Fixes’ increase the allowable densities in nearly all the low density districts. The only variable is how much the increase is.”

B. Medium- and High-Density Proposals

5. ***Universal Affordability Preference (UAP):*** According to the Janes memo, “UAP replaces the Bloomberg-era Inclusionary Housing (IH) program and the older optional R10 inclusionary housing bonus. UAP provides typically 20% additional floor area in R6-R12 districts. The extra floor area must be used for affordable housing with units that average to 60% of the AMI. UAP would apply everywhere EXCEPT Mandatory Inclusionary Housing (MIH) areas. MIH areas would still require affordable housing at the AMIs required when they were mapped. COYHO makes small adjustments to permitted FARs under MIH so that MIH and UAP FARs match UAP is optional but the affordability it provides is permanent and must be recorded on the deed. UAP requires that all the additional floor area must go toward affordable housing. Existing Inclusionary Housing areas can provide affordable housing off-site, but the off-

site option will sunset in 10 years. While the program is optional, if developers use the new 485x tax incentive, they are also likely to use UAP, as the affordable floor area provided can be used to qualify for both UAP and 485x. The additional FAR and the height increase is similar to the existing Affordable Independent Residences for Seniors (AIRS) program, after which UAP is modeled. UAP is the only affordability component of COYHO.”

C. Citywide

6. ***Eliminate Parking Requirements:*** According to the Janes memo, “Outside the Manhattan Core (Districts 1-8), zoning requires on-site accessory parking spaces to be provided for most residential developments. The number of spaces required varies considerably by zoning district and the presence or absence of affordable housing, but some kind of parking requirement applies to most places outside the Manhattan Core. COYHO removes this requirement and makes the provision of on-site parking optional: if a developer wants to provide parking, they can. The current floor area exemptions still apply to parking that’s provided, but if the developer doesn’t want to provide parking, or provide as much parking as required by current zoning, they don’t have to. COYHO makes the provision of on-site parking a decision that is entirely left to the developer. **This proposal does not directly impact CDs 1 through 8, which do not have any parking requirements.**” (emphasis added).
7. ***Convert Non-Residential Buildings to Housing:*** This proposal, according to the Janes memo, would “change the adaptive use regulations by expanding where and how they apply. It does this in three ways. First, it expands geographic eligibility to the entire City. Second, it expands the buildings that can be converted to those built as recently as 1990 (eligibility is currently limited to 1961 in most places). Third, it expands the types of units that can occupy these buildings, such as dormitories, shared and supportive housing, as well as apartments. Currently, only ‘class A’ apartments are allowed in these conversions.”
8. ***Small and Shared Housing:*** This proposal, according to the Janes memo, would “remove the ‘dwelling unit factor’ [referred to as the ‘DUF’ in the application’s documents] in Manhattan and other high density areas and reduce it elsewhere in the city. The [DUF] is a zoning measure that ensures buildings cannot be built solely with tiny units. The factor that is currently used is 680 SF. It was higher in most Manhattan districts, but then lowered to 680 SF in 2016 as a part of Zoning for Quality and Affordability. ... If this change is adopted, minimum unit sizes would be determined by the Housing Maintenance Code and the Building Code. When the minimum requirements in those codes are combined, DCP has reported in the past that the smallest practical average unit size would be about 325 SF.”
9. ***Campus Infill:*** According to the application’s Project Description, this proposal “seeks to eliminate zoning obstacles that make infill housing development

difficult or impossible on campuses and other zoning lots with existing buildings but significant amounts of unused floor area and un- or underutilized open space. To provide more opportunities for infill development, the Proposed Action would (1) replace complex infill ‘mixing rules’ ... and restrictive open space and height regulations with a simpler regime based on FAR, infill height limits, and lot coverage maximums and (2) reduce distance-between-buildings requirements to harmonize zoning regulations with the state standards in the Multiple Dwelling Law. The Proposed Action seeks to facilitate appropriate infill development to provide additional opportunities for housing and where possible enhance the connectivity of campuses and other height factor zoning lots into surrounding context.”

