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Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
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Ritu Chattree, *Assistant Secretary*

## Community Board No. 2, Manhattan

3 Washington Square Village  
NEW YORK, NY 10012-1899

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

### FULL BOARD MINUTES

**DATE:** September 23, 2021  
**TIME:** 6:30 P.M.  
**PLACE:** Via Video Conference

**BOARD MEMBERS PRESENT:** Susanna Aaron, Ivy Kwan Arce, Akeela Azcuy, William Benesh, Keen Berger, Carter Booth, Katy Bordonaro, Ankita Brandt, Richard Caccappolo, Ritu Chattree, Chris Dignes, Valerie De La Rosa, Robert Ely, Mar Fitzgerald, Joseph Gallagher, Susan Gammie, Susan Kent, Jeannine Kiely (Chair), Patricia Laraia, Michael Levine, Janet Liff, Matthew Metzger, Daniel Miller, Brian Pape, Donna Raftery, Lois Rakoff, Robin Rothstein, Rocio Sanz, Shirley Secunda, Frederidca Sigel, Georgia Silvera Seamans, Dr. Shirley Smith, Susan Wittenberg, Antony Wong, Adam Zeldin

**BOARD MEMBERS ABSENT WITH NOTIFICATION:** John Paul DeVerna, Cormac Flynn, Ryder Kessler, Mostafa Osman, Bo Riccobono, Eugene Yoo

**BOARD MEMBERS ABSENT:** None

**BOARD MEMBERS PRESENT/ARRIVED LATE:** Coral Dawson, Wayne Kawadler, Edward Ma, Kristin Shea, Chenault Spence

**BOARD MEMBERS PRESENT/LEFT EARLY:** None

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

**GUESTS:** Senator Brad Hoylman, Emily Leng, Senator Brian Kavanaugh's office; Manhattan Borough President Gale Brewer; Amy Vera, Assembly Member Yuh-Line Niou's office; Assembly Member Deborah Glick; Irak Cehonski, Council Member Carlina Rivera's office; Ahsia Badi, Colleen O'Connor, Joseph Reiver, Sue Peters, Pete Davies, Andrea Meyer, Ann Marlowe, Diana Childress, Elizabeth Sabo, Katherine Hilliard, Kyle Sklerov, Leslie Clark, Linda Belle Pedowitz, Margie Dienstag, Pauline Augustine, Sara Lopergolo, Scott Schnay, Alan Fierstein, Bill Ballman, Eddie Fishman, Stephen Orel, Stuart Romanoff, Alexandra Min, Brian Grossman (99 Bank St.) Resident SLA 99 Bank St, C. Anthony Lim, Chris Kass, Jana Adler, Joe Mayock, Kayla B., Linda Finch, Norma Cote, Stephen Schwartz, Jeffrey Rowland

### MEETING SUMMARY

Meeting Date – 2021

Board Members Present – 42

Board Members Absent with Notification – 6

Board Members Absent - 0

Board Members Present/Arrived Late - 5

Board Members Present/Left Early – 0

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## **II. PUBLIC SESSION**

### **Non-Agenda Items**

#### Independent Redistricting

Ahsia Badi spoke regarding this topic.

#### PS 3 Play Street Application

Colleen O'Connor spoke regarding this street closure application, which was denied by DOT.

#### Elizabeth Street Garden

Joseph Reiver spoke regarding the Garden.

#### Radio Frequency Wireless Standards

Sue Peters spoke about a federal lawsuit against the FCC regarding radio frequency wireless standards.

#### SoHo/NoHo Rezoning Update

Pete Davies gave an update on the proposed rezoning plan.

### **Land Use & Public Development Items**

#### Permanent Open Restaurant Text Amendment

Andrea Meyer, Ann Marlowe, Diana Childress, Elizabeth Sabo, Katherine Hilliard, Kyle Sklerov, Leslie Clark, Linda Belle Pedowitz, Margie Dienstag, and Pauline Augustine, all spoke against the proposed text amendment.

**Landmarks & Public Aesthetics Items**

182 Spring St. - Application is to demolish a two-story commercial building and construct a new building

Sara Lopergolo and Scott Schnay spoke regarding the proposed Landmarks application.

Jeffrey Rowland spoke against the proposed application.

**SLA Licensing Items**

401 West Property Owner, LLC d/b/a TBD, 401 West St. 10014

Alan Fierstein, Eddie Fishman, Stephen Orel, and Stuart Romanoff, spoke regarding the proposed liquor license application.

Bill Ballman spoke against the proposed liquor license application.

On The Corner NY, LLC d/b/a The Mary Lane, 99 Bank St. 10014

Alexandra Min, Kayla B., Linda Finch, Lisa Taylor, and Norma Cote, spoke against the application for Municipal Expansion.

Brian Grossman, C. Anthony Lim, Chris Kass, and Joe Mayock, spoke regarding the proposed Municipal Expansion application.

Stephen Schwartz spoke in favor of the application for Municipal Expansion.

**ADOPTION OF AGENDA**

**III. ELECTED OFFICIALS PRESENT AND REPORTING**

Senator Brad Hoylman

Emily Leng, Senator Brian Kavanagh’s office

Manhattan Borough President Gale Brewer

Amy Vera, Assembly Member Yuh-Line Niou’s office

Assembly Member Deborah Glick

Irak Cehonski, Council Member Carlina Rivera’s office

**IV. ADOPTION OF MINUTES**

Adoption of July minutes

**V. BUSINESS SESSION**

1. **Chair's Report** Jeannine Kiely reported.

2. **District Manager's Report** Bob Gormley reported.

### 3. **EXECUTIVE**

The following resolutions were voted on at the August Executive Committee meeting and adopted by the September Full Board:

#### **Landmarks & Public Aesthetics**

1. **\*93 Mercer St. –Application is to install an ADA compliant ramp at the front entrance.**

- A. The ramp is to serve the retail entrance in the center and the residential entrance on the west side; and
- B. The width and length are of minimal size to meet ADA regulations; and
- C. The surface is diamond plate, and the railings are black metal; and
- D. Direct stair access to both entrances is preserved; and
- E. Residential doors are to be replaced with ADA compliant doors of the same design; now

**Therefore be it resolved** that CB2, Man. recommends **approval** of this application.

Vote: Unanimous, with 42 Full Board members in favor.

2. **\*23 8th Ave. –Application is to install new windows and a new French door with a Juliet balcony at the side façade, enlarging the doors to existing 4th floor terrace, and legalizing the addition of a 4th floor extension without LPC permits.**

#### **Whereas:**

- A. Double hung windows are to be added on the 3 and 4<sup>th</sup> floors and French doors and a Juliet balcony to the second floor on the north façade facing the Jane Street Garden; and
- B. The westerly building in Jane Street overlooking the garden have windows that were approved by the commission; and
- C. The proposed windows are suitable to the building on a façade that is exposed due to the removal of the adjacent row houses on the garden lot and they enhance the appearance of the garden; and
- D. The rooftop addition is set back further from the front façade, is minimally higher than the approved height and the existing condition does not appreciably affect the visibility from a public thoroughfare; now

**Therefore, be it resolved** that CB2, Man. recommends

- A. The installation of the three windows on the north façade beside the Jane Street Garden; and
- B. The legalization of the rooftop addition that does not differ from the previously approved design in any meaningful way.

Vote: Unanimous, with 42 Board members in favor.

**3. \*548 Hudson St. - Application is to replace the front door with a new door and transom of a different design**

**Whereas:**

- A. The existing entrance double doors are of a non-historic design; and
- B. The proposed black wooden door with no glazing and transom are in the style of the building and similar to examples of other entrances on similar houses in the district; now

**Therefore be it resolved** that CB2, Man. recommends:

- A. **Approval** of the general design of the door; and
- B. Recommends that glazing, shown in four of the five examples and in the existing door, be incorporated into the design of the door.

Vote: Unanimous, with 42 Board members in favor.

**4. \*77 Greene St. - Application is to paint the columns and sign band black to match the infill black paint proposed.**

**Whereas:**

- A. The entire ground floor infill is proposed to be painted black; and
- B. The existing historic light-colored paint keeps the building in unity and harmony with a row of similar buildings in the block; and
- C. The building on the opposite side from the row has an existing condition of black infill and is not in cast iron or of similar design and is not a part of the row and does not serve as an example of a similar building in black; and
- D. The black color hides, rather than enhances the historic cast iron elements; now

**Therefore be it resolved** that CB2, Man. recommends:

- A. **Denial** of the painting of the infill in a non-historic black color, contrary to the existing historical condition; and
- B. Further objects to the color because it destroys the unity and harmony of the remarkable intact row in which all ground floor infill is of a similar light color.

Vote: Unanimous, with 42 Board members in favor.

**5. \*101 Greene St. - Application to refinish the existing wood storefront and install a bracket sign.**

**Whereas:**

- A. The original building on the site matched 103-105 and the current building was constructed in 2003 as a reproduction of the original design; and
- B. The original building burned and was replaced by an undistinguished two-story building that was demolished for the construction of the existing building; and
- C. The existing paint will be removed from the wooden infill and it will be stripped and restored and painted with a historic clear resin to protect the natural color of the mahogany and the base will be painted to match; and
- D. A metal flagpole is to be removed and a stainless-steel bracket sign. (24" x 34"), conforming to regulations, will be hung from a wood armature that is in keeping with the restored infill; now

**Therefore be it resolved** that CB2, Man. recommends:

- A. **Approval** of the restoration of the wooden ground floor infill; and
- B. **Approval** of the wood armature, in this instance, because it is harmonious with the restored storefront.

Vote: Unanimous, with 42 Board members in favor.

**Quality Of Life**

**Street Activities**

**1. August 21-27, 2021, New Store Pop-Up for Welcome Weekend (The New School): 5th Ave. between E. 13th St. and E. 14th St. [Partial Sidewalk Closure]**

**Whereas**, the New School is welcoming students back to the classrooms and campus this fall and this pop-up will be selling New School apparel and memorabilia and the school is using this small tent outside of the University Center for parents to purchase items because they may not enter the building due to Covid protocols; and

**Whereas**, there will be 5 feet of unimpeded pedestrian access on the sidewalk at all times and there will be one electric cord for the point of sale area; and

**Whereas**, the pop-up will begin set-up starting at 6 AM and breakdown will be complete at 6 PM; and

**Whereas**, the applicant will have a COVID safety plan in place with signage throughout encouraging masks and social distancing and the applicant will comply with any and all COVID restrictions; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of New Store Pop-Up for Welcome Weekend (The New School): 5th Ave. between E. 13th St. and E. 14th St. [Partial Sidewalk Closure] from August 21 – August 27, 2021 **provided that** the application conforms with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

Vote: Unanimous, with 42 Board members in favor.

**2. September 6, 2021 – Minetta Creek Cove: Thompson St. between Washington Square South and W. 3rd St. [full street closure]**

**Whereas**, the applicant, Minetta Creek Collective a 501©(3), is organizing the Minetta Creek Cove which will offer resources in the Washington Square Park area, including fresh fruit and vegetables, educational materials, and events, in collaboration with Judson Church, Trinity Church, and St. John’s Church on Christopher; and

**Whereas**, the applicant hopes to host this as a monthly event at this location to do and will use the concrete tables already located on Thompson Street; and

**Whereas**, NYU and Judson Church are providing support and there are no residential buildings on this block and only acoustic music will be played, if any, and the event set-up will begin at 11:30 AM, the event will take place from 12 PM to 7:30 PM, and breakdown will be complete by 8 PM; and

**Whereas**, the food is being provided by the Trinity Church food pantry and by Judson Church; and

**Whereas**, the food market will be giving away free fresh produce, canned vegetables, and other staples for people in the neighborhood who don’t have affordable food options in the Village and the applicant doesn’t anticipate any competition with local storefronts and the applicant will also be working with local eateries to rescue unused food for the food insecure; and

**Whereas**, applicant has a robust waste management plan for the event and many NYU students will be involved in the project; and

**Whereas**, the applicant will have a COVID safety plan in place with signage throughout encouraging masks and social distancing and the applicant will comply with any and all COVID restrictions; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of Minetta Creek Cove: Thompson St. between Washington Square South and W. 3rd St. on September 6, 2021 [full street closure].

Vote: Unanimous, with 42 Board members in favor.

**3. September 8, 2021 (Setup Date), September 10 (Start Date & End Date), September 11, 2021 (Breakdown Date) – Afterpay Fair and Fashion Show (IMG Worldwide Inc DBA IMG Fashion): 1) Washington St. between Little West 12th St. and West 13th St., 2) Washington St. between West 13th St. and West 14th St. [Sidewalk and Street Closure]**

**Whereas**, Afterpay in partnership with New York Fashion Week, hopes to present this event to welcome back in-person events, and is meant to bring fashion to the people, and will be free and open to the public, and will include a free mini-roller skating ring, public seating, photo booth, and a food truck that will be free to the public; and

**Whereas**, there will be a short Maison Katsune fashion show in the evening which will include music from a live amplified band, and set-up for the event will begin on September 10 at 12:01 AM, the event will begin at noon and end at 8:00 PM, and breakdown completed by 7:00 AM on September 11; and

**Whereas**, the food truck will only offer minimal refreshments and is not intended to compete with local businesses and the applicant hopes to bring foot traffic to local storefronts; and

**Whereas**, Afterpay is partnering with local merchants to offer Afterpay incentives; and

**Whereas**, either side of the sidewalk will have an unimpeded 5-foot clearance; and

**Whereas**, CB2, Man. has historically opposed the use of public places for purely commercial uses but recognizes the positive impact this event can have on the neighborhood as it recovers from the effects of Covid-19 and this event is free and open to the public; and

**Whereas**, the applicant will have a COVID safety plan in place with signage throughout encouraging masks and social distancing and the applicant will comply with any and all COVID restrictions; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of Afterpay Fair and Fashion Show (IMG Worldwide Inc DBA IMG Fashion): 1) Washington St. between Little West 12th St. and West 13th St., 2) Washington St. between West 13th St. and West 14th St. [Sidewalk and Street Closure] from September 8-11, 2021.

Vote: Unanimous, with 42 Board members in favor.

**4. September 7, 2021 (Setup Date), September 9, 2021 (Start Date) – September 11, 2021 (End Date and Breakdown Date) – Kate Spade Orchard (Promotional Event): Gansevoort / 13 Gansevoort Pedestrian Plaza [Pedestrian Plaza Street Closure]**

**Whereas**, Kate Spade, a fashion house whose first retail space opened in CB2, Man. 25 years ago, hopes to erect an apple orchard in the public Gansevoort Pedestrian Plaza as part of New York Fashion Week; and

**Whereas**, Kate Spade will not be hosting a fashion show this year but will instead pass out free apples to all passerby in the lower southeastern portion of Gansevoort Plaza; and

**Whereas**, there will be apple trees with apples on them and passerby can walk through the orchard from east to west and be given the free apple and set-up will begin on September 7 and the event starts on September 8 with hours from 1 PM-8 PM, September 9 from 9 AM – 8 PM, September 10 from 9 AM-5 PM, and breakdown will be complete by September 11; and

**Whereas**, the area is meant for the passive enjoyment of people walking through and enjoying the foliage, some seating will be moved out of the plaza for the installation, but it will be replaced; and

**Whereas**, the applicant is working with SAPO, the Meatpacking BID, and with the NYPD for security, and the handout of apples can be made contact free; and

**Whereas**, CB2, Man. has historically opposed the use of public places for purely commercial uses but recognizes the positive impact this event can have on the neighborhood as it recovers from the effects of Covid-19 and this event is free and open to the public; and

**Whereas**, the applicant will have a COVID safety plan in place with signage throughout encouraging masks and social distancing and the applicant will comply with any and all COVID restrictions; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of Kate Spade Orchard (Promotional Event): Gansevoort / 13 Gansevoort Pedestrian Plaza [Pedestrian Plaza Street Closure] from September 7-11, 2021.

Vote: Unanimous, with 42 Board members in favor.

**5. September 12-17, 2021 – Miss Dior Perfume Activation (AGENC, Inc. Promotional Event): Gansevoort/ 13 Gansevoort Pedestrian Plaza [Pedestrian Plaza Street Closure]**

**Whereas**, Miss Dior hopes to host this pop-up event in the public Gansevoort Pedestrian Plaza to celebrate NY Fashion Week, premiere a new Dior fragrance, attract people to the area, and offer a pass through immersive experience allowing the public to engage with the perfume; and

**Whereas**, the applicant has received Department of Building permits for the structure the applicant will build on-site and inside the structure will be perfume samples, skin care, make-up, video and campaign imagery; and

**Whereas**, the applicant will install ADA compliant accessible ramps, and there will be a courtyard for “photo moments,” and there will be windows in the structure to offer natural light and open air, and the structure will be mostly open to the public from 11:00 AM-6:30 PM during the event; and

**Whereas**, this is a free event, and there is no point of sale in the structure, and there will be free samples and giveaways, and it will be open on a primarily first come, first serve basis with a timed check-in system will be in use, and there will be some tables and chairs for public seating; and

**Whereas**, set-up will begin at 6 AM on September 11 and the applicant said that they would be careful not to make loud noises early in the morning or late at night, and the event will occur from September 12-16, and breakdown will be complete by September 17; and

**Whereas**, concerns were raised about the length of time there would be events in this location which will decrease the amount of pedestrian space in a public plaza, and the applicant said they hoped to make as much of the space accessible to pedestrian traffic as possible and would be using a line management team to avoid crowds forming; and

**Whereas**, CB2, Man. has historically opposed the use of public places for purely commercial uses but recognizes the positive impact this event can have on the neighborhood as it recovers from the effects of Covid-19 and this event is free and open to the public; and

**Whereas**, the applicant will have a COVID safety plan in place with signage throughout encouraging masks and social distancing and the applicant will comply with any and all COVID restrictions; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the Miss Dior Perfume Activation (AGENC, Inc. Promotional Event): Gansevoort/ 13 Gansevoort Pedestrian Plaza [Pedestrian Plaza Street Closure] from September 11-17, 2021, **provided that** the application conforms with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

Vote: Unanimous, with 42 Board members in favor.

**6. August 21-27, 2021, New Store Pop-Up for Welcome Weekend (The New School): 5th Ave. between E. 13th St. and E. 14th St. [Partial Sidewalk Closure]**

**Whereas**, the New School is welcoming students back to the classrooms and campus this fall and this pop-up will be selling New School apparel and memorabilia and the school is using this small tent outside of the University Center for parents to purchase items because they may not enter the building due to Covid protocols; and

**Whereas**, there will be 5 feet of unimpeded pedestrian access on the sidewalk at all times and there will be one electric cord for the point of sale area; and

**Whereas**, the pop-up will begin set-up starting at 6 AM and breakdown will be complete at 6 PM; and

**Whereas**, the applicant will have a COVID safety plan in place with signage throughout encouraging masks and social distancing and the applicant will comply with any and all COVID restrictions; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of New Store Pop-Up for Welcome Weekend (The New School): 5th Ave. between E. 13th St. and E. 14th St. [Partial Sidewalk Closure] from August 21 – August 27, 2021 **provided that** the application conforms with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

Vote: Unanimous, with 42 Board members in favor.

**7. September 11, 2021 (Setup Date), September 12 (Start Date & End Date), September 13, 2021 (Breakdown Date): Tory Burch Fashion Show (Promotional Event): 1) Mercer St. between West Houston and Prince St. [Full Street Closure], 2) Prince St. between Greene St. and Broadway [Curb Lane Only]**

**Whereas**, Tory Burch, the fashion house, is opening a new location at 151 Mercer Street, and hopes to host a short fashion show on their new block on Sunday September 12 starting at 11 AM, and the show will last for 15-20 minutes, and then the block will turn into a community fair with local community vendors giving away free gifts; the event will end at 12:30 PM and breakdown will be complete by 2 PM; and

**Whereas**, there will be seats, umbrellas, and cabanas to create a beach scene for the fashion show and the models will walk down Mercer Street towards Prince Street; and

**Whereas**, the applicant is partnering with many local vendors for the community fair including Balthazar, Bon Bon, Vesuvio, Morgensterns Ice Cream, Maman, Indochine, Sant Ambroeus, Ruby's, Peddler Coffee Cart, and everything will be offered for free; and

**Whereas**, the applicant will employ four security guards for load in and out, twenty security guards for the event itself, and security at Houston and Prince to manage the attendees, and the public viewing areas at the northern end of Mercer, there will be some reserved seating, and a 5-foot walkway on Mercer Street; and

**Whereas**, there will be vans transporting models on the south side of Prince Street, and the applicant will provide that all residential entryways have 5-foot clearances to enter and exit residences, and

**Whereas**, there will be 265 invited guests and there will be space to accommodate approximately the same amount of public attendees in standing areas; and

**Whereas**, all storefronts on Mercer Street will be open and the entrances won't be impeded, and the loading zone for Mercer Street Hotel will be free and clear, and Lure Fish Bar is aware of the event and may be participating; and

**Whereas**, parking spaces on the block will be reserved starting at 12:01 AM on September 12 and load in won't begin until 9 AM, and there won't be any construction work done on site, it will be assembly only; and

**Whereas**, Community Board 2 has historically opposed the use of public places for purely commercial uses but recognizes the positive impact this event can have on the neighborhood as it recovers from the effects of Covid-19 and this event is free and open to the public; and

**Whereas**, the applicant will have a COVID safety plan in place with signage throughout encouraging masks and social distancing and the applicant will comply with any and all COVID restrictions; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of Tory Burch Fashion Show (Promotional Event): 1) Mercer St. between West Houston and Prince St. [Full Street Closure], 2) Prince St. between Greene St. and Broadway [Curb Lane Only] from September 11-13, 2021, **provided that** the application conforms with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

Vote: Unanimous, with 42 Board members in favor.

**8. August 27, 2021 – End of the Summer Camp Block Party (Greenwich House): Jones St. between Bleecker and W. 4th St. [Full Street Closure]**

**Whereas**, the applicant did not appear on behalf of this application and the committee was not able to hear the particulars of the application; now

**Therefore Be It Resolved** that CB2 Manhattan recommends **denial** of End of the Summer Camp Block Party (Greenwich House): Jones St. between Bleecker and W. 4th St. [Full Street Closure] on August 27, 2021.

Vote: Unanimous, with 42 Board members in favor.

**Street Activities FYI/Renewals:**

9. **8/14/21 – Washington Square Fair (Village Reform Democratic Club): Washington Square North between 5th Ave. and University Place**
10. **9/09/21 – Heermance Farm Party in NYC (Greenwich Village Chelsea Chamber of Commerce): Weehawken St. between Christopher St. and W. 10th St. [Sidewalk and Curb and Closure]**
11. **9/12/21 – Waverly Place Festival (Greenwich Village Chelsea Chamber of Commerce): Washington Square North between 5th Ave. and University Place [Full Street Closure]**

12. **9/17/21 – Friday Night Cabaret (Village Alliance): Astor Place Plaza (South) [Pedestrian Plaza Street Closure]**
13. **10/08/21 (Setup Date), 10/09/21 (Start Date, End Date, & Breakdown Date) – Harvest Fest (Meatpacking District Management Association): 1) 13/14 Gansevoort Pedestrian Plaza 2) 14/15 Gansevoort Pedestrian Plaza (Chelsea Plaza)**

**Whereas**, these events have been held continuously for many years and no recent complaints have been received; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the renewal applications **provided that** that the applications conform with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

**CB2 Sponsored FYI/Renewals:**

14. **10/09/21 – Broadway Spring Fair (Community Board 2): Broadway between E. 8th St. and E. 14th St. [Full Street Closure]**
15. **10/31/21 – NYU and CB2 Children’s Halloween Parade: W. 4th St. between Greene St. and Washington Square East [Full Street Closure]**

**Whereas**, these events are sponsored by CB2, Man.; now

**Therefore Be It Resolved** that CB2, Man. does not take a position on these renewal applications because CB2, Man. is a sponsor.

