

Manhattan Community Board Six
Full Board Meeting Minutes
December 10th, 2014 – 7:00 PM
NYU Medical Center, 550 First Ave., Alumni Hall B

Public Session

Board Chair Sandro Sherrod called the meeting to order at 7:05. The agenda was adopted and the roll was called.

Elected Officials

Laura Atlas from the NYC Public Advocate's Office reported that they have called for the appointment of a special prosecutor to investigate the jury decision on Eric Garner, and released a report on body cameras. They are working on a plan for the pension system, and the Comcast/Time Warner merger.

Senator Liz Krueger introduced Betsy Schachter, her new representative to CB6. Sen. Krueger is troubled by lower voter turnout and increased private donations to political candidates, and called for more participation in government. Major issues for Albany in 2015 include: housing laws sunseting, mayoral control of schools, the effect of the President's executive order on immigration on NY State, and rules for charter schools.

Andrew Hendrickson reported that the office of Assemblymember Brian Kavanagh is looking at how to reduce food waste and to use it as a resource, and a new organization for state legislators working to prevent gun violence.

Victoria Villella from the office of Councilmember Dan Garodnick reported on a letter sent to NYPD precincts calling for more bicyclist enforcement, a hearing on workforce development programs, and access to the East River.

Eric Bottscher from the office of Governor Cuomo said their citizen preparedness event near Stuyvesant Town was well attended. He is leaving to work for Councilmember Johnson.

Dan Campanelli reported that the office of Comptroller Scott Stringer has issued a paper on inequality of internet access. An audit of computers on Dept. of Education sites has found many pieces of equipment not accounted for or not being used.

Jasmin Torres from the office of Councilmember Rosie Mendez spoke of their opposition to Landmark Preservation Commission's effort to de-calendar over 100 properties, and reported that Lantern Cafe on 311 2nd Avenue withdrew its sidewalk cafe license application.

Senator Brad Hoylman wants to end or limit outside income for legislators, and is introducing a death with dignity bill. He has ordered the Health Department to study independent health clinics, which are now regulated like hospitals, and draft new regulations for them

Rohan Narine conveys the thanks of Assemblymember Dan Quart to NYC Dept. of Transportation for implementing its new safety initiatives on 3rd Avenue and 57th St.

Jasmine Vargas, manager of the Dept. of Parks 54th St. Center, announced that its winter session and many new programs will start in January.

Councilmember Ben Kallos reported on the Comcast / Time Warner hearing, complaints about bus service, and an app to track bus lateness and bunching. Electronic trackers on buses provide real time data to BusTime, but until now, data wasn't being archived for later study.

Business Session

The November Full Board minutes will be approved in January after some minor edits. Chair Sherrod had to leave for a brief portion of the meeting, and during that time the meeting was chaired by 2nd Vice Chair Claude L. Winfield.

Board Chair's Report

Chair Sandro Sherrod thanked Rick Eggers for his great work as Chair of Budget and Governmental Affairs, and introduced Pedro Carrillo as the new Chair. He encouraged board members to sign up online for the holiday party and make voluntary donations for party expenses, a tip for office building staff, and the sunshine fund.

District Manager's Report

DM Miner reported on service requests recently handled by the office. Overnight noise from loose steel plates on Third Avenue between 33rd and 35th Streets continues despite efforts to remedy it. Efforts are underway to get a tenant to remove an unsecured window box above the schoolyard of PS 116 on E. 33rd St., as well as dilapidated coolers permanently stored in front of a grocery on E. 28th St. which is used by cab drivers at all hours. A DOHMH rat walkthrough of St. Vartans Park recommended removal of ivy as a prerequisite to abatement efforts, along with improved trash control. The Health and Education Committee seeks input on a spring senior wellness forum. More business to business networking nights are planned.

Treasurer's Report

Treasurer Bea Disman noted that the sunshine fund comes from voluntary board member contributions and contains no City money. She and Assistant Treasurer Charles Buchwald met with DM Miner to discuss office budgeting. Charles and Rick Eggers will audit bills paid in 2013 and 2014 to verify all payments. The starting total 2015 PS budget amount was \$179,421, from which \$74,270.42 has been spent and \$105,150.58 remains. Most of the total OTPS budget of \$93,891.64 is the street fair fund of \$83,608. Total OTPS without the street fair fund would be \$10,283.64. Rent is \$112,863. The total for PS, OTPS and rent is \$410,001.

Borough President's Report

Jesus Perez reported that BP Brewer was delighted with the victory at the Landmarks Preservation Commission. She personally toured all of the 33 Manhattan sites proposed for de-calendarizing, and will try to prevent it from happening again. Right now there is no clear process for the LPC to take action on the backlog of sites on its calendar. One possible solution is to require that LPC must take action on sites within five years. Reappointment time is coming for Community Board members, who should apply online at the BP's website.

