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Daniel Miller, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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COMMUNITY BOARD NO. 2, MANHATTAN

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Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market

FULL BOARD MINUTES

DATE: June 18, 2020
TIME: 6:30 P.M.
PLACE: Via Video Conference

BOARD MEMBERS PRESENT: Susanna Aaron, Akeela Azcuy, William Benesh, Keen Berger, Carter Booth (Chair), Katy Bordonaro, Amy Brenna, Richard Caccappolo, Ritu Chattree, Tom Connor, Coral Dawson, Valerie De La Rosa, John Paul DeVerna, Doris Diether, Robert Ely, Mar Fitzgerald, Cormac Flynn, Joseph Gallagher, Susan Gammie, David Gruber, Wayne Kawadler, Susan Kent, Jeanine Kiely, Betty Weiss-Kubovy, Patricia Lariaia, Michael Levine, Edward Ma, Matthew Metzger, Daniel Miller, Brian Pape, Donna Raftery, Lois Rakoff, Robin Rothstein, Sandy Russo, Rocio Sanz, Scott Sartiano, Shirley Secunda, Kristin Shea, Frederica Sigel, Georgia Silver Seamans, Shirley Smith, Chenault Spence, Eugene Yoo, Susan Wittenberg, Antony Wong, Adam Zeldin

BOARD MEMBERS ABSENT WITH NOTIFICATION: Anita Brandt, Janet Liff

BOARD MEMBERS ABSENT: Bo Riccobono, Cathy Sullivan

BOARD MEMBERS PRESENT/ARRIVED LATE: None

BOARD MEMBERS PRESENT/LEFT EARLY: None

BOARD STAFF PRESENT: Bob Gormley, District Manager; and Josh Thompson, Assistant District Manager

GUESTS: Hayley Burson, Congressman Jerrold Nadler's Office; Senator Brad Hoylman, Senator Brian Kavanagh; Luke Wolf, NYC Comptroller Scott Stringer's office; Manhattan Borough President Gale Brewer; Assembly Member Deborah Glick, Council Member Carlina Rivera; Anthony Drummond, Council Member Margaret Chin's office; Robert Goldman, Council Member Mark Levine

MEETING SUMMARY

Meeting Date – June 18, 2020

Board Members Present – 45

Board Members Absent with Notification – 2

Board Members Absent - 2

Board Members Present/Arrived Late - 0

Board Members Present/Left Early – 0

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II. PUBLIC SESSION

Non-Agenda Items

Contact Tracing

Council Member Mark Levine, Chair of the Health Committee, spoke regarding this issue.

Landmarks & Public Aesthetics Items

340 Bleecker St.-Application is to install bracket sign replacing historic neon sign for grnd. fl. Storefront.
Robert Goldman, Bleecker Street Hospitality, spoke regarding this landmarks application (Amos).

ADOPTION OF AGENDA

III. ELECTED OFFICIALS PRESENT AND REPORTING

Hayley Burson, Congressman Jerrold Nadler's Office

Senator Brad Hoylman

Senator Brian Kavanaugh

Assembly Member Deborah Glick

Luke Wolf, NYC Comptroller Scott Stringer's office

Manhattan Borough President Gale Brewer

Council Member Carlina Rivera

IV. ADOPTION OF MINUTES

Adoption of April and May minutes

V. BUSINESS SESSION

1. **Chair's Report** Carter Booth reported.
2. **District Manager's Report** Bob Gormley reported.

STANDING COMMITTEE REPORTS

LANDMARKS AND PUBLIC AESTHETICS

1. 340 Bleecker Street. Application is to install a bracket sign replacing a historic neon sign for ground floor storefront.

- A. A neon sign, shown in a 1969 tax photograph in a style of the 20s or 30s for Aldo's Restaurant was removed several tenants ago, presumably in the 1970s; and
- B. The bracket, as depicted in the photo, remains; and
- C. The applicant seeks to install a similar neon sign with orange lettering for a new restaurant of a similar size and design, though the rendering lacked many details that were described by the applicant and are depicted in the original sign; and
- D. The size exceeds the current size permissible under current regulations in this location and is suitable to the building and to the infill design; and
- E. In response to Committee concerns that the graphic appearance of the design as rendered was too contemporary and out of sync with the original sign it seeks to replicate, the applicant represented that a revised design for the sign would reproduce as exactly as possible including size, shape, color, font and style of the name, painted highlighting of the letters, and exposure of the connecting sections of yellow/orange neon tubing and would, in effect, appear as the original sign with the word "Aldo's" changed to "Amos"; now

Therefore be it resolved that CB2, Man. recommends **approval** of the revised design agreed by the applicant matching as closely as possible the original sign as depicted in a historic photograph with details as described in whereas E above.

Vote: Unanimous, with 45 Board members in favor.

2. 160 Prince Street Application is to remove existing storefront windows and install a new storefront infill.

Whereas:

- A. The restaurant at the corner of Prince and Thompson Streets has uniform small, high windows with white brick infill in the corner bays; and along the two facades; and
- B. The application is to replace the corner bays' windows with full length operable doors in brown/grey steel, a minimal bulkhead and with plate glass; and
- C. A historic photograph depicts tall windows with an approximately 3' bulkhead which is harmonious with the Vesuvio Bakery, adjacent to the restaurant in the same building; and
- D. Modification of the design to more nearly conform to the image in the historic photograph, especially with regard to the height and material of the bulkhead, would reflect the historic design: and
- C. In a letter from Community Board 2 Manhattan to the State Liquor Authority dated February 28, 2017 making recommendations concerning a liquor license, subsequently approved, the following stipulation was agreed: "There will not be any French doors or windows installed to the front façade and all existing doors and windows will be closed at all times except for patron egress; and
- D. This recommendation is made by the Board in consideration of the stipulation agreed by the applicant as well as the landmarks and aesthetic aspects of the application and there was representation by the chair of the SLA Committee at the time of the resolution that without this stipulation approval of the license would not have been recommended; and
- E. There was community opposition to the SLA Committee at the time of licensing and to the Landmarks Committee to full length operable windows; and
- F. The Board received written and oral opposition to this application; now

Therefore be it resolved that CB2, Man. recommends **denial** of the application unless the design is revised to conform closely to the historic design depicted in the historic photograph especially with respect to: the height of the bulkhead and the size and design of the windows which will not be operable and, that the bulkhead be material left in place from the existing façade.

Vote: Unanimous, with 45 Board members in favor.

PARKS/ WATERFRONT

1. A Resolution Regarding the Proposed Design of the Interim Renovation of Mercer Playground

Whereas:

- 1. Ricardo Hinkle, Senior Landscape Architect for the NYC Department of Parks & Recreation (DPR), on behalf of DPR and NYU, presented an updated version of a proposed design for the interim renovation of Mercer Playground, the 300 ft x 45 ft space located on Mercer Street between Bleecker and West 3rd Streets that today has passive seating, a spray shower area and an

active multi-use area that has been an open play space where pre-teens learn to ride bikes, scooters and skateboards; and

2. The updated proposed design was based on feedback and a resolution written after the initial version of the design was presented at our meeting on February 2020 in response to discussion during a March 2019 scoping session that was run by DPR; and
3. The updated proposed design effectively addressed the concerns conveyed and requests made in our February 2020 resolution including the creation of a master plan vision for the space, despite budgetary constraints that limit the amount of actual construction possible in this phase : more challenging track activities, better benches, and a reduction of wall and pavement painting concepts; and
4. The current budget for the Mercer Playground renovation is \$385,000: \$350,000 for construction costs and \$35,000 for design, most of which has already been spent, which was pledged by NYU as part of the Core Plan agreed upon as part of NYU's development projects in the area; and
5. NYU remains committed to deliver this level of funding, but additional funding from NYU or any other source is deemed unlikely in the near future given the city's current fiscal environment; and
6. The large majority of those in attendance were appreciative of Mr. Hinkle's efforts and expressed positive comments stating that the updated design was much improved and addressed previously conveyed concerns; and
7. Some local residents in attendance expressed concerns that use of the playground, once renovated, might be taken over on a daily basis by older skateboarders and that their activities would create a great deal of noise and risk of injury to younger children; and
8. There remain questions about how DPR will operate the playground to ensure that it will be primarily enjoyed by its target group of children and pre-teens, recognizing that signage alone is an ineffective deterrent.

Therefore, be it Resolved that CB2, Man.:

1. Appreciates the funding provided by NYU and the efforts of the NYC Department of Parks and Recreation to renovate the central play area of Mercer Playground; and
2. Agrees that the updated and presented design reflects the recommendations and concerns expressed by our committee after presentation of the original design; and
3. Supports renovation of the park according to the new design though we appreciate that there are questions and opposition from some in the community about how the renovated playground will be used, operated and monitored; and
4. Requests that DPR limit hours and define operating rules for the playground that are responsive to community concerns and that optimize use by the target age group of children (pre-teens and younger).

Vote: Unanimous, with 45 Board Members in favor.

2. Resolution in support of a proposal by NYU in partnership with the NYC Department of Parks & Recreation and NYC Department of Transportation, to improve a small sidewalk area along Bleecker Street adjacent to the north entry of the public atrium at 181 Mercer Street by continuing the Bleecker Street Landscape aesthetic to the east.

Whereas:

1. A new building is being constructed at 181 Mercer St between West Houston and Bleecker Street, where Coles Gym previously stood, which will have a public atrium on the ground floor; and
2. Representatives from NYU, DPR and DOT presented a proposal to redesign what will be the adjoining sidewalk area abutting the north side of the building, along the south side Bleecker St., from Mercer St, 35 ft deep, running for roughly 200 ft to the west; and
3. Implementing this design would make it consistent with and integrate it into the greater Bleecker St. landscape which will ring the periphery of the super blocks and feature strategically placed open, refurbished planting beds, a double sidewalks (with an interior sidewalk), lower fences, and continuation of the tree canopy, with some restrictions of where trees can be planted due to underground access requirements. ADA compliant seating can go in such locations.

Therefore, be it Resolved that CB2, Man.:

Supports this proposal to improve this sidewalk area on Bleecker St next to what will be 181 Mercer Street.

Vote: Unanimous, with 45 Board Members in favor.

QUALITY OF LIFE

1. 17 East 9th Street - Application to construct, maintain and use a front stoop to a parlor way main entry into the house and steps to a lower secondary entry to the basement level:

Whereas, this applicant wishes to restore the stoop, steps, and entryway to an historic version (below);
and



Whereas, the applicant appeared before CB2’s Landmarks and Public Aesthetics Committee in April 2020 at which time the committee and later all of CB2, Man. recommended denial for this application; and

Whereas, the CB2, Man. Landmarks resolution stated that the proposed stair extension into the public sidewalk runs 7’-11” as opposed to the usual depth of 6’-6” on this block and in the district generally and that this “stoop design appears bulky and intrudes unacceptably into the narrow sidewalk”; and

Whereas, the CB2, Man. Landmarks resolution recommended that there are “solutions to reduce the run of the stairs such as adding a step or two at the parlor entry and do minor additional excavation in the areaway to ensure headroom for the basement entry below the stoop”; and

Whereas, the applicant did not amend their application to adhere to the recommendation made by the CB2, Man. Landmarks Committee regarding the sidewalk extension and the proposed stairway still runs 7’-11’ inches into the sidewalk; and

Whereas, this committee found the proposed design to be an improvement over the current state of this location, but wished the applicant had taken extra measures to conform to the 6’6” depth of the stoop extension as recommended, in order to conform with similar historic stoops on this street and in this district; now

Therefore Be It Resolved that CB2, Man. recommends **denial** of the **application to construct, maintain and use a front stoop to a parlor way main entry into the house and steps to a lower secondary entry to the basement level** unless the applicant reduces the proposed stoop extension to a maximum of 6’-6”.

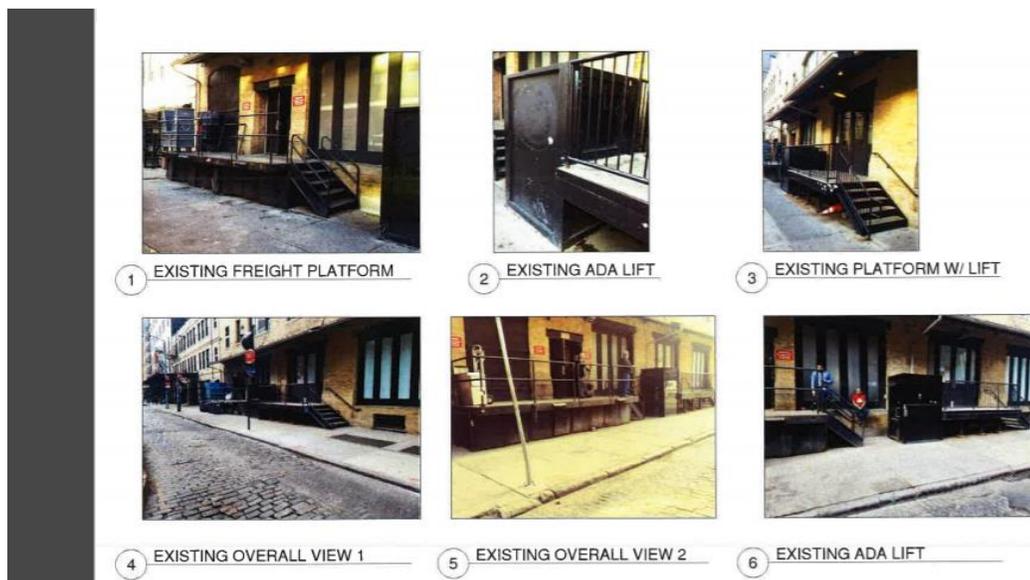
Vote: Passed, with 44 Board Members in favor, and 1 in opposition (R. Sanz).

