

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



Antony Wong, *Treasurer*
Valerie De La Rosa, *Secretary*
Amy Brenna, *Assistant Secretary*

COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

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

FULL BOARD MEETING AGENDA

DATE: Thursday, November 19, 2020
TIME: 6:30 PM
PLACE: Via Video-Conference

I. ATTENDANCE

II. PUBLIC SESSION: Members of the community may speak for a time to be specified by the Board Chair on any issue of interest to the community. **Virtual Public Speaker's cards must have been submitted before 5:00 p.m. to info@cb2manhattan.org* Written correspondence received in lieu of spoken testimony will be summarized.

III. ADOPTION OF AGENDA

IV. REPORTS TO THE PUBLIC

- | | |
|-------------------------------|--------------|
| 1. Elected Officials' Reports | |
| 2. Borough President's Report | Andrew Chang |
| 3. Chair's Report | Carter Booth |
| 4. Treasurer's Report | Antony Wong |
| 5. District Manager's Report | Bob Gormley |

BUSINESS SESSION

V. ELECTION OF OFFICERS

VI. STANDING COMMITTEE REPORTS AND OTHER BUSINESS

- | | |
|----------------------------|--------------------------------|
| 1. Land Use | Frederica Sigel |
| 2. Equity Working Group | Mar Fitzgerald/Patricia Laraia |
| 3. SLA Licensing | Robert Ely/Donna Raftery |
| 4. Landmarks | Chenault Spence |
| 5. Schools & Education | Jeannine Kiely |
| 6. Reopening Working Group | Valerie De La Rosa |

VII. ADJOURNMENT

DRAFT

December 2020						
◀ Nov 2020						Jan 2021 ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 SLA LICENSING 1	2 BYLAWS (5pm)	3 TRAFFIC & TRANS. (5pm) SLA LICENSING 2	4	5
6	7 QUALITY OF LIFE (5pm) REOPENING WG	8 LAND USE	9 LAND USE (Business)	10 LANDMARKS Hudson River Park Advisory Council	11	12
13	14 SCHOOLS & EDUCATION	15 EXECUTIVE	16	17 FULL BOARD	18	19
20	21	22	23	24	25 Christmas	26
27	28	29	30	31	NOT MEETING: ARTS & INSTITUTIONS ECON DEV. & SMALL BUSINESS EQUITY WORKING GROUP PARKS/WATERFRONT SOCIAL SERVICES	

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



Antony Wong, Treasurer
 Valerie De La Rosa, Secretary
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Treasurer Report - Nov 2020
Fiscal Year: July 1, 2020 to June 30, 2021

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	Fiscal Yr Projection		Current	
Accounts				
Street Fair Funds - Beginning July 1, 2020	\$	67,090.50	\$	67,090.50
Revenues				
City Funds ¹	\$	251,369.00	\$	251,369.00
Street Fair Funds - FY21 ²	\$	-	\$	-
	\$	318,459.50	\$	318,459.50
Expenses				
<i>Personnel Services (PS)</i>				
Staff (Four)	\$	(238,688.00)	\$	(47,904.00)
<i>Other Than Personnel Services (OTPS)</i>				
Equipment & Software / Copy Machine	\$	(2,816.00)	\$	-
Postage	\$	(330.00)	\$	-
Professional Services ³	\$	(4,380.00)	\$	(250.00)
Subscriptions	\$	(751.00)	\$	(276.27)
Supplies	\$	(1,500.00)	\$	(627.93)
Telephone Services	\$	(2,926.00)	\$	-
	\$	(251,391.00)	\$	(49,058.20)
Balance	\$	67,068.50	\$	269,401.30

¹ Includes \$5,500 City Council Funds

² No Street Fair in FY21

³ Office Cleaning & Live Streaming

Revised: Nov 19, 2020

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LAND USE AND HOUSING COMMITTEE

November 10, 2020

The Community Board 2, Manhattan Land Use and Housing Committee held one meeting on Tuesday, November 10 @ 6:30 PM –Meeting Access via Video Conferencing.

Committee Members Present: Frederica Sigel (Chair), Anita Brandt, Katy Bordonaro, Susan Wittenberg, Sandy Russo, David Gruber, Donna Raftery, John Paul DeVerna and Michael Levine

Committee Members Absent with Notice: Doris Diether

Public Members Present: Sean Sweeney

Other Board Members: Carter Booth, CB2 Chair, Eugene Yoo

5 Mercer St. (between Canal St. and Grand St.) - DCP N200205ZSM is an application submitted by Square-Churchill Mercer LLC pursuant to Zoning Resolution 74-711 for a special permit to modify (1) the use requirements of ZR 42-14D(2)(b) to allow Use Group 6 retail use on the ground floor and cellar, and (2) the bulk requirements of ZR 43-17 to allow the enlargement of a building containing Joint Live Work Quarters for Artists (JLWQA).

Whereas:

1. The five-story, formerly industrial building is located in the M1-5B SoHo-Cast Iron Historic District.
2. The property is a 5000sf zoning lot that contains approximately 23,800sf floor area and is occupied on the ground floor and cellar by two non-conforming Use Group 6 retail uses and on floors 2-5 by one conforming Use Group 6 commercial use, plus Use Group 17D JLWQA units, also known as Interim Multiple Dwelling (IMD) units.
3. The building became protected under Article 7-C of the Multiple Dwelling Law pursuant to the 1982 version of the law, which required the existence of at least three units in the building that were residentially occupied during the original “window period” of April 1, 1980 to December 31, 1981.
4. Because the compliance process was never completed, it is still under Loft Board control.

5. At that time, there were eight IMD units covered under Article 7-C of the Multiple Dwelling Law (Loft Law): three on the second floor, two on the third floor, one on the fourth floor and two on the fifth floor.
6. In 1997, one of the second-floor units was abandoned and became an owner-occupied commercial unit, for a total of seven covered IMD units and one non-covered commercial unit.
7. In 2008, tenants in a second-floor front unit and a fifth-floor rear unit sold their rights and became BUYR units, for a total of five covered IMD units, two non-covered IMD units and one non-covered commercial unit.
8. In 2009, the fourth-floor IMD unit was subdivided into two and registered with the Loft Board. As a result of the subdivision, there are now a total of nine units: six covered IMDs, two non-covered IMDs and one commercial unit.
9. The second floor BUYR unit will be combined with the non-IMD rear unit as a single commercial unit. The second floor will therefore contain one JLWQA unit and one commercial unit. On floors 3-5, there will be two JLWQA units on each floor.
10. With the combination, there are now once again a total of eight units: six JLWQA IMD units (one on the second floor, two on the third floor, two on the fourth floor, and one on the fifth floor), one non-covered IMD residential unit and one commercial unit.
11. The building is subject to a 2018 NYC LPC Certificate of Appropriateness for certain façade restoration work and the addition of a 1384sf penthouse (an 888sf net addition to the floor area of the building) that will become part of the fifth-floor rear (5W) JLWQA unit. (A Certificate of Appropriateness does not guarantee approval of a request for a 74-711.)
12. Allowable FAR is 5.0. With the addition of the net 888sf penthouse, total floor area will be 24,690sf (4.94 FAR).
13. The LPC conditioned its approval of the rooftop addition on the removal of the fire escape from the front of the building to the rear. That is being challenged by the tenants and is currently docketed for an OATH hearing in February or March 2021.
14. There is also an ECB zoning violation (for non-conforming ground floor UG 6 retail use) currently in the process of being heard at OATH.
15. In February 2019, DOB issued a Temporary Certificate of Occupancy, which according to the DOB website expires on November 26, 2019. It shows seven JLWQA units on floors 2-5 (six covered, one non-covered BUYR unit) and one commercial unit on the second floor.
16. The JLWQA units are currently occupied pursuant to leases and rents approved by the Loft Board. The applicant will continue to preserve the dwelling units as JLWQA.
17. The attorney for the applicant and the attorney for the tenants cannot agree on the status of the fifth-floor BUYR unit that is intended to be combined with the proposed penthouse: The applicant's attorney contends that the BUYR unit, having been subject to a sale of rights, is a market rate apartment. The tenants' attorney contends that the sale of rights does not necessarily effectuate deregulation of the unit.

Therefore be it resolved, with respect to the request for a special permit to allow Use Group 6 retail on the ground floor and cellar, CB2 does not believe the proposed change of use would be harmful to neighborhood character if the following conditions are included:

1. Permanent separation of the two retail spaces.
2. No eating and drinking establishments on the ground floor.
3. Tenants' rights and safety are protected during any construction.

Be it further resolved, with respect to the request for a special permit to allow the enlargement of a building containing Joint Live Work Quarters for Artists, that given the uncertain status of the fifth-floor BUYR unit and the fact that the building has languished at the Loft Board for 35+ years, CB2 recommends denial of the approval of the construction of the penthouse until all the units have been legalized (at which point the status of the two BUYR and the JLWQA units will be resolved), the zoning violations have been cured, and the building has a final Certificate of Occupancy.

Vote: 9-1

In favor: F. Sigel, A. Brandt, M. Levine, D. Gruber, K. Bordonaro, J-P Deverna, S. Wittenberg, D. Raftery, S. Sweeney (Public Member)

Opposed: S. Russo

61-63 Crosby Street (between Broome and Spring Sts.) DCP 210001 ZSM - an application by 6163 Crosby Street, Inc. for a special permit pursuant to ZR Section 74-711, to allow UG 6 retail use on the ground floor and cellar of an existing five-story building located in an M1-5B district, within the SoHo Cast-Iron Historic District Extension.

Whereas:

1. This is a private application by 6163 Crosby Street, Inc. for a special permit pursuant to ZR Section 74-711, to allow UG 6 retail use on the ground floor and cellar of an existing five-story building located in an M1-5B district, within the SoHo Cast-Iron Historic District Extension.
2. The property has a lot area of 5429sf and a floor area of 24,533sf (4.52 FAR), which is less than the 27,145sf (5.0 FAR) allowed in an M1-5B district.
3. No bulk modifications are requested.
4. Use Group 6 retail is only allowed as of right below the level of the second story in buildings with lot coverage of less than 3600sf in M1-5A districts. In M1-5B districts, the restriction applies to all buildings.
5. The ground floor of the northern, 63 Crosby St. portion of the building was occupied by Use Group 6 retail stores (a commercial art gallery) from approximately 1971 when the building was converted to Joint Live Work Quarters for Artists (JLWQA) until 2016. This retail space will have a total of 2797sf: 1677sf of floor area on the ground and 1120sf of non-floor area storage space in the cellar.

6. The ground floor of the southern, 61 Crosby St. portion of the building, also formerly occupied by JLWQA from approximately 1971 to 2016, is currently occupied by a non-conforming “pop up” retail store. This retail space will have a total of 3964sf: 2390sf of floor area on the ground and 1574sf of non-floor area storage space in the cellar.
7. The JLWQA units were legalized in 1983. The building was converted to a co-op in 1996. In 2016, the applicant purchased all of the shares of the co-op and the building, including the two ground-floor space. The building was vacated in preparation for conversion to a commercial office building with ground floor retail.
8. This scenario typifies the way in which affordable housing has been lost again and again in SoHo and NoHo.
9. Except for offices on the fourth floor and the pop-up store at 61 Crosby, the building is still vacant. Additional offices are proposed for floors 2,3, and 5 and they will be physically and operationally independent of the ground floor stores.
10. In 2018, CB2 heard this applicant’s request to BSA for a variance to permit retail use on the ground floor at 61 Crosby. CB2 recommended approval of the application on condition that BSA stipulate no eating and drinking on the premises; that the two addresses remain separate retail spaces (which the applicant agreed to); and that BSA either enforce or remove “uniqueness” as criteria for this type of variance. This application was withdrawn in 2019.
11. At the CB2 Land Use hearing in 2018, the applicant agreed to keep the two spaces separate and promised that there would be no eating and drinking establishments. At this meeting, the applicant’s attorney informed the committee that the applicant would not promise to keep the two ground floor spaces separate nor would they agree to the prohibition of eating and drinking establishments.
12. ADA accessibility was approved by LPC.

Therefore be it resolved that CB2 recommends denial unless the applicant agrees to:

1. No eating and drinking establishments on these premises.
2. Keep the two retail spaces separate.
3. Continue to use the cellar for UG6 storage only.

Vote: Unanimous

65 Spring St. (between Lafayette and Crosby Sts.) - DCP N200169ZSM is a private application by 65 Spring Realty, LLC requesting a special permit pursuant to ZR Section 74-781 to facilitate the conversion of portions of the ground floor and cellar extension of an existing building to Use Group 6 retail uses.

Whereas:

1. The site is located in an M1-5B zoning district within the SoHo-Cast Iron Historic District Extension, which prohibits cellar and ground floor retail use.

2. It is a 145-year-old, five-story, mixed residential/commercial building in which the ground floor is currently used for retail and the top four floors are residential (8 units).
3. The retail space is a legal, non-conforming use.
4. There is no Certificate of Occupancy for the site.
5. The building does not have an elevator.
6. Total lot area is 1945sf and floor area is 7751sf (FAR of 3.9).
7. Within a 600' radius of the site, there are 23 properties whose permits for cellar and/or ground floor retail have been granted, but almost half of these special permits (those granted between 1982-87) were for conversion to JLWQA per 74-782 with no mention of retail use.
8. The requested Special Permit would facilitate combination of the existing Use Group 6 storefront into larger retail space on the ground floor and cellar.
9. The owner proposes to construct an extension in the rear yards of the cellar (375sf) and ground floor (344sf), including a stairway for egress from the cellar.
10. The space that is being advertised has yet to be built. It has been advertised for a conforming use for a period of 6+ months, as is required for buildings less than 3600sf.
11. Applicant is advertising at the rate of \$80sf, which CB2 has said repeatedly is an unrealistically high rate. CB2 is concerned as to how often DCP revises the suggested \$80 rate and how attractive and reflective of current market conditions this rate is. For example, efforts by the City to preserve the Garment District, another struggling manufacturing zone, have resulted in suggested rents of only \$35 per square foot.
12. Applicant put classified ads in only in the New York Times (which was totally illegible) and The Villager and, with one exception, sent letters to the same tired list of industry groups that CB2 has said repeatedly are outdated.
13. The Newmark ad mistakenly lists the building as a “multi-family for lease.”
14. Rent is listed as \$28,320 per year (354sf on the ground floor x \$80 per sf) so there is no charge for cellar space, but the space that is being marketed is the rear yard extension only—a tiny area that is completely separate from the existing retail spaces and a size that is hardly appropriate for manufacturing uses.
15. Advertising efforts yielded three inquiries: one for a non-nonconforming use and two who thought the space was too small.
16. The property has no direct access to Lafayette St. and is only accessible by crossing through an unbuilt area of the property next door at 63 Spring St. that is under different ownership.
17. Egress from this rear yard is obtained through a gate located on the neighbor's property on Lafayette. The gate and the short path (approx. 3-5 feet in length) at the rear of the Lafayette Street property has been used continuously since at least 1909 as shown on the I-cards for the property that the attorney referenced. As such, it constitutes a reliable, prescriptive easement.
18. Plans include two ADA-accessible bathrooms, which are not required for Use Group 6 but are required for eating and drinking spaces.

19. Residents are concerned that the required excavation work will destabilize the building, rendering it unfit for habitation, and that the construction and resulting extension will hamper emergency egress. They are also concerned about provisions for trash.
20. There are open violations on the property, having to do with egress and the location of the neighboring building's rear wall A/C units that will be relocated by the applicant.

Therefore be it resolved that CB2 recommends denial due to the flawed requirements of the "good faith marketing effort" program, though we do not believe that the proposed use would harm neighborhood character if the following stipulations were included:

1. No eating and drinking establishments.
2. Keep the two stores separate per LPC.
3. A Tenant Protection Plan is submitted to DOB that includes maintaining residential emergency egress and managing trash.
4. A plan for safe excavation and protection of the adjoining building.
5. Documentation for a legal easement is in place.
6. No mechanical equipment is put on the roof of the extension and the venting of the extension should be moved as far away as possible so that it does not disturb the residential neighbors.

Be it further resolved that CB2 once again strongly calls on DCP to provide better guidance and supervision to applicants with respect to market conditions, marketing plans, and range of possible uses, including:

1. Updating the list of recommended places to advertise.
2. Updating the list of recommended industry groups to contact and specifying the contents and purpose of the letter that applicants must write to them.
3. Revising the recommended price per square foot to adequately reflect the prevailing market conditions for the site of each application.
4. Eliminating the square foot charge for cellar and sub-cellar space for conforming uses.

Be it finally resolved that CB2, which represents the community and has intimate knowledge of its neighborhoods and market conditions, be permitted to review such marketing plans and guidelines at the beginning, rather than at the end, of the process.

Vote: Unanimous

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



Antony Wong, Treasurer
Valerie De la Rosa, Secretary
Ryder Kessler, Assistant Secretary

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

EQUITY WORKING GROUP

October 2020

The Equity Working Group of Community Board 2 Manhattan, held its meeting on Tuesday, October 27, 2020 at 6:30pm via video conference.

CB2 Board Members Present: Mar Fitzgerald (Co-Chair), Patricia Laraia (Co-Chair), Amy Brenna, Katy Bordonaro, Betty Kubovy-Weiss, Matt Metzger, Antony Wong

CB2 Members Absent with Notice: Sandy Russo, Akeela Azcuy

Other CB2 Members Present: Carter Booth, Valerie de Rosa, Bob Gormley, Jeannine Kiely, Lois Rakoff, Donna Rafferty, Georgia Silvera-Siemens, Dr. Shirley Smith, and Susan Wittenberg

Guests: Abbie Hebein, Alex Laraia, Aliya Frazier, Ayo Harrington, Barbara Backer, Bethany Bengtson, Brian Pape, Chavi Nana, Dara Allen, Dorian Harrington, Elliot Borowitz, Harry Bubins, John Mills-Pierre, Kadiatou Coulibaly, Kevin Snyder, Leila Tamari, Lucy Ware, Merble Reagon, Naomi Pena, Natasha Mlotok, Pete Davies, Renee Monroe, Samir Lavingia, Shantha Roberts, Sheryl Woodruff, Zella Jones

Agenda

1. Presentation: Unearthing the African Presence in CB2 with Black Gotham Experience
2. Presentation: CB10 Resolution to Support Exhibit in Central Park to Commemorate the Exonerated Five and Social Justice
3. Discussion of resolutions to support memorialization of Black-owned land in Washington Square Park and a social justice exhibit in Central Park commemorating the Exonerated Five.

Presenters: Kamau Ware - Founder, Black Gotham Experience
Cicely Harris - Chair, Community Board 10
Karen Horry - Chair, CB10 Parks & Recreation Committee

Kamau Ware of BGX gave an oral and visual presentation on the Black people of 17th century Manhattan. He identified notable locations within Community Board 2 that hold significant historical importance including Washington Square Park and Chinatown. He then took questions from Board members and the public.

Karen Horry presented a PowerPoint slideshow and Resolution to Support Exhibit in Central Park to Commemorate the Exonerated Five and Social Justice, on behalf of Community Board 10. During the business session the committee discussed writing a resolution in support of CB10's Resolution to Support Exhibit in Central Park to Commemorate the Exonerated Five and Social Justice. We did a roll-call vote which passed 7 in favor. The committee discussed a resolution to support commemoration of African land ownership of what is now Washington Square Park.

