



# THE CITY OF NEW YORK MANHATTAN COMMUNITY BOARD NO. 3

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## **Community Board 3 Manhattan District Needs Statement for Fiscal Year 09**

Community Board 3 Manhattan covers the Lower East Side and part of Chinatown. Its boundaries are 14th Street on the north, the East River on the east and south and Fourth Avenue and Bowery on the west, extending to Baxter and Pearl Streets and the Brooklyn Bridge south of Canal Street. It is a community filled with a diversity of cultures, religions, incomes and languages. Its character, drawn from its heritage as a historic first stop for many immigrants, continues to the present day. Community Board 3 is one of the largest and most densely populated districts in the city. It has over 164,000 people, 43,000 of whom require income assistance. This is 26% of our population and 83% greater than the median for Manhattan community boards. Seventeen percent of our population is under 18 years of age and 13% are senior citizens. The demographics of the district also illustrate our diversity and reflect our immigrant population. The 2000 census indicates that the residential population of this district is 35% Asian/Pacific Islander, 28% white nonhispanic, 27% Hispanic, 7% African American, as well as other parts of the world represented in smaller numbers.

The district has recently been greatly affected by increasing gentrification which has enriched the community in many ways but also changed its character, culture, and businesses. The district continues to attract more people and businesses that support the growing market-rate housing and high-end retail, but many people within this community continue to live on the edge of homelessness and economic survival. Community Board 3 has worked to retain affordable housing and local businesses as well as serve the needs of the newcomers to this community because it recognizes that the displacement of long-time residential and commercial residents has caused great loss to this community. Many small family-owned stores, especially those that serve local retail needs, arts businesses, and nonprofits have closed and been replaced by an ever growing number of bars and restaurants that do not serve the local community. Families have been displaced from their homes because they cannot afford increasing rents. Community-based organizations, which provide essential services for community residents, struggle to provide more services and to afford their own costs with fewer resources. Their budgets have decreased because the new market-rate residents have changed the demographics of this community, making the percentage of those needing assistance smaller although their actual number may increase.

As the district continues to struggle with finding a balance between its history and its growth, Community Board 3 will continue to support policies and programs that protect our residents and provide opportunities for economic development in ways that benefit all members of our community and serve our needs.

# **Nightlife and Economic Development**

## **Nightlife**

Many of the most densely residential areas within Community Board 3 have become nightlife destinations, attracting patrons from within and outside of the district. Licensed businesses continue to open on side streets, avenues and in areas once comprised only of residences and businesses that served local retail needs. Restaurants and cafes serving beer, wine and liquor with meals heavily populate most of our streets. Bars, lounges and clubs, with little or no food service, and multi-level venues comprised of lounges with ancillary eating areas abound in the far East Village and the Lower East Side and are growing in number in Chinatown. Numerous large and boutique hotels have opened or are under construction and include restaurant, lounge and bar space open to the public and designed to be destination locations. Transfers of existing licenses continue to increase because of the exponential turnover of these businesses. Applications to upgrade, alter and expand existing liquor licenses are also growing as businesses strive to maintain and broaden their clientele in the increasingly competitive nightlife industry.

These businesses have displaced many necessary services and have inundated this district with late night noise, vehicular and pedestrian traffic, crime and various quality of life concerns that affect residents and other businesses and severely tax the resources of our already overburdened City agencies. Community Board 3 residents from many areas persistently complain about noise in front of, in the backyards of and emanating from businesses. Patrons, lining the sidewalks to smoke, socialize and wait to enter crowded establishments, overwhelm the sidewalks and degrade the quality of life of pedestrians and surrounding residents.

Community Board 3 continues to work cooperatively with its police precincts and other City agencies, to coordinate and increase services and inspections to address these conditions but none of these agencies has the resources necessary to continually address these significant concerns. The City needs more effective policies and legislation, governing enforcement and zoning, to address the growing noise and congestion resulting from the increase in licensed businesses. The City must provide the appropriate resources and staffing to the New York Police Department (NYPD) and the Department of Environmental Protection (DEP) to vigorously enforce the new noise code. The City must also create legislation to better regulate the use of public sidewalks. This necessary public space is presently overwhelmed by the patrons, noise and sanitation of private establishments. In an effort to respond to the growing conditions on our streets, our police precincts have assumed much of the responsibility for enforcement. They are continually expanding their cabaret and quality of life units. They have closed streets during the weekends to limit and control pedestrian and vehicular traffic in specific areas. Without the City's support, through an expansion of resources to both police precincts and other City agencies, our police officers will be overtaxed by the growing burden of nightlife monitoring and enforcement.

## **Licensing**

Within the past year, Community Board 3 has reviewed nearly 400 new or upgraded liquor license applications. Community Board 3 invests countless hours in such evaluations to encourage the growth of responsible business and to ensure that potential business owners understand our longheld position that it is not appropriate to approve liquor license applications in areas already overly congested with the people, traffic and noise attendant to existing licensed businesses, where there are already too many licensed businesses within 500 feet or where the area itself is not appropriate for licensed

businesses. There are presently fourteen areas which Community Board 3 has determined are inappropriate locations for additional or upgraded licenses based on one or more of these criteria.

The New York State Liquor Authority has made considerable efforts within the past year to consider these circumstances in evaluating license applications. It has worked cooperatively with Community Board 3 to allow the community to have a greater voice in the evaluation process. It now adds as conditions of the licenses it issues any agreements regarding operation that have been constructed by the community board and applicants. It has also more comprehensively investigated complaints about existing businesses. The City should support the efforts of local community boards to cooperate with the New York State Liquor Authority by engaging in an ongoing dialogue with state officials to encourage the New York State Liquor Authority to continue to consider the conditions in certain areas of the City known to be nightlife destinations and to supervise licensed businesses through its participation in multi agency enforcement operations which would provide its personnel with first hand experience of these conditions. City agencies should also encourage the New York State Liquor Authority to fully investigate requests by community boards and local police precincts to revoke poorly or illegally operated licenses. Where revocation is not the appropriate resolution for violations, the City should urge the New York State Liquor Authority and the State judiciary to impose substantial sanctions on licensees as a deterrent from repeated offenses.

