

Jeannine Kiely, Chair
Susan Kent, 1st Vice Chair
Valerie De La Rosa, 2nd Vice Chair
Bob Gormley, District Manager



Antony Wong, Treasurer
Eugene Yoo, Secretary
Ritu Chattree, Assistant Secretary

COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.cb2manhattan.org

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

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

FULL BOARD MEETING AGENDA

DATE: Thursday, March 24, 2022
TIME: 6:30 PM
PLACE: Via Video-Conference (with an in-person option in the CB2 conference room)

I. ATTENDANCE

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

III. ADOPTION OF AGENDA

IV. REPORTS TO THE PUBLIC

- | | |
|-------------------------------|----------------|
| 1. Elected Officials' Reports | |
| 2. Borough President's Report | Andrew Chang |
| 3. Chair's Report | Jeannine Kiely |
| 4. District Manager's Report | Bob Gormley |

BUSINESS SESSION

V. APPROVAL OF THE FEBRUARY MINUTES

VI. ELECTION OF OFFICERS

VII. STANDING COMMITTEE REPORTS AND OTHER BUSINESS

- | | |
|-----------------------------|--------------------------|
| 1. Human Services | Susanna Aaron |
| 2. SLA Licensing | Robert Ely/Donna Raftery |
| 3. Reopening Working Group | Valerie De La Rosa |
| 4. Quality of Life | William Benesh |
| 5. Equity, Race & Justice | Mar Fitzgerald |
| 6. Traffic & Transportation | Shirley Secunda |
| 7. Arts & Institutions | Robin Rothstein |
| 8. Schools & Education | Patricia Laraia |
| 9. Landmarks | Chenault Spence |

VIII. NEW BUSINESS

IX. ADJOURNMENT

DRAFT

April 2022

◀ Mar 2022

May 2022 ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 QUALITY OF LIFE	5 SLA LICENSING 1	6 PARKS/WATERFRONT	7 TRAFFIC & TRANSPORTATION SLA LICENSING 2	8	9
10	11 SCHOOLS & EDUCATION	12 LANDMARKS	13 LAND USE	14 BYLAWS	15 Good Friday Passover (start)	16
17 Easter	18	19 EXECUTIVE	20	21	22	23 Passover (end)
24	25 ARTS & INSTITUTIONS	26 FULL BOARD	27 ECONOMIC DEV. & SMALL BUSINESS	28 HUMAN SERVICES	29	30

NOTES: EQUITY, RACE, & JUSTICE?: REOPENING WG?

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Susan Kent, *First Vice Chair*
Valerie De La Rosa, *Second Vice Chair*
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Gary P. Jenkins, Commissioner
Department of Social Services
150 Greenwich St.,
New York, NY 10038

Charles King, CEO
Housing Works
57 Willoughby St., 2nd Floor
Brooklyn, NY 11201

Dear Commissioner Jenkins and Mr. King,

We are writing to share with you the concerns that our community expressed regarding the planned shelter at 231 Grand Street.

On February 24, 2022, Community Board 2, Manhattan, held a meeting to hear a plan by NYC Department of Social Services/Department of Homeless Services (DSS/DHS) and the not-for-profit organization Housing Works (HW) to establish a Drop-In Facility with Stabilization Beds at 231 Grand Street.

Principal Concerns and Suggestions

- We heard few concerns expressed at our meeting about the operator, Housing Works.
- Most concerns centered around the siting of an additional homeless shelter in a neighborhood that already has several.
- Many pointed out that, while it was true that Community District 2 has zero shelters (although three others are in various stages of development), this is not true for the neighborhood of Chinatown.
- While the logic model of the program is that a Drop-In Center will reduce nuisance behavior on the street, many worried that, in fact, the presence of a Drop-In Center would ultimately attract more homeless individuals to the neighborhood and increase nuisance behavior.
- Objections were raised about the proximity of the Drop-In Center to facilities serving children. Quality of life impacts of concern included safety, trash, open drug use, public urination and defecation, and more. These nuisances were present during the period when this building was used as a temporary non-congregate shelter during the Covid-19 pandemic.
- Language barriers in Chinatown stress a need for translation services for all communications about this project.

As a result of these concerns, CB2 urges agency and elected officials to consider the following:

Any Fair Share evaluation must be particularly sensitive to concentrations by *radius* and not only by *Community District*, and to *planned* development as well as *existing* infrastructure.

The City's Fair Share analysis should be mindful of the distinction between the *administrative* boundary of Community District 2 (CD2) and the *neighborhood* boundary of Chinatown. Chinatown is a large neighborhood that straddles Community Districts 1, 2, and 3 in Manhattan. As of this writing the number of shelters currently operating in CD2 is zero.¹ However, the number of shelters in Chinatown – spread over CDs 1, 2 and 3 – is higher.

Additionally, the plans to demolish a jail in Chinatown and build a new one must be included in the analysis even though this development has yet to occur.

Elected officials are encouraged to be *attentive* to local concerns and to be *innovative* in steps to bring improvements to Chinatown.

Most comments cited the addition of another shelter as an *additional blow* to a neighborhood that has *suffered* greatly over the last few years. The February 13th murder of Christina Yuna Lee is experienced as just the latest incident of many: a rise in anti-Asian hate crimes; a Covid-19 lockdown period that crushed businesses, heightened unemployment, strained school children; a sense that crime and homelessness and reduced sanitation services are heightened as the neighborhood wobbles its way back from the pandemic.

The need for additional homeless shelters in New York City has been well-established and the need for social services in this area is confirmed by the presence of unsheltered homeless individuals on sidewalks and in local parks. Housing Works has a reputation as a compassionate operator that is sensitive to community concerns. However, finding acceptance for this plan will be difficult in the absence of compensatory measures to increase safety, improve the economy, and enhance quality of life in this neighborhood.

To view CB2's full report and a video from our February 24, 2022 Human Services meeting, please visit <https://cbmanhattan.cityofnewyork.us/cb2/committee-materials/human-services/>

Sincerely,



Jeannine Kiely, Chair
Manhattan Community Board 2



Susanna Aaron, Chair
Human Services Committee
Manhattan Community Board 2

¹ The Housing Works project would follow three others in the pipeline in CD2: a Drop-in Center at 112-114 West 14th St that will also include 24 Safe Haven beds for adult men and women; a shelter for 90 adult women at 27 West 11th St; a shelter for 200 adult men at 349 Canal Street. The total number of beds, including those at 231 Grand Street, would be 290 plus 118 beds targeted to traditionally unsheltered homeless individuals.

cc: Hon. Nydia Velázquez, U.S. Representative
Hon. Brian Kavanaugh, NYS Senator
Hon. Yuh-Line Niou, NYS Assemblymember
Hon. Mark Levine, Manhattan Borough President
Hon. Christopher Marte, City Councilmember

DRAFT

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SLA LICENSING COMMITTEE 1

The SLA Licensing Committee #1 of Community Board 2, Manhattan, held a meeting at 6:30PM on Tuesday, March 1, 2022 at Community Board 2 Conference Room, 3 Washington Square Village, #1A and via Video Conference.

Committee Board Members Present: D. Raftery (Co-Chair), C. Booth, P. Laraia, L. Rakoff, Dr. S. Smith, S. Wittenberg and A. Wong

Committee Board Members absent with notice: R. Ely, C. Flynn

RESOLUTIONS:

- 1. PSSP NY, Inc. d/b/a Sofia's Little Italy, 143 Mulberry St. 10013** (Corporate Change, OP – Restaurant, SN#1250613)
 - i. Whereas,** the Applicant and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee #1 via video conference to present an application to the NYS Liquor Authority for a Corporate Change to an existing On-Premises Liquor License (SN#1250613) to operate a full-service Italian restaurant in the ground floor of a C6-2G-zoned seven-story, mixed-use building (c. 2003) on Mulberry Street between Hester and Grand Streets (Block #236/Lot #24), the building falls within the Special Little Italy District; and
 - ii. Whereas,** the proposed Corporate Change is to change the ownership from the son to his father, the father having held the original license since 2004, transferring the license to his son in approximately 2010; there will be no change in the method of operation; and
 - iii. Whereas,** the premises is approximately 2,126 sq. ft. (1,575 sq. ft. on the ground floor connected by an interior staircase to 556 sq. ft. in the basement), the basement being used for storage and additional bathrooms with no patron service to the basement; there are 19 tables and 63 seats and one (1) bar with four (4) seats for a total patron seating capacity of 67; the premises has one (1) door which will serve as patron ingress and egress and one (1) bathroom on the first floor and two (2) bathrooms in the basement; and
 - iv. Whereas,** the Applicant's agreed upon hours of operation are from 10:00AM to 2:00AM Sundays through Saturdays (7 days a week); there is a sidewalk café with two (2) tables and eight (8) seats and roadbed seating with seven (7) tables and 14 seats operating under the

temporary Open Restaurants program, all outdoor seating closes at 11:00PM nightly; music is quiet background only consisting of music from iPod/CDs; there is no: dancing, DJs, live music, promoted events, scheduled performances or cover fees, velvet ropes, movable barriers; and

v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of On-Premises Liquor License, with those stipulations as follows:

1. Premises will be advertised and operated as a full-service restaurant, specifically an Italian restaurant with the kitchen open and full menu items available until closing every night.
2. The hours of operation will be 10:00AM to 2:00AM Sundays through Saturdays (7 days a week). No patrons will remain after stated closing time.
3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of the premises to be operated in that manner.
4. 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 Mulberry Street. Sidewalk café is located immediately adjacent to the storefront with no more than two (2) tables and four (4) patron seats and roadbed seating not exceeding the business frontage of licensed premises with seven (7) tables and fourteen (14) patron seats.
5. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
6. Will not have any televisions.
7. Will close all doors and windows at 9:00PM every night, allowing only for patron ingress and egress.
8. No patron occupancy/service to any portion of the basement of licensed premises aside from use of bathrooms.
9. Will not make changes to the existing façade except to change signage or awning.
10. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
11. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
12. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
13. Will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
14. Will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/ security personnel.
15. Any sidewalk and roadbed seating operating under the temporary Open Restaurants program ends by 11:00PM (all patrons will be cleared by this hour and area closed); no exterior music, speakers or TVs.
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 Community Board 2, Manhattan recommends **denial** of the application for a Corporate Change to the On-Premises Liquor License in the name of **PSSP NY, Inc. d/b/a Sofia's Little Italy, 143 Mulberry St. 10013**, **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 NYSLA Restaurant Wine License.

Vote: Unanimous in favor (7-0)

- 2. 55 Bond Street, LLC d/b/a Fish Cheeks, 55 Bond St. 10012** (OP-Restaurant, Alteration to add adjoining storefront)
 - i. Whereas**, the Applicant and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee #1 via video conference to present an alteration application to the NYS Liquor Authority to add the adjoining storefront premises to the existing On-Premises Liquor License (SN#1296058) which has been in operation as a Thai seafood restaurant since late 2016 on the ground floor and basement of a M1-5B-zoned, two (2)-story commercial building (c. 1950) on Bond Street between Lafayette Street and Bowery (Block #529/Lot #35); and
 - ii. Whereas**, the instant application is to add the adjacent (Eastern side) ground floor and basement storefront premises onto this license; the adjacent storefront is approximately 1,822 sq. ft. with 1,062 sq. ft. on the ground floor and approximately 760 sq. ft. in the basement connected by an interior stairway with no patron use of the basement (and is approximately the same square footage as the existing restaurant which also has no patron use of the basement); the new combined space will have 26 tables with 56 seats and one (1) bar with 15 seats (14 tables/28 seats and 11 seats at the bar in the 55 Bond Street side, 12 tables/28 seats and 4 seats at the bar in the 53 Bond Street side), for a total patron occupancy of 71 seats; the premises has one (1) door which will serve as patron ingress and egress and two (2) patron bathrooms; and
 - iii. Whereas**, the method of operation will remain the same with hours of operation Sundays to Thursdays from 11:00AM to 12:00AM and Fridays and Saturdays from 11:00AM to 1:00AM, music will be quiet background only consisting of music from iPod/CDs, all doors and windows will be closed at 10:00PM except for patron ingress and egress, there will be no DJs, no promoted events, no scheduled performances or cover fees, no velvet ropes and no TVs; and
 - iv. Whereas**, the Applicant having originally appeared before this Committee in February/2022 at which time the committee and residents raised concerns about outdoor seating that was taking place in the roadbed as part of the temporary Open Restaurants program, the original application having no outdoor seating; concerns raised were focused on the lack of a seating diagram and cleanliness of outdoor seating and venting issues around the odor from cooking of fish; the Applicant agreeing to lay over the application to do further outreach with area

residents and provide detailed seating diagrams for both the interior and exterior premises; and

- v. **Whereas**, the Applicant returned to CB2, Man. this month with a list of outdoor cleaning procedures that they shared with area residents and agreed to incorporate into stipulations, also agreeing to work with the community in an effort to solve any venting issues; and
- vi. **Whereas**, there will be outdoor seating operating under the temporary Open Restaurants program in the roadbed not exceeding the business frontage on Bond Street, seating will consist of four (4) tables and 16 patron seats enclosed in a protective barrier following the temporary Open Restaurants guidelines with additional roadbed seating of seven (7) tables and 14 seats outside of the protective barrier but not exceeding the business frontage operating as part of the Open Streets program during the hours that program remains in effect on Bond Street with all outdoor seating ending no later than 11:00PM nightly and no seating taking place on the sidewalk; and
- vii. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the On-Premises Liquor License, with those stipulations as follows:
 - 1. Premises will be advertised and operated as a full-service Thai seafood restaurant with the kitchen open and full menu items available until closing every night.
 - 2. The hours of operation will be 11:00AM to 12:00PM Sundays through Thursdays and 11:00AM to 1:00AM Fridays and Saturdays 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 except for roadbed seating operating under the temporary Open Restaurants program on Bond Street. Roadbed seating not exceeding the business frontage of licensed premises consists of four (4) tables and 16 patron seats enclosed in a protective barrier following the temporary Open Restaurants guidelines. Additional roadbed seating of seven (7) tables and 14 seats not exceeding the business frontage operating as part of the Open Streets program during the hours that program remains in effect on Bond Street.
 - 5. Roadbed seating will close no later than 11:00PM (all patrons will be cleared by this hour and area closed). All tables, chairs and planters in the roadbed as part of the Open Streets program will be removed at this hour. No exterior music, speakers or TVs. No sidewalk seating.
 - 6. Will take appropriate steps to ensure there is no occupancy of the roadbed structure after 11:00PM.
 - 7. There will be no sidewalk café.
 - 8. Will work with the community to resolve any venting issues and remain in compliance with all NYC Mechanical Codes.
 - 9. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences anytime.
 - 10. Will not have televisions.