East Midtown Steering Committee

Chair Terry O'Neal reported they heard presentations from MTA and Metro North on future projects, and gave a presentation of the BFJ report.

Committee Resolutions & Reports

1. Parks, Landmarks & Cultural Affairs Committee

Chair Mark Thompson said the committee will discuss each building that was proposed to be 'decalendared' by LPC and that the decalendaring has been postponed. St. Stephen's Church is to be closed; the issue of its interior and Brumidi murals is a concern and will be addressed at the next meeting. One Sutton Place Park South is still on track to be built. The Stuyvesant Square fence work is on track, with construction to start soon according to Parks. The second Baruch Plaza design workshop is taking place. The project lingered for years but after CB6 effort is now underway. Transportation passed a resolution against putting a newsstand in the center of the plaza. Asser Levy expansion is done, and an official opening is expected shortly.

2. Budget & Governmental Affairs

Chair Pedro Carrillo invited board members to join the committee in January.

2. Health & Education Committee

Chair Ahsia Badi sent out a letter to legislators asking for more than one exam for entry into specialty high schools. The committee plans a spring forum on the social and emotional health of older adults.

4. Housing, Homeless & Human Rights Committee

Chair Raj Nayar and the committee met with the District Attorney's Office and Union Square Partnership to restart the East Side Alliance, to coordinate communications between stakeholders and address concerns about clients at methadone clinics and the homeless population in the district.

5. Public Safety & Environment Committee

Fred Arcaro reported on behalf of Chair Nick Smolney that the committee will consider an amendment on strengthening requirements for scaffolding.

6. Business Affairs and Street Activities Committee

Keith Powers reported on behalf of Chair Nicole Paikoff that Santacon was expected at yet to be announced Manhattan locations. While it would probably avoid CB6, some spillover at district locations was expected.

| |
|----------------------------------------------------------------------------|
| 6. Business Affairs & Street Activities – Nicole Paikoff, Chair |
|----------------------------------------------------------------------------|

| | | | | |
|---------------------------------------------------------------------------------------------|----|---|---|---|
| a. New BW Lic., F Udon Inc dba TBD, 844 2nd Ave @ E. 45th St | 40 | 0 | 0 | 0 |
| b. New BW Lic., Volkan Muti dba TBD, 127 E. 34th St. btw Lex. & Park Aves | 40 | 0 | 0 | 0 |
| c. New BW Lic., Wardy Food Inc dba Wardy, 1057 2nd Ave. btw E. 55th & 56th Sts | 40 | 0 | 0 | 0 |
| d. New OP Liq. Lic., Entity to be Formed dba TBD, 398 E. 52nd St. on 1st Ave | 39 | 1 | 0 | 0 |
| e. New OP Liq. Lic., Little West Restaurant LLC dba TBD, 932 1st Ave btw E. 51st & 52nd Sts | 39 | 1 | 0 | 0 |
| f. Support of Continued Moratorium on Street Fairs | 33 | 6 | 1 | 0 |

7. Transportation Committee

Chair Molly Hollister waived her report.

| 7. Transportation- Molly Hollister, Chair | | | | |
|--------------------------------------------------|----|---|---|---|
| b. Request for 5 additional red light cameras | 40 | 0 | 0 | 0 |
| c. UN Perimeter Security Plan | 40 | 0 | 0 | 0 |
| e. Commercial Bicycle Safety Bill | 40 | 0 | 0 | 0 |

8. Land Use/Waterfront Committee

Chair Terry O'Neal presented 2 resolutions from the Multi-Board Task Force, one for the One Vanderbilt ULURP application, one for the Vanderbilt Corridor Resolution. Each was previously approved unanimously by the LU&WF committee (with one not entitled.)

| 8. Land Use/Waterfront – Terrence O’Neal, Chair | | | | |
|----------------------------------------------------------------------------------------------|----|---|---|---|
| a. BSA Application for 212 East 57 St. btw 2nd & 3rd Aves | 40 | 0 | 0 | 0 |
| c. Zoning Text Changes Sought by the Department of City Planning for the Vanderbilt Corridor | 39 | 0 | 1 | 0 |
| d. Special Permits Sought by Green 317 Madison, LLC for One Vanderbilt | 39 | 0 | 1 | 0 |

Appendices

6a - RE: New RW Liquor License, F Udon, Inc. d/b/a Teriyaki Boy, 844 2nd Avenue @ East 45th St.

WHEREAS, Owner Koji Kubo, Representative Zahara Lucas and Taiki Wakamana from the restaurant's management office, appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 20th, 2014, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, this will be a small Teriyaki restaurant, and

WHEREAS, this establishment will be open Monday through Saturday from 11AM to 2AM and Sunday 11AM to midnight, and

WHEREAS, no members of the community had any comments for or against; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation made by the Representatives at the meeting of the Business Affairs and Street Activities committee held on November 20, 2014, and pursuant to all other considerations, CB6M has **no objection** to the application so long as the Applicant adheres to all the Representations made by the Representatives to the Committee.