Vote: Unanimous, with 42 Board members in favor.

**SLA Licensing**

1. **177 NAP, Inc. d/b/a Famous Ben’s Pizza, 177 Spring St. 10012 (New Tavern Wine)**

**i. Whereas**, the Applicant’s Attorney, with the Applicant on the Attorney’s phone, appeared before CB2, Manhattan’s SLA Licensing Committee #1 via video conference to present an application for new Beer and Wine license to operate a pizzeria in a R7-2-zoned with a C1-5 overlay, five (5)-story, mixed-use building (c. 1900) on Spring Street at the northeast corner of Spring and Thompson Streets (Block #502 / Lot #44) in the Sullivan-Thompson Historic District; and

**ii. Whereas**, the interior ground floor premises is approximately 900 sq. ft., there will be ten (10) tables with twenty-eight (28) seats and no bars or food counters for a total patron occupancy of twenty-eight (28) persons; there is one (1) entryway used for both patron egress and ingress and one (1) patron bathroom; and

**iii. Whereas**, the storefront is a previously unlicensed location, the Applicant having been at this location serving pizza and Sicilian dishes for the past 42 years, the method of operation remaining the same; and

**iv. Whereas**, there will be a certified sidewalk café as part of the temporary Open Restaurants program immediately adjacent to the building with no more than five (5) tables and ten (10) seats on Thompson Street and nine (9) tables with eighteen (18) seats on Spring Street with no roadbed seating.; and

v. **Whereas**, the proposed hours of operation will be Saturdays to Sundays from 11:00AM to 12:30 AM on the interior and all service will end at 10PM on the exterior with the exception of the pass-through window for to-go food that has been part of the method of operation for years; and

vi. **Whereas**, all service in both the interior and exterior of the premises will be by wait staff only to seated patrons; there will be no beer sold to-go; and

vii. **Whereas**, music will be quiet ambient background only, and will not be audible outside at any time, all windows and doors will close at 10PM every night with the exception of the pass-through window for orders to go, there will be no dancing, DJs, live music, promoted events, no cover fees or promoted events, no televisions, no velvet ropes or metal barricades, no security personnel/door staff; and

viii. **Whereas**, the Applicant executed a stipulation agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated into the method of operation on the license as follows:

1. Premises will be advertised and operated as pizzeria with an extensive menu of Sicilian dishes.
2. The hours of operation will be 11:00AM to 12:30AM Saturdays through Sundays (7 days a week). All patrons will be cleared and no patrons will remain after stated closing time.
3. Will operate with less than a full-service kitchen but will serve food during all hours of operation.
4. Will not operate a backyard garden or any outdoor area for commercial purposes except for certified sidewalk café operating under the temporary Open Restaurants program. Sidewalk café will be located immediately adjacent to the storefront with no more than 5 tables and 10 seats on Thompson Street and 9 tables with 18 seats on Spring Street. No roadbed seating.
5. Sidewalk café will close no later than 10PM. All tables and chairs will be removed at this hour. No exterior music, speakers or TVs. No roadbed seating.
6. Will play quiet ambient recorded background music only. No music will be audible outside at any time.
7. Will not have televisions.
8. Will close all doors and windows at 10PM every night with exception of pass-through window for slices to-go, allowing only for patron ingress and egress.
9. Will not install or have French doors, operable windows or open facades.
10. Will not make changes to the existing façade.
11. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
12. Will provide a Letter of No Objection or Certificate of Occupancy permitting seating and drinking for store front premises proposed to be licensed prior to issuance of license.
13. All alcohol service will be by wait staff to seated patrons.
14. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer. No beer sold to go.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. Will not change any principals prior to submission of original application to NYSLA.
17. 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/door staff.

18. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a new Tavern Wine License for **177 NAP, Inc. d/b/a Famous Ben's Pizza, 177 Spring St. 10012**, **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 Tavern Wine License.

Vote: Unanimous, with 42 Board members in favor.

**2. 179 Prince St., LLC d/b/a TBD, 179 Prince St. 10012 (New Restaurant Wine)**

- i. Whereas**, the Applicant and Applicant's Attorney appeared before CB2, Manhattan's SLA Licensing Committee #1 via video conference to present an application for new Restaurant Wine License to operate a family restaurant focused on burgers, fountain cokes and shakes in a R7-2-zoned, six (6)-story, mixed-use building (c. 1900) on Prince Street between Thompson and Sullivan Streets (Block #517 / Lot #41) in the Sullivan-Thompson Historic District; and
- ii. Whereas**, the interior ground floor premises is approximately 875 sq. ft., there will be five (5) tables with twenty (20) seats and one (1) bar with nine (9) seats and three (3) stool seats at front windows, for a total patron occupancy of thirty-two (32) persons; there is one (1) entryway used for both patron egress and ingress and one (1) patron bathroom; there will be no outdoor seating of any kind; and
- iii. Whereas**, the storefront was previously licensed with a Restaurant Wine license as a Japanese restaurant from 2005 through March/2020, the method of operation of the instant application being similar in nature; and
- iv. Whereas**, the proposed hours of operation are 11:30AM to 11:00PM Saturdays through Sundays (7 days a week), music will be quiet background only, there will be no dancing, no DJs, no promoted events, no live music, no private parties, no scheduled performances or cover fees, no TVs; there are currently accordion windows along the Prince Street façade which the Applicant is applying for approval to change to non-operable windows; and
- iv. Whereas**, the Applicant owns a French bistro, Raoul's (SN# 1028385), across the street that has been a popular SoHo institution since the 1970's; the Applicant stating that the instant would not have the same name or the same method of operation but may incorporate the name "Raoul's" into the d/b/a of the instant application; concerns being raised that having two establishments so close together, especially with one being a well-established, popular restaurant could lead to a sharing of patrons or referring patrons from one restaurant to the other causing congestion on the sidewalks and creating quality of life concerns for residents, many of the buildings being older tenement buildings lacking in noise-attenuating insulation; the Applicant stipulating that the two restaurants will operate completely independently of each other and will not be referring patrons back and forth; and
- v. Whereas**, the Applicant will also be using the second floor in the building of the instant application for offices, the stairwell to the offices being the same stairwell that residents in the building use; there being concern that restaurant staff will then be using the common stairwell to access the offices; the Applicant assuring CB2, Man. that the persons accessing the office on a regular basis are separate from those running the day-to-day operations of the restaurant; and

vi. **Whereas**, the Applicant executed a stipulation agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated into the method of operation on the license as follows:

1. Premises will be advertised and operated as family restaurant serving lunch and dinner.
2. The hours of operation will be 11:30AM to 11:00PM Saturdays through Sundays (7 days a week). All patrons will be cleared and no patrons will remain after stated closing time.
3. Will operate a full-service restaurant, specifically a family restaurant serving lunch and dinner focused on burgers, fountain sodas and shakes with the kitchen open and full menu items available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will operate independently (staff and patrons) from their “sister” restaurant, Raoul’s (SN# 1028385), located across the street at 180 Prince Street. Will not refer patrons back and forth between the two licensed premises.
6. Will not operate a backyard garden or any outdoor area for commercial purposes.
7. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
8. Will not have televisions.
9. Will close all doors and windows at 10PM every night with exception of pass-through window for slices to-go, allowing only for patron ingress and egress.
10. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
11. Will provide a Letter of No Objection or Certificate of Occupancy permitting seating and drinking for store front premises proposed to be licensed prior to issuance of license.
12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer. No beer sold to go.
13. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
14. Will not change any principals prior to submission of original application to NYSLA.
15. 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/door staff.
16. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a new Restaurant Wine License for **179 Prince St., LLC d/b/a TBD, 179 Prince St. 10012**, **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 Tavern Wine License.

Vote: Unanimous, with 42 Board members in favor.

**3. 3 of Cups, LLC d/b/a Three of Cups, 150 Sullivan St. 10012 (New Restaurant Wine)**

- i. Whereas**, the Applicant appeared before CB2, Manhattan’s SLA Committee #1 via video conference to present an application to the NYS Liquor Authority for a Restaurant Wine Liquor License to operate a “wine bar and restaurant in the ground floor storefront of a five (5)-story mixed-use building (c. 1911, altered 2015) on Sullivan Street between Prince and Houston Streets (Block #518/Lot #32) in the Sullivan-Thompson Historic District, this particular block being zoned for residential occupancy only despite certain pre-existing, non-conforming storefronts being found thereat; and
- ii. Whereas**, the premises consists of the ground floor and basement connected by an exterior stairway (the Applicant failing to provide square footage of proposed licensed premises) and was a clothing store, Canon NYC, from 2017 to 2019 and prior to that operated as ‘sNice since approximately 2011, a vegan/vegetarian café without any liquor license and prior to that a bakery; and
- iii. Whereas**, there will be eight (8) tables with 30 patron seats, one bar with eight (8) seats and one counter with four (4) seats for a total of 42 interior seats; there is one (1) entrance that serves as both patron ingress and egress, there are two (2) bathrooms; there is no patron use of the cellar which is used for storage, food prep and kitchen only; the Applicant currently operating in the premises and participating in the temporary Open Restaurants program stating there are eight (8) tables with 16 seats in the roadbed; and
- iv. Whereas**, the proposed hours of operation are 7:00AM to 12:00AM Saturdays through Sundays (7 days a week), music will be quiet background only, there will be no dancing, no DJs, no promoted events, no live music, no private parties, no scheduled performances or cover fees, and despite the application indicating two (2) TVs, the Applicant stating there will be no televisions; and
- v. Whereas**, the Applicant being a principal in another licensed premises in CB2, Man. from 2002 to 2012 (SN# 1134334), using this past history as representative of the method of operation of the instant application, yet failed to disclose this on the instant application; the application lacking much information including square footage of licensed premises, clarity on how the premises would be managed, there were no menus provided for breakfast, lunch or dinner, the Applicant stating there would be two (2) dinner entrees; the instant application stating the premises is not within 200 feet of a church or place of worship although The Church of St. Anthony of Padua is almost directly across the street; the included layout of the block provided being flopped and inaccurate; “covid seating” being stated with no square footage of the outdoor area or seat diagram being provided; and
- vi. Whereas**, this location being previously unlicensed and on a narrow residential block where there has been a significant increase in the number of licensed establishments over the last decade and there are already roughly six (6) licensed establishments; concerns were voiced by local residents about the loss of diversity in retail by adding another licensed premises to an already heavily licensed block; questions being raised about the number of seats the Applicant stated being used in the roadbed, with resident photos showing closer to double the number of seats of the instant application; there being concerns from the committee and residents regarding quality of life impacts due to the addition of another establishment with outdoor dining; when asked to forego the outdoor dining portion of the instant application or to close the outdoor seating at 10PM instead of midnight, the Applicant stating the location was picked in part due to the ability to have roadbed seating and was not open to ending the outdoor seating earlier; additionally, the Applicant having no plans to add soundproofing to the interior premises despite concerns raised because the location is the ground floor of a walk-up residential building which has not previously been operated into the later evening hours; and

**vii. Whereas**, the Applicant continued to refer back to his experience with the prior restaurant, which was a welcome addition to the community, as an example of knowing the neighborhood, being an experienced operator and part of the community this making it all the more surprising that there were numerous errors and omissions in the instant application and, given the opportunity, the Applicant did not offer to work with the community regarding soundproofing the premises or hours of outdoor service for the instant application; the saturation of licensing on the block has changed the tenor of the area and been a concern for a number of years which is now coupled with the addition of outdoor dining on a residential street bringing more people into the area and exacerbating the quality of life issues for local residents; and

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a Restaurant Wine License for **3 of Cups, LLC d/b/a Three of Cups, 150 Sullivan St. 10012**; and

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

Vote: Unanimous, with 42 Board members in favor.

**4. Piacere Enterprises, LLC, 351 Broome St. 10013** (Upgrade to OP-Restaurant from TW-Restaurant)

**i. Whereas**, the Applicant and the Applicant's Attorney appeared before CB2, Manhattan's SLA Committee #1 via video conference to present an application to the NYS Liquor Authority for an upgrade to their existing Restaurant Wine License (SN#1268740) to a full On-Premises Liquor License to operate a full service Italian restaurant focusing on pizza and pasta dishes on the ground floor and basement of a C6-2G / C6-G-zoned, four (4)-story hotel building (c. 1915) on Broome Street between Elizabeth Street and the Bowery (Block #470/Lot #50) in the Special Little Italy District;

**ii. Whereas**, the Licensee has been operating with a Restaurant Wine License since July/2013; and

**iii. Whereas**, when the existing licensee initially appeared for a new beer and wine license before CB2, Man. in December/2012, CB2, Man. unanimously adopted a resolution on December 20, 2012, recommending denial of the beer and wine license; and

**iv. Whereas**, despite CB2, Man. adopting a resolution recommending denial of a beer and wine license at these premises, the NYSLA nonetheless granted the beer and wine license to this applicant even though this location had never been licensed before; and

**v. Whereas**, in January/2014 and again in June/2015, the Licensee appeared before CB2, Man. to request an upgrade to their existing Restaurant Wine License to a full On-Premises Liquor License and both times CB2, Man. unanimously adopted a resolution recommending denial of the upgrade application at that time; and

**vi. Whereas**, the premises is located in a hotel building with six (6) commercial spaces on the ground floor and basement with SRO residents and hotel rooms on the upper floors, but there is no direct access to the Hotel, the storefront is approximately 2,000 sq. ft (1,200 sq. ft. on the ground floor and 800 sq. ft in the basement with no patron use of the basement) with ten (10) tables and 48 seats and one (1) bar with eight (8) seats for a total patron occupancy of 58; there is one (1) entrance and two (2) exits and two (2) bathrooms; and

**vii. Whereas,** the current hours of operation are Sundays to Thursdays from 5PM to 2AM and Fridays to Saturdays from 5PM to 3AM, music is quiet background only consisting of music from iPod/CDs (i.e. no active manipulation of music – only passive prearranged music), there are no TVs, no dancing, DJs, live music, promoted events or schedule performances; and

**viii. Whereas,** the Applicant is currently participating in the temporary Open Restaurants Program with no more than eight (8) tables and 24 seats on the sidewalk adjacent to the building and an additional four (4) tables and 16 seats in the roadbed in front of the licensed premises; and

**ix. Whereas,** there are already four (4) additional full On-Premises Liquor Licenses in this building alone (only one of the six storefronts in this building has not been an eating and/or drinking establishment including some basement areas); and

**x. Whereas,** there continue to be significant concerns regarding the late-night hours of operation until 3AM and there is already late-night food available in the immediate neighborhood; there continues to be an over-saturation of liquor licenses in this area; that the late night hours of the establishment are not in alignment with the method of operation, that being of a full-service restaurant and the upgrade to full liquor along with the late hours raises concerns that the premises will operate more as a bar in the later hours and be a contributor to late night noise; and

**xi. Whereas,** after hearing concerns regarding the late-night hours of operation, the Applicant agreed to hours of 5PM to 1AM Sundays through Thursdays and 5PM to 1AM Fridays and Saturdays on the interior and 5PM to 10PM Sundays through Thursday and 5PM through 11PM Fridays and Saturdays on the exterior with all doors, including the accordion doors on Broome Street, and windows closing at 10PM every night; and

**xii. Whereas,** this application being subject to the 500 foot rule, requiring the Applicant to establish public interest for the license to be issued at its inception, the Applicant agreeing to and executing a stipulations agreement with CB2, Man. for the sole purpose of establishing public interest, the stipulations being attached to and incorporated into the “Method of Operation” of the On-Premise Liquor License, limiting its method of operation on the on premise license for this purpose, as follows:

1. Premises will be advertised and operated as an Italian restaurant.
2. The hours of operation will be 5PM to 1AM Sundays through Thursdays and 5PM to 1AM Fridays and Saturdays. No patrons will remain after stated closing time.
3. Will operate a full-service Italian restaurant with the kitchen open and full menu items available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not operate a backyard garden or any outdoor area for commercial purposes except for certified sidewalk café and roadbed seating operating under the temporary Open Restaurants program. The sidewalk café is located immediately adjacent to the storefront with no more than 8 tables and 24 patron seats and roadbed seating not exceeding the business frontage of licensed premises with 4 tables and 16 patron seats.
6. Sidewalk café and roadbed seating will close no later than 10PM Sundays through Thursdays and 11PM Fridays and Saturdays. All tables and chairs will be removed at this hour. No exterior music, speakers or TVs.
7. Will play quiet, ambient, recorded background music only, inclusive of any parties or private events. No music will be audible in any adjacent residences anytime.

8. Will not have televisions.
9. Will close all doors and windows at 10PM every night, allowing only for patron ingress and egress.
10. No patron occupancy/service to any portion of the basement of licensed premises.
11. Will not make changes to the existing façade.
12. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
13. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. Will not change any principals prior to submission of original application to NYSLA.
17. 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/door staff.
18. Will appear before CB2, Manhattan prior to submitting plans for permanent sidewalk or roadbed dining.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a new On-Premise Liquor License in the name of **Piacere Enterprises, LLC, 351 Broome St. 10013, unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA License.

Vote: Unanimous, with 42 Board members in favor.

**5. Jo Rach, Inc. f/k/a Cocktail King, Inc. d/b/a Palermo, 191 Grand St. 10013 (OP-Restaurant)**

- i. Whereas,** the Applicant and the Applicant’s Attorney appeared before CB2, Manhattan’s SLA Committee #1 via video conference to present an application to the NYS Liquor Authority for an On-Premises Liquor License to operate a full service restaurant focusing on Italian foods, panini’s and desserts on the ground floor and cellar of a C6-2G-zoned, six (6)-story mixed-use building (c. 1900) on Grand Street between Mott and Mulberry Streets (Block #237/Lot #12) in the Special Little Italy District; and
- ii. Whereas,** the interior ground floor premises is approximately 1,800 sq. ft. with 1,000 sq. ft. on the ground floor and approximately 800 sq. ft. in the basement connected by an interior stairway of approximately 20 steps; there will be five (5) tables with 25 seats and one (1) bar with nine (9) seats on the ground floor and seven (7) tables with 14 seats and one bar with six (6) seats in the cellar for a total patron occupancy of 54 seats; there is a bathroom on each floor for a total of two (2) bathrooms and there are two (2) entries used for patron egress and ingress; and
- iii. Whereas,** the premises being located in the Special Little Italy District, the Applicant, who is also the principal of Café Palermo (SN#1025308) located next door at 148 Mulberry, is seeking approval to install bi-fold windows and a sidewalk service counter along Grand Street; the premises previously not having any operable doors or windows aside from for patron ingress/egress; and

iv. **Whereas**, the hours of operation are 11AM to 2AM Saturdays through Sundays; there will be one (1) television; music will be quiet background only consisting of music from iPod/CD's, no music will be audible in any adjacent residences at any time; there will be no dancing, no DJs, no live music, no scheduled performances, no cover fees or promoted events, no velvet ropes or metal barricades, no security personnel/door staff; and

v. **Whereas**, the Applicant stating they will apply to participate in the Open Restaurants outdoor seating with approximately 24 seats but supplied no diagrams indicating where the seating would be located; the hours of operation for the outdoor seating will be 11AM to 1AM Saturdays through Sundays (7 days a week); and

vi. **Whereas**, the storefront premises being located in a heavily saturated, mixed-use area with approximately 30 On-Premises liquor license within 500' and had been operated from 2015-2019 as Genuine Superette (SN#1284554), that operator working with the community for approved hours of operation from 9AM to 12AM Sunday to Tuesday; 9AM to 1AM Wednesday and 9AM to 2AM Thursday to Saturday, no televisions, no sidewalk café or other outdoor seating and all doors and windows closed at all times; the instant application requesting later hours and outdoor seating, the Applicant unwilling to end either outdoor or indoor seating earlier than the requested hours; and

vii. **Whereas**, the Certificate of Occupancy for the premises lists bakery and store use for the cellar floor, the Applicant intending to have the main kitchen on the ground floor and have patron seating in the cellar and is working on updating the Certificate of Occupancy or receiving a Letter of No Objection; the prior occupant using the basement as part of its operations (though this was omitted from the applications and materials submitted to Community Board 2); concerns being raised that it may not be possible to receive permitting of restaurant use for the cellar; and

viii. **Whereas**, this application being subject to the 500 foot rule requiring the Applicant to satisfy the public interest standard for adding another licensed establishment in this area, the area already being saturated with licensed establishments, there being questions raised about the closing hours of 2:00AM nightly and the impact on quality of life for the residents of an additional 24 seats outside, especially with closing hours of 1:00AM, the possible addition of operable doors along the frontage on Grand Street and the Applicants unwillingness to compromise on any of these issues; and

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a On Premise License for **Jo Rach, Inc. f/k/a Cocktail King, Inc. d/b/a Palermo, 191 Grand St. 10013**; and

**THEREFORE, BE IT FURTHER RESOLVED** that when the application is considered by the NYSLA, CB2, Man. respectfully requests that this item be calendared so that it may appear before the Full Board of the SLA and be heard on the On-Premises application.

Vote: Unanimous, with 42 Board members in favor.