11. Will close all doors and windows at 10:00PM every night, allowing only for patron ingress and egress.
12. No patron occupancy/service to any portion of the basement of licensed premises.
13. Will not make changes to the existing façade except to change signage or awning.
14. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
15. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
16. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
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, or doormen/ security personnel.
18. There will be 14 tables and 28 seats and one (1) bar with 11 seats in the 55 Bond Street premises and 12 tables with 28 seats and one (1) bar with four (4) seats in the adjoining 53 Bond Street premises for a total of 71 patron seats combined.
19. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.
20. Will follow the opening and closing outdoor cleaning procedures supplied by the Applicant and listed below.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a Alteration application to the On-Premises Liquor License in the name of **55 Bond Street, LLC d/b/a Fish Cheeks, 55 Bond 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 NYSLA On-Premises Liquor License.

Vote: Unanimous in favor (7–0)

3. **Dobra Café Soho, Inc. d/b/a Despaña Fine Foods & Tapas Café, 199 Lafayette St., Store H, aka 408 Broome St. 10013** (TW–Bar/Tavern)
 - i. **Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 via video conference to present an application for a Tavern Wine Liquor License to facilitate new ownership from the same family of an existing, previously licensed (SN# 1254391) grocery store and tapas café specializing in food from Spain located in a C6-zoned, seven (7)-story, mixed-used building (c. 1900) on Broome Street between Cleveland Place and Lafayette Streets (Block #482/Lot #7501), the building falling within the designated SoHo-Cast Iron Historic District; and
 - ii. **Whereas**, the two (2)-story premises includes a ground floor of 1,300 sq. ft. as well as a staff-only basement inaccessible to patrons; there are four (4) tables with 18 seats and there is no bar; there is roadbed seating on Broome Street operating under the temporary Open Restaurants program with seven (7) tables and 14 seats; and

- iii. **Whereas**, the hours of operation will be from 11:00AM to 7:00PM Sundays through Wednesdays and 11:00AM to 10:00PM Thursdays through Saturdays inclusive of outdoor seating; all doors and windows will be closed at the earlier of closing time or 9:00 PM nightly; music will be quiet background only consisting of music from iPod/CDs; there will be no dancing, DJs, promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and
- iv. **Whereas**, the Applicant had appeared before CB2, Man. in July/2019 and was approved for the same application but then failed to move forward at that time due to the Covid-19 pandemic; and
- v. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the Tavern Wine License, with those stipulations as follows:
1. Premises will be advertised and operated as a family-owned grocery store and café specializing in foods from Spain with the full food menu available during all hours of operation.
 2. The hours of operation will be 11:00AM to 7:00PM Sundays through Wednesdays and 11:00AM to 10:00PM Thursdays through Saturdays. 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 except for roadbed seating operating under the temporary Open Restaurants program on Broome Street. Roadbed seating not exceeding the business frontage of licensed premises with 7 tables and 14 patron seats. No sidewalk café/seating.
 5. Roadbed seating will close no later than 7:00PM Sundays through Wednesdays and 10:00PM Thursdays through Saturdays. All tables and chairs will be removed at this hour. No exterior music, speakers or TVs. No sidewalk seating
 6. Will not have a sidewalk café now or in the future.
 7. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences anytime.
 8. Will not have televisions.
 9. Will close all doors and windows at 9:00PM every night, allowing only for patron ingress and egress.
 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 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 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.
17. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a Tavern Wine License in the name **Dobra Café Soho, Inc. d/b/a Despaña Fine Foods & Tapas Café, 199 Lafayette St., Store H, aka 408 Broome St. 10013**, **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 NYSLA Tavern Wine Liquor License.

Vote: Unanimous in favor (7–0)

4. **MA.GE.GA Food, LLC d/b/a Coppola Café, 171 W. 4th St. 10014** (New TW–Bar/Tavern) *(previously unlicensed)*
 - i. **Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 via video conference to present an application for a new Tavern Wine Liquor License to operate an Italian sandwich shop and dessert café in the ground floor and of a R6 with a C1-5 overlay-zoned, six (6)-story, mixed-use building (c. 1903, renovated 1986) on West 4th Street between 6th Avenue and Jones Street (Block #592/Lot #32), the building falling within the designated Greenwich Village Historic District; and
 - ii. **Whereas**, the ground floor storefront is approximately 650 sq. ft., there are seven (7) tables and 19 seats and no bar or food counters for a total seated occupancy of 19 persons, there will be no patron use of the basement which is not part of the license, the premises has one (1) door which will serve as patron ingress and egress and one (1) patron bathroom; and
 - iii. **Whereas**, the hours of operation will be from 7:00AM to 11:00PM Sundays through Saturdays (7 days a week); music will be quiet background only consisting of music from iPod/CDs with the exception of Fridays from 5:00PM–7:00PM when live acoustic music is permitted (no brass or percussion); there will be no dancing, DJs, promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and
 - iv. **Whereas**, the premises is a previously unlicensed location, the Applicant having opened The Coppola Café without a liquor license in Spring/2019 and has remained open throughout the Covid-19 pandemic, prior to that the premises had been occupied since 2017 as Sweet Time Dessert Café; and
 - v. **Whereas**, there is a sidewalk café operating under the temporary Open Restaurants with four (4) tables and eight (8) chairs located adjacent to the building, the Applicant previously having had tables next to the curbside and has since removed them from that location agreeing to keep all tables adjacent to the building allowing for an 8' pedestrian clear path; and

- vi. Whereas,** members of the public including those representing the Central Village Block Association and the Carmine Street Block Association appeared in opposition to a Tavern Wine license at this location due to the oversaturation of liquor licenses in this immediate area with 49 On-Premises Liquor Licenses and 32 Beer/Wine Liquor Licenses within 750', this application being for the service of Beer and Wine only and thus not subject to the 500 ft. rule and there being no other objection to the instant application; and
- iv. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the new Tavern Wine License, with those stipulations as follows:
1. Premises will be advertised and operated as an Italian sandwich shop and dessert café with less than a full service kitchen but will operate with the full during all hours of operation.
 2. The hours of operation will be 7:00AM to 11:00PM Sundays through Saturdays (7 days a week). 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 except for certified sidewalk café operating under the temporary Open Restaurants program located immediately adjacent to the storefront with no more than four (4) tables and eight (8) patron seats. No roadbed seating.
 5. Sidewalk café will close no later than 11:00PM. All tables and chairs will be removed at this hour. No exterior music, speakers or TVs.
 6. Will play quiet ambient recorded background music only with the exception of Fridays from 5:00PM–7:00PM when live acoustic music is permitted (no brass or percussion). No music will be audible in any adjacent residences anytime.
 7. Will not have televisions.
 8. Will close all doors and windows at 10:00PM every night, 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 except to change signage or awning.
 11. Will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
 12. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
 13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of 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, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/ security personnel.
 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 Community Board 2, Manhattan recommends **denial** of the application for a Tavern Wine License in the name **MA.GE.GA Food, LLC d/b/a Coppola Café, 171 W. 4th St. 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 NYSLA Tavern Wine Liquor License.

Vote: Unanimous in favor (7–0)

- 5. King Jade Garden, Inc. d/b/a Lady Chow’s Kitchen, 171 Hester St. 10013 (OP–Restaurant) (previously unlicensed)**
- i. Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Committee #1 via video conference to present an application to the NYS Liquor Authority for an On-Premises Liquor License for a local Chinese restaurant located on the ground floor of a C6-2G zoned, six (6)-story mixed-use building (c. 1900) on Hester Street between Elizabeth and Mott Streets (Block #238 / Lot #38), the building falling within the designated Special Little Italy District; and
 - ii. Whereas**, the premises is roughly 1,600 sq. ft. comprised of the ground floor restaurant connected by an interior staircase to the basement, basement used for storage and patron bathroom access, there will be no service to patrons in the basement (no breakdown of square footage was provided with the floor diagram); there will be 11 tables with 53 seats and one service bar with no seats for a total patron occupancy of 53 seats; there is one (1) entryway serving as both patron ingress and egress and one (1) bathroom; there will be no sidewalk café or roadbed seating; and
 - iii. Whereas**, the hours of operation will be from 9:00AM to 11:00PM Sundays through Saturdays (7 days a week); music will be quiet background only consisting of music from iPod/CDs; there will be no dancing, DJs, no live music, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and
 - iv. Whereas**, the premises had been operating without a liquor license as a Chinese restaurant under the name of Canton Kitchen since approximately 2017 and prior to that as House Special since at least 2009, the application indicating the location had been previously licensed under SN#1236565, that SN# corresponding to a restaurant in midtown Manhattan and no other license at this location being found on the NYS LAMP system; there are currently 32 liquor licenses within 500' of this location; and
 - v. Whereas**, it appears clear that the Applicant’s premises is within 200 feet of the Oversea Chinese Mission located across the street on the southwest corner of Hester and Elizabeth Streets, the primary address being 154 Hester Street, with its main entrance on Elizabeth Street and delivery entrance across the street on Hester Street just east of the instant application; the Church measuring 111' from the center of the Hester Street church façade to the center of the proposed premises, and 150' from the center of the Elizabeth street church façade to the center of the proposed premises using Google maps; and

vi. **Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the new On-Premises Liquor License, with those stipulations as follows:

1. Premises will be advertised and operated as a Chinese restaurant.
2. The hours of operation will be 9:00AM to 11:00PM Sundays through Saturdays (7 days a week). All patrons will be cleared and no patrons will remain after stated closing time.
3. Will operate a full-service Chinese 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 other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating operating under the Open Restaurants program.
6. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences anytime.
7. Will not have televisions.
8. Will close all doors and windows at 10:00PM every night, allowing only for patron ingress and egress.
9. Patron use of basement is for bathroom only. There will be no patron service in basement.
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 provide a Letter of No Objection 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.”
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 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 On-Premises Liquor License for **King Jade Garden, Inc. d/b/a Lady Chow’s Kitchen, 171 Hester 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 NYSLA On-Premises License.

THEREFORE BE IT FURTHER RESOLVED that CB2, Man. recommends the State Liquor Authority measure and calculate the distance between 171 Hester Street to the Oversea Chinese Mission to determine whether the distance between the applicant's premises and the church violates the 200 ft. rule and CB2, Man. requests that the Oversea Chinese Mission be added to the NYS LAMP database; and

THEREFORE BE IT FURTHER RESOLVED that should the NYSLA find that the premises does violate the 200 ft. rule, CB2, Man. recommends approval of a Restaurant Wine license at this location with the above-mentioned stipulations.

Vote: Unanimous in favor (7-0)

6. LSMC, LLC d/b/a C. DiPalo, 151 Mott St. 10013 (New OP-Bar/Tavern: Class Change)

- i. Whereas**, the Applicant and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Committee #1 via video conference to present an application to the NYS Liquor Authority for an upgrade from a Tavern Wine License (SN# 130528) to an On-Premises Bar/Tavern License for an Italian Food Market with seating offering panini's and Italian small bites with educational classes conducted frequently on the ground floor of a C6-2G zoned, six (6)-story mixed-use building (c. 1910) on Mott Street between Grand and Broome Streets (Block #471/Lot #52), the building falling within the designated Special Little Italy District; and
- ii. Whereas**, the premises is roughly 1,360 sq. ft. with 16 tables with 38 seats and one (1) bar with 9 seats for a total seated patron occupancy of 47; there is one (1) entryway serving as both patron ingress and egress and two (2) bathrooms; and
- iii. Whereas**, the hours of operation will be from 9:00AM to 12:00AM Sundays through Thursday and 9:00AM to 1:00AM Fridays and Saturdays, music will be quiet background only consisting of music from iPod/CDs); there will be no dancing, no DJs, no live music, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and
- iv. Whereas**, there is a sidewalk café operating under the temporary Open Restaurants with no more than six (6) tables and 12 chairs located adjacent to the building on Mott Street, the sidewalk café will close no later than 11:00PM nightly; and
- v. Whereas**, this application being subject to the 500 ft. rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, there being 87 liquor licenses within 750' of the premises, the Applicant providing assurances to the committee that the educational component of their method of operation will begin again as Covid restrictions are lifted and will consist of frequent seminars on Italian food and wine, the Applicant agreeing to and executing a stipulations agreement with Community Board 2 Manhattan for the sole purpose of establishing public interest, the stipulations being attached to and incorporated into the license, limiting its method of operation of the On-Premises License for this purpose, as follows:

1. Premises will be advertised and operated as an Italian Food Market with seating for panini's and Italian small bites.
2. The hours of operation will be 9:00AM to 12:00AM Sundays through Thursdays and 9:00AM to 1:00AM Fridays and Saturdays. 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 full food menu during all hours of operation.
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 operating under the temporary Open Restaurants program located immediately adjacent to the storefront on Mott Street with no more than six (6) tables and 12 patron seats. No roadbed seating.
6. Sidewalk café will close no later than 11:00PM. 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. No music will be audible in any adjacent residences anytime.
8. Will have no more than two (2) television(s) no larger than 46". There will be no projectors.
9. Will close all doors and windows at 9:00PM every night, allowing only for patron ingress and egress.
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 will obtain Place of Assembly Certificate 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 have: dancing, DJs, live, promoted events, any event where cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel/ door staff.
17. There will be 19 tables and 42 seats and one (1) standup bar with nine (9) seats, the maximum occupancy is 74 people.
18. There will be frequent seminars on Italian food and wine/educational component.
19. There may be cover charges for educational events and seminars.
20. 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 application for **LSMC, LLC d/b/a C. DiPalo, 151 Mott 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 NYSLA On-Premises License.

Vote: Unanimous in favor (7–0)

7. Sunshine Kitchens NY, LLC d/b/a KYU New York, 324 Lafayette St. 10012 (OP–Restaurant: Expansion into Municipal Property)

- i. Whereas,** the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Committee #1 via video conference to present an application to the NYS Liquor Authority for the Expansion into Municipal Property of their pending On-Premises Liquor License (SN# 1337720) for a full-service, wood-fired Asian-inspired restaurant on the ground floor of a M1-5B-zoned, eight (8)-story commercial building (c. 1897) on Lafayette Street between West Houston and Bleecker Streets (Block #522/Lot #28) in the NoHo Historic District; and
- ii. Whereas,** the Applicant appeared before CB2, Man.’s SLA Committee in June/2021 to present their application for an On-Premises Liquor License which included a sidewalk café and was unanimously approved for their license by the full board at its June/2021 meeting; and
- iii. Whereas,** the storefront is approximately 5,111 sq. ft. (3,339 sq. ft. on the ground floor and 1,772 sq. ft. in the basement connected by an interior staircase), there are approximately 46 tables with 148 seats and one (1) bar with 10 seats for a total seated patron occupancy of 158 persons; the basement is used for storage and office purposes only, there is no patron use of the basement; there is one (1) entryway on Lafayette Street used for patron egress and ingress; one (1) entryway used for emergency exit only on Crosby Street and three (3) patron bathrooms; and
- iv. Whereas,** the agreed to hours of operation are 10:00AM to 1:00AM Sundays through Wednesdays and 10:00AM to 2:00AM Thursdays through Saturdays; music will be quiet background only consisting of music from iPod/CDs, no music will be audible in any adjacent residences at any time; all doors and windows will be closed at 10:00PM every night; there will be no: dancing, DJs, live music, scheduled performances, cover fees or promoted events, televisions, velvet ropes or metal barricades, security personnel / door staff; and
- v. Whereas,** the premises is currently open, the instant application seeking to operate a sidewalk café immediately adjacent to the building under the temporary Open Restaurants program consisting of five (5) tables and ten (10) seats no later than 10:00PM Sundays through Saturdays (7 days a week) which is consistent with the method of operation presented in June/2021; and
- vi. Whereas,** the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan that they agreed to submit to the NYSLA and agreed would be attached and incorporated into the method of operation of the On-Premises Liquor License, with those stipulations as follows:
 1. Premises will be advertised and operated as an Asian-inspired full-service restaurant.

