

FINAL 6.3



**THE BOROUGH OF MANHATTAN
GALE BREWER, BOROUGH PRESIDENT
MANHATTAN COMMUNITY BOARD FIVE**

VIKKI BARBERO, CHAIR WALLY RUBIN, DISTRICT MANAGER

Minutes of the regular Community Board Five meeting held on **Thursday, June 11, 2020 via teleconferencing, at 6:00pm. Vikki Barbero, Chair, presided.**

Members Present

David Achelis
Nicholas Athanail
Zach Bahor
Vikki Barbero
James Beitchman
Mary Brosnahan
Kelly Burton
Julie Chou
Christopher Clark
Sarah Dowson
Joseph Frewer
Laura Garcia
Jordan Goldman
Nancy Goshow
Tristan Haas
John B. Harris, Jr.
Matthew Hartman
William Heyer
Robert Isaacs
Brian Johnson
Michael Kaback
E.J. Kalafarski
Jamie Kang
Renee Kinsella

Layla Law-Gisiko
Sam Levy
Lucas Lopes
Blaga Lucic
Joseph Maffia
Kimberly McCall
Evan Meyerson
Charles Miller
Jonathan Rabar
Tod Shapiro
Craig Slutzkin
Clayton Smith
Barbara Spandorf
Noah Stern
Rachel Weintraub
Ryan Whalen
Judy Yang

Present Part

Aaron Ford
Janet Pawson
Daniel Spence
Sarah BJ Sung
Pete Webb

Absent

James Dale
Samuel Johnson
Simon Tschinkel
Jessica Verdi

Excused

Public Members
Renee Cafaro
Tony Testa

Elected Officials

Keith Powers
Councilmember
Jeremy Unger
Councilmember Rivera

Laurie Harjowaroga
Speaker Johnson

Mark Levine
Councilmember

Audrey Tannen
Senator Krueger

Gale Brewer
Borough President

Luke Wolf
Comptroller Stringer

Betsy Smith
Congresswoman
Maloney

Brad Hoylman
Senator

Staff
Wally Rubin
District Manager

Luke Szabados
Community Associate

Public Attendees
[Melissa Rathbone](#)
[Nyssa Tang](#)

At 6:00 p.m., the Manhattan Community Board Five June 11, 2020 full Board meeting was called to order by Chair, Vikki Barbero.

PUBLIC SESSION

Vikki Barbero, Chair, CB5: Opened the meeting by reading a Community Board Five statement of solidarity to protest racial injustice, which is also posted on CB5’s website. She noted that the committees will be holding a series of meetings to address issues such as alternative policing models, access to housing, new approaches to criminal justice and educational equity to all students. These meetings will be

open to the public and CB5 ask and encourage members of the public to attend and participate. She noted that it is through the engagement and feedback from the community that CB5 can best represent the needs of everyone in our district and ensure that we provide a voice for all and that the board is committed to starting the discussion as outlined in the statement with great haste.

Keith Powers, Council Member: Thanked Vikki Barbero for reading the statement and the Community Board for the commitment to pursue policies that will help ensure that our city is inclusive of all voices and for everybody. He spoke about the recent protests and called for change and need for racial justice here in the city. He announced that on Tuesday, there will be a public safety hearing to prepare to move a number of bills that are related to accountability in the police department including the ban on chokeholds, how surveillance is used in our city, and how disciplinary action is being done in our city. He spoke of the city calling for the Council to do more than what the mayor has recommended when it comes to the NYPD budget; the mayor's proposed budget makes essentially zero cuts in this fiscal year. He spoke of putting all the burden of cuts on to programs like summer youth employment. He spoke of transportation, homeless services, mental health services and policing in the schools. He spoke of small businesses who could use a \$10,000 grant to help with any damage incurred from the looting. He then spoke on his bill on composting in New York City, which is one of the programs that was cut as part of the mayor's proposed budget.

Mark Levine, Council Member: Wanted to speak as chair of the Health Committee about a very complicated upcoming phase and our battle against coronavirus. He also spoke about systemic racism and law enforcement and that racism and inequality have also defined the pandemic. He spoke of the fatality rate for black communities are more than double of those in white communities. He spoke of the numbers of coronavirus cases being stable or even going down and building a system for contact tracing, quarantining, isolating and testing that will slow the spread. He noted that they are trying to communicate to people the privacy related to the contact tracing information. He noted that the city will provide food and hotel rooms to people who are diagnosed with coronavirus to help them properly self-quarantine and that this is paid for by FEMA.

Laurie Hardjowirogo, Speaker Corey Johnson's Office: Announced that the Speaker's office have created an Excel sheet made up of the small businesses in the district and offering information about how to expedite insurance claims, etc. She also stated that on June 18, the City Council will be voting on police misconduct bills that Keith referred to. She also noted that the speaker, along with other councilmembers wrote a letter to Mayor de Blasio about the inequities of the budget and how unfair it was that agencies were being asked to cut 36% but the police are being asked to cut less than 1%. She thanked the Community Board for the support on open dining.

Luke Wolf, Comptroller Scott Stringer's Office: Spoke of the pandemic and economic crisis and the disproportionate impact of policing on communities of color. He stated that the only way to deal with the structural racism in New York City police department is through the budget. He stated that a proposal was put out to cut \$1.1 billion from the NYPD over the next four years and to transfer that money into community programs for neighborhoods most disproportionately impacted by policing. He stated that on the economic side, they are facing a \$9 to \$10 billion budget gap. He noted that one of the steps that should be taking now is restarting our cities capital program as a way to invest in schools, affordable housing, theaters and outdoor spaces to make sure that our city is ready to recover and reopen and that it's also one of the best job multipliers to get our city going. He also noted that the office is working on holding the city accountable if there is a 2nd wave.

Brad Hoylman, State Senator: Thanked the board for their statement about racism and police brutality. He stated that the protests have been rather inspiring. He announced that he passed a bill this week, called

The Police Statistics and Transparency Act, and for the first time New York is going to be collecting statistical data ranging from below level misdemeanors all the way to deaths in custody.

Jeremy Unger, Councilmember Carlina Rivera's Office: Talked about the Councilwoman's concern for what small businesses have been going through. He stated that Councilmember Rivera is working with local black women leaders from Lower Manhattan to address NYPD enforcement during protests. He also stated that Councilwoman Rivera been working hard on the budget and legislative bills on the NYPD. She is also working on the mental health needs of healthcare workers caring for patients with coronavirus.