We concluded the meeting by inviting all to submit any other issues not discussed at info@cb2manhattan.org, and announced our next meeting date; 30 Nov. 2020 at 5:30pm.

RESOLUTIONS:

Resolution to Support Exhibit in Central Park to Commemorate the Exonerated Five and Social Justice

In 1989, five Black and Latino children were falsely convicted of assaulting a jogger in Central Park. Antron McCray (15), Kevin Richardson (15), Raymond Santana (14), Korey Wise (16), and Yusef Salaam (15) were subjected to life devastating consequences as a result of this miscarriage of justice. They served out their sentences and were subsequently exonerated, following the confession of a prison inmate, Matias Reyes, for the crime. It later became a high-profile example of racial profiling, discrimination, and inequality in the media and legal system. The devastating experience not only impacted the lives of the youths and their families but had resounding ramifications throughout the City and the nation which are still being felt today; and

1. **Whereas**, on December 19th, 2002, the New York State Supreme Court vacated the convictions of the five youths based on indisputable evidence that included a confession from a serial rapist, Matias Reyes, and a positive DNA match to evidence found at the crime scene. These young men, who had survived a horrific injustice and violation of their young lives, were exonerated. In 2003, the Five, now men, filed civil law-suits against the City of New York, and the police officers and prosecutors who had worked toward their conviction, which NYC agreed to settle on June 19th, 2014; and
2. **Whereas**, no amount of money will give back the childhood that was stolen from these innocent young men.
3. **Whereas**, the brutal beating and rape of a white woman in New York City's Central Park provoked public outrage and sensational headlines during the prosecution and conviction of the five youths, promoting a proliferation of racial stereotyping and stigma to the youth of the Harlem community, as well as, Black and Latino males nationwide; and
4. **Whereas**, in 1989, a realtor named Donald Trump placed full-page advertisements in four New York City newspapers with the headline, "BRING BACK THE DEATH PENALTY. BRING BACK OUR POLICE!"; referring to the innocent youths as "wild criminals," calling for their execution and stating that he wanted them "to be afraid"; and
5. **Whereas**, When the five former teens convicted in the case were rightfully exonerated, many community leaders decried the miscarriage of justice that sent the Central Park Five to prison. The case became a flashpoint for illustrating racial disparities in sentencing and the inequities at the heart of the criminal justice system; and
6. **Whereas**, the injustice endured by the Exonerated Five is not unique. It fits a historical pattern of unjust arrests and wrongful convictions of Black and Latino young men in the United States. It occurs every day, in cities and towns across this country, when law enforcement targets Black and Latino people and forces them to experience humiliating and terrifying detentions, interrogations, physical brutality and unreasonable searches, without any evidence of criminal activity; and
7. **Whereas**, in response to community-based advocacy efforts in 2019, Manhattan Community Board 10 has held meetings and facilitated discussions with community stakeholders, community leaders, elected officials and city agencies to discuss the installation of an educational exhibit based on social justice and a commemoration to the resiliency of the Exonerated Five to be located in Central Park; and

8. **Whereas**, the Manhattan Community Board 10 Executive Committee authorized the formation of a Parks and Recreation subcommittee on March 25th, 2020 to further the process of the permanent exhibit; and
9. **Whereas**, the Manhattan Community Board 10 Parks and Recreation subcommittee will facilitate a process that, through a diverse dialogue information, will inform the format and content of a permanent exhibit to be located in NYC Central Park, including objectives, goals and corresponding stakeholders and community partners to bring the project to fruition; and
10. **Whereas**, Manhattan Community Board 10 on June 3, 2020 unanimously passed a resolution for the installation of a permanent exhibit to commemorate the Exonerated Five to be located in NYC's Central Park; now,

Therefore, be it resolved that Manhattan Community Board 2 supports CB10's June 2020 Resolution to Support an Exhibit in Central Park to Commemorate the Exonerated Five and Social Justice.

Vote: Unanimous, 9-0

Resolution to Commemorate African Land in CB2

1. **Whereas**, Community Board 2 invited [Black Gotham Experience](#) (BGX) to present historical information regarding the 17th century African presence in the neighborhoods that are now Community Board 2; and
2. **Whereas**, Black Gotham Experience, an expert on the Black and African history of New Netherland, New Amsterdam and early New York City, identified numerous unmarked sites within CB2 that hold tremendous historical significance; and
3. **Whereas**, Washington Square Park contains monuments to four historical figures and events, but not one honors the African presence that existed therein; and
4. **Whereas**, existing park monuments pay tribute to following: 1) a statue depicting and plaza name for Italian patriot Giuseppe Garibaldi 2) a bust and pedestal of mechanical engineer Alexander Lyman Holley 3) a memorial flagstaff bearing the names of World War 1 soldiers; and 4) the famous Roman Triumphal Arch bearing multiple likeness of George Washington¹, revolutionary war hero, celebrated general, first president of the United States, and slave owner, for whom the entire park is named; and
5. **Whereas**, the development of public acknowledgement (i.e., signage/markers/public art) to recognize Washington Square Park's place as part of NYC's Black history has support from the [Washington Square Park Conservancy](#); and
6. **Whereas**, by the 1640s, the "Land of the Blacks" encompassed what today are Chinatown, Little Italy, SoHo, NoHo, and Greenwich Village, and Black land ownership continued into the time of New York City. From 1643 to 1716, **twenty-eight parcels totaling over 130 acres were owned by free Black men and women**²; nearly 200 years before Garibaldi' visited New York and 133 years before the United States existed; and

¹ <https://www.nycgovparks.org/parks/washington-square-park/monuments>

² <https://herb.ashp.cuny.edu/items/show/787st>

7. **Whereas**, Antony Portuguese received much of the land now occupied by Washington Square Park and NYU (p. 3, map 1), and Catelina Antony owned part of what is now Chinatown, including Hester and the intersection of the Bowery and Canal Street (map 2); Manuel Gerrit de Reus, owned eight acres bounded to the north near Cooper Square, Bond Street to the south, and between the blocks of Bowery and Lafayette (map 3); and
8. **Whereas**, Catelina Antony was one of the first Black landowners and the first Black woman landowner in New Netherland in 1643³; and
9. **Whereas**, two of the aforementioned individuals owned the land that is now occupied by Washington Square Park. On September 5, 1645, Anthony Portuguese settled on a 12-acre parcel bordered roughly by Waverly Place, West Third, LaGuardia Place, and Sullivan Street. Manuel Trumpeter received an eighteen-acre parcel on December 12, 1643 that overlapped with the current northeast edge of the park⁴; and
10. **Whereas**, these sites should be appropriately monumentalized by a permanent exhibit, marking Black land ownership in CB2; and
11. **Whereas**, these markers and monuments will be the first public acknowledgement of Black landowners during the time of New Netherland, before the creation of the United States of America and New York City; and
12. **Whereas**, Markers are sustainable, utilize interactive technology and can evolve over time; and
13. **Whereas**, these monuments embody values that Community Board 2 cherishes, and will sit harmoniously with the other monuments in the park and neighborhoods; now,

Therefore, be it resolved that CB2 honors and recognizes this buried, forgotten and ignored history and its role in shaping the neighborhoods that we know today; and

Be it further resolved that CB2 fully supports exhibit and commemoration of the significant and appropriate ceremonies and activities that celebrate and broaden public memory of NYC's African and [Lenape](#) shared past; and to elevate awareness of the Land of the Blacks, it's residents, stories, history and culture.

Vote: Unanimous, 9-0

Respectfully submitted,

Mar Fitzgerald and Patricia Laraia, Co-Chairs, Equity Working Group
Community Board 2

Black Landowners in Manhattan's "Land of the Blacks"

³ <https://ny.curbed.com/2017/10/4/16413696/bowery-nyc-history-lower-east-side>

⁴ <https://gvshp.org/blog/2018/02/16/north-americas-first-freed-black-settlement-right-in-our-neighborhood/>

In the 1640s, a group of enslaved Africans petitioned the Dutch West India Company for their freedom. They were granted “half-freedom” and received tracts of land, ranging from two to eighteen acres, in the unsettled area north of the city. This so-called “Land of the Blacks” actually comprised several communities. Freed slaves received land grants; those who had served as soldiers in New Amsterdam’s defense were particularly favored. The land these freed slaves came to inhabit—over 130 acres or 100 square city blocks—formed New York’s first Black community.

LANDOWNER	ACREAGE	DATE GRANT RECEIVED
Catalina Anthony (widow of Jochem)	8	July 13, 1643
Domingo Anthony	12	July 13, 1643
Gleyn (Little) Manuel	10	ca. December 1643
Manuel Gerrit de Reus	12	ca. December 1643
Marycke (widow of Lawrence)	6	December 12, 1643
Gracia D’Angola	10	December 15, 1644
Simon Congo	8	December 15, 1644
Jan Francisco	8	December 15, 1644
Pieter San Tomé	6	December 15, 1644
Manuel Groot (Big Manuel)	8	December 21, 1644
Cleyn (Little) Anthony	6	December 30, 1644
Paula D’Angola	6	December 30, 1644
Anthony Portuguese	12	September 5, 1645
Anna D’Angola (widow of Andries)	6	February 8, 1647
Francisco D’Angola	6	March 25, 1647
Anthony Congo	6	March 26, 1647
Bastiaen Negro	6	March 26, 1647
Jan Negro	6	March 26, 1647
Manuel the Spaniard	4	January 18, 1651
Mathias Anthony	2	December 1, 1655
Domingo Angola	4	December 2, 1658
Claes Negro	2	December 2, 1658
Assento Angola	2	December 2, 1658
Francisco Cartagena	2	December 2, 1658
Anthony of the Bowery	2	ca. 1658
Anthony the Blind Negro	2	ca. 1658
Manuel Sanders	4	ca. 1662

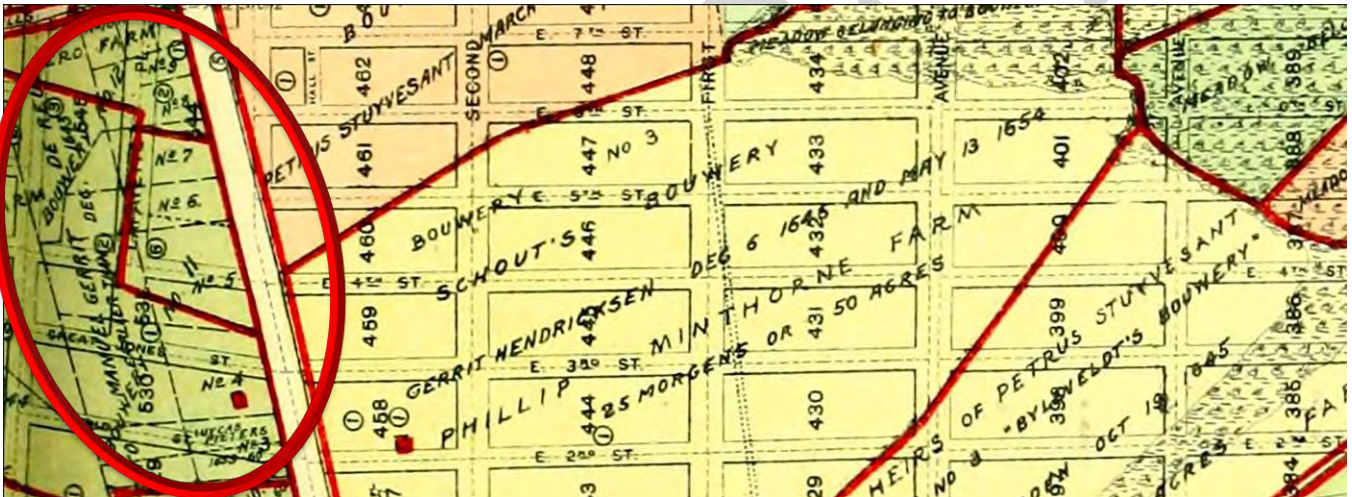
5

⁵ <https://robcanobbio.files.wordpress.com/2020/01/1643-1664.-black-landowners.pdf>

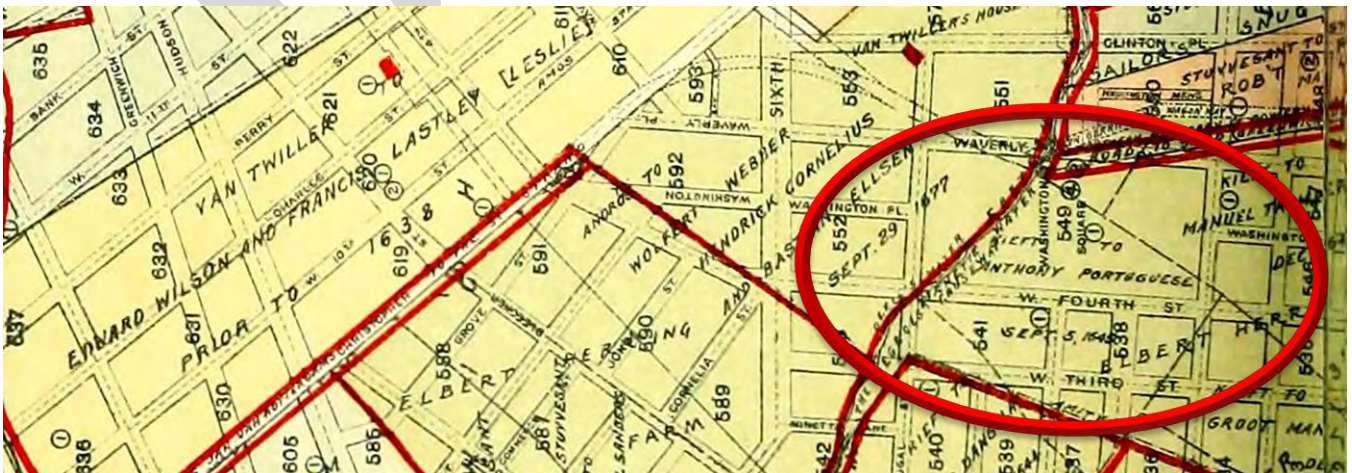
Catelina Antony - 13 July 1643



Manuel Gerrit de Reus - December 1643



Anthony Portuguese - 5 September 1645



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



Antony Wong, *Treasurer*
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Amy Brenna, *Assistant Secretary*

COMMUNITY BOARD NO. 2, MANHATTAN

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SLA LICENSING COMMITTEE

The SLA Licensing Committee of Community Board 2, Manhattan, held a meeting at 6:30 PM on Tuesday November 2nd, 2020 via Video Conference.

Committee Board Members Present: R. Ely (Co-Chair), D. Raftery (Co-Chair), M. Fitzgerald, C. Flynn, S. Kent, L. Rakoff, R. Rothstein, Dr. S. Smith, S. Wittenberg, and A. Wong
Committee Board Members absent with notice: K. Bordonaro, K. Shea
Other Board Members Present: C. Booth (Chair)

RESOLUTIONS:

1. Pyrèn LLC d/b/a Pyrèn Grill and Wine, 70 Kenmare Street, Store 4 aka 184–186 Mulberry Street 10012 (New Restaurant Wine)

i. Whereas, the Applicant and the Applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing Committees #1 & #2 to present an application to the NYS Liquor Authority for a new Restaurant Wine Liquor License; the Applicant will operate a full-service restaurant featuring grilled food inspired by the Catalan and Basque cultures of Spain and France with fish, meat and vegetables locally sourced when possible including a wine and beer menu highlighting local wines and wines from Spain and France in the ground floor of a C6-1 zoned, six-story mixed use building constructed in the early 1900's on Kenmare Street between Mott and Mulberry Streets (Block #480/Lot#4); and

ii. Whereas, the storefront is approximately 1,000 sq. ft. and consists of two (2) tables with six (6) seats and one (1) bar with 15 seats, the bar also serving as a food counter, for a total patron occupancy of 21 persons; there is one (1) door that will be used for patron ingress and egress and one (1) bathroom; there is no DCA sidewalk café at this time or other outdoor space for the service of alcohol; and

iii. Whereas, the Applicant's agreed to hours of operation are 12PM to 12AM seven (7) days a week, music will be quiet background only consisting of music from iPod/CD's (i.e. no active manipulation of music –

only passive prearranged music), there will be no dancing, no DJ's, no live music, no scheduled performances, no private parties, no cover fees or promoted events, no televisions, no velvet ropes or metal barricades, no security personnel/door staff; and

iv. Whereas, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the "Method of Operation" of the Wine License, with those stipulations as follows:

1. Premises will be advertised and operated as a full-service grill restaurant focusing on food inspired by the Catalan and Basque cultures of Spain and France with a drink menu highlighting local wine and beer from Spain and France with the kitchen open and full menu available until closing every night.
2. The hours of operation will be Sunday through Saturday from 12PM to 12AM. No patrons will remain after stated closing time.
3. It will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
4. Sidewalk café is not included with this application.
5. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of the premises to be operated in that manner.
6. Will not have televisions.
7. Will play quiet ambient recorded background music only from iPod/CD's (i.e. no active manipulation of music – only passive prearranged music). No music will be audible in any adjacent residences at any time.
8. Will close all doors and windows at 9PM every night.
9. Will not install or have French doors, operable windows or open façades.
10. Will not make changes to the existing façade except to change signage or awning.
11. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
12. Will not have unlimited drink or unlimited food and 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 products.
14. Will not have: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/door staff.
15. Will abide by all NYC Open Restaurants regulations.
16. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.

v. Whereas, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant Wine License in the name of Pyrèn LLC d/b/a Pyrèn Grill and Wine 10012, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the "Method of Operation" of the SLA Restaurant Wine License.

Vote: Unanimous in favor (10-0)

2. Mister Buy Corp d/b/a La Panineria, 9 East 8th Street 10003 (Relocation–Restaurant Wine)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committees #1 & #2 to present an application to the NYS Liquor Authority for a relocation of a Restaurant Wine Liquor License; the Applicant will operate a family-owned, Panini sandwich shop and wine bar serving sandwiches as well as meat and cheese boards in the ground floor of a R10-zoned (with an R7-2 and C1-7 overlay), 20-story mixed-use building constructed in the 1950’s on East 8th Street at the corner of 5th Avenue and 8th Street (Block #566/Lot#1); and

ii. Whereas, the storefront is approximately 750 sq. ft. and consists of eight (8) tables with sixteen (16) seats and one (1) bar with five (5) seats and benches with nine (9) seats for a total interior occupancy of 30 persons; there is one (1) door that will be used for patron ingress and egress and one (1) bathroom; there is no DCA sidewalk café at this time or other outdoor space for the service of alcohol; and

iii. Whereas, the Applicant’s agreed to hours of operation are 10AM to 11PM Sunday through Thursday and 10AM to 12AM Friday and Saturday, music will be quiet background only consisting of music from iPod/CD’s (i.e. no active manipulation of music – only passive prearranged music), there will be one (1) television, there will be no dancing, no DJ’s, no live music, no scheduled performances, no private parties, no cover fees or promoted events, no velvet ropes or metal barricades, no security personnel/door staff; and

iv. Whereas, the Applicant has operated in a smaller premises at 1 East 8th Street since 2014, is removing that license and relocating to current location (9 East 8th Street) and has agreed to operate in this new location under the same method of operation, has executed and had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the Restaurant Wine License, with those stipulations as follows:

1. Premises will be advertised and operated as a Panini sandwich shop and wine bar.
2. The hours of operation will be Sunday through Saturday from 10AM to 11PM Sunday through Thursday and 10AM to 12AM Friday and Saturday. No patrons will remain after stated closing time.
3. It will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
4. Sidewalk café is not included with this application.
5. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of the premises to be operated in that manner.
6. Will have one (1) television.
7. Will play quiet ambient recorded background music only from iPod/CD’s (i.e. no active manipulation of music – only passive prearranged music). No music will be audible in any adjacent residences at any time.
8. Will close all doors and windows at 9PM every night.
9. Will not install or have French doors, operable windows or open façades.
10. Will not make changes to the existing façade except to change signage or awning.
11. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.