BE IT FURTHER RESOLVED, if the SLA application, **however**, contains a different method of operation than has been presented to CB6M as stated in this, **including** "Hours of Operation," that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

VOTE: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

6b - RE: New OP liquor license for Volcan Muti d/b/a/ TBD 127 East 34th St between Lexington and Park Avenue

WHEREAS, Owner, Volti Muti and representative, Winnie Mok, appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 20th, 2014, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, this establishment will be a high end restaurant/wine bar, and

WHEREAS, the restaurant will close nightly at 2 AM, and

WHEREAS, all French doors/windows will close nightly at 10 pm., and

WHEREAS, there will be no TVs and background music only, and

WHEREAS, applicant agreed to no congregating outside, and

WHEREAS, no members of the community had any comments for or against; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation made by the Representatives at the meeting of the Business Affairs and Street Activities committee held on November 20, 2014, and pursuant to all other considerations, CB6M has **no objection** to the application so long as the Applicant adheres to all the Representations made by the Representatives to the Committee.

BE IT FURTHER RESOLVED, if the SLA application, **however**, contains a different method of operation than has been presented to CB6M as stated in this, **including** “Hours of Operation,” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

VOTE: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

6c. - RE: New BW application for Wardy Food d/b/a Wardy, 1057 2nd Avenue, between 55th and 56th Streets.

WHEREAS, the applicants did not appear before BASA’s November 20, 2014 meeting to answer any concerns regarding this license; and

WHEREAS, failure to appear rendered the committee unable to make a determination to whether application was in the public interest or to determine the “bona fides” of the application; now

THEREFORE, be it

RESOLVED, that Community Board Six objects to this application.

VOTE: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

6d – RE: New OP Liquor License application for new entity to be formed d/b/a La Villetta at 398 East 52nd Street between 1st Avenue and Sutton Place

WHEREAS, Manager Luigi Scapelli and Representative Reid Rosen appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 20, 2014, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, this establishment will be restaurant, and

WHEREAS, Mr. Scapelli has eleven years of experience in the restaurant business, and

WHEREAS, the restaurant will close Monday through Thursday at 11PM, Friday and Saturday at midnight and Sundays at 10PM, and

WHEREAS, no members of the community had any comments for or against; now

THEREFORE, be it

RESOLVED, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on November 20, 2014 and pursuant to all other considerations, CB6M has **no objection** to the application so long as the Applicant adheres to all the Representations made by the Representative to the Committee.

BE IT FURTHER RESOLVED, if the SLA application, **however**, contains a different method of operation than has been presented to CB6M as stated in this, **including** “Hours of Operation,” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

VOTE: 39 in Favor 1 Opposed 0 Abstention 0 Not Entitled

6e – RE: New OP Liquor License application for Little West Restaurant LLC d/b/a/ Café 51 at 932 First Avenue between 51st Street and 52nd Street

WHEREAS, Owner Ioannis Chatiris, Representative George Razis, and Designer Paris Kostopoulos appeared before the Business Affairs and Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 20, 2014, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the owner currently owns Ethos, located at 905 East 51st Street within our district, and

WHEREAS, the restaurant will primarily be operated as a café with a large focus on breakfast, and

WHEREAS, the restaurant does not have any French doors/windows and will closes nightly by midnight, and

WHEREAS, a member of the community wrote a letter in full support, now

THEREFORE, be it

RESOLVED, that pursuant to the presentation made by the Representative at the meeting of the Business Affairs and Street Activities committee held on November 20, 2014 and pursuant to all other considerations, CB6M has **no objection** to the application so long as the Applicant adheres to all the Representations made by the Representative to the Committee.

BE IT FURTHER RESOLVED, if the SLA application, **however**, contains a different method of operation than has been presented to CB6M as stated in this, **including** “Hours of Operation,” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

VOTE: 39 in Favor 1 Opposed 0 Abstention 0 Not Entitled

6f - RE: Support of Continued Moratorium on Street Fairs

WHEREAS, Over two hundred SAPO-permitted street fairs and over 5,000 events occur annually within the City. Almost all of these events involve permits for the use of multiple blocks over several days, the erection of structures, the vending of food, apparel and other goods and the use of amplified sound, and

WHEREAS, such events require additional police presence and increase overtime expenditure by the city, and

WHEREAS, In order to effectively deploy police resources, the New York City Police Department has requested for the calendar year 2015 that SAPO exercise its discretion temporarily to deny permits for additional events that place an excessive burden on police resources and divert uniformed personnel from core crime fighting, public safety and counter terrorism duties, and

WHEREAS, In the interests of protecting the City and its inhabitants, this continued Moratorium which was in place in 2014 will authorize SAPO to deny permits to events scheduled for calendar year 2015, the anticipated effective date of the proposed rules, if the event was not held in the calendar year 2014, and