Audrey Tannen, State Senator Liz Krueger: Thanked the community board for being such an activist group on these issues. She spoke of all the comprehensive legislation to confront the policing and public safety issues in our city and the hosting of two virtual town halls on topics that were brought up this evening. She announced that next Wednesday June 17, Senator Krueger will be in conversation with the Director of Strategies and New Initiatives at the Vera Institute of Justice, to discuss the issue of policing and public safety going forward. They will also be joined by other State Senators. On Thursday, June 17 at seven o'clock, she will be in conversation with Dr. Ted Long, who is running the contact tracing program in New York City.

Betsy Schmid, Congresswoman Carolyn Maloney's Office: She stated that Congresswoman Maloney supports all the people across the country protesting, marching to condemn police violence and demanding justice and declare unequivocally that black lives matter. She highlighted a few of the various legislative proposals that Congresswoman Maloney is supporting such as Rep Presley's House Resolution 988 condemning all acts of police brutality, Rep Justin Amash Qualified Immunity Act, which would eliminate the practice of qualified immunity, which protects officers from civil suits, HR 4359 the Peace Act, which would require law enforcement to use de-escalation techniques and use force only as a last resort, as well as Representative Jeffries' Eric Garner Excessive Use of Force Prevention Act, which would ban the use of choke holds by law enforcement. She also announced that Congresswoman Maloney held a Committee and Oversight hearing examining the ways in which HR 6909, The Pandemic Heroes Compensation Act of 2020 would help essential workers and their families who have suffered from the health and economic effects of the coronavirus pandemic. She also spoke of people contacting the office stating that they haven't received their economic impact payment yet.

Gale Brewer: She spoke of the Governor working with the DOT and the SLA to expand sidewalk cafes onto adjacent parking spaces. She stated that these agencies need to be in touch with the community board. She spoke of street space for the restaurants and trying to find more bus lanes around the city. She also stated that she was pushing for funding for the summer youth employment program. She spoke of the issue of summer camps, which the Governor has okay as of June 29. She spoke about school starting in the fall and the framework would include blended learning. She spoke about 200 volunteer tutors will start working with students. She spoke of Juneteenth which is coming up very soon and the painting of Black Lives Matter mural.

Melissa Rathbone: A small business owner in the Flatiron neighborhood for 15 years. Her business was shut down due to covid. She seen how covid has disproportionately affected under-resourced communities in our city and a majority of black and brown populations. She stated that it's important to review the budget and the \$6 billion allocated to the NYPD to provide resources that the community really needs right now. She thanked the Community Board for heading in the right direction.

Nyssa Tang: Introduced herself as a small business owner in CB5. She stated that she was new to local politics and trying to learn about how to make her voice heard and was very heartened to hear this community board's position in fighting racial justice and pushing for more. She stated that she would like

to add her voice to help redirect some of the \$6 billion funds allocated for the NYPD to reinvest in social services for the communities that are hurting the most right now and the great opportunity to reimagine public safety and build infrastructure.

BUSINESS SESSION

- **NOMINATING COMMITTEE REPORT – EVAN MEYERSON**

The Chair of the Nominating Committee, Evan Meyerson, announced the slate for Officers of the Board: **Chair**, Vikki Barbero; **1st Vice Chair**, Nick Athanail; **2nd Vice Chair**, Clayton Smith; **Secretary**, Craig Slutzkin; **Asst. Secretary**, Julie Chou; **Treasurer**, Aaron Ford. The slate passed with a vote of 45 in favor, 0 opposed, 1 abstaining, as follows: **IN FAVOR**: Achelis, Athanail, Bahor, Beitchman, Brosnahan, Burton, Chou, Clark, Dowson, Ford, Frewer, Garcia, Goldman, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Sung, Webb, Weintraub, Whalen Yang. **ABSTAIN**: Barbero.

- **VOTE ON THE MAY 2020 MINUTES**

The May 2020 minutes passed with a vote of 45 in favor, 0 opposed, 1 abstaining, as follows: **IN FAVOR**: Achelis, Athanail, Bahor, Beitchman, Brosnahan, Burton, Chou, Clark, Dowson, Ford, Frewer, Garcia, Goldman, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spandorf, Spence, Stern, Sung, Webb, Weintraub, Whalen, Yang. **ABSTAIN**: Barbero.

- **CHAIR'S REPORT – VIKKI BARBERO**

Chair Barbero brought to the Board's attention the community board committees' letters to the mayor regarding shaping the city's response to covid. She spoke of the Mayor's advisory councils to help the city reopen and recover from the coronavirus pandemic and stated that the advisory councils include small business, large business, labor and workforce development, art, culture and tourism and range in size from roughly 24 to 43 members who represent a wide variety of organizations in the city. She announced that as the Borough President pointed out, not one representative from any of the 12 community boards in Manhattan was asked to provide a representative. She was very clear that since CB5 is the city's Central Business District, it would have made sense to have representation on these councils. She stated that it is indefensible that community board input was not included, nor sought and our committees have responded in full force this month whether the mayor wanted our input or not. She announced that committees will give a report on their letters to the Mayor.

COMMITTEE REPORTS

JOINT PUBLIC SAFETY & QUALITY OF LIFE, TRANSPORTATION/ENVIRONMENT AND PARKS AND PUBLIC SPACES – NICHOLAS ATHANAIL, E.J. KALAFARSKI AND CLAYTON SMITH

EJ Kalafarski reported on the Parks and Public Spaces, Public Safety and Quality of Life and Transportation/Environment joint meeting, on the city reopening. He spoke of the new expedited permitting process for outdoor seating for restaurants, so that they can begin to serve customers, even while indoor capacity restrictions are in place. He noted that the committee reviewed several letters and proposals by the city, including one written by a City Council Speaker Corey Johnson, as well as other officials. He stated that the joint committee was very much in favor of the principles behind the proposal given decreased street car traffic on the roads during the crisis and the overwhelming need for outdoor space to allow social distancing and some degree of these businesses operating. He stated that the committees were very much aware that which streets get selected for closure will have a tremendous impact on not just the flow of traffic in the city, but also which businesses will get to benefit economically and commercially. With that in mind, he stated that they did lay out some certain criteria that should be followed by the city in executing this. He stated that they suggested criteria to maximize the benefit of any such area along the lines of the matrix or matrices that we often use as a board to determine public benefit of issuing a liquor license and assessing a new bus stop, etc.

Mr. EJ Kalafarski also reported on the other effects that Covid crisis is having on the transportation and environment of our district. He stated that the discussion on how all the changes that the city makes will be interconnected. Reallocating street space from one purpose to another purpose inherently affects both creating space and taking it away from something else.