### Sidewalk Cafes

Community Board 3 continues to receive numerous requests for sidewalk cafés. Many of the businesses requesting these permits are liquor-licensed establishments which often generate large crowds and noise. Of these businesses, a growing number serve alcohol as their primary or sole means of revenue. Community Board 3 continues to urge the City to create legislation to differentiate between businesses seeking to obtain permits to extend food service to sidewalk seating and those seeking to extend their bar space outdoors. While sidewalk cafes add vitality and movement to streetscapes, Community Board 3 believes that bars should contain their noise and activity inside to protect the quality of life of surrounding residents. Furthermore, the Department of Consumer Affairs must increase weekend and evening inspections to ensure that sidewalk cafés are in compliance with their permits and City regulations need to be modified to better accommodate pedestrians on increasingly overcrowded sidewalks. The minimum eight feet allotted for pedestrian traffic often includes signage, parking meters and other street furniture but does not allow enough room for the growing crowds of passersby now using our sidewalks.

### Commercial Use of Backyards

The commercial use of backyards and other private outdoor space, such as side yards and rooftops, by nighttime establishments continues to increase. This has occurred on both avenues and side streets, resulting in numerous complaints from people whose homes overlook these areas. The City should enact legislation to more strictly enforce noncompliant commercial use of back and side yards. The City should also enact legislation to regulate the hours of commercial use in back and side yards and on rooftops to minimize the negative impacts of these private uses of outdoor space on the quality of life of surrounding residents.

### Small Businesses

The commercial overlay on many of the avenues in this district was created to accommodate the local shopping needs of this community, however, as landlords increase rents for commercial space, small businesses providing necessary services to residents are being displaced by restaurants, bars

and clubs. Community Board 3 has requested a zoning text change for this district which would prohibit the replacement of a grandfathered retail use by an eating and drinking establishment in an area not zoned for commercial use.

## **Public Health/Hospitals/Seniors/Disabled**

There are three major health concerns within this district. Although the death rate from HIV has decreased in this community during the past decade, it is still over 50% higher than the City overall yet only 19% of area residents have been screened for HIV within the past year and 25% of those testing positive have already contracted AIDS by the time they are tested. Binge drinking has become a significant problem in Community Board 3 with men in this district binge drinking more than the City average. Community cancer-related deaths are greater than City deaths overall yet fewer area residents have cancer screenings than the New York City Department of Health suggests.

Many residents within this district do not seek regular preventative medical care and one in four do not have a regular doctor. More than 16% of Lower East Side and Chinatown residents are not insured or under insured. Many use the emergency room as their first medical alternative although the district has numerous other medical facilities. Gouverneur Healthcare has four satellite clinics in this area and Ryan-NENA, Betances and Charles B. Wang are other health centers within Community Board 3. Area hospitals include New York Downtown, Cabrini, Beth Israel and Bellevue. With improved community education, all of these facilities could be better utilized by community residents for regular health visits. Health programs within these facilities must also be tailored to respond to the needs of the large immigrant, non-English speaking and undocumented population within this district.

Community Board 3 also supports the continuation of services that allow senior citizens to remain in their homes and communities by providing meals, recreational activities and affordable housing, as well as access to transportation through improved and expanded Access-a-Ride programs. Abuse of the elderly, as well as child physical and sexual abuse and domestic violence are problems within this community that do not receive sufficient attention. Multilingual education about these problems is required in order to reach all of the populations within this district.

Six years after the World Trade Center attack, many residents, who were dramatically affected by the disaster and its aftermath because of their close proximity to the World Trade Center, continue to suffer from associated physical and mental health conditions and substance abuse problems. School-age children are the largest group of individuals who may need mental health services because they may develop long-term problems related to posttraumatic stress disorder. While the data on the effects of the disaster on respiratory disease in this community has not yet been made available, there is every expectation that it has worsened existing problems. Individuals who were exposed to debris, dust, smoke and fumes from the site may develop respiratory illnesses and reflux disease. Because physical and mental health conditions are often intertwined, residents need long-term coordinated treatment and monitoring of all of their conditions.

## **Youth & Education**

Community Board 3 has an increasing need for youth and education programs ranging from pre-school programs to after-school programs for adolescents and teens to youth employment programs and the addition of more middle schools in our existing teen job training programs.

Presently, there are 8,200 children in District 1 public schools, 1,000 District 1 children in schools outside the district and 1,100 District 1 children in alternative education, such as private or parochial schools. While Community Board 3 recognizes that there are diverse factors influencing the families who have chosen to send 20% of eligible District 1 children outside of this district, by es-

establishing more specialized programs, strengthening moderately performing traditional schools and allocating resources to schools with the greatest need would attract more District 1 children who may be unable to attend existing oversubscribed specialized programs in area schools or who do not have confidence in the traditional school programs within District 1, raise district wide scores and increase enrollment and parent involvement. The formation of viable School Leadership Teams to encourage collaborative decision-making by parents, students and faculty is also critical to the improvement and success of our district public schools. Further, Community Board 3 strongly opposes the transfer of our local school buildings to special programs, such as citywide gifted and talented programs, that do not continue to preserve a significant number of seats for and serve the needs of children residing in this district.