And according to the Janes memo, “In Manhattan, campuses are typically housing developments and most are owned by NYCHA, but there are other significant campus developments like Stuyvesant Town, Southbridge Towers, Washington Square Village, and Franklin Plaza among others. ... COYHO changes are very significant and will make infilling the open spaces on these estates much easier. It simply makes the height factor regulations optional and allows new infill development on the campuses to use a different set of much simpler zoning regulations. COYHO removes the requirement for ‘residential open space’ entirely. ... Infill can be entirely market-rate: affordability is not required to receive zoning relief, but if it meets minimum affordability requirements, the entire campus benefits from beneficial FARs. Consequently, R7-2 zoning districts that max out at 3.44 FAR, and are often much less, can go to 5.01 FAR regardless of the amount of open space or the height factor.”

D. Miscellaneous

10. ***New Zoning Districts:*** This proposal, according to the Janes memo, “includes new zoning districts, which will be added to the Zoning Resolution, but will not yet be placed on the zoning map. Any attempt to add them to the zoning map will be a ULURP action, which will require the application to follow the land use process.”
11. ***Updates to Mandatory Inclusionary Housing (MIH):*** This proposal, according to the Janes memo, “creates new ZR sections for Mandatory Inclusionary Housing with many of the changes designed to integrate UAP and MIH into definitions and other applicable regulations. To keep MIH consistent with UAP FARs, the proposal grants zoning districts in MIH areas higher UAP FARs, while allowing the MIH AMI requirements and set-asides to be applied for the options that were mapped in the MIH area. The proposal also allows the current Deep Affordability Option, Option 3, to be selected on its own for MIH developments. Currently, Option 3 must be used in combination with Options 1 or 2. The result is that there will be small increases in the maximum FAR of MIH areas that have the following zoning districts: R6A goes from 3.6 FAR to 3.9 FAR[;] R7-2 goes from

4.6 FAR to 5.01 FAR[; and] R7X goes from 5.0 FAR to 6.0 FAR[.] The FARs of other MIH districts remain unchanged.”

12. ***Sliver Law***: This proposal, according to the Janes memo, “would allow the underlying zoning to regulate the height of nearly all buildings. The sliver law was put into effect in the early 1980s to prevent tall, slender buildings that were taller than the buildings they abut. The rationalization at the time was that these buildings are out of character when they stick up above the neighboring buildings. To be clear, the sliver law limit is on top of the existing height limits of the underlying district. For example, if a building is in a district with a 75-foot height limit and is on a 60-foot street, and it is less than 45 feet wide, then it has a 60-foot height limit if it is not adjacent to a taller building; it cannot achieve the 75-foot height limit granted by its underlying zoning.”
13. ***Quality Housing Amenity Changes***: This proposal, according to the Janes memo, “effectively ends the Quality Housing Program as we’ve known it. The Quality Housing Program (QH) was adopted in the mid-1980s and it required a high coverage, height limited building and various program elements like recreation spaces, trash rooms and laundry rooms to be included in the building. QH exempted all or portions of these required spaces from the definition of floor area, so that developers could build a larger, though still height limited, building than they could if QH was not used. Also called ‘contextual zoning,’ the Quality Housing Program has been considered a great success, accounting for nearly all the rezonings that occurred after it was first developed. The QH program gave something to everyone: Developers got to build a larger building, tenants got a building with more amenity spaces, and neighbors got a predictable, height limited building form. COYHO expands Quality Housing benefits to all multi-family buildings, including unlimited height towers. It still requires recreation spaces up to 3% of a building’s gross floor area, but allows other amenities to increase the space being exempted to 5%. COYHO also provides an exemption for common corridors of either 50% or 100%, depending on conditions similar to the current program. Instead of a flat 12 SF per trash room, COYHO would allow a 3 SF deduction per unit for the trash room.”
14. ***Landmark Transferable Development Rights (LTDR)***: According to the application’s Project Description, this action would “loosen restrictions on the ability of designated landmarks to transfer unused development rights to zoning lots in the immediate vicinity. ... [It] would expand the program to historic districts and lower density areas and extend existing transfer opportunities to other zoning lots on the same zoning block as the landmark zoning lot or across the street or an intersection from that block. Furthermore, transfers would be permitted by authorization for transfers that require limited bulk modifications on receiving sites, or certifications for transfers that do not require bulk modifications.”

