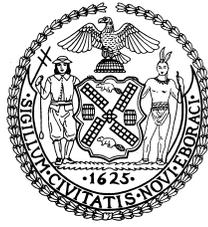


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**The City of New York
Community Board 8 Manhattan
Transportation Committee**
Wednesday June 3, 2020, 6:30 PM
Conducted Remotely on Zoom

Please note: The resolutions contained in the committee minutes are recommendations submitted by the committee chair to the Community Board. At the monthly full board meeting, the resolutions are discussed and voted upon by all members of Community Board 8 Manhattan.

Minutes

Present: Gayle Baron, Michele Birnbaum, Lori Bores, Lorraine Brown, Alida Camp, Sarah Chu, Brian Correia, Rebecca Dangoor, Felice Farber, Billy Freeland, Craig Lader, Rebecca Lamorte, Sharon Pope-Marshall, Valerie Mason, Rita Popper, Elizabeth Rose, Barbara Rudder, Abraham Salcedo, Barry Schneider, Cos Spagnoletti, Marco Tamayo, Elaine Walsh, Charles Warren, Jack Zimmerman, Peter Borock (public member) Jordan Wouk (public member)

Absent (Excused): Tricia Shimamura

Resolutions for Approval:

Item 1A: Snow Melt System Revocable Consent Request – 106 East 78th Street

Item 1B: Fenced-In Area Revocable Consent Request - 106 East 78th Street

Item 2: Use of street and expanded sidewalk space for outdoor dining to support restaurants impacted by Covid-19

Item 4: Park Avenue Open Streets

The meeting was called to order at 6:35 PM.

Item 1: Revocable Consent Application Public Hearing: Proposed fenced-in area including steps, planters, together with snowmelt system in front of 106 East 78th Street

The property owners of 106 East 78th Street are requesting a revocable consent for a fenced in area and snow melt system. Anik Pearson, an architect representing the owners, presented the proposal.

The property currently contains a fenced-in area that extends beyond the property line into the public-right of way on the sidewalk. The owners are proposing a sunken areaway which would contain planters and bluestone pavers, and a newly designed fence that would be extended across a larger portion of the building frontage, and be widened by 1'8" further into the sidewalk; this would result in 6'4" of clearance (the fence would be 10'8" from the curb, but there is a tree pit in front of the property), exceeding the existing 6'2" of sidewalk width at the narrowest part of the block. The owner also proposes a snow melt system underneath the sidewalk and the sunken entranceway. The snow melt system would contain tubes embedded within the concrete and other equipment being located in the cellar.

There were widespread concerns expressed with the taking of public sidewalk for a private purpose, along with the narrowness of the sidewalk clearance in front of the property; there were also some members who had reservations about the snow melt system, specifically its reliability whether the sidewalk would need to be broken up to make repairs. Given the conflicting opinions regarding each integral part of the proposal, there were various requests to address the snow melt system separately from the expansion of the fenced-in area.

THIS APPLICATION WAS VOTED ON IN TWO PARTS

PART A: Snow Melt System

WHEREAS, the property owner of 106 East 78th Street is requesting a revocable consent for a snow melt system; and

WHEREAS, the snow melt system benefits the public when operating as intended;

THEREFORE, BE IT REOLVED, that Community Board 8 Manhattan approves a request for a revocable consent for a snow melt system in front of 106 East 78th Street.

Yes (19+1): Baron, Birnbaum, Bores, Camp, Chu, Correia, Dangoor, Farber, Freeland, Lader, Mason, Pope-Marshall, Popper, Rose, Schneider, Spagnoletti, Walsh, Warren, Zimmerman, Borock (public member)

No (4+1): Brown, Rudder, Salcedo, Tamayo, Wouk (public member)

PART B: Sidewalk Extension:

WHEREAS, the property owner of 106 East 78th Street is requesting a revocable consent for a fenced-in area; and

WHEREAS, the existing fenced-in area currently extends into sidewalk of East 78th Street within the public right-of-way; and

WHEREAS, the proposed sidewalk extension would result in an additional 1'8" of sidewalk space being eliminated; and

WHEREAS, the sidewalk clearance in front of 106 East 78th Street would be reduced down to 6' 4" due to the presence of a tree pit in front of the property; and

WHEREAS, there is no public benefit that would result from this request;

THEREFORE, BE IT REOLVED, that Community Board 8 Manhattan disapproves a request for a revocable consent for a fenced in area in front of 106 East 78th Street.