WHEREAS, Street Fairs help community groups raise money however there was no information regarding the percentage of funding derived from these fairs or evidence that the community groups have been heavily impacted by the moratorium the last two years, and

WHEREAS, this will only effect new events that were not already in place in 2014, and

WHEREAS, several members of the business community expressed concerns that these street fairs did not include local businesses and often presented obstacles to businesses when the street fairs operated near their establishments, and

WHEREAS, although there is a benefit to the community groups, it has not clear if the community groups are getting the maximum profits possible for their involvement in the street fairs, which is required in order for the promoters to utilize public streets, and

WHEREAS, the continued moratorium will help put less strain on city resources, now

THEREFORE, be it

RESOLVED, that Community Board Six supports the continued Moratorium on Street Fairs through 2015

RESOLVED, that Community Board Six urges SAPO to grant street fair permits to organizations that missed the required deadline to present a “not for profit” certification in 2013 and had previously had street permits for at least five years

BE IT FURTHER RESOLVED, that Community Board Six strongly recommends the city to review their long-term policies regarding Street Fairs with an aim to increase community business involvement in these events. As such, the board recommends promoters be required to set aside 25% of vendor booths at Street Fairs for local merchants. Additionally, considering the large hold of very few promoters on the Street Fair business, the Board recommends the city review the financial breakdown of profits generated from the street fairs to assure they provide ample benefits to the Community Groups that sponsor them.

VOTE: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

7c RE: UN Perimeter Security Plan

WHEREAS, the UN has identified security risks caused by the current configuration of its truck delivery areas and parking garage entrances, and has proposed changes to eliminate them;

WHEREAS, the UN commissioned an exhaustive study, entitled United Nations Perimeter Security Plan, by Philip Habib & Associates, which describes and analyzes the potential impact of these proposed changes on the surrounding streets, and concludes it will be neutral to positive;

WHEREAS, the key UN proposals regarding E. 48th St east of 1st Ave include:

- revamping the existing entryway and parking area on the south side of E. 48th St and the FDR Drive into bays for 4 delivery vehicles, totaling an average total of 29 per day with a peak of 5 per hour between 7am and 6pm, with each taking 20 minutes to unload;
- leveling the current raised curb/traffic island beneath that easternmost part of the flyover FDR entrance to accommodate vehicles maneuvering into the bays;
- installing additional security measures, including two 9'x8' guard booths and an adjacent gate arm at the entry, as well as environmental improvements, including flood controls;
- creating a 130-foot long “queuing and screening” lane for entering trucks along the southern curb adjacent to the docking area and western guard booth;
- dispatching exiting trucks to westbound E. 49th St

WHEREAS, the key aspects of the UN’s proposal regarding E. 42nd St east of 1st Ave include:

- converting the current garage exits on the north side of E. 42nd St and the FDR Drive into three entrances;
- creating a dedicated “queuing” lane marked with solid striping and signage and able to hold 25 cars, with 22 being the historic measured peak;
- electronically monitoring the “queuing” lane to enable security to prevent backups;
- increasing protection for pedestrians on the eastern crosswalk of 42nd St and 1st Ave by widening the median strip with a bulb-out tapering from west to east, narrowing eastbound traffic into two lanes and allowing entry into the “queuing” lane;
- eliminating 7 diplomatic/consulate parking spaces on the south side of 42nd St;

THEREFORE, BE IT RESOLVED, THAT

Manhattan Community Board 6 supports the UN plan to revamp its traffic flow and control to enhance its security.

VOTE: 40 in Favor 0 Opposed 0 Abstention 0 Not Entitled

7e – RE: Commercial Bicycle Safety

WHEREAS, Assembly bill A00224B has been sponsored by Assembly Member Brian Kavanaugh and Senate bill S03461B has been sponsored by State Senators Liz Krueger and Dan Squadron;

WHEREAS, the proposed legislation requires that business owners:

- Display a Bicyclist Safety Poster
- Maintain a roster of cyclists
- Provide safety equipment for cyclists;

WHEREAS, the proposed legislation requires commercial bicycle operators to:

- Complete a bicycle safety course offered by the department of transportation
- Wear bicycle safety equipment provided by the business owner;

WHEREAS, the proposed legislation provides that bicycle operators and the businesses affiliated with such operators shall be liable for such operator's failure to carry an identification card, along with other violations regarding the use of a bicycle for commercial purposes;

WHEREAS, The City of New York has taken steps to improve safety and compliance with the law while protecting pedestrians and bicycle operators through passage of amendments to §10-157 and §10-157.1 of the Administrative Code of the City of New York, effective on April 23, 2013 covering these proposals as a matter of city law, including local laws that

- *Make commercial cyclists and the businesses on whose behalf they ride clearly identifiable
- *Require reflective clothing for such cyclists as well as safety features on their bicycles
- *Mandate training of businesses and their cyclists by city staff to promote compliance;

WHEREAS, this state legislation will enable enforcement of existing city legislation, by providing state-level authorization necessary to levy fines via vicarious liability on business owners for traffic violations committed by employees during work duties;

THEREFORE BE IT RESOLVED, that Manhattan Community Board 6, supports the proposed state legislation Assembly bill A00224B and Senate bill S03461B to enact commercial bicycle safety regulations.

