



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

59 East 4th Street - New York, N.Y. 10003

Phone: (212) 533-5300 - Fax: (212) 533-3659

[www.cb3manhattan.org](http://www.cb3manhattan.org)

[info@cb3manhattan.org](mailto:info@cb3manhattan.org)

David McWater  
Board Chair

Susan Stetzer  
District Manager

## **Community Board 3 Manhattan District Needs Statement for Fiscal Year 08**

Community Board 3, Manhattan covers the Lower East Side and part of Chinatown. The boundaries of the district are 14th Street on the north, the East River on the east and the south, and Fourth Avenue and the 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. Most recently, however, the district has been greatly affected by the wholesale changes caused by gentrification.

The district has recently been great affected by changes of gentrification, which have both enriched the community and created conflict as parts of its past have been replaced in the interest of capitalizing on those very characteristics that make the community unique. It is important to note that although the district continues to attract more people and businesses that can support market rate housing and high-end retail, it is also a community where many people live on the edge of homelessness and economic survival. Community Board 3 is one of the largest and most densely populated districts in the city. We have over 164,000 people and 43,000 of them require income assistance; this is 26 percent of our population – 83 percent above the median for Manhattan community boards. Seventeen percent of our population is under 18 years of age and 13 percent are seniors. The demographics of the district also illustrate our diversity and reflect our immigrant population. The 2000 census shows 35 percent Asian/Pacific Islander, 28 percent white nonhispanic, 27 percent Hispanic, 7% African American, as well as residents from other parts of the world represented in smaller numbers.

Many of our small family-owned stores have gone out of business and have been replaced by an ever growing number of bars and restaurants; families have been displaced from their homes as the rents have outpaced residents' ability to afford them; community-based organizations provide more services with fewer resources as their budgets have been cut and their costs have increased; and many residents who helped build and develop the community find it unrecognizable. The displacement of the population with long-time community roots, residentially and commercially, has caused great concern in the community.

As the district continues to struggle with finding a balance between its history and its growth, Com-

munity Board 3 will continue to support policies and programs that protect our residents; provide opportunities for economic development in ways that benefit all members of our community; and serve the broad breadth of our needs. Our district Needs Statement for Fiscal Year 08 reflects the current priorities of this community as well as our long-range plans.

## **Nightlife and Economic Development**

### **Nightlife**

Many of the most densely residential areas within Community Board 3 have become nightlife destinations, with an increasing number of liquor licensed establishments drawing patrons from across the region. Licensed businesses have opened in grandfathered locations on residential side streets that had never been licensed in the East Village, below Houston Street, in the Lower East Side, and Chinatown, areas historically comprised of residences and businesses. The cycle of new businesses failing because of increased competition has resulted in an increase in the transfers of existing licenses and a corollary rise in the number of applications to upgrade existing liquor licenses to attract a broader clientele.

These businesses range from small cafés, seeking to serve beer, wine and alcohol with meals, to bars with little or no food service, to large-scale two and three-story establishments which house lounges and clubs, with resident or visiting disc jockeys and dance floors. Within the past two years, boutique hotels have been constructed with liquor licenses for on-site restaurants, lounges and bars which are open to the public.

The nighttime businesses, paying huge commercial rents met by the sale of alcohol, have driven out much needed small service businesses, ultimately increasing the cost of living for residents. Further, the nightlife population that inundates this district brings late night noise, vehicular and pedestrian traffic and crime, as well as other quality of life concerns that plague residents and other businesses and overtax our already overburdened City agencies. Community Board 3 residents from many besieged areas complain about patron noise on the street, in front of, moving between, in the backyards of and emanating from businesses, as well as horn honking from taxis dropping off and picking up patrons. Nightlife businesses allow patrons to line the sidewalks, thus creating a supplemental street life which further degrades the quality of life of pedestrians and surrounding apartment dwellers. In addition to pedestrian and traffic congestion, these businesses have also created sanitation issues, further resulting in street conditions that reduce the quality of life of residents.

Our police precincts have enlarged their cabaret and quality of life units to respond to the conditions resulting from the licensing of so many businesses within such close proximity to each other and have instituted numerous operations to control conditions in specific areas--most notably, Avenue A, Avenue B, Second Avenue, Ludlow Street and the Bowery--and check the illegal operation of specific licensed businesses in this district. Community Board 3 has also worked with its three police precincts and with the Department of Sanitation, Department of Environmental Protection, Department of Buildings, Department of Health, Department of Consumer Affairs, New York Fire Department and the Taxi and Limousine Commission to coordinate and increase services and inspections to address these increasingly deleterious conditions.