2. The hours of operation will be 10:00AM to 1:0AM Sundays through Wednesdays and 10:00AM to 2:00AM Thursdays through Saturdays. All patrons will be cleared and no patrons will remain after stated closing time.
3. Will operate full service restaurant, specifically a wood-fired, Asian inspired fine dining 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 have televisions.
6. Will not operate a backyard garden or any outdoor area for commercial purposes except for a sidewalk café operating under the temporary Open Restaurants program located immediately adjacent to the storefront with no more than five (5) tables and ten (10) seats no later than 10:00PM Sundays through Saturdays (7 days a week). All tables and chairs will be removed at 10:00PM and there will be no patrons in the sidewalk café after 10:00PM. 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 anytime.
8. Will add additional soundproofing to the premises including but not limited to replacing the flooring.
9. Will close all doors and windows at 10:00PM every night, allowing only for patron ingress and egress.
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 use Lafayette Street for patron ingress and egress with Crosby Street being used for emergencies only.
13. Will use an electronic reservation system capable of online messaging to interact with customers remotely, as needed, to prevent crowds from queuing/gathering/waiting to enter on sidewalk.
14. Will store all refuse in a refrigerated room in the interior until it is picked up by third-party haulers.
15. Will add motion-sensing lighting to the Crosby Street side of the restaurant to ensure the area is well lit whenever people are present.
16. Will comply with NYC Department of Buildings Regulations and will obtain Place of Assembly Certificate and keep current at all times required Permits and Certificates.
17. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
18. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
19. Applicant or successors will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
20. 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.
21. Any sidewalk seating operating under the temporary Open Restaurants program ends by 10:00 PM (all patrons will be cleared by this hour and area closed); no exterior music, speakers or TVs.
22. 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 Municipal Extension to the pending On-Premises Liquor License for **Sunshine Kitchens NY, LLC d/b/a KYU New York, 324 Lafayette 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 NYSLA On-Premises License.

Vote: Unanimous in favor (7–0)

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

8. Waverly Restaurant-Diner, Ltd. 385 6th Ave. 10014 (RW–Restaurant) (failed to appear)

Whereas, at month’s Community Board 2, Manhattan’s SLA Licensing Committee Meeting on March 1, 2022 the Applicant **failed to appear** on this application and did not provide information or explanation as to such non-appearance before CB2 Manhattan; 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 **Waverly Restaurant-Diner, Ltd. 385 6th 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 in favor

9. Skybird Hospitality Partners, LLC d/b/a Pending, 109 Mulberry St. 10013 (RW–Restaurant) (Live Music–Various Genres) (Security Personnel) (Temporary Retail Permit)

Whereas, prior to this month’s Community Board 2, Manhattan’s SLA Licensing Committee Meeting on March 1, 2022 the Applicant requested **to lay over** this application for a Alteration to an existing On-Premises Liquor License application to April/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Skybird Hospitality Partners, LLC d/b/a Pending, 109 Mulberry St. 10013**, **until** the Applicant has presented their application in front of CB2’s SLA

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

Vote: Unanimous in favor

10. XEO Cantina, Inc. d/b/a TBD, 334 Bowery 10012 (OP–Restaurant) (Transfer) (Sidewalk Café) (Open Restaurant Seating–Roadbed)

Whereas, prior to this month’s Community Board 2, Manhattan’s SLA Licensing Committee Meeting on March 1, 2022 the Applicant requested **to lay over** this application for a Alteration to an existing On-Premises Liquor License application to April/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **XEO Cantina, Inc. d/b/a TBD, 334 Bowery 10012, until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

11. Sum Yung Gai, LLC d/b/a Char’d, 17 E. 13th St., 1st & 2nd Floors 10003 (OP–Restaurant & Bar)

Whereas, following this month’s Community Board 2, Manhattan’s SLA Licensing Committee Meeting on March 1, 2022 the Applicant requested **to lay over** this application for a Alteration to an existing On-Premises Liquor License application to April/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Sum Yung Gai, LLC d/b/a Char’d, 17 E. 13th St., 1st & 2nd Fl. 10003, until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

12. Pen and Frog Social Club, LLC fka L. Johnson on Behalf of an Entity TBD d/b/a Froggy's, 86 Bedford St. 10014 (OP–Restaurant)

Whereas, at this month's Community Board 2, Manhattan's SLA Licensing Committee Meeting on March 1, 2022 the Applicant requested **to lay over** this application for a Alteration to an existing On-Premises Liquor License application to April/2022 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the SLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the SLA **deny** any type of proposed On-Premises Liquor License, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, alteration, transfer or other changes to any existing license for **Pen and Frog Social Club, LLC fka L. Johnson on Behalf of an Entity TBD, 86 Bedford St. 10014, until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

Respectfully submitted,

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

Jeannine Kiely, *Chair*
Susan Kent, *First Vice Chair*
Valerie De La Rosa, *Second Vice Chair*
Bob Gormley, *District Manager*



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

COMMUNITY BOARD NO. 2, MANHATTAN

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SLA LICENSING COMMITTEE 2

The SLA Licensing Committee #2 of Community Board 2, Manhattan, held a meeting at 6:30 PM on Tuesday March 8, 2022, via Zoom Conferencing.

Committee Board Members Present: R. Ely (Co-Chair), D. Raftery (Co-Chair), K. Bordonaro, Dr. S. Smith, M. Fitzgerald and S. Kent.

Committee Board Members absent with notice: C. Flynn.

Other Board Members Present: J. Kiely, C. Booth and Zachery Roberts.

RESOLUTIONS:

1. Emmy Squared Bedford, LLC d/b/a Emily, 31-33 Bedford St. aka 35 Downing St. 10014 (Corporate Change—On Premise)

i. Whereas, the Applicant and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee for a change of corporate structure for an existing On premise license to continue to operate a restaurant which specializes in Detroit style pizza within a six story tenement style residential (c.1900) building on the Northwest corner of Bedford St. and Downing St., this building falling within NYC LPC's designated Greenwich Village Historic District; and,

ii. Whereas, this particular restaurant was initially licensed in 2017, with three of the original owners/operators selling their stake in the business, including Emily and Matthew Hyland, as well as Kenneth Levitan, with Howard Greenstone, the current Manager being elevated to President along with new investors, taking over ownership of the licensed premise, the Applicant indicating that the current method of operation as a restaurant remaining the same; and,

iii. Whereas, this application is seeking to change the structure of the corporation holding the liquor license, the Applicant will remain the primary owner/operator of the licensed premises and the method of operation is not changing, with the exception of the temporary use of sidewalk seating on a temporary basis pursuant to NYC's open restaurant's program following the onset of the Covid Pandemic; and,

iv. Whereas, the interior restaurant is roughly 1,800 sq. ft premise (ground floor 600 sq ft, cellar 1,200 sq ft); on the first floor there are 12 tables and 24 table seats, 1 standup bar with 4 seats, in the basement there is a kitchen, a dining room with 8 tables and 29 seats and a separate room with 1 table and 8 seats for a grand total of 65 seats, with the total occupancy being less than 74 persons, with 1 entrance, 1 exit, three bathroom, no TVs, the hours of operation will continue to be from 11AM to 12AM Sunday to Thursday and 11AM to 1AM Friday and Saturday (no patrons will remain after closing time), music will be quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only passive prearranged music), all doors and windows will be closed at all times except for patron ingress and egress, there will be no d.j., no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and,

v. Whereas, the local Block Association (Bedford/Downing Street) sent in correspondence and a representative appeared with photos demonstrating that the Applicant was not following the temporary open restaurant guidelines and rules requiring a 8 foot clear path on the sidewalk, the Applicant having placed four tables with 16 seats along the Downing Street sidewalk, blocking the sidewalk and providing less than a 5 foot path, with servers required to walk into that limited pathway to serve patrons on the exterior, further exacerbating the narrow sidewalk passage; and,

vi. Whereas, when confronted with the licensee's failure to abide by the existing, albeit temporary program requirements for clear passage, the Applicant and his Attorney agreed to reduce the number of patron seats on the sidewalk to insure the proper width of 8 feet for pedestrians, and further agreed that the exterior seating, albeit on a temporary basis, will close by 10 PM every night, this location being zoned residential where sidewalk cafes were prohibited, the roadways and sidewalks at this intersection being very narrow, surrounded by residential buildings, the Applicant further agreeing that there would be no exterior speakers and no exterior TVs; and,

vii. Whereas, the Applicant executed and had notarized a Stipulations Agreement with Community Board 2, Manhattan which should continue to be incorporated into the Method of Operation of the existing On Premise License, with those stipulations as follows:

1. The premises will be advertised and operated as a full-service restaurant focusing on Detroit style pizza with the kitchen open and full menu items available until closing every night.
2. The interior hours of operation will be from 11AM to 12AM Sunday to Thursday and 11AM to 1AM Friday and Saturday.
3. Will not operate a backyard garden or any outdoor area for commercial purposes except for sidewalk café seating operating under the temporary Open Restaurants program located immediately adjacent to the storefront on Downing Street providing an eight-foot clear passage for pedestrians. No roadbed seating.
4. Exterior café for dinning purposes only and will close no later than 10:00 PM every night. All tables and chairs will be removed at this hour. No exterior music, speakers or TVs

5. Will play quiet ambient recorded background music only within interior. No music will be audible in any adjacent residences anytime.
6. Will not install French doors, operable windows, or open façades.
7. Will close all doors & windows at all times.
8. 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.
9. There will be no TVs.
10. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
11. There will be no all you can eat/all you drink special or boozy brunches, or pitchers of beer.
12. There will be no "bottle service" on the sale of bottles of alcohol except for the sale of bottles of wine products.
13. The premises will not permit dancing.
14. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.
15. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a corporate change for its existing on premise license to **Emmy Squared Bedford, LLC d/b/a Emily, 31-33 Bedford St. aka 35 Downing St. 10014** **unless** the statements the Applicant has presented are accurate and complete and that the above-stated conditions and existing stipulations agreed to by the Applicant continue to be incorporated into the Method of Operation on the SLA On Premise License.

Vote: Unanimous in favor (6-0)

2. W & J Café, Inc., d/b/a Luna Café, 628 Hudson St. 10014 (Corporate Change—Tavern Wine)

i. Whereas, the Applicant and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee for a change of corporate structure for an existing Tavern Wine license to continue to operate a small café serving classic sandwiches, small plates, salads and desserts within a ground floor storefront located in a four story townhouse (circa 1846) with residential above, located on Hudson Street between Horatio Street and Jane Street, this townhouse building falling within NYC LPC's designated Greenwich Village Historic District; and,

ii. Whereas, this particular licensed premise being initially heard and licensed in 2021, with one of the original owners/operators selling their stake in the business to the Applicant, who will now have 100% ownership of the business moving forward, the Applicant indicating that the current method of operation as a café and sandwich shop will remain the same; and,

iii. Whereas, the storefront premise will continue to have fixed facades, the interior premise being roughly 1,359 sq. ft on two floors with 459 sq. ft. on the ground floor and 900 sq. ft. in the

basement, with accessory use in the basement including customer bathrooms and convection ovens and there are 11 tables and 22 seats and 1 service bar without any patron seats on the ground floor, for a grand total of 22 interior seats; and,

iv. Whereas, the hours of operation remain from Sunday to Thursday from 7 a.m. to 10 p.m. and Friday to Saturday from 7 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/cd's (i.e. no active manipulation of music – only passive prearranged music), there are no operable French doors, there will be no d.j., no promoted events, no private parties, no scheduled performances or cover fees, no velvet ropes, no movable barriers, there will be no T.V.'s; and,

v. Whereas, the Applicant has not been following the temporary open restaurant guidelines and rules requiring a 8 foot clear path on the sidewalk, the Applicant having placed tables on the sidewalk along the curb area on Hudson Street, in addition to installing a roadbed structure separated by a bike land, inviting patrons to cross the bike path, in an unsafe manner, to access the roadbed structure, the Applicant indicating that there is no service of alcohol to any exterior areas, including the sidewalk and roadbed; and,

vi. Whereas, when confronted with the licensee's failure to abide by the existing, albeit temporary program requirements for clear passage, the Applicant and his Attorney agreed to remove the tables and seats running along the curb line of the sidewalk, the Applicant further indicating that he will be utilizing no more than 4 tables and 8 patron seats on the sidewalk located immediately adjacent to storefront, and because there is no wait staff to the business there will be no service of alcohol to any outdoor area, with the outside areas closing at the same time as the interior business at 10 PM Sunday to Thursday and by 11 PM Fridays and Saturdays; and,

vii. Whereas, the Applicant executed and had notarized a Stipulations Agreement with Community Board 2, Manhattan which should continue to be incorporated into the Method of Operation of the existing Tavern Wine License, with those stipulations as follows:

1. The premises will be advertised and operated as a sandwich shop and small café with full menu items available until closing every night.
2. The interior and exterior hours of operation will be Sunday to Thursday from 7AM to 10PM and Fridays and Saturdays from 7AM to 11PM.
3. There will be 4 tables and 8 patron seats on sidewalk located immediately adjacent to storefront. No service of alcohol to any outdoor area.
4. Exterior café for dinning purposes only and will close no later than 10:00 PM Sunday to Thursday and 11 PM Fridays and Saturdays. All tables and chairs will be removed at this hour. No exterior music, speakers or TVs
5. Will play quiet ambient recorded background music only within interior. No music will be audible in any adjacent residences anytime.
6. Will not install French doors, operable windows, or open façades.
7. Will close all doors & windows at all times.
8. 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.
9. There will be no TVs.

10. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
11. There will be no all you can eat/all you drink special or boozy brunches, or pitchers of beer.
12. There will be no "bottle service" on the sale of bottles of alcohol except for the sale of bottles of wine products.
13. The premises will not permit dancing.
14. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.
15. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a corporate change for its existing on premise license to **W & J Café, Inc., d/b/a Luna Café, 628 Hudson St. 10014** **unless** the statements the Applicant has presented are accurate and complete and that the above-stated conditions and existing stipulations agreed to by the Applicant continue to be incorporated into the Method of Operation on the SLA Tavern Wine License.