12. Will not have unlimited drink or unlimited food and 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 products.
14. Will not have: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/door staff.
15. Will not have a “stand up” bar
16. Will use persuasion and reminders (including, specifically, posted signs) to encourage patrons to keep their voices down on the street as they come and go, smoke, etc. and respect the residents’ right to quiet homes
17. Will work with the Village Alliance BID to coordinate the carter and the time of daily trash pick-up with other serving establishments on East 8th Street to minimize the number of noisy garbage trucks on the block
18. Will take steps to reduce as much as possible the clanking of discarded bottles in the handling of trash and will store trash prior to pick-up in an appropriate manner to prevent vermin and odor problems.
19. Will abide by all NYC Open Restaurants regulations.
20. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.

v. **Whereas**, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule;

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant Wine License in the name of Mister Buy Corp d/b/a La Panineria, 9 East 8th Street 10003, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant Restaurant Wine License.

Vote: Unanimous in favor (10-0)

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

3. Village Restaurant, LLC d/b/a Hudson Clearwater, 447 Hudson St. 10014 (OP – Restaurant)
(Extension of Hours for the rear garden and sidewalk café) (Withdrawn after Meeting)

Whereas, there was significant opposition to later hours in the rear yard, the rear yard being adjacent to resident bedrooms and living quarters, the Applicant having not demonstrated any attempt to quell or contain the noise coming from the rear yard despite an agreement to do so from the outset of the licensing of this outdoor space; and,

Whereas, the Applicant has a corner location with significant outdoor seating on the sidewalk on Hudson and on Morton Streets, granted through the Covid 19 emergency and outdoor self-certification program, the Applicant not following the guidelines and rules relating to such program, photos being presented demonstrating tables and chairs on both sides of the sidewalk with outdoor benches, a busing or service

station crossing the sidewalk and 10 heaters, all of which fail to provide an eight foot corridor or lawful means of egress for pedestrian traffic, creating on-going concerns of public health and safety during the on-going pandemic; and,

Whereas, following presentation, the Attorney for the Applicant requested **to withdraw** this application from further consideration at this time, affirming that they 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 Community Board 2, 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 Village Restaurant, LLC d/b/a Hudson Clearwater, 447 Hudson 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 in favor

4. 3 Times 818, Inc., 818 Broadway 10003 (BC – Restaurant)

Whereas, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 2, 2020 the Applicant requested **to layover** this application to December/2020 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and,;

THEREFORE, BE IT RESOLVED that Community Board 2, 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 3 Times 818, Inc., 818 Broadway 10003 **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 in favor

5. Coco Shack, LLC d/b/a TBD, 184 Prince St. 10012 (RW – Restaurant)

Whereas, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 2, 2020 the Applicant requested **to layover** this application to December/2020 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and,;

THEREFORE, BE IT RESOLVED that Community Board 2, 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 Coco Shack, LLC d/b/a TBD, 184 Prince 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 in favor

6. Beyond Pho Corp. 2 d/b/a Pending, 227 Mulberry St. 10012 (RW – Restaurant)

Whereas, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 2, 2020 the Applicant requested **to layover** this application to December/2020 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and,;

THEREFORE, BE IT RESOLVED that Community Board 2, 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 Beyond Pho Corp. 2 d/b/a Pending, 227 Mulberry 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 in favor

7. Becca, 161 Lafayette, Inc. d/b/a Baby Grand Jr., 161 Lafayette St. 10012 (OP – Bar/Tavern)

Whereas prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 2, 2020 the Applicant requested **to layover** this application to December/2020 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and,;

THEREFORE, BE IT RESOLVED that Community Board 2, 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 Becca, 161 Lafayette, Inc. d/b/a Baby Grand Jr., 161 Lafayette 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 in favor

8. Gigi's of Mulberry, Inc. d/b/a Mulberry, 149 Mulberry St. 10013 (OP – Restaurant)

Whereas, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 2, 2020 the Applicant requested **to withdraw** this application from further consideration at this time, affirming that they 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 Community Board 2, 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 Gigi's of Mulberry, Inc. d/b/a Mulberry, 149 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 in favor

9. CCFC 62 Spring, LLC, d/b/a Chef's Club Counter, 62 Spring St. 10012 (OP – class change from RW)

Whereas prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 2, 2020 the Applicant requested **to layover** this application to December/2020 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and,;

THEREFORE, BE IT RESOLVED that Community Board 2, 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 CCFC 62 Spring, LLC, d/b/a Chef's Club Counter, 62 Spring 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 in favor

10. Entity to be formed by Steven Berkson d/b/a TBD, 316 Bowery 10012 (OP – Restaurant/Lounge)

Whereas, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 2, 2020 the Applicant requested **to withdraw** this application from further consideration at this time, affirming that they 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 Community Board 2, 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 Entity to be formed by Steven Berkson d/b/a TBD, 316 Bowery 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 in favor

11. St. Tropez SoHo, LLC d/b/a St. Tropez SoHo, 194-196 Spring St. 10012 (OP – (OP – class change from TW)

Whereas, prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 2, 2020 the Applicant requested **to withdraw** this application from further consideration at this time, affirming that they 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 Community Board 2, 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 St. Tropez SoHo, LLC d/b/a St. Tropez SoHo, 194-196 Spring 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 in favor

12. Corp. to be formed by Steven Bensusan, 117 7th Ave. So. 10014 (OP – Restaurant) (Live Music– Jazz, Blues; sidewalk café)

Whereas prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 2, 2020 the Applicant requested **to layover** this application to December/2020 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and,;

THEREFORE, BE IT RESOLVED that Community Board 2, 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 Corp. to be formed by Steven Bensusan, 117 7th Ave. So. 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 in favor

13. Piacere Enterprises, LLC, 351 Broome St. 10013 (OP – class change from RW)

Whereas, prior to this month’s Community Board 2, Manhattan’s SLA Licensing Committee Meeting on November 2, 2020 the Applicant requested **to withdraw** this application from further consideration at this time, affirming that they 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 Community Board 2, 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 Piacere Enterprises, LLC, 351 Broome 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 in favor

14. CP Spring St., LLC d/b/a TBD, 307 Spring St. 10013 (OP – Restaurant)

Whereas prior to this month’s Community Board 2, Manhattan’s SLA Licensing Committee Meeting on November 2, 2020 the Applicant requested **to layover** this application to December/2020 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and,;

THEREFORE, BE IT RESOLVED that Community Board 2, 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 CP Spring St., LLC d/b/a TBD, 307 Spring 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 in favor

15. Mulberry Hospitality, LLC d/b/a October, 244 Mulberry St. 10012 (OP – Restaurant) (Sidewalk Café)

Whereas prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 2, 2020 the Applicant requested **to layover** this application to December/2020 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and,;

THEREFORE, BE IT RESOLVED that Community Board 2, 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 Mulberry Hospitality, LLC d/b/a October, 244 Mulberry 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 in favor

16. CrowdSync Technology, LLC d/b/a New Trade Name to be Formed, 191 Lafayette St. 10013
(OP – Restaurant) (DJ) (Sidewalk Café)

Whereas prior to this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on November 2, 2020 the Applicant requested **to layover** this application to December/2020 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and,;

THEREFORE, BE IT RESOLVED that Community Board 2, 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 CrowdSync Technology, LLC d/b/a New Trade Name to be Formed, 191 Lafayette 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 in favor

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



Antony Wong, *Treasurer*
Valerie De La Rosa, *Secretary*
Amy Brenna, *Assistant Secretary*

COMMUNITY BOARD NO. 2, MANHATTAN

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SLA LICENSING COMMITTEE

The SLA Licensing Committee of Community Board 2, Manhattan, held a meeting at 6:30 PM on Thursday November 5th, 2020 via Video Conference.

Committee Board Members Present: R. Ely (Co-Chair), D. Raftery (Co-Chair), M. Fitzgerald, K. Bordonaro C. Flynn, S. Kent, R. Rothstein, K. Shea, S. Wittenberg, L. Rakoff, S. Smith and A. Wong

Committee Board Members absent with notice:

Other Board Members Present: C. Booth (Chair), Eugene Yoo, Dan Miller and Ritu Chattree.

RESOLUTIONS:

1. Tartine, Inc. d/b/a Tartine, 253 W. 11th St. 10014 (New Restaurant Wine with sidewalk café)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan's SLA Committee to present an application to the NYS Liquor Authority for a Restaurant Wine license to continue to operate as a French Bakery Bistro restaurant located in a five-story, 1915 residential apartment building in a residentially zoned area within the Greenwich Village Historic District on the northeast corner of W. 11th and W. 4th Streets; and,

ii. Whereas, the licensed premise has been operated for years by the Licensee and Applicant, Chef Thierry Rochard, who created Tartine and will continue to operate with the same method of operation as a full service restaurant, the ground-floor storefront being approximately 1,034 sq. ft. (600 sq. ft. on the first floor and 434 sq. ft. in the basement), without French doors, operable windows or facades; there are 14 tables with 32 seats for a total interior seating capacity of 32; there are also four (4) exterior tables with 12 seats directly in front of the premises but no licensed sidewalk café; and,

iv. Whereas, the Applicant's hours of operation are Sundays through Thursday 9 AM to 12 AM, Fridays and Saturdays from 9 AM to 12:30 AM; music will be quiet background only, not audible in surrounding residences, there will be no DJ's, 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 has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan 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 French Bistro restaurant.
2. The hours of operation will be Sundays through Thursday 9 AM to 12 AM, Fridays and Saturdays from 9 AM to 12:30 AM.
3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
4. Will not have televisions.
5. The exterior Café seating will open no earlier than 11 AM on the weekends and will close by 11 PM every night.
6. Will not install or have French doors, operable windows, or open facades.
7. Will play quiet, ambient, recorded background music only. No music will be audible in any adjacent residences anytime.
8. Will not make changes to the existing façade except to change signage or awning.
9. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches.” No pitchers of beer.
11. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
12. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
13. 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.
14. Any future sidewalk or roadbed seating will end no later than 11 PM every night (all patrons will be cleared by this hour and area closed); no speakers or music played outdoors and no speakers positioned to face outside.

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the new restaurant wine license for Tartine, Inc. d/b/a Tartine, 253 W. 11th St. 10014 **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 Restaurant Wine License.

Vote: Unanimous in favor (12-0)

2. Three Horses Hospitality, LLC d/b/a TBD, 283 W. 12th St. 10014 (New OP – Restaurant with sidewalk cafe)

i. **Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the NYS Liquor Authority for a new

On-Premise liquor license to operate a full service “chef focused” restaurant featuring “French American cuisine” in a roughly 1,577 sq. ft. ground floor storefront and basement (1,027 sq. ft. in the ground floor and 550 sq. ft. in the basement) within a four-story townhouse (circa 1900) building on the northwest corner of West 12th and West 4th Streets in a residentially zoned area, this townhouse building falling within NYC LPC’s designated Greenwich Village Historic District; and,

ii. Whereas, the storefront premise has been previously licensed as a full service restaurant with an On-Premise license, the Applicant for a number of years having successfully operated with a similar method of operation across the street from the instant premises proposed to be licensed, the Applicant not planning to make any changes to the exterior of the premises, the method of operation being consistent with the prior license for the premises, the maximum legal capacity for the interior premises being 74; and,

iii. Whereas, the corner storefront to be licensed does not have French doors or operable windows, there will be no changes to the front façade, the basement premises will be for storage purposes only without patron occupancy, there are sidewalk cafés located on both West 12th (6 tables with 12 seats) and West 4th Streets (7 tables with 14 seats) in front of the premises, there are no other outdoor areas for the service of alcohol, there are 12 interior tables with 40 patron seats, 1 one (1) bar with 12 patron seats for a total interior patron capacity of 52, there are two (2) bathrooms for patrons, no TV and one entrance/exit for patron egress and ingress on West 12th Street; and,

iv. Whereas, this Applicant is a chef with experience operating in the immediate area, has demonstrated in the past how to operate as a good neighbor and with the support of those living nearby, the local block association sending correspondence in support on the Applicant based on the method of operation being proposed; and,

v. Whereas, the hours of operation will be Sunday through Wednesday from 11:00 AM to 12:00 AM and Thursday through Saturday from 11:00 AM to 1:00, music will be background only; and,

vi. Whereas, the Applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated into their method of operation on their On Premise license and the stipulations are as follows:

1. The licensed premise will be advertised and operated as a full-service restaurant.
2. The hours of operation will be from Sunday through Wednesday from 11:00 AM to 12:00 AM and Thursday through Saturday from 11:00 AM to 1:00.
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 television.
5. The premises will not permit dancing.
6. The premises will not install or have French doors, operable windows or open facades.
7. Will not make any changes to existing façade except signage or awning.
8. The premises will not operate a backyard garden or any outdoor area for commercial purposes or patron seating not including a licensed sidewalk cafe.
9. The licensed sidewalk café will close by 10 PM Sunday through Thursday and by 11 PM Fridays and Saturdays.
10. All doors and windows will be closed at all times.
11. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.

12. The premises will not have DJ's, live music, promoted events, cover charges, scheduled performances, velvet ropes or barricades on the sidewalk or security personnel or doorman.
13. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits & Certificates.
14. Will not have unlimited drink or unlimited food & drink specials. Will not have "boozy brunches." No pitchers of beer.
15. There will be no bottle service or the sale of bottles of alcohol except for bottles of wine products.
16. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
17. Any future roadbed seating will end no later than 11 PM every night (all patrons will be cleared by this hour and area closed); no speakers or music played outdoors and no speakers positioned to face outside.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** for an new On Premise license to Three Horses Hospitality, LLC d/b/a TBD, 283 W. 12th St. 10014 **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the On Premise License.

Vote: Unanimous in favor (12-0)

3. The Village Square Pizza II, Inc. d/b/a Village Square Pizza, 118 Christopher St. 10014 (New Restaurant Wine – Pizzeria)

i. Whereas, the Applicant and the Applicant's Representative appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application to the NYS Liquor Authority for a new Restaurant Wine license to operate a "family style" pizzeria restaurant featuring "gourmet style New York pizza" in a roughly 1,000 sq. ft. ground floor storefront within a five-story, mixed-use building (circa 1900) on Christopher Street between Bedford and Bleecker Streets, this building falling within NYC LPC's designated Greenwich Village Historic District; and,

ii. Whereas, the storefront premise has been previously licensed as a restaurant with a Restaurant Wine license, the Applicant changing the interior premises to add a pizza oven but not making any changes to the exterior of the premises, the storefront to be licensed not having French doors or operable windows, the method of operation being as a pizzeria selling pizza by the slice and by the whole pie, the interior renovations also making the existing bathroom at the premises inaccessible for patrons; and,

iii. Whereas, the Applicant appeared before CB2 Man. on multiple occasions for the purpose of demonstrating patron access to the existing bathroom within the premise to be licensed, the Applicant having built and installed temporary barriers down a hallway running past the newly installed pizza oven in an attempt to create access for patrons to the single bathroom in the rear of the premise, there being questions raised as to whether such temporary barriers and hallway access was properly done and whether the temporary panels being proposed posed a safety concern in case of a fire, the Applicant not utilizing an architect to install the temporary barriers for this purpose, such bathroom access being required to operate a business with a liquor license; and,

iv. Whereas, in addition to the pizza oven installed within the premise, this storefront premise has a counter for ordering pizza and three (3) tables with twenty patron seats, there is no licensed sidewalk café and no other outdoor areas for the service of alcohol, no TVs; the hours of operation will be Sunday through Saturday from 11:00 AM to 12:00 AM, music will be background only; and,

vi. Whereas, the Applicant executed a stipulations agreement with CB2 Man. that they agreed would be attached and incorporated into their method of operation on their Restaurant Wine license and the stipulations are as follows:

1. The licensed premise will be advertised and operated as a pizzeria.
2. The hours of operation will be from Sunday through Saturday from 11:00 AM to 12:00 AM.
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 television.
5. The premises will not permit dancing.
6. The premises will not install or have French doors, operable windows or open facades.
7. The premises will not operate a backyard garden or any outdoor area for commercial purposes.
8. A sidewalk café is not included in this application.
9. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at any time.
10. The premises will not have DJ's, live music, cover charges, scheduled performances, velvet ropes or barricades on the sidewalk, promoted events, security personnel or a doorman.
11. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches.
12. There will be no bottle service or the sale of bottles of alcohol except for bottles of wine products.
13. Will not make any changes to existing façade except signage or awning.
14. Any future sidewalk or roadbed seating will end no later than 11 PM every night (all patrons will be cleared by this hour and area closed); no speakers or music played outdoors and no speakers positioned to face outside.
15. Will have at all times an accessible patron bathroom with signage indicating for all customers.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** for a new Restaurant Wine license to The Village Square Pizza II, Inc. d/b/a Village Square Pizza, 118 Christopher St. 10014 **unless** the statements of the applicant as presented to CB2 are accurate and complete, and that those conditions and stipulations agreed to by the applicant relating to the above-stated stipulations are incorporated into the "Method of Operation" on the Restaurant Wine License.

Vote: Unanimous in favor (12-0)

4. Figaro NYC LLC d/b/a TBD, 184 Bleecker Street 10012 (New OP – Restaurant)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan's SLA Committees to present an application to the NYS Liquor Authority for a new On-Premise License; the Applicant will operate a restaurant serving modern American cuisine in a R7-2 zoned (with a C1-5 overlay), five-story mixed-use building constructed in 1910 on Bleecker St. between MacDougal and Sullivan Sts. (Block #526/Lot #56) and which is located in the South Village Historic District; and

ii. Whereas, the Applicant will operate a full-service restaurant in a premises totaling approximately 4,000 sq. ft. (and a proposed occupancy of 125 persons), comprised of a ground floor dining area of approximately 2,500 sq. ft. and a basement of approximately 1,500 sq. ft.; the ground-floor space will have 25 tables with 100 seats, and one (1) stand-up bar with eight (8) seats, for a total of 108 indoor seats; a sidewalk cafe of approximately 500 sq. ft. will provide an additional 40 seats, bringing the total number of patron seats to 148; a staircase will connect the ground floor to the basement level where the kitchen, storage areas, and one (1) of the three (3) patron bathrooms are located (there are two (2) patron bathrooms, including an ADA-compliant bathroom, located on the ground floor); the premises has one (1) entrance and four (4) exits; and

iii. Whereas, the Applicant's agreed-to hours of operation will be 10:00 AM to 11:00 PM Sundays through Thursdays, and 10:00 AM to 2:00 AM Fridays and Saturdays; music will be quiet recorded background only; there will be no DJ's, no promoted events, no live music or scheduled performances, no cover fees, and only one (1) television at the bar, which will operate in "closed caption" mode only; and

iv. Whereas, the site of the Applicant's new restaurant was once located Le Figaro Café, an iconic Greenwich Village establishment that had operated for over five decades (until closing in 2008), and included among its patrons such historic cultural figures as Bob Dylan, Lenny Bruce and Jack Kerouac; and

v. Whereas, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the "Method of Operation" of the Restaurant On-Premises License, with those stipulations as follows:

1. The premises will be advertised and will operate as a full-service restaurant.
2. The hours of operation will be from 10:00 AM to 11:00 PM Sundays through Thursdays, and 10:00 AM to 2:00 AM on Fridays and Saturdays.
3. The Applicant will operate an upscale full-service restaurant serving modern American cuisine in a relaxed, family-friendly atmosphere with the kitchen open and the full menu available until closing every night.
4. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. It will have no more than one (1) television no larger than 40" in diameter; there will be no projectors and the television will operate in "closed caption" mode only (*i.e.* no sound).
6. It will not operate a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
7. It will operate the licensed sidewalk café no later than 11:00 PM (all tables and chairs will be removed at this hour).
6. It will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time. A sound limiter will be employed to prevent music from escaping the premises and being heard on the sidewalk.
6. It will close all doors and windows by 10:00 PM every night.
7. It will not make any changes to the existing façade except to change the signage or awning.
8. It will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
9. It will not have unlimited drink or unlimited food & drink specials. It will not have "boozy brunches" and will not sell pitchers of beer.
10. There will be no "bottle service" or the sale of alcohol by the bottle, except for beer and wine products.

11. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
12. Any future sidewalk or roadbed seating will end no later than 11:00 PM every night (all patrons will be gone by this hour and the area closed); there will be no speakers installed or music played outdoors, and no speakers will be positioned to face outside.
13. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new On-Premises License in the name of Figaro NYC LLC d/b/a TBD, 184 Bleecker Street 10014, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant On-Premises License.

Vote: Unanimous in favor (11-0)

5. Claremont Companies LLC & Soho Hotel LLC d/b/a New York Manhattan/Soho Courtyard by Marriott, 181 Varick Street 10014 (TW – Transfer)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Committees to present an application to the NYS Liquor Authority for a transfer to the Applicant of an existing Tavern Wine License (active temporary permit, license pending) currently in the name of Courtyard Management Corp. and 181 Varick St. LLC; henceforth, Claremont Companies, LLC will be the entity operating the premises on behalf of the Applicant, the establishment being a bar/tavern serving beer and wine on the first floor of a hotel in a M1-6 zoned, 20-story commercial building constructed in 2010 on Varick St. between King and Charlton Sts. (Block #580/Lot #63); and

ii. Whereas, the transfer will result only in a change of the entity managing the premises, a a bar/tavern in a ground-floor space of approximately 2,400 sq. ft. with a proposed occupancy of 66 persons; there are a total of 42 seats in the premises consisting of 14 tables with 42 seats, one (1) stand-up bar with no (0) seats and a service counter in the dining area at which food may be purchased; the premises has one (1) entrance/exit and one (1) bathroom; and

iii. Whereas, there will be no changes to the existing Method of Operation: all stipulations previously agreed-to by the Applicant will remain in effect, including hours of operation of 5:00 PM to 2:00 AM seven (7) days a week and the playing of quiet recorded background music only; and

iv. Whereas, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the existing “Method of Operation” of the Tavern Wine License, with those stipulations as follows:

1. The premises will be advertised and will operate as a hotel with a ground-floor tavern.
2. The hours of operation will be from 5:00 PM to 2:00 AM seven (7) days a week.
3. The Applicant may operate the premises with less than a full kitchen but will serve food during all hours of operation.
4. It will have no more than five (5) televisions no larger than 46" in size (there will be no projectors).

5. It will not operate a backyard garden or any outdoor area for commercial purposes.
6. A sidewalk café is not included in this application.
7. It will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
8. All doors and windows will be kept closed at all times.
9. The Applicant will not install or have French doors, operable windows, or open façades.
10. It 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 & keep current at all times required Permits & Certificates.
12. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
13. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
14. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
15. Any future sidewalk or roadbed seating will end no later than 11:00 PM every night (all patrons will be gone by this hour and the area closed); there will be no speakers installed or music played outdoors, and no speakers will be positioned to face outside.
16. It will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a transfer of an existing Tavern Wine License to Claremont Companies LLC & Soho Hotel LLC d/b/a New York Manhattan/Soho Courtyard by Marriott, 181 Varick Street 10014, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Tavern Wine License.

Vote: Unanimous in favor (11-0)

6. 320 West Broadway Diner Corp., d/b/a TBD, 320 W. Broadway 10013 (Existing OP – Diner/Restaurant with outdoor area—Request to alter method of operation)

i. Whereas, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application to the NYS Liquor Authority for an alteration to its existing on premise liquor license to change its method of operation while continuing to operate its diner restaurant serving comfort food; and,

ii. Whereas, the premises has only been licensed for two years, the location prior to that being an unlicensed location which is located on the ground floor in the northern portion of the sixteen story SoHo Grand Hotel and also extends to an ancillary outdoor area to the north, the outdoor area was previously a dog run; the SoHo Grand Hotel is located on West Broadway between Canal Street and Grand Street; and,

iii. Whereas, the northern storefront and ancillary outdoor premises of the SoHo Grand Hotel is 4,194 sq ft (2,575 sq ft interior and 1,619 sq ft exterior) with 50 tables and 124 seats (78 interior table seats and 46 exterior table seats) there is 1 stand up bar on the interior with 4 seats and 13 “other seats” with 7 seats at

an interior food counter and 6 seats at exterior benches in the waiting area for the outdoor seating area; there are a grand total of 141 seats; there is no sidewalk cafe; and,

iv. Whereas, the premises will continue to operate as a 24-hour diner 7 days a week serving a full diner menu at all times; the hours of alcohol service on the interior will continue to limited to the extent that they will cease by 12:00 AM Sunday to Wednesday and by 2:00 AM Thursday to Saturday; and,

v. Whereas, the hours of operation and alcohol service for the adjacent and ancillary outdoor area has been from 11AM to 10PM Sunday to Thursday and 11:00 AM to 11:00 PM Friday and Saturday, this application seeking to add to and alter those hours of operation for the service of alcohol until 11:00 PM Sunday through Saturday; all employee activity in the outdoor area will stop no later than ½ hour after outdoor closing, all exterior lighting will be turned off at closing making the exterior space dark, there will also be no speakers installed or music played outside; there is no sidewalk café included with this application; all doors will be closed at 10:00 PM, there are no operable windows, interior music will be permitted but it will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music) and jukebox, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

vi. Whereas, the Applicant is also seeking to permit access to the adjacent exterior space from the public sidewalk via an existing gate, the use of this gate being for a temporary basis only, and will continue until New York's Governor's suspends and ends the series of Executive Orders with EO 202 being the original emergency declaration relating to the Covid 19 disaster; thereafter, all entry and exit into the restaurant and outdoor area will revert back and occur only from the main entrance to the restaurant as indicated on provided plans. There will be no patron access to the outdoor area from the sidewalk after the Covid-19 disaster is over.

vii. Whereas, the Applicant received support from neighbors and the local Grand Street Block Assoc. for the increase in hours of operation in the exterior space until 11:00 PM; and,

viii. Whereas, the applicant executed a stipulations agreement with CB2 that they agreed would be attached and incorporated into the method of operation on the new SLA restaurant on premise liquor license stating that:

1. The licensed premise will operate as a classic New York 24-hour diner serving comfort food to the neighborhood.
2. There is an ancillary adjacent outdoor seating area that will operate at reduced hours. The hours of alcohol service on the interior will be from 8:00 AM to 12:00 M Sunday to Wednesday and from 8:00 AM to 2:00 AM Thursday to Saturday. The hours of operation and alcohol service for the adjacent outdoor area will be from 11:00 AM to 11:00 PM Sunday to Saturday. All patrons will be cleared and no patrons will remain after stated closing times for the outdoor area and all employee activity in the outdoor area will stop no later than ½ hour after outdoor closing.
3. The premises, or any portion of the premises will not operate as a tavern, lounge or sports bar.
4. The entire premises will be operated under one trade name (D/B/A) only.
5. Patron access to the adjacent exterior space from the public sidewalk via an existing gate will be permitted on a temporary basis only, and will continue until New York's Governor's suspends and ends the series of Executive Orders with EO 202 being the original emergency declaration relating to the Covid 19 disaster; thereafter, all entry and exit into the restaurant and outdoor area will revert back and

- occur only from the main entrance to the restaurant as indicated on provided plans. There will be no patron access to the outdoor area from the sidewalk after the Covid-19 disaster is over.
6. The premise will have not have televisions or projectors.
 7. There is no Sidewalk Café included with this application.
 8. The premises will play quiet ambient-recorded background music only or music at same levels from Jukebox. No music will be audible in any adjacent residences at anytime. There will be absolutely no music or speakers in the outdoor portion of the premises.
 9. Will not install or have French doors, operable windows or open facades.
 10. Will not make changes to the existing street facing façade except to change signage or awning or affix a menu to the building for customer viewing, or add other elements of décor, which do not change the character of the building (if permitted by law).
 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”.
 13. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
 14. The premises will not have dancing, DJ’s, live music, promoted events, cover charges, scheduled performances, velvet ropes or metal barricades.
 15. Doorman/Security will be utilized as needed. The area in front of the premises will be actively monitored 24 hours a day and if necessary, a staff member or security will be dedicated to manage patrons outside the premises between 9:00 PM and 7:00 AM.
 16. There will also be no speakers installed or music played outside
 17. The applicant with their attorney present specifically agreed in order to gain support from local residents and CB2, Manhattan in order to create public interest that they would **not** return to extend the hours of alcohol service in the future for the licensed interior or ancillary exterior premises.
 18. The adjacent dog park area is complete separate from the outdoor seating area
 19. There will be no standup outdoor bar. There will be an outdoor service bar only. In the outside seating area, there will be absolutely no alcohol service to any standing or waiting patrons. There may be a small area for a few patrons to wait outside to be seated in the outdoor area as presented to CB2 and as presented in the amended seating plan, but that area is for waiting only and not for the service of alcohol.
 20. There will be no more than 46 seats in the outdoor dining area. There will be no more than 78 Table seats in the interior dining area and one interior standup bar with 4 seats.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** of an alteration application to change the method of operation for the existing on-premise liquor license for 320 West Broadway Diner Corp., d/b/a TBD, 320 W. Broadway 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 Restaurant On-Premise Liquor License.

Vote: Unanimous in favor (12-0)

7. SoHo Grand Hotel, Inc., d/b/a SoHo Grand Hotel, 310 West Broadway 10013 (OP – Hotel Restaurant Bar “Gilligans”) (Extend Outdoor Hours of Operation)

i. Whereas, the applicant, a 16 story Hotel (circa 1996), its Manager and its Attorney appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application seeking to modify and extend its late night hours to an adjacent 5,479 sq. ft. exterior side yard bar called “Gilligans,” the Hotel being located on West Broadway between Canal and Grand Streets in Soho, the exterior yard located on

the adjacent south side of the Hotel but also extending from West Broadway to Thompson Street and all the way to Canal via three adjacent vacant lots purchased by the Hotel to sidestep zoning regulations and to permit its significant outsized scale, bulk and height within this immediate area surrounding this Hotel in Soho; and

ii. Whereas, when CB2 Manhattan originally recommended to approve the Hotel's existing license in May/1996, there was no application to serve alcohol to any exterior spaces or the above-referenced side yard, the application being for the interior premises of the Hotel only, and the resolution recommending approval did so on the pretext that "there is every indication that it will be a benefit to this community to have liquor available to the hotel's guests on site, so that they need not go out[side] at night and add to problems caused by the over-proliferation of bars and restaurants in the immediate area of the hotel"; and

iii. Whereas, the Hotel has for years been licensed and provided the privilege of serving alcohol to its guests on this existing pretext within the interior premises on various floors until 4:00 AM, with DJs, promoted events, private parties and with live entertainment music therein, that license never including the service of alcohol to any outdoor areas ancillary to the interior premises; and,

iv. Whereas, despite not being granted any permit to operate an eating and drinking establishment in the exterior side yard, and despite not having been issued an alteration On-Premise liquor license from the NYS Liquor Authority to serve alcohol to patrons in the exterior side yard, the Hotel nonetheless, and for many years, improperly and illegally operated and advertised the entire 5,479 sq. ft. adjacent outdoor side yard area as a full service bar known as "Gilligans", and before that operated another Bar known as "The Yard" with one stand up bar and additional service bars, with entertainment level music, DJs and large late night parties causing noise and negatively impacting the area and its adjacent residential neighbors for many years; and

v. Whereas, the Hotel previously appeared before CB2 Manhattan on two separate occasions in April/2014 and then again in May/2014 with an application seeking to rectify their illegal and unlicensed operations, albeit retroactively, and to serve alcohol in the exterior south side yard/lot space adjacent to the Hotel, but the Hotel was never able to produce any documentation or demonstrate, in any coherent manner, that its proposed use of the outdoor side yard was legal and permitted for eating and drinking, the Hotel's Special Permit originally issued to the Hotel in 1997 limiting retail eating and drinking to within the building on the second floor and did not extend to the exterior portions of the Hotel premises; and,

vi. Whereas, the Hotel is zoned M1-5A, a specific type of zoning designation located in the SoHo area where retail use for eating and drinking is not permitted on the ground floor of the premises unless a Special Permit is issued permitting such use by the City Planning Commission; and

vii. Whereas, in light of the prior history of unlicensed and illegal service of alcohol in the outdoor yard area known as "Gilligans," because the Hotel was unable to produce any permits to use the side yard for eating and drinking, and because neighbors with bedroom windows adjoining the yard appeared in opposition to the continued use of the side yard as a bar, citing years of abuse and distrust of the Hotel's management team who refused to heed their requests to control the late night noise coming from the Hotel's operations, CB#2 Manhattan unanimously recommended denial of the alteration application in 2014; and,

viii. Whereas, the Hotel filed an "alteration 1" application to the NYC Dept. of Buildings, the type 1 alteration being an application to change the use, occupancy or egress of the premises, in February/2014 to "convert existing accessory open space of Hotel to accessory eating and drinking area", but that application was thereafter disapproved by the NYC Dept. of Buildings in January/2015 (NYC BIS Job No. 121912396); and,

ix. Whereas, residents living in the buildings directly adjacent to the exterior on the southeastern side of the exterior yard of the Hotel have consistently appeared in regard to the Hotel's outdoor operations and use of the side yard, citing a past marred for many years by music, large crowds, DJs when all the time they were unaware that the Hotel's prior use and operation of the exterior side yard was unlicensed and without permits despite their countless complaints directly to the Hotel's management, as well as the Hotel's failure to prohibit use by patrons to smoke, congregate and drink on an exterior covered landing until 2:00 AM approximately 10 feet from their bedroom windows; and

x. Whereas, the Hotel's CB2 questionnaire and the statements/admissions from the Manager of the hotel to the CB2 Committee in 2014 conceded that the Hotel had been operating, albeit unlicensed and without a special permit or certificate of occupancy for this purpose and use, the exterior Side Yard as a full service bar late into the night from 6 :00 PM to 12:00 AM Sunday through Wednesday and from 6:00 PM to 2:00 AM Thursday through Saturday, and where there was live DJ entertainment and amplified music, promoted events, scheduled performances, private parties, events where a cover fee is charged and outside promoters that were used; and

xi. Whereas, in response to these resident concerns and realizing the import of utilizing the exterior side yard, the Hotel appeared yet again before CB2 Manhattan in 2015 seeking a compromise and to execute a stipulation agreement with CB2 Man. that was acceptable and the only manner in which it could establish a potential public interest for the service of alcohol at the side yard, the side yard outdoor space to Hotel never being previously licensed for the service of alcohol and thus subject to the 500 ft. rule requiring a public interest be established as to the Hotel's use and occupancy of the exterior side yard; and,

xii. Whereas, to reach that compromise the Hotel and its counsel agreed upon certain stipulations which were as follows:

1. The Hotel will not permit staff or patrons to enter or exit the exterior doors located in the Club Room leading to a covered second floor landing and covered staircase on the south side of the Hotel except for emergency egress and will not permit patrons on the exterior landing itself.
2. The Hotel presented an amended diagram (Exhibit "A") for the use of side yard that designates the location of all tables, one service station and one stand-up only bar, the stand-up bar being located on the far western side of the yard to ameliorate noise impacts on neighbors located on the eastern side of the yard, there will be 19 tables with 4 seats, an additional 9 tables with 2 seats and 10 seats at the stand-up bar, for a total of 104 seats.
3. There will only be table service of alcohol to patrons who are seated at a table or seated at the bar to prevent crowds of patrons from congregating in one location and there will only be food service from the interior Hotel to the outdoor tables located in the side yard.
4. There will never be any music played or speakers installed outside and no music emanating from the Hotel to the outside yard area at any time.
5. There will be no service of alcohol on the eastern side of the yard as designated in the Hotel's amended diagram (annexed to stipulation agreement with the Hotel) from the entrance gate on West Broadway up and until the Host Station and the Hotel will maintain and not remove the cover over the eastern side of the yard.
6. The exterior gate and entrance/exit on West Broadway will not be open until Noon on Sundays and will be closed every night at 10:00 PM sharp, the side yard will close Sunday through Thursday at

10:00 PM sharp and the side yard will close on Fridays and Saturday nights at 11:00 PM sharp, all business will cease, no loitering, no smoking, there will be no patrons or staff remaining after closing and the lights will be turned off.