One major step toward attracting district families is to create an admissions policy that 1) establishes Pre-Kindergarten as a point of entry to the school system and eliminates the need for re-application for Kindergarten, 2) gives siblings priority for placement in a school, thereby reducing childcare, transportation, and economic burdens on families with multiple school-aged children and fostering parent involvement in schools attended by all siblings, and 3) provides mechanisms for admissions that assure the maximum diversity in all district schools. In its Contracts for Excellence Plan on July 5, 2007, the Department of Education (DOE) proposed spending only \$300,000 on Pre-Kindergarten education, only \$25,000 of which is currently allocated to District 1 although it has been a long-time policy that every elementary school has a full day Pre-Kindergarten program. Both planned expenditures must be significantly increased to attract the 20% of District 1 children who leave the district for other education alternatives.

Family academic advisement and counseling, as well as tutoring and remediation, would benefit students in our district, particularly those seeking post-secondary education or job training opportunities. Further, there must be more diversity training for staff and students in our district to foster a safe and healthy environment for students of all ethnic backgrounds, economic status, sexual orientation and gender identity.

The newly increased Universal Pre-Kindergarten funding will change the funding structures for Community Board 3 daycare centers. It is too soon to tell how this funding will impact the existing centers as they must have time to reorganize if necessary and to apply for the funding. Community Board 3 recognizes that there is still a lack of daycare funded by the Administration for Children's Services in the large area above Houston Street and west of Avenue D although there is little daycare for this area's residential population. Toddler daycare is also needed throughout the district which would allow young siblings to remain together.

The young people of this district would benefit from expanded employment opportunities, training and mentoring for youth, more DYCD BEACON and OST programs, alternative schools and trade schools. Further, there should be increased funding to teen programs to address mental health and health related issues, such as depression, psychosocial issues, poverty, AIDS, asthma and sexually transmitted diseases. Computer and new technology training programs must also be expanded to help prepare students for employment in the growing economy but they also need recreational programs that foster their creative urges and refocus their energy.

## **Parks/Recreation/Cultural Affairs/Landmarks**

Community Board 3, like most districts in the City, does not meet the City Planning Commission's guidelines for per capita open space. The open space to population ratio in our community is approximately 0.7 acres per 1000 people. By comparison, the Governor's Open Space Report

recommended 2.5 acres per 1000 and New York City averages 1.5 acres. Further, the existing open space is not evenly distributed throughout the district. Both the area west of Avenue A and the Chinatown area lack adequate open space.

Compounding this deficiency is the increased use of existing parks by individuals and groups for organized events from both inside and outside the community. Increasingly, groups from outside of our district, as well as many corporate teams, are using Community Board 3 parks. While Community Board 3 does not seek to exclude outside groups from our parks, we do feel that priority should be given to local groups. We appreciate that the Parks Department has given more consideration to local use and we urge them to expand this policy, especially in regional parks, and to re-examine its policies that restrict the use of parks and play areas during daytime hours.

There are seven Jointly Operated Playgrounds (JOPs) in Community Board 3, located within Public Schools 110, 63, 20, 140, 137, 134, and 188. These sites provide playgrounds for school children during the school day and to the surrounding community after school hours. The Mayor's PlaNYC for the year 2030 states that, due to the lack of open space, school yards are to become community playgrounds. It is unfortunate, however, that none of the Community Board 3 schoolyards are included in this plan. Community Board 3 urges the City to include its public school playgrounds and renew its commitment to having all current JOPs open to the public after the school day. Community Board 3 particularly asks that McKinley Playground again be made accessible to the public after school hours.

Community Board 3 has an additional 6.18 acres in 44 community gardens. It is important to the community that these gardens be protected as permanent open space under Parks Department jurisdiction.

Community Board 3 parks also need constant maintenance by trained professionals. The number of park workers is at a 30-year low and funding for park maintenance is equally scarce. Many of the parks in our district have suffered from years of neglect and deferred maintenance but are now experiencing increased levels of use. Increasing the number of full-time, permanent and seasonal park workers, as well as staffed playgrounds, will allow for fuller use of our parks and play areas. While there has been an improvement in maintenance staff, much more is needed.

Community Board 3 parks are overrun with rats. This is aggravated by the extensive construction in the area. The Parks Department no longer has an exterminator for Manhattan but utilizes a shared applicator program with Green Thumb for its parks and gardens. This program must be monitored to see if it resolves the rodent problem. The Parks Department should also develop a proactive program to deal with the rodent problem in the worst parks, such as Columbus Park.

The permitting process for recreational permits needs revision so that fields are accessible to local groups and fairly distributed. Currently, it is very difficult for groups to understand the process or to receive timely answers and adequate use. This results in some fields being empty while groups are denied space and potential conflict when fields are not booked with adequate notice and enforcement to ensure that permitted groups actually have access.

Comfort stations in Community Board 3 parks and playgrounds are badly needed. While there are several other locations of which the Parks Department is aware, the longest standing need in this district is for operating comfort stations in Curlers Hook Park. The numerous concerts in the amphitheatre of this park and the continuing overflow of pedestrians through it during concert season make functioning toilets a high priority.

Our Council Members, the Borough President and the Parks Department have funded Phase I of

the Seward Park renovation. Phase II of the renovation is a top priority and deserves funding by the Borough President and Council Members to complete it. While the efforts of the New York Junior League in assisting with renovations is much appreciated, as are the efforts of other organizations, Seward Park still needs City funding to be completely restored to this underserved area.

Community Board 3 has been advised that the East Park reconstruction and landscaping is scheduled for completion within 2008 to 2009. Our understanding is that the creation of the public esplanade and the landscaping will occur in stages and we urge the Parks Departments to hold contractors to the projected timetables so that full public use of the park can be restored as quickly as possible.

The Mayor's vision for a Manhattan surrounded by parks at the water's edge will be severely tested if Con Edison does not widen the north-south pathway at 14th Street. Con Edison made a commitment to accomplish that goal. We call on the Parks Department to assist this community in achieving that goal.