Vote: Unanimous in favor (5-0)

3. Murray's Cheese, LLC d/b/a Murray's Cheese, 250-254 Bleecker St. 10014 (Existing TW—Alteration To Combine Adjacent Licensed Space)

i. Whereas, the Applicant and the Applicants' Attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an alteration application for an existing tavern wine license to combine an adjacent storefront, previously operated by the licensee as Murray's Mac & Cheese, with its existing specialty cheese shop located next door, the specialty cheese shop being located in the adjacent storefront on ground floor with cellar for ticketed events, classes, reserved lunches or dinners only operating under the name of Murray's Cheese Shop, both storefronts being located on Bleecker St. at its northeast corner with Leroy St in Greenwich Village, this building falling within NYC LPC's designated Greenwich Village Historic District; and,

ii. Whereas, the corner storefront sought to be added (250 Bleecker Street) is roughly 561 sq. ft. and the existing specialty cheese shop is roughly 6077 sq. ft. on the ground floor and basement (3,697 sq ft ground floor and 2.380sq ft cellar), with 3 counters and 8 counter stools and 1 standup bar with no seats; there is an existing temporary certificate of occupancy which indicates patron use of the ground floor and basement; there is no sidewalk café or other outdoor seating areas and there are no French doors or operable windows; and,

iii. Whereas, the hours of operation for the ground floor retail area will end at 9PM 7 days a week, the cellar may operate with ticketed events or classes and/or reserved lunch or dinners from 8AM to 12AM 7 days a week (no patrons shall remain at closing), music will be ambient quiet background only consisting of music from ipod/cd's (i.e. no active manipulation of music – only

passive prearranged music), there will be no 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 that they agreed would be attached and incorporated into the method of operation on the Tavern Wine License stating that:

1. Premise will be advertised and operated as a specialty cheese shop on ground floor with cellar for ticketed events or classes and/or reserved lunch or dinners only.
2. The hours of operation for the ground floor retail area will end at 9PM 7 days a week. The cellar may operate with ticketed events or classes and/or reserved lunch or dinners from 8AM to 12AM 7 days a week. All patrons will be cleared and no patrons will remain after stated closing times.
3. The premises, or any portion of the premises will not operate as a lounge, tavern or sports bar.
4. The premise will not have televisions except for ancillary use in conjunction with educational/class use.
5. The premises will not permit dancing.
6. The premises will not operate a backyard garden or any outdoor area for commercial purposes including roadbed or sidewalk café.
7. The premises will play quiet ambient-recorded background music only. No music will be audible in any adjacent residences at anytime.
8. The premises will not have DJ's, live music, cover charges (cover charges ok for classes/educational events) or promoted events.
9. All doors and windows will be closed at all times except for patron ingress and egress. There will only be a fixed façade, which will remain unchanged.
10. Will play quiet ambient background music only. No music will be audible in any adjacent residences anytime.
11. Will not have unlimited drink or unlimited food & drink specials. Will not have "boozy brunches". No pitchers of beer.
12. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of wine products.

THEREFORE BE IT RESOLVED that CB2, Manhattan recommends denial of an alteration application for an existing Tavern Wine License for **Murray's Cheese, LLC, d/b/a Murray's Cheese Shop, 250-254 Bleecker 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 Tavern Wine License.

Vote: Unanimous in favor (5-0)

4. Chez Group, Inc. d/b/a TBD, 395 West St. 10014 (New OP—Restaurant)

i. Whereas, the Applicant appeared before Community Board 2, Manhattan's SLA Licensing Committee for a new On Premise liquor license to operate a full-service restaurant serving French-Caribbean fare within a ground floor storefront on the corner of West Street and

West 10th Street within a three-story brick residential building (circa 1910) in Greenwich Village, this building falling within NYC LPC's designated Greenwich Village Historic District; and,

ii. Whereas, the ground floor storefront sought to be licensed was previously operated as Bongo, a seafood restaurant with an on premise liquor license, the interior storefront being roughly 1200 sq. ft., with 24 tables and 48 seats, two bathrooms, a full service kitchen, the storefront's infills being fixed, and not being operable to the exterior sidewalk; and,

iii. Whereas, the proposed hours of operation for the interior are Sunday to Thursday from 11:00 AM to 12:00 AM, Fridays and Saturdays from 11:00 AM to 2:00 AM, there will be no exterior areas for the service of alcohol, one TVs, music on the interior will be quiet background consisting of music from ipod/cd's; there will be no d.j.s, no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

iv. Whereas, the Applicant executed and had notarized a Stipulations Agreement with Community Board 2, Manhattan which should continue to be incorporated into the Method of Operation for the On Premise License, with those stipulations as follows:

1. The premises will be advertised and operated as a full-service restaurant serving French Caribbean fare with the kitchen open and full menu items available until closing every night.
2. The interior hours of operation will be Sunday to Thursday from 11:00 AM to 12:00 AM, Fridays and Saturdays from 11:00 AM to 2:00 AM.
3. Will not operate a backyard garden or any outdoor area for commercial purposes including sidewalk and roadbed seating pursuant to the temporary Open Restaurants program.
4. Will play quiet ambient recorded background music only within interior. No music will be audible in any adjacent residences anytime.
5. Will not install French doors, operable windows, or open façades.
6. Will close all doors & windows at all times.
7. 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.
8. There will be one TV.
9. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. There will be no all you can eat/all you drink special or boozy brunches, or pitchers of beer.
11. There will be no "bottle service" on the sale of bottles of alcohol except for the sale of bottles of wine products.
12. The premises will not permit dancing.
13. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.
14. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.

v. Whereas, this application being subject to the 500 foot rule and public interest standard, there being five active and two pending on premise liquor licenses within its geographical radius,

the Applicant being a chef having a similar business with a similar method of operation in the East Village, the agreed-upon stipulations and method of operation proposed establishing the public interest standard; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new on premise liquor license to **Chez Group, Inc. d/b/a TBD, 395 West St. 10014** **unless** the statements the Applicant has presented are accurate and complete and that the above-stated conditions and existing stipulations agreed to by the Applicant continue to be incorporated into the Method of Operation on the SLA On Premise License.

Vote: Unanimous in favor (6-0)

5. Ruaysabay, Inc. d/b/a Pranakhon, 88 University Pl. a/k/a 24 E. 12th Street, 1st Fl. 10003 (New OP-Restaurant)

i. Whereas, the Applicant and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee for a new On Premise liquor license to operate a full-service restaurant serving traditional Thai dishes within a ground floor storefront, with small mezzanine, within a eleven-story building (circa 1906) in Greenwich Village on University Place between East 11th and 12th Streets, this building falling within NYC LPC's designated Greenwich Village Historic District; and,

ii. Whereas, the ground floor storefront sought to be licensed was previously operated as a restaurant Scarpina in 2011 but has more recently been used and occupied by We Works, an lessor of office space that has gone out of business, with the interior storefront being roughly 4785 sq. ft. (2300 sq. ft. ground floor, 2145 sq. ft. basement and 340 sq. feet mezzanine), the basement having a full service kitchen and storage facilities but it will not be used for patron service/occupancy), with the ground floor and mezzanine having 22 tables with 56 patron seats, 1 stand up bar with 10 additional seats for a total patron seating occupancy of 66, three bathrooms, the storefront's infills being fixed, and not being operable to the exterior sidewalk; and,

iii. Whereas, the proposed hours of operation for the interior are Sunday through Saturday from 12:00 PM to 11:00 PM, there will be no exterior areas for the service of alcohol, no TVs, music on the interior will be quiet background consisting of music from ipod/cd's; there will be no d.j.s, no promoted events, no scheduled performances or cover fees, no velvet ropes and no movable barriers; and

iv. Whereas, the Applicant executed and had notarized a Stipulations Agreement with Community Board 2, Manhattan which should continue to be incorporated into the Method of Operation for the On Premise License, with those stipulations as follows:

1. The premises will be advertised and operated as a full-service restaurant serving traditional dishes of Thailand with its full-service kitchen open and full menu items available until closing every night.
2. The interior hours of operation will be Sunday through Saturday from 12:00 PM to 11:00 PM.

3. Will not operate a backyard garden or any outdoor area for commercial purposes including sidewalk and roadbed seating pursuant to the temporary Open Restaurants program.
4. Will play quiet ambient recorded background music only within interior. No music will be audible in any adjacent residences anytime.
5. Will not install French doors, operable windows, or open façades.
6. Will close all doors & windows at all times.
7. 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.
8. There will be no TVs.
9. The premises will not have DJ's, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
10. There will be no all you can eat/all you drink special or boozy brunches, or pitchers of beer.
11. There will be no "bottle service" on the sale of bottles of alcohol except for the sale of bottles of wine products.
12. The premises will not permit dancing.
13. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.
14. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.

v. **Whereas**, this application being subject to the 500 foot rule and public interest standard, there being 41 active and 8 pending on premise liquor licenses within 750 feet of its geographical radius, the Applicant being a husband and wife team, they have a similar business with a similar method of operation in the Upper Manhattan, the local block association appearing and after hearing the applicant demonstrated their support, the agreed-upon stipulations and method of operation proposed, in combination with their experience and history establishing the public interest standard; and,

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new on premise liquor license to **Ruaysabay, Inc. d/b/a Pranakhon, 88 University Pl., 1st Fl. 10003** **unless** the statements the Applicant has presented are accurate and complete and that the above-stated conditions and existing stipulations agreed to by the Applicant continue to be incorporated into the Method of Operation on the SLA On Premise License.

Vote: Unanimous in favor (6-0)

6. RH NY Guesthouse F&B, LLC d/b/a RH, 55 Gansevoort St. 10014 (Existing OP— Change in method of operation to add alcohol service to temporary Open Restaurant Program sidewalk seating)

i. **Whereas**, the Applicant and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Licensing Committee to present an application for a change in method to its existing Hotel liquor license to extend the service of alcohol to the public sidewalk immediately

in front of the Hotel located in a recently altered five story brick building (circa 1887) on Gansevoort Street between Ninth Avenue and Washington Streets, the building falling within the Gansevoort Market Historic District; and,

ii. **Whereas**, the existing licensed premise includes all five floors of the building, with rooftop restaurant, the building being approximately 79,000 Sq. ft., this application relating only to the service of alcohol from the interior to the public sidewalk; and,

iii. **Whereas**, the sidewalk seating on the public sidewalk will consist of 14 tables and 40 patron seats located and sited immediately adjacent to the Hotel building on Gansevoort Street and will follow all open restaurant program guidelines, closing by 10:00 PM Monday through Thursday and by 11:00 PM Friday through Sunday night; and,

iv. **Whereas**, there will be no roadbed seating; and,

v. **Whereas**, the Applicant executed and had notarized a Stipulations Agreement with Community Board 2, Manhattan which should continue to be incorporated into the Method of Operation for the On Premise Hotel License, in combination with those conditions set by the Full Board of the NYSLA on May 16, 2019 for this license, including the following:

1. Premise will be advertised and operated as a 10-room guest house hotel with basement wine lounge, ground floor restaurant, in-room dining for hotel rooms and rooftop accessible for hotel guests only.
2. The hours of operation will be:
Basement Wine Lounge: Sunday–Wednesday 6pm-2am, Thursday–Saturday 6pm-4am;
Ground Floor Restaurant: Sunday–Wednesday 7am-12am and Thursday–Saturday 7am-2am
Rooftop Hotel Guest Pool Area: 6am-10pm every day/evening.
3. The Basement Wine Lounge will have approximately 9 tables and 36 table seats and 1 stand up bar with 6 bar seats for a total of 42 seats. The Ground floor restaurant will approximately 28 tables and 96 seats in the interior, 1 stand up bar and 2 service bars. The Rooftop Hotel Guest Pool Area will have approximately 6 tables and 44 seats. All tables will remain in a fixed position at all times. A full food menu will be available during all hours of operation in the ground floor restaurant and to registered hotel guests using the rooftop, a limited menu will be available in the basement wine lounge.
4. No portion of the premises may operate as a bar, tavern or sports bar other than the basement area, which may operate as a Wine Lounge as described in submissions.
5. The basement wine lounge, ground floor restaurant and rooftop area of the premises will not have televisions. There may be screens during private full buyout events of the entire premises as described below only on the ground floor and basement. There will be televisions in hotel guest rooms. There will never be televisions or projectors or similar on the rooftop.
6. There will be no DJ's or live music in the premises at any time except during private events as noted below.
7. There will be no dancing in any portion of the premises at any time.
8. The premises will play ambient-recorded background music only. Music will not be played at entertainment levels. All music levels and volumes will at all times comply with all New York

City Laws and Regulations.

9. There will be no music on the rooftop area at any time.
10. Will not have unlimited drink or unlimited food & drink specials. Will not have “boozy brunches”. There will be no bottle service other than bottles of beer and/or wine products.
11. There will be no advertising or promotion of any type of boozy or tipsy brunch service.
12. All doors and windows on the ground floor will be closed no later than Sunday to Thursday at 10PM and Friday and Saturday at 11PM.
13. At no time will there be more than 56 guests on the roof. A full food menu will be available in the rooftop area from the restaurant. Food ordered on the roof will be billed directly to hotel rooms. No catered events on the rooftop pool area outside of the private events listed below.
14. There will be no ropes, no security at entrance, and no lines at the entrance in keeping with the restaurant and hotel character of the premises. Premises will not allow waiting patrons to congregate in front of the premises at any time, especially not for the basement wine lounge. An electronic notification system will be utilized if needed to prevent patrons from waiting outside the premises.
15. There may only be private events at the premises a maximum of nine (9) times (24 hour periods) per calendar year. A private event constitutes only of a full buyout of the entire Hotel and all areas of the hotel including basement, ground floor and all hotel rooms. All events during any buyout on the roof will end at 10:00 PM. During full buyout private events, a DJ and amplified live music may be used in the basement only. During private events, there may be acoustic live music only on the ground floor; amplification may be used for voice only. If there is a dj or amplified live music in the basement or live acoustic music on the ground floor, all doors and windows will remain closed.
16. Outside promoters will never be used.
17. Sidewalk café seating operating under the temporary Open Restaurants program will be no more than 14 tables and 40 patron seats. Sidewalk seating will be located immediately adjacent to the storefront on Gansevoort Street and will follow all open restaurant program guidelines. No roadbed seating.
18. Sidewalk seating will close no later than 10:00 PM Sundays through Thursdays and 11:00 PM Fridays and Saturdays. All tables and chairs will be removed at this hour. No exterior music, speakers or TVs.
19. All Department of Building permits and including any Place of Assembly Permits or temporary Certificates of Occupancy will be kept current at all times.
20. Contact information for a manager will be available to residents at all times.
21. Applicant will not apply for any alteration to the method of operation or changes to any stipulations indicated here without first notifying and appearing before CB2.
22. A copy of the stipulations/conditions will be kept in immediate proximity to the license on the premises.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a change in its existing method of operation to add the service of alcohol to the public sidewalk in front of the existing licensed Hotel to **RH NY Guesthouse F&B, LLC d/b/a RH, 55 Gansevoort St. 10014** **unless** the statements the Applicant has presented are accurate and complete and that the above-stated conditions and existing stipulations agreed to by the Applicant continue to be incorporated into the Method of Operation on the SLA Hotel On Premise License.