The Department of Consumer Affairs, however, has withdrawn from participating in multi agency enforcement operations. Given existing conditions, it is essential that this Agency work more closely with nightlife enforcement agencies by providing its expertise during such operations and later, accessing the reports and resulting plans. Further, residents have actually lost the ability to contact the Department of Environmental Protection through the 311 complaint system to request noise level readings, further limiting the ability of residents seeking to maintain their quality of life in this district.

## Licensing

Community Board 3 evaluates license applications to balance the interests of district residents with the growth of responsible business and the economy. Where there is a likelihood that a particular license will result in a business that displaces or unduly disturbs its neighbors, Community Board 3 has moved to deny its application. Where there have been persistent complaints of unruly or loud businesses, Community Board 3 has attempted to mediate solutions, work with City agencies to enforce regulations and, if that fails, has forwarded its findings to the New York State Liquor Authority with requests for revocation of those licenses. Given existing conditions, however, Community Board 3 has resolved that it is no longer appropriate to approve additional licenses in areas overly congested with people and traffic and noise attendant to licensed nighttime businesses, where there are already too many licensed businesses within 500 feet or where the residential character of a location is not appropriate for licensed businesses.

At present, Community Board 3 no longer approves applications for new licenses or upgrades, or for alterations which would physically expand an existing establishment, on Ludlow Street between Houston and Delancey Streets, St. Marks Place between First and Third Avenues, Clinton Street between Houston and Rivington Streets, Sixth Street between Avenues A and B, Avenue A between Houston and Fourteenth Streets, Rivington Street between Norfolk and Orchard Streets, Avenue C between Houston and Fourteenth Streets, First Avenue between First and Second Streets, Orchard Street between Houston and Rivington Streets, Avenue B between Houston and Fourteenth Streets, First Street between First and Second Avenues, and Fourth Street between Avenues A and B.

Until recently, the New York State Liquor Authority has done little more than generate revenue for New York State without considering the implications of its wholesale licensing of residential neighborhoods. It has acted without adequately investigating the propriety of approving licenses within areas the community has unequivocally stated are inappropriate for nighttime business, either based upon past experience and first hand observation or because the character of the streets and buildings within those areas cannot accommodate such business.

However, within the past year, the New York State Liquor Authority has made greater efforts to consider the community's input when evaluating license applications. In a few cases, it has credited existing conditions and Community Board 3's recommendations that full on-premise licenses be denied where there are already three or more others within 500 feet. While we welcome the adoption of our recommendations in these cases, the New York State Liquor Authority needs to further recognize that too many licensed businesses, regardless of whether they serve wine, beer or liquor, will attract more traffic and people onto already overcrowded and unsafe streets.

The City should be more involved with the New York State Liquor Authority to support the devel-

oping cooperation between it and local communities and should urge the New York State Liquor Authority to support community and police requests for the revocation of poorly or illegally operated licenses. The City should engage in an ongoing dialogue with state officials to encourage the New York State Liquor Authority personnel to accompany City agencies on multi agency enforcement operations to ensure the most effective supervision of licensed businesses, to provide its personnel with first hand experience of conditions within this district, and to work with City agencies to utilize its newly allocated investigators for enforcement where it is most needed.

The City must also coordinate information between the New York State Liquor Authority and the Department of Buildings. The New York State Liquor Authority often receives inaccurate information in its applications regarding the City's issuance of permits for, and use of, sites in applications. The only review of such information is by community boards and residents who do not have adequate resources to consistently perform such a review. The Department of Buildings should work cooperatively with the New York State Liquor Authority to provide it with accurate information regarding the permitted use of sites for review with license applications.

The City needs more effective policies and legislation to address the growing noise and congestion resulting from the increase in licensed businesses. The reformed noise code coming into effect in July of 2007 will alleviate some of these concerns, however, the City must provide the appropriate resources and staffing to the New York Police Department and Department of Environmental Protection to vigorously enforce this code. The City must also better regulate the use of public sidewalks so that this valuable public space is not overwhelmed by the patrons, noise and sanitation of private establishments. Further, the Department of Consumer Affairs currently issues cabaret licenses to music and other venues without apparent regard for the impact on the surrounding community or the appropriateness of locations. The City should create cabaret guidelines that fully consider the impact on the surrounding community.