Vote: 40 in Favor; 0 Opposed; 0 Abstain; 0 Not Entitled

8a – RE: BSA Application Cal. No. 242-14-BZ, 212 East 57th Avenue - Permit a physical culture establishment in portion of existing building, Halevy Life.

WHEREAS, Jay Goldstein, Esq. on behalf of Halevy Lie, presented to the Land Use Committee of CB6 on Wednesday, December 3rd, 2014 an application, BSA Application Cal. No. 242-14-BZ under Zoning Resolution §73-36 for a new special permit for the operation of a Physical Culture Establishment; and

WHEREAS, the new special permit for the Physical Culture Establishment will operate as Halevy Life facility 212 East 57th Street, Manhattan, New York, in premises containing approximately 5,648 square feet and will utilize portions of the cellar and first floors; and

WHEREAS, applicant has represented that it complies with all requirements to operate a Physical Culture Establishment at these premises; and

WHEREAS, applicant's operation of a Physical Culture Establishment does not adversely affect the neighborhood; and

WHEREAS, applicant has represented that it has filed with the Board of Standards and Appeals all papers necessary to obtain a new special permit to operate a Physical Culture Establishment; now

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the application to the Board of Standards and Appeals under Zoning Resolution §73-36 to grant a special permit for the operation of a Physical Culture Establishment located at 212 East 57th Street, for a period of ten years.

VOTE: 40 in Favor; 0 Opposed; 0 Abstain; 0 Not Entitled

8c – RE: Zoning Text Changes Sought by the Department of City Planning for the Vanderbilt Corridor

WHEREAS, The Department of City Planning (DCP) seeks to rezone a five block area bordered by Vanderbilt and Madison Avenues and 42nd and 47th Streets; and

WHEREAS, DCP seeks to amend (application N 150127 ZRM) sections of the zoning resolution for the Special Midtown District to facilitate commercial development, pedestrian circulation and allow greater opportunities for area landmarks to transfer their unused development rights; and

WHEREAS, DCP seeks a City Map change (application 140440 MMM) to transform the block of Vanderbilt Avenue between East 42nd and East 43rd Streets into a Public Place; and

WHEREAS, The goal of the proposed zoning changes is to strengthen East Midtown's global competitiveness in the 21st Century; and

WHEREAS, An additional goal of the proposed Vanderbilt Corridor is to improve pedestrian circulation and access to transit, including East Side Access; the Vanderbilt Corridor would be located above the future concourse of the Long Island Rail Road, which will be 50 feet below the buildings on the west side of Vanderbilt Avenue; and

WHEREAS, CB5 and CB6 agree that these parcels between Vanderbilt and Madison should be examined and the goal of reinvigorating the area around Grand Central Terminal is necessary and worthy; and

WHEREAS, This proposal will have significant transit, planning, and economic impacts that may set a precedent beyond this defined area; and

WHEREAS, Under the new proposal, DCP mandates that any new development would be subject to a special permit with full public review, and stipulates that public improvements must precede the completion of added density with no Temporary Certificate of Occupancy granted before public improvements are completed, and that responsibility for public improvements are now the required domain of the developer, with no monetary transaction between a developer the City and the MTA; and

WHEREAS, Under this new application, many of the previous objections have been addressed in that there are specified public realm improvements, and all development is under a Special Permit with full public review; and

WHEREAS, While we are appreciative of the ongoing East Midtown visioning process and the Steering Committee that was created under the leadership of Borough President Gale Brewer and Councilmember Dan Garodnick, we believe the planning of the Vanderbilt Corridor should be a part of the Steering Committee conversation; and

WHEREAS, A compelling case has not been made for separating out the entire five blocks of the Vanderbilt Corridor from the review of the greater East Midtown area; and

WHEREAS, In the Vanderbilt Corridor, we propose the following:

A. Infrastructure and the Public Realm

As whatever agreements are established between SL Green and the City at One Vanderbilt will set a precedent for all future agreements in the Corridor and East Midtown, a comprehensive plan identifying all the infrastructure and public space needs in the area is essential prior to the completion of ULURP;

B. Sustainability and the Environment

Any development facilitated through the proposed discretionary special permits must be designed to perform to 30 percent better than ASHRAE 90.1, 2010 and as determined by the methodology prescribed in the most current New York City Energy Conservation Code (NYCECC).