Vote: Unanimous in favor (6-0)

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

7. PTO3, Inc., 137 7th Ave. So. 10014 (OP-Restaurant) (Failed to Appear)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 8, 2022 the Applicant **failed to appear** and gave no reason to explain such non-appearance; 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 **PTO3, Inc., 137 7th Ave. So. 10014** **until** CB2 has forwarded its recommendation to the NYSLA and requests that the NYSLA suspend any decision on this license for 30 days until this important step is taken and the concerns of the Community be fully heard.

Vote: Unanimous in favor

8. Gansevoort Market Coffee Shop, Inc. d/b/a Hector's Place, 44 Little W. 12th St. 10014 (New OP-Diner) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 8, 2022 the Applicant agreed **to lay over** this application to April/2022, 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 **Gansevoort Market Coffee Shop, Inc. d/b/a Hector's Place, 44 Little 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 in favor

9. LLC to be Formed by Christopher Reda and Harry Sasho, d/b/a TBD, 271 Bleecker St. 10014 (RW-Restaurant)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 8, 2022 the Applicant **withdrew** this application from consideration and did not appear; 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 **LLC to be Formed by Christopher Reda and Harry Sasho, d/b/a TBD, 271 Bleecker 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 in favor

10. Maizon New York, LLC d/b/a Pending, 651-667 Hudson St. (Gansevoort Hotel) 10014 (New OP- Restaurant) (DJ) (Live Music-Assorted Variety) (Patio or Deck) (laid over)

Whereas, prior to this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 8, 2022 the Applicant requested **to layover** this application to April/2022 affirming that they will not submit this alteration 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 to **Maizon New York, LLC d/b/a Pending, 651-667 Hudson St. (Gansevoort Hotel) 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

11. Barbuto West, LLC d/b/a Barbuto, 521 West St. aka 113 Horatio St. 10014 (New OP- Restaurant) (laid over)

Whereas, after this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 8, 2022 the Applicant requested **to layover** this application to April/2022 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 to **Barbuto West, LLC d/b/a Barbuto, 521 West St. aka 113 Horatio St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

12. Jane St. Social Club, Inc. d/b/a SVB NYC, 113 Jane St. 10014 (New OP-Club/Members Only) (Basement, 1st, Mezzanine, 2nd, 3rd, 5th Flrs.) (DJs) (Live Music-Piano, Light Jazz, Small Group Live Bands) (Patron Dancing) (Security Personnel) (Rooftop)

Whereas, after to this month's CB2, Manhattan's SLA Licensing Committee Meeting on March 8, 2022 the Applicant requested **to layover** this application to April/2022 affirming that they will not submit this alteration 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 to **Jane St. Social Club, Inc. d/b/a SVB NYC, 113 Jane St. 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

Respectfully submitted,

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

Jeannine Kiely, *Chair*
Susan Kent, *First Vice Chair*
Valerie De La Rosa, *Second Vice Chair*
Bob Gormley, *District Manager*



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

COMMUNITY BOARD NO. 2, MANHATTAN

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REOPENING WORKING GROUP

March 2022 Report

The Reopening Working Group of Manhattan Community Board 2 held a meeting on Thursday, March 10, 2022 at 6:30PM via Zoom video conferencing.

Committee Members Present: Valerie De La Rosa (Chair), Carter Booth, Bob Ely, Donna Raftery, and Shirley Secunda.

Board Members Present: Susan Kent (First Vice Chair), Antony Wong (Treasurer), William Benesh, Chris Dignes, David Gruber, Michael Levine, and Frederica Sigel

The meeting was called to order at 6:32 PM.

The committee continued the ongoing discussion of the Permanent Open Restaurants rulemaking process and related issues. The following two items are presented to the Board for consideration and vote:

- I. **Letter to Councilmember Erik Bottcher, Councilmember Chris Marte, and Councilmember Carlina Rivera with a one-page list of Priorities for Permanent Open Restaurants Rulemaking.** The Committee voted unanimously to write a letter to our three councilmembers along with a one-pager of priorities for the POR rulemaking process. (pages 2 - 4)
- II. **Resolution Objecting to the Permanent Authorization of Liquefied Petroleum Gas in Propane Tanks for Outdoor Dining.** *Intro 0029-2022 Outdoor gas fueled heating devices* was brought up during New Business to be considered by the committee. The issue has been discussed at length at previous committee meetings prior to the introduction of the legislation and again after taking public testimony, the Committee voted unanimously to write a resolution against the permanent authorization of liquefied petroleum gas in propane tanks. (pages 5 - 6)

Meeting Minutes

III. Additional continued discussion on issue areas related to Permanent Open Restaurants Program (pages 7-13).

I. **Letter to Councilmember Erik Bottcher, Councilmember Chris Marte, and Councilmember Carlina Rivera with a one-page list of Priorities for Permanent Open Restaurants Rulemaking.**

March 25, 2022

Hon. Erik Bottcher
250 Broadway, Suite 1785
New York, NY 10007

Hon. Christopher Marte
250 Broadway, Suite 1815
New York, NY 10007

Hon. Carlina Rivera
250 Broadway, Suite 1820
New York, NY 10007

Dear Councilmembers Bottcher, Marte, and Rivera:

We are writing to you to express our concern with the one-size-fits-all approach to the Permanent Open Restaurants (POR) Program. Although we agree that the Permanent Open Restaurants program will help achieve equity for restaurant operators in the outer borough neighborhoods by allowing the geographic expansion of sidewalk and roadway dining as-of-right, we believe that increasing the density of outdoor dining citywide comes at high cost to your council districts, which already have more than 30% of all outdoor dining across the city.

Manhattan Community Board 2 voted almost unanimously – by a vote of 40-1-1 – against the Permanent Open Restaurants Zoning Text Amendment and the expansion of outdoor dining to residential districts. Manhattan Community Board 2 has over 10% of all open restaurants across all five boroughs (59 community boards) and 20% of all open restaurants in Manhattan.

The vision for an equitable economic recovery through the Permanent Open Restaurants program is achieved through the geographic expansion of allowable areas, which will allow outdoor dining to expand significantly into the outer borough neighborhoods where outdoor dining was not previously allowed. However, the equitable economic recovery is not achieved in our community by significantly increasing the total number of tables and chairs for restaurants in outdoor dining on sidewalks and roadways that overwhelms the balance of our community and that allows outdoor dining in residential neighborhoods, as has been overwhelmingly expressed by residents including noise, trash, blocking clear path, and significant restaurant density.

Before the Permanent Open Restaurants applications open up, an equitable economic recovery should also take into consideration that Manhattan Community Board 2 has had a nearly 500% increase in number of eating and drinking establishments participating in outdoor dining to over 1,000 establishments, and parts of lower Manhattan have already achieved an over 200% increase in the participating eating and drinking establishment. An expansion of outdoor dining

in our already-saturated area and in lower Manhattan disincentivizes expansion of outdoor dining into the outer borough neighborhoods.

Manhattan Community Board 2 has thoroughly reviewed the proposed Permanent Open Restaurants rules presented to City Planning Commission (CPC) in October 2021, the proposed Permanent Open Restaurants rules presented in a February 2022 sworn affidavit from the NYC Department of Transportation's Julie Schipper (Director of Open Restaurants) in response to open litigation, the Temporary Open Restaurants rules, the pre-pandemic Sidewalk Café rules, and the pre-pandemic Sidewalk Café Design Guidelines. Based on our review and analysis, we urge you to review the **ten (10) critical points**, in the enclosed one-page document, that should be considered when shaping the POR legislation and developing the rules during the rulemaking process at this early stage. We anticipate further recommendations as the rulemaking process proceeds.

We appreciate your support.

Respectfully,



Jeannine Kiely, Chair
Manhattan Community Board 2



Valerie De La Rosa, Chair
Reopening Working Group
Manhattan Community Board 2

cc:

Hon. Eric Adams, New York City Mayor
Hon. Jumaane Williams, New York City Public Advocate
Hon. Brad Lander, New York City Comptroller
Hon. Mark Levine, Manhattan Borough President
Hon. Adrienne Adamas, Speaker, New York City Council
Hon. Marjorie Velasquez, New York City Council Member, Chair - Committee on Consumer and Worker Protection
Hon. Brad Hoylman, New York State Senator
Hon. Brian Kavanagh, New York State Senator
Hon. Deborah Glick, New York State Assembly Member
Hon. Yuh-Line Niou, New York State Assembly Member

PRIORITIES FOR PERMANENT OPEN RESTAURANTS RULEMAKING

1. While Manhattan Community Board 2 has received overwhelming testimony against outdoor dining in residential areas and has a standing position against outdoor dining in residential neighborhoods, if there are going to be exceptions for any type of expansion into residentially-zoned neighborhoods, the following items must be considered:
 - a. Hours limited to no later than 9pm Sunday-Thursday and 10pm Friday-Saturday in residential only zoned areas and previously specifically prohibited areas;
 - b. Hours limited to no later than 10pm Sunday-Thursday and 11pm Friday-Saturday in mixed use residential/commercial zones; any permitted hours after 11pm would be reserved for areas zoned commercial only without any residential;
 - c. Residential only zones and previously specifically prohibited areas should be exempt from roadway dining;
 - d. Roadway dining is only eligible in areas where parking is expressly permitted.
 - e. A review of the list of streets and areas in CB2 that were previously specifically prohibited in the Zoning Text under *14-41 Locations Where Certain Sidewalk Cafés Are Not Permitted* and a determination if the conditions that led to their prohibition still exist should be required.
2. Only one outdoor dining use should be allowed in mixed use residential/commercial zones: sideway cafés only or roadway cafés only – not both uses together.
3. Streets and sidewalks that are eligible for outdoor dining should meet the following criteria:
 - a. Sidewalks should be at least twelve-feet (12') wide, which was the requirement in the pre-pandemic Sidewalk Café Program, to allow adequate pedestrian movement including a three-foot (3') service aisle;
 - b. Roadways should be at least thirty-two feet (32') curb to curb that includes a sixteen-foot (16') travel/emergency lane and eight feet (8') on each side.
4. Sidewalk and roadway dining should be seasonal (April 1 to November 1). Seasonal waivers for outdoor dining should not be considered for CB2.
5. Increase the Community Board Review period from 30 days to 45 days as it existed originally in the pre-pandemic Sidewalk Café program; this allows for consideration of all applications under the community board calendar review periods. The Community Board Review should include both sidewalk and roadway café applications. Delays in obtaining sidewalk café licenses are not caused by the Community Board Review process. There are 80+ days of optional review phases (DCWP public hearing, City Council call-up and/or City Council review) after the community board review is completed.
6. Safety for restaurant workers, patrons, bikers, and pedestrians should be ensured by prohibiting roadway dining and service across DOT bike lanes and prohibiting roadway

dining in floating parking lanes. There is no safe ADA access with service across a bike lane.

7. All Permanent Open Restaurants applicants should provide new diagrams for sidewalk seating and roadway seating clearly outlining the eight-foot (8') clear path for pedestrian passage and separately, the three feet (3') for the service aisle, both of which were standard requirements in the pre-pandemic Sidewalk Café Program, in addition to providing the location and dimensions of all tables, chairs, and sidewalk obstructions.
8. Create a specific dimensional clearance to protect ground-floor residents. Any outdoor dining setup should be twenty-five feet (25') from all ground-floor residential windows or entryways. No service should occur across a residential entryway. No one should have to have their life impacted or on display to strangers eating directly outside the windows to their homes or be subjected to excessive noise of diners directly outside their windows.
9. There should be a patron bathroom available (indoors) for all outdoor seating.
10. While platforms have been identified as a tool to achieve ADA compliance in roadway dining setups, we ask that guidelines address standing water and drainage issues as well as mitigate rat and vermin infestation. The Department of Health and Mental Hygiene (DOHMH) and the Department of Sanitation (DSNY) have continuously pointed out that excess trash and platforms in roadway dining setups are the number 1 cause of rat and vermin.

II. **Resolution Objecting to the Permanent Authorization of Liquefied Petroleum Gas in Propane Tanks for Outdoor Dining: Intro 0029-2022 Outdoor gas fueled heating devices**

1. **Whereas** liquefied petroleum gas, known as propane, is illegal to possess, use, or store in a cylinder or container per New York City Fire Code;
2. **Whereas** the use of liquefied petroleum gas in portable outdoor heating devices, known as propane heaters, for outdoor dining setups is not currently authorized under the New York City Fire Code;
3. **Whereas**, currently, only two forms of portable heating devices are allowed in outdoor dining setups:
 - Piped natural gas is allowed for use in portable heating devices used in outdoor dining setups and electric heaters,
 - Electric heaters are allowed for use as portable heating devices used in outdoor dining setups;
4. **Whereas** Intro 00229-2022 seeks to permanently amend the New York City Fire Code to authorize the permanent use, possession, and storage of liquefied petroleum gas in portable outdoor heating devices;

5. **Whereas** in its testimony to Manhattan Community Board 2 (CB2) on December 7, 2020, FDNY recommended that restaurants participating in the Temporary Open Restaurants program should stick to electric heat or piped natural gas heat as allowed during the pre-pandemic Sidewalk Café program;
6. **Whereas** in its previous testimony to CB2 on December 7, 2020, FDNY testified that a portable heating device fueled by liquified petroleum should be a minimum of ten feet (10') from any building entrance, window, or ventilation, and the proposed legislation only calls for a five-foot (5') clearance from buildings/structures and exits with no mention of clearances for windows and/or ventilation;
7. **Whereas** in its previous testimony to CB2 on December 7, 2020, FDNY also testified that if chairs and tables were made of combustible materials that a five-foot (5') clearance should be maintained between the portable heating device filled with liquified petroleum gas and the combustible-material chairs and tables, however, the proposed legislation only calls for a five-foot (5') clearance to combustible decorations, combustible overhangs, combustible awnings, combustible sun-control devices, and/or combustible attachments to materials or structures;
11. **Whereas** in its previous testimony to CB2 on December 7, 2020, FDNY further testified that one (1) portable heating device filled with liquified petroleum gas should have a five-foot (5') clearance from another separate portable heating device filled with liquified petroleum gas, however, the proposed legislation does not include any language to designate clearances between portable heating devices;
8. **Whereas** the Environmental Protection Agency (EPA) estimates that a single eighteen-pound (18 lbs.) propane tank emits .024 metric tons of carbon dioxide¹, which is equivalent to driving 60 miles in a car or charging a smartphone 3,061 times, which would excessively contribute to environmental pollution and accelerate climate change;
9. **Whereas** climate change is a critical issue for Manhattan Community Board 2;
10. **Whereas** there are buildings that are not up to fire code, due to their existence prior to the creation of the New York City Fire Code, that would be adjacent to propane heaters;
11. **Whereas** the volatility of liquified petroleum gas on the streets of the city presents a danger to public safety and was attested to by FDNY at both the October 27, 2021 and December 7, 2020 CB2 Reopening Working Group meetings on outdoor dining;
12. **Whereas** the temporary use of liquified petroleum gas last winter, per Mayoral Executive Order 153, resulted in illegal on-premise storage of propane tanks in cages directly adjacent to residential entrances within buildings and in basements and also

¹ [Outdoor Heaters and Climate Change, New York Times, November 27, 2020.](#)

illegal use of propane heaters in roadway dining setups, creating a hazardous environment;

13. Whereas, on Thursday, October 21, 2021, the previous New York City Administration, based on their consultation with FDNY, commented that the FDNY is the expert on health and safety when it comes to propane and expressed agreement with FDNY's strong position that propane needs to be phased out.²

14. **Therefore, Be It Resolved**, Manhattan CB2 strongly opposes Intro 0029-2022 Outdoor gas fueled heating devices which would authorize the use, storage, and possession of liquified petroleum gas by amending the New York City Fire Code;

Vote:

In Favor: 5

Against: 0

² [NYC to reinstate ban on propane heaters, NY1, October 21, 2021](#)

Meeting Minutes

III. Additional continued discussion on issue areas related to Permanent Open Restaurants Program

Issue Area 1: Eligibility

- **Allow only one outdoor dining option: either sidewalk only or roadway only.** Establishments are eligible for only one outdoor dining setup per location. Establishments shall not have both sidewalk and roadway dining. There will be too much density for public sidewalk.
- **More clearly defining “ground-floor frontage:”** Ground-floor frontage is defined as indoor, sit-down restaurant service that is level with the sidewalk with 20 seats or more. The presence of only a lobby or only a coat check or only a service area that is exclusive of an interior seating area will not qualify as ground-floor frontage.