## **New York City Libraries**

Community Board 3 has five branches of the New York Public Library (NYPL) system. While we appreciate the renovation of our libraries, private donations and discretionary funds from our elected officials have paid for much of the work. As Community Board 3 branches have the highest levels of use in the City, we urge the City to increase funding for the maintenance and improvement of all NYPL facilities in our district, including funding for the expansion of collections, automation, staffing, and programming. It is important that all of our branch libraries continue to remain open six days a week. The FY '08 budget includes a provision for such service for all branches. This policy must be continued in FY '09.

Among the wealth of resources provided by the NYPL is free internet access for library users. This service has provided users with previously inaccessible resources. As demand continues to increase, it will certainly be necessary to increase such access.

## **Waterfront**

Community Board 3 established a Waterfront Task Force in 2003 to formulate a viable plan for the area north of the Brooklyn Bridge to East River Park.

The Task Force recognized that our waterfront has been important to generations of Lower East Side families but is also an area that has been long neglected by the City. We now have an East River Park esplanade that is being improved to make it safe and attractive but the potentially available portions of the Community Board 3 City-owned piers are still underutilized for the community and the esplanade south of the piers is in need of repairs to improve safety and add amenities to increase its usefulness. We would like to reclaim the entire waterfront for public use, keeping in mind the primarily residential nature of the adjacent community.

Through a series of community meetings, the many constructive and creative ideas expressed by community members for the waterfront were shared with the Economic Development Corporation, Department of City Planning and other City agencies. These ideas were generally approved by Community Board 3 in July 2004 and the City's Concept Plan was approved in September 2005. This approval was given with the understanding that Community Board 3 and Community Board 1 will be equally considered in all waterfront planning. Many of the community's ideas have been

incorporated in a broad waterfront plan encompassing the area from Battery Park to East River Park to be funded by the Lower Manhattan Development Corporation. It is anticipated that the long-term portion of the plan will be completed over a three to five-year period ending in 2010. A few improvements have been made along the esplanade, including the removal of fencing, Jersey barriers and the installation of planters.

Community Board 3 is very concerned about the future of Pier 42, the only sizeable area in this community that extends over the East River. We agree with the Concept Plan that the shed area of Pier 42 will be removed to provide for a beach area but the improvement and stabilization of the underpinnings of the Pier are crucially important and costly. We have been advised that funding has been secured to stabilize the underpinnings of this pier but that additional funding is necessary to dismantle the shed area. We strongly urge the relevant City agencies to raise the necessary funding to complete this improvement within the 2010 timeframe so that Pier 42 will not be lost as a crucial amenity to this community. Since there is very limited over-water access in this area of our community, i.e. Pier 42 and the very small Pier 35, we request that the City consider the use of a barge along the esplanade to provide additional over-water access.

Community Board 3 is also concerned about the esplanade area from the Brooklyn Bridge to Pier 35. We have been advised that the City plans to enlarge the area of the esplanade, thereby reducing the width of South Street. This could have a serious impact on its abutting streets, particularly since the tour and commuter buses and vans would have to be relocated. There are now a large number of commuter and tour buses located in this area of Community Board 3 that only service the Community Board 1 area. In the spirit of equal treatment, these buses must be relocated and returned to Community Board 1 where they have always belonged. After this has been done, we expect the City to conduct an Environmental Impact Statement (EIS) to find a suitable location for the tour and other buses coming from Chinatown that also now line the waterfront and traverse the nearby narrow streets. We feel that the vast number of these buses and vans that have been allowed to layover in our community, creating health, sanitation, congestion and quality of life problems that far outweigh their economic benefits. There must be a cap put on the number of buses allowed to layover in our community. If there is a cost involved in the needed EIS, funding must be provided.

## **Public Safety**

Community Board 3 is within the jurisdiction of the 5th, 7th and 9th Precincts, Public Service Area 4 (PSA 4) and seven fire companies.

## **Police Department**

Community Board 3 is fully committed to maintaining good relations with the police officers working in our district. We currently work in a collaborative manner that allows us to be much more effective in serving the community. The Commanding Officers of all of the commands within this district are quick to respond to community and community board concerns. This relationship is very important to our work and much appreciated. To this end, we will continue to expand our current excellent relationship with all of our police precincts and PSA 4. We continue to support increased training and local hiring as significant measures to increase trust between the city's minority communities and the New York Police Department (NYPD). Community Board 3 believes that individual officers must be held accountable for their actions and behavior. To this end, we continue to support the strengthening of the Civilian Complaint Review Board.



Rescue Units currently known as Auxiliary Police Support Unit (APSU) who are the auxiliary arm and adjuncts of the NYPD Emergency Service Unit (ESU). We urge their complete revitalization and restoration of equipment, vehicles, training, status upgrade and medical care and oversight for the Auxiliary Police Support Unit.

Finally, while we understand that realistic threats of terrorism continue to exist, this community board is seriously concerned about the loss of civil liberties in the wake of September 11, 2001. While this district was greatly affected by that tragedy, we do not believe it warrants the loss of our civil liberties. In a democracy, democratic principles must prevail, even in difficult times.

## **Fire Department**

Seven fire companies currently serve Community Board 3. While the community board recognizes the need for complete fire coverage throughout the city, we do not believe that it should include the removal of firefighters from our companies to serve as replacements in other fire houses. Our proximity to City Hall and other governmental buildings, as well as the location of the Brooklyn, Williamsburg and Manhattan Bridges in this district, warrants that our fire companies are fully staffed. Also of concern is notification of firehouse closures for drug testing and training.