7. There will be two bathrooms installed on the interior ground floor level to accommodate all patrons to the side yard.
8. The Hotel will not use or operate in any manner as an eating and drinking establishment in the side yard until it has obtained the proper certificate of occupancy from the New York City Department of Buildings which specifically demonstrates its proposed use is legal and permitted in the side yard.
9. There will be no other outdoor uses permitted at or about the Hotel other than what has been described in CB2 Man.'s two-page stipulation agreement with CB2 Manhattan and the Hotel's amended diagram attached to the stipulation agreement as Exhibit "A".

xiii. Whereas, despite the years of unlicensed and illegal activities in that side yard causing a significant and harmful impact on those living immediately adjacent to the side yard, and despite their being a compromise in place to permit exterior uses within the large side yard allowing the Hotel to serve alcohol to its patrons in the side yard and to co-exist with its residential neighbors—neighbors in tenement buildings who resided there before the Hotel was built—the Hotel now seeks in this application to increase its late night hours of operation at the exterior rear yard to 11:30 PM during the week and on the weekends and to operate through the exterior gate located immediately adjacent to the residents; and

xiv. Whereas, the Hotel's residential neighbors with adjoining bedroom windows within 10 feet of the rear yard appeared, in opposition to the increase in late night hours, providing a rich history of impactful and illegal late night and daytime Hotel uses of the side yard prior to being licensed to serve alcohol in the side yard and agreeing the existing stipulations agreement, including DJs, loud music loud enough to be heard a block away and concerts with no remediation by the Hotel despite years and years and years of complaints directly to the Hotel Management requesting that they be a good and reasonable neighbor, there being families with young children affected by the noise, the adjoining residents never being able to open their windows, the noise and music coming through ventilation pipes in their apartments, they hearing patrons in the side yard drinking all day long on the weekends and at night right up to the time when they go to bed, there never being a break from the time they come home to the time they go to bed, weekdays and weekends, the existing stipulations in place and reasonable time restrictions in place being the only relief from the anxiety that they will be able to go to sleep by a reasonable time every evening, the stipulations in place being not perfect but providing a compromise allowing them to move on with their lives and not be forced to move; and,

xv. Whereas, significant efforts were previously made to reach a compromise in this matter so that the Hotel could use the side yard for eating and drinking despite the closeness and significant impacts on those uses and occupancy on its existing residential neighbors, it being important to maintaining a solution that ensures residents an opportunity to find rest and live comfortably in their own homes in neighborhoods highly saturated with liquor license; and,

xvi. Whereas, CB2 Man. feels strongly that the existing compromise must be maintained in this particular matter, any increase in operating hours or the addition of music being highly inappropriate and unjustified at this location and instead, should the applicant appear at the SLA CB2 Man. would recommend, if anything, that the outdoor hours be reduced and music never be permitted; and,

xvii. Whereas, the Hotel also has significant operations on the outside on its north side, which already provides significant outdoor operations with 46 exterior table seats; and

xviii. Whereas, the instant application clearly fails to establish evidence that the public interest would be promoted by altering the existing On-Premises liquor license to extend its late night hours in the side yard, there are also other ways to access the outdoor venue after 10:00 PM other than access directly from the sidewalk, the limited access being set to help resolve the impacts to those residents living immediately adjacent to said gate; and,

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends **denial** for Soho Grand Hotel, 310 West Broadway 10013 on its application seeking an alteration to its existing On Premise license and method of operation to increase its late night hours for its outdoor south side yard d/b/a Gilligans in excess of 5,000 sq. ft.; 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; and,

Vote: Unanimous in favor (12-0)

8. Pier 45, LLC, 389 West St. d/b/a Drift In, Pier 45, Hudson River Park 10014 (New Temporary/ Seasonal OP – Restaurant)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing committee to present an application for a new temporary/seasonal On-Premise liquor license to continue to operate a seasonal, outdoor waterfront eatery in the Hudson River Park at the foot of Pier 45 just to the north of the western end of the Christopher Street crossing; and,

ii. Whereas, the 6,010 sq. ft. outdoor premises (5,376 sq. ft. devoted to outdoor dining) was previously operated for eating and drinking as Organicoa (2010–12), PD O’Hurley’s Pier 45 (2012–2015), Belgo Landing LLC (2016–2019) any by the Applicant doing business as the Drift In with a restaurant wine license, the license to operate in the Public Park being issued by and supported by the Hudson River Trust, the public benefit corporation designated to oversee permitted uses therein; and,

iii. Whereas, the premises has a pavilion building and will continue to operate as a beach-casual, waterfront eatery with locally sourced food, with 50 tables and 120 seats and two bars with 30 seats for an overall number of 150 seats, there will be 2 entrances and 3 exits, the licensed area will be effectively defined for patron to separate restaurant from public park, there are public bathrooms located adjacent to the licensed area, and there will be no TVs; and,

iv. Whereas, the applicant’s hours of operation will be Sunday to Saturday from 8:00 AM to 12:30 AM, there will be exterior speakers playing quiet ambient background music only, there will continue to be a sound limiter set at acceptable levels so that the music is not heard or barely audible outside the patron seating areas, and instead of there being lines forming into restaurant from the park, the Applicant will operate with a paging system so that people do not gather and congregate at the restaurant entrance blocking pedestrian traffic in the park running adjacent to the premises to be licensed; and,

v. **Whereas**, members of the Board expressed concerns about the possibility of the sound from the speakers carrying through the adjacent neighborhoods, or altering the experience of those using the park, the operator assured the Committee that the music would not be audible in the adjacent neighborhoods, indicating barriers on the backside of the restaurant would prevent any sounds, the Applicant having significant experience operating other outdoor venues in the Hudson River Park and other public parks in New York City; and,

vi. **Whereas**, the Hudson River Park Trust appeared in support of the application, the Applicant having also entered into an licensing agreement with the Hudson River Park Trust whereby the operator agreed to make all reasonable efforts to reduce the noise of its operations and its effect on neighborhood uses and not to disturb, disrupt or inconvenience park patrons; and,

vi. **Whereas**, the applicant signed and notarized a stipulations agreement with CB2 which includes the following:

1. The premises will be advertised and operated as a seasonal, outdoor waterfront eatery in the public Hudson River Park.
2. The hours of operation will be Sunday to Saturday from 8:00 AM to 12:30 AM.
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. There will be no TVs.
5. The premises will play quiet ambient recorded background music only.
6. Queueing or patron waiting will be handled by host via remote messaging system.
7. There will be no all you can eat/all you drink special or boozy brunches.
8. Licensee will monitor seating area to ensure all alcoholic beverages are consumed within a defined perimeter of the licensed premises.
9. Will not have more than two private parties per month that take over the entire venue.

THEREFORE BE IT RESOLVED that CB#2, Manhattan recommends **denial** of the new Temporary/Seasonal On-Premise liquor license for Pier 45 LLC d/b/a Drift In, 389 West Street Pier 45 Hudson River Park 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 On Premise liquor License.

Vote: Unanimous in favor (12-0)

9. 330 WB Operations, LLC d/b/a Sola Pasta Bar, 330 W. Broadway 10013 (New OP– Restaurant) (Alteration to add adjacent storefront, previously unlicensed, to existing license)

i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application for an alteration to an existing On-Premise liquor license to add an adjacent storefront to the Licensee’s existing licensed premises and to continue to operate an Italian restaurant specializing in pastas in a ground floor corner storefront within a one-story building with 3 separate retail units, the premises being the most southern on West Broadway between Grand and Canal Streets in Soho; and,

ii. Whereas, the Applicant's existing storefront premises is approximately 1500 sq. ft. premises has two patron bathrooms, one (1) large dining counter located around the kitchen with 14 seats, one (1) bar with five (5) patron seats and nine (9) tables with 28 seats for a total interior patron seating capacity of 47, there was no request for service to any exterior premises or sidewalk café; and,

iii. Whereas, when the Applicant originally appeared for the existing license in January/2017, he provided no plan to alter the front façade to his existing storefront prior to opening and further agreed to a number of stipulations that were incorporated into his license, including the stipulation that the exterior façade would continue to have fixed windows which do not open; and,

iv. Whereas, in addition to maintaining the existing fixed façade, the Applicant further proposed and agreed to hours of operation Sunday through Saturday from 10:00 AM to 11:30 PM, music which would be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), that there would be no TVs, no promoted events, no scheduled performances or cover fees and that all business would take place on the interior of the storefront premises to establish the public interest standard had been made pursuant to the 500 foot rule, CB2 Man.'s resolution from Jan./2017 stating that "based on the applicant's proposed method of operation and hours of operation consistent with a full service restaurant specializing in 'excellent pasta dishes' seeking to serve the local neighborhood while also not establishing a significant impact on the existing neighborhood by maintaining a fixed front façade containing noise therein, the public interest will be served despite there being 35 existing on premise licenses within a 750 foot radius of the premises and there being an additional 4 pending on premise licenses within that same radius of the premises"; and,

v. Whereas, despite stating that the front façade would remain fixed, and agreeing to a stipulation that the front façade would remain fixed, and despite never providing a 30-day notice to CB2 Man. for any alteration to that front façade, the Applicant and current Licensee went ahead and demolished the fixed front façade opening up the entire storefront to the public sidewalk immediately in front of the licensed premises in derogation of his prior statements and agreement with this Community Board; and,

vi. Whereas, numerous complaints have been made by the local Grand Street Block Association and local residents regarding blasting music coming from the Licensee's premises at all hours of the day and night; and,

vii. Whereas, photographs and video were recently provided to CB2 Man. demonstrating music being played with entertainment music levels from a large speaker positioned and pointing out from the licensed premises towards the public sidewalk with the entire front façade open, there also be signage inside the premises providing a message that the Applicant and Licensee had total disregard for the music blasting out of the premises; and,

viii. Whereas, despite the Licensee's transgressions and disregard for his neighbors or agreements with this Community Board in the past to curb unnecessary and unwanted noise coming from his licensed establishment, he now seeks in the instant application to increase the size of his licensed premise to add the adjacent storefront, and again proffered an application which indicated he had no plans to alter the existing façade of the adjoining storefront, the adjacent storefront having never been licensed for the service of alcohol in the past or with late night hours of operation as proposed here; and

ix. Whereas, significant opposition to this application by community members living in the area near the location appeared outlining a host of on-going complaints arising from the open façade and music be played

from the open façade into the neighborhood over the Spring and Summer months of 2020, in violation of their existing stipulations which state no music is to be audible in any residential units; and,

vi. Whereas, this Applicant has to demonstrate that public interest and public convenience is served from the addition of second storefront to the existing license in an area already greatly saturated with late night drinking establishments and liquor licenses, the Applicant's past transgressions not supporting the pursuit of operating with the addition of a second storefront, there also being significant opposition to the application while no one appearing on behalf of the Applicants; and,

THEREFORE, BE IT RESOLVED that CB2, Manhattan recommends **denial** of the alteration application for the existing On Premise License for 330 WB Operations, LLC d/b/a Sola Pasta Bar, 330 W. Broadway 10013; and

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

Vote: Unanimous in favor (12-0)

10. Grupo Gitano, LLC & Gitano NYC, LLC d/b/a Gitano, 76 Varick St. 10003 (New Temporary/Seasonal OP – Exterior Restaurant and Bar)

i. Whereas, the Applicant and his Attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application for a new Temporary/Seasonal On Premise license to continue to operate an exterior, open air restaurant and bar surrounded by fencing on a roughly 23,465 sq. ft lot with temporary structures bounded by Grand St. to the North, Varick St. to the West, Canal St. to the South and Duarte Square Park to the East; and,

ii. Whereas, this the fourth temporary license sought for these exterior premises, the first application having been made in 2018 for a two year period, this particular lot being owned by Trinity Real Estate, which owns millions of square feet of commercial space and ground leases in downtown Manhattan, and in exchange for obtaining a significant rezoning in the Hudson Square for their benefit reaping significant financial gain, agreed to build a public school for the Hudson Square Community on this particular lot but has never fulfilled its promise to do so, despite significant financial profits post rezoning in this area, instead leasing the lot for this large outdoor restaurant that has drawn significant complaints over the years for its large events, overwhelming crowds and loud music; and,

iii. Whereas, despite agreeing to a significant number of stipulations governing this large outdoor eating and drinking venue in 2018, gaining the support of this Community Board based on its statements that the operations would only last two years so that a building and school would then follow, the Applicant returned again two years later in 2020 seeking not just an additional year of operation, but later hours, a larger footprint for eating and drinking; and,

iv. Whereas, due to the known and continuing complaints relating to this outdoor venue, where live amplified music at entertainment sound levels occurred and where advertised as "Jungle Gypsy Disco", with promoting parties with celebrities, advertising its "24,000 outdoor paradise" and "Soho's Mexican Jungle Bar" with promotional DJ sets and oversized disco ball consistent with that of a night club, triggering a large number of 311 complaints relating to general construction, noise, poor air quality/odors/fumes,

inadequate venting and loud music/parties, the licensed premises also having been shut down, albeit temporarily on multiple occasions by the City of NY for failing to install adequate ventilation (DEP), poor food handling (DOH) and inadequate sewage facilities (Sanitation); and,

v. **Whereas**, the Applicant acknowledged in 2020 that many of the aforesaid problems stemmed from the operator retaining the former manager of the now shuttered Greenhouse nightclub (Varick St.) to manage the licensed premises over the past summer, the Manager in question having not been retain beyond 2020; and,

vi. **Whereas**, even though this Community Board provided its recommendation to the NYSLA to deny the changes requested in 2020 for this large outdoor venue, including the later hours until 12:00 AM during the week and 1:00 AM on the weekends, the NYSLA granted the seasonal license for another year (2020), approving the extended late night hours while also maintaining all the other agreed upon stipulations with this Community Board from 2018; and

vii. **Whereas**, the large 23,465 sq. ft lot has multiple temporary structures, plumbing, portable generators, wood burning grill, running water and electricity, toilets, refrigerated storage areas, kitchen; dry goods storage and garbage area, 400 table seats, including banquet seating and 100 tables, a long and extensive three sided bar with 30 bar stools, an open cocktail lounge with lounge seating, with the primary entrance being on Grand street, with a maximum occupancy of 500 persons; and,

viii. **Whereas**, residents living across the street from the main entrance to the licensed premises appeared both in opposition and in support of the application, the main objections having been raised to the later hours of operation, the large number of patrons lining up to enter, and to exit, crowding the sidewalk and hanging out near the main entrance, as well as music being heard in the adjacent residences; and,

ix. **Whereas**, the Applicant with his Attorney agreed to a number of important changes from the prior year (2020), including reducing the late night hours of operation by one hour, closing by 11PM Sunday to Wednesday and by 12 AM Thursday to Saturday, and further agreed to close the Grand Street entrance/exit after 9:30 PM, having patrons exist through other available exits, the Applicant further agreeing to a stipulations agreement with CB2 that they agreed would be attached and incorporated into the method of operation on the new temporary/seasonal on premise liquor license stating that:

1. The premises will be advertised and operated as a Mexican restaurant (but will maintain a Tavern OP license) with one main operator Grupo Gitano, LLC with a partner retail store and a partner coffee/café. Alcohol Service and Consumption will be limited to the Restaurant and Bar area only. The restaurant and bar area will be seasonally operated from April/2021 to November/2021.
2. Should an application to renew the seasonal license be sought beyond 2021, licensee agrees to serve a new 30 day notice on Community Board 2 Man. for this purpose and will present before CB2 their plans to continue the operation with three month's advanced notice for public comment and, should it be requested, review by the Full Board of the New York State Liquor Authority.
3. Hours of Operation:
The **restaurant area and the center bar** (the rectangular area as presented in the primary diagram with tables, chairs and banquette seating and the central bar area which is the only area where alcohol will be served and consumed): Hours of operation (open to public, no

patrons in premises outside of these hours):

- Sunday to Wednesday: 10:00AM to 11:00PM.
- Thursday to Saturday: 10:00AM to 12:00AM (Also until 12:00 AM Sunday on National Holiday 3-day weekends)
- Kitchen will close no earlier than Sunday to Wednesday 10:00 PM, Thursday to Saturday 11:00 PM or when the entire restaurant closes. All closing activities of the restaurant and bar staff will be completed by 11:30 PM Sunday to Thursday and 12:30 AM Friday & Saturday, with the exception of cleaning staff who do a deep clean every night.

Partner Coffee/Cafe (Northern portion as presented in the primary diagram located along Grand St. adjacent to the main entrance):

- Hours of operation (open to public, no use of seating outside of these hours) 8:00 AM to 6:00 PM 7 days a week.

All other areas:

- Hours of operation (open to restaurant/coffee guests, no use of area outside of these hours): 8:00 AM to Sunset 7 days a week.

Load in/load out service times for Food Court Dining Area will occur from primarily from 9:00 AM to 11:00 AM – no earlier than 8:00 AM, and from 9:00 PM to no later than 10:00 PM during weekdays and no later than 10:30 PM on weekends.

4. The restaurant area will have no more than 100 tables and 400 table & banquet seats (96 tables and 330 table & banquet seats while COVID-19 pandemic capacity restrictions are applicable), there will be one stand up bar in the center of the restaurant area with 30 seats. The restaurant and bar area will be for seated patrons only. Total Occupancy of the restaurant and bar area will not exceed 450 people (330 people while COVID-19 pandemic capacity restrictions are applicable). There will be no more than 30 seats in the café/lounge partner coffee operation along Grand St. Occupancy in the Meditation Circle/Reflecting Pool and other areas of the premises including waiting patrons will not exceed 75 persons.
5. There will be only one bar where all alcoholic beverages are sold. There will also be 1 service bar where drinks are made for seated patrons. The area to be licensed for the sale and consumption of alcohol will be limited to the rectangular area presented as the restaurant and bar area in the primary diagram only.
6. There will be no happy hour drink pricing, no “boozy brunches” or other style boozy event promotions. There will not be unlimited drink or unlimited food & drink specials. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
7. A catering company will be contracted to produce 70% of the food offsite. Any cooking done on site will primarily utilize electric vapor cooking to minimize smells and odors. There may be one charcoal/wood grill no larger than 3ft feet x 5 feet. There will be no use of any smokers or significant charcoal such that excessive odors or smoke are created.
8. There will be one main entrance to the restaurant only as indicated in the primary diagram, which will be set back from Grand Street along the Northerly border of the lot (there may be additional exits/emergency exits, but not utilized for patron ingress). There will be a licensed security guard stationed at the entrance to the restaurant after 5pm and until 15 minutes after closing. Additional security guards will be utilized as needed particularly in the evenings and weekends. The Community Garden Style Area will not be accessible to patrons of the

restaurant from the restaurant, meditation circle or reflecting pool area of the lot. The Community Garden Style Area will be accessed from one primary entrance to be located in the Southeast Corner of the lot, either along the Southerly portion of the de-mapped Sullivan St. in Duarte Square Park.

9. After 9:30 PM the Grand Street Entrance will be closed as an exit for patrons and all patrons will exit by means of other exits or gates at either Varick St. and/or Canal Street as Exit Only in order to reduce congregating on Grand St. (which is immediately opposite a residential building). After 9:30 PM hours, patrons will be directed to Varick and Canal Streets for taxis, service and/or uber/lift vehicle.
10. Music on site: Music will be limited to background music only not exceeding 82 decibels and only in covered areas of the restaurant. Covered areas meaning covered by a solid canopy acting as a roof. Background music will occur only between 11:00 AM and 10:00 PM Sunday to Thursday and 11:00 AM and 11:00 PM Friday and Saturday. All music will stop no later than 10:00 PM Sunday to Thursday and 11:00 PM Friday and Saturday. All recommendations presented in the "Noise Investigation – Outdoor Plaza 74 Varick St." by Acoustilog Inc. dated 2/12/2018 will be incorporated. No live music and no DJs permitted. No music will be audible in any adjacent residences at anytime. Premises will at all times be in compliance with all provisions of NYC Noise codes. At no time will there be any music outside of the designated covered restaurant area. This includes no music in the coffee area, retail area or meditation/reflecting pool areas or community garden styled area.
11. Any private or semi-private events will always and only be Grupo Gitano LLC operated and will be for normal seated dining events only. There will be no events or special events other than the normal seated dining operations. Except as to the extent prohibited under applicable rules during the Covid-19 pandemic, there may be on occasion a full buyout of the restaurant for dining purposes only, but any full buyout or over 50% buyout would end at 10PM with all event guests having departed at that time. During all semi-private events or private events where the restaurant and bar would be closed to the public, the premises will operate as it does on other days with the exception of limited entry to private guests. All stipulations during any events would remain in effect including provisions for background music, no live music, no dancing and seated patrons only.
12. Lighting will be predominantly down lighting and string lighting throughout the site. There will be no generators used on the site to service day-to-day operations but, in the event of a power failure, Applicant may be able to use generators on a temporary basis during the course of the emergency. No outdoor mechanicals will violate the NYC Noise Code. There will be one refrigerated container only adjacent to the bar area on the eastside the site which will employ sound shielding of the mechanicals if necessary to shield adjoining buildings from noise. Any other mechanicals will utilize sound shield materials if necessary to shield adjoining buildings from noise.
13. All loading and unloading and servicing of the premises will occur from the Grand Street service entrance only. There will be no more than two food drop offs per day and all other drop offs and servicing will occur in the earlier portion of the day and one pick up in the evening during hours described above. There will be Grupo Gitano, LLC Staff on hand at all times of loading and unloading and servicing to handle traffic and safety issues so as to minimize all disruptions. Vehicles will not be left unattended unless legally parked during loading and unloading and will be expedient in their activities so as to cause minimal

disruption. Steps will be taken by staff to ensure minimal disruption of the existing bike path that runs along the Southern portion of Grand St. adjacent to the site and biker safety will be taken into account at all times. This issue may be revisited with the Applicant or CB2 at any time.