Issue Area 2: Application Process

- **Pre-pandemic sidewalk cafés should not need to apply to the POR program if in compliance with the following listed items.** Operators with sidewalk café permits existing prior to the Temporary Open Restaurants Program, as licensed by the Department of Consumer and Worker Protection (DCWP) prior to June 2020, should be exempt from community review, provided there are no changes to the permitted number of tables and chairs, service aisles or other enclosures, and the approved diagrams remain unchanged.
- **Drawings and Plans.** Applications for permanent outdoor dining should include: a full diagram and plan, description of materials used, number of tables and seats, service aisles, obstructions, etc. The number of tables and chairs should be listed on the license that is posted in the establishment, similar to the pre-pandemic sidewalk café program.
- **Send roadway café applications that are in residential zones to community boards for review, especially those in residential zones where they have never previously been allowed.** Roadway café applications for locations in residential zones should be sent to community boards for review in the same manner that sidewalk café applications are reviewed.
- **Extend community board review period to 45 days.** The community board review period for sidewalk cafés should be extended from the proposed 30 days to 45 days in order for boards to address within their monthly calendar cycle. Forty-five (45) days was the review period length during the pre-pandemic sidewalk café program.

- **Allow community boards to comment on any proposed street reconfigurations identified by the lead POR agency that is triggered when the blockface meets the density benchmark.** DOT's Julie Schipper outlined in her Feb 2022 affidavit that "Roadway applications on streets with more than 25 percent of the total roadway allocated will be reviewed by DOT staff" to evaluate street layout and consider reconfiguration of the street and/or loading zones if needed.

Issue Area 3: Transition Period

- Establish a set transition period from the temporary Open Restaurants program to the permanent Open Restaurants program that allows for overlap to accommodate proper review while businesses are able to operate. The transition period should be clearly communicated to operators and include a transition period from the self-certification process ("Temporary Open Restaurants Program") to a clear reapplication process ("Permanent Open Restaurants Program") for permanent sidewalk cafés with community input and review.
- Set a clear date for when the Temporary Open Restaurants Program structures that will be considered non-conforming in the Permanent Open Restaurants Program have to be taken down by the operator and include a 90-day grace period. This refers to non-conforming structures in the roadway or sidewalk that are fully enclosed "buildings" with four walls, doors, and roofs.

Issue Area 4: Seasonality

- Roadway dining is seasonal (April 1 to November 1). Seasonal waivers should not be considered.
- Sidewalk dining is seasonal (April 1 to November 1). Seasonal waivers should not be considered.

Issue Area 5: Clear Path

- **Clear service aisles included within the sidewalk café space** which do not interfere with eight-foot (8') clear path requirements of eight feet (8') or fifty percent (50%) of the sidewalk (whichever is greater).
- **Menu boards** on the sidewalk should not extend into the pedestrian walkway.
- Benches, other furnishings, and planters should be included.
- **Clear service aisles included within roadway dining spaces.** Roadway dining should include service aisles. No service should occur from the sidewalk or outside the designated roadway dining area.

Issue Area 6: Advertising

- **Continue to prohibit advertising on sidewalk cafés,** only allowing the name of the establishment on the valence of an awning.

- **Similar to sidewalk cafés, prohibit advertising on roadway cafés, only allowing the name of the establishment on the side of a roadway barrier.**

Issue Area 7: Bathrooms

- Any outdoor seating should have a public bathroom.

Issue Area 8: Bike Lanes

- **Protect bikers and diners by prohibiting roadway dining across a bike lane and by prohibiting roadway dining in a floating parking lane.** This invites all sorts of known and unanticipated dangerous conditions. Roadway dining areas should not be allowed if separated by a bike lane and/or if staff or patrons must cross over a bike lane to access seating or to service customers. Floating parking lanes should not be eligible for roadway dining seating.

Issue Area 9: Frontage

- Neither roadway cafes nor sidewalk cafes may extend beyond the ground-floor frontage of the establishment.

Issue Area 10: Heaters

- Both natural gas radiant heaters and electric radiant heaters should be allowed only in sidewalk dining areas. There should be no heaters of any kind allowed in roadway dining areas.

Issue Area 11: Hours

- Outdoor dining hours in residential and previously prohibited zones should end at 9pm on weekdays (Sun - Thurs) and 10pm on weekends (Fri - Sat); Outdoor dining in mixed use residential/commercial zones should end at 10pm on weekdays (Sun - Thurs) and 11pm on weekends (Fri-Sat). Any hours after 11pm should be designated for commercial only districts/zones without residential.

Issue Area 12: Lighting

- Lights or other lighting materials should not be attached to trees.
- Lighting that is blinding to passing traffic should be prohibited.
- All lighting, bulbs, lumens, brightness, and color should be uniform.
- Lighting should be underneath the awning.
- Lighting should be turned off every night at closing.

Issue Area 13: Removal of Pre-Pandemic Enclosed Sidewalk Cafés

- In the event that an establishment with a pre-pandemic enclosed sidewalk café closes down and ceases to operate, the establishment's operator will be responsible for the removal of the enclosed sidewalk café. The time period for removal should be increased from 15 days to 30 days.

Issue Area 14: Renewals

- Renewals for all outdoor dining licenses should be sent to community boards for review at time of renewal, if needed, with a 45-day review period.

Issue Area 15: Sanitation

- **Drainage.** There should be nothing that blocks or prevents rainwater drainage from getting to the curb or flowing along the curb.
- **Standing water.** No standing water around roadway dining areas.
- **Utility access and liability.** There should be no outdoor dining areas (roadway or sidewalk) that block or prevent access to service boxes, manhole covers, transformer covers, gas valve boxes, etc. which would include prohibiting platforms and rugs to cover them. A clearance of three-feet (3') should be maintained around any of the utility items mentioned above. See Con Edison's testimony letter from the February 2022 hearing outlining the above. In addition, ConEd's testimony asks for the POR application to require restaurants to name both the City of New York and Consolidated Edison Company of New York as additional insured parties to protect the City, ConEd, and the applicant for any claim, suit, or damages arising out of, or connected in any way with the use, occupancy, or operation of the sidewalk or street area that is subject to the license or permit.

Issue Area 16: Siting Criteria

- **Avenues.** Ensure that roadway dining on the avenues is in compliance with existing rush hour no parking regulations. Any parking lanes with rush hour rules should not be eligible for roadway dining.
- **Contiguous cafés. Prohibit contiguous roadway cafés in residential zones.** Require a minimum distance of six feet (6') between two roadway dining areas for access to street and buildings.
- **Corners and outdoor dining.** Parking lanes at corners have setbacks of eight feet (8') to allow for the turning of emergency vehicles. Ensure that these setbacks are taken into consideration when determining eligibility for roadway dining.
- **Electricity.** Permanent electrical hookups for roadway dining spaces should not cross the sidewalk on the ground nor should they cross above the sidewalk.
- **Fire escapes.** Any awnings on sidewalk cafés should be prohibited from blocking fire escapes.
- **Ground-floor residents.** Outdoor dining setups in the roadway and sidewalk must have a twenty-five-foot (25') clearance from all ground-floor residential windows.
- **Hotel No Standing / Loading Zones.** Parking lanes in front of hotels with No Standing and/or Loading Zones should be prohibited from roadway dining.

- **No Parking Anytime.** In addition to prohibiting roadway dining in parking lanes with No Stopping Anytime and No Standing Anytime zones, parking lanes with No Parking Anytime zones should also be prohibited from roadway dining. Any parking zones with part-time No Parking Anytime, part-time No Standing Anytime, part-time No Stopping Anytime should be prohibited from roadway dining at all times.
- **One-way streets** in residential zones should not be eligible for outdoor dining.
- **Parks.** No outdoor dining in, in front of or adjacent to a public park space.
- **Platforms.** Prohibit the use of platforms in roadway dining areas in addition to the continued prohibition of platforms in sidewalk dining areas. For ADA compliance in roadway dining, a ramp should be used.
- **Removable roadway seating and barriers in residential zones.** Similar to sidewalk cafés, all roadway dining seating (tables and chairs) and roadway barriers should be removable and removed on a nightly basis. Nothing should be drilled into the roadway to support outdoor dining in a parking lane.
- **Roadway in front of residential entrances.** A minimum of a twelve-foot (12') opening clear through to the street for all residential entrances. Roadway dining should not block residential entrances. This designated area should also be a no parking zone (however, this specific discussion is out of the scope of the POR program and is a separate issue, warranting a larger discussion outside of RWG).
- **Scaffolding.** Sidewalk café dining should be suspended when scaffolding is present over the frontage of an establishment.
- **Specific Dimensional Clearances.** Keep specific dimensional clearances for obstructions in residential and previously prohibited zones:
 1. LinkNYC Kiosks - 5'
 2. Crosswalks (marked and unmarked) - 8' Seating or barriers should not be placed within 8' of a marked or unmarked crosswalk in a residential zone, to provide for safe vehicle turns and avoid crowding.
 3. Stop Signs - 8'
 4. Tree Pits (regardless if they are fenced in or not) - 8'
 5. Traffic Signals - 9'
 6. Streetlights - 9'
 7. Fire Hydrants - 10'
 8. Bus stops - 15'
 9. Subway Grates - 1'6"
 10. Subway Entrances - 15'
 11. All other entrances: Freight Elevators, Service Entrances, and Retail/Other Building Entrances should not be blocked by sidewalk cafes or roadway cafes.

- **Trees.** No pruning of trees, no removal of trees, and no constructing of barriers within or over a tree bed to make room for sidewalk dining or roadway dining.
- **Umbrellas.** Umbrellas on the sidewalk or in roadway dining areas should fit entirely within the designated outdoor dining area and increase in clearance from the pre-pandemic sidewalk cafe program from seven-foot (7') to fifteen-foot (15') clearance as is proposed.
- **Width. Sidewalk width in residential zones.** Sidewalks that are eligible for sidewalk cafés in residential zones should continue to be at least twelve-feet (12') wide, which was the requirement in the pre-pandemic Sidewalk Café Program, to allow adequate pedestrian movement.
- **Width. Street width for roadway cafes.** Streets eligible for roadway dining should be at least thirty-two feet (32') curb to curb that includes a sixteen-foot (16') travel/emergency lane and eight feet (8') on each side for parking or roadway dining. Narrow, one-way streets should not permit roadway dining when it is not wide enough to safely accommodate roadway dining on both sides of the street.

Issue Area 17: Storage

- **Prohibit parking lanes or sidewalk space used exclusively for storage.** At no time should areas blocked off for roadway dining or sidewalk cafe dining should be used for the storage of tables, chairs, or any other overflow items from the establishment.
- **No off-season storage of outdoor dining furniture or barriers in parking lanes or on the sidewalk.** There should be no waivers granted for storage outside in a parking lane or on the sidewalk during off-season months (November 1 - March 31).

Issue Area 18: Table Service

- All outdoor dining setups whether in the roadway or on the sidewalk should be required to provide table service with a dedicated waitstaff.
- Service should never be permitted to cross a residential entryway or entryway to another commercial business.
- **Ancillary items on the sidewalk for table service should not be allowed in residential zones.** Items that facilitate table service should not be stored on the sidewalk for table service in either roadway dining or sidewalk café dining:
 1. No “bus tubs” for storing dirty dishes
 2. No bussing carts
 3. No sideboards or serving stations should impede on pedestrian walkway
 4. No point-of-sale (POS) stations
 5. No host stands on sidewalk or in roadway dining area

The meeting was adjourned at 9:28PM.

Respectfully submitted,

A handwritten signature in black ink that reads "Valerie De La Rosa". The signature is written in a cursive, flowing style.

Valerie De La Rosa
Chair, Reopening Working Group

DRAFT

Jeannine Kiely, *Chair*
Susan Kent, *First Vice Chair*
Valerie De La Rosa, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Eugene Yoo, *Secretary*
Ritu Chatree, *Assistant Secretary*

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QUALITY OF LIFE COMMITTEE

March 2022

The Quality of Life Committee of Community Board #2, Manhattan held its monthly meeting on Monday, March 7, 2022, at 6:30 p.m. via Zoom.

Committee Board Members Present: William Benesh (Chair), Rocio Sanz, Wayne Kawadler, Susan Kent, Brian Pape, Michael Levine, Ed Ma

Public Members Absent with notification: Karen Eckhoff, Linda Aizer, Ann Arlen, Rhea Sohn

Street Activity Applications:

1. **Thursday-Monday, May 5-9, 2022 – Kate Spade Mother’s Day: 1) Gansevoort/13 Gansevoort Pedestrian Plaza [pedestrian plaza], 2) Greenwich St. between Gansevoort St. and Horatio St. [curb lane only]**

Whereas, the applicant wishes to host a plaza activation in the Gansevoort Pedestrian Plaza, centered around the Mother’s Day holiday; and

Whereas, the event will feature a potted plant giveaway of around 5,500 plants and the opportunity for attendees of all ages to decorate the pots with paint pens and other decorative materials; and

Whereas, no merchandise will be sold or marketed at the event; and

Whereas, signage and branding will be minimal, with 2 signs consisting of a simple logo, and the design of the signs following the aesthetic of the space; and

Whereas, the event will consist of two days’ setup, 1.5 days activation, and half a day of take-down; and

Whereas, activation will entail the creation of three greenhouse / garden shed style structures, inside which attendees will have the opportunity to obtain and decorate the potted plants, as well as outdoor bench seating; and

Whereas, the plaza will remain open for pedestrian access during both the set-up and activation phases of the event; and

Whereas, the event will include security guards to be stationed in the plaza overnight; and

Whereas, the Quality of Life committee reviewed a previously discussed rubric for the evaluation of plaza events and determined that this event met many of the criteria laid out in such rubric; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of Kate Spade Mother's Day: 1) Gansevoort/13 Gansevoort Pedestrian Plaza [pedestrian plaza], 2) Greenwich St. between Gansevoort St. and Horatio St. [curb lane only], **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: Adopted unanimously.