Clayton Smith announced that Parks and Public Spaces also submitted thoughts and comments on the outdoor dining proposal and the future of our parks and pedestrian plazas. He spoke of parks and public spaces being critical because they offer New Yorkers a safe opportunity to follow proper health protocols. He stated that there is concern given the estimated \$1 million loss in the parks budget, both from the mayor's proposed budget cuts as well as revenue that will be lost from park activities that won't be happening. He stated that there are a lot of questions about how the city can ensure that our parks can stay welcoming and accessible and maintained, especially given the prediction that they will get more intense use this summer than ever before. He noted the public spaces in our district will suffer shortfalls of their own, and CB5 has long standing concern and been on record about our objections and concerns about some of the sources of revenue that those entities raise and the events and fundraisers, they employ to do that. He stated that CB5 is offering to help the arbiters in that conversation, while also representing the public interest. He stated that a critical question is whether the administration is considering any changes to the long-standing mandate of the parks department as a city agency to prioritize passive use in our parks. If there is any thought that has been given or whispered about to opening up any amount of parkland for any commercial or privatized use of any kind, beyond what is already permitted and that includes the talked about idea that the outdoor dining could extend into parks, CB5 would insist that they be transparent and that they would be noticed and consulted and that there'd be proper public review for any of those ideas before they go into any further planning, let alone implementation. He also spoke of CB5 being the most extensive and trafficked pedestrian plaza network in the city by far, and the bids are the ones who partner with the city to manage those spaces. They are undergoing their own tremendous challenges, so CB5 have questions about how the city will work with them in managing the crisis and their contractual obligations.

BUDGET, EDUCATION AND CITY SERVICES – RENEE KINSELLA

Ms. Kinsella stated that CB5 was not making specific budget recommendations that we want to see our elected fight for as much state and federal funding as possible. She stated that time is of the essence to getting these funds. She stated that the city be a good steward of the money it does have and look for savings. She spoke of summer youth employment program in our schools, innovative ways to engage people who may be unemployed through free education or volunteer programs, figuring out how to safely operate the restaurants, the theaters, the shopping and all the small businesses that make up New York. She noted that she was glad to hear our elected speak tonight about supporting the homeless housing and supportive services and mental health services, transportation hubs and how important it is to get people using the trains and buses while safeguarding and improving bike lanes and keeping the network in balance with the amount of cars that continue to be present. She also reiterated the plea that class sizes be reduced and added that we want students to have resources that they need to learn in remote settings, whether that be iPads, free broadband and the tutors that we heard about tonight and that any cuts be made to the back office, rather than frontline teachers.

LAND USE, HOUSING AND ZONING – LAYLA LAW-GISIKO

Ms. Layla Law-Gisiko announced that the Land Use, Housing and Zoning committee looked at the impact of COVID-19 on urban planning. She stated that the committee focused on two very pressing issues. The first one is an issue that the mayor has created a number of advisory councils and it is really striking to see that there are actually no community activists and no Community Board Members who have been appointed. She also stated that there is currently no clear and official process to weigh in on what the recovery is going to look like and presented the following two resolutions that came out of the LUHZ Committee's discussions

LAND USE, HOUSING AND ZONING – LAYLA LAW-GISIKO

Community Board Five appeal to mandate community board input in the mayoral post-COVID-19 recovery plan.

WHEREAS, The COVID-19 pandemic hit New York City with the biggest public health crisis in recent history; and

WHEREAS, The pandemic has caused the death of tens of thousands of New Yorkers - notoriously, the most of any city in the country and the world - and has created a massive economic crisis and triggered further long term negative impacts to the city; and

WHEREAS, The city will need a well thought out and carefully executed plan to embrace recovery and resilience; and

WHEREAS, In order to draft such a plan, the Mayor has created a number of councils and committees whose expertise will create and nurture their development; and

WHEREAS, The recovery plan will benefit from input from various stakeholders whose diverse voices make up New York City; and

WHEREAS, The Mayor created the following ten advisory councils:

1. **Non-Profit and Social Services Sector Advisory Council - 44 members**
2. **Public Health and Healthcare Sector Advisory Council- 40 members**
3. **Faith-Based Sector Advisory Council – 40 members**
4. **Education Sector Advisory Council – 45 members**

5. **Construction and Real Estate Sector Advisory Council – 30 members**
6. **Surface Transportation – 24 members**
7. **Labor and Workforce Sector Advisory Council – 34 members**
8. **Large Business Sector Advisory Council – 21 members**
9. **Small Business Sector Advisory Council – 31 members**
10. **Arts, Culture and Tourism Sector Advisory Council – 27 members**

Total: 336 members; and

WHEREAS, Each advisory council is composed of an average of 33 members, with membership size ranging from 21 members to 45 members; and

WHEREAS, While we applaud the creation of advisory bodies, Community Board Five notes that Community Boards have been excluded from any formal advisory input in the recovery planning process; and

WHEREAS, The future of our communities cannot be wisely planned without our input, especially in a district as diverse and complex as Community Board Five that represents, among others, residents, large businesses, small businesses, big box retail, mom&pop stores, two major train transit hubs, the Broadway theater industry, tourism, and cultural institution of international magnitude; and

WHEREAS, Community Boards have an intimate knowledge and historical perspective on their district's needs, strengths and weaknesses, that must be taken into account if we want to build a resilient post-COVID city; and

WHEREAS, Community Boards are an integral part of the City Charter and are an integral part of the city's decision-making process on budget, land use and other matters of importance; and

WHEREAS, Community Boards have a vertically integrated perspective on their community with expertise in various fields including urban planning and land use, transportation, parks and open space, public safety and budget in the context of their geographic districts; and

WHEREAS, Community Board members are appointed through a transparent process; and

WHEREAS, An advisory report prepared by advisory councils without input from community boards would be a defective one, that could lead to improper and inadequate decisions that would fail to provide the much needed resiliency that our district needs in order to recover from the consequences of COVID on the numerous fronts where we have been impacted (health, economy, transportation, infrastructure); therefore be it

RESOLVED, Community Board Five urgently requests that one or more of their representatives be appointed to these Mayoral advisory councils, so as to share their input and intimate knowledge of our district, especially on land use and infrastructure; and be it further

RESOLVED, Community Board Five demands that formal Community Board input be designed, either through advisory councils or through a different outlet, in order to provide a formal opportunity to discuss, comment, and opine on the on-going formulation of the recovery and resiliency plan.