**6. Numinosity, LLC d/b/a Jack's Wife Freda, 226 Lafayette St. a/k/a 62 Spring St. 10012**  
(Transfer-RW, new OP-Restaurant)

i. **Whereas**, the Applicant and the Applicant's Attorney appeared before CB2, Manhattan's SLA Committee #1 via video conference to present an application to the NYS Liquor Authority for the transfer of Restaurant Wine License (SN# 1300424) from CCFC 62 Spring LLC and a new On-Premises Liquor

License to operate a full-service restaurant serving American fare on the ground floor and basement of a M1-5B-zoned, six (6)-story mixed-use building (c. 1920) on Lafayette Street at the southwest corner of Lafayette and Spring Streets (Block #482/Lot #22); and

**ii. Whereas**, the storefront is approximately 2,400 sq. ft. (1,500 sq. ft. on the ground floor and 900 sq. ft. in the basement connected by an interior staircase), there will be 36 tables with 88 seats and one (1) bar with 13 seats, for a total patron occupancy of 101 persons; there are two (2) patron bathrooms in the basement which is otherwise used for storage and office purposes only, there is no patron dining or seating in the basement; there are three (3) entryways used for patron egress and ingress with the main entry on Lafayette Street; one (1) entryway used for emergency exit only; and

**iii. Whereas**, the storefront location had operated as Chef's Club Counter with a Restaurant Wine license (SN# 1300424), a "fast casual, grab and go" restaurant from 2017 to the present and prior to that was operated as Spring Street Natural Restaurant which closed in March/2015; and

**iv. Whereas**, the Applicant has been operating a very popular restaurant under the same name, Jack's Wife Freda (SN# 1268274) down the block from the instant application since March/2012 and is moving to this location in part because it is large in size; and

**v. Whereas**, there will be sidewalk and roadbed seating as part of the temporary Open Restaurants program located on Lafayette Street only; the sidewalk café will be no more than six (6) tables and 12 seats and roadbed seating not exceeding the business frontage will be no more than nine (9) tables and 18 seats; and

**vi. Whereas**, the instant application included the installation of operable windows along the business frontage on Spring and Lafayette streets, there being concerns raised about noise from the premises travelling to nearby residents, especially on Spring Street which is the narrower of the two streets, the Applicant agreeing to install inoperable windows along Spring Street and close the operable windows on Lafayette at 6PM every night; and

**vii. Whereas**, the instant application consisting of an initial transfer of the Restaurant Wine license (SN# 1300424) from CCFC 62 Spring, LLC to Numinosity, LLC, there being areas of the floor plan included in the instant application, including the bar area, that were not covered under CCFC 62 Spring, LLC's Restaurant Wine license, this being brought to the Applicant's attention; and

**viii. Whereas**, the agreed to hours of operation are 8AM to 12AM Mondays through Saturdays and 8AM to 10PM Sundays; music will be quiet background only consisting of music from iPod/CD's, no music will be audible in outdoor dining areas or in any adjacent residences at any time; all doors and windows will be closed at 6PM every night; there will be no dancing, no DJs, no live music, no scheduled performances, no cover fees or promoted events, no televisions, no velvet ropes or metal barricades, no security personnel/door staff; and

**ix. Whereas**, this application being subject to the 500-foot rule, requiring the Applicant to establish public interest for the license to be issued at its inception, the Applicant agreeing to and executing a stipulations agreement with CB2, Man. for the sole purpose of establishing public interest, the stipulations being attached to and incorporated into the "Method of Operation" of the On-Premise Liquor License, limiting its method of operation on the on premise license for this purpose, as follows:

1. The premises will be advertised and will operated as a restaurant focused on American fare.

2. The hours of operation will be from are 8AM to 12AM Mondays through Saturdays and 8AM to 10PM Sundays. (Premises will open no later than stated opening time and no patrons will remain after stated closing time.)
3. Will operate a full-service restaurant, specifically a family restaurant serving American fare with the kitchen open and full menu items available until closing every night.
4. The premises will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not operate a backyard garden or any outdoor area for commercial purposes except for a sidewalk café and roadbed seating operating under the temporary Open Restaurants program on Lafayette Street. Sidewalk café is located immediately adjacent to the storefront with no more than 6 tables and 12 patron seats and roadbed seating not exceeding the business frontage of licensed premises with 9 tables and 18 patron seats. No sidewalk or roadbed seating on Spring Street.
6. Sidewalk café and roadbed seating will close no later than 10PM. All tables and chairs will be removed at this hour. No exterior music, speakers or TVs.
7. Will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in outdoor dining areas or in any adjacent residences at any time.
8. Will not have televisions.
9. Will close all doors and windows by 6PM every night, allowing only for patron ingress and egress.
10. Patron use of the basement of licensed premises will be for bathroom access only.
11. Will not install or have French doors or open façades. Operable windows may be installed on Lafayette Street only.
12. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
13. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
14. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. Will not change any principals prior to submission of original application to NYSLA.
17. 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, security personnel / doormen.
18. Will appear before CB2, Manhattan prior to submitting plans for permanent sidewalk or roadbed dining.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for the transfer of the Restaurant Wine License (SN# 1300424) from CCFC 62 Spring LLC to **Numinosity, LLC d/b/a Jack’s Wife Freda** and for a new On-Premises Liquor License in the name of **Numinosity, LLC d/b/a Jack’s Wife Freda, 226 Lafayette 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 On-Premise License.

Vote: Unanimous, with 42 Board members in favor.

**7. Blossom Union Square, Inc. d/b/a Blossom, 72 University Pl. 10003 (Class Change to OP-Restaurant)**

**i. Whereas,** the Applicant appeared before CB2, Manhattan’s SLA Licensing committee via video conference to present an application to the NYS Liquor Authority for an upgrade to their existing Restaurant Wine License (SN# 1330949) to a full On-Premises Liquor License to operate a Vegan restaurant with a full menu on the ground floor of a R6B with a C1-3 overlay-zoned, five (5)-story mixed use building (c. 1918) on University Place between East 10<sup>th</sup> and East 11<sup>th</sup> Streets (Block #6062/Lot #10); and

**ii. Whereas,** the ground floor storefront is approximately 2,700 sq. ft. premises (1,800 sq. ft. on the first floor and,900 sq. ft. in the basement connected by an interior stairway) with 23 tables and 62 seats and one (1) bar with six (6) seats for a total patron occupancy of 68 seats; there is one entry serving as patron ingress and egress and two (2) patron bathrooms; and

**iii. Whereas,** there will be a certified sidewalk café as part of the temporary Open Restaurants program immediately adjacent to the building with six (6) tables and twelve (12) seats; and

**v. Whereas,** the applicant has been operating at this location since approximately August/2020 and will follow the same method of operation; proposed hours of operation will be Sunday to Thursday from 11:00 AM to 11:00 PM, Friday and Saturday from 11AM to 12AM, music will be quiet ambient background only, all windows are fixed and all doors will remain closed at all times, there will be no dancing, DJs, live music, promoted events, no cover fees or promoted events, no televisions, no velvet ropes or metal barricades, no security personnel/door staff; and

**ix. Whereas,** this application being subject to the 500 foot rule, requiring the Applicant to establish public interest for the license to be issued at its inception, the Applicant agreeing to and executing a stipulations agreement with CB2, Man. for the sole purpose of establishing public interest, the stipulations being attached to and incorporated into the “Method of Operation” of the On-Premise Liquor License, limiting its method of operation on the on premise license for this purpose, as follows:

1. The premises will be advertised and will operated as a Vegan restaurant.
2. The hours of operation will be from are 11AM to 11PM Sundays through Thursdays and 11AM to 12AM Fridays and Saturdays. (Premises will open no later than stated opening time and no patrons will remain after stated closing time.)
3. Will operate a full-service restaurant, specifically a Vegan Restaurant with the kitchen open and full menu items available until closing every night.
4. The premises will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not have televisions.
6. Will not operate a backyard garden or any outdoor area for commercial purposes except for licensed sidewalk café operating under the temporary Open Restaurants program located immediately adjacent to the storefront with no more than six (6) tables and twelve (12) patron seats. No roadbed seating.
7. Will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
8. Will close all doors at all times allowing only for patron ingress and egress.
9. No patron occupancy/service to any portion of the basement of licensed premises.
10. Will not install or have French doors, operable windows or open façades.

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 beer or wine products.
14. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
15. 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, security personnel / doormen.
16. Will appear before CB2, Manhattan prior to submitting plans for permanent sidewalk or roadbed dining.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a new On-Premises License to **Blossom Union Square, Inc. d/b/a Blossom, 72 University Place 10003** **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 NYSLA On-Premises Liquor License.

Vote: Unanimous, with 42 Board members in favor.

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

**8. Twelve Spring Street Rest. Corp. d/b/a The Vig Bar, 12 Spring St. 10012 (OP – Bar/Tavern) (Temporary Covid Seating)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on August 10, 2021, the Applicant requested **to lay over** this application to September/2021 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 CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Twelve Spring Street Rest. Corp. d/b/a The Vig Bar, 12 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, with 42 Board members in favor.

**9. Gommy 01, Inc. d/b/a Two hands Corndogs, 95 Macdougall St., Store B, 10012 (RBC – Restaurant)**

**Whereas**, during this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on August 10, 2021, the Applicant requested **to lay over** this application to September/2021 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 CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Gommy 01, Inc. d/b/a Two hands Corndogs, 95 Macdougall St., Store B, 10012, until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**10. P.F. Chang’s China Bistro, Inc. d/b/a P.F. Chang’s China Bistro, 113 University Pl. 10003 (OP – Restaurant)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on August 10, 2021, the Applicant the Applicant requested **to withdraw** 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, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **P.F. Chang’s China Bistro, Inc. d/b/a P.F. Chang’s China Bistro, 113 University Pl. 10003, until** CB2, Man. 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, with 42 Board members in favor.

**11. Corp. to be Formed by Pietro Quaglia, 172 Elizabeth St. 10012 (OP – Restaurant)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on August 10, 2021, the Applicant requested **to lay over** this application to September/2021 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 CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Corp. to be Formed by Pietro Quaglia, 172 Elizabeth St. 10012, until** the Applicant has presented their

application in front of CB2's SLA Licensing Committee and CB2, Man. has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**12. Tortazo NYC, LLC, d/b/a Tortazo, 161 6<sup>th</sup> Ave. 10013 (OP-Restaurant) (Free-Standing Covered Structure) (Sidewalk Café)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 10, 2021, the Applicant the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Tortazo NYC, LLC, d/b/a Tortazo, 161 6<sup>th</sup> Ave. 10013, until** CB2, Man. 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, with 42 Board members in favor.

**13. Red Grass, LLC d/b/a Do Not Feed Alligators, 337 Blecker St. 10014 (OP-Bar/Tavern) (Patio or Deck / Back Patio)**

**Whereas**, during this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 10, 2021, the Applicant requested **to lay over** this application to September/2021 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 CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Red Grass, LLC d/b/a Do Not Feed Alligators, 337 Blecker 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, Man. should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**14. 131 7AV S, LLC d/b/a Flip Sigi, 131 7<sup>th</sup> Ave. So. 10014 (New Restaurant Wine)**

**i. Whereas**, one of the Applicants appeared before CB2, Manhattan's SLA Licensing Committee to present an application for a new Restaurant Wine license to operate a fast casual taqueria restaurant specializing in Filipino tacos, burritos and burgers in a ground floor corner storefront within a one-story building built in the 1929 located within the Greenwich Village Historic District at the corner of 7<sup>th</sup> Avenue South and West 10<sup>th</sup> Street; and,

**ii. Whereas,** the interior 1-story premises is approximately 650 sq. ft. (with an additional 650 sq. ft. for storage use only; no patrons and not included in license) and was previously operated as Otto's Tacos, a fast casual taqueria with a tavern wine license, and prior to 2014 the premises operated for years as a bookstore; and,

**iii. Whereas,** the interior premise has 4 tables with 10 patron seats and one counter with 5 additional seats for a total of 15 patron seats, with a food counter for ordering food and drink, there has been a DCA sidewalk café at the location on 7<sup>th</sup> Avenue with 8 tables and 15 outdoor patron seats, there are operable doors or windows to the location, the premises has one patron bathroom, one patron entrance and there are no proposed exterior changes planned; and,

**iv. Whereas,** the proposed hours of operation are 11:00AM to 11:00PM Monday through Wednesday, and from 11:00AM to 12:00AM, Thursday through Sunday, music will be quiet background only, there will be no dancing, no DJs, no promoted events, no live music, no private parties, no scheduled performances or cover fees, and there will be no televisions;

**v. Whereas,** there was significant opposition to this application by community members living in the area near the location proposed to be licensed and those living in the area where the Applicants previously operated another Taqueria (2<sup>nd</sup> City West Village, LLC d/b/a Flip Sigi SN# 1294537) at 525 Hudson Street, those in opposition outlining Flip Sigi's very recent history of disruptive and unsafe Covid-19 conduct at this location, the location being notorious for noise, unmanaged mask-less crowds over the Spring and Summer months of 2020, in derogation and in violation of its stipulations signed with this Community Board for the purpose of establishing its original public interest for the granting of its prior license, as well as for multiple violations of Covid-19 regulations; and despite CB2 Man.'s signed and notarized stipulations that the licensed premise would play quiet, ambient, background recorded music only, music which would not be audible in any adjacent residences, the Licensees and current Applicants attached speakers to the exterior storefront playing loud music, a club-like atmosphere in a residential area, with residences located directly above the licensed premise, while also installing and operating a stand-up bar on the sidewalk in breach of the Governor's Executive Order, selling take-away drinks without the required food purchases, there being 29 complaints confirmed via NYC 311 system stemming from the business from March/2020 for loud music, noise, failures to social distance, the business being observed by residents and by Community Board members serving patrons drinks without food for consumption in standing areas in front of the premises on the public sidewalk and roadway bike path with no social distancing between groups, creating a situation where their standing patrons consistently blocked the sidewalk and bike lane, drinking in close proximity, creating an imminent public health hazard to both patrons and to the general public trying to pass on the sidewalk, the numerous complaints further triggering repeat visits over the months from the NYPD and members of Sixth Precinct, as well as the NYSLA, which issued violations and fines on June 29, 2020 to the operators for failing to follow the Governor's Executive Orders regarding the reopening of the State, City of New York for all residents and business operators; and,

**vi. Whereas,** when confronted with the on-going complaints, visits by the NYPD and violations issued from the NYSLA, the Applicants did not deny that they operated in derogation to the Governor's Executive Orders relating to the Covid-19 pandemic, or in violation of their existing stipulations, stating that for them it was a matter of survival as a business despite the clear public safety concerns posed by their actions to the public and those living above and immediately adjacent to their bar-like atmosphere they created in the public domain during the on-going recovery from the Pandemic, while the vast majority of similarly situation and like-businesses in the area followed the rules during the pandemic; and,

**vii. Whereas,** the Applicant’s past digressions are more fully articulated in a 500-foot hearing decision (Jan. 29, 2021, application number 1333100) rendered by Administrative Law Judge Beth Badner and should be referenced by the NYCLA before any future license is reviewed and/or approved by the NYCLA for these Applicants; and,

**viii. Whereas,** since opening up its instant Taqueria on Seventh Avenue the Applicants have improperly built a structure on the sidewalk, without NYC DOB approval, extending the interior business out onto the public sidewalk, while also setting up picnic tables on the curb line of the sidewalk, both of which is in derogation of the guidelines set up by the City of New York for outdoor dining during the on-going pandemic, the structure and tables not providing a clear path for pedestrians, the completely enclosed structure should be removed and the table seating relocated to the sidewalk frontage immediately adjacent to and in front of the storefront premise past, the Applicants failing to demonstrate any consideration for the rules of conduct in the past and have continued to demonstrate an inability to be guided by those same rules of conduct at the current location, their past transgressions not supporting the pursuit of operating with a similar method of operation at the proposed location, there also being significant opposition to the application while no one appearing on behalf of the Applicants; and,

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a On Premise License for **131 7AV S, LLC d/b/a Flip Sigi, 131 7<sup>th</sup> Ave. So. 10014**; and

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

Vote: Unanimous, with 42 Board members in favor.

**15. DB 516 Hudson NY, LLC d/b/a Daisies Burgers, 516 Hudson St. 10014** (New Restaurant Wine)

**i. Whereas,** the Applicants appeared before CB2, Manhattan’s SLA Licensing committee to present an application to the Liquor Authority for a new Restaurant Wine liquor license to operate a restaurant specializing in hamburgers within a ground floor storefront located in a 4 story residential townhouse building (Circa 1905) on Hudson Street between West 10<sup>th</sup> and Christopher Streets in Greenwich Village; the building falling within NYC LPC’s designated Greenwich Village Historic District; and,

**ii. Whereas,** the street level storefront premises is approximately 575 sq. ft., with an additional 500 sq. ft. in the basement (basement not for patron uses) with one bathroom, 5 tables and 20 seats, one food service counter with no seats, for a total of 20 interior seats, all service and patron areas will be on the ground floor, the basement being restricted to staff; and,

**iii. Whereas,** the new restaurant will operate with a similar method of operation as the restaurants previously occupying this same storefront, Benedicts, and prior to Benedicts, Hudson Falafel, the new owner/operators seeking to operate a “healthy burger restaurant defined by a localized supply chain, sourcing natural and chemical free ingredients, while operating sustainably through zero waste process and compostable packaging”; and,

**iv. Whereas,** consistent with the prior license at this particular location, the licensed premises will have an unenclosed sidewalk café of roughly 128 sq. ft., located immediately adjacent to storefront on Hudson Street, with no more than 3 tables and 12 seats, there will be no other service of alcohol to any

other exterior location, including the roadbed, the existing front façade being operable, with French doors, the applicant agreeing to close those doors by 10:00 PM and to close the sidewalk café by 11:00 PM every evening/night; and,

**v. Whereas,** the hours of operation will be Sunday to Saturday from 11 AM to 11 PM (all patrons will be cleared and no patrons will remain after stated closing times), music is quiet background only consisting of music from iPod/CDs (i.e. no active manipulation of music – only passive prearranged music), there will be no TVs, all doors and windows will be closed by 10 PM every night, there will be no DJ, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and,

**iv. Whereas,** the Applicant executed a stipulation agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated in to the method of operation on the license as follows:

1. The licensed premises will be advertised and operated as a full-service restaurant with full menu items available until closing every night.
2. The hours of operation will be Sunday to Saturday from 11 AM to 11 PM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not operate a backyard garden or any outdoor area for commercial purposes except for licensed sidewalk café operating under the temporary Outdoor Restaurants program located immediately adjacent to storefront with no more than 3 tables and 12 patron seats. No roadbed seating.
6. Sidewalk café will close by 11 PM every night. All tables and chairs will be removed at closing. No exterior music/speakers.
7. Will close all doors and windows by 10 PM every night.
8. No patron occupancy/service to any portion of basement to licensed premises.
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 : Dancing, DJs, live music, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.
11. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches.
12. Will not make changes to the existing façade except to change signage or awning.
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 comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. Will appear before CB2 Manhattan for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an application for a new Restaurant Wine License for **DB 516 Hudson NY, LLC d/b/a Daisies Burgers, 516 Hudson St. 10014** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA Restaurant Wine License.

Vote: Unanimous, with 42 Board members in favor.

**16. Sushi on West 10<sup>th</sup> Street, LLC d/b/a Sushi on Jones, 210 W. 10<sup>th</sup> St. 10014** (New OP— previously unlicensed location with Alteration to add second storefront, two sidewalk cafes and roadbed structure extending beyond store frontage)

**i. Whereas**, the Applicants and the Applicant’s Representative appeared before CB2, Manhattan’s SLA Licensing Committee to present an application for a new On Premise license to operate a restaurant serving Japanese cuisine in multiple storefronts, previously unlicensed, with two sidewalk cafes in front of each storefront and with a large roadbed structure which extends beyond either storefront premise, the two storefronts being located within a six-story tenement style residential building built in the 1911 located on West 10<sup>th</sup> Street between Bleecker and West 4<sup>th</sup> Streets in Greenwich Village; the building falling within NYC LPC’s designated Greenwich Village Historic District; and,

**ii. Whereas**, the two storefronts in combination has never been licensed previously and there has never been an on premise license at either storefront, the Applicant having operated a small Omakaze sushi bar with 8 seats in one of the two storefronts since 2018, and prior to 2018 the storefront was operated for many years as a dry cleaners with laundry service; no certificate of occupancy and/or letter of no objection was presented allowing for the occupancy and use in combination as proposed; and

**iii. Whereas**, the Applicant seeks to alter and add the adjacent storefront previously operated as Westville, a small take-out restaurant with a restaurant wine license, via interior doorway connection, where none previously existed, the original sushi bar being premised on a quick serve, reservation only seating, with patron turn over being approximately 30-60 minutes, the additional storefront also being small, adding 4 tables with 8 seats and two counters with 5 seats for a total seating interior capacity of the combined storefronts being limited to 21 patron seats; and

**iv. Whereas**, sidewalk seating was not permitted at both storefronts in the past, West 10<sup>th</sup> Street being primarily residential, with narrow sidewalks insufficient for a licensed sidewalk café and a proper width allowing for both the service of alcohol/dining and a clear passage of eight feet for pedestrians, the Applicant now seeking to add exterior tables and seats for the service of alcohol in front of both storefronts, where none previously existed, the Applicant not providing a diagram for such sidewalk seating, the Applicant indicating in person that there would be no more than two tables for four patrons in front of each storefront, making a total of eight seats on the sidewalk;

**v. Whereas**, the Applicant is also operating with a recently constructed roadway structure, the roadway structure being located within the roadway but not immediately in front of storefront being operated by the licensee, there being a bus stop located in the roadway immediately in front of the small storefront where the licensee has operated since 2018, the bus stop extending into the second storefront frontage (formerly Westville) sought to be added and combined; and,

**vi. Whereas**, the roadway structure contains 5 booths allowing for up to six patrons per booth for a total seating capacity inside 24 patrons, the structure extending out into the roadway by eight feet, being placed and located in the roadbed immediately adjacent to and up against the roadbed area designated for

the bus stop, blocking the buses from entering and exiting the public bus stop, the roadbed structure also not being continuous with the licensee's existing storefront frontage and further, extending beyond the roughly 10 foot frontage of storefront sought to be added (formerly Westville), the roadbed structure extending beyond the storefront frontage, beyond and in front of residential entrance to the same building, and in front of the residential frontage to the tenement style building; and,

**vii. Whereas,** the proposed hours of operation for the interior are 12:00 PM to 11:00 PM Sunday through Saturday and on the exterior no later than 10 PM every night, music will be quiet background only for the interior, no music or speakers outside, there will be no dancing, no DJs, no promoted events, no live music, no private parties, no scheduled performances or cover fees, and there will be no televisions; and

**viii. Whereas,** this application being subject to the 500 foot rule requiring the Applicant to demonstrate that the public interest and public convenience is served from the addition of this license in an area already greatly saturated with late night drinking establishments with liquor licenses, there being 81 active liquor licenses within 750 feet of the premises, 36 inactive licenses and 3 additional pending license applications within this same area with, the locations proposed and in combination having never previously held an on premises license at any point in the past, there being an extensive exterior seating proposed, greater than the interior seating of the combined storefronts, the exterior seating and alcohol service never previously existing thereat, the sidewalk walk being too narrow for both table service and a proper 8 foot pathway for pedestrian traffic, the roadbed structure not complying with the temporary restaurant program, the structure blocking the bus stop in the roadway, creating a safety hazard and preventing disabled access to the public buses, the roadway structure not being located immediately in front of the storefront premises proposed to be licensed, the Applicant not providing a sunset or time certain for ending the use of the temporary roadway structure, the structure being inconsistent with and adverse to the historic character and designated landmarking of the immediate neighborhood, there being no landmarking approval for the structure, the exterior intrusion of noise from dining and the service of alcohol at the multiple storefronts during the day and at night, surrounded by residences, located on a residential street, on a narrow roadway with narrow sidewalks, where no exterior presence for eating and drinking previously existed, the on premise license being inconsistent with the fast-service Omakase style method of operation originally proposed; and,

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a On Premise License for **Sushi on West 10<sup>th</sup> Street, LLC d/b/a Sushi on Jones, 210 W. 10<sup>th</sup> St. 10014**; and

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

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

Vote: Unanimous, with 42 Board members in favor.