## **Public Utilities**

Current legislation requires safety standards, monitoring, reporting, and accountability by Con Edison and City agencies. Inspections are necessary but will not proactively prevent unsafe conditions. Equipment or infrastructure that contains power conductors should be grounded. Community Board 3 supports Int. No. 252 amending Local Law 44 which will be known as the Street Utilities Safety Act because Int. No. 252 creates penalties for failure to maintain maintenance hole covers by any local gas or electric corporation that owns or maintains maintenance hole covers and the equipment contained under them. Community Board 3 recognizes that there is a significant need for Int. No. 252 because it provides companies with the incentive to decrease hazardous conditions within this community by mandating increasing penalties to any local corporation that owns or maintains electrical-related infrastructure that emits stray voltage.

## **Environment**

Community Board 3 suffers a disproportionate amount of air pollution because it is surrounded by the expanded 14th Street Con Edison fossil fuel power plant, the FDR Drive and Canal Street transport corridors, vehicle idling, open air bus stations and congestion from vehicular traffic accessing its three bridges. Air pollution from this "heat island effect" is of special concern in this district due to its large asthma-sensitive population of children and elderly. Further, New York City is projected to have difficulty meeting ozone and particulate matter standards in the future which will only be exacerbated by a projected additional 1 million residents.

This heat island effect and the presence of the stressed East Village Con Edison substation garnered the attention and concern of acclaimed academics and multi-government agencies. A study was conducted of Lower Manhattan East as a heat island which would benefit more than other areas from mitigation measures, such as shade over impervious surfaces, green roofs, energy efficiency, net metering, alternative energy sources and protection and expansion of landscaped open space. City agencies must be greened to incorporate environmental planning at all levels to address these problems with meaningful outcomes.

Increased filming which utilizes diesel powered generators has also led to an increase in diesel fuel fumes in this district. Community Board 3 asks that the City better regulate film companies and their vehicles to decrease the emissions of these toxic fumes.

## **Sanitation**

While sanitation service in the district has improved in recent years, Community Board 3 is still in great need of increased services. We are a very densely populated and still growing district. We need sanitation pickups five days a week and increased enforcement of existing regulations relating to the setting out of trash for curbside pickup.

There also needs to be a real effort made to offer convenient and comprehensive recycling programs at New York City Housing Authority (NYCHA) housing. NYCHA should make efforts to educate and encourage tenants to recycle. There must be better enforcement of the recycling rules to create incentives for buildings that are not participating to comply with the law, however, enforcement should start by issuing violation, educating people about existing regulations and monitoring improvements.

Additionally, Community Board 3 believes that it is a top priority for the City to adopt more proactive and ambitious goals for reducing the amount of garbage that is exported. We have resolved to embrace the goal of Zero Waste, realizing that this goal could be reached within twenty years. A zero waste program can be a powerful incentive for economic development and will also ensure that the money spent on managing our waste stream is circulated within the city's economy, instead of being used to pay the operator of a landfill in another state. The income tax, sales tax and business tax generated by the zero waste program and infrastructure will stay in the City to help fuel its growth and the value added through recycling will remain local.

Rat infestation continues to be a major problem in the district. Extensive pest control treatment must be enforced on all work sites, including residential construction, street and sewer repairs and park renovations. The City must also develop a more effective proactive program to deal with the rodent problem. Public education and regular inspections are critical. The Department of Health (DOH) has discontinued its effective program of having an exterminator assigned to our district which provided us with necessary feedback and monitoring that we now lack. The Rat Taskforce established by the Mayor's Office has also proved to be very valuable in dealing with emergency and multi-agency situations and should be continued. Agencies responsible for pest control need to train inspectors to work in collaboration with residents to help them establish better methods of sanitation storage and rat control. The public also needs to be educated that feeding birds provides food for the rat population. Enforcement is needed for garbage storage and removal by street vendors. Policy concerning vendors must be reviewed and modified so that vendors are able to operate consistent with regulations. The City's most recent action of moving produce vendors from Division Street to the bus layover area on Forsyth Street has worsened an existing problem, causing serious public safety and sanitation problems.

## **Transportation**

The most important transportation problem within Community Board 3's boundaries is the lack of adequate public transportation, however, inadequate public transportation is exacerbated by the intense traffic congestion on our streets. Community Board 3 urges the City and its various agencies to improve the environment for public transportation within Community Board 3 by taking strong, creative measures to reduce traffic congestion.

## Public Transportation

The Community Board 3 district is underserved by public transportation. We continue to oppose cuts in service on any bus route within the district. Despite the district's density, many of our residents are poorly served by the subway system and live more than half a mile from the nearest subway stop. The Department of Transportation's (DOT) 1999 Manhattan East Side Alternatives (MESA) study group studied the long-term transportation needs of communities on the East Side of Manhattan. MESA proposed several options for our district including modifications to current bus service and new bus routes "to address long-standing gaps in the existing bus network." It is important to have bus routes that reach the FDR Drive on both Grand and Houston Streets, something that was not achieved by the particular proposals outlined by the MESA report. The eastern and southernmost residents of the district will continue to be denied public transportation until the MTA restores or extends cross-town bus routes on Grand and Houston Streets.

We strongly urge the return of the Grand Street cross-town bus. The key point in the MESA proposals was to avoid the surface congestion west of the Bowery by having a route on Grand Street that turned on Chrystie Street. A cross-town bus route, particularly in the absence of the Second Ave Subway, allows for vital west side access as well as east side access via connections with the M15 bus, the Grand Street subway station (B/D), the nearby Bowery station (J/M/Z), and the M103, M101, M102 and M6 buses. In their Chinatown Access and Circulation Study, the Lower Manhattan Development Corporation (LMDC) projects that there is a potential market size of 8,300 weekday trips on new cross-town bus routes. Full details of these MESA proposals can be found on page 20 of Chapter 2 of the MESA report.