Yes (22+2): Baron, Birnbaum, Bores, Brown, Camp, Chu, Correia, Dangoor, Farber, Mason, Pope-Marshall, Popper, Rose, Rudder, Salcedo, Schneider, Spagnoletti, Tamayo, Walsh, Zimmerman, Borock (public member) Wouk (public member)

No (3): Freeland, Lader, Warren

Item 2: Discussion of potential use of street space and additional sidewalk space for outdoor dining to support restaurants impacted by Covid-19 (Joint item with Street Life and Small Business Committees)

Covid-19 has had a severe impact on New York City's restaurant industry, which has been limited to take-out and delivery service since March 2020. State and Federal Covid-19 reopening guidelines regarding restaurants suggest that until Covid-19 is no longer a threat, restaurants will continue to be subject to seating limits and social distancing requirements, further threatening their ability to survive long-term. As New York City is preparing to enter its reopening phases, restaurant owners are looking toward Phase 2, potentially in early July, when restaurants would be permitted to operate with outdoor seating. One concept gaining traction globally across the restaurant industry and across various levels of New York City government is the need for additional space to be provided, and how this may be able to be done using expanded sidewalk space and street space.

Various proposals put forward by local elected officials were described to meeting participants as a baseline for the discussion:

- Keith Powers and Ben Kallos, Community District 8's City Council Members, sent a letter dated May 18th to Mayor Bill De Blasio requesting the City allow bars and restaurants to set up seating in "a sufficient number of parking spots in front of their establishments to reach as close to their previous capacity as possible, while respecting social distancing". The letter further stated that "on streets with multiple restaurants and bars, with letters or resolutions in support from the local Community Board and/or Council Member, parking and lanes of traffic could be temporarily replaced with social distanced seating (provided a lane is preserved for emergency access)". The letter indicated proposed hours for such seating to be in place from 9AM to 8PM on weekdays, 10AM to 10PM on Saturdays, and 10AM to 9PM on Sundays, and specified an initial proposed rollout on the following blocks within Community District 8 - Second Ave. from 66th to 70th Street, 73rd to 79th Street, and 81st to 92nd Street; First Ave. from 59th to 64th Street, 68th Street to 69th Street, 73rd to 78th Street, 81st to 84th Street, and 87th to 89th Street; and York Ave. from 75th to 79th Street and 84th to 86th Street.
- Council Members Powers and Kallos are also co-sponsors of City Council Int. No. 1957, which proposes creation of a temporary outdoor dining permit and would require NYCDOT to identify open spaces, such as sidewalks, streets, plazas, where outdoor dining would appropriate and be permitted until October 31, 2020 or when social distancing requirements are lifted. The bill includes provisions requiring NYCDOT to consult with Community Boards regarding locations, which would be published online and updated at least once each week.
- In a letter to NYCDOT, Manhattan Borough President Gale Brewer has advocated for expansion of NYC Street Seats, a program where seating areas are "installed in the roadbed along the curb lane or on wide sidewalks to create an attractive setting for eating and other activities. BP Brewer is requesting the program be modified to allow the use of temporary materials and to temporarily suspend the current prohibition of conducting business within the space.

NYCDOT Community Coordinator Colleen Chattergoon indicated that thus far no requests from restaurants within Community District 8 for additional outdoor seating have been received, but other Community Boards have submitted resolutions to NYCDOT on the topic; one Community Board worked directly with restaurants in gauging interest and proposing specific locations. Ms. Chattergoon indicated that DOT would have specific concerns regarding streets with bus and bike lanes, she noted that in some instances there are possibilities that lane reductions would be necessary to provide seating areas, and that temporary modifications to bike lanes would be easier to implement than to bus lanes.

The Committee members recognized the critical importance of helping small businesses, especially restaurants, which may cease to exist without interventions. Nearly all members and speakers want to see an expedited process to provide expanded outdoor seating so it can be immediately available when New

York City enters Phase 2 of its reopening, though there differing opinions on how best to ensure that appropriate community input into the process occurs in determining which businesses get to participate.