C. Daylighting

We are concerned that the requested modifications to the Special Midtown District Height and Setback regulations (Daylight Compensation and Daylight Evaluation) are excessive, radically lowering daylight levels in Midtown to pre-1916 pre-zoning daylight levels (Daylight Evaluation score is negative 62% [-62%] v. 75% of the sky left open); that this reduction in daylight is not adequately addressed by either DCP or the DEIS; and that the magnitude of reduction in daylight will set a precedent for future development in East Midtown;

D. Preservation

LPC must determine which sites in the Corridor and in the Greater East Midtown area are considered historic resources and worthy of designation, and those that are deemed landmark-worthy should be calendared prior to the completion of ULURP, and we further request that any new buildings proposed in the Corridor, whether development rights are purchased or not, be reviewed with respect to their compatibility/harmonious relationship to Grand Central Terminal;

E. FAR Bonus Size

We are concerned that the criteria for granting of the special permit for a Grand Central Public Realm Bonus (GCPRB) of up to 15 FAR is undefined unlike, for example, what is required for a Covered Pedestrian Space and that there must be more specific design guidelines; and

WHEREAS, Vanderbilt Avenue is considerably narrower than Madison Avenue and the intersecting side streets, we are deeply concerned about the “canyon effect” if a series of 30 FAR buildings were to be permitted along the Vanderbilt Corridor, which, other than at 42nd Street, front on only one wide street and we are also concerned what effect such a canyon of 30 FAR buildings will have as it relates to environmental concerns not only at the Corridor but in the greater midtown area; and

WHEREAS, Additionally, the Vanderbilt Corridor, as proposed could have a detrimental effect on surrounding historic and visual resources for the following reasons:

- the massive FAR bonus for transit improvements is far above comparable precedents and could eliminate the need for applicants to purchase development rights from existing landmarks, thus possibly vacating a key mechanism of the landmarks law. FAR bonus from transit improvements must work in tandem with transfers of development rights rather than compete against each other; and
- if a 30 FAR can be reached without transfer of development rights, we are concerned about the mechanism under which the existing development rights will be transferred as well as the sites where they can be transferred; and
- in the “worst-case” scenario, all five blocks being developed to the maximum possible 30.0 FAR would result in development that is not harmonious or contextual to the adjacent Grand Central Terminal; and
- in the “worst-case” scenario, development of the Vanderbilt Corridor would cast substantial shadows on a number of sunlight-sensitive historic resources, including the landmarked Bryant Park and the New York Public Library (cf. DEIS, Chapter 5, pages 7, 8, 21, 22); and
- in the “worst-case” scenario, the landmarked Chrysler Building, when considered a visual resource, would be negatively impacted by new buildings that would essentially screen it from many vantage points on the skyline; and
- The Yale Club, Roosevelt Hotel and 52 Vanderbilt are located in the Vanderbilt Corridor and are listed in the DEIS as eligible historic resources, according to LPC criteria as well as the criteria of the State and National Register of Historic Places. Unless reviewed and designated by LPC, all three buildings are at heightened risk of being demolished; and

WHEREAS, We are concerned that public space currently required but unbonded by the Special Midtown District could be credited toward the Grand Central Public Realm Improvement Bonus; and

WHEREAS, Given the efforts to look at East Midtown comprehensively, we will not consider any new proposed rezoning of a similar small scale within the East Midtown Study Area; and

WHEREAS, We are also concerned that the requirement for pedestrian circulation space pursuant to the existing 81-625, Transfer of Development Rights by Special Permit, could be modified and result in a decreased public benefit if not carefully considered as part of an overall development plan; therefore be it

RESOLVED, Manhattan Community Boards Five and Six **recommend denial** of the Department of City Planning’s application N 150127 ZRM unless the following conditions are met:

1. The text amendment is limited to sites for which the City and MTA have a coordinated plan for improvements to the public realm; and
2. The text amendment provides guidelines for what type of improvements may merit a given FAR percentage increase for the affected zoning lots; and
3. The text amendment requires that any building granted a Grand Central Public Realm Improvement Bonus be designed to perform 30 percent better than ASHRAE 90.1, 2010 and as determined by the methodology prescribed in the most up-to-date New York City Energy Conservation Code (NYCECC); and
4. The East Midtown Steering Committee must fully consider the five blocks between 42nd and 47th streets and Vanderbilt and Madison avenues in their decision making; and
5. The text amendment be specific in requiring LPC to issue a letter in support of the harmonious relationship to the Grand Central Terminal for any proposed building; and
6. The text amendment specify that a site
 - i. fronting on more than one wide street;
 - ii. overlooking the Grand Central "air park";
 - iii. adjacent to a subway station;
 - iv. with access to the pedestrian circulation system of Terminal City and other sites;

could potentially merit the full 15 FAR bonus pursuant to the proposed GCPRB, but sites not meeting these criteria would not qualify; and be it further

RESOLVED, These conditions are necessary to recommend approval and therefore unless and until these conditions are met, we recommend denial at this time.