Preservation of the endangered M21 route is also a priority for Community Board 3 which is Manhattan's southernmost cross-town bus route. The M21 connects Community Board 3 neighborhoods with the hospital corridor between 14th and 34th Streets and with workplace destinations on the west side below Canal and Houston Streets. We are concerned that a vicious cycle between reduced service and ridership is killing off the M21 route, as happened with the Grand Street route. Because the MTA has reduced the frequency of the M21 service, it has become impractical for customers to wait for the next bus. This leads to reduced ridership which in turn is used as an excuse for another round of service cuts. Because the M21 buses get caught in Holland Tunnel surface congestion on West Houston between Sixth Avenue and Varick Street, the M21 schedule is unreliable, which further discourages riders. We recommend that DOT discuss with Community Board 2 possible measures to eliminate left turns from the right lane of this stretch of West Houston in order to increase traffic flow. Appropriate signage could be posted. A row of flexible plastic delineators to divide the lanes would be more emphatic and effective.

## Private Bus and Van Services

The use of passenger vans as an alternative to inadequate and more expensive bus and subway service has contributed to traffic and parking congestion, especially in Chinatown. There has also been a dramatic increase in the number of companies providing transportation services with coach buses using the streets around Chinatown to layover and to load and unload passengers. The operation of diesel buses on the narrow streets of the district creates health and safety problems. These situations need stricter monitoring and enforcement.

Both sides of South Street from Clinton Street to the Brooklyn Bridge are being used as a bus layover zone, which Community Board 3 finds highly objectionable since it deprives us of recre-

ational access to our waterfront and creates unsafe and unhealthy conditions. At a minimum, the bus layover zone should be restricted to midblock sections to open up sightlines and pedestrian crossings where the streets intersect with South Street. The NYPD and the Department of Environmental Protection must also strictly enforce the three-minute diesel idling laws.

### **Illegal Parking**

Produce wholesalers and private limousines routinely violate parking regulations and monopolize small streets and sidewalks, causing sanitation, parking, public safety and transportation problems.

Parked cars displaying dashboard placards from City agencies routinely saturate the streets of Chinatown and other locations in Community Board 3. The large number of these illegally parked cars threatens public safety by obstructing access for emergency responders, disrupts businesses by blocking deliveries and customers, and restricts disabled access. Enforcement of existing laws concerning placard parking is critical at fire hydrants, corners, crosswalks, curb cuts, on sidewalks, and in No Standing zones. Vehicles displaying legal dashboard placards should only be permitted to park in legal street-side parking spaces for a limit of three hours and only when the vehicle is being used for official business. The community has seen great improvement in the enforcement and reduction of authorized placards but would like to see even more vigorous enforcement and fewer authorized placards on its streets.

Community Board 3 understands that the use of the lower portion of the East River Esplanade from the Brooklyn Bridge almost to Catherine Street for the private vehicles of city agency employees, which limits public access to and enjoyment of the East River waterfront, will be eliminated so that productive community amenities can be added. We applaud this move and ask for an expedited timetable. We encourage the City to pursue the parking inventory that would determine the number of necessary spaces for city-authorized placard parking.

### **Unnecessary Street Closures**

The closure of several blocks of Park Row has created a 40-acre roadless area, which has severely affected the traffic circulation in Community Board 3. This has also adversely affected the economy of Chinatown as well as demoralized the community. We ask that the NYPD completely reopen Park Row, relocate their parking and identify alternative solutions to provide security for One Police Plaza.

The unnecessary street and lane closures around the Con Edison plant (one of the northbound lanes of Avenue C between East 13th and 14 Streets and all of East 14th Street between Avenue C and the FDR, including the 14th Street entrance to the FDR) are causing traffic congestion and delays for the M14 C/D and M21 bus routes and has greatly increased traffic congestion on Avenue C. The security of the plant should be the primary responsibility of Con Edison and can be achieved without full closures of the affected streets and ramps.

### **Sidewalk Congestion**

In late 2003, DOT replaced parallel parking against the wall of Sara D. Roosevelt Park with angle parking against the sidewalks on the eastern side of Forsyth Street. Since these sidewalks are very narrow, cars back up until their tires hit the curb creating a safety hazard to pedestrians. Community Board 3's top budget priority is to have sidewalks built adjacent to the park wall and restore parallel parking to the park side of Forsyth Street.

There are a number of more widespread problems that affect pedestrian mobility. DEP needs to repair clogged storm sewers, since puddles make it difficult or impossible to cross the street. Our sidewalks and curb cuts are in disrepair which is a particular hardship for people who rely on wheelchairs for mobility. Curb cuts that do not meet smoothly with the streetbed should be repaired and missing curb cuts should be installed. The disorderly locking of bicycles should be addressed by expanding the CityRacks program to install more bike racks in sensible, convenient locations.

### **TLC Enforcement**

The destination nightlife areas in Community Board 3 have become areas of severe traffic congestion on the weekends, particularly Saturday nights. Much of this traffic is comprised of taxis and Community Board 3 has received numerous complaints of taxi horn honking that continues into the early morning hours and disturbs the quality of life of residents who cannot sleep. Also, the area around Water and Market Streets is burdened by car services that double park while waiting for calls from the Wall Street area, primarily on weekday evenings. Community Board 3 has worked with the Taxi Limousine Commission (TLC) on enforcement and made little progress. It is necessary for the TLC to collaborate with this community board and the NYPD and to assign enforcement when and where necessary, such as in several areas on Saturday nights.

### **Truck Route Violations**

Community Board 3 has asked DOT to install positive directional signage on Grand, Delancey and Houston Streets directing truck operators to the designated truck routes on Pike, Allen and Chrystie Streets and on the Bowery. Trucks routinely violate the traffic laws by leaving these designated routes. They then become stuck on extremely narrow residential streets. Community Board 3 agrees with the recommendations of the 2005 DCP Delancey Street Transportation Study and asks that DOT also implement a similar truck signage program on the Houston and Grand Street corridors.