Community Board Five post-COVID-19 urban planning response

WHEREAS, The COVID-19 pandemic hit New York City with one of the biggest public health crises of all time, instigating a massive economic and fiscal crisis, and potentially triggering more negative consequences for human life, well-being and economic strength; and

WHEREAS, Cities are deeply affected by the virus in all aspects of their operations, including transportation, health care, hospital resources, housing, infrastructure and land use; and

WHEREAS, The pandemic has evolved into an urban crisis that will force cities, and New York City in particular, to reconsider their approach to land use and planning; and

WHEREAS, New York City became the epicenter of the pandemic in the US with 206,606 cases to date and has brought to light existing deficiencies as well as weaknesses due to the very nature of our fabric and past policies; and

WHEREAS, New York City needs to re-examine its role and responsibility in a post-COVID world, and also draw the conclusions of the impact of 20 years of planning policies that have left our communities vulnerable; and

WHEREAS, As New York gears up to adapt and recover from the harm and disruption caused by COVID-19, we must adapt our city with resilience as a driving principle; and

WHEREAS, Urban resilience demands good urban planning, but for 20 years, our core midtown district was left to develop with no direction other than market pressures, while allowing for hospitals and historic buildings to be demolished to make way for high-end residential buildings, allowing ultra-luxury supertall towers to sprout south of Central Park, letting our parks to be plunged in the dark, and our subways and schools to be overcrowded; and

WHEREAS, Paradoxically, the lack of planning policies let midtown become densely built, but sparsely occupied, with a 13% residential vacancy rate in Community Board Five (9% city average), a staggeringly high 20.6% residential vacancy rate in Midtown, reaching a sickening 34.1% vacancy rate in core midtown from 42nd to 59th Street and an obscene 40.6% for the two census tracts that border Central Park. (Source: New York City Population FactFinder); and

WHEREAS, At the peak of the pandemic, it was disturbing to see supertall luxury condo towers entirely dark, deserted, while in contrast, our first responders and health care workers had to brave long commutes to come and care for the acutely sick; and

WHEREAS, Chronic double-digit residential vacancy will hurt the district's resilience; and

WHEREAS, Community Board Five believes that a municipality's priority is to carefully craft and consider planning decisions that benefit its communities; and

WHEREAS, The Department of City Planning, over the past decade, has been adamant that it should not influence what midtown should look like but, rather, should let the market decide, going as far as excluding our district from laws against the nefarious mechanical voids, letting our parks linger in permanent shadows, letting developers build residential buildings designed to be vacant; and

WHEREAS, Planning, deciding how our land should be utilized, and envisioning how our district and our city should grow and develop are the noble and necessary missions of a government well run, it is a mandate of any city and municipality, and one New York once pioneered in imposing zoning to protect light and air more than a century ago; and

WHEREAS, To overcome the many challenges our district and our city are facing, we need to return to principles of rational planning and zoning, and reclaim a city that is efficient and that preserves and utilizes its resources in a smart and sustainable way; and

WHEREAS, After years of poor planning policies, the current and future administration must resume their mandate and involve community planners, leaders and advocacy groups in their effort to plan a post-pandemic resilient NYC; therefore be it

RESOLVED, Community Board Five demands that the administration, the Department of City Planning and other city agencies reconnect with the core principles of their mission, and tackle post-COVID planning with recovery and resilience as guiding principles; and be it further

RESOLVED, The administration, current and future, must involve community planners, leaders and advocacy groups in their effort to plan a post-pandemic resilient NYC.

Application by Kato International LLC, to renew a three-year permit for the continued operation of a 567 square foot open air café located within an existing 4,790 square foot, publicly accessible privately-owned public space (POPS) located at 12 East 49th Street, in Manhattan Community Board Five, for another three years pursuant to ZR 37-73

WHEREAS, 12 East 49th Street is located within a C5-2.5 and a C5-3 Zoning District within the Special Midtown District, within Manhattan CB5; and

WHEREAS, 12 East 49th Street, is a 45-story commercial office building of approximately 598,088 square feet of floor area, (23.9 FAR), located on Block 1284, Lots 6, 7, 12 and 13, a through block lot bounded by 5th Avenue and Madison Avenue, with 124 feet of frontage on East 48th Street and 125 feet of frontage on East 49th Street, improved with two privately owned public plazas, a 1,597 square foot North Plaza located along East 49th Street and a 4,790 square foot South Plaza located along East 48th Street; and

WHEREAS, The North Plaza contains a 1,635 square foot arcade and the South Plaza contains a 2,144 square foot arcade and a 567 square foot open air café; and

WHEREAS, The ground floor of 12 East 49th Street consists of a public passage between the North and South Plaza, the building lobby and a Use Group 6 eating and drinking establishment, which is also associated with the open air café located in the South Plaza; and

WHEREAS, Kato International LLC seeks to keep the South Plaza ground floor uses as a Use Group 6 eating and drinking establishment associated with the open air café; and

WHEREAS, Both the North and South Plazas, privately owned public spaces, will continue to operate in accordance with the requirements for privately owned public spaces pursuant to ZR 37-70; and

WHEREAS, The operation of the open-air café will continue to operate in accordance with the requirements set forth in ZR 37-73; and

WHEREAS, The proposed plan for the open air café would have 12 tables with 48 chairs, located three feet west of the permitted obstruction seating III and along the south edge of the existing arcade columns as shown on Drawing # ZL07, entitled “On Season Café Plan”, dated 3/27/20 – Issued for Permit; and

WHEREAS, The proposed open air café would serve primarily as a revenue producing extension to a ground floor eating and drinking establishment within a public space, generating revenue from the table-service; and

WHEREAS, CB5 is concerned about both the pedestrian congestion on the sidewalks of midtown, and the safeguarding of bonus-granting public space that the general public is meant to enjoy; and

WHEREAS, CB5 believes that open air café seating in a privately owned public space may be a public benefit only when seating and tables can be used by the public without a need for purchase of food or beverage; and

WHEREAS, At the CB5 Land Use, Housing and Zoning Committee meeting on June 3rd 2020, representatives from Kato International LLC agreed that anyone from the public will be able to sit on the

proposed seats and use the tables without need for purchase of food or beverage and non-paying members of the public will not be told to move if a paying customer wishes to sit and all seating is occupied; and

WHEREAS, CB5 believes that if the public ends up unable to use the seating without purchase of food or beverage, the public costs associated with some commercial activity in this public space would outweigh any other potential public benefit associated with this open air café; and