As described in the Janes memo, the proposed expansion of the existing Landmarks TDR program “allows development rights transfers to a surrounding area, defined as zoning lots where the landmark is located and zoning lots across a street or street intersection. The amount of floor area that can be transferred can increase the size of the receiving site by no more than 20%, except in 15 FAR districts where there is no limit on the amount of floor area that can be transferred this way.”

15. ***Railroad Right-of-Way:*** This proposal, according to the Janes memo, “reduces or eliminates the required approvals for developments that are building over or in a current or former railroad right-of-way, or using floor area generated by the right-of-way. The Special Permit for Development Within or Over a Railroad or Transit Right-of-Way or Yard (ZR 74-61) would be eliminated and would be replaced with two authorizations: one for railroad rights-of-way under four acres and one over four acres.”

WHEREAS: Mr. Janes’s and the LZE Committee’s review identified several additional topics where changes are proposed to the ZR, including new residential building standards, new “tower on base” building envelope provisions, bulk modifications for non-complying buildings, and amendments relating to floor area ratio (FAR) from low-FAR to high-FAR districts, most of which does not impact Community District 1 (CD1). While questions and concerns in these areas were raised with the applicant—specifically including discussion of rear and side yards and amendments to the required space for legal windows—the Committee has expressed its concerns but offers no formal feedback on those issues at this time; and

WHEREAS: The application was certified by the NYC City Planning Commission (CPC) on April 29, 2024 and referred to all 59 community boards for a 60-day review period. While the deadline for Community Boards’ review originally set to expire on July 8, 2024 by ULURP rules under the original certification, in order to afford Community Boards additional review time, the applicant and CPC subsequently agreed to accept all Community Board recommendations up to the time of CPC’s hearing on the application, expected to be scheduled in September 2024; and

WHEREAS: The LZE Committee of Manhattan Community Board 1 (CB1) began formal review of the COYHO application at the LZE Committee’s May 13, 2024 meeting. Officials with DCP attended the May 2024 meeting and provided an extensive presentation of the application’s 15 proposals, including maps of proposals’ applicability throughout CD1. The LZE Committee tracked many of its questions and responses to the COYHO application in a written document following the May meeting; and

WHEREAS: CB1 held a public hearing on the COYHO application on May 28, 2024; and

WHEREAS: The LZE Committee continued review of the application at its June 10, 2024 meeting, where members posed additional questions around the UAP and residential conversions proposals, advocated for additional affordable housing opportunities in the proposal (including for deeply and permanent affordable housing for a range of incomes), and more. Officials with DCP attended the June 2024 meeting and provided feedback on the Committee’s written and in-person questions, specifically tailored to the application’s potential impacts throughout CD1; and

WHEREAS: Officials with DCP appeared again for the Committee’s final review at its July 8, 2024 meeting, and DCP officials engaged in discussion with LZE Committee members during their questions and debate on all 15 proposals; and

WHEREAS: Upon further discussion and debate at the July 2024 meeting, the LZE Committee considered and voted separately on each of the COYHO application’s 15 proposals, including discussions and votes on requesting various modifications. Though LZE Committee members voted to “approve,” “disapprove,” or “approve / disapprove with conditions or modifications” as to each proposal—and thus the Committee’s vote count varied on each proposal—the LZE Committee came to a consensus on a single resolution expressing the recommendations as to each separate proposal as set forth below; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 makes the following recommendations as to the COYHO Zoning Text Amendment application:

General Comments and Conditions Applicable to All Parts COYHO: CB1 expressly conditions its recommendations on the COYHO text amendment application on the following comments and requested modifications. While CB1 sees merit in a number of the various proposals, albeit most with conditions, CB1 **must vote no** on the overall COYHO Zoning Text Amendment **unless** the following critical issues are satisfactorily addressed in the final proposal:

- CB1 does not accept the premise that any material amount of affordable housing will be developed in our district without the incorporation of a meaningful mandated affordable housing component. The voluntary Universal Affordability Preference program, we believe, is wholly inadequate in our high density, high demand, high home-ownership district, to generate sufficient affordable housing. COYHO must incorporate into all zoning changes as part of this proposal **mandates** for the inclusion of affordable housing units;
- Our district has an extraordinary commercial infrastructure that is ripe for conversion to residential. We have already seen substantial conversions

take place with no affordable housing component. We cannot afford to lose more commercial conversion opportunities in our district. Commercial to residential conversions must have a mandatory affordable housing component;

- As noted below, any public housing campus infill must be 100% affordable;
- The overarching objective of COYHO is to produce “a little more housing in every neighborhood,” yet the proposal is separated into density levels – low and medium-high – with no assurance that proposals across all neighborhood densities will be approved. CB1 believes COYHO as approved must incorporate sufficient zoning provisions across all density districts such that the objective of producing housing across all neighborhoods be achieved;
- CB1 further asks that, with this application and any future changes to the ZR or other changes to increase housing supply, there be requirements for analyses (beyond current environmental impact statement components) on how the proposed changes will impact infrastructure and the delivery of public services, such as public transportation availability, public school seats, open and park space availability, *etc.*;
- Also with this application and any future changes to the ZR or other changes to increase housing supply, CB1 further requests that the City and other relevant governmental bodies commit specific corresponding capital investment monies to provide needed investments in resources and infrastructure to support the additional residential housing envisioned in each of the City’s Community Districts; and
- As to each of the 15 specific proposals of the COYHO Zoning Text Amendment, CB1 makes the following recommendations:

<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
1	Town Center Zoning	Disapprove (With Conditions)	● Subject to “General Comments and Conditions” applicable to all parts of the COYHO application.
2	Transit-Oriented Development (TOD)	Disapprove (With Conditions)	● Subject to “General Comments and Conditions” applicable to all parts of the COYHO application.

<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
3	Accessory Dwelling Units	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● This should be modified to add that it would apply only in R-1 to R-5 low-density districts. ● This should be modified to consider allowance for attics and basements, but not to allow for the reduction of backyards and side yards for ADU.
4	District Fixes	Disapprove (With Conditions)	<ul style="list-style-type: none"> ● Subject to “General Comments and Conditions” applicable to all parts of the COYHO application.
5	Universal Affordability Preference (UAP)	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● Create a fourth-tier option, increasing the affordability band to 130% of AMI. ● Raise the average AMI to 70%. ● The UAP Offsite Option’s sunsetting provisions should be amended to 5 years instead of 10 years with an appropriate City permit.
6	Eliminate Parking Requirements	Disapprove (With Conditions)	<ul style="list-style-type: none"> ● Subject to “General Comments and Conditions” applicable to all parts of the COYHO application.

<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
7	Convert Non-Residential Buildings to Housing	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● All conversions under this proposal should mandate the inclusion of affordable housing units. ● For all buildings newly allowed to convert under this proposal, rather than allow an entire building to convert to residential use, require that any residential floor area above the residential FAR maximum of the site be affordable subject to requirements under UAP. ● Require that any buildings converted under this proposal must maintain all existing (1) means of trash compaction and indoor, fully off-sidewalk storage and collection; and (2) methods for off-street deliveries and off-street move-ins/outs. ● Require a special permit process for the conversion of hospitals, medical centers, nursing homes, and education and religious spaces, to the extent not already required by ULURP. ● Amend the provision, as described in the application’s Project Description, which would “[c]hange the cutoff date for conversion from 1961 or 1977 to 1990,” such that the cutoff date is set on a rolling basis for buildings built more than 35 years earlier, instead of the fixed date of 1990.
8	Small and Shared Housing	Disapprove (With Conditions)	<ul style="list-style-type: none"> ● Subject to “General Comments and Conditions” applicable to all parts of the COYHO application.
9	Campus Infill	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● Any application for a campus in-fill should require a special permit process. ● Any campus in-fill should be required to be 100% affordable housing.