14. Should for any reason there occur any type of issues of patron overcrowding of the site, immediate surrounding sidewalks or ongoing pedestrian issues in accessing the site from any of the four corners of the site or in relation to crosswalks etc. Grupo Gitano, LLC will dedicate staff to ensuring pedestrian safety and work with the NYPD or DOT proactively as necessary to ensure pedestrian safety.
15. The Applicant will work to ensure that there is no undue impact on Duarte Square Park with the use, operation and occupancy of their premises. Duarte Square Park will not be used by the applicant for any purpose. There will be no gates, access points or service points used at anytime which lead onto the de-mapped portion of Sullivan Street which is now passive recreation area for Duarte Square Park. The fence along the Duarte Square Park border will have screening to block views into the service area, food court area and market area. The Applicant will not place branding or advertising along the fence area bordering Duarte Square Park. There may be an entrance to the Community Garden Style Area in the Southwest portion of the lot along the Southerly portion of the fence of the de-mapped Sullivan Street if after meeting and presenting to CB2's Parks & Waterfront Committee an affirmative recommendation is provided.
16. The applicant will assist and work with the NYC Parks Department to manage garbage cans in Duarte Square Park so as to minimize any garbage issues or garbage collection issues and overall litter issues.
17. There will be no screens, projectors or TV's.
18. There will be no dancing.
19. All Garbage pickups will be coordinated to occur at hours so as not to create undue impacts on residential tenants. Applicant will work to try to make sure that no pickups occur between 12:00 AM and 7:00 AM.

THEREFORE BE IT RESOLVED that CB#2, Manhattan recommends denial of the new Temporary/Seasonal On Premise liquor license for Grupo Gitano, LLC & Gitano NYC, LLC d/b/a Gitano, 76 Varick St. 10003 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 liquor License.

Vote: Unanimous in favor (12-0)

11. Mama Capri Corp. d/b/a Mama Capri, 89 Greenwich Ave., 10014 (New OP – Restaurant)

i. Whereas, the Applicant and the Applicant's attorney appeared before Community Board 2, Manhattan's SLA Licensing Committees to present an application to the NYS Liquor Authority for a On-Premise Liquor License; the Applicant will operate a family restaurant featuring genuine Italian dishes in the Neapolitan tradition in the ground floor and basement of a C1-6-zoned (with an R6 overlay), six-story mixed-use building constructed in the 1920's on Greenwich Avenue (Block #615/Lot#36) between West 12th and Bank Streets; and

ii. Whereas, the premises is approximately 2,400 sq. ft. (1,500 sq. ft. ground floor and 900 sq. ft. basement – no patron use of basement) with 18 tables and 40 seats and one (1) bar with 10 seats for a total of 50 interior seats, there will be a forthcoming sidewalk café application for no more than eight (8) tables and 16 seats (previously existed); there are no other outdoor areas for patrons, the applicant provided a Certificate of Occupancy; and

iii. Whereas, the Applicant's agreed to hours of operation will be Sunday to Thursday from 12PM to 11PM and Friday to Saturday from 12:00 PM to 12:00 AM, all patrons will be cleared and no patrons will remain after stated closing times, the sidewalk café will close at 11:00 PM seven (7) days a week, no patrons will remain in the sidewalk café after the closing time; music will be quiet background only consisting of music from iPod/CD's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10:00 PM as stipulated, there will be no dancing, no DJ's, no live music, no scheduled performances, no private parties, no cover fees or promoted events, no televisions, no velvet ropes or metal barricades, no security personnel/door staff; and

iv. Whereas, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the "Method of Operation" of the on-premise liquor license, with those stipulations as follows:

1. Premises will be advertised and operated as a full-service Italian restaurant featuring dishes in the Neapolitan tradition with the kitchen open and full menu available until closing every night.
2. The hours of operation will be Sunday to Wednesday from 12:00 PM to 11:00 PM and Friday and Saturday from 12:00 PM to 12:00 AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not include a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
4. Will not operate as a "lounge," tavern or sports bar or allow any portion of the premises to be operated in that manner.
5. Will not have televisions.
6. Will play quiet ambient recorded background music only from iPod/CD's (i.e. no active manipulation of music – only passive prearranged music). No music will be audible in any adjacent residences at any time.
7. Will close all doors and windows at 10:00 PM every night.
8. Will not install or have French doors, operable windows or open façades.
9. Will not make changes to the existing façade except to change signage or awning.
10. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
11. Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.
12. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. Will not have: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/door
14. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.

15. Any future sidewalk café or roadbed seating will end no later than 11:00 PM every night (all patrons will be cleared by this hour and area closed); no speakers or music played outdoors and no speakers positioned to face outside.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant On-Premise Liquor License in the name Mama Capri Corp. d/b/a Mama Capri, 89 Greenwich Ave., 10014, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous in favor (12-0)

12. Pesh, LLC d/b/a Dame, 87 MacDougal St., 10012 (New OP – Restaurant)

i. Whereas, the Applicant and the Applicant’s attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committees #1 & #2 to present an application to the NYS Liquor Authority for a On-Premise Liquor License; the Applicant will operate a full-service restaurant serving seasonal seafood dishes inspired by English culinary technique in the ground floor and basement of a R7-2-zoned (with a C1-5 overlay), six-story mixed-use building constructed in the 1920’s on MacDougal Street (Block #526/Lot#25) between Bleecker and Houston Streets; and

ii. Whereas, the premises, which was previously licensed with a restaurant wine liquor license, is approximately 400 sq. ft. on the ground floor and approximately 200 sq. ft in the basement space (with employee access only) with seven (7) tables and 15 seats and one (1) bar with five (5) seats, the bar also serving as a food counter, for a total of 20 interior seats; there is one (1) door that will be used for patron ingress and egress and one (1) bathroom; there is no DCA sidewalk café at this time or other outdoor space for the service of alcohol; and

iii. Whereas, the Applicant’s agreed to hours of operation will be Monday to Friday from 5:00 PM to 12:00 AM and Saturday to Sunday from 12:00 PM to 12:00 AM, all patrons will be cleared and no patrons will remain after stated closing times; music will be quiet background only consisting of music from iPod/CD’s (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at 10:00 PM as stipulated, there will be no dancing, no DJ’s, no live music, no scheduled performances, no private parties, no cover fees or promoted events, no televisions, no velvet ropes or metal barricades, no security personnel/door staff; and

iv. Whereas, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the on-premise liquor license, with those stipulations as follows:

1. Premises will be advertised and operated as a full-service restaurant serving seasonal seafood dishes inspired by English culinary techniques with the kitchen open and full menu available until one (1) hour before closing every night.
2. The hours of operation will be Monday to Friday from 5:00 PM to 12:00 AM and Friday and Saturday from 12:00 PM to 12:00 AM All patrons will be cleared and no patrons will remain after stated closing times.

3. The premises will not include a backyard garden or any outdoor area for commercial purposes (not including a licensed sidewalk café).
4. A sidewalk is not included in this application.
5. Will not operate as a “lounge,” tavern or sports bar or allow any portion of the premises to be operated in that manner.
6. Will not have televisions.
7. Will play quiet ambient recorded background music only from iPod/CD’s (i.e. no active manipulation of music – only passive prearranged music). No music will be audible in any adjacent residences at any time.
8. Will close all doors and windows at 10PM every night.
9. Will not make changes to the existing façade except to change signage or awning and remove wood paneling from the side of the façade and restoring it back to its original façade.
10. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
11. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
13. Will not have: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/door
14. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
15. Any future sidewalk café or roadbed seating will end no later than 11PM every night (all patrons will be cleared by this hour and area closed); no speakers or music played outdoors and no speakers positioned to face outside.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant On-Premise Liquor License in the name Pesh, LLC d/b/a Dame, 87 MacDougal St., 10012, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant On-Premise Liquor License.

Vote: Unanimous in favor (12-0)

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

13. MA. GA. GE. Food, LLC d/b/a The Coppola Café, 171 W. 4th St. 10014 (BW-Tavern)
(withdrawn)

Whereas, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on November 5, 2020 the Applicant requested **to withdraw** this application from further consideration at this time, affirming that they 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 **MA. GA. GE. Food, LLC d/b/a The Coppola Café, 171 W. 4th 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 in favor

14. Harlem Roasting Company, LLC d/b/a Prodigy Coffee, 33 Carmine St., 10014 (TW-Bar/Tavern) (BW-Tavern) (Sidewalk café) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 5, 2020 the Applicant requested **to layover** this application from further consideration, affirming that they 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 **Harlem Roasting Company, LLC d/b/a Prodigy Coffee, 33 Carmine 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 in favor

15. Store 3 Pizza, LLC d/b/a Zazzy's Pizza, 201 W. 11th St. 10014 (RW – Restaurant) (laid over at meeting)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 5, 2020 the Applicant requested **to layover** this application from further consideration, affirming that they 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 **Store 3 Pizza, LLC d/b/a Zazzy's Pizza, 201 W. 11th 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 in favor

16. Corp. to be formed by Christopher Nelson d/b/a TBD, 95 7th Ave. So. 10014 (OP-Restaurant) (Rooftop) (Freestanding Covered Structure) (laid over)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 5, 2020 the Applicant requested **to layover** this application from further consideration, affirming that they 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 **Corp. to be formed by Christopher Nelson d/b/a TBD, 95 7th Ave. So. 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 in favor

17. Corp. to be formed by Steven Bensusan, 117 7th Ave. So. 10014 (OP – Restaurant) (Live Music-Jazz, Blues) (sidewalk café) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 5, 2020 the Applicant requested **to layover** this application from further consideration, affirming that they 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 **Corp. to be formed by Steven Bensusan, 117 7th Ave. So. 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 in favor

18. Third Street Jazz Café, Inc. d/b/a Zinc Espresso & Jazz, 82 W. 3rd St. 10012 (OP-Bar/Tavern) (Live Jazz) (Bsmt. & cellar) (withdrawn)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 5, 2020 the Applicant requested **to withdraw** this application from further consideration at this time, affirming

that they 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 **Third Street Jazz Café, Inc. d/b/a Zinc Espresso & Jazz, 82 W. 3rd 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 in favor

19. Pier55, Inc. and Savory Labs, LLC d/b/a Little Island, Pier 55 in Hudson River Park 10014 (BW-Public Park-Amphitheater)(Request for entire island to be licensed for sale of alcoholic beverages)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 5, 2020 the SLA Committee heard this application requesting the service of alcohol throughout the entire 2.4 acres of Pier 55 aka "Little Island," (part of Hudson River Park) until 11:00 PM every night; and,

Whereas, due to the lateness of hour, past 12:00 AM, at the Nov. 5th meeting, CB2, Manhattan's SLA Licensing Committee Meeting decided to hold over this application until it meets again at its regularly scheduled meeting at the beginning of December/2020 as this application sets forth a complex number of issues relating to the regulation and licensing of the entirety of Pier 55 for the service of alcohol, such an application being unique, new and novel, with no existing, analogous example of similar licensing like that being requested in the State of New York, being situated in a public park and requiring further discussion and consideration at the Committee level before providing its position and recommendations; and,

Whereas, CB2 Manhattan requests that this application to the NYSLA not be considered at the NYSLA without receiving the recommendation of CB2 Manhattan at some time in the next 30 days; 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 Pier55, Inc. and Savory Labs, LLC d/b/a Little Island, Pier 55 in Hudson River Park 10014 **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

Vote: Unanimous in favor

Respectfully submitted,

Robert Ely and Donna Raftery, Co-Chairs, SLA Licensing Committee
Community Board 2, Manhattan

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



Antony Wong, *Treasurer*
Valerie De La Rosa, *Secretary*
Amy Brenna, *Assistant Secretary*

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The Community Board 2 Manhattan

Landmarks and Public Aesthetics Committee

held its November meeting on Thursday November 12, 2020 by video conferencing.

Committee Members Present: Chenault Spence (Chair), Susan Gammie (Vice-Chair), Valerie De La Rosa, Eugene Yoo, , Brian Pape,, Bo Riccobono, Anita Brandt

Board Members Absent with Notice: Doris Diether

Board Members Absent without Notice: Sandy Russo

Public Members Present: Mostafa Osman

Public Members Absent with notice: Albert Bennett

Board members:

1. *235 W. 11th St. -Application is to add a rear addition to cellar, basement, 1st, 2nd and 3rd floors; set back terrace on the 2nd floor; re-configured rear portion of the existing 4th floor; new stucco finish applied front elevation; casement window replacement; 1st floor windows sills lowered to floor level; new elevator and interior stair; front & rear yard landscaping

Whereas:

A. The existing rear extension is to be demolished and the proposed extension is similar in size and the new construction, reflecting a historic tea room on the second floor, is similar in size with steel cladding with wide four part windows; and

B. The third floor has four French doors leading to a roof terrace of the tea room and it is recommended that there be three doors to reflect the historic punched openings typical to row houses; and

C. The fourth floor retains the three original openings with suitable windows and the skylight is to be restored; and

D. The upper floors are finished in white stucco which wraps around to a side wall and similar to the existing condition; and

E. The cellar excavation extends 20' from the original back wall into the garden; and

F. The access stair structure and elevator bulkhead are not visible from any public thoroughfare; and

G. The front façade drawings are insufficient to determine a number of details and it was necessary to rely on the applicant's narrative to an unacceptable extent; and

H. At the front, the finish will be in dark brown, for which no sample was submitted, the second floor (parlor) windows are to be lengthened to the original configuration and the front door is to be replaced with a set of historic style double doors and the areaway is slightly modified and the iron work is to be restored; and

I. The proposed surround for the entrance door was only indicated in the rendering and no details were provided about the design and profile; now

Therefore be it resolved that CB2 Manhattan recommends:

A. Denial of the rear façade unless the four doors at the third floor are changed to three doors to reflect the historical configuration of the original windows and approval of the extension and the first, second and fourth floor windows and the stucco finish; and

B. Denial of the front door surround unless the design is substantial and suitable to the main entrance and that the Commission ensures from detailed drawings that it is suitable; and

C. Denial of the front façade color unless the Commission verifies that the color is appropriate; and

D. Approval of the second floor front façade windows and areaway modifications and the non-visible changes on the roof.

Unanimous

2. *244 W. 10th St. - Application is to construct a penthouse addition above existing 3rd floor, including FDNY access on the front and an occupiable terrace at the rear; relocate mechanical equipment and add an interior communicating stair enclosure

Whereas:

A. The rooftop addition is clad in pateniated zinc, with black metal windows is minimally visible from the front (north) and is somewhat, though not objectionably visible from an incidental view at the end of an alleyway from the south; and

B. The front façade of the addition is asymmetrical with an odd platform, stairs, and railing and a simpler design would be preferable; now

Therefore be it resolved that CB2 recommends approval of the application provided that an effort is made to reduce the small visibility from the north with a bevel or angle to the north side of the roof.

Unanimous

3. *827-831 Broadway - Application is to construct a three-story rooftop addition with elevator bulkhead; restore existing Broadway façade-remove and replace non-historic parts of storefront infill, install a new cornice, remove and replace non-historic windows, and clean/repair the façade.

Whereas:

A. This application is a very considerable revision of a prior application, approved by the Commission which the Board believes should properly have been sent for public review before having been heard by the Commission; and

B. Because the changes are extensive, the proposal has been evaluated as a new application; and

C. The drawings submitted to the Community Board by the applicant ahead of the meeting were marked as “approved” with no explantation of the unusual circumstances, which was misleading and caused great confusion to the Committee and the public; and

- D. The property consists of two matching buildings which are an individual landmark and a building fronting on East 12th Street that is not landmarked; and
- E. The building was landmarked both for its architectural merit and its important cultural significance as home and studio for several distinguished artists; and
- F. It is the view of the Board that failing to include the 12th Street building as a part of the individual landmark was a grave error, and the Board is concerned that this omission will have a negative impact on the Broadway buildings; and
- G. The proposal is for a three story rooftop penthouse and a corner of a five story addition that is primarily on the 12th Street building and extends three stories above the penthouse; and
- H. The addition gives the appearance that it is a part of the landmarked building rather than a separate structure; and
- I. The penthouse facade is in glass with no visible divisions between the sections and its design is purported to pay homage to the artists who lived and worked in the building; and
- J. The penthouse and the addition rising from the landmarked building are clearly visible from Broadway and along East 13th Street and the visibility and the design's utter lack of historical reference or relationship to the building make it unacceptable; and
- K. The restoration of the cast iron facade and windows above the ground floor are exemplary; and
- L. The south storefront is to be restored and the north storefront is a design in dark wood and glass reflecting a prior condition; and
- M. The north store woodwork is extremely thin and gives the appearance of metal rather than the substantial feeling of wood; and
- N. Village Preservation spoke in opposition to the proposal and stated its objection to the 12th Street building's not having been included in the individual landmark; and
- O. There was considerable testimony from the public in opposition to the proposal concerning the harm done to the building by the penthouse and the addition, the speciousness of the applicant's argument that the design was contextual by way of Abstract Expressionism, the disruption of the light court, and the harm done to the adjacent properties on 12th Street growing from the 12th Street building's not having been included in the landmark designation; and

P. There was no public testimony in favor of the proposal; and

Q. Further, there was concern from the public that the proposal was not available for review in time to provide adequate opportunity for study; now

Therefore be it resolved CB2 Manhattan recommends that:

A. The glass, highly visible penthouse and the addition above the penthouse be denied; and

B. The restoration of the cast iron façade and the windows above the first floor be approved; and

C. The south storefront restoration be approved; and

D. The north storefront be denied unless the woodwork is more substantial and reflects the historic period of the design.

Unanimous

4. *822 Greenwich St. - Application is to remove and replace a non-historical, decorative structure to more prominently display the building address.

Whereas:

A. The flat glass “sign” like decorative structure is prominent and a feature incorporated when the building was converted from meat packing to residential; and

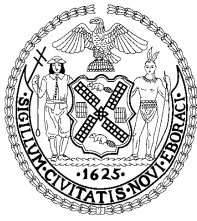
B. The proposal is to eliminate the central bulls-eye window and to apply the house number to the plain, grey surface; now

Be it resolved that CB2 recommends approval of this application.

Four in favor

Three opposed (Bo Riccobono, Eugene Yoo, Mostafa Osman)

Respectfully submitted,
Chenault Spence, Chair



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SCHOOLS AND EDUCATION COMMITTEE

November 2020

The Schools and Education Committee of Community Board 2 met on Monday, November 16, 2020 at 6:30 p.m. via Zoom webinar.

We discussed three topics, the:

- 1) Extension of priority admissions for middle and high school students to students from both Community School Districts 1 and 2;
- 2) Impending DOE decision to close schools and not permit students to opt back-in to hybrid learning at a later date; and,
- 3) Expansion of [Learning Bridges](#), a NYC DOE program that provides free child care options for children from 3-K through 8th grade on days when they are scheduled for remote learning.