The extended discussion largely focused on the logistics of how expanded outdoor seating would be implemented regardless of the approach, i.e. whether it would generate enough seating to have a meaningful benefit for restaurants, how restaurants would be able to safely set up and operate in such open spaces and how it would impact pedestrians, cyclists, cars, deliveries and general quality of life issues, and the hours in which such policies would be in effect. Questions were raised as to how a program could be set up in an equitable manner so that restaurants located on both avenues and cross streets would all have opportunities to participate, including those located adjacent to fire hydrants, bike lanes and bus lanes. There were suggestions such as shared spaces among restaurants, creating a system where multiple restaurants would have access to open spaces on a rotating basis, and using temporary sidewalk extensions. The issue of vendors was also raised, as there were concerns raised by some members regarding their oversight and participation in the program. Also a concern to some was the matter of the license fees that some businesses are already paying for sidewalk cafes, which may not be applicable to businesses that may benefit from any short-term approaches to providing outdoor space to restaurants.

Noting the importance of direct input from local small business owners, a co-Chair of CB8's Small Business Committee offered to host a meeting in which local restaurant owners can share their thoughts and recommendations as to what will work for them specifically, since a one size fits all approach will not work for all businesses. Since the outcome of this meeting (subsequently scheduled for June 16th) may generate additional pertinent feedback, it was suggested that the following resolution could be modified at the full board meeting on June 17th.

The following resolution was put forward by CB8:

WHEREAS; the restaurant industry is vital to the economy and community character of Community District 8 and New York City; and

WHEREAS; the Covid-19 pandemic and resulting public health measures to stop the spread of the virus have limited restaurants to delivery and take-out service only; and

WHEREAS; many restaurants have gone out of business or are struggling to survive after 3 months of reduced or no revenue, resulting in tens of thousands of restaurant industry employees now furloughed or unemployed; and

WHEREAS; ongoing social distancing practices prescribed by City and State reopening plans will not permit restaurants to allow limited indoor seating until Phase 3, but will allow outdoor seating upon entering Phase 2; and

WHEREAS; New York City may enter Phase 2 of its reopening as soon as late June or early July;

WHEREAS; in anticipation of Phase 2 reopening, restaurants are actively seeking assistance from local governments to be able to provide outdoor seating as soon as possible; and

WHEREAS; expanded use of sidewalks and the use of streets for outdoor seating as a temporary measure can provide an immediate boost to restaurants; and

WHEREAS; various proposals have been put forward by locally elected officials to provide additional temporary outdoor seating space on sidewalks and streets and to expedite application processes; and

WHEREAS; any program to provide restaurants with outdoor seating should not discriminate based on the location of a restaurant, since not every restaurant may be situated in a location where sidewalk and street space adjacent to the business may not be feasible from a safety or operational standpoint; and

WHEREAS; the New York City Department of Transportation has demonstrated a willingness to accommodate outdoor seating by temporarily modifying street design to create safe locations for restaurants to serve customers;

WHEREAS; outdoor seating availability must comply with social distancing and public health guidance and timeframes;

THEREFORE BE IT RESOLVED; that Community Board 8 Manhattan supports legislation to allow rapid sidewalk café license approvals and access to street space, including parking spaces, as determined appropriate by NYCDOT, as long as clear pedestrian sidewalk lanes are maintained and other social gathering and social distancing guidelines are followed;

BE IT FURTHER RESOLVED; that legislation to allow temporary outdoor seating include a provision to allow any bars or restaurant to come forward to Community Boards to request inclusion in the program; and

BE IT FURTHER RESOLVED; that any restaurant participating in the program be required to refuse service to anyone not wearing a mask or other protective face covering; and

BE IT FURTHER RESOLVED; that this program remain in effect until restaurants are permitted to operate at full indoor capacity.

Yes (17+0): Baron, Barton, Bores, Correia, Dangoor, Farber, Freeland, Lader, Popper, Rudder, Salcedo, Schneider, Spagnoletti, Pope-Marshall, Rose, Tamayo, Warren, Zimmerman,

No (0): None

Abstain (3+0): Birnbaum, Mason, Walsh

Items 3 and 4:

- **Update on Open Streets Previously Requested (Park Ave.) or Implemented (East End Ave.) within CB8**
- **Requests for additional Open Streets within Community District 8**

In response to the need for additional pedestrian space while social distancing is necessary due to Covid-19, NYCDOT implemented the Open Streets program, in which through-traffic is prohibited and local deliveries, pick-ups/drop-offs, necessary city service vehicles, utility vehicles and emergency vehicles are permitted, but must limit their speeds to 5 MPH.