2. 33 Ninth Avenue at West 13th Street - Application is for a modification of a revocable consent to construct/continue to use an ADA wheelchair lift and exterior stairway:

Whereas, this applicant wishes to relocate the platforms, stairs, and ADA lift, located on the West 13th Street side of this address, so as to maintain a code compliant means of egress while turning the stairways outward to face the street; and

Whereas, the current platform at this location—previously occupied by Spice Market, is unsightly and is often found cluttered with large, conspicuous containers; and

Whereas, the applicant stated that the new building owner would prefer to remove the unsightly platform (below) entirely; and



Whereas, however the applicant stated that the removal of the platform would require extensive relocation of sewer and electrical lines and is cost prohibitive; and

Whereas, the committee agrees that it would be much preferable to remove this platform entirely and place the stairs and ADA lift within the building; and

Whereas, the design presented (below) is definitely an improvement on the current configuration because the stairs will be front facing and more inviting to passerby and the dimensions of the platform and sidewalk intrusion remain the same; and

Whereas, the applicant stated that this design has received staff level approval at the Landmarks Preservation Commission and has received staff approval from the Department of Transportation; and

Whereas, this committee found the proposed design to be an improvement over the current state of this location, but hopes the applicant researches every possible reasonable alternative that would remove the platform entirely; now

Therefore Be It Resolved that CB2, Man. recommends **approval** of the application is for a modification of a revocable consent to construct/continue to use an ADA wheelchair lift and exterior stairway provided that, the application conforms with all applicable zoning laws, rules, and regulations and clearance requirements.

Vote: Unanimous, with 45 Board Members in favor.

REOPENING WORKING GROUP

Resolution Regarding Temporary Outdoor Dining

Whereas, the New York City Council introduced Int 1957-2020 on Thursday, May 28, 2020; and

Whereas, CB2, Man. formed a Reopening Working Group to address matters related to the reopening of New York City; and

Whereas, CB2, Man. has the highest number of sidewalk cafés in the city; and

Whereas, CB2, Man. has one of the highest densities of liquor licenses in the city; and

Whereas, CB2, Man. has a distinct streetscape of grid and non-grid streets that would allow for creative, non-traditional uses for Temporary Outdoor Dining; and

Whereas, the eating and drinking establishments in CB2, Man. have experienced a severe lack of clear guidance and enforcement over a number of weeks, leading to an increasing misappropriated use of sidewalk space and roadbed space; and

Whereas, residents of CB2, Man, have experienced a lack of social distancing by others gathering on our streets, exposure to unsanitary practices by patrons at the eating and drinking establishments, and an increased level in noise and disturbances; and

Whereas, the Reopening Working Group Committee Meeting held via Zoom on Monday, June 1, 2020 had 137 attendees comprising of residents, community groups, eating and drinking establishment owners, and board members; and

Whereas, CB2, Man. received 36 emails and letters including 30 areas of consideration requested for study as related to Temporary Outdoor Dining in CB2 from residents, community groups, and eating and drinking establishment owners; and

Whereas, the Reopening Working Group compiled the feedback from the June 1, 2020 meeting along with all of the written feedback received via email into a comprehensive package outlining the parameters and guidelines that the Mayor and City Council should take into consideration for the Temporary Outdoor Dining Program; and

Whereas, the Reopening Working Group recommended to the CB2, Man. Executive Committee on June 3rd, 2020 that the attached letter in response to Int 1957-2020 be sent to Mayor de Blasio, Speaker Johnson and Council Member Andrew Cohen; and

Whereas, the attached letter (**see below**) was sent dated June 6, 2020 that was voted on in the Wednesday, June 3, 2020 Executive Committee with seventeen (17) Executive Committee members voting in favor of the letter and nine (9) CB2 Board Members that were present voting in favor of the letter with one (1) CB2 Board Member that was present voting no; and

Whereas, the letter outlined four types of outdoor dining opportunities, criteria for temporary outdoor dining, concerns about temporary outdoor dining, and areas of consideration as submitted by residents, community groups, and eating and drinking establishment owners;

THEREFORE, BE IT RESOLVED that CB2, Man. affirms the letter dated June 6, 2020 should be used as a guide in shaping the policy that will make Temporary Outdoor Dining a success for CB2 residents and CB2 eating and drinking establishment owners, allowing us to achieve neighborhood vitality and increase the economic viability of CB2, Man. neighborhoods without compromising public health and public safety concerns.

Vote: Unanimous, with 45 Board members in favor.

Letter Regarding Temporary Outdoor Dining

June 6, 2020

Hon. Bill de Blasio
Mayor, City of New York

Hon. Corey Johnson
New York City Council Speaker

Hon. Andrew Cohen
Chair, Committee on Consumer Affairs and
Business Licensing

RE: Int 1957-2020 Temporary Space for Outdoor Dining

Dear Mayor de Blasio, Speaker Johnson, and Councilmember Cohen:

Thank you for your leadership in guiding the residents and businesses of CB2, Man. through the COVID-19 pandemic.

Implementing a safe and responsible temporary outdoor dining program will provide a level of certainty for our eating and drinking establishments as they prepare for Phase II of the Reopening. Our neighborhoods – Little Italy, SoHo, NoHo, Chinatown, West Village, Greenwich Village, Hudson Square, Nolita, Gansevoort Market, and University Place – need this program to bridge the gap as we move forward in the process of stabilizing our community.

CB2 has a significant concentration of eating and drinking establishments, one of the highest densities of liquor licenses in the city, and the highest number of sidewalk cafés across all five boroughs. We believe that temporary outdoor dining is a critical injection of much-needed economic activity for the eating and drinking establishments that define our neighborhood and, in some cases, define the fabric of the city. While we are very much in support of this program, we understand that there may also be significant impacts in respect to quality of life issues for our community.

CB2's streetscape is unique in many ways with pockets of non-grid streets juxtaposed to large avenues, and we are positioned to offer our eating and drinking establishments creative opportunities and our residents a positive experience, contributing to both the economic viability and the vitality of our neighborhood. There are many dining opportunities that go beyond those presented in the proposed legislation and those presented by the Mayor. Let us be clear, we need temporary spaces for outdoor dining to ensure that they can begin the process of recovery and we can provide a healthy, outdoor dining experience for CB2 residents who have been quarantined over the past two and a half months...our psychological health depends on it.

We have identified four types of outdoor dining opportunities in CB2, spaces for exclusive use by eating and drinking establishments by permit:

- 1. Spaces immediately adjacent in proximity: sidewalks, parking spaces, or immediate curb lanes/parking spaces**
 - a. Temporary sidewalk cafés where permitted.
 - b. Sidewalk café-like spaces extended into street immediately adjacent, i.e. parking spaces.
 - c. Equitable to nearby commercial entities (e.g. can't utilize spaces in front of adjacent businesses which may use spaces for other purposes and provide visibility).
 - d. Provides opportunity for minimal additional seating on a daily basis.

- 2. Spaces in close proximity: larger roadbed within a block or two or around the corner, but may not be immediately adjacent**
 - a. Extension of restaurant – an outdoor proper dining section on certain days.
 - b. Serve from the restaurant with an outdoor wait station and service component.
 - c. Several different restaurant sections for different establishments could be located on a shared/closed street.
 - d. In a residentially-zoned area, the applicant must receive a letter of support from Community Board 2 before the permit is granted.
 - e. Within this type of use, we propose two types of street closures with a specificity of contiguous closure based on its size:
 - i. Smaller street closures: more significant seating with potential for multiple day closures and, in certain circumstances, partial closures on all days.
 - ii. Larger street closures: more significant seating on specific days only (i.e. Friday evening, Saturday, and Sunday).

- 3. Spaces more than a block or two away**
 - a. Spaces more than a block or two away should be managed by a BID or other similar organization.
 - b. In a residentially-zoned area, the applicant must receive a letter of support from Community Board 2 before the permit is granted.
 - c. If an eating and drinking establishment outside the boundaries of Community Board 2 applies for a permit, the applicant must receive a letter of support from Community Board 2 before the permit is granted.
 - d. Establish a fuller outdoor service area.
 - e. Operated more independently from restaurant, i.e. more self-sufficient.
 - f. Delineated and operated exclusively for the benefit of one business even though there could be several businesses adjacent (i.e. separated for both SLA regulations and DOH regulations – serving the alcohol and cleaning the tables, respectively).
 - g. Provide opportunity for more significant seating when not practicable in immediate proximity on certain days.

4. Spaces for shared outdoor seating among multiple eating and drinking establishments

- a. More of a take-out model.
- b. Shared seating between businesses. Organized by group of established businesses.
- c. Possible with street.

Without question, we do not condone the use of parks, plazas, POPS (publicly owned private spaces), rooftops or rear yards in CB2 for the temporary outdoor dining program. We would prefer to maintain what naturally already occurs in parks, plazas and POPS, which is people self-selecting to purchase take-out food for consumption in those areas on a one-by-one basis instead of a fully programmed outdoor dining experience in our parks-starved district. Our two major plazas in proximity to restaurants in CB2 are managed by local BIDs. Rooftop dining or rear yard gardens are highly controversial issues in most cases and subject to zoning, building, and safety regulations which are too complex to be included as part of this temporary fast-moving program.

In keeping with the creative spirit of our residents and eating and drinking establishment owners, we are working diligently to begin the process of identifying areas of consideration that fit within the four types of outdoor dining opportunities listed above. Please see the attached addendum addressing areas of consideration, which are a sampling of streets submitted by CB2 eating and drinking establishments that should be *starting points* of a discussion with residents and city agencies.

Equity for existing CB2 eating and drinking establishments is our priority for this program and we believe it is these establishments that should have first right-of-refusal for spaces that are potentially to be allocated to food trucks and street vendors co-locating in CB2, particularly in the areas of consideration outlined in the attached addendum. We also request that there be an opportunity for CB2 in partnership with local businesses to be able to present outdoor dining opportunities to the appropriate agencies, which may not at first pass meet the requirements outlined by the city, but which may provide appropriate opportunities for outdoor dining.

In order to ensure that the legislation meets the needs of our residents and the eating and drinking establishments, we have identified the core criteria, in the attached addendum, that temporary outdoor dining permit applicants should adhere to and be held accountable for throughout the permitting, implementation, and operational. There should be one agency overseeing the permitting and enforcement program with a designated program head. Critical to balancing opportunities for vibrant dining options and community support in our highly residential community, hours of operation should end at 10PM for all temporary dining options and no outdoor music should be permitted.

We cannot stress enough how critical a clear enforcement plan is to the success of this temporary program. Because of this, we propose that permits for temporary outdoor dining be issued on a 30-day basis with automatic renewal for businesses without significant complaints. For businesses that receive significant and verified complaints, there should be a process established for fast review of complaints with law enforcement and CB2 input. This process would reward compliance and weed out bad actors that pose a public safety, public health or quality of life risk in a very transparent and timely manner. Our residents deserve a plan that addresses how the mitigation of bad actors will be handled. This is non-negotiable for the integrity of our community.

Our neighborhoods are a reflection of the mutual cooperation between residents and eating and drinking establishment owners. To ensure the final piece of legislation is structured to meet that cooperation, we have outlined a list of concerns that will extend beyond the purview of the temporary outdoor dining program because we rely on you to use our civic foresight to ensure that the mechanics of this program do not negatively impact the quality of life for our residents.

We understand there are significant hurdles in implementation, but with careful and expeditious input from the CB2, there could be significant mitigation of those quality of life impacts, yielding a better implementation of this program that is necessary for the future vibrancy of our community.

One concern is the loophole in the legislation regarding the duration of the temporary outdoor dining program. While we understand that the duration of the program is “until October 31, 2020 or when social distancing requirements are lifted,” the use of language in the latter portion leaves a wide interpretation and leaves the residents of CB2 in potential peril of a never-ending nuisance. Predictions from models developed by the Imperial College of London indicate that social distancing requirements will continue to be a part of our daily lives for the foreseeable future, potentially in place contiguously until a vaccine is developed. A second wave is imminent, so much so that the “or when social distancing requirements are lifted” leaves our residents vulnerable to a program that stays in place indefinitely due to the very nature of the expected and anticipated second wave of COVID-19.

Furthermore, the “or when” also creates a critical level of uncertainty for our eating and drinking establishments who will potentially be forced to change their business model midway through the program if social distancing guidelines are lifted ahead of the October 31, 2020 deadline, robbing them of taking advantage of the full revenue potential in a temporary outdoor dining space. We ask that you create a definitive end date to the program of Sunday, November 1, 2020, as Halloween falls on a Saturday this year. This would enable our eating and drinking establishments to take full advantage of the increased street activity of the Halloween Parade, historically an important revenue generator for our local businesses, should that be allowed to continue. With a definitive end date, the eating and drinking establishment owners in CB2 can more effectively calculate the viability of the investment they will have to make to participate in the temporary outdoor dining program.

There should be ample opportunity to review the merits of this temporary program over the winter months so that our residents can maintain their voice in how our streetscape is shaped going forward. Should the program continue longer, we propose a potential to renew, but only after a public review and input by Community Board 2 to ensure we mitigate any outstanding, overarching issues not addressed by the mandatory 30-day review installed as part of the program. We recognize the financial burden taken on by eating and drinking establishment owners to participate in this program, and do not support any measures that would shorten the length of the temporary outdoor dining program outside of a permit holder in non-compliance with the criteria outlined in the attached addendum.

Creativity is ingrained in the spirit of CB2’s neighborhoods and could not be more germane to the grit of CB2 residents as we live through the realities of COVID-19, persevering in solidarity with the city’s current state of unrest and the tenacity of CB2’s eating and drinking establishments owners hanging on, in the hopes to serve another day. This letter outlines an extraordinary proposal that we as a community support in this extraordinary time. We actively seek your support in helping us shape the temporary outdoor dining program into a model that will not only prudently meet the needs of CB2, but will elevate and shift the conversations in other neighborhoods as it relates to outdoor dining, potentially keeping the doors open for another beloved eating and drinking institution that makes this city live up to its name as the Hospitality Capital of the World.

Thank you for your consideration.