## Sidewalk Cafes

Community Board 3 is receiving an increasing number of requests for sidewalk cafés. Many of the businesses requesting these permits are liquor-licensed establishments, which often generate large crowds and noise. 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 crowds of passers-by now using our sidewalks. Additionally, without adequate bicycle racks people use street signs and other furniture to park and lock bicycles, further reducing sidewalk access for pedestrians. Permit holders extending seating beyond mandated boundaries and adding seating at the request of patrons further aggravate this problem. The Department of Consumer Affairs must increase weekend and evening inspections to ensure that sidewalk cafés are in full compliance with their particular permits and City regulations need to be modified to better accommodate pedestrians.

Legislation is also needed 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.

## Commercial Use of Backyards

There has been an increase in commercial use of backyards and other private outdoor space, such

as side yards and rooftops, by nighttime establishments seeking to expand their square footage. This has been endemic both on avenues and residential side streets, resulting in numerous complaints from people whose homes overlook these areas and who are the direct and inescapable recipients of the patron noise such use generates. The Department of Buildings must increase its inspections of commercial establishments to monitor and enforce various zoning restrictions placed on these areas.

Legislation should be revised for stricter review of businesses seeking to use back and side yards and rooftops, especially for eating and drinking establishments. Further, there is a need for legislation needs to regulate the commercial use of open space to minimize any impacts 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 destination restaurants, bars, and clubs. The increased costs generated from the existence of larger stores and nighttime establishments are also effectively displacing smaller businesses. Community Board 3 is currently requesting a zoning text change for this district that will differentiate between local retail services and eating and drinking establishments that are not consistent with serving local retail needs.

We look forward to continued collaboration with the City to help save our small business economy. Further, the Department of Small Business Services should increase outreach to small businesses, many of which are minority owned, to help them retain their businesses and not suffer from unfair competition from large chain stores and owners attempting to operate additional nightlife businesses that are able to pay inflated rents.

## **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 calls upon 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 NYC 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 easternmost residents of the district will continue being denied public transportation until the MTA restores/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 not only for vital west side access, but also east side access via connections with the M15 bus, the Grand St 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, available on the web at [www.mta.nyc.ny.us/capconstr/sas/pdf/chapter\\_2.pdf](http://www.mta.nyc.ny.us/capconstr/sas/pdf/chapter_2.pdf)

Preservation of the endangered M21 route is also a priority for Community Board 3. This 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. 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 Streets, 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 speed through traffic. 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 expensive bus and subway service has contributed to the 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. These situations need stricter monitoring and enforcement by the Taxi and Limousine Commission and the NYPD.

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 recreational 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. NYPD and the Department of Environmental Protection must also strictly enforce the 3-minute diesel idling laws.

### Illegal Parking

Produce wholesalers and private limousines routinely violate parking regulations and monopolize small streets and sidewalks. Both these situations cause 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 the Community Board 3 district. Vehicles displaying legal dashboard placards should only be permitted to park in legal street-side parking spaces for a limit of 3 hours, and only when the vehicle is in use for official business. 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 in the following types of illegal parking spaces – at fire hydrants, at corners, crosswalks and curb cuts, on the sidewalks, and in No Standing zones. The community is seeing great improvement because of recent City initiatives to cut down on the number of issued placards and their illegal use, but vigilant monitoring and increased enforcement will be required.

Community Board 3 strongly opposes 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. 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. We ask that NYPD completely reopen Park Row, park their cars someplace else, and work to identify better-tailored solutions to provide security for One Police Plaza.

The unnecessary street/lane closures around the Con Edison plant (one of the northbound lanes of Ave C between E 13th and 14 Streets, and all of E 14th St between C and the FDR as well as the 14th St entrance to the FDR) are causing traffic congestion, delays for the M14 C/D and M21 bus routes, and has greatly increased traffic congestion further south on Ave 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/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. We want sidewalks built adjacent to the park wall and parallel parking moved back 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 is another problem congesting sidewalks. This 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, primarily on the weekend, Saturday night being the worst. Much of this traffic is comprised of taxis, and the Community Board has received numerous complaints of taxi horn honking that continues into early morning hours and disturbs quality of life because of inability to sleep. The Board has tried working with the TLC on enforcement and made some small progress. It is necessary for the agency to work more collaboratively with the Board and to assign enforcement on the nights that it is needed. Saturday night enforcement by TLC is necessary in several areas within Community Board 3.