WHEREAS, To ensure the public is aware of their ability to sit in the café seating without need for purchase of food or beverage, Kato International LLC agreed to submit a revised site plan showing the exact location, text and size of signage that provides public information in the following ways:

1. Text that states “Open to the Public No Purchase Necessary” in text no smaller than the largest non-logo text on any signage board, displayed at the top of both sides of one 3’-10 3/4” by 2’-4” double sided curb sign and café signage and located at the open air café entrance;
2. Text that states “Open to the Public No Purchase Necessary” displayed on both sides of any signage plaques mounted anywhere in the South Plaza area;

WHEREAS, If signage is not required to make clear to the public that they can use seating and tables without need for a purchase, CB5 does not believe the public would have any knowledge that such seating is available to them; and

WHEREAS, Kato International LLC representatives agreed that the restaurant operator and management will instruct the staff of the restaurant to welcome the public to use the seating in the open-air café; and

WHEREAS, If the seating ends up being available for the public to use both with and without purchase, the proposed open-air café could benefit; and

WHEREAS, If the agreed upon signage is NOT part of the site plan approval for the open air café, CB5 would be in very strong objection to City Planning Commission approval of the open air café as such an approval would constitute the privatization of public space without any benefit provided for everyday New Yorkers who do not wish to make a purchase to enjoy public space; therefore be it

RESOLVED, Community Board Five **recommends approval** of the application for the renewal of a permit to operate an open air café to be operated and managed by the restaurant leasing the ground floor restaurant space from Kato International located at 12 East 49th Street for the next three years with the following specified requirements:

- 1) Comply with the above signage stipulations for the three-year term of the sidewalk café permit;
- 2) Signed Affidavit that applicant and the restaurant owner, operator and management covenant and agree to the stipulations listed herein this resolution for the three year term of this renewal permit to operate an open air café at the above location.

After some discussion the above resolution passed with a vote of 44 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Bahr, Beitchman, Brosnahan, Burton, Chou, Clark, Dowson, Ford, Frewer, Garcia, Goldman, Goshaw, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spence, Stern, Sung, Webb, Weintraub, Whalen Yang. **ABSTAIN:** Barbero.

PUBLIC SAFETY AND QUALITY OF LIFE REPORT— NICHOLAS ATHANAIL

Nicholas Athanail provided an update on the Glass Ceiling application. As a reminder, this application first came before the Board last December. This was an application for a liquor license on a rooftop bar

which is immediately adjacent to a residential building and we denied. We recommended denial of the application in December, the applicant requested for rehearing which we heard last month and again recommended a denial of the application. This was heard by the full board of the State Liquor Authority on April 29th and they agreed with our recommendation of denial and they denied the application.

Alcohol Delivery and “To Go” Legislation, an act to extend the SLA’s guidance on restrictions for licensees and to-go and delivery sales in response to Covid-19 outbreak

WHEREAS, In an effort to control the outbreak of COVID-19 in New York State, pursuant to the Governor’s order, effective Monday, March 16, 2020 at 8:00PM, all licensed on-premises establishments (e.g. restaurants, bars, taverns, clubs, arenas, catering establishments, etc.) must cease on-premises sales of alcoholic beverages and/or food; and

WHEREAS, This restriction shall continue until June 27, 2020 but may be extended or reduced depending upon the circumstances; and

WHEREAS, To aid in prevention of the spread of the coronavirus and assist businesses impacted by the current state of emergency, the Governor has ordered the State Liquor Authority (SLA) to promulgate guidance on new off-premises privileges for licensed businesses with on-premises privileges; and

WHEREAS, Accordingly, the SLA offered the following guidance:

1. Any on-premises licensee and any manufacturing licensee with on-premises retail privileges may sell for off-premises consumption any alcoholic beverages that it is able to sell for on premises consumption under the law.
 - For example, a tavern wine licensee may sell beer, wine, cider, mead, and wine product, but not liquor, and a farm winery may sell any New York State labeled wine, beer, cider, mead, or liquor, but not non-New York State products unless it has an on-premises license as well.
2. Alcoholic beverages sold for off-premises consumption pursuant to this guidance may be sold in any closed or any sealed original container of any size. Provided that:
 - The sale of each container shall be accompanied by the purchase of food;
 - Sales should be consistent with municipal open container ordinances.
3. Alcoholic beverages sold for off-premises consumption pursuant to this guidance may be sold for takeout from the licensed premises or may be delivered to the customer’s residence.
 - Deliveries shall be made in a vehicle permitted by the Authority (e.g., a third-party delivery service), or a vehicle-owned and -operated, or hired and operated by the licensee or its employee. A copy of the permit or license must be present in the vehicle.
4. Alcoholic beverages sold for off-premises consumption pursuant to this guidance may only be sold during the on-premises hours of operation of the county in which the premises is located or, if different, the hours of operation set forth in the licensee’s method of operation with the Authority.
5. While this guidance restricts on-premises privileges, this does not modify any off-premises privileges currently included with a license.
 - For example, breweries, micro-breweries and farm breweries have always had the privilege to sell beer to go to customers at the premises; this privilege is unchanged. Under the new guidelines, breweries, micro-breweries and farm breweries who do not

also hold an on-premises license may take orders from persons not at the premises for delivery of beer, however these orders for delivery must include food.

6. Any licensed business found to be operating in violation of the Governor's order restricting on-premises sales of alcoholic beverages shall face a monetary penalty (retail maximum of \$10,000/manufacturer maximum of \$100,000), and/or suspension, cancellation, or revocation of its license; and

WHEREAS, These restrictions and additional privileges shall continue until June 27, 2020 but may be extended or reduced depending upon the circumstances; and

WHEREAS, State Senator Hoylman has introduced legislation to permit licensees under the alcoholic beverage control law to continue to sell and deliver alcoholic beverages for off-premises consumption but adds additional oversight and community input requirements; and

WHEREAS, The bill would allow, for two years after the expiration of the COVID-19 state disaster emergency (as such term is defined in section 20 of the executive law), any on-premises licensee and any manufacturing licensee with on-premises retail privileges to sell for off-premises consumption any alcoholic beverages that it is licensed to sell for on-premises consumption; and

WHEREAS, The bill would require such beverages to be sold in closed/sealed containers, accompanied by the purchase of food, and comply with open container laws and it would allow such beverages to be sold via takeout or delivery, and provide certain specifications as to the type of vehicle that can be used for deliveries; and

WHEREAS, The bill would require hours of takeout/delivery sales to be consistent with the County's required on-premises hours of operation or the hours of operation set forth in the licensee's method of operation with the SLA; and