Enclosures:

Addendum: Recommended Criteria

Addendum: Concerns

Addendum: Areas of Consideration

Addendum: Reopening Working Group Committee Report, June 1, 2020

ADDENDUM #1

RECOMMENDED CRITERIA FOR TEMPORARY SPACES FOR OUTDOOR DINING

Hours

- For all temporary spaces: 10AM to 10PM, all days. All patrons out at closing time. Set Up/Clean Up for ½ hour before and after.

Noise

- No music/speakers outdoors at any time and no music generated from the interior premises audible on the outside.

Smoking

- No Smoking in or within 10ft.

Diagrams

- Require submission of diagrams with measurements, clearances and requirement to operate as presented.

Permitting/Process

- CB2 should be involved for a quick, efficient review of all permit holders across the three phases of the temporary outdoor dining program: permitting, implementation, and operational review.
- Any permitting process should involve CB2, who is familiar with its businesses, its streets, its residents, and the dynamics/concerns of the communities. We are prepared and ready to do this expeditiously.
- There should be a single agency, with a specific person overseeing this program, reviewing permits for an efficient, effective permitting process and that agency should be committed to working with the Community Board for the issuance of permits.

Amount of Seating

- Only seated patrons should be served in the temporary outdoor dining areas.
- Businesses that are exclusively “to-go” establishments during normal operations should not be able to participate.
- Establishments that have less than 20 interior seats during normal operations should be limited to temporary sidewalk cafes or parking spaces in front of the establishment.
- For temporary outdoor dining on closed/shared streets, establishments should be limited to 50% of their normally operating interior seating capacity with a maximum of 32 temporary outdoor seats for any establishment irrespective of interior size.
- If multiple businesses are to operate next to each other on a closed street, the plan should be specifically reviewed by CB2 in order to provide input and recommend mitigation including potential limiting of seats in order to not overwhelm quality of life concerns on residential streets and also accommodate opportunities for multiple businesses.
- There should be no “standing room only” areas.

Enforcement

- Mandatory 30-day review period (with an option to expeditious cure) for all permit holders with significant complaints during the duration of the temporary outdoor dining program with revocation of permits for bad actors. Consider issuing permits for 30-day periods which automatically renew for those without significant complaints.
- Due to the current economic climate, the deterrent for non-compliance should be loss of continued participation in the temporary outdoor dining program as opposed to using fines.
- Identify the singular agency that will be solely responsible for reviewing permits, taking into account the multiple enforcement agencies during the operational phase of the temporary outdoor dining program, with a transparent and expeditious process to resolve the complaint.

Non-Traditional

- Allow catering establishments with on-premise seating, ground-floor event facilities, permanent liquor license and on-premise restrooms to participate in all temporary outdoor dining programs if they have the ability to serve customers directly.

Opportunities for Exceptions with Community Board Review

- There should be an opportunity for CB2, in partnership with local businesses, to be able to present outdoor dining opportunities to the appropriate agencies, which may not at first pass meet the requirements eventually outlined by the city, but which may provide appropriate opportunities for outdoor dining.
- For example, West 8th Street full closure/shared street which has a bus route and which also has successfully provided opportunities for outdoor dining to many restaurants on multiple weekends.

Street Closures/Shared Streets

- Larger Street Closures: Friday: 5PM-10PM; Saturday & Sunday: 10AM-10PM.
- Smaller Street Closures: Monday - Friday: 5PM-10PM; Saturday & Sunday: 10AM-10PM.
- Exceptions may exist for specific locations which will be considered. This should include a short review opportunity for Community Board 2 to ensure resident and eating and drinking establishment cooperation.
- Staggered hours will be reviewed on a case-by-case basis including a small window for deliveries.

Adjacent Space

- Cannot block another business or residence.

Spaces Not to Be Considered (please refer to the four types of outdoor dining spaces outlined in the letter dated June 2, 2020 for guidance)

- No temporary rooftop dining or temporary rear yards.
- No parks.
- No POPS (publicly owned private spaces).
- No plazas (managed by BIDs in CB2).

Clearances

- Emergency Vehicle Lane for all closed/shared streets
- Residential Entries: clearly delineated residential entry access with social distancing clearance requirements
- 8-foot right of way on sidewalks with 6-foot separation between tables/chairs for temporary dining for customers.

- Bike Lanes: additional restrictions needed for streets with bike lanes that are designated spaces for temporary outdoor dining in larger roadbeds
- Protected Bike Lanes should be maintained with safety features for diners and bicyclists. If bicycle lanes are heavily used, this may provide significant safety issues to serving patrons in parking spaces across bicycle lanes and should be reviewed on a case by case basis.

Garbage and Waste Disposal, Sanitation Issues

- Operator to provide a plan to mitigate increased trash generated by a temporary outdoor dining experience, also taking into consideration the possibility of an increased use of recyclable and compostable utensils, serving plates and drinking cups.
- Thorough cleaning of outdoor areas and sidewalk or roadbed immediately after dining service.

Storage of Tables and Chairs

- Throughout the duration of the permit holder's term, all tables and chairs utilized for the purpose of temporary outdoor dining shall be stored inside the brick-and-mortar premises as the preferred method. If this cannot be accomplished, tables and chairs must be stored flush to the outside building façade using a secure method that will prevent vandalism and deter theft or unruly use during periods of civil unrest.

Restrooms

- DOH must provide guidance on how to ensure the operator either develops a sanitization plan for increased indoor restroom use, particularly during Phase 2 and Phase 3, and/or the procurement of temporary outdoor restroom facilities
- Any use of temporary restrooms, if required, should be granted by a special permit on top of the temporary outdoor dining permit to mitigate any resident issues including location, allocation (number of port-o-johns allowed per seats allocated), and maintenance plan (how often emptied, etc.) and should be properly secured as to prevent vandalism and improper use.

ADDENDUM #2

CONCERNS REGARDING TEMPORARY SPACES FOR OUTDOOR DINING

STATE OF THE CITY

- Unrest vs. Stability and Impacts on Outdoor Dining.

STORAGE OF TABLES AND CHAIRS

- Proper storage along building lines during non-operating hours to prevent seating outside of hours of operation.
- Prevent weaponization of items for unruly purposes.

NOISE

- Impact on residents above and next to temporary outdoor dining spaces.
- No Music.

SAFETY

- Appropriate safe, social-distance clearance for residential entryways.
- Social Distance Compliance
- Table Spacing and Seating

- PPE (customers and workers)
- Barriers
- Signage
- Lighting
- Customer Public Safety in Temporary Spaces
- Restaurant Worker Safety
- Peaceful Protests

ALCOHOL

- Loitering and To-Go Drinks
- Lack of enforcement for open container laws/public consumption
- Lack of Social Distancing and Mask Compliance
- Heat Exhaustion
- Inebriation
- Public Urination

RESTROOMS

- Socially distant use and access to indoor restrooms during Phase 2 and Phase 3.
- Temporary restrooms potentially needed to mitigate the increased outdoor density – additional cost for permit holders.

SMOKING

- No Smoking in temporary locations or immediately adjacent.

PROCESS

- Ensure a quick and efficient permitting process while preserving Community Board input

EQUITY

- Equitable division of the space available for use.
- Equitable allocation of tables and chairs per business proportionate to indoor seating.
- Equity access for an open space, including street-level, second floor, and basement.
- Equity for access to tables and chairs for using during temporary period.
- Equity for other sidewalk uses: pedestrians, curbside pick-up for retailers, etc.
- Equity between eating and drinking establishments, street vendors, and food trucks.
- Equity for bars, especially our storied lesbian and gay bars and other historic watering holes, for which these temporary outdoor dining models do not adequately benefit.

COMPLIANCE AND ENFORCEMENT OF PERMIT REGULATIONS

- DOH Inspectors
- SLA Inspectors
- DCA Inspectors
- NYPD
- FDNY
- 311

TRAFFIC

- Provide signage more than 1 block away of full street closures ahead to alleviate traffic congestion by incentivizing turning in advance of street closure.

WEATHER

- Hot temperatures and rain.
- Temporary shade and rain covers.

CLIMATE ISSUES

- Doors open with A/C running.

QUEUES AND QUEUE MANAGEMENT

- Five types of queues that will be in play during Phase III, creating competition for space:
 1. Waiting for seating in temporary outdoor dining space.
 2. Waiting to place take-out order.
 3. Waiting to pick up take-out order.
 4. Food delivery workers waiting for delivery orders.
 5. Handling concurrent lines for other businesses.

REDUCED CUSTOMER BASE

- Note that there is very light office population, little tourism, and no NYU student population until late August.

LANDMARKS AND HISTORIC DISTRICTS

- Ensure that the building fabric in historic districts is not compromised or removed for temporary outdoor dining.

ADDENDUM #3

AREAS OF CONSIDERATION TEMPORARY SPACES FOR OUTDOOR DINING

CB2 has started to hear from eating and drinking owners expressing interest in participating in the temporary outdoor dining program. This list compromised below is merely a starting point for discussions to be had with local residents and city agencies. Once the city establishes the criteria, we will work with community and the city agencies to address feasibility.

Spaces Immediately Adjacent in Proximity: sidewalks, parking spaces, or immediate curb lanes/parking spaces

Area for Consideration	Eating and Drinking Establishment	Owner/Principal Who Sent In
Carmine Street between Bleecker Street and 7 th Avenue	Market Table (54 Carmine St)	Joey Campanaro (Blackfoot Hospitality Group – owner of Little Owl, Market Table, and The Clam) via email
Charlton Street & Greenwich Street	PJ Charlton (549 Greenwich Street)	Phillip Mouquinho (PJ Charlton, owner) via Zoom testimony
Mott Street between Prince Street and Spring Street	n/a	n/a

Prince Street & Thompson Street	CocoPazzo Kitchen and Trattoria	Alessandro Bandini (CocoPazzo) – asked for space on their Thompson frontage via email
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Spaces in Close Proximity: larger roadbed within a block or around the corner, but may not be immediately adjacent

Area for Consideration	Eating and Drinking Establishment Name	Owner/Principal Requesting via Email and Zoom Testimony
Bedford Street between Morton Street and Christopher Street	Casa Restaurant (72 Bedford St) Snack Taverna (63 Bedford St) Moustache (90 Bedford St) Little Owl (90 Bedford St) North Fork (122 Christopher St)	Jupira Lee (Casa Restaurant owner)
Bleecker Street between Christopher Street and West 10 th Street	Amos on Bleecker (340 Bleecker St) (not open yet)	Robert Goldman (Bleecker Street Hospitality, principal) and Blake Romanow (Bleecker Street Hospitality, director) via email
Christopher Street between Hudson Street and Greenwich Avenue	Jeffrey’s Grocery (172 Waverly Place) Pieces Bar (8 Christopher Street)	Gabriel Stulman (Happy Cooking Hospitality – owner of Jeffrey’s Grocery) via email and Zoom testimony Eric Einstein (Pieces Bar and Playhouse Bar) via email and Zoom testimony
Gansevoort Street between Washington Street and Greenwich Street/9 th Avenue	Common Ground Bar (63 Gansevoort Street)	Chris Kammerer (Common Ground Bar, owner) via Zoom testimony
Grove Street between Bleecker Street and Bedford Street	Little Owl (90 Bedford St)	Joey Campanaro (Blackfoot Hospitality Group – owner of Little Owl, Market Table, and The Clam) via email
Jane Street between Hudson Street and 8 th Avenue	Tavern on Jane (31 8 th Avenue)	Michael Stewart (Tavern on Jane, owner) via Zoom testimony

	Bonsignour (35 Jane Street)	Also submitted by owner of 35 Jane Street, Joyce Healy via email
Hudson Street between Leroy Street and Morton Street	The Leroy House (430 Hudson Street)	Aaron Hung (The Leroy House, owner) via Zoom chat
Leroy Street (St. Luke's Place) between 7 th Avenue and Hudson Street	The Clam (420 Hudson St)	Joey Campanaro (Blackfoot Hospitality Group – owner of Little Owl, Market Table, and The Clam) via email
Perry Street between Greenwich Street and Hudson Street	Dante West Village (551 Hudson Street)	Linden Pride (Dante and Dante West Village, principal) via email
West 4 th Street between Jane Street to 7 th Avenue*	Fairfax (234 West 4 th Street) Bar Sardine (183 West 10 th Street) Fedora (239 West 4 th Street)	Gabriel Stulman (Happy Cooking Hospitality – owner of Fairfax, Bar Sardine, and Fedora) via email and Zoom testimony
Cornelia Street	Uncle Chop Chop (7 Cornelia Street) Le Gigot (18 Cornelia Street) Palma (28 Cornelia Street)	Morgan Sigg (Uncle Chop Chop) and Callum Sigg (Uncle Chop Chop) via email Pamela (Le Gigot owner) via email Palma D'Orazio (Palma, owner and Cornelia Street resident) via Zoom testimony
MacDougal Street between West Houston Street and Bleecker Street	Dante (79-81 MacDougal Street)	Linden Pride (Dante and Dante West Village, principal) via email
MacDougal Street between West 8 th Street and Waverly Place	North Square restaurant at Washington Square Hotel (103 Waverly Place)	Judy Paul (Washington Square Hotel/North Square restaurant CEO) via email and Zoom testimony
MacDougal between West 3 rd Street and West 4 th Street	La Lanterna di Vittorio (129 MacDougal)	Vittorio Antonini (La Lanterna owner and MacDougal Street resident) via Zoom testimony
University Place between E 11 th Street and E 12 th Street	Tortaria (94 University Place)	Howard Berke (Tortaria and Caliente Cab owner) via email