CB 2 Board Members Present: Jeannine Kiely (Chair), Patricia Laraia (Vice-Chair), Akeela Azcuy, Keen Berger, Amy Brenna, Rich Caccappolo, Mar Fitzgerald, Betty Kubovy-Weiss and Matt Metzger

Public Members Present: Michael Markowitz

Public Members Absent with Notice: Barbara Glassman

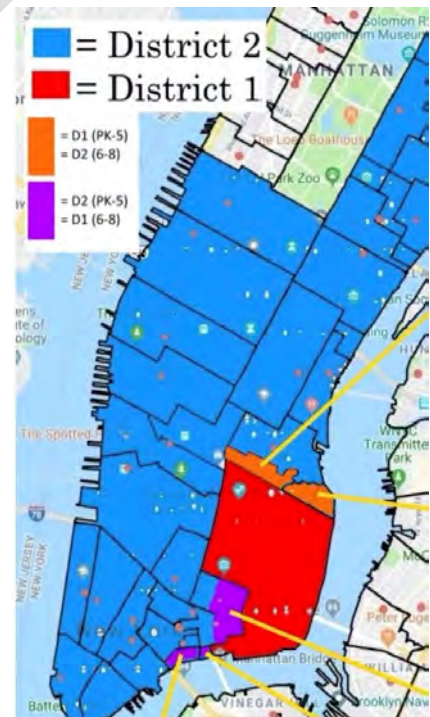
Other CB 2 Members Present: Carter Booth, Donna Raftery and Dr. Shirley Smith.

Elected Officials: Pat Comerford with Speaker Johnson. Luke Wolf with Comptroller Stringer.

MINUTES

1) Extension of Priority Admissions for Middle Schools and High Schools to Students from Community School District 1 and 2. We discussed a resolution similar to one passed by Community Education Council District 2 in September 2020 in support of priority admissions to middle schools and high schools for students in school Districts 1 and 2. District 2 (in blue) extends from 96th Street on the east side down to the Battery and up to 59th Street on the west side, but carves out the East Village and parts of the Lower East Side. In Manhattan, there are six school district. District 1 (in red) is unique in that it is bordered on three sides by another school district.

Districts 1 and 2 (D1 and D2). In 2018-19, both districts enrolled approximately 35,500 students in elementary and middle schools, with about 7,000 (20%) in D1 and about 28,500 (80%) in D2. D1 demographics more closely mirror those of New York City with 71% of students living in poverty (vs. 33% in D2), 16% Asian (vs. 27% in D2, which comprises much of Chinatown), 16% Black (vs. 7% in D2), 50% Latinx (vs. 17% in D2) and 15% White (vs. 43% in D2) These differences are understated because for middle and high school, whiter and wealthier sections of D1 (in orange on map to right) are



moved into D2, while less white and poorer sections of D2 (in purple) are moved in to D1. (For a larger map, please see the resolution that follows.)

Why? [As reported in the New York Times](#), in 1969, when the NYC Board of Education created a 32-district school system, it allowed Manhattan to retain six districts with support from a letter from Governor Rockefeller, even though Manhattan did not meet the State Legislature’s requirement that each community school district have an average daily attendance of at least 20,000 students. In its announcement, the Board cited “intense public opposition” as the rationale.

In fact, D1 lines capture public housing in the East Village and the Lower East Side and carve out nearly entirely redlined neighborhoods that had been deemed “hazardous” based on a 1935-40 Home Owner’s Loan Corp Risk Map. Redlining is the practice of refusing to loan (or insure) someone because they live in an area deemed to be a poor risk. (For larger maps, please see the resolution that follows.)



Middle and High Schools. While the D1/D2 border have little segregative impact on elementary school students who largely are assigned to their local school, it helps segregate D1 students away from D2 students in middle and high school due to in-district priority admission. D2 students have priority for 19 middle and five high schools.

The committee fully supported this resolution but shared concerns that implementation would require a close eye on integration, specifically that more resourced families in D1 (who tend to be wealthier and white) might use this to move to D2 schools.

2) Closed Schools and In-Person Learning. Yesterday, the DOE announced that NYC public schools would return to fully remote learning effective today, Thursday, November 19 – **JUST SEVEN WEEKS AFTER OPENING ONE MONTH LATE.** The DOE failed to provide any clarity for students and families about the length of closing and any parameters for reopening, even though this decision had become more likely as the coronavirus positivity rate approached the seven day average of 3%, the threshold to close public schools agreed to by city, DOE and the United Federation of Teachers. While the committee was mixed about the need to close schools, all supported allowing parents opt-in dates for their children return to hybrid learning.

3) Learning Bridges. In October 2020, the DOE launched [Learning Bridges](#), a new program that provides free child care options for children from 3-K through 8th grade on days when they are scheduled for remote learning. Learning Bridges provide valuable childcare resources for working parents, particularly those with children too young to stay home alone. The program will continue to remain open with priority to children of essential workers. With demand expected to increase now that public schools are closed, our committee supports expanding funding and capacity of Learning Bridges programs to meet the needs of families in need of childcare until public schools fully reopen.

Business Session. The CB 2 Schools and Education Committee met in business session and supported the following three resolutions. We had a robust discussion about what is happening with integration initiatives in District 2. The state recently awarded D2 a \$2.6 million integration grant and the city begins a process to replace the D2 superintendent who recently accepted a new position in Connecticut. This will be a topic for later meetings. Also, in light of requests from many parents, CB 2 will host a high school student panel, targeting current 8th grade students and their parents who are trying to navigate the high school admission process during the pandemic.

Respectfully submitted,

Jeannine Kiely
Chair, Schools & Education Committee
Community Board 2, Manhattan

#1 Resolution to Extend Priority Admissions for Middle Schools and High Schools to Students from Community School District 1 and Community School District 2

Whereas:

1. On September 7, 2020, Community Education Council District 2 passed [Resolution #153 to Extend Priority Admissions for Community School District 2 Middle Schools, and High Schools to Students from Community School District 1](#);
2. Community Board 2 is fully committed to supporting and advancing principles of racial and economic justice, especially as these principles apply in the educational context;
3. CB 2 rejects and seeks to undo any systems of education which keep racial minorities geographically isolated and separated from their peers by either implicit or explicit governmental policies that exist, or have existed, throughout our society;
4. Rejecting and undoing racism requires swift and definitive action from those in a position to influence change;
5. One troubling example of segregation within the New York City's public schools directly involves Community School District 2 ("District 2") and Community School District 1 ("District 1"); namely, how decades ago¹, a section of Manhattan currently known as Community School District 1 ("District 1"), which had and continues to have a higher percentage of students of color, low-income students, and students who live in public housing than District 2, and which the current District 2 surrounds to the north, west, and south (the eastern border of District 1 is the East River, making it an "island district" relative to District 2), was carved away from District 2 resulting in, even if unintentionally, a segregated, lower income, racially isolated student body in District 1 (See maps A, B and C and Table I);
6. While the District 1/District 2 border has little segregative impact on elementary school students, who largely are assigned to their most local school(s), the border plays a substantial role in segregating District 1 students away from District 2 students in middle and high school due to the application of in-district admissions priority;

¹ In 1969, the NYC Board of Education created a 32-district school system, allowing Manhattan to retain six districts with support by a letter from Governor Rockefeller, even though Manhattan did not meet the State Legislature's requirement that each community school district have an average daily attendance of at least 20,000 students. In its announcement, the Board said that "The responses of the Manhattan public have indicated the strongest possible opposition to a reduction in the number of districts from six to five. The people have pointed out, quite correctly, that such action would vitiate the entire community district concept, destroy the good working relationships and interpersonal contacts built up over the years, eliminate natural boundaries in many cases and result in intense public opposition." Buder, Leonard. (1969, November 16). City Board Plans a School System of 32. *The New York Times*, pp. 1, 52.

https://timesmachine.nytimes.com/timesmachine/1969/11/17/89384241.pdf?pdf_redirect=true&ip=0.

- a. Students of District 1, a much smaller adjoining district to District 2², do not have access to schools in the larger District 2 and do not have priority in admission;
 - b. District 2's middle schools and high schools are in high demand and should be available for students and residents of District 1³;
7. The maintenance and support of District 1/District 2 segregation for middle and high school is emphasized by the decision to allow some of District 1's higher income students, who live in the northernmost portion of the district, to switch to District 2 for middle and high school, while some of District 2's poorest students - who are overwhelmingly students of color - are switched to District 1 for middle and high school, thereby keeping them out of District 2's middle and high school due to in-district priority;
 8. Using school district lines to keep poorer students and students of color out of District 2's middle, and high schools, and racially isolated in District 1 schools, even if unintentional, is antithetical to the CB 2's commitment to racial and economic justice; and,
 9. CB 2 wishes to be a change agent for tearing down racism and classism in our city and its schools, and integrating its student body, and wishes to do so in a manner that is swift, deliberate, and positive while maintaining rigorous, challenging, and inspiring academics;

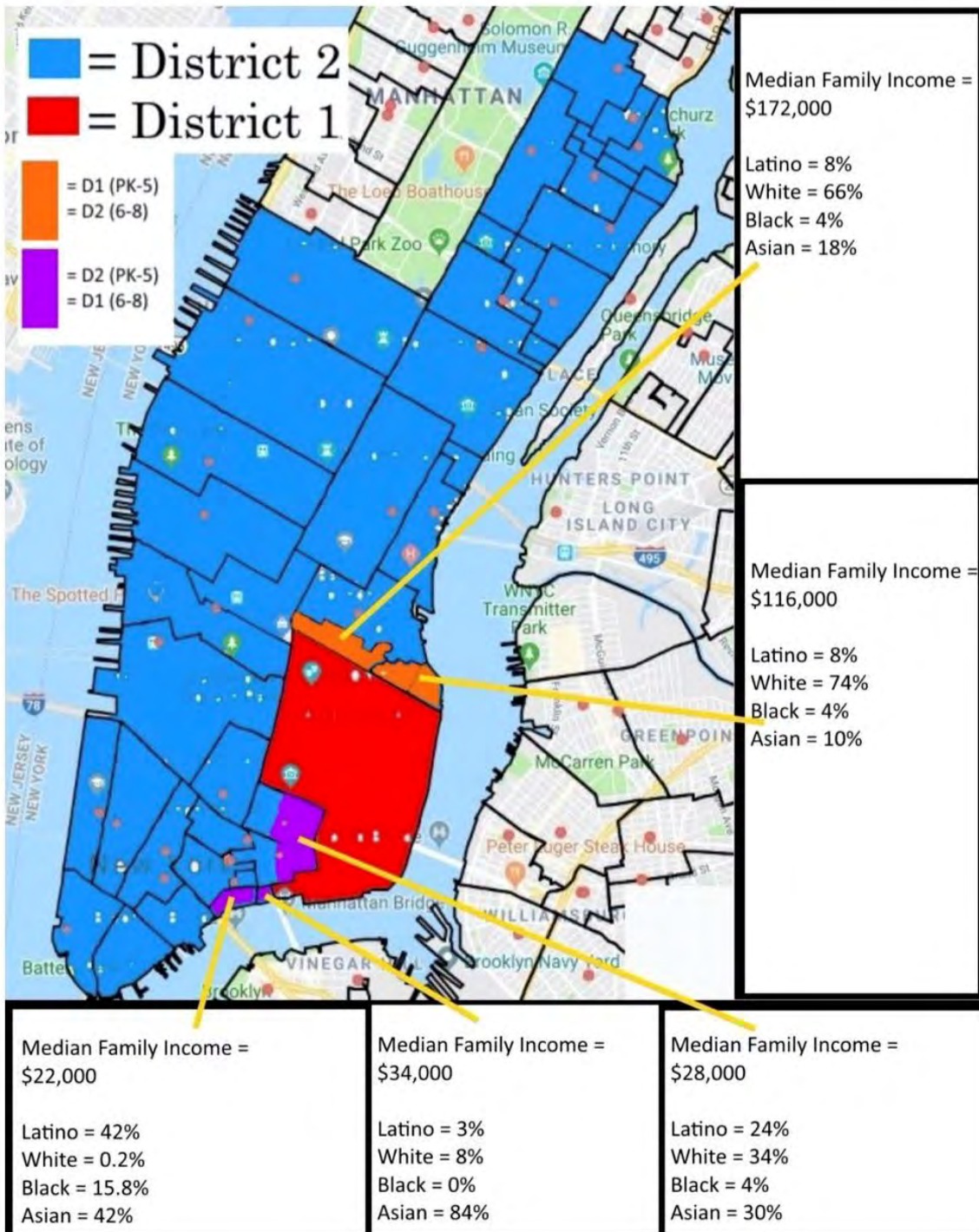
Therefore be it resolved that Community Board 2 calls on the City of New York, Mayor Bill de Blasio, and New York City School Chancellor Richard Carranza to immediately grant all students who live in Community School District 1 the same priority for admissions into Community School District 2 middle and high schools as those received by students who live in District 2.

Passed: Unanimous

² In the 2018-2019 school year, District 1 (D1) and District 2 (D2) enrolled 35,468 students in elementary and middle schools -- 6,948 (20%) in D1 vs. 28,520 (80%) in D2. Data is from the 2018-2019 NYC DOE Demographic Snapshot, <https://infohub.nyced.org/reports/school-quality/information-and-data-overview>. See Table 1.

³ District 2 (D2) students and residents have priority for 19 middle schools and five high schools -- Baruch College Campus (98% of offers to D2 students or residents), Eleanor Roosevelt High School (100% of offers to D2 students or residents), NYC Lab School for Collaborative Studies (98% of offers to D2 students or residents), NYC Museum School (62% of offers to D2 students or residents) and Millennium High School, which gives priority to students who live or attend school south of Houston Street (85% of offers went to these students.) High school admissions data is from the 2021 NYC High School and Specialized Admission Guide, NYC Department of Education, <https://www.schools.nyc.gov/docs/default-source/default-document-library/2021-high-school-and-specialized-high-schools-admissions-guide---guide-to-the-shsat>.

Map A: District 1 and District 2 Boundaries



Map B: District 1 Overlap with NYCHA Developments

NYC OpenData

Map of NYCHA Developments
Based on [Map of NYCHA Developments](#)



(Compare above with District 1 lines, which are plainly drawn to capture public housing)

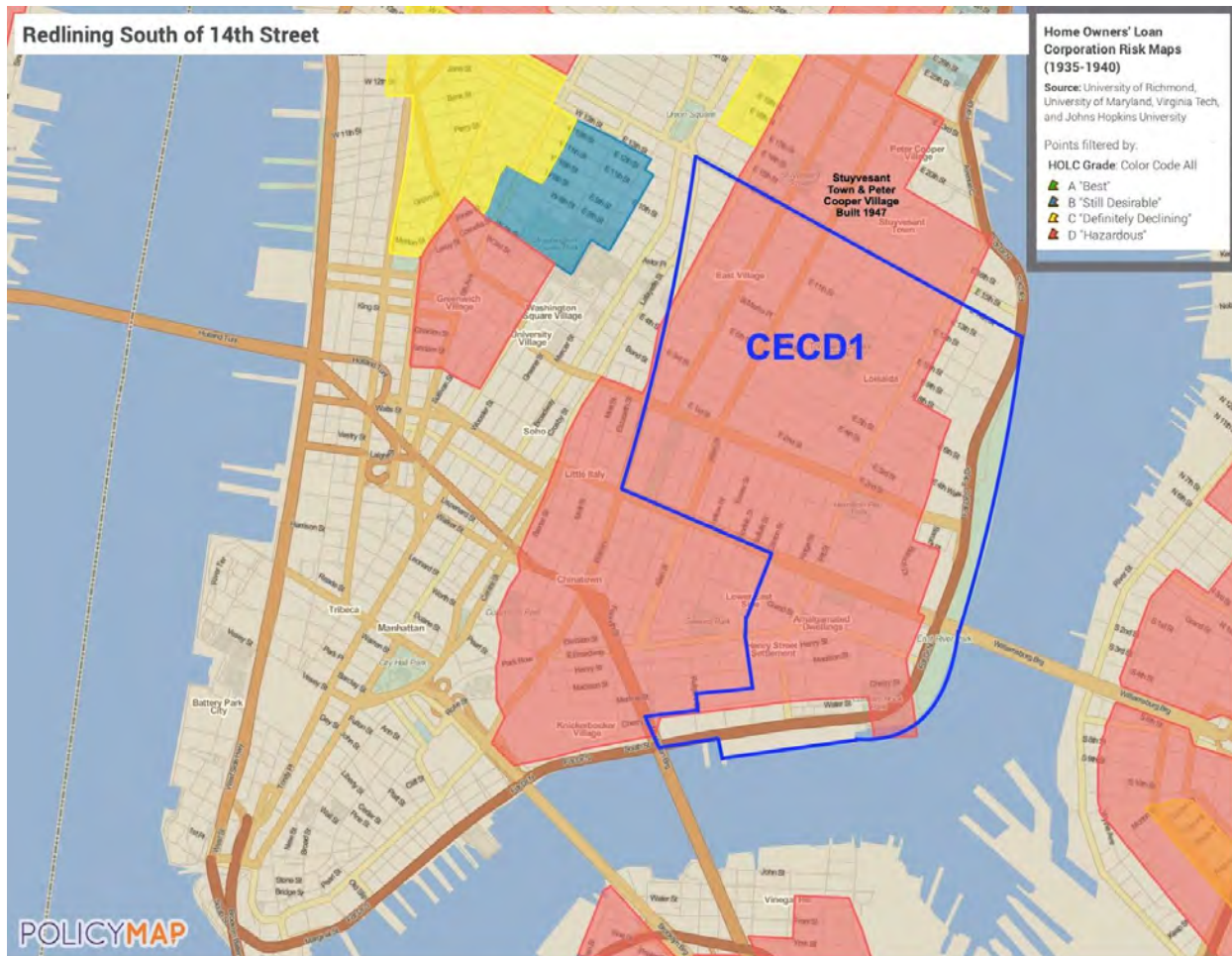
* The differences shown here are understated because they reflect the demographics of District 1's elementary school borders. For middle and high school, whiter and wealthier sections of District 1 are moved into District 2, and less white and poorer sections of District 2 are moved into District 1.

Table 1: District 1 vs. District 2 Enrollment and Demographics for Elementary and Middle Schools Under CECD1 and CECD2

2018-19	District 1	District 2	D1 vs. D2 Difference
Total Enrollment	6,948	28,520	35,468
% of Total	20%	80%	100%
Asian	16%	27%	- 11%
Black	16%	7%	+ 9%
Latino	50%	17%	+ 33%
White	15%	43%	- 28%
Poverty	71%	33%	+ 38%

Source: NYC Dept. of Education. CEC District 1 schools directory, <http://www.district1nyc.com/d1-schools-directory.html>, which excludes NEST+m, a citywide G&T school. CEC District 2 schools directory at https://drive.google.com/file/d/1nR85Cj_VjGZvTSfMV7wAtYRGd1C_t5_b/view.