WHEREAS, To ensure community input, the bill would require the SLA to conduct regular outreach to municipalities and community boards to solicit comment and report to the Legislature and Governor within 6 months on the implementation of the act and the SLA would also be required to hold three hearings on the law between 4 months and 2 months before the law is set to expire - One in NYC, one in Western NY, and one in the Capital Region; and

WHEREAS, The bill would also permit the SLA to suspend or revoke a licensee's ability to sell alcoholic beverages for off-premises consumption, after a hearing and would permit municipalities and community boards to express an opinion for or against allowing the licensee to continue to do so; and

WHEREAS, Manhattan Community Board Five supports this legislation with the following caveats:

1. To ensure safety of patrons and pedestrians alike, patrons purchasing alcohol to-go must not be permitted to loiter or socialize in the vicinity of the serving premises; and
2. NYC's Open Container Law, which prohibits anyone from drinking in any public place unless the space is licensed or permitted, must be strictly complied with and enforced to prevent such drinking in public; and
3. Measures must be taken to ensure that delivery recipients are of legal drinking age; and
4. In response to complaints by the public or community boards, the SLA's ability to suspend or revoke a licensee's ability to sell alcoholic beverages for off-premises consumption must be quick and efficient; and
5. The bill must be equitably administered to ensure fair treatment and inclusion of all small businesses; and

WHEREAS, Members of the public appeared and commented regarding this matter and the comments and concerns of the community were taken into consideration in making these recommendations; therefore, be it

RESOLVED, Community Board Five **recommends enactment** of the so called “Alcohol Delivery Bill,” provided that the above conditions are incorporated into the legislation

Glass Ceiling Events, LLC D.B.A “THE GLASS CEILING”, 1204 Broadway (Between 29th and 30th Streets) New York, NY, application for a new on premises wine and beer license.

WHEREAS, GLASS CEILING EVENTS LLC ("Applicant"), has notified Community Board Five of its intention to apply for a new on-premises wine and beer license for a rooftop bar/lounge/event space to be located at 1204 Broadway (between 29th and 30th Streets) New York, New York (the "Premises"); and

WHEREAS, The entirety of the space is outdoors, on a rooftop (the “Rooftop”) above the fourth floor of the building; and

WHEREAS, In December 2019, CB5 issued a resolution denying Applicant’s request for an on-premises liquor license, attached hereto as Exhibit A (the “Denial Resolution”); and

WHEREAS, In March 2020, in response to Applicant’s request for reconsideration of the Denial Resolution, CB5 reconsidered the matter and again denied the application and issued another resolution attached hereto as Exhibit B (the “Reconsideration Resolution”); and

WHEREAS, In support of the Denial Resolution and Reconsideration Resolution, CB5 heard input from many residents abutting the Premises and living nearby the Premises in opposition to issuing a license to the Premises for the reasons set forth in the resolutions (the “Community Opposition”); and

WHEREAS, In support of the Denial Resolution and the Reconsideration Resolution, Assembly Member Richard N. Gottfried, State Senator Liz Krueger, Manhattan Borough President Gale Brewer, and City Councilmember Keith Powers, submitted testimony, attached hereto as Exhibit C (the “Elected Representative Opposition”); and

WHEREAS, On April 29, 2020, at the NYSLA Full Board Review of Application #1319843 of Glass Ceiling Events LLC, Agenda Number 2020-00617D, the SLA denied Applicant’s application for an on-premises liquor license; and

WHEREAS, Applicant has now notified CB5 of its intention to apply for a new on premises wine and beer license; and

WHEREAS, The reasoning behind the Denial Resolution, the Reconsideration Resolution, the Community Opposition, and the Elected Representative Opposition, is the same whether the application is for a liquor license or a wine and beer license; and

WHEREAS, CB5 repeats that, because of the location of the Rooftop mere feet away from residential windows, there is no way the Rooftop can be operated as a bar/lounge/event space without significantly and unreasonably imposing on the residents adjacent to the space; and

WHEREAS, Although CB5 strives to balance the interests of residents and businesses in the district, in this case, the huge potential for negative impact on the adjacent residents cannot be balanced against a rooftop bar in such close proximity to the residences; and

WHEREAS, Although CB5 opposes the location of a rooftop bar at the Premises, CB5 would be willing to work with the Applicant on options other than licensing the Rooftop, for example licensing portions of the interior four (4) floors of the building; and

WHEREAS, Because of the location of the Rooftop Premises immediately adjacent to residential windows, CB5 finds that granting an on-premises wine and beer license for the Premises is NOT in the public interest; therefore, be it

RESOLVED, Community Board Five **recommends denial** of the application by GLASS CEILING EVENTS, LLC for a new on-premises wine and beer license for the rooftop bar/lounge/event space to be located at 1204 Broadway (between 29th and 30th Streets) New York, New York.

After some discussion the above resolution passed with a vote of 44 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Bahor, Beitchman, Brosnahan, Burton, Chou, Clark, Dowson, Ford, Frewer, Garcia, Goldman, Goshaw, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spence, Stern, Sung, Webb, Weintraub, Whalen, Yang. **ABSTAIN:** Barbero.

LANDMARKS – LAYLA LAW-GISIKO

234 Fifth Avenue application to build a rooftop penthouse and deck

WHEREAS, 234 Fifth Avenue, aka 11 West 27th Street, is a five story building located in the Madison Square North Historic District; and

WHEREAS, The Building was previously two mid-nineteenth century buildings, one facing Fifth Avenue and the other facing West 27th Street, which were joined in 1926 and re-clad in the Art-Deco style by design of the architectural firm Greene & Kitzler; and

WHEREAS, The applicant is proposing additions on the Building's rooftop including a one story penthouse and deck as well as a canopy, railing, bar, seating, flooring, lighting and bulkhead; and

WHEREAS, The footprint of the rooftop additions in total will be 3,951 sq ft.; and

WHEREAS, The Building's proposed canopy and railing will be minimally visible at street level; and

WHEREAS, The canopy dimensions will be 45'-1.5" L x 18'-2" W x 12'-2.5" H; and the railing dimensions will be 125' L x 28'-4" W x 5'-8.5" H; and

WHEREAS, The Building's other proposed rooftop additions, including the penthouse, deck and bulkhead will not be visible at street level; and

WHEREAS, The penthouse will be 1,025 sq ft. (41' L x 25' W x 16'-2.5" H), the deck excluding the penthouse & bulkhead will be 2,424 sq ft. (125' L x 28'-4" W x 1'-4" H) and the bulkhead will be 341 sq ft. (30'5" L x 11'-3" W x 13' H); and

WHEREAS, The applicant has agreed to use ambient lighting on the rooftop additions including lighting for the canopy and railing; and

WHEREAS, The applicant has agreed to place lighting only on the inward facing side of the railing; and

WHEREAS, The applicant has agreed to use metal and glass for the railing that will maintain its minimal visibility; and

WHEREAS, A new retrofitted elevator will provide ADA accessibility to the roof; and

WHEREAS, The proposed rooftop additions are appropriate for the Building and harmonious with the Madison Square North Historic District; therefore, be it

RESOLVED, Community Board Five **recommends approval** of the application for the proposed additions to the rooftop of 234 5th Avenue including a canopy and railing which will be minimally visible at street level and the other additions (penthouse, deck, bulkhead etc.), which will not be visible at street level.