	<i>(also asked for Bleecker Street closure for Caliente Cab)</i>	Davie Berke (Tortaria and Caliente Cab owner) via Zoom testimony
West 3 rd Street between Sullivan and LaGuardia Place	Zinc Jazz Café (82 West 3 rd Street) Irving Farm Amity Hall Sushi Zo The Half Point Negril Village Spicy Point	Alex Kossi (Zinc Jazz Café owner) via Zoom testimony Kevin Kossi (Zinc Jazz Café owner) Victoria Delany (The Half Pint, owner)
West 4 th Street between 6 th Avenue and 7 th Avenue	Tio Pepe (168 West 4 th Street) The Taco Shop & Burrito Loco (166 West 4 th Street) Las Ramblas (170 West 4 th Street)	Rocio Sanz (Pepe's Restaurant Group – owner of Tio Pepe, The Taco Shop, Burrito Loco, and Las Ramblas) via email and Zoom testimony
West 8 th Street between 6 th Avenue and Waverly Place	Analogue (19 West 8 th Street) Loring Place (21 West 8 th Street)	Jared Gordon (Analogue, owner) Dan Kluger (Loring Place, chef/owner)
Bleecker Street between Mott Street and Bowery	Von Bar NYC (3 Bleecker Street) Quartino Bottega (11 Bleecker Street) Overthrow Boxing (9 Bleecker Street) Bessou (5 Bleecker Street) Think Coffee (1 Bleecker Street) Codex Books (1 Bleecker Street)	Kaarin Von Herrlich (Von Bar co-owner and Bleecker Street resident) Charles Von Herrlich (Von Bar co-owner and Bleecker Street resident) Paolo Manfredi (Quartino Bottega co-owner and 11 Bleecker Street building co-owner) Macro Gentilucci (Quartino Bottega co-owner and 11 Bleecker Street building co-owner) Ianthe Vidal (Quartino Bottega, Manager)

		Joseph Goodwin (Overthrow Boxing Owner and Bleecker Street resident) Maiko Kyogoku (Bessou Owner) Jason Scher (Think Coffee owner) Robin Treadwell (Codex Books owner)
Bond Street between Lafayette Street and Bowery	The Smile (26 Bond Street)	Matt Kliegman (The Smile owner) via Zoom testimony
Elizabeth Street between Prince Street and Spring Street	Lovely Day (196 Elizabeth Street)	Kazusa Jibiki (Lovely Day, owner)
Kenmare Street between Cleveland Place and Mulberry Street	Zooba (100 Kenmare Street)	Alex Riccobono (Zooba, owner)
Mulberry Street from Canal Street to Broome Street (Mulberry Pedestrian Mall)	n/a	Vivian Catenaccio (Figli di San Gennaro) on behalf of the restaurants on Mulberry Street
Orchard Street between Canal Street and Hester Street	Bar Belly (14B Orchard Street)	Tommy Mendes (Bar Belly, managing partner)
Sullivan Street between 6 th Avenue and Broome Street	n/a	n/a
Great Jones Street between Broadway and Bowery	Jones (54 Great Jones Street)	Gabriel Stulman (Happy Cooking Hospitality – owner of Jones)

**Contingent upon a clearly outlined and agreed upon plan for restroom mitigation either through shared temporary facilities or agreed upon shared indoor facilities distributed across permit holders in the area, due to the popularity of this area already just from to-go drinks and imminent concern from residents.*

Spaces More than a Block or Two Away

Area of Consideration	Eating and Drinking Establishment Name	Owner/Principal Requesting via Email and Zoom Testimony
Thompson Street between 6 th Avenue and Grand Street	n/a	Ingrid Wiegand (resident)

Spaces for Shared Outdoor Seating

Businesses feed off of other businesses and shared outdoor seating makes sense according to our own business owners as long as we can find an appropriate space for them.

ADDENDUM #4

REOPENING WORKING GROUP

June 1, 2020

The Reopening Working Group of Community Board 2 met via Zoom on Monday, June 1, 2020 to discuss City Council Int 1957-2020 Temporary Spaces for Outdoor Dining.

RWG Committee Members Present: Valerie De La Rosa (Chair, RWG), Carter Booth (CB2 Board Chair), Robert Ely (Chair, SLA Licensing Committees 1 & 2), Daniel Miller (CB2 First Vice Chair), Joseph Gallagher (Chair, Quality of Life/DCA/SAPO), and Donna Raftery (Chair, SLA Licensing Committees 1 & 2)

CB2 Board Members Present: William Benesh, Katy Bordonaro, Richard Caccappolo, Cormac Flynn, David Gruber, Susan Kent (Second Vice Chair), Jeannine Kiely, Shirley Secunda, Michael Levine, Janet Liff, Matthew Metzger, Robin Rothstein, Rocio Sanz, Chenault Spence, Bo Riccobono, Eugene Yoo, and Adam Zeldin

Elected Officials Present: Assembly Member Deborah J. Glick

Elected Official Representatives Present: Erik Bottcher (Council Speaker Corey Johnson), Patrice Comerford (Council Speaker Corey Johnson), Irak Cehonski (Council Member Carlina Rivera), Andrew Chang (Manhattan Borough President Gale Brewer), Luke Wolf (Comptroller Scott Stringer), Charlie Anderson (Assembly Member Deborah J. Glick)

CB2 Eating and Dining Establishment Owners Present: Brent Romanow (Bleecker Street Hospitality), Maya Horton (Il Buco), Joseph Campanero (Little Owl, Market Table, and Clam), Vittorio Antonini (La Lanterna di Vittorio), Rocio Sanz (Pepe Restaurant Group), Gabriel Stulman (Happy Cooking Hospitality), Davie Berke (Caliente Cab and Tortaria), Donna Lennard (Il Buco), Christopher Taha (Summers), Dennis Chrysanthopoulos (Snack Taverna), Aaron Hung (The Leroy House), Koorosh Bakhtiar (Jajaja Group), Yousuf Hasan (The Group NYC), Ken Sturm (1650 Broadway Associates Inc.), Sebastian Widmann (Malparte), Michelle Wakefield (Cowgirl Inc.), Mark Barboni (Hudson Clearwater), Philip Mouquinho (PJ Charlton), Palma D'Orazio (Palma), Eytan Sugarman (White Horse Tavern), Alexis Blair (Fig & Olive), Michael Stewart (Tavern on Jane), Morgan Sigg (Uncle Chop Chop), Matt Kligeman (The Smile, The Smile To-Go, Black Seed Bagels), Eric Einstein (Pieces and Playhouse Bars), Chris Kammerer (Common Ground Bar), Judy Paul (Washington Square Hotel), David Rabin (Café Clover, American Bar), Hope Debates (Pearl Oyster Bar, server), Alex Kossi (Zinc Jazz Café), Alex Riccobono (Zooba), Nima Garos (Gelso and Grand), Christian Pappanicholas (Torch & Crown Brewing Company), Laura Tribuno (Fig & Olive), Tommy Mendes (BarBelly), John Mills-Pierre (No 142 Bar and South Village Business Alliance), Kevin Kossi (Zinc Jazz Café), Victoria Delany (The Half Pint)

CB2 Community Group and BID Representatives Present: Pete Davies (Broadway Residents Coalition), Jeffrey LeFrancois (Meatpacking BID), Cordelia Persen (Noho BID), Chandler Forsythe (Noho BID), Jacob McNally (Hudson Square BID), Corey Kunz (Hudson Square BID), Zella Jones (Noho/Bowery Stakeholders Inc.), Andres Pazmino (Greenwich Village Chamber of Commerce), Maria Diaz (Greenwich Village Chamber of Commerce), Evan Sweet (Meatpacking BID), Daniel Hantman

(Jane Street Block Association), Michael Talbot (West Village Committee), Cate Roepke (Meatpacking BID), John Mills-Pierre (South Village Business Alliance and No 142 Bar), Kate Bostock (Jane Street Block Association), Elizabeth Sabo (West 10th Residents Association), Leslie Clark (West Village Residents Association), Cynthia Penney (Jane Street Block Association), Juan Buccella (306 W13th St - 345 W4th St Co-op board), Robin Felsher (Residents Coalition of 33 Greenwich Avenue), Albert Bennett (Morton Street Block Association, CB2 Public Member), Ingrid Wiegand (Soho Alliance), Micki McGee (South Village Neighbors), Jasmine Aarons (South Village Business Alliance and VOZ Apparel), Augustine Hope (West Village Residents Association), Ellen Baer (Hudson Square BID), Linda Pagan (Soho Village Alliance), David Rosenberg (Charlton Tenants Corp.), Robert Nguyen (Hudson River Park Trust), Jane Carey (Whitney Museum),

CB2 Residents Present: Mike DeRosa (West Village), Marna Lawrence (Little Italy), Amy Cooper (Greenwich Village), Matt Molnar (West Village), Bjorg Klem (West Village), Carol Friedman (Soho), Darlene Lutz (west Soho), Lora Tenenbaum (Soho), Jonathan Slaff (West Village), Jordan Levine (Nolita), Marianne Nebel (West Village), , Zulekha Inayat (West Village), Paul Fitzpatrick (West Village), Heath Terry (Greenwich Village), Norma Cote (West Village), Christine Smith (West Village), Terry Anastasio (Greenwich Village), Kellie Kulton (Soho), Arthur Goldstein (Little Italy), Edward Goytia (Greenwich Village), Jen Sale (South Village), Matthew Carmona (West Village), Jennifer Scott (Greenwich Village), David Lerner (Greenwich Village), Stephonn Alcorn (West Village), Erika Lowenberg (West Village), Jose Montfort (West Village)

Other Manhattan Community Board Members Present: Mark Diller (Chair, Manhattan CB7), Aaron Caraballo (CB4), Clint Smeltzer (CB3)

Other Eating and Drinking Establishment Owners Outside CB2 Present: Dylan Zanker (Grit Boxing – Union Square), Heather Rush (Pine Box Rock Shop - Bushwick), John Loukas (NYC Bagel and Coffee – Astoria)

Others Present: Max Bookman (PB Law), Jake Trissler (Helbraun Levey LLP), Steve Wygoda (SWA Architecture), Teddy Gonzalez (Citywide Licensing of NY), George Haikalis (Institute for Rational Urban Mobility), Callum McLaughlin (East Village), and Tali Cantor (Union Square)

Minutes

Valerie De La Rosa, Reopening Working Group Chair, called the meeting to order at 6:35PM.

Carter Booth, CB2 Chair, introduced the members of the Reopening Working Group and gave context to the evening with the civil unrest festering simultaneously throughout the city.

Valerie De La Rosa, Reopening Working Group Chair, briefly discussed a summary of Int 1957-2020 Temporary Spaces for Outdoor Dining and presented the RWG's preliminary look at an approach to safe and responsible temporary outdoor dining and covered Issues, Mitigation Ideas, Criteria, Types of Outdoor Dining Spaces in CB2, Areas of Consideration Submitted by Eating and Drinking Establishment Owners to-date, and Areas of Concern Submitted by Community Groups and Residents to-date.

Public testimony was heard from Eating and Drinking Establishment Owners, Community Groups, and Residents. CB2 members followed before the meeting moved into Business Session.

The meeting adjourned at 10:02PM.

SCHOOLS AND EDUCATION

Resolution in Support of Action Steps to Reduce Systematic Racism in our Public Schools

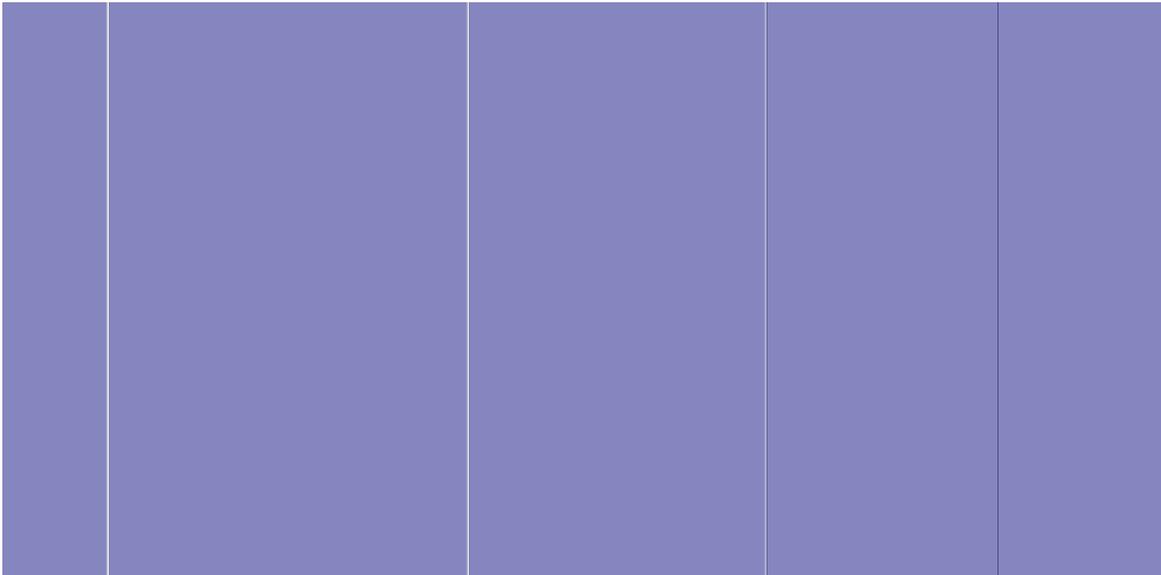
Whereas:

1. CB2, Man. acknowledges the generational and institutional racism that our Black and brown brothers, sisters and non-binaries have suffered on our streets, in our schools and in our workplaces for far too long;
2. For this reason, CB2 has formed the CB2 Equity Working Group, as a commitment to making racial equity a primary focus;
3. New York State has the most racially segregated public schools in the nation based on a [report by the UCLA Civil Rights Project](#)ⁱ and heavily impacting these state rankings is New York City, home to the largest and one of the most segregated public school systems in the nation;
4. In February 2020, Edward Fergus, Ph.D. presented a District 2 Disproportionality Study, an [analysis of District 2 data](#), which concluded that Black, Latinx and male students disproportionately receive more IEPs and suspensions and are under-enrolled in gifted programⁱⁱ;
5. Within District 2, schools like Lower Manhattan Community School, which enrolls many CB2 students in its middle school, have long-standing Restorative Justice and diversity programs in place, but there is no formal mechanism within District 2, Manhattan or the DOE for sharing resources or best practices;
6. Children as young as three show awareness of race and begin to categorize people by race and children of color who are on the receiving end of racial prejudice develop racial awareness even earlier due to their experiences;
7. Because young children see skin color and form judgements based on race and live in a world with racially biased associations, such as books and movies where princesses are mostly white or attend schools where teachers and students are mostly from a single racial group, educators must explicitly understand and address racism, implicit bias, colorblindness and microaggression and proactively develop a school environment and curricula that is anti-racist;
8. CB2's elementary schools primarily enroll students from a single racial group: PS 3 is 63% White; PS 41 is 69% White; and PS 130 is 87% Asianⁱⁱⁱ;
9. *White Privilege* was popularized by Peggy McIntosh in her 1988 paper^{iv} "[White Privilege and Male Privilege](#)" in which she likened white privilege to "an invisible weightless knapsack of special provisions, assurances, tools, maps, guides, codebooks, passports, visas, clothes, compass, emergency gear, and blank checks" and also outlined 46 different examples of *white privilege*;
10. In majority white communities like CB2, Man. and majority white schools attended by many CB2 area students, it is critical that white parents and community members understand their implicit biases and white privilege and serve as anti-racist advocates, by taking concrete action to undo systemic racism;
11. In an economically treacherous moment unseen since The Great Depression, we cannot allow for the police budget to remain sacrosanct while the city's and state's finances produce cuts to public education; and,

12. The backdrop of the coronavirus pandemic and remote learning has illuminated and exacerbated the vast inequities in our educational system and the need for investment in public education.