## Truck Route Violations

Community Board 3 has asked DOT to install positive directional signage on Grand Street, Delancey Street and Houston Street directing truck operators to the designated truck routes on Pike St/ Allen St, Chrystie St and the Bowery. Trucks routinely violate the traffic rules and regulations by leaving the designated truck routes. By attempting short-cuts, they often get stuck on extremely narrow surrounding residential streets. Community Board 3 agrees with the recommendations of the 2005 DCP Delancey Street Transportation Study and requests DOT also implement a similar truck signage program that addresses the Houston Street 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 percent increase over the previous year. In order to help vehicles and bicycles to share the streets safely, Community Board 3 would like to have more of the routes developed in the 1997 NYC Bicycle Master Plan installed with pavement markings and signage. The goals are to provide linkage of the waterfront Greenway System with the Manhattan and Williamsburg Bridges, and to provide north-south and east-west travel corridors.

## 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/population ratio 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. The open space that we do have is not evenly distributed throughout the district. 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 are using Community Board 3 parks. While we do not seek to exclude outside groups from our parks, we do feel that priority should be given to local groups. Our emphasis on local groups includes a re-examination of Park Department policies that restrict the use of parks and play areas during daytime hours. There are seven Jointly Operated Playgrounds (JOPs) in Community Board 3 co-located with the following schools: PS 110, 63, 20, 140, 137, 134, and 188. These sites are important to their attached schools for playground use



during the day and to the surrounding community. The Parks Department commitment to cleaning these parks by 8 AM every morning has not been kept. Parks and the Department of Education must find acceptable solutions that will ensure clean and safe playgrounds for school use during the school day and for community use after 3 PM on school days and all day on non-school days. The Community Board insists on policies that foster the most open use of facilities by residents of the community while respecting safety concerns. Any agreements between Parks and other entities should be brought to Community Board 3 prior to finalization.

A few community gardens have been transferred to the Parks Department, but at the same time, the fate of many others is still uncertain. For sites not being transferred to the Parks Department, the City should consider transferring them to local community organizations that can maintain the locations as permanent open community space. Once open space is lost to development, it is very unlikely that it will ever be replaced.

It is one thing to have land set aside as a park, but our parks also need constant maintenance by trained DPR 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, and now are experiencing increasing levels of usage. Increasing the number of full time, permanent park workers and staffed playgrounds will allow for fuller use of our parks and play areas.

Community Board 3 parks are overrun with rats. This is aggravated by the large amount of construction in the area and by some specific conditions, such as the underground space beneath Peter Cooper Park. The Parks Department has only one exterminator, which does not allow for adequate baiting. This does not protect the health and public safety of the community. Parks must find better means to deal with the rodent problem. Until it has enough staff to adequately deal with the problem, Parks should work with the Health Department for regular and frequent baiting.

The permitting procedure for recreational permits needs to be improved to have fields accessible to local groups and for fair distribution. 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 being denied space, and even potential conflict when fields are not booked with adequate notice and enforcement provided to ensure that permitted groups actually have access. In FY 2007, Community Board 3 urged Parks to significantly upgrade its computer system to improve its permitting process. We have not been advised of any progress in this area.

Parks also needs improved procedures for park event permits. Community groups complain that information and approvals are not communicated in a timely manner. The Community Board has suggested that small, non-recurring events, such as school end-of-year parties and similar events, be handled in an expedited manner. A birthday party for 3-year olds may not necessitate review by Parks.

Also, Parks needs to ensure review from the NYPD and the Community Board for larger events. A concert permitted for the same day as a large parade that requires police staffing might end up with potential problems.

Toilets in Community Board 3 parks and playgrounds are badly needed. There are several locations of which the Parks Department is already aware, but one of the longest standing needs are the toilets in Corlears Hook Park. The lack of functioning toilets in this park is exacerbated by its

proximity to the East River Park amphitheatre. The numerous concerts in the amphitheatre and the continuing overflow of pedestrians through Corlears during concert season suggests that Parks make this a higher 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 for the Board. It deserves funding by the Borough President and Council Members to complete the renovation for a much underserved area.

The reconstruction of East River Park is underway and the seawall work is scheduled for completion in July 2007. We have been advised that the landscape in the park is scheduled to be completed in the 2008 – 2009 timeframe. Our understanding is that the public esplanade and the landscaping will occur in stages. We urge Parks to keep the contractors to the agreed timetables so that full public use of the park can be restored.

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 in achieving that goal.

Finally, Community Board 3 continues to anticipate that a ULURP for the proposed use of a portion of Pier 36 by Basketball City will be submitted shortly. The Board has previously approved the concept of this proposed use and has submitted suggestions to improve the community's use of the proposed facility.

### 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 expansion of collections, automation, staffing, and programming. This includes having all our branch libraries open six days a week; specifically: Hamilton Fish should be open on Tuesdays, Ottendorfer on Saturdays, and Tompkins Square on Thursdays.