**17. Felice Hudson, LLC d/b/a Felice, 615 Hudson St. 10014 (New OP—Restaurant)**

**i. Whereas,** the Applicant appeared before CB2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority for a new On Premises license to operate an Italian food and wine inspired restaurant; and,

**ii. Whereas,** this application is for a new On Premises Restaurant license at a previously licensed location which is located in a mixed use 3-story townhouse (built in 1910) located on Hudson Street between Jane and West 12<sup>th</sup> Streets in a roughly 2700 sq. ft. storefront premise (2,000 ft ground floor and 700 ft basement – no patrons in basement) with 21 tables and 60 table seats, 1 bar with 10 seats; there are 1 entrance, 1 exit, and two bathrooms; the front façade is fixed without operable doors or windows, a certificate of occupancy from 1983 was submitted; and,

**iii. Whereas,** the hours of operation for the interior will be Sunday to Thursday from 10 AM to 11 PM and Friday and Saturday from 10 AM to 12 AM midnight, music in the interior will be quiet background only, all doors and windows will be closed at all times, except for patron ingress and egress, there will be no DJ, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. The licensed premises will be advertised and operated as a full-service restaurant with full menu items available until closing every night.
2. The hours of operation will be Sunday to Thursday from 10 AM to 11 PM and Friday and Saturday from 10 AM to 12 AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or other outdoor area for commercial purposes except for licensed sidewalk café operating under the temporary Outdoor Restaurants program located immediately adjacent to storefront with no more than 10 tables and 20 patron seats. No roadbed seating.
7. Sidewalk café will close by 10 PM Sunday through Thursday and by 11 PM Fridays and Saturdays. All tables and chairs will be removed at closing. No exterior music/speakers.
8. Will not install or have French doors, operable windows or open facades.
9. No patron occupancy/service to any portion of basement to licensed premises.
10. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at any time.
11. The premises will not have DJ's, live music, or promoted events.
12. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches.
13. Will not make changes to the existing façade except to change signage or awning.
14. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
16. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
17. Will appear before CB2 Manhattan for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an application for On Premise License for **Felice Hudson, LLC d/b/a Felice, 615 Hudson St. 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 License.

Vote: Unanimous, with 42 Board members in favor.

**18. North on 8<sup>th</sup>, LLC, d/b/a North Miznon, 61 W. 8<sup>th</sup> St. 10011** (New OP—Restaurant with sidewalk seating)

**i. Whereas**, the Applicant appeared before CB2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a new On Premises Restaurant license to operate a full-service “Mediterranean inspired restaurant” and,

**ii. Whereas**, this application is for a new On-Premises Restaurant license at a previously licensed storefront location which is located in a mixed use 5 story building (built in 1900) located on West 8<sup>th</sup> Street between Fifth and Sixth Avenues, the storefront premise to be licensed being roughly 2,200 sq. ft. (1,050 ft. ground floor and 1,160 ft. basement – with no patron service occurring in the basement) with 10 tables and 38 table seats, 1 bar/food counter surrounding an open kitchen with 36 seats, for a total patron seats of 74 seats overall; there are 3 entrances, 3 exits, and three bathrooms; a letter of no objection is pending; and,

**iii. Whereas**, the hours of operation for the interior will be Sunday to Thursday from 10 AM to 12 AM midnight and Friday and Saturday from 10 AM to 1 AM, music in the interior will be quiet background only, there will be no operable doors or windows on the front storefront façade, all doors and windows remain closed at all times, except for patron ingress and egress, there will be no DJ, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

**iv. Whereas**, this application being subject to the 500-foot rule, requiring the Applicant to establish a public interest for the license to be issued at its inception, the Applicant having met with and worked out an agreement with the West 8<sup>th</sup> Street Block Association, also agreeing to and executing a stipulations agreement with CB2, Man. for the purpose of establishing public interest, the stipulations being attached to and incorporated into the license, limiting its method of operation on its license for this purpose, as follows:

1. The licensed premises will be advertised and operated as a full-service restaurant with full menu items available until closing every night.
2. The hours of operation will be Sunday to Thursday from 10 AM to 12 AM and Friday and Saturday from 10 AM to 1 AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or other outdoor area for commercial purposes except for licensed sidewalk café operating under the temporary Outdoor Restaurants program located immediately adjacent to storefront with no more than 4 tables and 8 patron seats. No roadbed seating.
7. Sidewalk café will close by 10 PM Sunday through Thursday and by 11 PM Fridays and Saturdays. All tables and chairs will be removed at closing. No exterior music/speakers.

8. Will not install or have French doors, operable windows or open facades.
9. No patron occupancy/service to any portion of basement to licensed premises.
10. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at any time.
11. The premises will not have DJ's, live music, or promoted events.
12. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches.
13. Will not make changes to the existing façade except to change signage or awning.
14. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products.
15. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
16. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
17. Will appear before CB2 Manhattan for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an application for On Premise License for **North on 8<sup>th</sup>, LLC, d/b/a North Miznon, 61 W. 8<sup>th</sup> St. 10011** **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the "Method of Operation" on the SLA On Premise License.

Vote: Unanimous, with 42 Board members in favor.

**19. Saigon Market, LLC, d/b/a t/b/a 202 W. 14<sup>th</sup> St. 10014** (New On Premise—Restaurant with service to sidewalk cafe)

**i. Whereas**, the Applicant appeared before CB2, Manhattan's SLA Licensing Committee to present an application to the Liquor Authority for a new on-premise liquor license to operate a full-service Vietnamese restaurant within a ground floor storefront within a five-story tenement style residential building (circa 1922) on West 14<sup>th</sup> Street between 7<sup>th</sup> and 8<sup>th</sup> Avenues; and,

**ii. Whereas**, the ground floor storefront is roughly 1,900 sq. ft., with additional 900 sq. ft. basement space, the basement space being for storage and business office but not for the patron service, there will be two (2) bathrooms, the premise to be licensed having formerly operated as the Asian fusion restaurant known as Zusik, the ground floor interior will have 1 bar with 11 seats, 25 tables with 58 seats for a total patron occupancy of 69 interior seats, there being a certificate of occupancy for a "restaurant" issued for this location; and,

**iii. Whereas**, the front façade to the storefront premises to be licensed contains operable doors that will not be altered, there are two doors for egress onto the public sidewalk, and consistent with the prior license at this particular location, there will be a sidewalk café with 4 tables and 8 seats that close by 10 PM during the week and by 11 PM on the weekends; there will be no backyard garden, no roadbed seating or dinning; and,

**iv. Whereas**, the hours of operation are Sunday to Wednesday from 11 AM to 12 AM, Thursdays from 11 AM to 1 AM and Fridays/Saturdays from 11 AM to 2 AM (all patrons will be cleared and no patrons will remain after stated closing times), music is quiet background only consisting of music from iPod/CDs

(i.e. no active manipulation of music – only passive prearranged music), there will be no televisions, all doors and windows will be closed by 10 PM every night, there will be no DJ, no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and,

v. **Whereas**, this application being subject to the 500-foot rule, requiring the Applicant to establish a public interest for the license to be issued at its inception, the Applicant agreeing to and executing a stipulations agreement with CB2, Man. for the purpose of establishing public interest, the stipulations being attached to and incorporated into the license, limiting its method of operation on its license for this purpose, as follows:

1. The licensed premises will be advertised and operated as a full-service restaurant with full menu items available until closing every night.
2. The hours of operation will be Sunday to Wednesday from 11 AM to 12 AM, Thursdays from 11 AM to 1 AM and Fridays/Saturdays from 11 AM to 2 AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or other outdoor area for commercial purposes except for licensed sidewalk café operating under the temporary Outdoor Restaurants program located immediately adjacent to storefront with no more than 4 tables and 8 patron seats. No roadbed seating.
7. Sidewalk café will close by 10 PM Sunday through Thursday and by 11 PM Fridays and Saturdays. All tables and chairs will be removed at closing. No exterior music/speakers.
8. Will close all doors and windows by 10 PM every night, allowing only for patron ingress and egress.
9. No patron occupancy/service to any portion of basement to licensed premises.
10. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at any time.
11. The premises will not have DJs, live music, or promoted events.
12. Use of backyard area/space for garbage storage only, no patrons, no loitering by staff, will be closed and lights out for all purposes after 10 PM every night.
13. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches.
14. Will not make changes to the existing façade except to change signage or awning.
15. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine products.
16. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
17. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
18. Will appear before CB2 Manhattan for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an application for On Premise License for **Saigon Market, LLC, d/b/a t/b/a 202 W. 14<sup>th</sup> St. 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 License.

Vote: Unanimous, with 42 Board members in favor.

**20. HEC Enterprises, Inc. d/b/a Julius Bar, 159 W. 10th St.** (Existing Bar—seeking municipal extension to use public sidewalk on temporary basis)

**i. Whereas,** the Applicant and Licensee appeared before CB2, Manhattan’s SLA Committee #2 to present an application for a municipal extension to its existing licensed storefront premise, on a temporary basis, to operate and serve alcohol on the public sidewalk immediately in front of the premises on West 10<sup>th</sup> Street; and,

**ii. Whereas,** the licensee has operated, for years, as a traditional bar within the existing interior storefront, the bar being located in a two-story mixed-use building constructed in 1864 at the corner of West 10<sup>th</sup> Street and Waverly Place located in the Greenwich Village Historic District; and,

**iii. Whereas,** the Applicant and License provided a diagram, providing for 8 tables with 26 patron seats running along and immediately adjacent to the west 10<sup>th</sup> side of the storefront, for dining purposes only, and will provide for an eight foot clear path from the curb line exclusive of DOT specified obstructions, the Applicant and License further agreeing to close the sidewalk café by 10 PM Sunday through Thursday and by 11 PM on Fridays and Saturdays, in addition to keeping its existing doors to the bar closed at all times except for purposes of egress; and

**iv. Whereas,** with regards to the sidewalk café extension of the licensed premises, the Applicant has executed and has had notarized a Stipulations Agreement with CB2, Man. which will be incorporated into the “Method of Operation” of the Licensee’s On-Premises License, with those stipulations as follows:

1. Will operate a licensed sidewalk café located immediately adjacent to storefront on West 10<sup>th</sup> Street only, with no more than 8 tables and 26 patron seats and allowing for a minimum 8' clear path from curb line exclusive of DOT specified obstructions.
2. The hours of operation will be from 12:00 PM to 12:00 AM Mondays through Saturdays, and 12:00 PM to 10:00 PM on Sundays.
3. Sidewalk café will close by 10 PM Sunday through Thursday and by 11 PM Fridays and Saturdays. All tables and chairs will be removed at closing.
4. Will close all doors and windows at all times allowing only for wait staff and patron ingress and egress.
5. Will not have exterior music, speakers, TVs or monitors.
6. Seating is seasonal. There will be no use of heaters.
7. Will not have roadbed seating.
8. Will appear before CB2, Manhattan prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the instant application seeking a municipal extension for **HEC Enterprises, Inc. d/b/a Julius Bar, 159 W. 10th St.** **unless** the statements presented by the Applicant are accurate and complete and the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA On Premises License.

Vote: Unanimous, with 42 Board members in favor.

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

**21. Sinsky, LLC d/b/a Pending, 61 W. 8th St. 10011 (OP-Restaurant) (DOT Open Restaurants Permit) (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 11, 2021, the Applicant requested **to withdraw** this application affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license **Sinsky, LLC d/b/a Pending, 61 W. 8th St. 10011 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**22. Pine and Polk, LLC d/b/a TBD, 632 Hudson St. 10014 (OP-Bar/Tavern) (withdrawn after submission)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 11, 2021, the Applicant requested **to withdraw** 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 **Pine and Polk, LLC d/b/a TBD, 632 Hudson St. 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, with 42 Board members in favor.

**23. Pyramid Apex, LLC d/b/a Pending, 142 W. 10th St. 10014 (OP-Restaurant) (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 11, 2021, the Applicant's Counsel requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Pyramid**

**Apex, LLC d/b/a Pending, 142 W. 10th St. 10014 until** CB2, Man. 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, with 42 Board members in favor.

**24. Happiness Eating, LLC, 554 and 556 Hudson St. 10014** (New RW-Restaurant) (withdrawn)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 11, 2021, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Happiness Eating, LLC, 554 and 556 Hudson St. 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, with 42 Board members in favor.

**25. Corp. to be Formed by Andrew Nelson d/b/a Death by Pizza, LLC, 240 W. 14<sup>th</sup> St. 10011** (New OP-Restaurant) (DJ) (Live Music) (Patron Dancing) (Patio or Deck) (Sidewalk Café) (laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 11, 2021, the Applicant requested **to layover** this application to September/2021 affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Corp. to be Formed by Andrew Nelson d/b/a Death by Pizza, LLC, 240 W. 14<sup>th</sup> St. 10011 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, with 42 Board members in favor.

**26. 401 West Property Owner, LLC d/b/a TBD, 401 West St. 10014** (OP-Restaurant) (Grnd. Fl. & Cellar) (Live Music-Piano) (Courtyard) (laid over)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 11, 2021, the Applicant agreed **to lay over** this application to September/2021, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **401 West**

**Property Owner, LLC d/b/a TBD, 401 West St. 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, with 42 Board members in favor.

**27. SABO, LLC, d/b/a Pending, 61 W. 8th St. 10011 (OP-Restaurant/Bar) (Sidewalk Café)**  
(withdrawn)

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 11, 2021, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **SABO, LLC, d/b/a Pending, 61 W. 8th St. 10011 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, with 42 Board members in favor.

**28. Astrea Management, Inc. d/b/a Uncle Ted's, 61 W. 8th St. (removal from 163 Bleeker St.) 10011 (OP-Restaurant/Bar) (withdrawn)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 11, 2021, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Astrea Management, Inc. d/b/a Uncle Ted's, 61 W. 8th St. (removal from 163 Bleeker St.) 10011 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, with 42 Board members in favor.

**29. Spring Cafe NYC, LLC d/b/a Spring Cafe Aspen, 14 W. 4th St. 10012 (RW-cafe)(seeking municipal extension to sidewalk)(failed to appear)**

**Whereas**, despite given notice and being asked to appear at this month's CB2, Manhattan's SLA Licensing Committee Meeting on August 11, 2021, the Applicant **failed to appear** and provided no information regarding this application or for their non-appearance; and,

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the NYCDOT and NYSLA **deny** any type of proposed municipal extension to an existing liquor license for **Spring Cafe NYC, LLC d/b/a Spring Cafe Aspen, 14 W. 4th St. 10012** **until** CB2 has been given an opportunity to hear from the Applicant and has forwarded its recommendation to NYC DOT and the NYSLA and requests that the NYC DOT and 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, with 42 Board members in favor.

## **STANDING COMMITTEE REPORTS**

### **JOINT LAND USE AND REOPENING WORKING GROUP**

**Open Restaurants/Sidewalk Cafés:** The New York City Department of Transportation (DOT) and Department of City Planning (DCP) are proposing a citywide zoning text amendment that will allow the DOT to administer the Permanent Open Restaurant (POR) program. The proposal will remove sidewalk café regulations from the Zoning Resolution, including all geographic restrictions, as part of a larger action that would create a new permanent program consisting of both a successor to the New York City Department of Consumer and Worker Protection (DWCP) sidewalk café program and a new roadway café seating program administered by DOT.

#### **Whereas:**

1. Manhattan Community Board 2 (CB2, Man.) joins the growing number of community boards around the city that are recommending denial of Mayor de Blasio's rushed attempt to remove all locational prohibitions for sidewalk cafés and create a new Permanent Open Restaurants (POR) program citywide that will make permanent changes to our city's streetscape, based entirely on an emergency plan whose goal was to temporarily help one industry during an unprecedented global pandemic.
2. CB2, Man. is opposed to sweeping permanent changes to the streetscape without consideration of the best use of the public realm for greenspace, pedestrian access and other public realm or industry uses. The Mayor's plan utterly disregards critical public safety impacts of roadway cafés and equity issues for residents and businesses – all for the benefit of one industry. The Mayor claims that city streets are his number one priority under *Vision Zero*,<sup>1</sup> but his proposal of a citywide program, in the final days of his administration, comes in a year when the number of traffic deaths increased 30% in 2021 from traffic-related fatalities – the most deaths on city streets since 2014.<sup>2</sup>
3. CB2, Man. is opposed to having to review this text amendment prior to new DOT rules for siting and design guidelines of sidewalk and roadway cafés.
4. The Proposed Actions represent a fundamental change in that it expands the geography of eating and drinking establishments to the public realm without sufficient study of the impacts, including:
  - a. Allowing sidewalk cafés in residentially zoned areas where non-conforming uses would be allowed to expand their footprint onto public property, including expansion of premises to the outdoors for bars and restaurants with liquor licenses resulting in known quality-of-life impacts;
  - b. Allowing windows and facades of bars and restaurants open for non-conforming uses in residential areas;

- c. Allowing sidewalk cafés on streets and areas previously specifically excluded in the zoning text; and
  - d. Allowing the expansion of full-size sidewalk cafés on streets previously limited to small sidewalk cafés.
5. Removal of Zoning Resolution text that has been crafted over decades will allow establishments, with and without liquor licenses, in residential neighborhoods to expand onto public property, without limitations in numbers, and where such intrusions were previously carefully controlled or prohibited.
  6. POR would eliminate the existing DCWP’s Sidewalk Café Program’s zoning framework, which over many decades has produced a successful balance between CB2’s commercial and heavily residential uses and removes critical protections for residents.
  7. At the CB2, Man. public hearing on July 19, 2021,<sup>3</sup> residents testified in unanimous opposition to a program whose one-size-fits-all approach demonstrates an utter disregard for local input. Since then, written testimony from scores of residents has echoed this sentiment.
  8. In their recent answers to CB2’s questions, DCP and DOT stated that, “sidewalk conditions, not neighborhood conditions, best determine whether a sidewalk café will work or not.”<sup>4</sup> That is so at odds with the DCWP’s nuanced management of the current Sidewalk Café Program (which also considers neighborhood context) and CB2, Man. questions whether DOT is the appropriate agency to monitor this program. DOT’s low level of enforcement during the temporary program and the lack of accompanying details regarding the size of its proposed “inspection force” adds to our doubts. To do an adequate job, DOT would need stronger enforcement tools than “education.”
  9. CB2, Man. objects to the proposed simplified application process that would lower the level of community board review. CB2 supports continuing the current process of community board reviews of sidewalk cafés on an individual basis, as currently exists in the DWCP Sidewalk Café program, and individual reviews of roadway dining setups.
  10. To the extent that an increase in FAR was a bonus given to a developer in return for widened sidewalks, CB2 objects to further givebacks in the form of sidewalk and/or roadway cafés.

<sup>1</sup> NYC DOT [Vision Zero](#).

<sup>2</sup> City of New York Office of the Mayor [Mayor’s Management Report, September 2021](#): pg 15.

<sup>3</sup> [CB2 Permanent Open Restaurants Public Hearing: July 19, 2021](#).

<sup>4</sup> [CB2 POR Questions to DCP, September 16, 2021](#): DCP Response R32.1.

## **WHY APPLYING A ONE-SIZE-FITS-ALL APPROACH DOESN’T WORK**

11. Each community district is different. CB2 is largely composed of mixed-use and residential neighborhoods. Our 100- to 200-year-old buildings were not built to mitigate the negative impacts of bars and restaurants and are complicated and financially burdensome to alter.
12. The generic EAS that accompanies this text amendment does not take into account variations in the length of a block face from district to district. None of the six prototypes<sup>5</sup> outlined in the EAS properly addresses the unique neighborhood character of CB2. We would seem to fall into Prototype 1 (P1) with its narrow street and sidewalks, but P1 is marked by only medium restaurant concentration and CB2 has one of the highest restaurant densities in New York.

In terms of density, even Prototype 6, the restaurant street scenario that envisions as many as two sidewalk cafés and four roadway cafés per block face (for a total of six), does not properly reflect the number of sidewalk and roadway cafés already on the streets of our district during the Temporary Open Restaurants program. Carmine, Sullivan, Thompson, Mulberry, West 4th, Cornelia, MacDougal, West 10th, Mott, Kenmare, LaGuardia and Christopher are but a sampling.

13. The text amendment proposes no limits on sidewalk and roadway density per block face. Furthermore, the text amendment proposes no limits on the number of outdoor seats as a percentage of indoor seating in either sidewalk or roadway cafés. For example, currently, many restaurants and bars have outdoor seating capacity in excess of their indoor seating.

## **WHY PERMANENT OPEN RESTAURANTS WILL HAVE AN OUTSIZE IMPACT ON CB2**

14. CB2. Man. is home to the **highest density of liquor licenses, sidewalk cafés and destination eating and drinking establishments in New York City.**<sup>6</sup> The density of liquor licenses has created and will continue to create quality of life impacts on our residents.
15. Our district has an unusually high percentage of residential buildings with restaurants and bars on the ground floor. We cannot approve removing zoning resolution language that requires operable windows to be closed during the service of food and beverage. Keeping operable windows closed is the first line of defense for protecting quality of life for residents. Likewise, we support continuing the rules that outdoor diners be seated.
16. CB2 contains buildings with residences on the ground floor that have windows facing the sidewalk which could and do face significant intrusions on the livability of those residences where restaurants place outdoor seating directly outside their windows.
17. The Open Restaurants program has had significant negative impacts on ADA accessibility in CB2. Lack of enforcement has contributed to a significant decline in quality of life for people with disabilities. In the City Council Speaker’s survey, only 18% of Open Restaurants participants in the survey area were compliant with clear path regulations.
18. The self-certification of restaurants and bars during the Temporary Open Restaurants program has overwhelmed CB2’s residents with negative impacts due to the high density of Open Restaurants and lack of enforcement of the most egregious offenders.
19. An analysis of 311 calls shows that weekly noise complaints within CB2 doubled between June 15, 2020, and June 14, 2021,<sup>8</sup> coinciding with the launch of the Open Restaurants program.
20. The CB2 community is currently overwhelmed with vermin, which now live under the many roadbed dining structures, and trash, which further exacerbates the problem.

<sup>6</sup>NYC Department of Transportation (DOT), 2021, *Permanent Open Restaurants Program (CEQR No. 21DOT016Y) Environmental Assessment Statement (EAS) Full Form. Attachment A: Project Description, Figures A-5, A-6, A-7, A-8, A-9, A-10.*

21. The text amendment does not distinguish between bars and restaurants,<sup>9</sup> including many establishments that operate as bars and do not have kitchens; operate with entertainment levels of music; where the service of alcohol is the primary method of operation; and operating hours extend well beyond the 10 p.m. to 12 a.m. closing times that are more typical of restaurants.
22. CB2 regularly receives 25+ liquor license applications per month and is the most heavily licensed community board in the city. In 2021, about 80% of those applications included an outdoor dining component in the Temporary Open Restaurants and/or planned outdoor dining component as part of the proposed Permanent Open Restaurants program.

### **THE ANTI-EQUITY, ANTI-COMPETITIVE REPERCUSSIONS OF THE POR**

23. CB2 agrees with former DOT Commissioner Polly Trottenberg, who concluded that “If [the Temporary Open Restaurants program] becomes...a permanent feature attached to a particular private property, then the balance sort of tips and it becomes somewhat a value more captured potentially by the building owner.”<sup>10</sup>
24. DCP’s August 2019 “Assessing Storefront Vacancy in NYC” Report found a 50%+ increase in eating and drinking establishments between 2007 and 2017, replacing other diverse dry retail uses that support our residential community, and CB2’s two SLA committees have continued to see an increase in liquor license applications through 2021.
25. The zoning text proposal provides an advantage to a single retail industry over all other forms of retail businesses and services, discouraging competition and unfairly increasing commercial rents.
26. There will be further dislocation and replacement of neighborhood dry retail storefront businesses through tools such as lease incentives and buyouts of businesses that have served the local community’s needs for decades, such as delicatessens, dry cleaners, laundromats, hair salons, butchers, specialty markets, hardware, jewelry, book and other family-owned “mom and pop” small businesses.
27. The installation of as-of-right outdoor sidewalk and roadway structures, particularly in the densest parts of CB2, overwhelms and physically blocks storefronts of adjacent retail businesses, negatively impacting the value of the surrounding retail spaces.
28. Expansion of the siting criteria to include outdoor seating for only eating and drinking establishments would provide additional seating areas at a heavy discount, significantly distorting commercial rents in ways that hurt dry retail businesses.