Therefore, be it Resolved that Community Board 2, Man.:

1. Urges District 2 leadership to share broadly the results of the District 2 Disproportionality Study with school and parent leaders within District 2 and Manhattan and that these results materially inform the public discussions and policy recommendations of Community Education Council District 2 and the educational decisions of District 2 leadership;
2. Insists that the Department of Education – centrally, in the borough of Manhattan, District 2 and every public elementary, middle and high school in Manhattan Community Board 2 – commit to disrupting systemic racism and inequitable practices in our schools, including supporting:
 - a. School-wide anti-racist initiatives that involve principals and teaching staff, school and students and school and the parent community;



- b. Mandatory school-wide diversity initiatives that advise on social justice policies, formation of affinity groups and the implementation of culturally relevant sustaining curriculum;
 - c. Decolonizing all curriculum;
 - d. Ongoing, not one-time, training for school leaders;
 - e. Hiring of a more diverse teaching staff;
 - f. Borough and District-wide Diversity Councils to share resources and best practices and push for change; and,
 - g. Promotions to leadership positions within schools, Districts, Boroughs and the DOE based on a clear and defined track record of anti-racist educational initiatives;
3. Urges reporting initiatives to disrupt systemic racism, including the DOE to create a centralized reporting mechanism for measuring, tracking and publicly
 - a. Publicly reporting data on suspensions and IEP classification by race and gender; and,
 - b. Addressing goals and progress of diversity initiatives in each school’s Quality Review and Comprehensive Education Plan, including, but not limited to restorative justice programs, formation of affinity groups, implementation of culturally relevant sustaining curriculum and hiring of a diverse teaching staff;

4. Insists that the DOE implement bold strategies to reduce the digital divide including:
 - a. Ensuring that every student has a remote learning device -- and laptops with keyboards for middle and high school students;
 - b. Providing access to high speed broadband, prioritizing low income communities and students living in transitional housing; and,
 - c. Funding from DOE central, not individual school budgets, which only would result in greater instructional cuts at schools that serve the most vulnerable students;

5. Implores our elected officials to outline a path towards budget justice that does not leave the police budget untouched at a time when all other essential services – including education – may be cut, so that we urge you to:
 - a. Reduce the NYPD budget by at least \$1 billion this year and reallocate a significant portion of this funding toward education; and,
 - b. Aggressively seek additional funding for our public schools and limit in-school budget cuts.

VOTE: Unanimous, with 45 Board Members in favor.

ⁱ “New York State’s Extreme School Segregation: Inequality, Inaction and a Damaged Future” UCLA Civil Rights Project, March 26, 2014. [https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-](https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/ny-norfler-report-placeholder)

[diversity/ny-norfler-report-placeholder](https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/ny-norfler-report-placeholder).

ⁱⁱ “The Needle(s) in the Haystack of Disproportionality” Edward Fergus, Ph.D, Associate Professor, Urban Education, Temple University. (February 2020). <https://drive.google.com/file/d/1P3A3DWiYSydpM56Huogi6iyDHF6gRdil/view>.

ⁱⁱⁱ NYC DOE’s Demographic Snapshot for 2018-2019, <https://infohub.nyced.org/reports/school-quality/information-and-data-overview>.

^{iv} <https://www.collegeart.org/pdf/diversity/white-privilege-and-male-privilege.pdf>.

SLA LICENSING

1. Spring Cafe, LLC d/b/a t/b/a, 14 W. 4th St. (New Restaurant Wine—Cafe)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Committee for the purpose of seeking a new RW/Beer and Wine license to operate a “limited take-out and dine-in restaurant with an emphasis on health, wellness and peace of mind” based on a plant-based cuisine in a mixed residential/commercial twelve story building (Circa 1908) between Broadway and Mercer Street in Greenwich Village; and

ii. Whereas, the Café will operate with a full service kitchen with chef/cook in a 5,985 Sq. ft. storefront premises (2,239 sq. ft. 1st floor and 3,746 sq. ft. cellar), the cellar will not be for patron service; the premises has one (1) entrance / exit and one (1) patron bathroom, 23 tables with 52 seats, 1 counter with 4 additional patron seats for a total patron capacity of 56, there are no operable French doors or windows to the storefront; and

iii. Whereas, the Applicant’s hours of operation are from 9:00 AM to 10:00 PM seven (7) days a week; there will be a sidewalk café but no other exterior areas for the service of alcohol, the sidewalk which will close by 10 PM every night and will require DCA approval, music on the interior restaurant will be quiet background only; there will be no DJ’s, no promoted events, no live music or scheduled performances, no cover fees and no television; and

iv. Whereas, the Applicant has executed and has had notarized a Stipulations Agreement with CB2, Man. which will be incorporated into the “Method of Operation” of the Restaurant Wine License, with those stipulations as follows:

1. The premises will be advertised and operated as a limited service take-out and dine-in vegetarian restaurant.
2. The hours of operation will be from 9:00 AM to 10:00 PM seven (7) days a week.
3. There will be food available for purchase at all hours of operation.
4. The premises will not operate as a Lounge, Tavern, or Sports Bar or allow any portion of premises to be operated in that manner.
5. There will be no televisions.
6. The Applicant will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. Any DCA licensed sidewalk will close by 10 PM every night.
8. The Applicant will play quiet ambient recorded background music only; no music will be audible in any adjacent residences at any time.
9. The Applicant will not install French doors operable windows or open façades.
10. The Applicant will not make any changes to the existing façade except to change the signage or awning.
11. It will comply with NYC Department of Buildings Regulations and keep current at all times required Permits & Certificates
12. It will not have unlimited drink or unlimited food and drink specials; it will not have “boozy brunches”.
13. There will be no pitchers of beer.
14. It will not have any of the following: dancing, DJs, live music promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, or security personnel/doormen.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the application for a new Restaurant Wine License to **Spring Cafe, LLC d/b/a t/b/a, 14 W. 4th St. unless** the statements presented by the Applicant are accurate and complete and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” on the SLA Restaurant License.

Vote: Unanimous, with 45 Board members in favor.

2. 113 Mulberry Restaurant LLC, d/b/a Manero’s Pizza, 113 Mulberry St. 10013 (New OP – Restaurant)

i. Whereas. the Applicant appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for an on-premise license to operate a family-style restaurant focusing on Napoli-style pizza located in a C6-2G-5 zoned six-story, 1920 mixed-use building on Mulberry Street between Canal and Hester Streets (Block #206/Lot #23) in Little Italy Historic District; and

ii. Whereas, the premises to be licensed was previously operated as a restaurant and bar (Cha Cha’s) with an OP license, albeit with portions of the prior premises having an illegal and unpermitted courtyard space towards the rear of the building, the Applicant having previously appeared before CB2, Man. SLA Committee in the past, adjourning this matter and presentation in an attempt to obtain the proper permits for the exterior courtyard space but was not able to do so, and upon reappearing fully acknowledged an inability to obtain the proper permits from the NYC DOB to operate in the courtyard space and rear

portions of the building, the instant application, diagram and floor plans presented for the licensed premises not including that courtyard or any other exterior space for the service of alcohol other than a small sidewalk café at the front of the licensed premises, the rear sections of the premises being designated in the floor plans for storage purposes only, a letter of no objection being presented from January 5, 2001 for the interior premises only; and,

iii. Whereas, the ground-floor premises to be licensed is approximately 1,600 sq. ft.; there will be 5 tables with 14 seats, and one (1) bar with 8 seats, for a total of 22 interior seats; and there will be a sidewalk café with 4 tables and 8 chairs; there will be 2 entrances, 2 exits, and 2 bathrooms; and

iv. Whereas, the Applicant's hours of operation are Sunday to Saturday 11:00 AM to 2:00 AM; music will be quiet background only, not audible in surrounding residences, there will be no DJs, no dancing, no promoted events, no live music, no private parties, no scheduled performances or cover fees, and no TV's; and

v. Whereas, the Applicant presented several pages of petitions, including signatures from residents of 113 Mulberry Street, collected during the time of the pandemic; and

vi. Whereas, the Applicant has executed and has had notarized a Stipulations Agreement with CB2, Man. which will be incorporated into the Method of Operation of the On-premise License, with those stipulations as follows:

1. Premise will be advertised and operated as a family restaurant focusing on Napoli-style pizza.
2. The hours of operation will be Sunday to Saturday 11:00 AM to 2:00 AM
3. Will operate with the kitchen open and the full menu available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not permit dancing.
7. Will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
8. Will operate sidewalk café with 4 tables and 8 chairs and will close by 11 PM every night.
9. Will not install operable French doors or windows that open out to the sidewalk.
10. Will play quiet, ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
11. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
12. Will not have unlimited drink or unlimited food & drink specials. Will not have "boozy brunches." No pitchers of beer.
13. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine and beer products.
14. Will not have: dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or a doorman.

THEREFORE, BE IT RESOLVED that CB, Man. recommends **denial** of the new restaurant on-premise license for **113 Mulberry Restaurant LLC, d/b/a Manero's Pizza, 113 Mulberry St. 10013**

unless the statements presented by the Applicant are accurate and complete, and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” on the SLA Restaurant On-Premise License.

Vote: Unanimous, with 45 Board members in favor.

3. Takeshi Sushi LLC, d/b/a N/A, 28 Grand St. 10013 (New OP- Upgrade from RW)

i. Whereas, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to upgrade from a Restaurant Wine license to a On Premise license to continue to operate an “Omakase-style sushi restaurant” in an M1-5B zoned 6 story, mixed use 1900 building on Grand Street between Sixth Avenue and Thompson Street (block #676 lot #45) in SoHo; and,

ii. Whereas, the premises proposed to be licensed is approximately 900 sq. ft., with 550 sq. ft. on the ground floor store level and an additional 350 sq. ft. in the basement, on the ground floor there being 1 sushi bar with 11 seats and 12 additional window and wall patron seats for total patron occupancy of 23, there being no tables, with 1 patron entrance and 1 patron bathroom, all service and patron areas will be on the ground floor, the basement being restricted to staff, there is no sidewalk café now or in the future and no other exterior areas for the service of alcohol, the storefront premises have fixed facades and there being no plan to install operable doors or windows to said façade, a letter of no objection dated May 14, 2019 having been presented for the proposed occupancy and use at the premises; and,

iii. Whereas, the hours of operation will continue to be from 11:00 AM to 12:00 AM seven (7) days a week, music will be quiet background only consisting of music from iPod/CDs (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at all times except for patron ingress and egress, there will be no DJs, no live music, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

iv. Whereas, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated into the method of operation on the on-premise license stating that:

1. Premise will be advertised and operated as an Omakase-style sushi restaurant.
2. The hours of operation will be Sunday from 11:00AM to 12:00AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a “lounge”, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will have no more than one television.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating (including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at any time.
8. The premises will not have DJs, live music, or promoted events.
9. The premises will close all door and windows at all times.
10. There will be no unlimited drink or all you can eat and drink specials.
11. There will be no sale of beer by the pitcher.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine and beer products.

13. Will not install operable French doors or windows that open out to the sidewalk.
14. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.

v. **Whereas**, this application being subject to the 500 ft. rule and the public interest standard, this location having been licensed previously, the stipulations agreed upon, assuming such compliance by the Applicant in the future meeting the public interest standard, there being no exterior areas for the service of alcohol and the hours of operation for the being reasonable and sufficiently consistent with a restaurant at this location;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new On Premise License for **Takeshi Sushi LLC, d/b/a N/A, 28 Grand St. 10013** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA On Premise License.

Vote: Unanimous, with 45 Board members in favor.