<i>No.</i>	<i>Proposal</i>	<i>Approve / Disapprove</i>	<i>Requested Modifications</i>
10	New Zoning Districts	Disapprove (With Conditions)	<ul style="list-style-type: none"> ● Subject to “General Comments and Conditions” applicable to all parts of the COYHO application.
11	Updates to Mandatory Inclusionary Housing (MIH)	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● For each MIH option, deepen AMI averages, increase the percentage of affordable units per development, require a greater percentage of deeply affordable units per development, and increase the number of allowed income bands to ensure a range of lower incomes are evenly targeted.
12	Sliver Law	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● Relief from the “Sliver Law” should be granted as an incentive to provide affordable housing units instead of being provided to all developments.
13	Quality Housing Amenity Changes	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● Mandate the inclusion of building infrastructure like package/mail rooms, trash compactor space, and trash storage rooms, as opposed to offering a non-exclusive list of amenities as an incentive for up to 5% deduction.
14	Landmark Transfer Development Rights (LTDR)	Disapprove (With Modifications)	<ul style="list-style-type: none"> ● Include a 60-day comment period for Community Board recommendations on any transfer. ● Apply the 20% limitation of LTDR transfers in all zoning districts, as opposed to unlimited transfers in 15 FAR districts.
15	Railroad Right-of-Way	CB1 takes no position on this proposal	

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 23, 2024

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **225 Liberty Street, Space 253 and A12**, application for a new application and temporary retail permit for a wine, beer & cider license for Daily Provisions Operations LLC dba Daily Provisions

WHEREAS: The applicant, Daily Provisions Operations LLC dba Daily Provisions at 225 Liberty Street, Space 253 and A12, is applying for a new application and temporary retail permit for on-premise Wine, Beer and Cider license; and

WHEREAS: The applicant has represented that there are **no** buildings used exclusively as schools, churches, synagogues, or other places of worship within 200 feet of this establishment; and

WHEREAS: The establishment is a restaurant within the Hudson Eats food hall, with restaurant on the ground floor and storage on the lower level, with a total of 652 square feet, 1 stand up counter/bar; and

WHEREAS: The food hall has 2 ADA accessible bathrooms adjacent to the establishment space; and

WHEREAS: The daily hours of operation will be 7:00AM - 9:00PM Sunday to Saturday; and

WHEREAS: The applicant has indicated that they do not intend to have a bicycle delivery personnel; and

WHEREAS: Delivery of regular goods and supplies will be conducted daily between 7:00AM and 11:00AM; and

WHEREAS: The building has a designated rubbish disposal area outside of the applicant premises, managed and removed daily by the building landlord who is responsible for the food court carting services and procedures; and

WHEREAS: The applicant has represented that there will be recorded background music operated by the food hall and not the applicant; and

WHEREAS: The DOT Dining Out NYC Program is not applicable as the establishment is a walk up counter in a food hall; and

WHEREAS: The applicant has indicated that security is managed by the food hall within which the establishment is located; and

WHEREAS: The applicant has signed a stipulation sheet; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a new application and temporary retail permit for on-premise Wine, Beer and Cider license for Daily Provisions Operations LLC dba Daily Provisions at 225 Liberty Street, Space 253 and A12, **unless** the applicant complies with¹⁰ the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 23, 2024

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **38 Rector Street**, application for a new application and temporary retail permit for a wine, beer & cider license for Cafe de Flore LLC

WHEREAS: The applicant, CH 130 Corp DBA Remi Flower & Coffee at 130 William Street, is applying for a new application and temporary retail permit for on-premise Wine, Beer and Cider license; and