### **Other Measures to Reduce Traffic**

Community Board 3 encourages any transportation options that will reduce traffic. There has been a significant increase of bicycling in recent years. In the 2003 official DOT screen-line count, there was a 30% increase in bicycling over the previous year. In order to help vehicles and bicycles share the streets safely, Community Board 3 asks that more of the routes developed in the 1997 NYC Bicycle Master Plan be installed with pavement markings and signage to provide linkage of the waterfront Greenway System with the Manhattan and Williamsburg Bridges and to provide north-south and east-west travel corridors.

The increased use of bicycles city-wide has given rise to the need for bike parking. The increased popularity of cycling has been spurred by an expansion in bike lanes around the City but the DCP's 1999 Bicycle Survey Report cites the lack of secure bicycle parking as the biggest reason more New Yorkers don't bike to work. The lack of adequate bike parking facilities also results in bicycles chained to public street fixtures which results in obstruction of sidewalks.

### **Art and Culture**

Community Board 3 historically has been a dynamic environment for aspiring, emerging, and radical artists and arts organizations to thrive and grow. This history is characterized by outside and

marginalized individuals and groups that introduced new voices, ideas, and forms into our city's rich culture. As economic development advances and expands, the conditions that cultivated these vibrant humanistic experiences are changing. Primarily, local spaces for artists to practice, work, live and present their art are disappearing or becoming extremely costly. Community Board 3 recognizes the need and urgency to advocate for better policies and conditions that will allow emerging artists of limited means to continue to be prolific and contribute to our daily cultural lives.

## **Housing**

The crisis in affordable housing within Community Board 3 continues to worsen. Gentrification, rising rents, the opting out of Mitchell Lama, limited dividend and project-based Section 8 housing for market-rate housing, a shortage of Section 8 vouchers and the failure of city agencies to work cooperatively to enforce existing regulations threatens our already limited supply of affordable housing. The preservation and production of affordable, safe housing for low income, moderate income and middle income families and senior citizens remains a priority and is essential to preserve the diverse character of our community and the well-being of our residents. The Seward Park Urban Renewal Area (SPURA) remains the largest tract of undeveloped city owned land in Manhattan south of 96th Street. Community Board 3 supports the appropriate redevelopment of SPURA because it presents the single best opportunity for the creation of affordable housing. The Cooper Square Task Force community planning process, where all significant stakeholders collaborated, provides a model for the type of collaborative planning that should be used in redeveloping SPURA.

Large scale development, including the construction of luxury housing and hotels, whose scale is contextually incompatible with surrounding buildings and which fails to address community housing needs, is entirely out of control. The Department of Buildings (DOB) has increased fines for and monitoring of noncompliant development, but increased enforcement is necessary so that noncompliant development does not go unchecked. While more stringent regulations have been created to stem developer abuse of the "self certification" program, much more needs to be done to eliminate this problem. The community use facility "bonus" has created an environment within our community that is inimical to responsible development. Although DOB has been given resources for additional plan examiners and inspectors, the increasing development has made it difficult for DOB to adequately monitor compliance with the resources it currently has. This lack of monitoring continues to threaten our community. Systemic change that will enable DOB to follow up on violations, including Environmental Control Board violations, is essential to ensure that violations are not merely absorbed by developers as part of their cost of doing business. Regulations must also be changed so that only facilities that truly benefit the community qualify for "bonuses."

DOB must not allow developers and architects who have previously violated existing regulations to self certify plans. Applications by those who routinely violate regulations must be examined with greater scrutiny. DOB has improved monitoring and penalties for such individuals but they continue to destroy our community by continuing to violate regulations. DOB should also have a system that does not allow developers to continue building while their plans are being audited. Allowing developers to finish the construction of buildings that should not have been certified and "cure" their violations later is a recipe for disaster.

To protect our existing housing, agencies must work cooperatively to ensure adequate code enforcement so that serious violations are promptly corrected. Strict code enforcement and multilingual outreach and services is vital. Community Board 3 recognizes that NYCHA is the largest provider of affordable housing within the City. Declining federal subsidies, the virtual elimination of state and city contributions towards operating expenses and mismanagement have contributed to

mounting budget deficits. Although NYCHA residents must pay their fair share of expenses, they cannot be expected to shoulder the entire burden. NYCHA's increased fees for essential services and rising rents have created uncertainty for NYCHA residents who are unable to pay these extra expenses and fear that NYCHA is abandoning its mission of public housing in favor of privatization. Our city officials must effectively lobby state and federal governments to ensure that this does not happen.

Due to improved market conditions, the City no longer needs to provide 421-a tax incentives to spur market rate development in the Lower East Side. The displacement of low income residents by market rate development should no longer be subsidized by City taxpayers. The 421-a tax abatement program must be overhauled given these changed conditions. Accordingly, Community Board 3 supports the inclusion of its district in the economic exclusion zone of the 421-a tax abatement program as well as revisions to the program that would eliminate of negotiable certificates and mandate that developers provide 30% of affordable housing on site to qualify for property tax exemptions.

At a time when housing costs continue to rise, the conversion of subsidized housing to market-rate housing decreases the availability of urgently needed affordable housing. Tenants who were previously the beneficiaries of state and city Mitchell-Llama programs and federal mortgage and rent subsidy programs, e.g. project-based Section 8, have lost such protections or are at increased risk of losing them. Although these projects may contain tenants of varied incomes, a large minority of tenants of subsidized housing consist of poor and low-income tenants. Absent such subsidies, many long-term tenants would be unable to remain in their homes or in our community. Community Board 3 opposes cuts or limitations of the Section 8 Voucher Program and other aid programs that increase the availability of affordable housing. Specifically, we are opposed to any proposals to "block grant" the Section 8 Voucher Program. The diversity of our neighborhood must be maintained by ensuring that affordable housing is accessible.