4. WSA Café, LLC. d/b/a t/b/a, 18 Ninth Avenue 10014 (New OP—Café in Gansevoort Hotel with sidewalk café)

i. **Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee to upgrade an existing Tavern Wine license to a full On Premises- Café Lounge with a sidewalk café, to operate a patisserie/café in a portion of the newly renovated ground floor lobby with outdoor seating within the thirteen story Gansevoort Hotel (c.2003) building on Ninth Avenue between Little West 12th and 13th Streets in the historic Meatpacking District; and,

ii. **Whereas**, the roughly 825 sq. ft. café is located adjacent to a newly designed lobby for the Hotel, with 1 bar with 7 seats, 6 tables and 36 seats and 5 counter/window seats near the entrance for a total interior seating for 48 patrons, the café will also have outdoor seating within a roughly 200 sq. ft. space immediately in front of the café with 10 tables and 20 patron seats, with 1 entrance, 1 exit, and an emergency exit through the hotel lobby ,there is one bathroom and additional bathrooms in the hotel lobby, and the exterior café being within the property line for the hotel and not encroaching upon the public sidewalk, the café will not have operable facades or French doors and there will be no exterior speakers and no exterior TVs; and

iii. **Whereas**, the café’s hours of operation for the interior café will be from 7:00 AM to 12:00 AM Sunday through Saturday and the hours of operation for the exterior café will be from 7:00 AM to 10:00 PM Sunday through Saturday, all interior music shall be quiet recorded background only, all doors and windows will be closed at all times, there will be no DJs, no promoted events, no live music, no private parties, no scheduled performances or cover fees, no TV’s, velvet ropes, metal barricades or security personnel; and

iv. **Whereas**, an application for the same café space in the Hotel was made for a Tavern Wine license four months ago in February/2020, there being concerns raised at that time about the operators and principals on the license being operators of the Bagatelle Restaurant located in the storefront space adjacent to the Hotel, the Applicant here being the Hotel, also stating affirmatively that the principals of the Bagatelle Restaurant will not have any affiliation or connection with the operation of the instant café now or in the future; and,

iv. Whereas, the Applicant has executed and has had notarized an updated Stipulations Agreement with CB2, Man. which will be incorporated into the Method of Operation of the Tavern Wine License, with those stipulations as follows:

1. The premises will be advertised and operated as a patisserie cafe.
2. The interior hours of operation will be 7:00 AM to 12:00 AM Sunday through Saturdays.
3. There exterior hours of operation will be 7:00 AM to 10:00 PM Sunday through Saturdays.
4. There will be no exterior speakers or music.
5. Will not install French doors, operable windows, or open façades.
6. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
7. There will be no TVs.
8. The premises will not have DJs, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
9. There will be no all you can eat/all you drink special or boozy brunches, or pitchers of beer.
10. There will be no “bottle service” on the sale of bottles of alcohol except for the sale of bottles of wine products.
11. The premises will not permit dancing.
12. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
13. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits & Certificates.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the application for a new on premise license to **WSA Café, LLC. d/b/a t/b/a, 18 Ninth Avenue 10014** **unless** the statements the Applicant has presented are accurate and complete and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the Method of Operation on the SLA On Premise License.

Vote: Unanimous, with 45 Board members in favor.

5. Mollusca LLC d/b/a T/B/A, 1-3 Little West 12th Street 10014 (New OP – Restaurant)

i. Whereas, the Applicant and their attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new restaurant on-premise liquor license for a full-service restaurant which will have focus on mussels as well as other seafoods; and

ii. Whereas, the premises is in a commercial district with residential loft units across the street located on the ground floor and cellar of a 5-story commercial building on Little West 12th Street between Hudson Street and 9th Avenue for a roughly 5,456 sq. ft premises (2,593 sq. ft. ground floor and 2,863 sq. ft cellar), with 33 tables and 100 seats (of those – three (3) tables and six (6) seats are in the cellar – the rest on the ground floor) and one (1) bar with nine (9) seats on the ground floor and one (1) service bar in the cellar for a total of 109 interior seats; the application includes a sidewalk café with 9 tables and 18 seats in a location that has previously never had an operating sidewalk café, the location abutting the northeast side of Gansevoort Plaza, an area with a lot of foot traffic; and

iii. Whereas, there are existing certificates of occupancy, but they do not support the current application as presented (it appears that Certificate of Occupancy #100169 issued 3/2/1992 has been superseded by a new C of O which does not include this space), — the applicant will need to update certificates of occupancy and any permits and place of assembly permits to reflect the current proposal and as such, all permits presented to the Liquor Authority should be dated 2017 or later with each use

within the building specifically designated (there are other licensed premises on the same block and lot number in different buildings which may appear on the same C of O) in order for the license to be issued unless a detailed explanation is presented and reviewed by the Authority; and,

iv. Whereas, neither of the two Partners in this Application have significant experience managing or owning a restaurant in NYC; one of the Partners lives and operates similar restaurants in Russia and the other Partner lives in New York and will oversee the restaurant while continuing his CPA business, and the Applicants are bringing in a manager to hire and train staff who currently owns and manages another restaurant in Manhattan and is opening one more; and there were concerns expressed by area residents that the lack of New York restaurant experience might have a negative impact on the manner in which the restaurant is operated, that the location has been previously licensed by at least three other businesses with none being able to remain open for a significant time, the result being that the community has experienced negative impacts as previous tenants curated a more late night bar scene as opposed to a full-fledged restaurant in order to attract business; and

v. Whereas, the eastern part of the restaurant that is adjacent to the street is a wall of operable folding doors and there was concern that music from the interior would be heard in nearby residences; and the Applicant initially planned to use a doorway installed and used by the previous tenant to serve gelato and coffee as an Instagram room for this restaurant, this ‘room’ being accessible only from the street and not from the interior restaurant, after hearing concerns from residents about drawing crowds on the sidewalk agreed to keep those doors closed at all times; and

vi. Whereas, the hours of operation will be Sunday to Wednesday from 7:00 AM to 12:00 AM and Thursday to Saturday from 7:00 AM to 1:00 AM (all patrons will be cleared from the premises and no patrons will remain after stated closing time), the sidewalk café will close no later than 10:00 PM Sunday through Wednesday and 11:00 PM Thursday through Saturday (all tables and chairs will be removed at that time), music will be quiet background only consisting of music from iPod/CDs (i.e. no active manipulation of music — only passive prearranged music) with the exception of Friday and Saturday evenings between the hours of 5:00 PM and 9:00 PM when there may be live acoustic music (no brass, no drums) and a microphoned singer and at which time all doors and windows will be closed; at all other times all doors and windows will close at 9:00 PM every night except for patron ingress and egress, there will be no DJ, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and

vii. Whereas, the Applicant reached out to a number of local residents and stakeholders in order to discuss their concerns and the Applicant and stakeholders were able to agree on a number of stipulations which are incorporated into a stipulation agreement with CB2, Man. as noted below; and

viii. Whereas, even though this applicant reached out to local residents, there were concerns regarding the lack of knowledge of the Applicant to the specific issues of the Meatpacking District — oversaturation of licenses and the quality of life issues this brings, that they felt most patrons will use public transportation in an area congested with for-hire vehicles and cabs and that the Applicant thought that the offices in their building close at 5:00 PM (it’s currently a WeWork space which does not close at 5:00) and that the Applicant felt there are no residences to disturb despite there being residents in multiple buildings across the street and that sound notoriously travels up and out of the area; and

iv. Whereas, the Applicant executed a stipulations agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated into the method of operation on the restaurant on-premise liquor license stating that:

1. Premises will be advertised and operated as a full-service seafood restaurant with a focus on mussels.
2. The hours of operation will be Sunday to Wednesday from 7:00 AM to 12:00 AM and Thursday to Saturday from 7:00 AM to 1:00 AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. Sidewalk café will close no later than 10:00 PM Sunday through Wednesday and 11:00 PM Thursday through Saturday. All tables and chairs will be removed by this hour.
4. The premises, or any portion of the premises, will not operate as a “lounge”, tavern or sports bar.
5. The premises will not have televisions.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. The premises will play quiet ambient-recorded background music only with the exception of Fridays and Saturdays between 5:00 PM and 9:00 PM when live **acoustic** music (**no brass, no drums**) and a microphoned singer is permitted. All music levels and volumes will at all times comply with all New York City Laws and Regulations and will not be audible in adjacent residences at any time.
8. The premises will close ALL doors and windows at 9:00 PM every night or anytime there is live music and/or a singer.
9. The premises will not have DJs, dancing, promoted events, cover charges or scheduled performances.
10. There will be no velvet ropes, metal barricades or security personnel/doorman.
11. There will be no “boozy brunches” or unlimited drink or unlimited food and drink specials. No pitchers of beer.
12. There will be no bottle service except for wine products.
13. There will be no more than 140 seats on the interior and 9 tables/18 seats at the sidewalk café.
14. The main door to the premises will be the door on the West side with double door vestibule. There will be NO ingress/egress from the other Western-most doors nor will those doors be used to access a room which is separate from the restaurant proper. Those doors will remain closed at all times.
15. There will be no more than six (6) private events per year.
16. If there is a change in ownership greater than 49%, the licensee will submit notice to CB2 and appear and present corporate change application (excluding transfer between initial two (2) Principles/Partners).

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant On Premise Liquor License for **Mollusca LLC d/b/a TBD, 1-3 Little West 12th Street 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 45 Board members in favor.

6. Felix Greene Street Soho, LLC d/b/a Felix Roasting Co., 104 Greene Street 10012 (New OP – Café; Previously Unlicensed Location)

i. Whereas, the applicant appeared before CB2’s SLA committee for the purpose of seeking a new Restaurant OP license at an upscale storefront coffee shop and roasting company with a healthy menu, serving low abv cocktails, wine and beer in a mixed use (residential and commercial) building on Greene St between Prince St and Spring St in Soho, Manhattan; and,

ii. **Whereas**, the premises will have 21 tables with 62 patron seats, one stand-up bar with no seats for a total patron seating occupancy of 62, with one bathroom, no TVs and fixed windows; and,

iii. **Whereas**, the proposed hours of operation are 7:00 AM to 10:00 PM Monday through Friday, 8:00 AM to 10:00 PM Saturday and 8:00 AM to 8:00 PM Sunday; and,

iv. **Whereas**, when questioned about the applicant's need and requirement for a full on-premise license in contrast to a Tavern Wine license, the applicant responded that the only reason he needed an on-premise license was to serve the low abv cocktails; and,

v. **Whereas**, the premises proposed to be licensed is a café serving coffee, breakfast and lunch options, the location having never held any liquor license previously, the proposed method of operation not being consistent with an on premises license but instead Tavern Wine, there being no satisfactory outreach performed in the neighborhood, there being numerous bars and drinking establishments already existing in this area, with 14 existing on premise licenses within 750 ft. of the subject premises, with 6 additional on premise license pending with the NYS Liquor Authority, not to mention numerous existing beer and wine licenses, there being concerns that this particular location with an on premise license will just become another drinking establishment, not needed in this particular area, this particular application not serving a public interest, instead there being an ever increasing, ongoing need for other supplemental business services in the area designed to service the local community; and,

vi. **Whereas**, the applicant did not present a petition in support of the application and no one appeared in support of the application; and,

vii. **Whereas**, this application being subject to the 500 ft. rule requiring the applicant demonstrate a recognizable public interest for adding yet another on premise liquor license in the area, the storefront premises having never previously been licensed for on premise service of alcohol, the current application for an on-premise license being inconsistent with the proposed method of operation of a small café with a limited menu offering a healthy breakfast and lunch menu there being many alternatives and creative methods to design aperitif drinks without hard alcohol or distilled spirits, the proposed method of operation be more consistent with a Tavern Wine license; and,

viii. **Whereas**, in addition, the Applicant in the instant application, Matt Moinian, is also a principal and a licensee of the Hugo Hotel, located at 525 Greenwich Street, another licensed business within the confines of CB2, Man., a licensed premise which has consistently presented problems to the community due to improper and illicit operation of the Hotel's rooftop, there being a questionable use and occupancy for such rooftop, the Applicant having never appeared before CB2, Man. via 30-day notice for alteration or change in the hotel's method of operation as it relates to its known use and occupancy, known as Bar Hugo and Azul Rooftop, the Applicant acknowledging the Hotel's deviation from its stipulations and failing to provide such notice to the Community Board or the NYSLA, as required by law, but in the end providing no reasonable explanation for the known dereliction posed by the hotel's operations, calling into question the Applicant's reliability for holding another license in this Community where problems persist with his existing license;

THEREFORE, BE IT RESOLVED that CB2, Man. recommends denial for **Felix Greene Street Soho LLC d/b/a Felix Roasting Co., 104 Greene St. 10012** on its application seeking a new OP license; and

THEREFORE, BE IT FURTHER RESOLVED that should this application be considered by the SLA, CB2, Man. respectfully requests that this item be Calendared to appear before the Full Board of the SLA; and

THEREFORE, BE IT FURTHER RESOLVED that if this application is considered by the SLA, despite CB2, Manhattan’s recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500-foot hearing because the premises and rear yard extension thereat has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 45 Board members in favor.