1177 Broadway – Application for demolition, and construction of a new façade, including new exterior cladding, windows, storefront and signage

WHEREAS, 1177 Broadway is located on approximately mid-block on Broadway between West 27th Street and West 28th Street in the Madison Square North Historic District; and

WHEREAS, The two-story building was constructed in 1981, has no particular style, is a non-contributing building to the historic district and the facade has fallen into disrepair with little to save or preserve; and

WHEREAS, The approximately 25 feet wide building was designated as part of Madison Square North on June 26, 2001; and

WHEREAS, The building is a multi-story commercial building with retail on the first floor and office space on the second floor; and

WHEREAS, The applicant is requesting a Certificate of Appropriateness to demolish the existing facade and construct a new facade consisting of new exterior cladding, windows, storefront, and signage; and

WHEREAS, The retail and office space is approximately 4,432 square feet in total spread across two floors; and

WHEREAS, The applicant proposes the following modifications: - New limestone facade; and - new windows framed in a black anodized aluminum box; and - metal box to be made of the same material to serve as ground floor canopies for the lower storefront level; and - faux third story with no roof access for tenants to be framed with the same metal material and metal planters to be filled with plants that drape over the facade; and - new blade sign to be compliant with LPC rules dimensions and guidelines; and

WHEREAS, The applicant indicated that the roof of the building will not be occupied or used; and

WHEREAS, The faux third-story is an unusual design treatment applicable only for the specificity of this building, and its site and surrounding and should not be understood as a broad position of Community Board Five; and

WHEREAS, Community Board Five finds the design for the first and second floors to be sympathetic to the historic district and requests that the applicant makes modifications to the faux third floor so that it is more proportional in depth, better anchors the building, and is more contextual with the district; and

WHEREAS, Community Board Five finds that the overall design as presented harmonizes with the other storefronts in the district and requested that the applicant makes modifications to the faux third floor of the building; and

WHEREAS, The applicant presented a revised design that incorporates and alleviates Community Board Five concerns; and

WHEREAS, The updated design incorporates a metal piece topping the façade that acts as a cornice and that offers a more harmonious scale to the facade; and

WHEREAS, The applicant has confirmed that they will submit the updated design to LPC for approval and will not submit the original design that was rejected by CB5; therefore be it

RESOLVED, Community Board Five **recommends approval** of updated design for a Certificate of Appropriateness to demolish and construct a new facade at 1177 Broadway.

45 Rockefeller Plaza: Application for a Certificate of Appropriateness to update lighting scheme at 45 Rockefeller Plaza lobby and mezzanine

WHEREAS, 45 Rockefeller Plaza is seeking a Certificate of Appropriateness for an updating lighting scheme in the designated lobby; and

WHEREAS, 45 Rockefeller Plaza, also known as The International Building, is one of 19 buildings that occupy 22 acres of the larger Rockefeller Center built during the Great Depression by John D. Rockefeller Jr.; and

WHEREAS, 45 Rockefeller Plaza is a 512-foot, 41-story building located on the west side of Fifth Avenue between West 50th and 51st Streets and was designated a NYC Landmark in 1985; and

WHEREAS, The applicant is proposing a lighting scheme to restore the interior of the landmark to a look-and-feel resembling historical photographs (1935; Architectural Forum); and

WHEREAS, Much of the existing lighting is outdated and does not provide optimal illumination of the significant architectural features and/or the lighting creates extreme hotspots; and

WHEREAS, Proposed alterations include:

1. Illuminating the windows above the entrance on Fifth Avenue as well as adding mirrors to the alcove similar in style to a recent renovation of the Rainbow Room; and
2. Relighting the entrances and ventilation grilles also at the Fifth Avenue entrance; and
3. Creating a seating area between the elevator banks in the East Lobby, Ground Floor which includes the removal of non-historic cabinet doors and cabinet partitions; and
4. Relighting the art work in the North & South Niches; and
5. Refinishing and removing wax build up on floor and terrazzo to create a more historic and less reflective surface; and
6. The installation of necessary and discrete security cameras; and

WHEREAS, The applicant is taking great care to propose modifications that are minimally invasive and that enhance and do not detract from the architectural splendor of 45 Rockefeller Plaza as it relates to Rockefeller Center; therefore, be it

RESOLVED, Community Board Five **recommends approval** for modifications to 45 Rockefeller Plaza that include relighting the ground lobby and mezzanine floor.

After some discussion the above resolution passed with a vote of 43 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Bahor, Beitchman, Brosnahan, Burton, Chou, Clark, Dowson, Ford, Frewer, Garcia, Goldman, Goshaw, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kabaek, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spence, Stern, Webb, Weintraub, Whalen, Yang. **ABSTAIN:** Barbero.

BUDGET, EDUCATION AND CITY SERVICES REPORT – RENEE KINSELLA

Renee Kinsella provided an update regarding a letter sent to the Mayor and to local elected asking that they consider the pros and cons of the summer youth employment program before accessing it from the budget. The program employs 75,000 kids between the ages of 14 and 24. While recognizing the program cannot be operated in the same manner as last year, we believe that the youth need, particularly given what's going on in the world to be employed or somehow gainfully employment.