VOTE: 39 In Favor; 0 Opposed; 1 Abstain; 0 Not Entitled

8d- RE: Special Permits Sought by Green 317 Madison, LLC for One Vanderbilt

WHEREAS, Green 317 Madison, LLC seeks a special permit (application C 150128 ZSM) to transfer development rights from a landmark building to facilitate construction of an approximately 1.3 million SF mixed-use development called One Vanderbilt between 42nd and 43rd Streets, and Madison and Vanderbilt Avenues; and

WHEREAS, Green 317 Madison, LLC seeks a special permit pursuant to the proposed 81-641 of the Zoning Resolution (application C 150129 ZSM) for a Grand Central Public Realm Improvement Bonus of 12.3 FAR to facilitate a 30 FAR development at One Vanderbilt; and

WHEREAS, Green 317 Madison, LLC seeks a special permit pursuant to the proposed 81-642 of the Zoning Resolution (application C 150130 ZSM) for modification of regulations with respect to street wall, curb cut, height and setback and mandatory district plan elements, and relief from daylighting; and

WHEREAS, Unlike on corridor parcels not fronting 42nd Street, we believe there may be circumstances under which a building on this site might reasonably justify an allowable 30 FAR; and

WHEREAS, Regarding One Vanderbilt, we continue to have areas of concern:

A. Infrastructure and Public Realm:

While the proposed off-site public realm improvements include:

- 1) the creation of a Public Place on Vanderbilt between 42nd and 43rd to be used as a pedestrian plaza;
- 2) a new stair in the cellar of the Pershing Square Building (southeast corner of 42nd and Park) that would connect the Grand Central-42nd Street subway station mezzanine to the 4, 5 and 6 subway platform;
- 3) a new subway entrance with two new street-level subway stairs on the sidewalk at the southeast corner of 42nd and Lexington that would connect to and open an existing 4,100 square foot below-grade passageway;
- 4) modification of columns on the Grand Central – 42nd Street mezzanine to provide more pedestrian circulation space and improve pedestrian flow;
- 5) 8,475 square feet of an expanded Grand Central – 42nd Street station mezzanine in the cellar of the Grand Hyatt Hotel and the creation of two new stairs from one of the new mezzanine areas to the 4, 5, and 6 subway platform;

- 6) replacement and widening of an existing street-level subway entrance at the northwest corner of 42nd and Lexington with wider stairs and an elevator;

we are concerned that two off-site improvements (the stair between the mezzanine and platform at the Pershing Square Building and the two stairs at the north end of the platform and the enlargement of the mezzanine there) were identified mitigations for the Flushing line extension and East Side Access and were to be paid for through the capital programs of the MTA and/or the City; and

there are no sidewalk subway entrances on 42nd street from Third Avenue to Madison Avenue, but under this application one is proposed on the southeast corner of 42nd Street and Lexington Avenue; and

we are concerned that nothing in this proposal would improve the connectivity between the 7 Line and the Lexington Lines; and

we continue to have questions and concerns about the nature and maintenance of the Public Place on Vanderbilt between 42nd and 43rd:

- this is a narrow block that will need to have passageway for emergency vehicles, which will severely limit the scope of public amenities (seating, plantings, etc.);
- currently essential emergency and police vehicles are parked in the proposed Public Place and we are concerned as to where new locations will be found;
- we would like to know who will be responsible for the maintenance of this Public Place, and what mechanism will be instituted to guarantee that it will be free of commercial events, concessions and sub-concessions, as well as intrusions from food carts, costume characters and other unintended consequences, that will hamper the flow of pedestrians and negate the intended passive recreational use of this Public Place; and

while the proposed on-site public realm improvements include:

- 1) a new ground-level subway entrance on East 42nd Street with escalator, elevator and stairways providing access to the Shuttle subway station and providing below-grade connections through the Intermodal Connector to the Nos. 4, 5, 6, and 7 Subway lines at the Grand Central Terminal concourse level and to the Long Island Rail Road at the East Side Access concourse level;
- 2) a new ground-level Transit Hall (approximately 4,000 square feet) with entrances at East 43rd Street, providing stairway and elevator connections to the new below-grade corridor, with connections to East Side Access, the Shuttle, Grand Central Terminal, and the 4, 5, 6, and 7 subway lines;
- 3) new elevator and escalator connections from East Side Access through the Development Site that will allow for connection from the East Side Access concourse to street level or the 4, 5, 6, 7, or Shuttle subway lines without the need to traverse the Main Concourse of Grand Central Terminal;
- 4) the new day-lit, below-grade Intermodal Connector (10,100 square feet) providing connections between Long Island Rail Road (East Side Access), Metro-North Rail Road (Grand Central Terminal), and the 4, 5, 6, 7 and Shuttle subway lines;