7. Hyundai Motor America, Inc. 40 10th Ave. 10014 (New OP—Luxury Car Showroom; Previously Unlicensed Location)

i. Whereas the Applicant and their attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new on-premise liquor license for a “unique, permanent space...where people can experience the ethos of the Genesis brand through discovery and connection; the space consists of a cellar level event space, 1st floor automobile showroom and 2nd floor tea pavilion and restaurant with exterior terrace; “Genesis House merges innovative programming, culinary creativity, and masterful design to present an immersive cultural experience”; and

ii. Whereas this application is for a new on premise liquor license in a previously unlicensed location; the premises is located in a commercial area located across three floors on 10th Avenue between 13th Street and 14th Street for a roughly 46,700 sq. ft. premise; there will be a total of 33 tables and 96 seats and 1 bar with 7 seats for a total of 103 seats on the 2nd floor, approximately 8 seats on the 1st floor and there may be up to 183 removable seats in the cellar event space, there is no sidewalk café with this application; and

iii. Whereas, the interior of the location will consist on the cellar of an event space which is approximately 14,800 sq. ft and will have removeable seating for 183 persons with a maximum capacity of 232, including staff, for front of house, there is no fixed bar and no wait staff although there may be a service bar during private events; on the approximately 12,700 sq. ft. first floor of a showroom with seating for approximately 8 and room for 106 people standing, there is no wait staff; and on the approximately 9,600 sq. ft. 2nd floor interior of a restaurant with 17 tables and 40 seats, 1 bar with 7 seats, an additional seating area by the southeast windows consisting of 4 tables and 8 seats and a tea pavilion with a total capacity of 179 persons on the interior; and on the approximately 9,600 sq. ft. 2nd floor exterior terrace of additional restaurant seating consisting of 12 tables and 48 seats with a maximum occupancy of 57 and located adjacent to The Highline with alcohol service for seated patrons only except during private events; and

iv. Whereas, the food and beverage aspect of the premises and restaurant will be overseen and operated by Restaurant Associates LLC, a company with extensive restaurant experience and whose licensed premises include Lincoln Center for the Performing Arts, Intersect by Lexus and Intrepid Sea Air Space Museum; and

v. Whereas, the hours of operation for the interior of the premises will be 10:00 AM to 12:00 AM Sunday to Wednesday; 10:00 AM to 1:00 AM Thursday to Saturday; hours for the exterior, 2nd floor terrace will be 10:00 AM to 10:00 PM Sunday to Wednesday; 10:00 AM to 11:00 PM Thursday to Saturday; there will be no music or speakers on the exterior terrace at any time and doors to the terrace will be closed at all times; music on the interior 1st and 2nd floors for day-to-day operations will be quiet background only from iPod/CDs (i.e. no active manipulation of music — only passive prearranged music) with the exception of private events and 8x/month where there may be live acoustic music on the 1st or 2nd

floors when music will end by 11:00 PM Sunday to Wednesday and 12:00 AM Thursday to Saturday; music in the cellar event space may include DJs and live music with music volumes at entertainment levels during both private events and day-to-day operations; and

vi. Whereas, all private events will be booked/programmed by Hyundai America Inc. directly and will be either co-branded or have a nexus with Hyundai America with the exception of private events taking place on the 2nd floor; private events that encompass the entire licensed premises are limited to a maximum of 15 events per year with a maximum occupancy of 500 persons (if there is live music and/or DJs on the 1st and/or 2nd floors then this event also counts toward the 24 event limit that follows); private events that include the 1st and/or 2nd floors with live music and/or DJs are limited to a maximum of 24 events per year; DJs at entertainment level are permitted; music located outside of the cellar area must be acoustic (no amplified instruments, microphone allowed for singer); private events that are on the 1st and/or 2nd floor without live music and/or DJs are unlimited; and

vii. Whereas, there will be no use of ropes or barricades and any queuing will take place on the 10th Avenue side of the building; and

viii. Whereas, the Applicant first appeared at CB2, Man. in March 2020 and agreed to lay over the application in order to gain clarity on the proposed usage of the approximately 46,700 sq. ft. premises and to perform community outreach; after which there were changes made to the application in terms of the initial hours presented, areas where DJs and live music would be used and an increase in the maximum occupancy during large events; and

ix. Whereas, the Applicant and/or their attorney held several conversations with local residents and the Applicant provided CB2, Man. with a list of stipulations which they had discussed with members of the community and which they will adhere to;

x. Whereas, this premises is subject to the “500 ft. rule” and there are over 20 liquor licenses within 750 ft of the premises in the Meatpacking District; and there was extensive community concern regarding the impact on quality of life in the oversaturated district by licensing a premises of this size; and there was additional concern that noise from the exterior terrace would impact the experience of visitors to The Highline which is located one level above directly to the West of the terrace; and

xi. Whereas, due to the location of the premises — on the far West side of the District on 10th Avenue, close to entrances to the West Side Highway, across the street to the north from the elevated 18-story The Standard Highline hotel and surrounded by commercial buildings — the quality of life impacts of DJs and live music in the cellar and of large events should be able to be mitigated; and

xii. Whereas, the Applicant also executed a stipulations agreement with CB2, Man. that they agreed would be attached and incorporated in to their method of operation on their SLA license and the applicant understands that any variation to these stipulations will require re-application and full Community Board and SLA review; the stipulations are as follows:

1. The areas where food and beverages will be served are divided into four (4) distinct spaces. No alcohol will be served before 10:00 AM in any area. Food and beverage service will be provided according to the following:
 - a. 2nd Floor Interior Restaurant, Tea Room and Café: 10:00 AM–12:00 AM Sunday–Wednesday; 10:00 AM–1:00 AM Thursday–Saturday; The restaurant accommodates 55 seated guests (40 at tables, 7 at bar) with 8 additional seats at four (4) tables by the

southeast windows, separated from the restaurant by a café / tea room. The maximum occupancy of the 2nd floor interior is 179 persons.

- b. 2nd Floor Terrace: 10:00 AM–10:00 PM Sunday–Wednesday; 10:00 AM–11:00 PM Thursday–Saturday. The terrace accommodates 48 seated guests with a maximum occupancy of 57. Alcohol service is going to be for seated patrons only with the exception of when there is a private event.
 - c. 1st Floor Showroom: 10:00 AM–12:00 AM Sunday–Wednesday; 10:00 AM–1:00 AM Thursday–Saturday. There is seating for approximately eight (8) persons to be used in conjunction with the vehicle showroom, not in conjunction with eating and drinking, with a maximum occupancy of 114, however additional seats may be placed for private events. There is no alcohol service to the 1st floor with the exception of private events, however, guests may purchase alcohol from the 2nd floor bar and bring it down to the 1st floor.
 - d. Cellar Event Space: 10:00 AM–12:00 AM Sunday– Wednesday; 10:00 AM–1:00 AM Thursday–Saturday. There are 183 removable seats with a maximum occupancy of 232 persons including staff. There is no fixed bar in the cellar and alcohol service only takes place during private events. Guests may purchase alcohol from the 2nd floor bar and bring it down to the cellar when open to the public.
2. **Private events** will operate as follows:
- a. All private events will be booked/programmed by Hyundai America Inc. directly.
 - b. All private events will be either co-branded with Hyundai America or will have a nexus with Hyundai America with the exception of private events taking place solely on the 2nd Floor.
 - c. For the Cellar space of the licensed premises there can be an unlimited number of private events with or without DJs and/or live music at entertainment sound levels.
 - d. Private events **that encompass the entire licensed premises** (cellar, 1st floor and 2nd floor) **are limited to a maximum of 15 events per year**, commencing on the date the license is issued. If the event includes DJs and/or live music on the 1st and/or 2nd floors then this event also counts toward the 24 events-per-year-limit stated in Item **1e** below. Maximum occupancy of 500.
 - e. Private events that **include the 1st and/or 2nd floors WITH live music and/or DJs are limited to a maximum of 24 events per year**, commencing on the date the license is issued. DJs at entertainment level are permitted. Live music located outside of the cellar area must be acoustic (no amplified instruments, microphone allowed for singer).
 - f. Private events that are on the **1st and/or 2nd floors** (i.e. not including the cellar) **WITHOUT live music and/or DJs** are not subject to any limit. Music must be recorded music at quiet background levels. No music or speakers of any kind on the terrace.
3. **When no private events are taking place on the 1st or 2nd floor, live music (acoustic only)** will be permitted as follows:
- a. Limit of 8x per month on either the 1st or 2nd floor interior for live acoustic music (no amplified instruments, no brass or percussion, with or without a microphoned singer).
 - b. Music will end one hour before closing or by 11:00 PM Sunday–Wednesday and 12:00 AM Thursday–Saturday.
 - c. No music or speakers of any kind on the exterior terrace.
4. Outside of private events and the exceptions listed in #3 above, all music on the 1st and 2nd floors is quiet background only; no DJs are allowed. DJs and live music are allowed in the Cellar space.
5. There will be no music of any kind or speakers out on the terrace at any time.
6. There should not be 3rd party promoters or 3rd party events as the intention is that events will feature the brand, the company and promote what Hyundai is doing.
7. There will be no bottle service except for the service of wine products, and Soju, served in conjunction with 2nd floor restaurant seated service.

8. There will be no unlimited drink or unlimited food and drink specials.
9. Any queuing will take place on the 10th Avenue side of the building. There will be no queuing on 13th Street.
10. There will be no use of ropes or barricades.
11. There will be no dancing.
12. There will be no application for a sidewalk café.
13. All doors and windows will be closed at all times.
14. Should there be a change in the food service operator, Hyundai Motor America will select an operator of commensurate quality and reputation and notify the Community Board
15. Proper security will be employed for events and to address potential noise and traffic concerns.
16. Hyundai Motor America will work with neighboring garages to encourage use of valet service away from the interior of the Meatpacking District (Washington Street, 9th Avenue, Little West 12th Street)
17. Hyundai Motor America will continue to investigate ways to alleviate potential traffic congestion
18. Appropriate sound proofing measures will be taken to insulate the Cellar space.
19. Hyundai Motor America and Restaurant Associates, LLC will clean the sidewalks adjoining its property regularly.
20. Hyundai Motor America and Restaurant Associates, LLC shall provide neighbors and the Community Board with working telephone numbers and the names of designated persons that may be contacted for questions or complaints.
21. Hyundai Motor America and Restaurant Associates, LLC are committed to meeting with the Community Board and members of the Community to address any concerns or questions that may arise.
22. Will appear before CB2 Manhattan prior to submitting any changes to any stipulation agreed to herein.
23. Hyundai Motor America will continue to investigate ways to alleviate potential traffic congestion
24. Appropriate sound proofing measures will be taken to insulate the Cellar space.
25. Hyundai Motor America and Restaurant Associates, LLC will clean the sidewalks adjoining its property regularly.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of a new Restaurant On Premise Liquor License for **Hyundai Motor America Inc. and Restaurant Associates LLC, as Manager, d/b/a Genesis House, 40 Tenth Avenue 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant On Premise Liquor License.

Vote: Unanimous, with 45 Board members in favor.

8. RH NY MP F&B, LLC d/b/a RH NY The Gallery in the Meatpacking District, 9-19 Ninth Avenue 10014 (Alteration/Change in method of operation for Rooftop use/occupancy)

i. Whereas, the Applicants and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application for an alteration to its 4th floor café and change in method of operation to its existing restaurant wine license to operate a full service rooftop restaurant (under a temporary permit as well as permanently) on top of its five story interior decorating and design establishment, with showrooms, a library of fabrics and furniture galleries, all of which represent and promote the multiple Restoration Hardware brands, located in a recently altered building (since 2017) on the corner of 9th Avenue between Little West 12th and West 13th in the historic Meatpacking District; and,

- ii. Whereas**, the existing licensed premise includes all five floors of the building including interior rooftop restaurant and the exterior rooftop with various provisions stipulated in 2017 and clarified at the SLA in 2018, the building being approximately 79,000 Sq. ft., this application relating only to the removal of a bar on the third floor and for opening up the 6,149 Sq. ft. exterior rooftop space for eating and drinking use and occupancy, where there will be 23 tables and 110 patron seats at the exterior; and,
- iii. Whereas**, there is an interior restaurant on the rooftop with 27 tables and 128 patron seats but currently there is no service of alcohol to the exterior rooftop, the original presentation to CB2, Man. and DOB filings in 2017 indicating the exterior rooftop space was being used as an accessory to or extension of the five story decorating and design establishment to further showcase, display and highlight Restoration Hardware’s multitude of outdoor furniture offerings; and,
- iv. Whereas**, the hours of operation for the interior rooftop restaurant will remain the same and are unchanged, those hours being from 9 AM to 12 AM (or two hours after closing of gallery but no later than 12 AM), no new patrons will be admitted or seated in the 5th floor restaurant after the 1st-4th floor gallery’s posted closing time, with the latest seating no later than 10 PM; the hours of the proposed exterior rooftop restaurant being from 9 AM to 11PM with no new patrons admitted or seated later than 10 PM; and,
- v. Whereas**, during the original presentations in early 2017 at CB2, Man., Restoration Hardware made it very clear that there would not be any food service and no tables set on the exterior rooftop and that Restoration Hardware would not be having wait staff serving patrons on the exterior roof top terrace; and,
- vi. Whereas**, after that presentation Restoration Hardware failed to execute a stipulation agreement with CB2, Man. based on its presentation and its stated method of operation for the exterior rooftop; at the SLA Full Board hearing in July 2017 Restoration Hardware was approved limited alcohol service to the exterior rooftop for the sole purpose of serving a client during a design consultation meeting occurring on the exterior rooftop, that there could be no routine service of alcohol on the exterior roof; and
- vii. Whereas**, in August 2018 Restoration Hardware returned to the SLA full board with no prior notification to CB2 to gain clarity regarding the service of beer/wine on the 5th floor exterior rooftop and to relocate the café bar and seating from the 4th floor to the 3rd floor, the SLA sent them back to give notification to CB2, Man., the item was placed on the next agenda for CB2, Man. SLA’s Licensing Committee #2 meeting that was held on September 6, 2018, at which residents spoke against both the relocation of the bar and service to the exterior rooftop; and
- viii. Whereas**, on September 2, 2018 the local Sunday *NY Times* newspaper contained advertising to the public featuring a new and different method of operation for its exterior rooftop — as a wine terrace, with the service of alcohol to seated patrons at numerous tables from wait staff in contravention with its presentation and agreements with the Community and CB2, Man.; and,
- ix. Whereas**, CB2, Man. outlined to both the applicant, when they initially appeared before CB2, Man., and several times to the Members of the Authority its concerns with respect to the exterior rooftop becoming a destination location; and,
- x. Whereas**, when Restoration Hardware last appeared before the Members of the NYS Liquor Authority, certain restrictions were placed on the license, including a prohibition as to service of alcohol on the exterior rooftop to patrons; and at the May 2019 SLA full board hearing regarding alcohol service to the rooftop at another Restoration Hardware location in the Meatpacking District, members of the

community submitted photos to the SLA of wait staff serving beer and wine to crowds of people on the exterior rooftop at the RH Gallery (9-19 Ninth Avenue) at which time, after reprimand from the SLA, Restoration Hardware finally agreed to stop all beverage service on the 5th floor exterior showroom; and,

xi. Whereas, the surrounding community has always been opposed to an exterior rooftop restaurant at this location, this area already being greatly impacted by many eating and drinking establishments with exterior premises, the application having significant impacts on those residents living in the immediate area: and,

x. Whereas, there has been significant accommodation to this Applicant when they first met with members of the community, through multiple meetings before CB2, Man. and before the Liquor Authority; despite CB2's original position, there should be no confusion that both members of the community and CB2, Man. have ongoing opposition to additional rooftop operations in this immediate area because rooftops, no matter their size, style of operation, create significant intrusion upon local residents quality of life, there being a significant residential presence in the area at the roof top level, those residents already being greatly affected by an existing, unrelenting intrusion of other rooftop eating and drinking establishments from the Meatpacking area, the total cacophony of those impacts on a night to night basis from the many rooftop operations on those residents living thereat, the newest rendition of this application now presenting with a large exterior rooftop restaurant with 110 patron seats creating an untenable and unreasonable situation where the addition of even one more rooftop such as this with accommodations to the operator is one more license too many;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the application for the alterations and changes in method of operation as it relates to the exterior rooftop restaurant for **RH NY MP F&B LLC, d/b/a Restoration Hardware NY The Gallery, 9-19 Ninth Ave. 10003**; and,

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the SLA, CB2 respectfully requests that this item be Calendared to appear before the Full Board of the SLA.