WHEREAS: The applicant has represented that there are **no** buildings used exclusively as schools, churches, synagogues, or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there **are** three or more establishments with on premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is a restaurant on the first floor and basement, with a total of 2400 square feet, a public capacity of 40 people with 11 tables, 22 seats and 1 bar with 8 seats; and

WHEREAS: The establishment is ADA accessible and has 1 ADA bathroom out of 2 total bathrooms; and

WHEREAS: The establishment will have daily hours of operation of 11:30AM - 10:00PM Sunday to Thursday, 11:30AM - 11:00PM Friday to Saturday; and

WHEREAS: Delivery of regular goods and supplies will be conducted daily between 10:00AM and 11:30AM; and

WHEREAS: The applicant has indicated that containerized garbage will be located at the rear of the building and pickup will be Monday to Friday, 9:00PM - 10:00PM; and

WHEREAS: The applicant has represented that they will have recorded background music from several small speakers on the wall controlled by an iPad and they intend to add 1 or 2 TVs in the future; and

WHEREAS: The applicant has represented that they **do not** intend to apply for the DOT Dining Out NYC Program; and

WHEREAS: The applicant has indicated that they do not plan to have bicycle delivery personnel; and

WHEREAS: The applicant has signed a stipulation sheet; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a new application and temporary retail permit for on-premise Wine, Beer and Cider license for Cafe de Flore LLC at 38 Rector Street, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 23, 2024

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: **21 Dey Street**, application for a new application and temporary retail permit for a wine, beer & cider license AND a new application for a full liquor license for GCN Experience LLC dba Mercer Labs Museum of Art and Technology

WHEREAS: The applicant, GCN Experience LLC at 21 Dey Street, is applying for two licenses concurrently, a new application and temporary retail permit for on-premise Wine, Beer and Cider license and a new application for a Liquor, Wine, Beer and Cider license; and

WHEREAS: The applicant has represented that there are **no** buildings used exclusively as schools, churches, synagogues, or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there **are** three or more establishments with on premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is a Museum with a Lounge, occupying from the cellar to the third floor with a total of 33,000 square feet, there is a public capacity threshold of 999 people; and

WHEREAS: Applicant agrees to a capacity of 150 persons for regular alcohol service hours; and

WHEREAS: Tickets are required for the Museum which closes at 8:00PM, and a cover fee is required for after museum hours access to the lounge area which will only have seating available after the museum closing hours, with 11 high top tables, 44 seats, 3 stand up bars; and

WHEREAS: The establishment is ADA accessible with 2 ADA bathrooms; and

WHEREAS: The applicant has agreed to hours of operation 10:00AM - 1:00AM Monday to Saturday and 10:00AM - 11:00PM Sunday; and

WHEREAS: These hours exceed general guidelines because there are no residents on Dey Street and Cortland Street; and

WHEREAS: The applicant agrees to have no more than 48 buyouts per year, where capacity for any alcohol inclusive events will be capped at 500 persons; and

WHEREAS: Delivery of regular goods and supplies will be conducted daily between 9:00AM and 1:00PM; and

WHEREAS: The applicant has indicated that containerized garbage is located on Dey street with 4 private containers and private carting pickup will be daily at 11:00PM; and

WHEREAS: The applicant has represented that they will have live, recorded background music from 70 small (5-10 inch) speakers throughout the building and 9 holoplot speakers with subwoofers in the ceiling rafters, as well as DJ entertainment and non-musical entertainment in the form of immersive art and museum installations; and

WHEREAS: The applicant has agreed to provide a traffic plan for their events, which includes designated pickup and drop off areas and designated personnel to ensure the flow of traffic is not impeded and will also encourage the use of public transportation on any event invites, posters, notices or advertisements; and

WHEREAS: The applicant has represented that they **do not** intend to apply for the DOT Dining Out NYC Program; and

WHEREAS: The applicant has indicated that they do not plan to have bicycle delivery personnel; and

WHEREAS: The applicant has indicated that there will be 2-3 security personnel during museum hours and 4-6 personnel after museum hours; and