2. **Sunday, 6/19/22 – Folsom Street East (Street Fair) (Sponsor: Folsom Steet East): 1) Weehawken St. between Christopher St. and West 10th St. [full street closure]; 2) Christopher St. between Weehawken St. and Washington St. [sidewalk and street closure]**

Whereas, the applicant re-appeared before the Quality of Life committee following an appearance in February, during which the committee asked the applicant to conduct further community engagement and to consider a range of locations for the event; and

Whereas, this event has previously been held for many years in Chelsea, with the prior support of Community Board 4, and with no major issues reported across the many years of the event being held;

Whereas, the event will feature amplified sound and DJs in compliance with decibel limits set by SAPO, and will serve beer, but will not be serving food; and

Whereas, the sponsors indicated that they expected between 1,000 and 1,200 attendees at the event; and

Whereas, the sponsors of the event did consider other possible locations for the event, but concluded that due to their intended partnership for the event with Rockbar, a longstanding local bar on the corner of Christopher St. and Weehawken St., that no other location would be suitable for them to achieve their stated goals for the event; and

Whereas, the owner of Rockbar appeared to speak in support of the event, citing Rockbar's presence at the current location for 14 years and as a partner of Fulsom East for 5 years, as well as the ability for such events to aid in the recovery of small businesses from the COVID-19 pandemic; and

Whereas, the organizers of the event and the owner of Rockbar reached out to approximately 15 local businesses in the area, many of whom expressed support for the event and none speaking out against the event, and noted the fact that the event would not be selling food in competition with local restaurants or blocking the entryway to any local restaurants; and

Whereas, the organizers conducted outreach to approximately 40 neighbors in the vicinity of the event, including one local resident who appeared in support of the event, though the Quality of Life committee indicated that more extensive outreach should be conducted ahead of the event; and

Whereas, the organizers understand that a permit from the State Liquor Authority (“SLA”) will be required for the intended alcohol sales at the event, and the organizer plans to check the IDs of attendees both at the entry to the event as well as at the point of sale; and

Whereas, the organizers intend to engage with NYPD to provide security for the event, and presented map of the proposed event with proposed 6-foot tall barriers to provide security and prevent the entry of underage attendees into the event; and

Whereas, the event will include 35-40 portable toilets for use by the event attendees within the confines of the barriers; and

Whereas, the organizers of the event committed to the proceeds of the event going to a local LGBTQ organization based in Community District 2, such as The Center or the South Asian Lesbian and Gay Association of New York (“SALGA”) which is a sub-organization under the umbrella of The Center; and

Whereas, a resident of Christopher St. appeared at the committee meeting and expressed opposition to the event and referred to an event which had taken place in 2007 but was actually a separate event put on by a different organization; and

Whereas, the Quality of Life committee expressed concern at the proposed 5:30 AM set-up time, but recognized that given the extensive security barriers included in the event plan, that such an early set up time may be necessary in order to maximize security for the event; and

Whereas, the organizers of the event offered to remain available to speak with residents throughout the day of the event to address any concerns expressed during set-up or the event itself; and

Whereas, the Quality of Life committee appreciated the outreach that had been conducted to neighbors thus far, but emphasized that a more detailed and documented outreach program must be conducted ahead of the event itself; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of Folsom Street East (Street Fair) (Sponsor: Folsom Steet East): 1) Weehawken St. between Christopher St. and West 10th St. [full street closure]; 2) Christopher St. between Weehawken St. and Washington St. [sidewalk and street closure], **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, and **further provided that** the organizers conduct more extensive and documented outreach to residents ahead of the event and make a best-effort attempt to address any residents' concerns ahead of and during the event.

Vote: Adopted unanimously.

- 3. Sunday, 6/19/22 – Juneteenth with Joe’s Pub (Village Alliance): Astor Place Plaza (South) [pedestrian plaza]**

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 Manhattan recommends **denial** of Juneteenth with Joe’s Pub (Village Alliance): Astor Place Plaza (South) [pedestrian plaza].

Vote: Adopted unanimously.

- 4. Saturday, 6/25/22 – Little West 12th St. PopUp (Sponsor: Stonewall Democratic Club): Little West 12th St. between 9th Ave. Washington St. [full street closure]**

Whereas, the applicant wishes to hold a street fair on Little West 12th Street, put on by Clearview Productions with the proceeds going to benefit the Stonewall Democratic Club, and with the support of the Meatpacking BID; and

Whereas, the event was previously held in 2019, though was not held in 2020 and 2021 due to the COVID-19 pandemic; and

Whereas, the event will not feature amplified sound, though may feature music from an “acoustic duo”; and

Whereas, the event will feature both food stands and food trucks, with an aim to feature more “artisanal” food vendors than in a traditional street fair; and

Whereas, the food trucks will not be idling during the event but will require generators, which should generate sound of no more than 60 decibels; and

Whereas, all local businesses on the block will be invited to participate in the street fair on the complementary basis, a practice which was applauded by the Quality of Life Committee and which the Committee believes should become the standard for any street fair in the future; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of Little West 12th St. PopUp (Sponsor: Stonewall Democratic Club): Little West 12th St. between 9th Ave. Washington St. [full street closure], **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: Adopted unanimously.

5. **Sunday, 6/26/22 – Pridefest 2022 (Street Fair) (Sponsor – Heritage of Pride): 4th Ave. between East 13th St. and East 10th St., 2) East 13th St. between 4th Ave. and Broadway, 3) East 12th St. between 4th Ave. and Broadway, 4) East 11th St. between 4th Ave. and 3rd Ave., 5) East 10th St. between 4th Ave. and Broadway [sidewalk and street closure]**

Sunday, 6/26/22 – Stagefest at Pridefest 2022 (Street Fair) (Sponsor – Heritage of Pride): 4th Ave. between East 10th St. and East 9th St. [sidewalk and street closure]

Sunday, 6/26/22 – Familyfest at Pridefest 2022 (Street Fair) (Sponsor – Heritage of Pride): Astor Place Plaza (South)

Whereas, Pridefest, entering its 29th year as a street festival, is one of the largest LGBTQIA street fairs in the world, combining various events in the name of equality; and

Whereas, the event will take place on Sunday, June 26th, the same day as the NYC pride march which is returning after a hiatus due to COVID-19, and as such, is expected to attract a substantial number of attendees, in the vicinity of 200,000; and

Whereas, the event will consist of several components, including the Pridefest street fair with exhibitors, Stagefest which will feature a stage and various performances, and Familyfest which will feature programming geared towards families and children; and

Whereas, setup for the event will begin at 4 AM with towing and dumpster dropping, with stage and exhibitor setup beginning at 6 AM, and shut-down for the event beginning at 6 PM, with all exhibitors expected to be off site by 7 PM, and all elements removed by 8 PM; and

Whereas, the Pridefest street fair will take place along 4th avenue between 10th and 13th streets, as well as some of the adjacent side street blocks, with the final side street blocks still being determined in coordination with SAPO and the NYPD, and will feature around 115 exhibitors; and

Whereas, a portion of the Pridefest street fair will feature food vendors and will be deemed “Foodfest”, and will also feature an adjacent seating area; and

Whereas, the Stagefest component of the event will take place on 4th avenue between 9th and 10th streets, and will feature performances with amplified sound and music from 11:30 AM to 5:45 PM; and

Whereas, the Familyfest component of the event will take place in the Astor Place plaza, with the intention of having this component being geographically separate from the rest of the Pridfest programming; and

Whereas, the event will feature an extensive security presence, including both NYPD officers and private security, with NYPD dictating the amount of coverage for the event they deem necessary as well as recommending the amount of private security for the event; and

Whereas, given the size of the event, the organizers are required to obtain a special permit from the New York State Department of Health, which will dictate the number of ambulances and roving medical personnel to be on site; and

Whereas, the event will feature golf carts circulating and providing first aid when needed; and

Whereas, the event will feature a “wellness tent”, a setup which has been used successfully at previous Pride events, and will function as a “safe haven” for those who wish to unwind and/or who are experiencing anxiety or other conditions that do not require first aid or immediate medical care; and

Whereas, the organizers are partnering with Paradox and New York Presbyterian for further guidance around medical care and safety for the event; and

Whereas, the organizers discussed the types of medical/safety issues and emergencies that had occurred most commonly in past events, and the robust planning and practices being put in place for this year’s event in order to mitigate the likelihood and occurrence of such issues; and

Whereas, the Quality of Life committee expressed enthusiasm and pride for the ability to continue hosting this important event in the Village, which was the birthplace of Pride in the 1960s; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of:

- Pridefest 2022 (Street Fair) (Sponsor – Heritage of Pride): 4th Ave. between East 13th St. and East 10th St., 2) East 13th St. between 4th Ave. and Broadway, 3) East 12th St. between 4th Ave. and Broadway, 4) East 11th St. between 4th Ave. and 3rd Ave., 5) East 10th St. between 4th Ave. and Broadway [sidewalk and street closure]
- Stagefest at Pridefest 2022 (Street Fair) (Sponsor – Heritage of Pride): 4th Ave. between East 10th St. and East 9th St. [sidewalk and street closure]
- Familyfest at Pridefest 2022 (Street Fair) (Sponsor – Heritage of Pride): Astor Place Plaza (South)

provided that the applications conform with all applicable laws, rules, and regulations—including any and all COVID related orders and/or restrictions—and clearance requirements.

Vote: Adopted unanimously.

Street Activity Application FYI/Renewals

FYI/Renewals:

6. **6/11/22 – P.A.L. Festival (Street Fair) (Sponsor – Police Athletic League): Broadway between Waverly Place and East 14th St. [full street closure]**

Whereas, this event is an FYI/renewal which has been held for many years in the past with no known recent complaints; and

Whereas, the Quality of Life committee believes that Broadway between Waverly and East 14th may not be the ideal location for such event; now

Therefore Be It Resolved that CB2 Manhattan recommends that P.A.L. Festival (Street Fair) (Sponsor – Police Athletic League): Broadway between Waverly Place and East 14th St. [full street closure] be **laid over** for review by the Quality of Life committee to facilitate the discussion around a possible alternate location.

Vote: Adopted unanimously

7. **5/07/22 – PS 130 Family Wellness Day (PS 130 Parents Association): Hester St. between Baxter St. and Mulberry St. [sidewalk and street closure]**
8. **6/18/22 – Bleecker Street Festival (Sponsor: Bleecker Area Merchants and Residents Association): Bleecker St. between Broadway and Sixth Ave. [full street closure]**
9. **7/09/22 – Bleecker Street Fair (Our Lady of Pompeii Church): 1) Bleecker St. between 6th Ave. and 7th Ave., 2) Carmine St. between 6th Ave. and Bedford St. [full street closure]**

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

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

Vote: Adopted unanimously

Respectfully submitted,

William Benesh, Chair

Jeannine Kiely, *Chair*
Susan Kent, *First Vice Chair*
Valerie De La Rosa, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Eugene Yoo, *Secretary*
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CB2 Equity, Race & Justice Committee February 2022 Minutes

The Equity, Race & Justice Committee of Community Board 2, Manhattan met on Wednesday, February 16, 2022 @ 6:30pm via Video Conference.

ERJ Committee Present: Mar Fitzgerald (Chair), Patricia Laraia (Vice-Chair), Akeela Azcuy, Amy Brenna, Katy Bordonaro, Matt Metzger, Antony Wong

CB2 District Manager: Bob Gormley

Public Members Present: Michael Markowitz

Other CB2 Members Present: Jeannine Kiely (CB2 Board Chair), Susan Kent (First Vice-Chair), Eugene Yoo (Secretary), Ritu Chattree (Assistant Secretary), Dr. Shirley H. Smith, Brian Pape, Susan Gammie, Lois Rakoff, Carter Booth, Edward Ma, Donna Raftery

Representatives from Electeds: Nicole Barth, CM Erik Bottcher

Presenter: Kamau Ware, Founder & Historian, Black Gotham Experience

Attendees:

A. Rozier, Alex Laraia, Arnette Scott, Ashley London Taylor, Ayo Harrington, Charles Stimson, Chelsea-Lyn Rudder, Daaimah Mubashshir, Darlene Lutz, Dashiell Allen, Dennis Caindec, Dimple Vakharia, Drake Reed, Ébun Nazon-Power, Glenn Gittens, Jerry Bedford, Jonathan Stimmer, Josephine Ishmon, Justine Gonzalez, Kadiatou Coulibaly, Kimberly Jenkins, KK Tobin, Lauren Jones, Lauren Esposito, Lisa Keenan, Merble Reagon, Nicole Barth, Pamela Parker, Pete Davies, Raia Garvin, Renée Monroe, Stanley Davis, Tiffany Winbush, Zella Jones

Attendance: 55

AGENDA

1.* Land of the Blacks: Presentation by Kamau Ware, Founder & Historian Black Gotham Experience

By the 1640s, the “Land of the Blacks” encompassed over 130 acres of Manhattan in the neighborhoods now known as Chinatown, Little Italy, SoHo, NoHo, and Greenwich Village. Twenty-eight parcels were owned by free Black men and women and passed down through generations. This strong Black community petitioned for their rights, married, and baptized their children through the creation of New York City. Join us for a journey through this buried, forgotten and ignored history.

Public Session

Equity, Race & Justice Committee Chair opened the meeting by acknowledging that CB2 exists in the unceded lands of the Lenape and the vibrant communities once known as Land of the Blacks and Little Africa. Committee Vice-Chair, Patricia Laraia, delivered the meeting norms.

Kamau Ware, founder of Black Gotham Experience thanked CB2 for continuing to show up and being allies and by pushing stories forward that make our city greater. He referenced CB2's 2020 resolution of support and shared updates since his 2020 presentation. "It's worth commemorating and memorializing these lands going back to the 1600s and acknowledging places where black people were able to hold space as a community as former enslaved people, as farmers, as families and how that's in dialogue with so many important parts of the story of New York and the country.

He gave a presentation that included details about the Land of The Blacks and the people and families that lived there, artifacts and iconography of early Manhattan showing the different ways that land has transferred from the time period of the Dutch to the British to our republic. He showed renderings of flag designs to be used to make the Land of The Blacks. Mr. Ware also shared images of a flag that flies in Van Cortlandt Park depicting people enslaved to the Van Cortlandt family, as well as, flags used to mark locations for a gallery experience in the South Street Seaport.

Mr. Ware also shared images from last year's Land of The Blacks exhibit at the Oculus in Lower Manhattan and that there is currently a Land of The Black exhibit there now. He announced that his studio had just been granted \$300,000 from the [Andrew K. Mellon Foundation](#) to help continue this work.

He ended by taking questions from the committee and the public about the rich opportunity for us to begin to understand that the scenes, origins and the first major episodes of the transatlantic slave trade have a very real connection to Manhattan with these African Lands.