<sup>6</sup>Appendix B: *Bar Chart of Licensed Premises that are Open Restaurants Participants by Community District.*

<sup>7</sup>Appendix F: *CB2 Landmarks Committee Memo on Permanent Open Restaurants.*

<sup>8</sup>Appendix C: *Graph of CB2 311 complaints related to Open Restaurants overlaid with the number of CB2 Open Restaurant Participants.*

<sup>9</sup>NYC DOT, 2021, *Attachment B: Land Use, Zoning, and Public Policy*, p B-10.

<sup>10</sup>New York City Council [Committee on Consumer Affairs and Business Licensing Meeting Transcript, September 30, 2020](#), quoted from DOT Commissioner Polly Trottenberg, pg. 98, line 2.

29. This privatization of public space will result in a less equitable business mix and confer a permanent benefit to landlords in the form of increased rents outlasting the currently ongoing pandemic.

## **A LACK OF ADEQUATE STUDY MEANS A FLAWED ENVIRONMENTAL ASSESSMENT STATEMENT**

30. Due to the lack of any studies measuring the real impacts of the proposed action on actual neighborhoods, CB2, block associations, concerned citizens, and the Office of New York City Council Speaker Corey Johnson have filled this void by compiling statistics and doing their own studies. In a survey completed by Speaker Johnson's office, 93% of temporary program participants in Council District 3 (CD3), which overlaps with the boundaries of CB2, are not compliant with current DOT guidance.<sup>11</sup>
31. There are no studies that support the removal of the Sidewalk Café Program as detailed in Article I, Chapter 4 from the Zoning Resolution.\
32. CB2 questions why no studies were done to support the following proposed changes:
  - a. Why areas specifically excluded in the zoning text should be allowed to expand for outdoor eating and drinking without exception.<sup>12</sup>
  - b. Why non-conforming uses in residential areas should be allowed to expand into the public realm, contrary to the underlying residential zoning districts.<sup>13</sup>
  - c. Why areas in CB2 designated specifically for small sidewalk cafés should be expanded to now permit full size sidewalk cafés.<sup>14</sup>
  - d. Why additional modifications are being made to ZR 52-34 which would allow changes within non-conforming Use Group 6 (UG6) spaces in residentially zoned areas to now permit eating or drinking establishments for non-seated patrons.
33. No studies on the impacts of removing enclosure requirements for eating and drinking establishments with musical entertainment and dancing, given the current pending legislation 1728-2021 in City Council to remove all references to dancing in the zoning text as a follow up to the elimination of the Cabaret Laws.
34. No studies on the quality-of-life impacts of outdoor drinking on densely-populated, residential neighborhoods such as those found in CB2.

<sup>11</sup>Appendix F: *Temporary Open Restaurants Program Survey Analysis of Restaurants Overlapping CB2 and Council District 3 by the Office of NYC City Council Speaker Corey Johnson, August 2021.*

<sup>12</sup>Appendix A-3: *Map of Existing Sidewalk Café Regulations in Manhattan Community Board 2* [DCP & DOT Presentation on July 19, 2021](#), pg 21, areas in red on map.

<sup>13</sup>Appendix A-3: *Map of Existing Sidewalk Café Regulations in Manhattan Community Board 2* [DCP & DOT Presentation on July 19, 2021](#), pg 21, areas in blue on map.

35. No studies on the negative impact on individual neighborhoods, when in fact CB2 contains hundreds of commercial storefronts with non-conforming uses that were never zoned to permit commercial retail but were granted such permission in the past.<sup>15</sup>
36. No studies on the potential impact of conversion of UG6 to eating and drinking uses from other non-conforming dry retail uses, particularly in dense residential zones like CB2.
37. For a future study, to guide community board recommendations for future actions, explore the potential effects of changing market rent, average neighborhood rent, and extending commercial rent to mitigate equity and retail diversity issues.
38. No studies on the impact of the geographic expansion of bars and outdoor consumption of alcohol on streets on neighborhood character in residential zones.
39. No studies on the increased allowable noise levels and those impacts on nearby residents, whether outdoor dining produces unreasonable noise levels where that noise did not previously exist, and whether those increased noise levels either from outdoor dining or music and other noise from the interior of the unenclosed premises would violate NYC's noise codes.<sup>16</sup>
40. No studies on pedestrian flows, counts and other usage of sidewalks for those areas not currently able to have sidewalk cafés and roadbed dining to determine whether those areas are appropriate for roadway setups; CB2 contains a number of high-trafficked pedestrian streets, such as Canal St. and Broadway.
41. No studies on the loss of service lanes at turnover times for essential deliveries or services which must be conducted in the immediate proximity of buildings such as deliveries by large trucks, residential or commercial moving, fuel oil deliveries, grease pump outs for restaurants, and other reasonable similar activities on one lane streets, thereby blocking traffic.
42. No studies on the impacts of loss of parking on small businesses.
43. No studies on the impact on traffic flow and vehicle speeds.
44. No studies regarding air quality issues affecting patrons (e.g., due to slow-moving vehicles).
45. No studies on negative impacts on public health and safety/roadbed.
46. No studies on adequate visibility near intersections with respect to outdoor dining setups, approaching vehicles, and pedestrians crossing the road; this is of particular concern for seniors and those with mobility and visual impairments.
47. No studies on roadway structures and their effects on accidents between vehicles and outdoor dining setups and access for emergency vehicles; in September 2020, it was stated that “there have been several instances of motor vehicles crashing into the outdoor dining areas and, in some cases, causing injuries to patrons and employees.”<sup>17</sup>

<sup>14</sup>Appendix A-4: *Map of Sidewalk Open Restaurants by Existing Regulations in Manhattan Community Board 2* [DCP & DOT Presentation on July 19, 2021](#), pg 23, areas in red-orange on map.

<sup>15</sup>Appendix D: *CB2 Storefront Analysis: Use Group 6 in Residential Zones*.

<sup>16</sup>Local residents and CB2 have had little success with existing enforcement of noise related issues, and an elimination of geographical limitations on sidewalk cafés and expansion of roadbed dining coupled with reliance on voluntary programs such as MEND seem unlikely to change the success rate; the burden of enforcement for ongoing noise related issues falls on the shoulders of residents who are required to spend hours filing and following up on detailed complaints; reliance on voluntary confidential proceedings through the MEND program is unproven and untested.

48. No studies of whether structures on streets provide protection for diners from accidents involving cars and trucks.
49. No studies on the direct impact to the safety of bicyclists, especially on narrow residential streets with insufficient width for both cars and bicycles side by side.
50. No public health study on the impact of vermin currently overwhelming communities, particularly those vermin that now live under and in new structures erected on the roadbed.
51. No study on the impact of roadway dining setups on flooding events, including the risk of debris obstructing the sewer system and emergency vehicle access, despite the many restaurants both within CB2 and citywide that are located in areas subject to coastal and/or stormwater flood risk.
52. No studies on whether outdoor dining setups impede emergency responses to fires, accidents or other emergencies. FDNY has expressed ongoing concerns regarding both temporary issues and issues should there be local fires – in particular, multi- alarm fires or multi exposure fires hindering immediate access.
53. No prototypes<sup>18</sup> illustrate roadway seating in a parking lane that is separated from the curb by a bike lane, and the dangerous conditions posed by service lanes that cross bike lanes and other dangers resulting from crossings through such bike lanes.<sup>19</sup> Allowing roadway cafés to exist across bike lanes severely impedes not only bicyclist safety, but also pedestrian and worker safety – a direct conflict with the Mayor’s *Vision Zero*<sup>20</sup> plan. Bicyclist deaths and pedestrian deaths are up 15% and 13.6% year over year, respectively.<sup>21</sup>
54. No studies on bus stops that are mid-block or on a corner where the rear of the bus is flush with the corner.

**Therefore, be it resolved** that Manhattan Community Board 2 strongly recommends:

1. Denial of this one-size-fits-all text amendment that fails to address the unique needs of districts that already have a high saturation of bars, restaurants and liquor-licensed premises in residential areas.
2. That community boards be given an opportunity to review, comment and make recommendations on the POR text amendment in tandem with the DOT rules.
3. That the sidewalk café regulations remain in the Zoning Resolution Article I Chapter 4, which, when enforced, have worked well for decades.
4. That DOT and/or DCP revise the EAS and then do a neighborhood-specific EIS that reflects the impact of the Temporary Open Restaurants program on this and other severely affected community districts, and that greater attention be given to ADA accessibility, enforcement, noise, sanitation, and socioeconomic issues; and

**Be It Further Resolved That:**

5. Regarding ZR SECTION 32-411: To the extent that the section requires all uses in C1, C5, C6-7, and C6-5 districts to be “located within completely enclosed buildings” (i.e., no operable windows), CB2 recommends that ZR 32-411 remain in the zoning text or be added to the new legislation.

<sup>17</sup>New York City Council [Briefing Paper and Committee Report - Oversight - Outdoor Dining and the City’s Open Restaurants Program during COVID-19](#), pg 27.

<sup>18</sup> NYC DOT, 2021, *Attachment F: Transportation*..

6. Regarding ZR Sections 33-05 and 43-03: To the extent that would allow sidewalk cafés on widened sidewalks, and to the extent that bonus FAR was part of a deal given to the developer in return for widened sidewalks, CB2 recommends that further givebacks in the form of sidewalk and/or roadway cafés should not be permitted.
7. Regarding ZR Section 52-34: To the extent that eating or drinking places with musical entertainment shall be limited exclusively to the sale of food or drink for on-premises consumption by seated patrons within a completely enclosed building, CB2 recommends that ZR 52-34 remain in the zoning text or be added to the new legislation.
8. Regarding ZR Section 109-02: To the extent that in the Special Little Italy District, “The use of the public streets and sidewalks for the maintenance of sidewalk cafés, outdoor cafés or any other structures shall require the separate approval of the City Council, which may be granted upon such terms and conditions as the Board of Estimate may deem appropriate,” CB2 recommends that ZR 109-02 remain in the zoning text or be added to the new legislation.

Vote: Passed with 40 Board members in favor one opposed (R. Sanz), and one abstention (J. Liff).

<sup>19</sup>NYC DOT, 2021, *Attachment F: Transportation*.

<sup>20</sup>NYC DOT [Vision Zero](#).

<sup>21</sup>City of New York Office of the Mayor: [Mayor’s Management Report, September 2021](#): pg 91.

### **List of Appendices**

**Appendix A-1** Excerpts - Sidewalk Café Location Prohibitions within Manhattan Community Board 2 specifically noted within NYC Zoning Resolution Article I, Chapter 4

**Appendix A-2** Map of Open Restaurants Participants by Community District

**Appendix A-3** Map of Existing Sidewalk Café Regulations in Manhattan Community Board 2, from [DCP & DOT Presentation on July 19, 2021, page 21](#)

**Appendix A-4** Map of Sidewalk Open Restaurants by Existing Regulations in Manhattan Community Board 2, [DCP & DOT Presentation on July 19, 2021, page 23](#): 84 restaurants in areas prohibited by zoning and 131 restaurants in residential/no café zoning

**Appendix B** Bar Chart of Licensed Premises that are Open Restaurants Participants by Community District

**Appendix C** Manhattan CB2 311 complaints related to Noise, Vermin and Open Restaurants overlaid with the number of CB2 Open Restaurant Participants

**Appendix D** Manhattan CB2 Storefront Analysis: Use Group 6 in Residential Zones

**Appendix E** Manhattan CB2 Landmarks Committee Memo on Permanent Open Restaurants

**Appendix F** Temporary Open Restaurants Program Survey Analysis of Restaurants Overlapping Manhattan Community Board 2 and Council District 3 by the Office of New York City Council Speaker Corey Johnson, August 2021

## LANDMARKS AND PUBLIC AESTHETICS

### FIRST LANDMARKS MEETING

1. **\*396 West Street - Application is to construct a rooftop addition, restore the façade, replace winds and doors, signage to relocate the Floor Area Ratio from the 1st floor (which is below flood level), for flood code compliance**

#### **Whereas:**

- A. The condition of this distinctive riverside seafarers' hotel building, apart from the storefronts and some windows, is remarkably intact and the original design clearly exists and any intervention must be approached with great respect to ensure that it preserves the historic integrity of the building; and
- B. Façade restoration includes repainting brick and terracottas, replacing existing wooden windows and first floor infill with non-historic non-aluminum frame windows of similar design; and
- C. The fire escape is to be removed and it is proposed that the exit doors on the second and third floors, clearly cut into the facade and terra cotta ornamentation, remain, which presents a disturbing interruption in the strict rhythm of the fenestration and ornamentation throughout the two facades; and
- D. The infill has new window configuration and doorways that are reasonable accommodations to providing egress, entrance to an elevator lobby and use of the ground floor; and
- E. The general scale of the wooden elements of the infill lacks enough weight to be historically plausible and gives the appliance of thin metal and bulkheads and kick plates on the doors are far too low to reflect any historic design prevalent in the district; and
- F. A rooftop addition, three stories high with a mechanical level, is in a rigid pattern of steel and glass follows the 70-degree angle of the lot and building; and
- G. The rooftop addition is a steel and glass system with mechanical equipment, egress stairs, and elevator towers above its roof; and
- H. The rooftop addition design, with no historic reference is not harmonious with the building and with the background created by taller buildings adjacent to the building and beyond; and
- I. From the digital visibility studies, the excessively visible rooftop addition, amplified by the contrast of the out-of-context steel and glass design, from numerous places along public thoroughfares and in the public riverside park; and
- I. The absence of a mockup hampers the ability to make an accurate evaluation of the actual visibility of the rooftop addition; and it is imperative that a mockup be installed and photographed from vintage points in public thoroughfares in order to make a valid evaluation of the exact visibility.
- J. The application includes concepts for signs with out of scale, large size lettering in the signband above the ground floor infill, a blade sign, and a vertical sign to identify the building entrance and the particulars of the design, size and placements will come before the Committee in a future application when tenants have been identified; and

K. A flood mitigation system is added to the cellar and ground floors inside the building and not visible and removable barriers will be installed along the south and west facades only when weather conditions merit; and

L. The applicant represented that engineers have determined that the roof is in fragile condition and cannot support the usual type of mockup, the applicant agreed to install a simple mockup of poles and flags or similar light materials, make photographs from numerous vantage points on public thoroughfares, and invite members of the committee to view the mockup before it is removed and to entertain recommendations of the committee concerning the historic wooden windows, restoring the windows in the fire escape door openings, and making modifications about details of the infill and the concept of the rooftop addition, Now

**Therefore be it resolved that CB2, Man. recommends:**

A. **Approval** of the general restoration of the facade provided that the doorways created for fire escape exits on the west facade be restored to the original window configuration and that the first floor infill is more substantial and with historical reference; and

B. **Denial** of aluminum frame windows and infill and that they be replaced with wooden windows of historical design and that the curved windows designs be properly reproduced; and

C. **Denial** of the steel and glass design of the rooftop addition and that it be of a more modest, less visible height and of a design that is harmonious with the background of the surrounding buildings.

D. That the revisions in the designs together with photographs of a mockup of a new rooftop addition be presented to the committee prior to a hearing before the Landmarks Commission.

Vote: Unanimous, with 42 Board members in favor.

**2. \*182 Spring Street - Application is to demolish a significantly altered two-story commercial building and construct a new building at 182 & 186 Spring St., and a portion of the rear of 185 Spring St.**

**Whereas:**

A. The plot includes an undistinguished two-story commercial building in extremely degraded condition on lots formally occupied by two row houses and a vacant lot once occupied by a row house; and

B. The building does not contribute to the historic character of the district and its demolition will cause no harm to the district; and

C. The proposed building has ground floor retail bay windows and nine residential units on the upper floors and a community facility on a rear portion of the plot; and

D. The building respects the street walls and heights of neighboring tenement buildings with a penthouse above; and

E. There is smooth dark brick on the lower floors and light brick at the penthouse, dark mahogany window surrounds and sheet glass at the ground floor and tilt and turn sheet glass windows in the residential floors above which are of no historic reference and wooden sash windows are historically appropriate to the building and to the district; and

F. The corner entrance and large corner windows with no corner support are an extreme deviation from historic reference and the punched masonry design of the building; and

G. The infill in wood is insubstantial and give the appearance of trying to imitate a non-historical metal infill and there is a simple metal cornice above the residential entrance; and

H. The building, while in materials and scale respects the historic character of the district has minimal elements, especially the sheet glass windows and detailing of the corner entry and windows, that are out of harmony with the building itself and the district; and

I. The details above were discussed with the applicant who graciously took the comments and suggestions under advisement; and

J. There was objection to various aspects of the design and bulk from Village Preservation and members of the public; now

**Therefore be it resolved that CB2, Man. recommends:**

A. **Approval** of the demolition of the existing building; and

B. **Denial** of proposed building with numerous details outlined in the whereas clauses above which give the building the appearance of an insensitively altered historic building of no particular interest or historical reference; and

C. That the applicant reconsider details of the design and present a revised application for review by CB2 prior to a hearing before the Landmarks Commission.

Vote: Unanimous, with 42 Board members in favor.

## **SECOND LANDMARKS MEETING**

**3. \*1 Clarkson St. (Tony Dapolito Recreation Center) – Application is to replace the front stairs and ramp.**

### **Whereas:**

A. The ramp and stairs and sidewalk vault on 7<sup>th</sup> Avenue South are in poor condition; and

B. The proposed central stairs recall the original design and includes a side stair and a switchback ramp that are harmonious with the building and incorporate all necessary safety regulations; and

C. The sidewalk above the vault will be replaced in kind; now

**Therefore be it resolved** that CB2, Man. recommends **approval** of the application as a welcome improvement to the building entrance.

Vote: Unanimous, with 42 Board members in favor.

**4. \*134 Spring St. – Application is to establish a master plan for a painted wall sign.**

**Whereas:**

- A. The sign is on the east lot line wall and is clearly visible owing to the lower building to the east; and
- B. Historic photographs show that there had been a sign on the wall in the same position; and
- C. The sign is 14.5% of the facade 18’ x 16’43/4’ with a 2’ x 3’ tag below; and
- D. Staff will verify that the sign conforms to the applicable regulations; now

**Therefore be it resolved** that CB2, Man. recommends **approval** of the application provided that Landmarks Commission staff ensure that it conforms to regulations.

Vote: Unanimous, with 42 Board members in favor.

**5. \*657 Greenwich St. (St. Luke’s School) – Application is to modify the previously approved play cage and guardrails; and install play cage seating and wall safety pads and reconfigure of the previously approved switchback exterior stair to a straight run stair; and extending a mechanical flue.**

**Whereas:**

- A. The play cage in structural steel is modestly increased in size from the approved plans to conform to regulations for the use of the space; and
- B. The cage and steel frame with metal mesh guardrail is from 3’-8” to 8’-0” with steel framing and metal mesh, the egress stair is changed to a single run along the south wall, and the boiler flues are extended to conform to regulations; and
- C. The appearance of the structures, while slightly more visible from the street, is not materially different from the prior application that has been approved; now

**Therefore be it resolved** that CB2, Man. recommends **approval** of the modifications to the prior application.

Vote: Unanimous, with 42 Board members in favor.

**6. \*275 Mulberry St. (Puck Building) – Application is to install a flagpole and banner, interior display windows, and new signage on Lafayette Street; install awning, replace bracket sign, and new signage on Mulberry St.; and replace doors and**

**Whereas:**

- A. The portion of the building under review is along Lafayette Street, a principal facade, and Mulberry Street, a secondary façade on Jersey Street; and

- B. An awning is proposed for the south bay on Mulberry Street and there is no historical precedent for awnings on the building and there are no awnings elsewhere on the building; and
- C. Cutout gold script lettering is along the sign band in the south bay and in other bays the sign band is covered in solid wood, obscuring the historic sign band; and
- D. A new blade sign of the same size and in the same position as the existing blade sign on the Mulberry Street is painted to match awning; and
- E. The last bay to south on Lafayette Street shows the three window as a vitrine with painted lettering on the windows; now

**Therefore be it resolved** that CB2, Man. recommends **approval** of the application provided that the historic details of the sign band are not obscured and that there be no interior structure within 18” of the vitrine window.

Vote: Unanimous, with 42 Board members in favor.

**7. \*118 Greenwich Ave. Application is to paint the existing brick areas of the ground floor façade along W. 13th St., install exterior sconces at the West. 13th St. and Greenwich Ave. façades, and install three soft-canvas retractable awnings over the building façade along W. 13th St.**

**Whereas:**

- A. The existing awnings on Greenwich Ave are to be reproduced along the 13<sup>th</sup> Street facade -over the windows and the brick wall and with the awning overhang adjusted for the narrow sidewalk; and
- B. Awnings over wall areas without windows have no precedent and do not serve the purpose of awnings as providing shade for windows; and
- C. The 13<sup>th</sup> Street ground floor wall is proposed to be painted to match the dark teal of the Greenwich Avenue facade; and
- D. There are eight brass sconces with frosted 8” glass globe along Greenwich Avenue and fewer on 13<sup>th</sup> Street; now

**Therefore be it resolved that CB2, Man. recommends:**

- A. **Approval** of the awnings above all windows and denial of awnings over sections of the 13<sup>th</sup> Street facade where there are no windows; and
- B. That the teal color be reconsidered in favor of a lighter color of more historic reference; and
- C. **Denial** of the painting of the brick wall on 13<sup>th</sup> Street and that it be restored where necessary; and
- D. **Denial** of the sconces as excessive and without historic precedent.

Vote: Unanimous, with 42 Board members in favor.

8. \*69 Gansevoort St. – Application is to demolish an existing one-story rooftop structure and to construct a multi-story rooftop structure.

(laid over)

9. \*15 Greenwich Ave. - Application is to demolish existing 1-story commercial building and construct a new 5-story mixed-use building with cellar and attic.

**Whereas:**

A. The application has been considerably modified from the initial presentation before the Committee, most notably with respect to the facade material and the alignment of the windows with the neighboring building and the cornice; and

B. The cornice is in smooth painted aluminum and appears insubstantial and does not have the texture and weight to properly terminate the building; and

C. The brick facade with punched windows has historical reference however the brick samples, as shown in a rendering, are without character and variation; and

D. The window height makes the alignment unsettling and gives the impression of a window of historic proportion that has been altered; and

E. The tilt and turn windows are completely inappropriate to the building and the district and double hung or similar sash windows with wooden frames would be harmonious with the building and would not, as asserted by the applicant, unduly impede the view of Jefferson Market Garden by the tenants; and

E. The proposed ground floor aluminum storefront system gives a flimsy, modern appearance and the materials and design details are out of character with both the building and the district; and

F. The storefront surround is covered in metal scored to look like stone and includes a header, side pilasters, and a too narrow pilaster between the storefront and the residential entrance and would historically be stone or masonry, is the same material as the storefront, does not respect the vertical lines and rhythm of the facade above, and has no visual substance to support the building; and

G. The infill lacks weight and details and the materials and color are unrelated to the historical references of the building; now

**Therefore be it resolved that CB2, Man. recommends:**

That the application be **denied** unless the cornice, brick, windows and the ground floor surround and infill are modified along the lines of the information detailed in the whereas clauses above to achieve a design that has historical reference, pleasing proportions and has harmony within the building itself and with the district.