WHEREAS: The applicant has signed a stipulation sheet; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a new application and temporary retail permit for on-premise Wine, Beer and Cider license and a new application for a Liquor, Wine, Beer and Cider license for GCN Experience LLC dba Mercer Labs Museum of Art and Technology at **21 Dey Street**, **unless** the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: JULY 23, 2024

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	5 In Favor	0 Opposed	1 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	2 Opposed	0 Abstained	0 Recused

RE: Docket number 24-02265 - 125 Chambers Street, painted signage on the north side wall, lighted with exterior fixtures

WHEREAS: The accessory painted signage lettering as presented on the existing and proposed north wall elevation is appropriate both historically and aesthetically, now

THEREFORE

BE IT

RESOLVED

THAT: CB1 recommends that the Landmarks Preservation Commission **approve** the proposed accessory signage at 125 Chambers Street.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JULY 23, 2024

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMIT

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	39 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Request for a NYC Ferry Route to LaGuardia Airport

WHEREAS: Manhattan Community Board 1 (MCB1) has advocated for a one-seat ride to an airport for well over a decade. Better airport access would benefit residents, workers and the 2.7 million visitors¹ by providing a low cost, efficient, sustainable and Americans with Disabilities Act (ADA) accessible transportation from our district;^{2, 3} and

WHEREAS: The City of New York (NYC) is virtually alone among the world’s large international business districts to not have a direct mass transit link to an airport, a growing disadvantage for companies, educational and cultural institutions, residents and visitors; and

WHEREAS: The [New York Climate Exchange](#), which will focus on researching climate solutions and training for green jobs, is expected to open on Governors Island in 2028. Its faculty members, students, trainees and visitors will add to the number of people that would benefit from NYC Ferry service to LaGuardia airport; and

WHEREAS: MCB1 has supported the Downtown Alliance’s request to fund and restart construction of the PATH extension that would create a vital mass transit link between The World Trade Center in Manhattan Community District One (MCD1) and Newark International Airport. However, this project remains indefinitely suspended. Another option is needed;⁴ and

WHEREAS: [Res 0400-2024](#), a resolution pending in the NYC Council, calls on the NYC Economic Development Corporation (NYCEDC) to expand NYC Ferry service to LaGuardia Airport; and

¹ <https://downtownny.com/wp-content/uploads/2024/05/Q1-24-LM-Fact-Sheet-1-Page-External-Indicators.pdf>

² McVay Hughes C speaking for Manhattan CB1; Testimony for the Metropolitan Transit Authority’s (MTA) 2015 – 2019 Capital Program; <https://www.nyc.gov/assets/manhattancb1/downloads/pdf/testimonies/08-07-2014.pdf>, accessed March 13, 2023.

³ <https://www.nyc.gov/assets/manhattancb1/downloads/pdf/district-needs/FY2016.pdf>, pp 8-9.

⁴ <https://www.nyc.gov/assets/manhattancb1/downloads/pdf/resolutions/23-05-23.pdf>, pp 30-32.

WHEREAS: NYC Ferry already has routes that include Pier 11/Wall Street and the Battery Park City (BPC)/Vesey Street so including either or both of them to routes on LaGuardia Airport would not require a new landing; and

WHEREAS: A one seat ride between MCD1 and an airport via NYC Ferry would greatly benefit everyone. The [Downtown Connection bus](#), which stops near both ferry docks in MCD1, could be a great adjunct to these travel routes; and

WHEREAS: A sustainable and cost effective mass transportation option is needed between MCD1 and LaGuardia airport. Since NYC ferry operates out of two docks in MCD1 and traffic congestion is such a problem, mass transportation by ferry warrants serious consideration; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board One (MCB1) implores the New York City Economic Development Corporation (NYCEDC) to expand NYC Ferry service to LaGuardia Airport; and

BE IT

FURTHER

RESOLVED

THAT: NYC Council is urged to pass [Res 0400-2024](#), which calls on the NYC Economic Development Corporation (NYCEDC) to expand NYC Ferry service to LaGuardia Airport.