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

### Waterfront

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

The Task Force recognized that our waterfront has been a focal point for generations of Lower East Side families, but 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 large portions of the Community Board 3 City-owned piers are underutilized; 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 waterfront for public use, keeping in mind the primarily residential nature of the adjacent community.

Through a series of community meetings begun during the latter part of 2003 and continuing through early 2005, the many constructive and creative ideas expressed by community members for the waterfront were shared with the NYC Economic Development Corporation, Department of City Planning and other City agencies. These ideas were generally approved by the Community Board in July 2004, and the City's Concept Plan was approved by the Board in September 2005. This approval was given with the understanding that Community Board 3 will be treated equally and equitably with Community Board 1 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 provided along the esplanade, including the removal of Jersey barriers and the installation of planters.

The Community Board is very concerned about the future of Pier 42, the only sizeable area in this community that extends over the 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 strongly urge and expect that the relevant City agencies will raise the necessary funding to complete this improvement and stabilization, within the 2010 timeframe, so that Pier 42 will never be lost as a crucial amenity to this community.

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 the abutting streets of the area, 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 that only service the Community Board 1 area presently located in this area of Community Board 3. In the vein of equal and equitable treatment, these buses must be relocated and returned to Community Board 1, where they have always belonged. After this has been done, we expect that the City will conduct an Environmental Impact Statement (EIS) to find a location for the tour and other buses emanating from Chinatown that also now line the waterfront. We feel that the vast number of these buses and vans that have been allowed to lay-over in our community, creating health, sanitation and congestion problems, cause quality of life problems that far outweigh the economic results that may be gained. 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.

The Waterfront Task Force was merged with the Parks, Cultural Affairs, Waterfront Committee in January 2006, but will be reinstated, if necessary, to work with the City in an effort to provide input and support, and to monitor the City's progress in this long-needed and exciting plan for the improvement of our waterfront.

## **Public Safety**

Community Board 3 is within the jurisdiction of three police precincts, the 5th, 7th and 9th, one Public Service Area (PSA 4) as well as seven fire companies.

## Police Department

Community Board 3 is fully committed to maintaining good relations with the officers working in our district. We currently work in a collaborative manner that allows us to be much more effective in serving the Community. 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 three police precincts and PSA 4. The Commanding Officers are quick to respond to our concerns. We continue to support increased training and local hiring as significant measures to increase trust between the city's minority communities and the Police Department. The Board 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.

Finally, while we understand that realistic threats continue to exist around terrorism, this board is seriously concerned about the loss of civil liberties in the wake of September 11, 2001. While this board was greatly affected by the 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 the needs of Community Board 3. While the board recognizes the need for complete fire coverage throughout the city we do not believe that it should come at the expense of removal of fire fighters from our companies to serve as replacements to other fire houses. Our proximity to City Hall and other governmental buildings as well as having the Brooklyn Bridge, Williamsburg Bridge, and Manhattan Bridge in the board area warrants that all fire companies are staffed at full capacity. Another issue of concern is notification of firehouse closures for drug testing and training. The Fire Department should be responsible for notifying the board of closures.

## 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.

To this extent Manhattan 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 allows penalties for failure to maintain maintenance hole covers and any local gas corporation or local electric corporation that owns or maintains maintenance hole covers and the equipment contained under the maintenance hole covers shall maintain them so that they do not present any hazards.

Community Board 3 also supports Int. No. 252 because it allows penalties for incidents of stray voltage and any local electric corporation that owns or maintains electrical-related infrastructure shall maintain it so that it does not emit stray voltage. If there is a presence of stray voltage, the local electric corporation responsible for the electrical-related infrastructure emitting stray voltage shall be subject to a civil penalty of up to one thousand dollars for the first violation and up to five thousand dollars for each succeeding violation that occurs within a twelve-month period on the same or other electrical-related infrastructure owned or maintained by such local electric corporation.

## Sanitation

While sanitation service in the district has seen improvement in recent years our district is still in great need of increased services. We are a very densely populated and still growing district. We need 5-day/week sanitation pickup 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 NYCHA. NYCHA should develop a credible program and make efforts to publicize 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 Notices of Violation, pointing out problems 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 to be exported. The Board has passed a resolution to embrace the goal of Zero Waste – realizing that this goal could be reached within 20 years. A zero waste program can be a powerful driver for economic development and will also ensure that the money spent on managing our waste stream remains circulating within the city's economy, instead of paying an operator of a landfill in a faraway state. The income tax, sales tax and business tax generated by the zero waste programs and infrastructure will all remain within the city to help fuel its growth. And, the value added through recycling remains local.