Requests for additional Open Streets within Community District 8: The process for requesting new Open Streets is for members of the public and organizations to submit requests to NYCDOT. The CB8 district office sent a solicitation to all known neighborhood associations and business organizations inquiring about potential open street locations, and did not receive any feedback.

East End Avenue Update: Since implemented on May 2nd, there have been no complaints received by NYCDOT or the CB8 district office. Numerous members of CB8 have praised how East End Ave. is now able to provide ample ability for pedestrians and vehicles to concurrently use the roadway safely, and appreciate the ability to walk in a socially distant manner as compared to often crowded Carl Schurz Park.

Park Avenue Update: At the April 2020 Full Board meeting of CB8, a resolution was passed requesting that NYCDOT implement Open Streets on Park Avenue between 59th and 96th Streets from 8AM to 8PM daily. A member of the Transportation Committee reported that they had a conversation with the NYCDOT Manhattan Borough Commissioner, who indicated that the request would not be fulfilled, as it would be too difficult to close such a large stretch of roadway for 12 hours per day. In response, the

Committee decided that a scaled down Open Street proposal was justified, as the same core issues that prompted the original resolution continue to resonate with more people walking outside and parks and sidewalks becoming increasingly crowded.

The following resolution was put forward by CB8:

WHEREAS; Community Board 8 Manhattan passed a resolution in April 2020 requesting an Open Street on Park Avenue by a vote of 30 in favor, 4 opposed, 3 abstentions, and 0 not voting for cause; and

WHEREAS; New York City Department of Transportation has not granted Community Board 8 Manhattan's request for a Park Avenue Open Street due to the request being infeasible from an operational standpoint;

WHEREAS; the presence of Covid-19 and the continuing need to practice social distancing to prevent the spread of the virus is expected to endure for the foreseeable future;

WHEREAS; Community District 8 residents continue to express concerns about crowded parks, sidewalks, and streets that make it challenging to maintain 6 feet in separation from other people continue;

WHEREAS; East End Avenue within Community District 8 exemplifies how Park Avenue as an open street can be successfully implemented and operated in a manner that does not result in significant community impacts; and

WHEREAS; East End Avenue is not in close proximity for much of Community District 8's residents, especially those living south of 79th Street and west of 2nd Avenue; and

WHEREAS; Community Board 8 is open to a scaled-down solution that would be more feasible for NYCDOT to make Park Avenue an Open Street;

THEREFORE BE IT RESOLVED; that Community Board 8 Manhattan requests New York City Department of Transportation's Open Streets program be initiated along Park Avenue between 60th Street and 72nd Street between the hours of 8AM and 8PM on weekdays; and

BE IT FURTHER RESOLVED; that Community Board 8 Manhattan requests New York City Department of Transportation's Open Streets program be initiated along Park Avenue between 60th Street and 72nd Street between the hours of 10AM and 8PM on weekends.

Yes (17+0): Baron, Barton, Bores, Camp, Correia, Dangoor, Farber, Freeland, Lader, Mason, Popper, Rudder, Salcedo, Spagnoletti, Pope-Marshall, Rose, Tamayo, Warren, Zimmerman,

No (2+0): Birnbaum, Walsh

Abstain (1): Tamayo

Item 5: NYCDOT Updates

There were no additional NYCDOT updates beyond those regarding other agenda items.

Item 6: New Business

A member brought forward the deteriorating condition of the roadway of 9th Street between 2nd and 3rd Avenues (James Cagney Place). This is due to a sewer break on 3rd Avenue that occurred a few years ago; the runoff caused damage to the pavers on the closed street between 2nd and 3rd Avenues. NYCDOT

indicated that there is water coming from somewhere, and they brought along DEP in an effort to identify the source of the water; multiple tests DEP performed were negative. Since NYCDOT does not have a maintenance agreement on this segment of roadway, and multi-agency meetings have not generated a solution, they suggest working with elected officials and attempting to work with the developer to bring a contractor in to address the issue. Before this occurs, CB8 will reach out to the developer and attempt to work out the issue before further escalating it if necessary.

Item 7: Old Business

There was no old business.

There being no further business, the meeting was adjourned 9:56 PM.

Respectfully submitted, Charles Warren & Craig Lader, Co-Chairs