Vote: Unanimous, with 42 Board members in favor.

## **QUALITY OF LIFE**

### **Street Activities**

#### **1. Friday, October 1, 2021—Center for Architecture Re-Opening: LaGuardia Place between Bleecker St. and West 3rd St. [full street closure]**

**Whereas**, Center for Architecture is reopening its physical space at 536 LaGuardia Place after closing for 18 months during the pandemic and wishes to do it safely with this gathering outside while two new exhibitions open inside the space; and

**Whereas**, the applicant stated that this will not be a large event and the outside area will include some seating and 10'x 10' tents directly in front of the Center for Architecture, and all activities will be complete by 8 PM; and

**Whereas**, there will not be food and beverage on the street, and the event will be free and open to the public and there is an RSVP on the Center's website; and

**Whereas**, the sidewalk on the east side of LaGuardia will not be used, and there will be 5 feet of unimpeded pedestrian access on the westside sidewalk; and

**Whereas**, the event will begin set-up at noon, the event will begin at 3 PM and breakdown will be complete by 8 PM; and

**Whereas**, the applicant stated that the event will not interfere with neighboring businesses the applicant is notifying the neighboring businesses about the event; and

**Whereas**, the applicant will have a COVID safety plan in place and will require vaccination to enter the Center and there will signage throughout encouraging masks and social distancing and the applicant will comply with any and all COVID restrictions; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of Center for Architecture Re-Opening: LaGuardia Place between Bleecker St. and West 3rd St. [full street closure] on October 1, 2021 **provided that** the application conforms with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements

Vote: Unanimous, with 41 Board members in favor and one abstention (B. Pape).

#### **2. Sunday, October 3, 2021 – From a Place, of a Place Performance No. 2 (Meatpacking BID): Gansevoort Pedestrian Plaza [pedestrian plaza closure]**

**Whereas**, this event is a dance and music performance piece accompanied by amplified sound and set-up begins at 10 AM, the event will take place from 1 PM to 5 PM, and breakdown will be complete by 8 PM, and there applicant is attaining a generator permit for the north of Gansevoort Plaza; and

**Whereas**, the performance will take place against a large sculpture by artist Olalekan Jeyifous assembled around seating for the audience in the western third of the plaza, and there will be pedestrian access to the plaza at all times; and

**Whereas**, a similar event was held in August 2021 that attracted about 300 people and this event will be held consistent with that event, which received no complaints and was well received; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of From a Place, of a Place Performance No. 2 (Meatpacking BID): Gansevoort Pedestrian Plaza [pedestrian plaza closure] on October 3, 2021, **provided that** the application conforms with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

Vote: Unanimous, with 42 Board members in favor.

**3. Saturday, October 9, 2021 – NOWHERE White Lion Unity Concert Series: Waverly Place between 6<sup>th</sup> Avenue and University Place [sidewalk and curb lane closure]**

**Whereas**, the applicant did not appear on behalf of this application and the committee was unable to hear the particulars of this event; now

**Therefore Be It Resolved** that CB2, Man. recommends **denial** of NOWHERE White Lion Unity Concert Series: Waverly Place between 6th Avenue and University Place [sidewalk and curb lane closure] on October 9, 2021.

Vote: Unanimous, with 42 Board members in favor.

**Street Activities FYI/Renewals:**

**4. October 6-27, 2021 – Reconnect Series on King Street (Hudson Square BID): King St. between Greenwich St. and Hudson St. [full street closure]**

**Whereas**, this event has been held continuously for many years and no recent complaints have been received; now

**Therefore Be It Resolved** that CB2, Man. recommends **approval** of the renewal application **provided that** the application conforms with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

Vote: Unanimous, with 42 Board members in favor.

**SCHOOLS & EDUCATION**

**Resolution In Support of Providing a Remote Option for the 2021-2022 Academic Year**

**WHEREAS**, over 60% of public school families in New York City elected to keep their children in a remote learning environment throughout the entirety of the 2020-2021 school year<sup>1</sup>; and

**WHEREAS**, the New York City Department of Education (DOE) has repeatedly declined to continue the remote learning option for the 2021-2022 academic year<sup>2</sup>; and

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<sup>1</sup> <https://ny.chalkbeat.org/2021/4/12/22379752/de-blasio-nyc-schools-in-person-instruction>

<sup>2</sup> <https://www.schools.nyc.gov/about-us/news/announcements/contentdetails/2021/05/24/a-recovery-for-all-of-us-mayor-de-blasio-and-schools-chancellor-porter-announce-historic-return-to-school-for-all-new-york-city-students-in-september>

**WHEREAS**, the DOE eliminated this remote option, without adequately consulting administrators, educators, school staff, parents, and students; and

**WHEREAS**, while certain studies<sup>3</sup> show that transmission within school settings is similar to levels of community transmission when prevention strategies are in place,<sup>4</sup> significant uncertainty remains about the implications of COVID variants on in-school transmission, especially given recently (and exponentially) rising rates of infection among younger children<sup>5</sup>; and

**WHEREAS**, at the beginning of the 2021-22 school year, NYC schools distributed its prevention measures<sup>6</sup> meant to reduce the risk of transmission, but has struggled to institute, implement or enforce substantial precautions, including adequate testing, adequate ventilation<sup>7</sup>, establishing strict cohorts of students that don't mix, providing high-quality face masks, staggered start times to reduce the volume of students in hallways, closure of schools and classrooms in response to 2-4 positive in-school cases, or a remote option to reduce the number of students in buildings<sup>8</sup>; and

**WHEREAS**, many NYC public elementary and middle school children under 12 years of age are attending schools that are at or beyond capacity, and will not be able to accommodate the CDC recommendation of 3 feet of social distancing; and

**WHEREAS**, anecdotal evidence through communication with parents and educators suggests the number of parents submitting testing consent form is alarmingly low; and

**WHEREAS**, the DOE testing schedule was drastically reduced from the prior school year, from random weekly testing of 20% of the student population to biweekly of 10% of the 10% of unvaccinated students that have registered for in-school testing<sup>9</sup>; and

**WHEREAS**, there are students, families and staff with pre-existing health conditions that continue to be more vulnerable to serious complications due to COVID-19 and the DOE already has a program to provide remote learning to those students; and

**WHEREAS**, the drop-off processes at schools are overcrowded; unsafe both in terms of lack of social distancing, low mask wearing, and exposure to vehicular traffic; and the constant failure of the health screening portal contributed to significant delays getting into school buildings; and

**WHEREAS**, the DOE had repeatedly broken the trust of public school families and staff throughout the pandemic and did not adequately educate or care for students with disabilities, multilingual learners, students in temporary housing, LGBTQIA+ students, students of color, low income students and undocumented families even before Covid 19, thus exacerbating these families experiences of school closure; and

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<sup>3</sup> Ismail SA, Saliba V, Lopez Bernal J, et al. SARS-CoV-2 infection and transmission in educational settings: a prospective, cross-sectional analysis of infection clusters and outbreaks in England.

<sup>4</sup> [https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/transmission\\_k\\_12\\_schools.html](https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/transmission_k_12_schools.html)

<sup>5</sup> <https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/children-and-covid-19-state-level-data-report/>

<sup>6</sup> <https://www.schools.nyc.gov/docs/default-source/default-document-library/doe-homecoming-health-and-safety-guide>

<sup>7</sup> <https://gothamist.com/news/nyc-approves-4000-classrooms-unreliable-ventilation-person-schooling>

<sup>8</sup> <https://gothamist.com/news/coronavirus-statistics-back-school-edition-tracking-outbreaks-nyc-education>

<sup>9</sup> <https://www.nydailynews.com/new-york/education/ny-doe-covid19-quarantine-policies-20210826-d3ff2xo5jc6jm35pz63fx4a6y-story.html>

**WHEREAS**, the DOE has consistently expressed their desire to provide individualized, culturally responsive, trauma informed, high quality education in a safe environment to every New York City public school student; and

**WHEREAS**, the DOE had both the authority and the imperative to design and implement a return-to-school plan that provided such an education; and

**WHEREAS**, the DOE has wholly failed to do so; now,

**THEREFORE BE IT RESOLVED**, that CB2, Man. implores the DOE to provide families with a synchronous, high quality virtual learning and create a centralized option for families and staff throughout the 2021-2022 school year complete with student, guardian and educator input to ensure families and staff have the option of staying home as we continue to battle this deadly disease, and

**THEREFORE BE IT FURTHER RESOLVED**, that CB2, Man. demands any virtual option, synchronous/asynchronous, must be developed in collaboration with families and school staff to ensure remotely learning students' and families' needs are addressed; All virtual learning options should be reviewed and approved by the SLT of each school, and

**THEREFORE BE IT FURTHER RESOLVED**, that CB2, Man. demands that the DOE allow students who choose 100% Virtual Learning to have pre-established opportunities to return to in-person learning, should the DOE prove to hesitant families its ability to keep students safe.

VOTE: Unanimous, with 42 Board Members in favor.

## **SLA LICENSING**

### **1. Twelve Spring Street Rest. Corp. d/b/a The Vig Bar, 12 Spring St. 10012 (Existing OP-Bar/Tavern – Corporate Change)**

**i. Whereas**, the Applicant and Applicant's Attorney appeared before CB2, Manhattan's SLA Licensing Committee #1 via video conference to present an application to the NYS Liquor Authority for a Corporate Change to the existing bar/tavern OP license (SN #1215096), the Applicant having been a partner since 2008, for a local tavern located in the Special Little Italy District in a C7-zoned, five (5)-story, mixed-use building (c. 1937) on Spring Street on the southeast corner of Spring and Elizabeth Streets (Block #478 / Lot #18); and

**ii. Whereas**, the interior ground floor premises is approximately 1,500 sq. ft. (approximately 1,300 sq. ft. on ground floor and 200 sq. ft. in basement, with no patron access to basement), there are eight (8) tables with 45 seats and one (1) bar with nine (9) seats for a total seated patron occupancy of 54 persons and a maximum legal capacity of **200 persons** inside; there is one (1) entryway used for both patron egress and ingress and two (2) patron bathrooms; and

**iii. Whereas**, the instant Applicant includes sidewalk and roadbed seating as part of the temporary Open Restaurants program consisting of 12 tables with 48 seats closing at 12PM Sundays through Saturdays (7 days a week); and

**iv. Whereas**, the Applicant's stated hours of operation are Sundays through Saturdays (7 days a week) from 12:00PM to 3:30AM, music will be background music from iPod/CDs and live music/DJs on Fridays and Saturdays nights; and

v. **Whereas**, the Applicant's roadbed seating currently wraps the premises building on both Elizabeth and Spring Streets, on Elizabeth Street blocking a residential entryway and on Spring Street extending east past the business frontage of 12 Spring Street to include past the entire frontage of 10 Spring Street; a rough count of seats based on committee / community photos and personal observations counting upwards 60 seats outside; and

vi. **Whereas**, at some time between May/2021 and July/2021 the large, fixed windows that flank both sides of the entryway on Spring Street and, which combined with the doorway, comprise most of the business frontage on Spring Street were changed to an accordion-style folding façade on each side, there being no Alteration Application or change in Method of Operation included with the instant application; and

vii. **Whereas**, the Applicant has a history of bypassing CB2, Man. and therefore there are no existing stipulations associated with the current On-Premises Tavern/Bar License; the Applicant originally appearing before CB2, Man. on May 13, 2008 to present their original application for a transfer of this license with the same DBA, Vig Bar, from the previous licensee (Lic #1025186) who was operating under SAPA and it was indicated to CB2, Man. that the SLA would not accept or hear any transfer application until the matter was resolved, therefore CB2, Man. laid over the application; after the legal proceedings were resolved, the Applicant never returned to CB2, Man. to present their application and therefore CB2, Man. was denied the opportunity to present information relevant to this application prior to the SLA making a decision on whether or not to grant this Applicant a liquor license at 12 Spring Street; and

viii. **Whereas**, the Applicant filed and received a "Place of Assembly" permit for 200 people in March/2011, again failing to notify CB2, Man. and returned to CB2, Man. in July/2011 to correct the fact that the applicant already made alterations inside the establishment without notice to CB2, Man. and/or the SLA, the alteration entailing moving the food prep area to behind the bar and building a DJ booth in its place; had the Applicant followed the correct notification procedures, CB2, Man. would have certainly required a hearing on this establishment to negotiate stipulations or at least establish a resolution that would be on file with the SLA and the installation of a DJ booth would never have been approved by CB2, Man. but CB2, Man. was not given the chance to review either application; and

ix. **Whereas**, nearby residents and a representative of the Bowery Block Association appeared in opposition to this application having complaints about the excessive outdoor seating, the congestion on the sidewalk, loud music and patron noise coming from both the interior and exterior of the premises, that there is essentially a bar operating on the sidewalk and street; and

x. **Whereas**, a resident and committee member both pointed out the egregious situation on the roadbed and sidewalk the week prior to CB2, Man. SLA #1 committee meeting where the sidewalk was completely blocked with standing patrons, ropes were placed to block off part of the sidewalk for patrons entering the bar going down past 10 Spring Street; the Applicant stating that they had a corporate buy-out of their premises from Tuesday through Thursday of that week and did not anticipate the crowds, that they tried to manage the situation after Tuesday but on Thursday the crowds were still blocking the sidewalk, the patrons were using the roadbed seating for a coffee shop located at 8 Spring Street; and

xi. **Whereas**, there are concerns about the expansion to the outside of a bar with a very limited food menu and minimal kitchen that previously had no outdoor seating and now has as many or more seats outside as it has inside the premises, the ability to have food service available to the increased number of guests dining outdoor with no expansion of the kitchen, the outdoor seating being a negative impact

on the quality of life for residents; additionally, when asked if the Applicant would be willing to agree to not use outdoor seating for any private parties or events, the Applicant was not willing to do so, nor did the Applicant agree to remove the roadbed dining sheds that extend beyond their business frontage in clear violation of the rules of the Temporary Open Restaurants program;

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of the Corporate Change application to an OP license (SN #1215096) for **Twelve Spring Street Rest. Corp. d/b/a The Vig Bar, 12 Spring St. 10012**; and

**BE IT FURTHER RESOLVED** that CB2, Man respectfully requests that the NYSLA investigate the changes that have been made without the Applicant appearing before CB2, Man. to present an alteration application.

Vote: Unanimous, with 42 Board members in favor.

**2. Torishiki USA, LLC d/b/a Torien, 292 Elizabeth St. 10012 (new RW-Restaurant)**

**i. Whereas**, the Applicant and Applicant's Attorney appeared before CB2, Manhattan's SLA Licensing Committee #1 via video conference to present an application for a new Restaurant Wine License to operate a high-end reservations-only Japanese Yakitori Restaurant with an international following in a C6-2-zoned, six-story, mixed-use building (c. 1900) on Elizabeth Street between East Houston and Bleecker Streets (Block #521/Lot #65) in Greenwich Village, the building falls within the designated NYC Landmark NoHo East Historic District; and

**ii. Whereas**, the premises was previously licensed with a Restaurant Wine license (SN# 1311764) by this same Applicant since 2018, the instant application being a new application because of a Corporate Change from a Corp. to an LLC along with a request for a later closing time; and

**ii. Whereas**, the two-story premises is roughly 2,400 sq. ft. (1,200 sq. ft. each on ground floor and basement); there are two (2) tables with eight (8) seats and one (1) food counter with 19 seats, for a total of 27 interior seats, all on ground level with the basement level being used for storage and other non-patron auxiliary uses; usage appears to conform to NYC DOB regulations as indicated by a previously issued Letter of No Objection; and

**iii. Whereas**, the proposed hours of operation are Sunday to Saturday from 11:00AM to 12:30PM, the applicant having initially submitted proposed hours of 11:00AM to 1:00AM in order to more easily accommodate an additional dinner seating at 10:00PM; concerns were raised by the committee, as they were when the initial application requested a 1:00AM closing, that it was too late for the street that is primarily residential in character, especially at night, and where other mid-block commercial spaces close early in the evening; that the traffic of taxis, Uber, Lyft and other car services to such a high-end destination dining venue past midnight would be particularly disruptive on such a narrow street, and

**iv. Whereas**, the Applicant was willing to agree to a 12:30PM closing time Sunday to Saturday as a compromise which will still allow for a more relaxed additional dinner seating without compromising the quality of life for local residents; and

**v. Whereas**, the Applicant executed a stipulation agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated into the method of operation on the license as follows:

1. Premises will be advertised and operated as full-service, high-end reservations-only Omakase style Japanese Yakitori restaurant with the kitchen open and full menu items available until closing every night.
2. The hours of operation will be 11:00AM to 12:30PM, opening no later than 5:00PM, Saturdays through Sundays (7 days a week). All patrons will be cleared and no patrons will remain after stated closing time.
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 operate a backyard garden or any outdoor area for commercial purposes.
5. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences anytime.
6. Will not have televisions.
7. Will keep all doors and windows closed at all times, allowing only for patron ingress and egress.
8. Will ensure doorway to the common hallway is an alarmed door to prevent patron and employee access aside from in the case of emergency.
9. No patron occupancy/service to any portion of the basement of licensed premises.
10. Will not install or have French doors, operable windows or open façades.
11. Will not make changes to the existing façade except to change signage or awning.
12. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
13. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
14. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
15. Will not change any principals prior to submission of original application to NYSLA.
16. 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/door staff.
17. Will ask all car services to pick up at the corner of Houston Street rather than on Elizabeth and ask their customers to make such arrangements.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the application for a new Restaurant Wine License for **Torishiki USA, LLC d/b/a Torien, 292 Elizabeth St. 10012**, 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 Tavern Wine License.

Vote: Unanimous, with 42 Board members in favor.

**3. Diglio Corporation, d/b/a TBD, 59 Grand St. 10013 (OP-Restaurant)**

**i. Whereas**, the Applicant and the Applicant’s Attorney appeared before CB2, Manhattan’s SLA Licensing Committee #1 via video conference to present an application to the NYS Liquor Authority for an On-Premises Liquor License for an Italian restaurant located in the ground floor of a M1-5A-zoned, four (4)-story mixed-use building (c. 1915) on Grand Street between Wooster Street and West Broadway (Block #228 / Lot #25) located in the SoHo-Cast Iron Historic District; and

**ii. Whereas,** the interior ground floor premises is approximately 2,500 sq. ft. with 1,500 sq. ft. on the ground floor and approximately 1,000 sq. ft. in the basement connected by an interior stairway; there will be twenty-five (25) tables with fifty (50) seats and one (1) stand up bar with twelve (12) seats, for a total patron occupancy of sixty-two (62) seats; all service and patron areas will be on the ground floor; there is one (1) entryway used for both patron egress and ingress and two (2) patron bathrooms; and

**iii. Whereas,** the hours of operation are 10:30AM to 11PM Sundays, 5PM to 11PM Mondays through Thursdays, 5PM to 12AM Fridays and 10:30AM to 2AM Saturdays; there will be one (1) television; music will be quiet background only consisting of music from iPod/CD's, no music will be audible in any adjacent residences at any time; there will be no dancing, no DJs, no live music, no scheduled performances, no cover fees or promoted events, no velvet ropes or metal barricades, no security personnel/door staff; and

**iv. Whereas,** the Applicant executed a stipulation agreement with CB2, Man. that they agreed to submit to the SLA and agreed would be attached and incorporated into the method of operation on the license as follows:

1. Premises will be advertised and operated as an Italian restaurant.
2. The hours of operation will be 10:30AM to 11PM Sundays, 5PM to 11PM Mondays through Thursdays, 5PM to 12AM Fridays and 10:30AM to 2AM Saturdays. All patrons will be cleared and no patrons will remain after stated closing time.
3. Will operate a full-service restaurant, specifically an Italian restaurant focusing on traditional Italian recipes from Rome with the kitchen open and full menu items available until closing every night.
4. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. Will not operate a backyard garden or any outdoor area for commercial purposes.
6. Will play quiet ambient recorded background music only at all times, inclusive of any private parties. No music will be audible in any adjacent residences anytime.
7. Will have one (1) television no larger than 62". There will be no projectors.
8. Will close all doors and windows at 10PM every night, allowing only for patron ingress and egress.
9. No patron occupancy/service to any portion of the basement of licensed premises
10. Will not install or have French doors, operable windows or open facades.
11. Will not make changes to the existing façade except to change signage or awning.
12. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
13. Will provide a Letter of No Objection or Certificate of Occupancy permitting eating and drinking for store front premises proposed to be licensed prior to issuance of license.
14. Will not have unlimited drink or unlimited food and 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 the sale of bottles of beer or wine products.
16. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
17. Will not change any principals prior to submission of original application to NYSLA.

18. 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/door staff.
19. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a new On-Premises Liquor License for **Diglio Corporation, d/b/a TBD, 59 Grand St. 10013**, **unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the “Method of Operation” on the SLA On-Premises License.

Vote: Unanimous, with 42 Board members in favor.

**4. Fresh Cilantro, LLC d/b/a Pedro Nolita 172 Elizabeth St. 10012 (New OP-Restaurant)**

- i. Whereas**, the Applicant and the Applicant’s Attorney appeared before CB2, Manhattan’s SLA Committee #1 via video conference to present an application to the NYS Liquor Authority for an On-Premises Liquor License to operate a small restaurant serving tacos, burritos, quesadillas and rotisserie chicken on the ground floor and cellar of a C6-2-zoned, four (4)-story mixed-use building (c. 1900) on Elizabeth Street between Spring and Kenmare Streets (Block #478/Lot #16) in the Special Little Italy District; and
- ii. Whereas**, the interior ground floor premises is approximately 700 sq. ft. located in the basement of the building; there will be five (5) tables with ten (10) seats and one (1) food counter with six (6) seats for a total patron occupancy of 16 seats; there is one (1) bathroom and one (1) entry used for both patron egress and ingress; and
- iii. Whereas**, the premises being located in the Special Little Italy District, the building currently undergoing renovations, is a previously unlicensed location which has not been occupied or used for commercial purposes for many years; the Applicant also being the principal of Agoodlook, LLC d/b/a Pietro Nolita (SN#1025308) located next door at 174 Elizabeth Street since 2016 and resides in the neighborhood; and
- iv. Whereas**, the hours of operation are 11AM to 12AM Sundays through Wednesdays and 11AM to 2AM Thursdays through Saturdays which are the same hours as the Applicant’s next door premises; there will be no televisions; music will be quiet background only consisting of music from iPod/CDs, no music will be audible in any adjacent residences at any time; there will be no dancing, no DJs, no live music, no scheduled performances, no cover fees or promoted events, no velvet ropes or metal barricades, no security personnel/door staff; and
- v. Whereas**, the Certificate of Occupancy for the premises lists bakery and storage use for the basement floor, the Applicant intending to obtain a Letter of No Objection but did not present one permitting the use and occupancy sought; and
- vi. Whereas**, the Applicant stating they will apply to participate in the temporary Open Restaurants program with outdoor roadbed seating consisting of four (4) tables and sixteen (16) seats which would be seasonal in nature consisting of no heating elements; it was questioned whether the premises would be permitted to participate in the program being in a basement location, the Applicant stating they would not participate if not permitted and that their application was not dependent on the ability to have roadbed dining; and

**vii. Whereas**, this location being a previously unlicensed location on a small, residential street, subject to the public interest standard, in an area where there are already 83 active, 6 pending and 36 inactive liquor licenses within 750' of the premises proposed to be licensed, some on the this same block, there being questions raised as to quality of life impacts of the addition of another On-Premises license at this basement location combined with the exterior service planned, when there are so many vacant storefronts in the immediate area which were previously licensed locations and where it would be more appropriate; the Applicant also not willing to consider a beer and wine license instead of full liquor service which CB2, Man. felt would be more appropriate, with its limited menu, albeit with hours of operation more consistent with a restaurant surrounding by a residential community; and

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a On Premise License for **Fresh Cilantro, LLC d/b/a Pedro Nolita 172 Elizabeth St. 10012**; and

**THEREFORE, BE IT FURTHER RESOLVED** that when the application is considered by the NYSLA, CB2, Man. respectfully requests that this item be calendared so that it may appear before the Full Board of the SLA and be heard on the On-Premises application; and

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

Vote: Unanimous, with 42 Board members in favor.