Rat infestation continues to be a major problem in the district. Extensive pest control treatment must be monitored on all work sites including residential construction, street repairs, and park renovations, and particularly sewer repairs. The City must develop a more effective proactive program to deal with the rodent problem. Public education and regular inspections are critical. DOH's current program of having an exterminator attached to our community board has allowed the Board and the exterminator to be much more responsive to rat abatement requests. The Rat Task force 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. Enforcement is needed for garbage storage and removal by street vendors. It is necessary to review and revise policy concerning vendors so that they are able to operate legally and regulations can be enforced. The City's most recent action of moving produce vendors from Division Street to the bus layover area on Forsyth Street makes the problem much worse. This action has caused serious public safety and sanitation problems and does not serve the community.

With the continued reality of West Nile Encephalitis and now Bird Flu, sanitation and public health agencies must work together with property owners to eliminate conditions conducive to mosquito breeding and bird congregation. Public education is an important component of preventing and eliminating mosquito-breeding pools of water that are still found throughout the district and informing the community about the increased risk of contracting the bird flu if birds are feed, since this in turn leads to birds congregating in large groups in public areas. This education against feeding birds should also be associated with increased education in "feed a bird, feed a rat."

## **Youth & Education**

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

Presently, many parents send their children outside of the district to obtain a good education while families from outside our district attend our specialized programs housed within our local schools and reduce spots for children from our community. This imposes an unnecessary hardship on families and weakens the quality of District 1 schools. The formation of viable School Leadership Teams to encourage collaborative decision-making for parents, students and faculty is critical to the improvement and success of our districts public schools. We strongly oppose the transfer of our local school building to other districts or special programs that do not primarily serve the needs of children and families in Community Board 3.

Participation levels for pre-school programs could benefit tremendously from improved outreach and education for parents of young children. Family academic advisement and counseling as well as academic tutoring and remediation could benefit students in our district, particularly those seeking post-secondary education or job training opportunities. We would like to see more diversity training for staff and students in our district in order to foster a safe and healthy environment for student of all ethnic backgrounds. The City should continue to fund a full day pre-k and special education program.

In addition, our young people would benefit greatly from expanded employment opportunities, training and mentoring for youth, more DYCD BEACON and OST programs, alternative schools, and trade schools. More funding and program to discuss mental health issues and health related issues such as depression, psychosocial issues, poverty, AIDS, asthmas, and other sexually transmitted diseases needs to be stressed in youth and teen programs. Computer and new technology training programs must also be expanded to help prepare students for employment in the new economy. Not only do our district's youth need the aforementioned types of programs, they also need recreational programs that foster their creative urges and help keep them out of trouble.

The Community Board may be required to take on additional responsibilities for the families in our community. We need to ensure our parents and children still have a voice in direction of the school and can effectuate necessary change.

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

There are major health problems in the Lower East Side, which include, but are not limited to, asthma, HIV, TB, Hepatitis, and substance abuse. Gouverneur Hospital has four satellite clinics in the neighborhood. There are other smaller clinics in the Community Board 3 area. Also, New York University Downtown Hospital, Cabrini Hospital, Beth Israel and Bellevue are close and accessible to Community Board 3 residents. With improved community education these facilities could be better utilized in ways to encourage regular health visits. Health programs must be tailored to suit the needs of the large immigrant, non-English speaking and undocumented children and families.

Community Board 3 generally suffers from the problem of insufficient accessibility for the disabled and frail elderly. That is totally inadequate for our disabled population. The general popula-

tion also benefits from amenities like ramps and sidewalk curb cuts when they are pushing baby carriages, grocery carts, and hand. The addition of accessibility features in government-owned and private buildings would greatly benefit the entire population.

Community Board 3 recognizes the need for a continuum of services that support older adults in remaining in their homes and their communities by providing meal services, recreational activities, and affordable housing and greater accessibility to transportation such as improving and expanding the Access a Ride program in the city. Child abuse, elder abuse and domestic violence are still hidden problems in the district that deserve attention. Education about these problems and domestic violence is required not just in English but also in the many languages that are spoken in District 3.

With the impact of gentrification in Community Board 3 and the severe lack of affordable housing for individuals, families and seniors, new buildings built with government subsidies should be comprised of a mix of apartment types catering to a diverse economy. More research on the level of need for services targeted at the homeless and hungry populations in our district should be undertaken.