Consideration of legislation by Council Member Keith Powers, the Community Organics and Recycling Empowerment (CORE) Act, which would create composting and electronics drop-off sites to compensate for recycling reductions resulting from the COVID-19 pandemic

WHEREAS, The impact of COVID-19 has led the City of New York to undertake severe funding cuts; and

WHEREAS, These cuts include \$24.5 million dollars in organic waste recycling by the Department of Sanitation; and

WHEREAS, These cuts have resulted in the suspension of 175 community organic collection sites as well as voluntary curbside e-waste collection; and

WHEREAS, The lack of this programming leaves New Yorkers without any “green” way to dispose of this waste; and

WHEREAS, Council Members Powers and Reynoso have introduced two bills - the Community Organics and Recycling Empowerment (“Core”) Act - that are designed to bring more equity and access to community-based compost and organic recycling while maintaining organic collections; and

WHEREAS, Intro 1942, would require three drop-off composting sites in each community district; and

WHEREAS, Intro. 1943 would allow for the collection of recyclable materials such as electronics, which by State law cannot be disposed of into our general waste stream; and

WHEREAS, Continuity of recycling practices is important as it keeps habits of proper disposal alive, helping to ensure the success of our city’s organics program once it is restored; and

WHEREAS, History suggests that eliminating the program now would make it that much harder to re-introduce recycling behaviors; and

WHEREAS, Without this program, New Yorkers would not have a way to recycle their organic and electronic waste; and

WHEREAS, The provision of recycling hubs is in line with the City’s zero waste initiatives and other green initiatives; and

WHEREAS, The proposed legislation is supported by the Manhattan Borough President along with New York Lawyers for the Public Interest (NYLPI), New York City Environmental Justice Alliance, ALIGN NY, Big Reuse, and the solid waste advisory boards for Brooklyn, Queens, and Manhattan; and

WHEREAS, CB5 would prefer that the DSNY does not cede jobs to non-profits who handle education, collection and transport, it recognizes that non-profit partners have been involved in recycling efforts; therefore be it

RESOLVED, Community Board Five fully supports the passing of both Intro 1942 and Intro 1943 (the CORE Act), which would create composting and electronics drop-off sites to compensate for recycling reductions resulting from the COVID-19 pandemic, and urges the City Council to consider and vote on the proposed bills.

After some discussion the above resolution passed with a vote of 43 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Bahor, Beitchman, Brosnahan, Burton, Chou, Clark, Dowson, Ford, Frewer, Garcia, Goldman, Goshow, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Pawson, Rabar, Shapiro, Slutzkin, Smith, Spence, Stern, Webb, Weintraub, Whalen Yang. **ABSTAIN:** Barbero.

Response from Manhattan Community Board Five to the Mayor's Executive Budget for Fiscal Year 2021

WHEREAS, COVID-19 has had and will continue to have a very serious economic impact upon New York City; and

WHEREAS, As a result of the coronavirus, there is a projected loss of \$9 billion in tax revenue for Fiscal Year 2021; and

WHEREAS, The Mayor's Preliminary Executive Budget proposed \$95.3 billion of total spending; and

WHEREAS, In light of the impact of COVID-19 on projected tax revenue loss, the Mayor has reduced the Preliminary Executive Budget spending, introduced in April, 2020 by \$6B to \$89.3; and

WHEREAS, Manhattan Community Board Five (M-CB5) has already commented upon the FY2021 Preliminary Executive Budget pre-coronavirus; and

WHEREAS, M-CB5's comments on this budget did not and could not foresee or anticipate the Mayor's Executive Budget cuts; and

WHEREAS, M-CB5's position with regard to the preliminary budget has been revised to reflect the rapidly changing financial and moral challenges currently facing the city; and

WHEREAS, The NYC budget crisis, continued health care crisis, and ongoing crisis of racist police brutality as highlighted by the Black Lives Matter movement, demand that we think differently about how we spend our collective resources for the kind of public safety that all our communities need; and

WHEREAS, The Mayor's budget cuts have NOT been made proportionally across all Agencies; and

WHEREAS, NYC spends more on policing than we do on the Departments of Health and Mental Hygiene, Homeless Services, Housing Preservation and Development and Youth and Community Development combined; and

WHEREAS, Facing a looming \$9B budget hole, the Mayor's cuts leave the NYPD nearly untouched (a mere 0.3%) while proposing vast cuts to a range of critical initiatives and social programs for which M-CB5 has strongly advocated, including:

- A 32% cut to the Department of Youth and Community Development, including a 100% cut of the Summer Youth Employment Program, which gave paid internships to over 74,000 young New Yorkers in 2019, who now stand to lose both a valuable professional development opportunity and much-needed income for their families,
- A 40% cut to the Capital Budget for affordable housing, which will delay or cancel the creation and preservation of 21,000 units of affordable housing city-wide,
- A \$642 million cut to the Department of Education; and

WHEREAS, M-CB5 is on record in rejecting cuts to education, affordable housing and the Youth Employment Program;

WHEREAS, Comptroller Scott Stringer and Public Advocate Jumaane Williams have both called for a significant reduction of the NYPD budget and a reinvestment in communities, particularly when it comes to critical social services best executed outside of the NYPD; and

WHEREAS, Nine out of the ten Manhattan City Council Members publicly support making cuts to the budget of the NYPD, including Speaker Johnson, District Five Council Members Carlina Rivera, and Keith Powers; and

WHEREAS, As Council Member Rivera stated, “Understanding and responding to the harsh financial realities of this crisis does not have to mean balancing the budget on the backs of those most impacted by COVID-19;” therefore, be it

RESOLVED, That the priorities detailed in the Executive budget should be revised to ensure that children and traditionally underserved populations are not disproportionately impacted negatively; and be it further

RESOLVED, That the City pursue and support these critical frontline services and begin to rebuild communities ravaged not just by COVID-19 but by decades of systemic community disinvestment; and be it further

RESOLVED, M-CB5 demands reconsideration by the Mayor regarding the distribution of budget cuts across all City Agencies, including the NYPD; and be it further

RESOLVED, M-CB5 strongly recommends the City Council ensure that the NYPD not be exempt from its share of the significant budget cuts that have to be made this year.

After some discussion the above resolution passed with a vote of 40 in favor, 0 opposed, 1 abstaining: **IN FAVOR:** Achelis, Athanail, Bahor, Beitchman, Brosnahan, Burton, Chou, Clark, Dowson, Frewer, Garcia, Goldman, Goshaw, Haas, Harris Jr., Hartman, Heyer, Isaacs, Johnson, Kaback, Kalafarski, Kang, Kinsella, Law-Gisiko, Levy, Lopes, Lucic, Maffia, McCall, Meyerson, Miller, Rabar, Shapiro, Slutzkin, Smith, Stern, Webb, Weintraub, Whalen, Yang. **ABSTAIN:** Barbero.

There being no further business, the regularly scheduled meeting of Community Board Five adjourned at 7:58 p.m.

Respectfully submitted by,

Craig Slutzkin
Secretary

Julie Chou
Assistant Secretary