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

**5. West 4<sup>th</sup> & Barrow, LLC d/b/a The Spaniard, 186 W. 4<sup>th</sup> St., Store #2 10014 (OP-Restaurant) (To Add Adjoining Storefront) (Security Personnel) (Open Restaurant Space)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 2, 2021, the Applicant requested **to lay over** this application to October/2021 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;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **West 4<sup>th</sup> & Barrow, LLC d/b/a The Spaniard, 186 W. 4<sup>th</sup> St., Store #2 10014**, **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**6. Gommy 01, Inc. d/b/a Twohands Corndogs, 95 Macdougall St., Store B, 10012 (RBC-Restaurant)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 2, 2021, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future; and,

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Gommy 01, Inc. d/b/a Twohands Corndogs, 95 Macdougall St., Store B, 10012, until** CB2, Man. 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, with 42 Board members in favor.

**7. MA.GE.GA Food, LLC d/b/a Coppola Café, 171 W. 4<sup>th</sup> St. 10014 (TW-Bar/Tavern) (Sidewalk Café)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 2, 2021, the Applicant requested **to lay over** this application to October/2021 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 CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **MA.GE.GA Food, LLC d/b/a Coppola Café, 171 W. 4<sup>th</sup> St. 10014, until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**8. BEL NYC, LLC d/b/a Bronson's Burgers, 250 Mulberry St. 10012 (RW-Restaurant)**

**Whereas**, following this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 2, 2021, the Applicant requested **to lay over** this application to October/2021 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 CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **BEL NYC, LLC d/b/a Bronson's Burgers, 250 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, with 42 Board members in favor.

**9. Jose Andres, LLC d/b/a N/A, 115 Mulberry St. 10013 (RW-Restaurant) (Sidewalk Café)**

**Whereas**, following this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 2, 2021, the Applicant requested **to lay over** this application to October/2021 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 CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Jose Andres, LLC d/b/a N/A, 115 Mulberry St. 10013, until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**10. Hoya W3, LLC, d/b/a TBD, 82 W. 3<sup>rd</sup> St. 10012 (OP-Restaurant) (1<sup>st</sup> Floor)**

**Whereas**, following this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 2, 2021, the Applicant requested **to lay over** this application to October/2021 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 CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Hoya W3, LLC, d/b/a TBD, 82 W. 3<sup>rd</sup> St. 10012, until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**11. JLS Hospitality, LLC d/b/a Racquel's, 77 W. Houston St. 10012 (OP-Restaurant) (DJ) (Live Music-Jazz Trio) (Bottle Service)**

**Whereas**, following this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 2, 2021, the Applicant requested **to lay over** this application to October/2021 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 CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **JLS Hospitality, LLC d/b/a Racquel's, 77 W. Houston St. 10012, until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**12. Third Street Jazz Café, Inc. d/b/a Zinc Espresso & Jazz, 82 W. 3<sup>rd</sup> St. 10012 (OP-Bar/Tavern) (Basement & Cellar) (Live Music-All Types, Predominantly Jazz)**

**Whereas**, following this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 2, 2021, the Applicant requested **to lay over** this application to October/2021 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;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Third Street Jazz Café, Inc. d/b/a Zinc Espresso & Jazz, 82 W. 3<sup>rd</sup> St. 10012, until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**13. Tartinery W3, LLC d/b/a Tartinery, 78 W. 3<sup>rd</sup> St. 10012 (OP-Restaurant) (Sidewalk Café)**

**Whereas**, following this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 2, 2021, the Applicant requested **to lay over** this application to October/2021 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;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Tartinery W3, LLC d/b/a Tartinery, 78 W. 3<sup>rd</sup> St. 10012, until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**14. Wan Wan, LLC d/b/a Wan Wan, 207 Mulberry St. 10012 (OP-Restaurant)**

**Whereas**, following this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 2, 2021, the Applicant requested **to lay over** this application to October/2021 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 CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Wan Wan, LLC d/b/a Wan Wan, 207 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, with 42 Board members in favor.

**15. Entity to be Formed by Joseph Mongeluzzi, d/b/a TBD, 292 Elizabeth St. 10012 (OP-Restaurant) (DJ) (Patio or Deck)**

**Whereas**, following this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 2, 2021, the Applicant requested **to lay over** this application to October/2021 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 CB2, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Entity to be Formed by Joseph Mongeluzzi, d/b/a TBD, 292 Elizabeth St. 10012**, **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**16. Astrea Management, Inc. d/b/a Uncle Ted's, 61 W. 8<sup>th</sup> St. (from 163 Bleecker St.) 10011 (OP-Restaurant)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 2, 2021, the Applicant the Applicant requested **to withdraw** 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, Man. strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Astrea**

**Management, Inc. d/b/a Uncle Ted's, 61 W. 8<sup>th</sup> St. 10011, 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, with 42 Board members in favor.

**17. WSA Cafe, LLC d/b/a C+C Coffee + Cocktails, 18 Ninth Ave. 10014** (Extend Hours to Exterior Café)

**i. Whereas**, the Applicant and the Applicant's Attorney appeared before CB2, Manhattan's SLA Licensing Committee to extend its hours of operation for an existing on-premise license to continue to operate a patisserie/café with outdoor seating within the thirteen-story Gansevoort Hotel (c.2003) building on Ninth Avenue between Little West 12th and 13th Streets in the historic Meatpacking District; and,

**ii. Whereas**, this particular café was initially licensed in Feb./2020, the Applicant and Licensee returning five months later in June/2020 during the Covid pandemic seeking to upgrade that license from restaurant wine to on premise license subject to 500 foot rule and public interest standard, the agreed upon hours of operation for the exterior café being a critical factor in measuring that standard; and,

**iii. Whereas**, despite the licensed footprint being in its infancy, the Applicant originally sought to extend the café's exterior hours of operation until 12 AM every night, he thereafter agreed to compromise and extend those exterior hours to 11 Pm every night; and,

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

**iii. Whereas**, the hours of operation for the interior café will continued to be from 7:00 AM to 12:00 AM Sunday through Saturday and the hours of operation for the exterior café will now be from 7:00 AM to 11:00 PM Sunday through Saturday, all interior music shall be quiet recorded background only, all doors and windows will be closed at all times, there will be no DJs, no promoted events, no live music, no private parties, no scheduled performances or cover fees, no TV's, velvet ropes, metal barricades or security personnel; and

**iv. Whereas**, the café space has only been open since 2020, with the upgrade to on premise occurring shortly thereafter, the increase of one hour being a reasonable compromise for this location in light of the Licensee's most recent history at this location and despite there have been concerns raised in the past regarding the operators and principals on the license also being the operators of the Bagatelle Restaurant located in the storefront space adjacent to the Hotel, the operations of the Bagatelle Restaurant being a significant nuisance for neighbors living in the area for over a decade; and,

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

1. The premises will be advertised and operated as a patisserie cafe.
2. The interior hours of operation will be 7:00 AM to 12:00 AM Sunday through Saturdays.

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

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends denial of the application to alter its method of operation on its existing on premise license to **WSA Cafe, LLC d/b/a C+C Coffee + Cocktails, 18 Ninth Ave. 10014** unless the statements the Applicant has presented are accurate and complete and that the above-stated conditions and stipulations agreed to by the Applicant are incorporated into the Method of Operation on the SLA On Premise License.

Vote: Unanimous, with 42 Board members in favor.

**18. Aubiramsa NY 1, LLC d/b/a Aubi and Ramsa, 38 Little W. 12<sup>th</sup> St. 10014** (New Restaurant Wine – previously unlicensed location)

**i. Whereas**, the Applicant appeared before CB2, Manhattan’s SLA Committee #2 to present an application to the NYS Liquor Authority for a new Tavern Wine License; the Applicant will operate an establishment serving a menu centered on alcohol-infused ice cream in a M1-5 zoned, two-story commercial building constructed in 1880 on Little West 12<sup>th</sup> St. at its intersection with Washington St., southeast corner (situated between Washington St. and Ninth Ave.; Block #644/Lot #38); and

**ii. Whereas**, the Applicant will operate an ice cream parlor with a total premises of approximately 1,000 sq. ft., comprised of a ground floor of approximately 500 sq. ft. that is connected by an interior staircase to a basement (for use by employees only) of also approximately 500 sq. ft.; there will be a total of 36 patron seats, comprised of 6 tables with 21 seats (6 chairs and 3 sofas, seating 5 persons each) and 1 stand-up bar with 7 seats, for a total of 28 interior seats, and a sidewalk café (operated under the temporary Outdoor Restaurants program) with an additional 4 tables and 8 seats; the premises has 1 entrance, 2 exits, and 1 bathroom; and

**iii. Whereas**, the Applicant’s agreed-to hours of operation will be 3:00 PM to 11:00 PM Tuesdays through Thursdays, 3:00 PM to 1:00 AM on Fridays and Saturdays, 3:00 PM to 9:00 PM on Sundays, and closed on Mondays; 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 no televisions; the sidewalk café will close by 11:00 PM every night and there will be no roadbed dining; and

**iv. Whereas,** the Applicant has demonstrated that neither the ice cream nor accompanying toppings it will offer will have more than 5.0% alcohol by volume and thus do not qualify as alcoholic beverages but may be sold legally as “confectionary containing alcohol” under a Tavern Wine License, provided all requirements of ABCL §3(1) are met; and

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

1. The premises will be advertised and will operate as an alcohol-infused ice cream vendor.
2. The hours of operation will be from 3:00 PM to 11:00 PM Tuesdays through Thursdays, 3:00 PM to 1:00 AM on Fridays and Saturdays, and 3:00 PM to 9:00 PM on Sundays. The business will be closed on Mondays.
3. The Applicant will operate with less than a full-service kitchen but will serve food during all hours of operation.
4. The premises will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. It will not operate a backyard garden or any other outdoor area for commercial purposes except for a sidewalk café operating under the temporary Outdoor Restaurants, which will be located immediately adjacent to the storefront with no more than 4 tables and 8 seats. There will be no roadbed seating.
6. The sidewalk café will close by 11:00 PM every night, with all chairs and tables removed at closing. No exterior music/speakers are allowed.
7. It will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
8. There will be no televisions.
9. The Applicant will not install or have French doors, operable windows or open façades.
10. It will close all doors and windows by 10:00 PM every night without exception, allowing only for patron ingress and egress.
11. There will be no patron occupancy/service to any portion of the basement of the licensed premises.
12. It will not make changes to the existing façade, except to change the signage or awning.
13. It will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
14. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
15. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
16. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
17. It will not change any of the business’ principals prior to submission of the original application to the SLA.
18. 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.
19. It will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a new Tavern Wine License in the name of **Aubiramsa NY 1 LLC d/b/a/ Aubi and Ramsa, 38 Little West 12<sup>th</sup> 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, with 42 Board members in favor.

**19. Wolf of 6<sup>th</sup> Ave., LLC d/b/a Balkan StrEAT, 353 6<sup>th</sup> Ave. 10014** (New Restaurant Wine – previously unlicensed location)

**i. Whereas**, the Applicant appeared before CB2, Manhattan’s SLA Committee #2 to present an application to the NYS Liquor Authority for a new Restaurant Wine License; the Applicant will operate a restaurant specializing in street food from the Balkan region of southeastern Europe in a R7-2 (C1-5 overlay) zoned, four-story mixed-use building constructed in 1829 on Sixth Ave. between W. 4<sup>th</sup> St. and Washington Pl. (Block #592/Lot #22), and located in the Greenwich Village Historic District; and

**ii. Whereas**, the Applicant will operate a fast-casual full-service restaurant with a total interior premises of approximately 1,908 sq. ft., comprised of a ground floor of approximately 1400 sq. ft. that is connected by an interior staircase to a basement (for use by employees only) of approximately 508 sq. ft.; there will be a total of 22 patron seats, comprised of 6 tables with 14 seats and 1 stand-up bar with no (0) seats, for a total of 14 interior seats, and a sidewalk café (operated under the temporary Outdoor Restaurants program) with an additional 2 tables and 8 seats; the premises has 1 entrance/exit and 1 bathroom; and

**iii. Whereas**, the Applicant’s agreed-to hours of operation will be 11:00 AM to 11:00 PM Mondays through Thursdays, 11:00 AM to 1:00 AM on Fridays and Saturdays, and 10:00 AM to 11:00 PM on Sundays; 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 no televisions; the sidewalk café will close by 11:00 PM every night and there will be no roadbed dining; and

**iv. Whereas**, the Applicant is seeking a Restaurant Wine License for a premise located approximately 160 sq. ft. from a house of worship and is aware that it will be barred from upgrading to an On Premises License in the future; and

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

1. The premises will be advertised and will operate as a restaurant specializing in street food from the Balkan region.
2. The hours of operation will be from 11:00 AM to 11:00 PM Mondays through Thursdays, 11:00 AM to 1:00 AM Fridays and Saturdays, and 10:00 AM to 11:00 PM on Sundays.
3. The Applicant will operate a full-service restaurant, specifically a fast-casual restaurant specializing in Balkan/southeastern European cuisine, 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 not operate a backyard garden or any other outdoor area for commercial purposes except for a sidewalk café operating under the temporary Outdoor Restaurants, which will be located immediately adjacent to the storefront with no more than 2 tables and 8 seats. There will be no roadbed seating.
6. The sidewalk café will close by 11:00 PM every night, with all chairs and tables removed at closing. No exterior music/speakers are allowed; no structures are permitted.
7. It will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
8. There will be no televisions.
9. The Applicant will not install or have French doors, operable windows or open façades.
10. It will close all doors and windows by 10:00 PM every night without exception, allowing only for patron ingress and egress.
11. There will be no patron occupancy/service to any portion of the basement of the licensed premises.
12. It will not make changes to the existing façade, except to change the signage or awning.
13. It will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
14. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
15. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
16. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
17. It will not change any of the business’ principals prior to submission of the original application to the SLA.
18. 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.
19. It will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a new Restaurant Wine License in the name of **Wolf of 6th Ave. LLC d/b/a Balkan StrEAT, 353 Sixth Avenue 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 Wine License.

Vote: Unanimous, with 42 Board members in favor.

**20. Two Pharaohs, LLC d/b/a TBA, 285 W. 12<sup>th</sup> St. 10014 (New OP—Restaurant)**

**i. Whereas**, the Applicant appeared before CB2, Manhattan’s SLA Licensing Committee to present an application to the Liquor Authority for a new On Premises license to operate a full-service restaurant in the subsurface basement level of a 4-story townhouse (built in 1841) located on West 12<sup>th</sup> Street between West 4<sup>th</sup> Street and Eighth Avenue in Greenwich Village, this building falling within NYC LPC’s designated Greenwich Village Historic District; and,

**ii. Whereas,** this location was previously operated as a full-service restaurant known as the Beatrice Inn, the subsurface space to be licensed being located a roughly 2,600 sq. ft. premise (1850 ft. top floor and 750 ft. subbasement – no patrons in subbasement) with 18 tables and 76 table seats, 1 bar with 12 seats; there is 1 patron entrance, two bathrooms; the front façade is fixed without operable doors or windows, a certificate of occupancy from 1971 was submitted; and,

**iii. Whereas,** the agreed-upon hours of operation for the interior will be Sunday to Wednesday from 5 PM to 12 AM and Thursday through Saturday from 5 PM to 1 AM, music in the interior will be quiet background only, all doors and windows will be closed at all times, except for patron ingress and egress, there will be exterior areas for the service of alcohol, no sidewalk or roadbed service, and there will be no DJs, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

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

1. The licensed premises will be advertised and operated as a full-service restaurant with full menu items available until closing every night.
2. The hours of operation will be Sunday to Wednesday from 5 PM to 12 AM and Thursday through Saturday from 5 PM to 1 AM. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises will not operate as a lounge, tavern or sports bar or allow any portion of the premises to be operated in such a manner.
4. The premises will not have televisions.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or other outdoor area for commercial purposes including any sidewalk or roadbed service. No roadbed seating.
7. Will not install or have French doors, operable windows or open facades.
8. No patron occupancy/service to any portion of the subbasement/cellar to licensed premises.
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, or promoted events.
11. There will be no pitchers of beer and no all you can eat/drink specials or boozy brunches.
12. Will not make changes to the existing façade except to change signage or awning.
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 comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
15. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. Will appear before CB2 Manhattan for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of an application for On Premise License for **Two Pharaohs, LLC d/b/a TBA, 285 W. 12<sup>th</sup> St. 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 License.

Vote: Unanimous, with 42 Board members in favor.

**21. Chester WSA, LLC d/b/a The Chester, 18 Ninth Ave. 10014**(New OP—Restaurant with exterior seating)

**i. Whereas,** the Applicants appeared before CB2, Manhattan’s SLA Committee #2 to present an application to the NYS Liquor Authority to transfer ownership of an existing Restaurant On Premises License (# 1146408, exp. 9/30/22) to operate a full-service restaurant and a café/lounge within a 13-story luxury hotel constructed in 2003 on W. 13<sup>th</sup> St. between Hudson St. and Ninth Ave. (Block #628/Lot #04); and

**ii. Whereas,** the license transfer will enable Applicant Chester WSA, which is currently named on the Restaurant On Premises License, to take total control over the full-service restaurant located on the ground floor of the Gansevoort Hotel, an establishment whose operation, aside from some reduced hours, will remain substantially unchanged; and

**iii. Whereas,** Applicant Chester WSA will continue operation of a full-service restaurant with a total premises of approximately 2,336 sq. ft., comprising an interior area of approximately 1,174 sq. ft. and an exterior area of approximately 1,162 sq. ft. (which is a covered patio located within the property line); there will be patron access to the mezzanine level for bathroom use only; the premises has a total of 80 patron seats: 4 interior tables with 24 seats, 9 exterior tables with 30 seats, 18 rail seats in the outdoor patio space, and 1 stand-up bar with 8 seats; there is 1 entrance/exit (plus exits directly into the hotel) and 2 bathrooms (plus additional restrooms in the hotel); and

**iv. Whereas,** Applicant Chester WSA’s agreed-to regular interior hours of operation will be from 7:00 AM to 2:00 AM seven days a week, and its exterior hours of operation will be from 7:00 AM to 12:00 AM Mondays through Wednesdays, 7:00 AM to 1:00 AM Thursdays through Saturdays, and 7:00 AM to 12:00 AM on Sundays; music will be quiet recorded background only and there will be no DJs (except for private events/buyouts); there will be no promoted events, no live music or scheduled performances, no cover fees, and no televisions; all doors and windows to the patio area will be closed by 11:00 PM every night, and there will be no sidewalk or roadbed seating; and

**v. Whereas,** the restaurant will have special hours of operation on Halloween and New Year’s Eve, with the interior hours from 7:00 AM to 4:00 AM; also, it will cease exterior operation (exclusive of any seating that is part of the Temporary Open Restaurants program) at 1:00 AM on any Sunday that is part of the following holiday weekends: Martin Luther King Day, Presidents’ Day, Memorial Day, Independence Day, Labor Day, Veterans Day and Thanksgiving and at 2:00 AM on Halloween and New Year’s Eve, regardless of the day of the week; and

**vi. Whereas,** Applicant Chester WSA has executed and has had notarized a Stipulations Agreement with CB2, Man. 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 with interior and covered outdoor spaces located within the hotel’s property line.
2. The regular interior hours of operation will be from 7:00 AM to 2:00 AM seven days a week; the exterior hours of operation will be 7:00 AM to 12:00 AM Mondays through Wednesdays, 7:00

AM to 1:00 AM Thursdays through Saturdays, and 7:00 AM to 12:00 AM on Sundays. On Halloween and New Year's Eve the interior will operate from 7:00 AM to 4:00 AM.

3. The premises will cease exterior operation (exclusive of any seating that is part of the Temporary Open Restaurants program) at 1:00 AM on any Sunday that is part of the following holiday weekends: Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans Day and Thanksgiving and at 2:00 AM on Halloween and New Year's Eve, regardless of the day of the week.
4. The Applicant will operate a full-service restaurant, located within the hotel, with the kitchen open and the full menu available until closing every night.
5. The interior space will have 4 tables with 24 seats and 1 stand-up bar with 8 seats.
6. The premises will not operate a backyard garden or any other outdoor area for commercial purposes except for a covered patio with 24 tables and 63 seats, which will be located within the property line on W. 13<sup>th</sup> St. wrapping around to Ninth Ave. There will be no sidewalk or roadbed seating.
7. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
8. It will play quiet ambient recorded background music, excepting private events or buyouts. No music will be audible in any adjacent residences at any time.
9. The use of DJs will be permitted for private events/buyouts only and only in the interior of the premises; DJs are permitted an unlimited number of times only from November 1<sup>st</sup> through January 15<sup>th</sup> and no more than once per week during the rest of the year. No DJs are permitted in any exterior spaces. All doors and windows will be closed any time there is a DJ in the interior.
10. There will be no more than 6 televisions on the premises. Any television located in the exterior space on sidewalk level along Ninth Avenue will not operate with sound.
11. The Applicant will close all doors to the patio by 11:00 PM every night.
12. Patron access to the mezzanine is for bathroom use only and there will be no service to patrons in the mezzanine.
13. Will have occasional comedy shows; all such shows will take place within the interior premise and all doors/windows will be closed during such shows.
14. It will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
15. It will not have unlimited drink or unlimited food & drink specials. It will not have "boozy brunches" and will not sell pitchers of beer.
16. There will be no "bottle service" or the sale of alcohol by the bottle, except for beer and wine products.
17. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
18. It will not change any of the business' principals prior to submission of the original application to the SLA.
19. 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.
20. It will appear before CB2, Manhattan for an alteration to its license prior to submitting plans for permanent sidewalk or roadbed seating.

**THEREFORE BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a transfer of an existing On Premises License (# 1146408, exp. 9/30/22) to **Chester WSA LLC d/b/a The Chester, 18 Ninth Avenue 10014 unless** the statements presented by the Applicants are accurate and complete and that the conditions and stipulations agreed to by the Applicants remain incorporated into the "Method of Operation" of each SLA On Premises License.

Vote: Unanimous, with 42 Board members in favor.