Map C: District 1 Nearly Entirely Redlined Based on Home Owners' Loan Corp. Risk Map, 1935-40



#2 Resolution in Support of Clear Parameters for Reopening Public Schools and Additional Opportunities for Families to Opt into In-Person Learning

Whereas:

1. On Wednesday, November 18, the NYC Department of Education (DOE) announced that New York City public schools would return to fully remote learning, effective Thursday, November 19, 2020;
2. The city's late-in-the-day announcement – after many students had already been dismissed – also failed to provide any clarity for students and families about the duration of closing nor any parameters for reopening, even though this decision had become more likely as the coronavirus positivity rate approached the seven-day average of 3%, the threshold to close public schools agreed to by city, DOE and the United Federation of Teachers;
3. Instead, the DOE insisted that families that initially elected fully remote learning would need to decide by Sunday, November 15 to return to hybrid learning by November 30, the date following Thanksgiving break, a now moot option;

- a. In July 2020, the DOE announced that the learning models for the start of the 2020-2021 academic year would include a hybrid model that would provide the opportunity for every student to attend their own school for in-person learning, that the default option for all families would be hybrid learning and that families opting for remote-only had to actively inform the DOE of their choice to opt out of in-person learning;
 - b. During summer 2020, the DOE informed families that they could opt into remote-only learning at any time, and that there would be multiple “open enrollment” periods throughout the academic year to switch from remote-only learning to in-person learning;
 - c. By October 2020, roughly 50% of students had opted for remote-only learning;
 - d. In October 2020, the DOE announced a change to their previously communicated plan and informed families that there would be a single “open enrollment” period in November 2020 to switch from remote-only learning to in-person learning because adjusting for changes in status presents complicated school scheduling challenges;
4. Attending school in-person is optimal for the social-emotional and academic development for many (but not all) students; and,
 5. Many students and their families are hopeful that coronavirus cases rates may drop in the spring.

Therefore be it resolved that Community Board 2:

1. Demands that the Department of Education provide clarity for students and families about parameters for reopening public schools including significantly more comprehensive coronavirus testing and tracing; and,
2. Requests that the DOE reinstate “open enrollment” periods, prior to schools reopening during the remainder of the school year when families may opt in to in-person learning.

Passed: Unanimous

**#3 Resolution to Expand the Learning Bridges Program
To Meet Childcare Needs Until Public Schools Fully Reopen**

Whereas:

1. On Wednesday, November 18, 2020, the NYC Department of Education (DOE) announced that New York City public schools would return to fully remote learning, effective Thursday, November 19, 2020, creating additional childcare burdens for most families with children who have been enrolled in hybrid learning;
2. In October 2020, the DOE launched [Learning Bridges](#), a new program that provides free child care options for children from 3K through 8th grade on days when they are scheduled for remote learning;
 - a. Providers include NYC Parks Recreation Centers and long established nonprofit providers such as Grand Street Settlement, Henry Street Settlement, Manhattan Youth and the YMCA of Greater New York;
 - b. Local Learning Bridges providers include the NYC Parks Tony Dapolito Center, the Chinatown YMCA and the McBurney YMCA.
3. Learning Bridges programs provide valuable childcare resources for working parents and are expected to remain open now that schools are closed, with priority enrollment for to children of essential workers; and,

4. Demand for these programs is expected to increase now that public schools are closed.

Therefore be it Resolved that Community Board 2 urges the Department of Education and the Department of Youth and Community Development to expand funding and capacity of Learning Bridges programs to meet the needs of families in need of childcare, until schools reopen five days a week.

Passed: Unanimous

DRAFT

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



Antony Wong, *Treasurer*
Valerie De La Rosa, *Secretary*
Amy Brenna, *Assistant Secretary*

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REOPENING WORKING GROUP

November 9, 2020

The Reopening Working Group of Community Board 2 met via Zoom on Monday, November 9, 2020 to continue the discussion of the current state of the Open Restaurants program and Open Streets: Restaurants program (Mayor Executive Order No. 153 and Int 2127-2020 a Local Law about expiration of the outdoor dining program and to introduce the Open Storefronts program.

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

CB2 Board Members Present: David Gruber, Katy Bordonaro, Michael Levine, Cormac Flynn, Janet Liff, Eugene Yoo, Matthew Metzger, and Brian Pape

CB2 Staff Present: Bob Gormley, District Manager

Elected Official Representatives Present: Charlie Anderson (Assemblymember Deborah Glick)

Minutes

Valerie De La Rosa, Reopening Working Group Chair, called the meeting to order at 5:33PM.

The committee met in a business session to discuss public testimony from the October Reopening Working Group meeting as well as written testimony received from the public in both October and November. The committee moved to write a resolution regarding the outdoor dining program (Open Restaurants and Open Streets: Restaurants).

Due to time limitations of a different CB2 committee meeting directly after the RWG meeting, a motion was made to table the discussion on the Open Storefronts program until next month.

The meeting adjourned at 6:29PM.

RESOLUTION

1. Resolution in response to the Mayoral Executive Order No. 153¹ and City Council Int 2127-2020: Expiration of the Outdoor Dining Program² - extending the expiration of the City's current outdoor dining program (Open Restaurants and Open Streets: Restaurants) until September 30, 2021 (self-certified temporary sidewalk seating and self-certified roadway seating), and the replacement of the current outdoor dining program with a permanent program allowing for the use of roadway seating as outdoor dining areas.

Whereas:

1. On March 7, 2020, New York State Governor Andrew Cuomo declared a State disaster emergency for the entire State of New York to address the threat that COVID-19 poses to the health and welfare of New York residents and visitors,
2. New York City Mayor Bill de Blasio's Emergency Executive Order No. 98, issued March 12, 2020, and extended most recently by Emergency Executive Order No. 161, issued November 13, 2020, contains a declaration of a state of emergency in the City of New York due to the threat posed by COVID-19 to the health and welfare of City residents, and such declaration remains in effect,
3. Community Board 2 Manhattan (CB2) fervently advocated for and supported measures for temporary outdoor dining to alleviate the economic hardship faced by eating and drinking establishments (in recognition that eating and drinking establishments are an important fabric of our community and the city) – including immediate implementation of a temporary outdoor dining program – vis-à-vis a letter dated June 6, 2020³, which specifically asked for a clear enforcement plan and for a quick and efficient community-review process as well as four types of outdoor dining solutions to maximize equity among operators and outlined potential issues – issues which continue to be concerning for the district – to ensure residents' quality of life would not be compromised,
4. The Mayor issued Emergency Executive Officer No. 126⁴ on June 18, 2020, which established the Open Restaurants program allowing restaurants, bars, and other establishments to use outdoor space on sidewalks and the roadway for additional dining space to support establishments during the pandemic,
5. After the distribution of the June 6, 2020 letter, CB2 was not formally engaged by any city agency to provide feedback on any outdoor dining policy as it relates to our district,
6. CB2 has supported temporary measures to allow its restaurants to generate income, and has withstood the haphazard array of construction, operation, and enforcement in the face of a national crisis, making permanent this emergency arrangement without a comprehensive citywide plan undermines zoning regulations and municipal policies that have been longstanding,

¹ Office of the Mayor Emergency Executive Order No. 153: <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eo-153.pdf>

² City Council Bill Int 2127-2020: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4647999&GUID=8A4B065C-C372-4797-A38E-FEF39C3C02D2&Options=ID|Text|&Search=outdoor+dining>

³ CB2 Reopening Working Group Letter, dated June 6, 2020: https://www.dropbox.com/s/x89v7pxhxa6t/CB2_Outdoor_Dining_Letter_June_2020.pdf?dl=0

⁴ Office of the Mayor Emergency Executive Order No. 126: <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eo-126.pdf>

7. This experimental program has revealed many flaws over the last five months, including lack of enforcement by DOT; lack of coordination between NYC DOT and NYS SLA; contradictory guidelines that result from a lack of coordination between city agencies; the disadvantage of law-abiding operators in the face of operators who flout existing guidelines; a rigid self-certification system that fails to accommodate the needs of all operators and leads to inequity among operators; public nuisances; safety concerns regarding safe passage on city sidewalks and streets,
8. CB2 has the highest number of Open Restaurants permits of all community districts (911 Open Restaurants Permits issued⁵) and has the highest number of Open Streets: Restaurants sites (16 Open Streets: Restaurants Permits issued or 18% of all Open Streets: Restaurants sites across all five boroughs and 28% of all Open Streets: Restaurants sites across Manhattan alone⁶),
9. Our elected officials rush to judgment without any formal community review process to permanently privatize public space for only one industry during an unprecedented global pandemic is malfeasance,
10. Self-certification for the temporary outdoor dining program was a short-term solution, revealing over the last five months vulnerabilities in enforcement that have led to issues of egregious non-compliance documented and observed,
11. Guidance on the outdoor dining program is not synthesized in one place and is distributed in piecemeal by different agencies,
12. Sidewalk space is inappropriately being used for tables: tables are consistently set up on curbside of sidewalk in direct disregard of clear guidelines (in diagrams in both Open Restaurants and Open Streets: Restaurants) and in some cases, there are double parallel rows of tables (tables at the curb parallel to tables next to the building⁷,
13. Tent enclosures or awnings that extend from the building across the entire sidewalk to the curb with support posts on sidewalks holding up tents or awnings, further minimize the sidewalk space due to incomplete guidance on where the support structures can be placed; in all cases, these enclosures that are extensions of the building to the sidewalk curb, inadvertently, privatize the public sidewalk space by forcing residents to walk through an “outdoor room” to use a public sidewalk right-of-way that has been severely reduced below the required 8-foot clearance, potentially compromising the public safety and public health of the community at a time when COVID-19 cases and hospitalizations in the city are on the rise⁸
 - a. Incomplete guidance on sidewalk enclosures is costly for operators who have already made a significant investment in and have constructed sidewalk enclosures, and operators were not informed that sidewalk it was not until the Office of Nightlife’s Multi-Agency Town Call on November 18, 2020, where both Judy Chang (DOT) and Steven Picker (SBS/Food & Beverage) confirmed that enclosed structures on sidewalks are not permitted.⁹

⁵ DOT Open Restaurants Dashboard, CB2 data pulled November 16, 2020:

<https://experience.arcgis.com/experience/ba953db7d541423a8e67ae1cf52bc698>

⁶ DOT Open Streets Restaurants: <https://www1.nyc.gov/html/dot/html/pedestrians/openstreets-restaurants.shtml>

⁷ DOT Open Restaurants Siting Criteria Diagram: <https://www1.nyc.gov/html/dot/images/pedestrians/open-restaurants-application-detailed-specs.jpg>

⁸ City of New York COVID-19 Data: <https://www1.nyc.gov/site/doh/covid/covid-19-data.page>

⁹ Office of Nightlife Multi-Agency Town Call, November 18, 2020: <https://www.facebook.com/nycnightlifegov/posts/3390338844419322>

14. Whereas, there is a lack of clarity of the definition of 100% capacity in the case of outdoor enclosed structures, which in turn makes it impossible determine compliance with indoor dining guidelines where restaurants also have outdoor space; guidelines are ambiguous in defining the correct reduction of tables and the correct space between them,
15. CB2 has the highest number of landmarked districts in the city (Greenwich Village Historic District, Gansevoort Market Historic District, SoHo-Cast Iron Historic District, Charlton-King-Vandam Historic District, MacDougal-Sullivan Gardens Historic District, NoHo Historic District, South Village Historic District, Sullivan-Thompson Historic District, and partially the Bowery Historic District), all of which have been fiercely protected through a formal community review process, and yet face severe aesthetic consequences under a permanently disfigured streetscape of mismatched structures of various materials, heights, and densities,
16. CB2 recognizes that the outdoor dining structures in the roadway and on the sidewalks were initially intended to be temporary solutions built on a budget; however there is now no process nor cure for the permanent aesthetic corruption of building structures emerging from historic streetscapes in the roadway and on the sidewalk,
17. Propane heaters were previously illegal and were made permanently legal by the Mayor's Executive Order No. 153,
18. CB2 residents voiced concerns regarding the following as they relate to outdoor dining:
 - Complete lack of enforcement by DOT;
 - Complete lack of community input on transitioning a temporary program to a permanent one;
 - Sanitation: decline in pick up at corner baskets and overall increase in trash in and around the district;
 - Seniors aging in place;
 - Traffic congestion;
 - Climate impact of outdoor heaters;
 - Equity for all uses of the public roadway: cyclists and public sidewalk: pedestrians; and
 - No resident guidance for making the outdoor dining program a success.
19. A lack of enforcement has placed much undue burden on CB2 residents to file complaints with 311 regarding multiple egregious violations of the Open Restaurants and Open Streets: Restaurants guidance¹⁰ provided by DOT, but most 311 cases are closed with little or no curing of the violation,
 - Blocked residential entryways;
 - Sidewalk egress less than the allotted 8-foot clearance;
 - Egregious violations of the DOT Siting Criteria, including tables next to curb (not in the roadway and not next to the building);
 - Lack of social distancing;
 - Noise;
 - Amplified music, and
 - 20-pound propane heaters stored next to residential buildings in unlocked metal cages.

¹⁰ DOT Open Restaurants page: <https://www1.nyc.gov/html/dot/html/pedestrians/openrestaurants.shtml#updates>

20. CB2 311 complaints regarding Noise-Street increased 46% year-over-year and Noise-Commercial increased 32% year-over-year (reporting period: June 16, 2020-November 16, 2020 vs. June 16, 2019-November 16, 2019)¹¹.
21. A CB2 survey of residents¹² indicated that lack of sidewalk egress was the number one issue with the outdoor dining program, irrespective of complete and utter disregard by the City for community input in evaluating the efficacy of the temporary outdoor dining program over the last five (5) months,
22. The transition of the temporary outdoor dining program (Open Restaurants and Open Streets: Restaurants) to a permanent outdoor dining program without building a clear enforcement plan and process for community input is a complete disenfranchisement of the residents in CB2 during a global pandemic, especially those who live in residential zones, where commercial overlays place eating and drinking establishments on heavy residential streets,
23. A completely flagrant lack of enforcement by DOT over the last five (5) months gives CB2 residents absolutely no confidence in a permanent version of this program,
24. Outdoor dining program guidance is haphazardly issued by multiple agencies in an untimely manner, causing operators to undertake unnecessary increased costs in order to mitigate contradictory guidelines,
25. Operators who are following the guidance issued as-is are at a disadvantage to operators who explicitly violate the guidance,
26. Under DOT's current self-certification system for participation in the outdoor dining program, there is not an opportunity for exceptions to be made, leading to inequity for certain operators to participate in the program causing undue economic hardship,
27. DOT has issued no fines¹³ during the duration of the outdoor dining program and Commissioner Trottenberg is seeking a lax approach to enforcement by the State Liquor Authority (SLA),¹⁴
28. DOT receives complaints from three different sources (311, DOT Borough Commissioners' offices, and Consumer Affairs and Business Licensing Committee Chairperson Cohen's office)¹⁵
29. There is no enforcement coordination between DOT and SLA,

¹¹ BoardStat, Manhattan Community Board 2, 311 Data on Noise: <https://boardstat.beta.nyc/manhattan>

¹² CB2 October Resident Survey on Outdoor Dining.

¹³ Transcript: City Council Committee on Consumer Affairs and Business Licensing Meeting, September 30, 2020, quoted from DOT Commissioner Polly Trottenberg, pg. 48, line 4
<https://legistar.council.nyc.gov/View.ashx?M=F&ID=8857610&GUID=D3A74677-3635-4F4B-9917-BEB2F1F19201>

¹⁴ Transcript: City Council Committee on Consumer Affairs and Business Licensing Meeting, September 30, 2020, quoted from DOT Commissioner Polly Trottenberg, pg. 62, lines 21-22
<https://legistar.council.nyc.gov/View.ashx?M=F&ID=8857610&GUID=D3A74677-3635-4F4B-9917-BEB2F1F19201>

¹⁵ Transcript: City Council Committee on Consumer Affairs and Business Licensing Meeting, September 30, 2020, quoted from DOT Commissioner Polly Trottenberg, pg. 117, line 14
<https://legistar.council.nyc.gov/View.ashx?M=F&ID=8857610&GUID=D3A74677-3635-4F4B-9917-BEB2F1F19201>

30. A severe lack of a cohesive enforcement plan from June - November 2020 has given residents no confidence in DOT's ability to manage a permanent version of the Open Restaurants and Open Streets: Restaurants programs, and
31. Permanency should not be considered until the program has operated during all seasons and the effects of year-round operation are known, and

Therefore be it resolved:

1. Community Board 2 strongly urges the City to slow down the process of making the outdoor dining program (Open Restaurants and Open Streets: Restaurants programs) permanent in order to conduct an evaluation of the immediate past seasons (Summer 2020 and Fall 2020) and to establish a formalized community review process,

Be it further resolved:

1. CB2 supports advancing towards a permanent outdoor dining program **only if the following criteria are met:** an evaluation of the existing temporary outdoor dining program with residents and operators, a plan for a formalized community review process of outdoor dining, and an enforcement plan,
2. CB2 without reserve does not support the outright privatization of public space which gives away public right-of-way to one industry without any public input and recognizes that while the intention of this giveaway of public space is to benefit the temporary economic hardship faced by eating and drinking establishment operators, it is ultimately the property owners that will benefit from the free public land,
3. While CB2 supports more outdoor seating in the district, we recognize that this can't be a one-size fits all approach, that there may be areas where outdoor dining does not work and areas where all aspects of outdoor dining work well and that this will need further evaluation,
4. CB2 asks for clearer guidance on tent enclosures and built structures that are in the roadways and sidewalks, and specifically asks for the elimination of enclosures and structures that extend from the building to the sidewalk curb that create "rooms" over the entire sidewalk, leaving pedestrians no choice but to either walk through the "room" which usually has less than the required 8-foot sidewalk egress clearance inside of the "room,"
5. CB2 asks for a planning study to determine the best uses for creating more equitable outdoor dining opportunities in our district that enhance quality of life for residents and create more economic opportunities for all business industries within our district,
6. CB2 strongly urges immediate enforcement of the propane heater tank weight limits stored on-site and additionally asks for a review of the propane heaters at the end of the Winter season to address whether or not propane heaters should be allowed permanently and if so, how the updated guidance can accommodate that use more efficiently for operators,
7. CB2 calls for the immediate evacuation of all outdoor dining apparatus that currently blocks residential entryways (tents, structures, dining tables, etc.) without hesitation and swiftly by unquestionably enforcing the current guidance outlined by DOT that prohibits blocked residential entryways,

8. CB2 strongly recommends that the outdoor dining program administration fully transition to the Department of Consumer Worker Protection (DCWP) to manage the program because of the existing synchronicity between the management of the sidewalk cafe licensing program by DCWP and the management of liquor licenses by the SLA in a system that has proven successful for all parties involved,
9. CB2 supports a centralized process for complaints that aggregates 311 data and SLA complaints, a one-stop shop for the next iteration of the outdoor dining program,
10. CB2 strongly urges the next stage of the outdoor dining program to adopt stipulations similar to the liquor licensing process used by the SLA in order to formalize a process where the Community Board continues to be the quick and efficient forum to align residents and operators towards an equitable solution that does not diminish quality of life and promotes much needed economic vitality,
11. CB2 urgently demands a clear and concise enforcement plan for operators and residents with one agency responsible for the oversight because the multi-agency approach thus far has proven to be completely ineffective, and
12. CB2 strongly supports an expeditious community review process moving forward to create more equitable opportunities for operators to participate in the outdoor dining program (and additionally offered this back in our letter dated June 6, 2020) and to ensure that quality of life for residents is sustained,

Vote: Unanimous

Respectfully submitted,

Valerie De La Rosa

Chair, Reopening Working Group