There is an on-going need to provide mental health services in response to the September 11 terrorist attacks on New York City. Many Community 3 residents were dramatically affected by the disaster and its aftermath, because of their close proximity to the World Trade Center. School-age children are the largest group of individuals who may be in need of mental health services, because the danger that they may develop long-term problems related to posttraumatic stress disorder (PTSD). In addition to the affects of 9/11 and the need for mental health services for the general population of New York City, we need to have a long term monitoring of the health affects of 9/11 such as respiratory difficulty or long term respiratory disease.

Air quality in the district is of great concern. The commutative impact of two major East River crossings, namely the Williamsburg and Manhattan Bridges, as well as commercial traffic on the Canal Street corridor and the major east-west streets used to access downtown, contribute to pollution in the district. Idling diesel buses and trucks also contribute diesel particulates and other pollutants. There are communities in the district with a disproportionately high incidence of asthma and other respiratory disease that are particularly susceptible to asthma attacks and premature death from this pollution. In addition, all children and the elderly and those with coronary disease are more susceptible and severely impacted. The Board is concerned about enforcing laws designed to improve air quality and promoting use of best available technology to decrease pollution. This includes use of ultra low sulfur diesel fuel and conversion from diesel oil to less polluting fuels in power plants and other facilities.

## **Housing**

The crisis in affordable housing within Community Board 3 continues to worsen. Gentrification, rising rents, landlords opting out of Mitchell Lama, limited dividend, and project-based Section 8 housing, a shortage of Section 8 vouchers, and the failure of city agencies to work together and enforce existing regulations all threaten the limited supply of affordable housing within our community. The preservation and construction of affordable housing for low income, moderate income and middle income families and senior citizens remains a priority for Community Board 3. Affordable housing is an 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. The appropriate redevelopment of SPURA presents the best opportunity for creating affordable housing within Community Board 3. Community Board 3 encourages the Economic Development Corporation (EDC) and the Department of Housing Preservation and Development (HPD) to actively participate in a collaborative process with community residents and Community Board 3 to redevelop SPURA in compliance with Community Board 3's existing position. However, the 197 Task Force seeks to review and possibly revise Community Board 3's position for further consensus to facilitate development.

Non-contextual development, including the construction of large -scale luxury housing and hotels, that fails to address community needs is entirely out of control. Developer abuse of the "self certification" program and the community use facility "bonus" have further exacerbated this crisis, while lax enforcement of existing Department of Buildings (DOB) regulations appears to reward developers for non-compliance. DOB must not allow developers and architects who have previously violated existing regulations to self certify plans. Applications by those who routinely flout regulations must be examined with heightened scrutiny and regulations ensuring that community facilities actually benefit the community must be adopted. It is critical that DOB create a system that does not allow developers to continue building while their plans are being audited. Allowing developers to finish constructing buildings that could not have been certified initially and then allowing them to "cure" their violations, only encourages further non-compliance.

Granting additional resources to DOB, in and of itself, is not enough; bringing structural change to DOB is essential. DOB must strictly monitor the status of all violations, and ensure that violations are promptly corrected. Otherwise, developers will continue to view violations as an acceptable part of the cost of doing business.

Ideally, city agencies, such as DOB and HPD, should be working cooperatively rather than independently, or even worse, at cross-purposes. HPD must ensure adequate code enforcement so that serious violations are promptly corrected. Additional funding that will enable stringent code enforcement, and allow HPD to provide much needed multi-lingual outreach and services is vital. However, it is self-evident that a system that allows thousands of long-term violations to remain uncorrected is a system that is both presently failing our community and in dire need of structural change.

We recognize that the New York City Housing Authority (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 NYCHA's expenses, they cannot be expected to shoulder the entire burden. NYCHA's increase of fees for essential services and rising rents have created uncertainty for the many NYCHA residents who are unable to pay these extra expenses and fear that NYCHA is moving towards privatization and away from its mission of providing affordable public housing .

Due to improved market conditions, the City no longer needs to provide 421-a tax incentives to spur market rate development in the East Village/Lower East Side. The displacement of low income community residents caused by market rate development must not be subsidized by City taxpayers. We support the addition of Community Board 3 into the economic exclusion zone of the 421-a tax abatement program. The 421-a program should be altered to require: 1) that participating developers provide 30% of affordable on-site housing, and 2) to eliminate the use of "nego-



tible certificates” that fail to increase the affordable housing stock within our community.

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 subsidy programs and rent subsidy programs, such as project-based Section 8, have lost such protections or are at increased risk for losing them. Although these developments contain tenants of varied incomes, residents of subsidized housing are often comprised of poor, low-income, and moderate-income families. Absent subsidies, many long-term tenants would be unable to remain in their homes or in our community. To assist residents of Mitchell-Llama buildings that are being withdrawn from the program, Community Board 3 supports the passage of Local Law 79.