Vote: Unanimous, with 45 Board members in favor.

9. Bagatelle Downtown, LLC, 653 Hudson St. aka 18 Ninth Ave. 10014 (New OP in Gansevoort Hotel; Restaurant with DJs/entertainment level music, retractable roof and outdoor terrace)

i. Whereas, the Applicants and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application for a new on premise license to operate a restaurant with multiple DJ booths, entertainment level music, retractable roof and additional outdoor terrace within the thirteen story (c.2003) Gansevoort Hotel on Ninth Avenue/Hudson Street between Little West 12th / Gansevoort Street and 13th Streets in the historic Meatpacking District; and,

ii. Whereas, the Applicants are principals of the neighboring licensed premise (immediately adjacent to the Hotel) known as Bagatelle (SN # 1143611), an all-day "dance party" brunch venue serving "boozy brunches", "bottle services" and providing an "exclusive" "European Friendly" atmosphere with "rosé-soaked afternoons of reveling" using DJs with loud, booming music, establishing a constant problem since 2009 for the surrounding neighborhood
<https://www.nytimes.com/2009/03/15/nyregion/thecity/15part.html?auth=login-email&login=email>; and,

iii. Whereas, the proposed premises to be licensed within the Gansevoort Hotel was previously operated as the Provocateur nightclub (God Save the King, LLC SN#1234694) generating numerous complaints and problems over the years caused by amplified, entertainment level music using DJs

coupled with the use of the mechanical rooftop at the premises and excessively large crowds, those complaints and problems having been reviewed by this Community Board in 2012 http://www.nyc.gov/html/mancb2/downloads/pdf/monthly_cb2_resolutions/february_2012/02february2012_sla.pdf, having an adverse history with the NYSLA from 2011 and from 2012, and again the subject of violations and significant fines issued by the NYSLA against the operator on May 10, 2016 (2016-01039), the surrounding Community being the victim of years of abusive and detrimental conduct by the Operator and its Leaseholder, the Gansevoort Hotel; in addition to the Gansevoort Hotel's other, multiple liquor licenses within the same Hotel including rooftop B on Top (previously named Plunge) bar with DJs and live music which operates until 4AM, ground floor 150-seat Restaurant (The Chester) with exterior bar and outdoor speakers that play loud, disruptive music out towards the sidewalk, the interior of which operates until 4AM, and all of which have produced significant complaints over the years that still continue; and,

iv. Whereas, the proposed premises to be licensed is 11,395 sq. ft. in size with 3,176 sq. ft. cellar, 7,190 sq. ft. first floor, 1,900 sq. ft. Mezzanine and 3,900 sq. ft. exterior terrace, 70 tables with 276 patron seats in addition to 2 stand up bars with 14 bar seats for a proposed total patron occupancy of 291; there being three sections to the premises including Southern Terrace with retractable roof holding 24 tables with 106 patrons seats and 1 stand up bar with 6 seats, the Northern Terrace being a fully exposed exterior space with 11 tables and 32 patron seats, there being three sets of French Doors leading to said exterior Northern Terrace from the Eastern side of the interior restaurant where there are an additional 35 tables with 138 patrons seats with an additional stand up bar with 8 seats; and

v. Whereas, the proposed hours of operation are from 11 AM to 2 AM seven days a week, there will be DJs and DJ booths located in both the Southern Terrace with retractable roof and the interior restaurant, music will be live and at entertainment levels, there will be scheduled performances and private parties which can include the entire interior and exterior premises, the Applicant proposing to play "background music" within the Southern Terrace area when the rooftop is retracted and open, with no speakers or music on the Northern Terrace, the Northern Terrace being for drinking and dining purposes only; and,

vi. Whereas, the entry to the proposed premises to be licensed including both outdoor terraces, including the Southern Terrace with retractable roof all face Hudson Street, where there is a significant residential presence, with many residential buildings fully exposed to, surrounding and over-looking the outdoor terraces and retractable roof, many of whom appeared and wrote letters in opposition to this application, those appearing and writing in opposition objecting to the use of DJs and live music at entertainment levels, there being a significant history of unfortunate intrusion and unreasonable late night impacts on their lives for over a decade arising from entertainment level music at these premises, and that given the claim that this will be a "fine dining establishment" no DJs and/or live music at entertainment levels should be allowed anywhere in the premises, no music of any kind should be permitted in the Southern Terrace where the retractable roof is located or exterior Northern Terrace, the French doors should be closed by 10 pm every evening and only quiet background music should be permitted within the interior portions of these premises; and,

vii. Whereas, when the retractable roof is opened, it exposes not only the rooftop of the premises to the surrounding neighborhood but also retracts down a portion of the exterior walls facing out towards Hudson Street, the exterior facades of the building structure being incorporated into the retractable roof structure and being made of glass which is difficult to soundproof even when the roof is fully enclosed, the method of operation of eating and drinking with DJs and entertainment level music being inconsistent and inappropriate for this location, the prior operator at these premises, whose stated method of operation was similar to the stated method of operation of the current Applicant, being repeatedly disciplined and

fined for playing entertainment level music at the premises, a location which should not be utilized or occupied in this manner in the future, especially by an known operator, whose own transgressions, aggressive and offending method of operation in the same neighborhood has clashed with the surrounding neighborhood for so many years; and,

viii. Whereas, no one appeared in support of this Application; and,

ix. Whereas, this Application being subject to the 500 ft. rule, wherein the Applicant must establish a public interest for adding a new license in an area already greatly saturated with liquor licenses, there being 38 on premise licenses within 750 ft. of the proposed location, with 7 additional on premise licenses pending with the NYSLA in this same area, this Application with the method of operation using DJs and entertainment levels music proposed being entirely inappropriate for this location, the premises in question being the subject of a repetitive history of disciplinary actions and fines for the use of entertainment level music at these same premises, the Applicant’s current method of operation being one that is exclusive and discriminatory, with a specialized reservation system, its high-end brunches to a remarkable level of indulgence and expense in which eggs benedict is routinely washed down by an seemingly endless stream of mimosas, bloody marys and \$500 bottles of champagne, where its patrons routinely dance on tables and chairs to music that is so loud it can be heard through the building’s facades and front door to the outside, where its patrons leave the high-end brunches and vomit in the immediately surrounding streets; and,

x. Whereas, there also concerns voiced regarding the volume of traffic on Hudson Street where the multiple entrances to the premises face a “no standing anytime” zone and a bus stop where MTA buses are routinely located and parked on a temporary basis, the area already having significant traffic control problems especially in the late afternoons / evenings when the Meatpacking District becomes a destination location for tourists and out-of-area guests due to the numerous eating and drinking venues;

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** for **Bagatelle Downtown, LLC, 653 Hudson St. aka 18 Ninth Ave. 10014** on its application seeking a new On Premise license; and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the SLA, CB2, Man. respectfully requests that this item be Calendared to appear before the Full Board of the SLA; and,

THEREFORE BE IT FURTHER RESOLVED that if this application is considered by the SLA, despite CB2, Manhattan’s recommendation to deny this application, CB2, Man. requests that the SLA conduct a 500-foot hearing because the premises has never been licensed for the service of alcohol at any point in the past.

Vote: Unanimous, with 45 Board members in favor.

THE FOLLOWING ARE RESOLUTIONS FOR ALL APPLICANTS THAT WERE LAID OVER, WITHDRAWN, OR DID NOT APPEAR BEFORE THEIR REQUESTED HEARING:

10. TWJ Family Foods, LLC d/b/a JoJos Philosophy, 169 Bleecker St. 10012 (Change in Method of Operation – Bar) (layover to July/2020).

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on June 2, 2020 the Applicant requested **to layover** this application this application from further consideration, affirming

that he will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future;

THEREFORE, BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **TWJ Family Foods, LLC d/b/a JoJos Philosophy, 169 Bleecker St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

11. GVI West Village, LLC d/b/a Vin Sur Vingt, 192 Seventh Ave. So. 10011 (New Wine Bar/Tavern) (Laid over until July/2020)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 2, 2020 the Applicant requested **to layover** on to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future;

THEREFORE, BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **GVI West Village, LLC d/b/a Vin Sur Vingt, 192 Seventh Ave. So. 10011** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

12. Stratis Morfogen, d/b/a Brooklyn Dumpling Shop LLC, 257 Bleecker St. 10014 (RW – Shop) (Laid over until July/2020)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on June 2, 2020 the Applicant requested **to layover** this application this application from further consideration, affirming that he will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future;

THEREFORE, BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Stratis Morfogen, d/b/a Brooklyn Dumpling Shop LLC, 257 Bleecker St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

13. Selina Operations LES, LLC d/b/a Selina, 138 Bowery 10013 (OP – New Hotel/previously unlicensed) (withdrawn)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on June 2, 2020 the Applicant’s Attorney requested **to withdraw** this application from further consideration, affirming that he will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and,

THEREFORE, BE IT RESOLVED that CB2, Manhattan strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **TWJ Selina Operations LES, LLC d/b/a Selina, 138 Bowery 10013** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

14. Faigo Hot Pot LLC, d/b/a TBD, 114 Mulberry St. 10013 (OP – Restaurant) (laid over)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on June 2, 2020 the Applicant requested **to layover** this application this application from further consideration, affirming that he will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future;

THEREFORE, BE IT RESOLVED that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Faigo Hot Pot LLC, d/b/a TBD, 114 Mulberry St. 10013** **until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 45 Board members in favor.

TRAFFIC AND TRANSPORTATION

Resolution requesting improvements to enhance safety and use on Open Streets.

Whereas, CB2, Man. thanks the NYC Dept. of Transportation (DOT) for providing an update on the installation and operation of Open Streets in CB2 and for participating in CB2's question and answer session addressing the Open Streets program; and

Whereas, concerns were voiced about the operation, effectiveness and design of the barriers/barricades used at the start and end of the Open Street closures, among them:

- Drivers do not put back the metal barriers (which are provided in some cases, while in others, heavier wooden barriers are used) after moving them aside to enter.
- The wooden barriers are heavy and difficult to move when necessary.

- Incentives are needed to motivate those driving in to replace barriers where they were.
- Simple gates that lower and raise, such as those used in Berlin and other German cities and towns, might
- be more effective.; and

Whereas it was observed that the signage that DOT provides is limited in both size and the extent of guidelines included plus difficult to see and read, and that larger, clearer signage is needed to alert drivers to put barriers back in place as well as to clarify that only drivers who belong on the Open Street (because they're local to the street or are needed service or emergency vehicles) are allowed to enter, and also to more prominently display the 5 mph speed limit and other restrictions; and

Whereas it was noted that careful thought and application is needed to avoid conflicts between outdoor space allocation in the upcoming street dining program and street space allocation for pedestrians' and bicyclists' safe physical distancing in the Open Streets program; and

Whereas there were questions about protecting Open Street users, such as pedestrians, and children playing, from careless drivers who might enter the Open Street; and

Whereas a definition of the ideal Open Street was requested as a guide to installation;

Therefore be it resolved that CB2, Man. encourages DOT to investigate other options for Open Street barriers that facilitate moving them back in place when drivers move them aside and are easier to manipulate, whether automated, as in gates that rise and lower or arm barriers, or manual, such as through swing barrier gates or lifts, with an eye to installing alternatives as soon as possible; and

Be it further resolved that should alternative barriers not be workable, CB2, Man. asks DOT to consider instituting incentives to motivate drivers who enter Open Streets to put back the barriers they move, either positively (e.g. reward program) or punitively (e.g. ticketing), in either case by installing cameras documenting drivers' actions; and

Be it further resolved that CB2, Man. urges DOT to develop bigger, more visible, colorful signage that clearly delineates the rules governing entry into Open Streets and possible penalties for ignoring them, with use in some cases of illustrations; and

Be it further resolved that CB2, Man. fully supports an outdoor dining program, considering it critical to the survival of our many eating and drinking establishments, and also requests that careful attention be given to balancing the needs of both diners and non-diners by establishing clear guidelines for space allocation, use and management that ensures that diners have adequate space for safe distancing and comfortable dining at the same time pedestrians and bicyclists have adequate open and safe passage; and

Be it further resolved that CB2, Man. asks for safeguards to be allowed and put in place in Open Streets (along with guidance) that may include traffic calming devices such as planters and other types of diverters like those used in woonerfs, as well as markers and temporary cones, all to slow down drivers and direct them away from and promote the protection of the various non-drivers using the street; and

Be it finally resolved that CB2, Man. recognizes the need for and supports the development of parameters that define an ideal Open Street (in addition to the DOT guidelines that emphasize where Open Streets cannot occur and what kind of limited traffic is allowed on them), including such features as

use group, street and sidewalk dimensions, parking allocation, existing infrastructure (e.g. bike lanes), amenities and greenery, as well as different suitable typologies, to guide those interested in applying for Open Streets.

Vote: Passed, with 44 Board Members in favor, and 1 in opposition (D. Diether).

NEW BUSINESS

EQUITY WORKING GROUP

During the New Business session, the creation of the Equity Working Group was announced, and Mar Fitzgerald and Patricia Laraia were named co-chairs.

Respectfully submitted,

Valerie De La Rosa
Secretary
Community Board #2, Manhattan