Adequate funding to community housing advocacy groups is essential to safeguard existing affordable housing. These groups provide essential assistance to tenants who are fighting the lack of basic services, building code violations and threatened evictions that are part and parcel of concerted efforts to replace long-term neighborhood residents with market-rate tenants. Reduced funding to such groups prevents them from staving off the displacement and homelessness of our residents and in the long-term forces the City to expend greater funds to find displaced residents alternative shelter.

Over the past year, Community Board 3 has seen a dramatic increase in owners seeking to apply for demolition permits even though they do not intend to demolish their buildings. DHCR has allowed these owners to engage in phony demolition which has resulted in the evictions of area residents. Revisions to the DHCR are necessary to ensure that these phony demolitions do not continue to occur.

Harassment is an ongoing problem for low-income tenants in our community. Owners use the court system and individuals to intimidate and harass low-income tenants which often results in their quitting their rent regulated apartments. Laws must be enacted, such as those in the Special Clinton District that punish owners who engage in harassment. Furthermore, laws must be strengthened to fight harassment of this vulnerable population.

Speedy approval and implementation of Community Board 3's re-zoning plan is critical. It believes that the following 11 items must be addressed in that re-zoning plan:

- 1) Anti-harassment set forth in the Special Clinton District and anti-demolition of sound residential

buildings provisions provided for in the zoning text for the entire rezoning area. Special enforcement and oversight provisions to prevent harassment, displacement and demolition for all Inclusionary Zoning [IZ] developments. Displacement analysis and evaluation in EIS for all rezoning area;

2) Community Board 3 and the City of New York agree that at least 30% of the floor area developed of the projected increase in built residential FAR will be for permanently affordable housing available to households at or below 80% of the area median income under a tiered system where lower income households will also be accommodated in fair proportion. If mutually agreed upon estimates of the private development that is likely to occur under this zoning indicates that this minimum will not be achieved, the City will make available development or preservation sites in the study area to achieve this overall percentage;

3) Zone R7A base FAR of 3.45 [with overlay, but not commercial equivalent] with 4.6 FAR IZ for 1st and 2nd Avenues, Avenues A, C and D; Forsyth, Essex and Allen Streets [on all wide streets (width of 75' or more), north and south of East Houston Street, except East Houston Street, Delancey Street, and Chrystie Street];

4) No commercial overlay on St. Marks Place;

5) Zone R7B [not commercial equivalent] on all narrow streets [less than 75' width] north and south of East Houston Street. IZ not supported/favored in these areas [given existing information], but we request that the EIS provide sufficient data to fully analyze the number of lower income units that could be produced in these regions if the area(s) were zoned for IZ;

6) Zone East Houston and Delancey Streets with a new contextual IZ district with a base FAR of 4.5 with an IZ bonus to 6.0 and a height cap of 100' [height and density in between DCP proposed R7A and R8A]. Special consideration should be given to the north side of East Houston Street where narrow streets intersect, to determine the appropriate boundaries of this zone;

7) Zone Chrystie Street with a base FAR of 6.0 with an IZ bonus to 8.0 and a height cap of 150' [R8X] or as a R8A with IZ as DCP proposed [compare and evaluate both options in EIS in regards to benefits and adverse impacts];

8) Commercial Zoning south of East Houston Street: The EIS should include and provide detailed information regarding the location and extent of current commercial and retail use below East Houston Street so that appropriate use regulations be developed in accordance with areas that contain commercial establishment uses that provide living wages, but curbs the current proliferation of commercial hotels and nightlife establishments;

9) Landmark survey of rezoning area;

10) Energy efficient and green building (LEED compliant) requirements when Government financing or tax abatement used. Provision for green building sustainable development legislative and programmatic instruments to be included at time of certification, or groundwork in EIS for a follow-up ULURP action; and

11) Legal service fund for enforcement of anti-harassment and anti-demolition provisions and prevent illegal evictions.



## Communications/311

Residents and community boards have become dependent on 311. Information from 311 statistics is necessary for community boards to be able to construct long-term plans for their communities and for daily planning with city agencies for service delivery. DoITT has increased compliance with local law 47 and continues to make great progress but much is necessary for the best collaboration between 311 and community boards. Legacy systems need to be integrated and mapping information needs to be provided. The City is planning to do this and we look forward to continuing to work with it to develop the 311 system so that City agencies and community boards can work as partners to better monitor and deliver services.

### District Office

Finally, we must ask for assistance for our office and staff. As described in the introduction, this district has many more residents than most community boards, many of whom are on income assistance. This translates into a greater need by our residents for community board services and assistance. The many new immigrants within our community also increase the need for greater outreach and services. The diversity of languages because of them enriches the community but also requires more time and services of us to meet their needs. We believe that our operating budget should reflect the larger population and greater needs of our district.

For the past several years, the Community Board 3 office has been in a temporary location. The Department of Citywide Administrative Services (DCAS) has not been successful in locating an affordable office space in our community. Rents have increased, new developments want upscale retail and developers with community facilities want to rent to large medical or other facilities that may fit the criteria of community facility but may not fit the actual needs of the community. It was a very unfortunate surprise to find that NYCHA would not accommodate our office in its available space in the district. We are continuing to work with the DCAS to find suitable space and hope that this issue is resolved before the next District Needs Statement.

Community Board 3 has had extensive construction within its boundaries. It has had an incredible amount of construction within its boundaries. It has become a community board responsibility to report noncompliance and to monitor construction sites. We are also oversaturated with nightlife establishments that overload our office in both processing and responding to complaints. These two issues take up the majority of staff time and do not leave adequate time or resources for other community board support and to work with City agencies to effectively provide adequate service delivery to our community.

*David McWater*  
Board Chair

*Susan Stetzer*  
District Manager