**22. 240 West 14th St. Corp. d/b/a Death by Pizza, 240 W. 14<sup>th</sup> St. 10011 (New OP — Restaurant/Bar)**

**i. Whereas**, the Applicant and the Applicant's Attorney appeared before CB2, Manhattan's SLA Licensing Committee to present an application for a new On-Premise license to operate a full-service Pizzeria Restaurant located in a subsurface, below grade level storefront within a five-story mixed-use townhouse building built in the 1910 located on West 14<sup>th</sup> Street between Seventh and Eighth Avenues in Greenwich Village; and,

**ii. Whereas**, the storefront was previously operated for many years (2000-2020) as a full-service restaurant known as Crispo's, which operated with closing hours of 11 PM during the week and 11:30 PM on the weekends; and,

**iii. Whereas**, this is the Applicant's second application and presentation to CB2 Man.'s SLA Committee for this same storefront location, the first application having been heard in July/2021, the prior application seeking to operate until 4 AM with DJs and live music at entertainment sound levels, the prior application being opposed by concerned residents living adjacent to the premises proposed to be licensed resulting in a recommendation to deny the application; and,

**iv. Whereas**, after learning of the deny recommendation from CB2, Man. the Applicant thereafter withdrew that application and served a new 30-day notice for the same storefront location, reducing its late-night hours of operation but again seeking the use of DJs and live music at entertainment music levels, while also adding the use of an exterior 880 sq. ft. backyard patio with 40 seats, the application not providing a diagram of the rear yard space or the number of tables thereat, a certificate of occupancy from 2008 being presented which allows for restaurant occupancy and use on the interior only but not for any exterior space, including the ancillary outdoor rear yard, as well as plans to install French doors leading to their exterior spaces in the rear and in the front on West 14<sup>th</sup> Street, where there will be additional outdoor seating with 8 seats (again without any seating diagram presented); and,

**v. Whereas**, the instant application also seeks to operate as a restaurant specializing in Brooklyn-style pizza, the storefront premise to be licensed being roughly 2,300 sq. ft. (1,500 sq. ft. ground floor and 800 sq. ft. cellar – with no patron service occurring in the cellar) with 21 interior tables and 62 interior table seats, 1 bar with 4 patron seats, for a total patron interior seating capacity of 66 seats overall, with a single patron entrance on West 14<sup>th</sup> Street and four bathrooms; and,

**vi. Whereas**, the proposed interior hours of operation will be from 10 AM to 12 AM on Sundays, from 11 AM to 12 AM Monday through Wednesday, from 11 AM to 2 AM Thursday and Friday and from 10 AM to 2 AM on Saturdays, and no hours of operation were provided for the exterior spaces; and

**vii. Whereas**, a representative of the tenants living in the six-story residential building located immediately next door appeared in opposition to both applications, voicing concerns regarding the late-night hours, the use of live music and DJs, the use of the rear yard for which many apartments in his building will be exposed, the representative further indicating that there have been large, raging parties with booming, thumping music at entertainment levels coming from the space in the Spring during the Covid Pandemic, as well as more recently after the current Applicant has already moved in to the storefront and opened up his establishment for business over the latter portion of the Summer, the parties going on past midnight into the early morning hours, forwarding pictures of trash piles located in the front of the establishment the next morning; and

**viii. Whereas**, when questioned about the parties, the Applicant denied any knowledge of such parties, and further explained that he is no longer affiliated with, and would no longer be using the “Death by Pizza” name for his business after multiple Instagram and other social media promotions were found connecting the Death by Pizza business to large parties and events advertising entertainment music levels and excessive drinking of alcoholic beverages; and

**ix. Whereas**, the Applicant was not able to produce any reliable history of experience in operating a full-service restaurant and has not held a liquor license despite his connection to Death by Pizza, and despite not having a current liquor license for the instant premise at 240 West 14<sup>th</sup> Street has been advertising via social media selling tickets to dance parties with DJs, drinking, live music and give-aways, the more recent being a “9/11 Welcome Back Event” on Saturday September 11, 2021 (celebrating the 20<sup>th</sup> year anniversary of the attacks on 9/11) and a “Death by Revenge Wife” event on Tuesday, September 15, 2021, described as “an exclusive dance party, pop up shop & beverage experience by Elizabeth Nistico” with a “disco grunge” dress code, DJ, promoting “unreleased music” and “signature pizza”; and

**x. Whereas**, this application being subject to the 500-foot rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, the immediate adjacent area being already saturated with multiple liquor licenses and late night drinking establishments, in addition to there being 49 active licensed establishments within 750 feet of the subject premises and 4 additional pending licenses, the Applicant’s presentation and claim that he would operate as a full-service restaurant at the location in the future being questionable, and not alleviating the concerns raised by his next door neighbors or those advanced by CB2, Man.’s Licensing Committee; and

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a On Premise License for **240 West 14th St. Corp. d/b/a Death by Pizza, 240 W. 14<sup>th</sup> St. 10011**; and

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

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

Vote: Unanimous, with 42 Board members in favor.

**23. 401 West Property Owner, LLC d/b/a TBD, 401 West St. 10014** (New OP — previously unlicensed location for Restaurant with exterior backyard garden)

**i. Whereas**, the Applicant and the Applicant’s Attorney appeared before CB2, Manhattan’s SLA Licensing Committee to present an application for a new On Premise Liquor License to operate a café in the cellar and a restaurant on the first floor with an exterior rear yard within a new C1-6A (R7A equivalent) zoned seven-story mixed-use building on West Street between Charles St. and W. 10<sup>th</sup> St. (Block #646/Lot #46) in Greenwich Village; this new construction is expected to be completed in 2021 or 2022;

**ii. Whereas**, the total licensed premises proposed will be approximately 1,524 sq. ft. and consist of an indoor café of approximately 214 sq. ft., a separate indoor restaurant of 680 sq. ft. and an ancillary rear courtyard of approximately 630 sq. ft.; there will be a total of 40 seats in the interior premises consisting

of eleven (11) tables with 32 seats and one (1) bar with eight (8) seats in the lounge, and eight (8) tables with 20 seats in the exterior courtyard; the premises will have a kitchen, one (1) entrance, and three (3) bathrooms; no certificate of occupancy for the premises sought to be licensed currently exists; and

**iii. Whereas,** the restaurant's hours of operation for the interior will be from 7:00 AM to 12:00 AM every day/night Sunday through Saturday; the courtyard's proposed hours of operation are 8:00 AM to 11:00 PM every day/night Sunday through Saturday; music will be of a quiet, background-only nature with some amplification and live accoustical music; there will be no music or speakers in the exterior courtyard and all doors leading to the exterior courtyard will be closed any time there is live music playing on the interior; the Applicant has stated that there will be no promoted events, no scheduled performances, no cover fees and no TV's, but anticipates private parties; and

**iv. Whereas,** the Applicant failed to properly engage in any community outreach to those immediately impacted by the proposed operations of the exterior rear yard, and is seeking a full liquor license for a location never previously licensed, thereby adding another licensed establishment to an area that is not only license-saturated but whose already-licensed business are struggling to survive in the current pandemic-ravaged environment; and

**v. Whereas,** despite the failure to properly engage those living immediately adjacent to the rear yard, there was significant opposition to this application which appeared, opposition by those residents living next door to the rear yard to its south and the back side of a large 15-story u-shaped residential building (150 Charles) directly to the east of the yard, with its "U" shaped building located directly behind and surrounding the rear yard in question, with terraces and apartments of residents immediately adjacent to and directly overlooking the exterior yard in question, the opposition advancing concerns that noise from the rear yard will affect every unit in their building, but most particularly those in extreme proximity to the proposed outdoor space, the building having over 330 residents, including 65 children, presenting photos of the bedrooms of individual children living immediately adjacent to the yard, the open exterior space and grounds of the building formed by the "U" shaped design being an existing place of quiet enjoyment for all residents living thereat; the opposition also advancing concerns regarding traffic congestion on Charles Street, as there is no place to stop or park on West Street in front of the entrance of the café/restaurant, in addition to voicing concerns and impacts caused by vermin, trash disposal, odors and smoke from the commercial kitchen exhaust systems; and

**vi. Whereas,** the opposition also presented an expert in sound abatement and acoustic measurement (Acoustilog), as well as engineering analysis and report from RAND Engineering, the sound expert opining that voice noise from the backyard and music from the restaurant will create unreasonable levels of noise for the residents of 150 Charles, the Engineer from RAND opining that new commercial exhaust and mechanical systems will establish a nuisance to those same residents; and

**vii. Whereas,** the Applicant also presented a sound expert in reply to the opinions advanced, but could provide no coherent solution to attenuate the noise issues resulting from the rear yard, the expert from Acoustilog suggesting the rear yard could be enclosed with a fixed, metal and plexiglass cover which would seal the yard, trapping and preventing the noise intrusions, but in response the Applicant provided no real solution to ameliorating the noise and privacy intrusions that are inevitable from the use of the exterior courtyard; and

**viii. Whereas**, this application being subject to the 500-foot rule requiring the Applicant to demonstrate that the public interest would be served by adding another on premise liquor license at this location, there being 16 active, 1 pending and 6 inactive licensed premises within 750 feet of the subject premises, the Applicant not alleviating the concerns raised by its next door neighbors, the negative impacts of the outdoor courtyard not establishing a public interest under the circumstances presented; and

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a On Premise License for **401 West Property Owner, LLC d/b/a TBD, 401 West St. 10014**; and

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

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

Vote: Unanimous, with 42 Board members in favor.

**24. Red Grass, LLC d/b/a Do Not Feed Alligators, 337 Bleecker St. 10014** (New OP — previously unlicensed location for bar/tavern, exterior backyard patio/garden and municipal extension to public sidewalk)

**i. Whereas**, the Applicant and the Applicant’s Attorney appeared before CB2, Manhattan’s SLA Licensing Committee to present an application for a new On Premise license to operate a coffee shop and bookstore in a ground level storefront within a three-story townhouse building built in 1861 and located on Bleecker Street between Christopher and West 10<sup>th</sup> Streets in Greenwich Village, this building falling within NYC LPC’s designated Greenwich Village Historic District and being listed on the National Registry of Historic Places for its association as the home of the pioneering Black lesbian playwright, writer and activist Lorraine Hansbury; and,

**ii. Whereas**, the storefront was operated as a retail store selling gelato for a few months in 2019 and before that operated for many years as Rituals, a retail shop selling cosmetics, the storefront location having never been licensed for the service of alcohol or for eating and drinking, no certificate of occupancy or letter of no objection permitting such use and occupancy being presented; the certificate of occupancy for the building, dating back to 1958 allows for a store on the first floor and apartments on the second and third floors but does not specifically permit eating and drinking nor does it permit such use/occupancy to occur in the rear yard/patio; and,

**iii. Whereas**, the storefront premises is roughly 1,650 sq. ft., (840 sq. ft. ground floor and 810 sq. ft. basement – with no patron service occurring in the cellar), there will be 1 bar with 4 seats, 6 tables and lounge chairs consisting of 13 seats for a total interior seating for 17, there is an outdoor yard in the rear where the Applicant also seeks (per diagram) to add 3 tables with 9 seats and a counter with 4 additional exterior seats for a total exterior seating of 13, with 1 patron entrance on Bleecker Street, one bathroom, there is ventless food preparation area for light fare and focaccia breads, there is no kitchen and no operable facades or French doors but there is seating on the curb side of the sidewalk in front, although no diagram was provided with regard to any planned sidewalk seating, and there will be no exterior speakers and no exterior TVs; and,

iv. **Whereas**, the proposed hours of operation for the interior will be from 7:00 AM to 12:00 AM Sunday through Saturday and the hours of operation for the exterior rear yard will be from 8:00 AM to 9:00 PM Sunday through Thursday and from 8:00 AM to 9:00 PM on Fridays and Saturdays, all interior music shall be quiet recorded background only, there will be no DJs, no promoted events, no live music, no private parties, no scheduled performances or cover fees, no TV's, velvet ropes, metal barricades or security personnel; and

v. **Whereas**, residents living in the area, as well as the West Village Residents Association, met with the Applicant, and despite such meeting, appeared in opposition to the application, voicing concerns regarding the planned use of the exterior garden space for commercial purposes, the yard being surrounded by residential apartment dwellers making it highly problematic regardless of hours, the service of alcohol exacerbating the problem with the seating layout and design placing most of the patrons outside, the concept of a "coffee shop and bookstore with incidental alcohol sales" not being credible — the "bookstore" is actually only one corner shelf within the entire interior premise, and by the Applicant's own description coffee sales taper off after 3:00 pm, so the focus will inevitably be on wine, beer and liquor, the economic incentives to move from coffee shop to bar are known — labor costs fall and margins rise and the size of the counter/bar relative to the premise suggested a migration has already been considered, the location having never been for the service of alcohol in the past, the addition of another licensed storefront competing as a destination location replacing another space available to other types of traditional retail businesses designed to service the community; and

vi. **Whereas**, still another elderly resident living adjacent to the backyard space on the 3<sup>rd</sup> floor voiced concerns regarding an invasion of his apartment from the noise, indicating the yard had been previously used illegally and improperly for private parties in years past, the brick walls of the building making sound travel, and where the impact of noise by just a very few establishing a significant problem for him and the other residents living in his building; and

vii. **Whereas**, this application being subject to the 500-foot rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, the immediate adjacent area being already saturated with multiple liquor licenses and late night drinking establishments, with there being 83 active licensed premises within 750 feet of the subject premises, in addition to 6 pending licenses and 38 inactive licenses, the Applicant not presenting a certificate of occupancy or letter of no objection permitting eating and drinking in the rear yard, there being no permit and no emergency egress in place for the use of the backyard, the Applicant's presentation that he would be a coffee shop and bookstore being inconsistent with an on premises license, there being no full-service kitchen, the Applicant refusing to even consider a beer/wine license, there being concerns that the location will simply morph into a bar or establishment focused simply on the service of alcohol, this result not being in the public interest, with the use of the exterior areas resulting in an unreasonable noise increase where there is and should continue to be a high expectation for privacy and quiet enjoyment; and

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of the application for a On Premise License for **Red Grass, LLC d/b/a Do Not Feed Alligators, 337 Bleecker St. 10014**; 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; and

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

Vote: Unanimous, with 42 Board members in favor.

**25. On The Corner NY, LLC d/b/a The Mary Lane, 99 Bank St. 10014** (Existing On premise license — seeking municipal extension to use public sidewalk)

**i. Whereas**, the Applicant appeared before CB2, Manhattan’s SLA Licensing committee to present an application for a municipal extension to operate a large, enclosed structure in the public roadbed, with 27 tables and 54 seats, in front of the licensed premise located on Bank Street at the northeast corner of Greenwich Street in the West Village Historic District section of Manhattan; and

**ii. Whereas**, the Applicant did not serve a 30-day notice seeking an alteration to its existing license, its current on-premise license having being previously granted and issued on the pretext of certain agreed upon stipulations wherein the Applicant agreed, for the purpose of establishing and meeting the required public interest standard, that it would not operate or serve alcohol to any outdoor area for commercial purposes; and

**iii. Whereas**, by not seeking an alteration to its existing license, the Applicant is seeking to circumvent the ABC Laws requiring an alteration to its existing license with the current stipulations in place, the license recently being issued as of July 27, 2020 (Cert.#896605), the Applicant’s business not yet being open and not subject to the Covid Pandemic, the interior premises being large at roughly 3,665 sq. ft., the interior premises being available for use/occupancy at 100%, where the plan includes 27 interior tables with 88 patron seats, and one bar with 10 additional seats; and,

**iv. Whereas**, there has never been any exterior seating or the service of alcohol to the roadbed or by extension, to any other exterior area from this licensed premise in the past, all prior businesses at this location having been located on the interior only, the sidewalk in front being narrow, the Bank and Greenwich Street roadways being narrow, there being only residential on this block and at the entire intersection with Greenwich Street, with the sole exception being the licensed premise in question, the construction of the structure in the roadway clearly establishing negative quality of life impacts for this large residential footprint in this immediate area, which was a relatively quiet residential area; and

**v. Whereas**, the proposed hours of operation for the roadbed structure with service thereto over the public sidewalk are from 7 a.m. to 10 p.m., on all days of the week (Sunday-Saturday), no speakers, no music and no TVs; and

**vi. Whereas**, many residents living in the area, including residents living right above, adjacent to, on the ground level and across the street and intersection from where the roadbed structure is planed wrote correspondence and appeared in opposition to this application, concerned about noise, quality of life impacts, vermin, the Applicant having not suffered from the consequences of the pandemic, thereby leveraging the pandemic to obtain a sweetheart deal on rent and extend its seating capacity on the exterior when the license was issued with their agreement that they would not, still others appeared in opposition indicating and providing photos demonstrating numerous problems, concerns and errors of judgment with the Applicants at their other eating and drinking businesses, each of which have structures built in the roadways at those other locations albeit those businesses were subject to the pandemic and have continued to remain open, the Applicant also having agreed with these same residents to forgo exterior service in the future at the instant location for the sole purpose of meeting the public interest standard imposed by the 500 ft. rule; and,

**vii. Whereas**, the Applicant is well known and operates other restaurants within CB2, Man. which had a history of reasonable compliance with their existing stipulations until the pandemic, when they expanded to the exterior at those same licensed locations, those deviations including not providing clear passage on the public sidewalks for pedestrians—by taking over the sidewalk with tables on both sides causing pedestrians to walk through the tables inconsistent with the rules and guidelines set by the self-certified open restaurant’s program, in addition to improper use of propane heaters placed under awnings, and by installing a roadbed structure that had to be removed due to certain violations with the open restaurant’s program, all being presented by residents in opposition; and,

**viii. Whereas**, the applicant did present a petition in support and one member of the large condominium building at 99 Bank did appear in support, her voice of support being connected to the import of the lease and the collection of rent for the building into the future; and,

**ix. Whereas**, the Applicant indicated that the use of the roadbed would be temporary but provided no date when such temporary use would end;

**THEREFORE, BE IT RESOLVED** that CB2, Man. recommends **denial** of the application presented by **On The Corner NY, LLC d/b/a The Mary Lane, 99 Bank St. 10014** requesting to extend the license premise to the exterior roadbed without seeking an alteration of its existing license which prohibits that course of conduct; and

**BE IT FURTHER RESOLVED** that CB2, Man. refers this matter to the NYSLA to review the Applicant’s existing method of operation and stipulations for purposes of determining whether the instant application, without any alteration to the existing license, can be permitted without the proper notice having been served; and

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

Vote: Unanimous, with 42 Board members in favor.

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

**26. Ruby’s West Village, LLC d/b/a Ruby’s Café, 225 W. 4th St. 10014 (OP-Restaurant) (Sidewalk Café) (laid over)**

**Whereas**, prior to this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on September 9, 2021, the Applicant requested to layover this application to October/2021 affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license **Ruby’s West Village, LLC d/b/a Ruby’s Café, 225 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, with 42 Board members in favor.

**27. PTO3, Inc., 137 7th Ave. So. 10014 (OP-Restaurant) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 9, 2021, the Applicant requested **to layover** this application to October/2021 affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license **PTO3, Inc., 137 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, with 42 Board members in favor.

**28. Entity to be Formed by Manuel Ramirez d/b/a The Village Sand Bar, 64 Greenwich Ave. 10013 (OP-Restaurant) (Sidewalk Café) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 9, 2021, the Applicant requested **to layover** this application to October/2021 affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Entity to be Formed by Manuel Ramirez d/b/a The Village Sand Bar, 64 Greenwich Ave. 10013 until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**29. Arthur & Sons NY Italian, LLC d/b/a Pending, 38 8th Ave. 10014 (OP-Restaurant) (Sidewalk Café) (DOT Open Restaurant Permit) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 9, 2021 the Applicant requested **to layover** this application to October/2021 affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license **Arthur & Sons NY Italian, LLC d/b/a Pending, 38 8th Ave. 10014 until** the Applicant has presented their

application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous, with 42 Board members in favor.

**30. 68 Perry Street Corp. d/b/a Corner Bistro, 331 W. 4<sup>th</sup> St. 10014 (OP-Restaurant) (To Include Live Music-VariouS) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 9, 2021, the Applicant requested **to layover** this application to October/2021 affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **68 Perry Street Corp. d/b/a Corner Bistro, 331 W. 4<sup>th</sup> St. 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, with 42 Board members in favor.

**31. Mr. Z Dim Sum, Inc. d/b/a TBD, 313 6th Ave. 10014 (OP-Restaurant) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 9, 2021, the Applicant agreed **to lay over** this application to October/2021, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Mr. Z Dim Sum, Inc. d/b/a TBD, 313 6th Ave. 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, with 42 Board members in favor.

**32. Mareluna, LLC d/b/a Mareluna, 137 Sullivan St. 10012 (RW-Restaurant)**

**Whereas**, after this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 9, 2021, the Applicant agreed **to lay over** this application to October/2021, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Mareluna,**

**LLC d/b/a Mareluna, 137 Sullivan St. 10012 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, with 42 Board members in favor.

**33. Philip Testa or Entity to be formed, d/b/a N/A, 285 W. 12th St. 10014 (OP - Restaurant) (laid over)**

**Whereas**, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on September 9, 2021 the Applicant agreed **to lay over** this application to October/2021, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2, Man. should they decide to proceed at some time in the future;

**THEREFORE, BE IT RESOLVED** that CB2, Man. strongly recommends that the SLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Philip Testa or Entity to be formed, d/b/a N/A, 285 W. 12th St. 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, with 42 Board members in favor.

### **TRAFFIC AND TRANSPORTATION**

**Resolution requesting a change in commercial loading zone regulations and signage to "One Hour Truck Loading and Unloading" at 130 Bleecker St.**

**Whereas** current parking regulations and signage at the truck loading zone in front of the Morton Williams Supermarket at 130 Bleecker St. call for "Truck Loading Only, Monday - Friday, 8am - 6pm"; and

**Whereas** the signage for these loading regulations does not define any limit in the duration of time during which trucks are allowed to load and unload; and

**Whereas** Morton Williams customarily receives approximately 50 deliveries a day of the products they carry to serve neighborhood grocery needs from vendors who need to unload their goods from their trucks. These vendors arrive in both small and large trucks that require no more than an hour to complete their unloading; and

**Whereas** Morton Williams has reported that these essential vendors are now being denied access for their deliveries in the loading zone by Amazon, which occupies the loading zone to conduct its warehousing activities, very often all day long; and

**Whereas** prevented from using the truck loading zone by these continuous warehousing activities, the trucks delivering their products to Morton Williams are forced to double park, backing up traffic and causing congestion and pollution, which are further exacerbated by the trucks having to circle around before any space is found to unload; and

**Whereas** additional pollution is caused by the Amazon trucks idling for many hours in the one place, a serious community concern, particularly in view of the destructive impact on the nearby community garden; and

**Whereas** Morton Williams has been serving and welcome by our community for 20 years and is valued as an essential, family- and locally-owned business that should be provided relief from e-commerce companies like Amazon, that have been abusing parking requirements; and

**Whereas** the Traffic Rules of the NYC Dept. of Transportation (DOT) specify that "Where a posted sign reads "No Standing Except Trucks Loading and Unloading," no vehicle except a commercial vehicle, or a service vehicle may stand or park in that area, for the purpose of *expeditiously making* pickups, deliveries or service calls," i.e., within a very short time (as opposed to all day occupation);

**Therefore be it resolved** that CB2, Man. requests that DOT change the commercial loading zone regulations and signage in front of 130 Bleecker St. to "One Hour Truck Loading and Unloading Only, Mon. to Fri., 8 am to 6 pm."

Vote: Unanimous, with 42 Board Members in favor.

Respectfully submitted,

Eugene Yoo  
Secretary  
Community Board #2, Manhattan