Tenants of rent regulated housing face increased threats of eviction. These threats include:

- 1) landlords vacating entire rent-regulated buildings for their “personal use;”
- 2) developers engaging in “phony demolition” plans; 3) the conversion of rent regulated apartments to hotel-style accommodations; and 4) landlord harassment of low-income tenants via court process and intimidation. Current regulations and tenant protections must be enforced and loopholes that allow landlords to further reduce the stock of affordable housing must be closed. Landlords who harass tenants must be penalized; the methods utilized in the Special Clinton District provide a model of the protections and enforcement mechanisms that should be utilized within our community.

To safeguard existing affordable housing, we must ensure that community housing advocacy organizations are adequately funded. These groups provide essential assistance to tenants who are fighting both the lack of basic services and threatened evictions and to correct building violations. Adequate funding to these groups can help limit landlord attempts to displace long-term residents.

Speedy approval and implementation of Community Board 3’s re-zoning plan is critical. While, in its current iteration, the plan addresses a number of the neighborhood’s concerns, it falls short of satisfying all of our district’s needs. All areas threatened with overdevelopment need to be rezoned, including the strip bounded by Third and Fourth Avenues. Every possible means to increase the stock of affordable housing needs to be explored, including the use of Inclusionary Zoning on the side streets of our district. More consideration needs to be paid to maintaining the residential character of that part of our district which is south of Houston St. Other specific areas north of Houston St., such as St. Marks Place, which are battling encroaching commercialization, need to be protected. Anti-harassment and anti-demolition provisions need to be included as an integral part of any plan. Furthermore, zoning text amendments to prohibit the expansion of eating & drinking establishments in residential zoning districts need to be implemented. The Department of City Planning and the Community Board needs to receive the support to ensure that new plan will properly serve our district’s needs over the next 50 years.

Community Board 3 has a rich history of cultural arts, but we have seen all too many local arts organizations extinguished owing to rising rents. City development, zoning, and housing policies need to be adjusted to support the few remaining groups and lure back those which have been displaced. It would be all too ironic if the artists, musicians, poets, and playwrights who made our neighborhood so desirable were to fall victim to the very development they attracted.

## **Rezoning**

The wave of gentrification in Community Board 3 has resulted in frighteningly swift change in the neighborhood. Unfettered development has changed not just the skyline of the Lower East Side, but displaced long-term residents and businesses as well. The Board has decided that the best way to protect the neighborhood from this onslaught is with a zoning change. We are working with the Department of City Planning on a massive rezoning plan for an area almost 120 blocks, which includes the majority of the district. The Board has put forth the following principles for the rezoning and hopes that working with the Department of City Planning will enable the plan to carry through to fruition:

- Preserve the residential character of the neighborhood;
- Preserve its current scale and mid-rise character;
- Establish a district more in keeping with current planning principals of contextual design;
- Preserve the mixed income character of the neighborhood through the use of inclusionary zoning;
- Eliminate the opportunity for community facility overdevelopment allowed under the current zoning.

## **Communications/311**

Information from 311 calls are necessary for Community Boards to be able to plan long term for their communities and for daily planning with city agencies for service delivery. DoITT had begun compliance with local law 47. The information provided is a welcome beginning—but much more work needs to be done before the information is useful and in a format that will help the Community Boards plan and serve their communities. Legacy systems need to be integrated and mapping information needs to be provided. We look forward to continuing to work with the city to develop the 311 system, so that city agencies and community boards can work as partners to monitor and deliver services. A two-way system that gives meaningful feedback to community boards and allows them to be involved in future development of 311 will provide better planning and management for our communities.

## **District Office**

Finally, we must ask for assistance for our Board office and staff. As described in the introduction, Community Board 3 has many more residents in the district than most boards and also many more people on income assistance. This translates into a greater need for services and assistance from the Community Board. The diversity of languages enriches the community, but also requires more time and services to reach out and meet the needs of all members of the district. We believe that our operating budget should reflect the larger population and greater needs of our district.

Community Board 3 is had an incredible amount of construction within its boundaries. However, many developers, architects, and construction companies have proven to need careful watching to

ensure their compliance with regulations to protect our residents and the preserve the nature of the community. We are also oversaturated with nightlife establishments that overload the Board office both in processing and in responding to complaints. These two issues alone take up the majority of staff time and do not leave adequate resources for Board support and to work with City agencies to effectively provide adequate service delivery to our community.

*David McWater*

David McWater  
Board Chair

*Susan Stetzer*

Susan Stetzer  
District Manager