we are also concerned about the lack of sidewalk widening on a heavily trafficked East 43rd Street, which leads directly to GCT;

further, the proposed office building lobby dominates and privatizes, along the marginal Transit Hall, almost the entire Vanderbilt Avenue frontage;

we are concerned that the proposed Transit Hall (which should have included seating and public restrooms) at Vanderbilt and 43rd is not optimally located to provide connectivity for passengers to and from the West Side, and propose an entrance hall at Madison and 42nd as well as a B2 level connection from East Side Access to NYC Transit at 42nd and Vanderbilt; and we believe that the requirements of the Special Midtown District for through-block access to the lobby should be maintained; and we take note that with the entire site to be excavated, this is a once in a lifetime opportunity to find solutions that will best serve the public at this dense and vital crossroads; and

B. Sustainability and the Environment

While the Applicant has committed to construct a LEED v4 Certified Gold building, only the highest level of sustainability is acceptable if the goal, as stated, is to keep East Midtown as the premier business district; therefore, the Applicant must commit to a LEED v4 Certified Platinum building which will be designed to perform 30 percent better than ASHRAE 90.1, 2010; and The proposed building lobby should publicly display a comprehensive building water usage and energy performance dashboard showing where and how energy and water is continuously being conserved; and

We are concerned that the requested modifications to the Special Midtown District Height and Setback regulations (Daylight Compensation and Daylight Evaluation) are excessive, radically lowering daylight levels in Midtown to pre-1916 pre-zoning daylight levels (Daylight Evaluation score is negative 62 % v. 75 % of the sky left open); this reduction in daylight is not adequately addressed by either DCP or the DEIS; and the magnitude of the reduction in daylight will set a precedent for future development in Vanderbilt Corridor and East Midtown; and

C. FAR Bonus Size

As with the rest of the Vanderbilt Corridor, any increase in FAR granted by a special permit needs to ensure that public realm improvements, and improvements to the transit network surrounding the site, do more than mitigate existing system deficiencies, but rather look forward to the public needs in the decades to come; and

The Department of City Planning needs to provide a quantifiable measure of how the 12.3 FAR public realm improvement bonus was earned; and

WHEREAS, We praise the Applicant for taking Community Board Five and Six's concerns regarding the harmoniousness of their proposed building with Grand Central Terminal into account and for attempting to resolve them by revising the design, the specific concerns raised by the proposed building's asymmetrical façade, use of glass and cacophonous base have not been alleviated; and

WHEREAS, The Applicant must create a Community Construction Task Force (CCTF) to keep the community stakeholders fully informed and consulted on all aspects of the development and sequencing of changes to the immediate vicinity; and

WHEREAS, This CCTF would meet before the onset of demolition, then hold regular meetings weekly at the outset, then monthly or once a quarter; therefore be it

RESOLVED, Manhattan Community Boards Five and Six **recommend denial** of the C 150128 ZSM, C 150129 ZSM and C 150130 ZSM special permits **unless** the following conditions are met:

1. The development will be LEED v4 Certified Platinum; and
2. A major public space is created at street and concourse level, through or adjacent to and connecting with the main lobby of One Vanderbilt, and connecting the corner of Madison Avenue and 42 Street and the main concourse of Grand Central; and be it further

RESOLVED, While the following recommendations are **not conditions** for our approval, we strongly recommend:

1. Placement of the subway entrance should be within the building at the Southeast corner of 42nd and Lexington and not on the sidewalk; and
2. Further widening to the extent necessary so that a minimum sidewalk width of 20 feet is achieved for Madison Avenue and East 42nd Street; and widening East 43rd Street to a minimum of 15 feet is achieved; and
3. Reduce the width of the office lobby on the Public Place and consider pedestrian uses in lieu of the Transit Hall; and
4. Creation of a Community Construction Task Force; and
5. The Department of City Planning provide a quantifiable measure of how the 12.3 FAR public realm improvement bonus was earned; and
6. One Vanderbilt should:
 - (i) Provide the required 4,200 square feet of mandatory, unbonded pedestrian circulation space required by the Special Midtown District;
 - (ii) Include a significant improvement to the Terminal City pedestrian circulation system for the privilege of transferring the development rights of the Bowery Savings Bank remotely;
 - (iii) Not receive a bonus for improvements to the subway station that are mitigations for East Side Access or the extension of the 7 line; and
7. The Department of City Planning provide a rationale for what amounts to a waiver of the Height and Setback/Daylight regulations which, for example, have resulted in a daylight score for One Vanderbilt of negative 62% (Daylight Evaluation) rather than the Midtown standard of 75% of the sky left open; and be it further

RESOLVED, the **conditions** listed above are necessary to recommend approval and therefore unless and until these conditions are met, we recommend denial at this time.

VOTE: 39 in Favor; 0 Opposed; 1 Abstain; 0 Not Entitled

December 2014 Board Attendance