Business Session

The ERJ committee discussed ways to support the markers. It was decided that CB2 would uplift these projects by a resolution updating our position, and letters to the electeds in whose districts these sites are located including the Governor, Manhattan Borough President and the Mayor.

Link & Resources

<http://blackgotham.com>

Articles:

- *NYU should create a monument for 'The Land of the Blacks:* <https://nyunews.com/ops/2021/12/1/land-of-the-blacks-monument/>
- Tenement Museum: *The Land of the Blacks and Sebastiaen de Britto* <https://www.tenement.org/land-of-the-blacks/>
- Village Preservation Blog: *North America's First Freed Black Settlement Right in Our Neighborhood:* <https://www.villagepreservation.org/2018/02/16/north-americas-first-freed-black-settlement-right-in-our-neighborhood/>

Books:

- *Slavery in New York*, ed. Ira Berlin and Leslie M. Harris: <https://thenewpress.com/books/slavery-new-york>.

Resolution:

- *Resolution to Commemorate African Land* from CB2 October 2020 Equity Working Group: <https://cbmanhattan.cityofnewyork.us/cb2/resolutions/2020-resolutions-committee-minutes/>.

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Resolution to Mark Land of The Blacks

1. **Whereas**, In October 2020, Community Board 2 (CB2M) unanimously passed the *Resolution to Commemorate African Lands*, acknowledging the existence and historical significance of the Land of The Blacks community that encompassed the neighborhoods now known as Chinatown, Little Italy, SoHo, NoHo, and Greenwich Village, and to support the marking of those lands to broaden public memory of NYC's African past; and
2. **Whereas**, in February 2022, CB2M invited [Black Gotham Experience](#) (BGX) to present historical information regarding the 17th century African presence in its district; and
3. **Whereas**, BGX, an expert on the Black and African history of New Netherland, New Amsterdam and early New York City, identified numerous unmarked sites within CB2M that hold tremendous historical significance; and
4. **Whereas**, by the 1640s, the "Land of The Blacks" encompassed over 130 acres of CB2M's district in a strong and vibrant community made up of twenty-eight parcels owned by free Black men and women; and
5. **Whereas**, Anthony Portuguese owned much of the land now occupied by Washington Square Park and NYU, and Catelina Antony owned part of what is now Chinatown, including Hester Street and the intersection of the Bowery and Canal Street; Manuel Gerrit de Reus, owned eight acres bounded to the north near Cooper Square, Bond Street to the south, and between the blocks of Bowery and Lafayette (see attached map); and
6. **Whereas**, processes to fund *Commemorative Structures to Mark Land of the Blacks* sites in [Council District 1](#) and [Council District 3](#) have been submitted to [Participatory Budgeting](#) for FY 2023; and
7. **Whereas**, in August 2020, the Washington Square Park Conservancy (WSPC) began work to establish a partnership with Black Gotham Experience in developing signage/markers/public art to acknowledge Washington Square Park's place as part of NYC's Black history; and
8. **Whereas**, last year, proclamations were issued by Manhattan Borough President, Gale Brewer and Senator Brad Hoylman declaring July 13th, *Black Vision Day* in recognition of that day in 1643,

Jeannine Kiely, *Chair*
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TRAFFIC AND TRANSPORTATION COMMITTEE

March 2022

The Traffic and Transportation Committee of Community Board #2, Manhattan held its monthly meeting on Thursday, March 3, 2022, at 6:00 p.m. via Video Conference.

Board Members Present: Shirley Secunda (Chair), Ritu Chatree, Janet Liff, Ed Ma, Daniel Miller (Vice Chair), Lois Rakoff, Antony Wong, Adam Zeldin.

Board Members Absent with notification: Amy Brenna.

Board Members Absent:

Public Members Present: George Haikalis, Joseph Flahaven.

Public Members Absent with notification:

Public Members Absent:

Other Board Members Present: Carter Booth, Michael Levine, Valerie De La Rosa, Donna Raftery, Bob Gormley (CB2 DM).

Guests: Jennifer Leung, Kimberly Rancourt, Patrick Kennedy & Shawn Macias (DOT), Charlie Anderson (Assembly Member Deborah Glick), Amy Vera (Assembly Member Yuh Line Niou), Chelsea Yamada (Chinatown BID), Pete Davies, Georgette Fleischer, Lora Tenenbaum, Marna Lawrence, Andrew Lam, Darlene Lutz, Jeffrey Rowland, Renee Monroe, Christine Sperry, Aurora Tan, Choresh Wald, Natasha Avanesiar, Joshua Lan, Kevin Snyder, Andrea Pedersen, Zachary Kazzaz, Robert Stemper, Paul Krikler, Alana Tang, Matt Richman, Myles Lewis, Grace O'Meara, Mia Lake.

RESOLUTIONS:

1. Resolution in reponse to proposal by DOT to install a protected bike lane on Centre St./Cleveland Pl. and to upgrade the existing bike lane on Lafayette St., from Canal St. to Prince St.

Whereas the NYC Dept. of Transportation (DOT) presented a proposal for protected bicycle lanes on both Centre (continuing on Cleveland Pl.) and Lafayette Sts. going from Canal St. to Prince St. This would be a continuation of protected bike lanes already established btw. the Brooklyn Bridge and Worth St. and approved but not yet installed from Worth to Canal Sts., with plans to continue this network up to Union Sq. The need for a protected bike lane directly north from the Brooklyn Bridge has long been recognized, and with a new 2-way bike lane on the Brooklyn Bridge, bicycle traffic from the bridge into Manhattan has increased, which DOT is looking to safely accommodate along with current unprotected bicyclists along those Lafayette and Centre St. corridors; and

Whereas the DOT plan proposes:

Centre St. from Canal St. north to Broome St

- Installation of a parking-protected bike lane along the west curb. (6 ft. bike lane, 3 ft. buffer, 10 ft. floating parking), with one 11 ft. travel lane, and a 9 ft. parking lane along the east curb.
- Installation of pedestrian refuge islands at each intersection to reduce e-w, w-e crossing distances.

Cleveland Pl. from Broome St. north to Spring St.

- Installation of a 6 ft. bike lane along the west curb (alongside Petrosino Sq. from Kenmare to Spring) with a 3 ft. buffer, then a 10 ft. travel lane and a 10 foot turn/parking lane.
- Maintain open restaurants on the east curb.

Lafayette St. from Canal St. north to Spring St.

- Installation of a 6 ft. parking-protected bike lane along the east curb (alongside Petrosino Sq. from Kenmare to Spring), replacing the existing buffered bike lane, with a 3 ft. buffer, 8 ft. floating parking, with two 10 ft. travel lanes, and a 9 ft. parking lane along the west curb.
- Installation of pedestrian refuge islands at each intersection to reduce e-w, w-e crossing distances.

Lafayette St. from Spring St. to Prince St.

- Upgrade the existing buffered bike lane (currently one-way northbound) to a two-way protected lane on the west curb.
- The northbound protected bike lane from Cleveland Pl. to Spring St. would continue to the existing protected bike lane on Lafayette north to Prince St.
- A new southbound protected bike lane from Prince to Spring St. would connect to the Lafayette St. protected lane south of Spring St. allowing for east to west crosstown bicyclists on Prince to head south on Lafayette (while west to east bicyclists on Spring already can head south).
- Dimensions: Two 4 ft. (floating) parking protected bike lanes, a 3 ft. buffer, one 10 ft. travel lane, and an 18 ft. travel/parking lane.
- Installation of pedestrian refuge islands facilitated by removing 3 parking spaces that also allows for left turn treatments.

Whereas there's a great deal of variation from block to block among the streets addressed by the DOT proposal, such as in dimensions, uses, character, activities, modal split, movements, parking and people. No one size fits all, and a more extensive, in-depth look at these settings is

required to determine the needs and challenges of each of them beyond the very necessary protected bicycle lanes, to provide safety not only for bicyclists but for all others using these streets, including pedestrians and the physically challenged, office workers and laborers, residents, tourists, children at play and people doing everyday chores, as well as all types of motorists, to avoid piecemeal solutions that produce more dangerous outcomes than before and instead work to create a balanced environment that safely serves all users; and

Whereas community members all recognize the importance of having protected bike lanes and they support their installation, but also have identified conditions that must be considered and resolved before these lanes can be installed successfully on Centre, Lafayette and Cleveland, among them:

- Centre St. btw. Canal and Grand Sts. has several wholesale food purveyors: a meat market at 208 Centre btw. Hester and Grand, a seafood one at 206 Centre, and one for vegetables at 216 Centre, all doing extensive trucking, loading and unloading much of the day, starting at 5 am at least through mid-afternoon. There is also a UPS Store located at 217 Centre St., that picks up packages several times a day until 7 pm on weekdays and 5 pm Saturdays. With one lane, this heavy truck traffic, lacking spaces to park or double-park, will back up along with other plentiful truck traffic going through there, hindering the advance of all northbound vehicles, including traffic turning east on Kenmare St., already problematic. Trucks also will tend to circle the blocks looking for parking, causing additional air pollution.
- On Centre St. btw. Canal and Broome Sts. outdoor dining sheds operate curbside that it was conveyed might need to relocate to the floating parking area with the proposed single lane configuration. *Community Board 2 Manhattan (CB2) opposes roadway dining in a floating parking lane separated from the curb by a bike lane, because of, as stated in its Permanent Open Restaurants Resolution, Sept. 2021: "...the dangerous conditions posed by service lanes that cross bike lanes and other dangers resulting from crossings through such bike lanes. Allowing roadway cafes to exist across bike lanes severely impedes not only bicyclist safety, but also pedestrian and worker safety...."
- On Cleveland Pl. btw. Broome and Spring Sts. the street becomes exceptionally narrow. Btw. Kenmare and Spring there are several dining sheds at the eastern curb that jut out in the roadbed beyond their legal boundaries, further narrowing the street width and disrupting passage of oncoming traffic that includes not only cars but also the M1 bus and the NYU shuttle bus (both of which stop there at the Spring St. end and are forced to drop off and pick up passengers in the middle of the street) as well as trucks making deliveries (having to double park) and all manner of other vehicles including FHVs, limousines, e-bikes, mopeds and electric scooters (many often illegally taking up curb space for parking that never was allowed) that further congest the shed-constricted street. Dining sheds and unenforced illegal parking now take up the curb space previously used for loading and unloading activities. Current available roadbed widths btw. the edges of the dining sheds (on the east) and the west curb alongside Petrosino Sq., measured by the local community, are 21 ft. at 19 Cleveland Pl., 20 ft. at 21 Cleveland Pl. and 23 ft. at 23 Cleveland Pl., in contrast to the DOT measurement of 29 ft. which fails to reflect the reality of actual street conditions. Turning conflicts on Kenmare St. also need to be worked out to provide adequate space for maneuvering turns into Cleveland Pl.
- On Lafayette St. btw. Kenmare and Spring St. dining sheds line almost the entire western curb, often protruding into the roadbed outside their legal limits. If this outdoor dining

were moved to the proposed floating parking lane on the east side of the street, it would present the same hazardous conditions as outdoor dining in a floating parking lane on Centre St., an action CB2 opposes in its Permanent Open Restaurants Resolution, Sept. 2021, as cited above.* An Open Street is designated to operate on Lafayette every day from noon to 11 pm, however, hours are sporadic and not posted, nor are barriers consistently put out. The sponsor, Restaurant Osteria Morini, fails to manage the space, and it is dominated by skateboarders, eliminating any possibility of use by pedestrians, who feel at risk; and

Whereas the community has observed that given existing conditions, there is insufficient space to accommodate both parking-protected bicycle lanes and streetbed dining sheds without seriously endangering users of these streets, constricting movement and creating conflicts that would overwhelm and damage the street environment. The majority favor removing the dining sheds now rather than at some later date when a permanent outdoor dining program with a different format is planned, so that space for protected bike lanes can be claimed now; and

Whereas the dining sheds at the eastern curb of Cleveland Pl. btw Kenmare and Spring are located in a No Standing zone where Temporary Open Restaurant rules (along with the proposed Permanent Open Restaurant rules) disallow them, but enforcement has been lax like it has been for other infractions such as taking up unallowed street space, also on Lafayette and Centre Sts. The Temporary Outdoor Dining Siting Requirements provide for revoking or suspending authorization if an establishment is not compliant. With these outdoor dining structures expected to be phased out, and since full indoor dining is now restored, the original need for these temporary areas is disappearing. They were required to be easily moved, and if not, those responsible for their construction should be obliged to remove them as quickly as possible; and

Whereas the Worth St. to Canal St. segment of this project was approved in Sept. 2021 (six months ago), with installation not expected until Spring or Summer 2022, giving leeway to allow for devoting more of the very much needed time to study the proposed Canal to Prince St. segment in a comprehensive manner that takes into account the varied and at times conflicting activities on the different areas of Cleveland Pl., Centre and Lafayette Sts., such as trucking, loading, unloading, roadbed dining, parking, buses, and all types of vehicular traffic including emergency and crosstown, and how they can co-exist (or not) with protected bike lanes while also sufficiently accommodating pedestrians;

Therefore be it resolved that CB2 supports the installation of a protected bicycle lane on Centre St./Cleveland Pl. and upgrading the existing bike lane on Lafayette St. to a protected lane, from Canal St. to Prince St., including the proposed two-way protected lane on Lafayette St. btw. Spring and Prince and the pedestrian refuge islands at each intersection to reduce e-w, w-e crossing distances if used in conjunction with floating parking, but not before further in-depth study is conducted that thoroughly examines the varying conditions and activities on these streets from block to block and analyzes in detail the most effective way to protect the bike lane in relation to these conditions and activities, including changes in design and uses; and

Be it further resolved that CB2 cautions that the study area needs to be observed holistically to serve all uses and needs rather than hastily installing a bike lane before considering how it can work in concert with these other activities to create a well-functioning environment for all; and

Be it further resolved that CB2 is aware that DOT has indicated that it will "have to deal with a lot of outdoor structures" and urges DOT to consider removing at least some of these dining structures right now to provide the space needed for the desired protected bike lane in conjunction with serving the other needs and uses on the affected streets; and

Be it further resolved that CB2 recommends that DOT explore other approaches to bike lane protection should shed removal be delayed, such as strong vertical elements like tall metal bollards or a narrow raised curb or (if there's room) a concrete barrier (perhaps with a painted design as has been done before by DOT's public art program) or planters, to allow the room needed for the many other movements on the street. CB2 also advocates sturdy bollards to separate the proposed curbside bike lane on Cleveland Pl. from vehicular traffic and on narrower parts of Centre St.; and

Be it further resolved that should the proposed pedestrian refuge islands be built rather than painted, CB2 would welcome plots with soil in them created by DOT for community gardeners to plant and maintain, similar to those on 6th Ave. above W. 8th St.; and

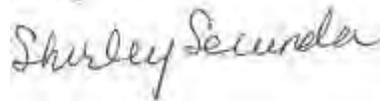
Be it further resolved that CB2 advises that DOT consult with the many businesses in the study area to determine their needs and get input on their ideas; and

Be it further resolved that CB2 asks that DOT consider paving the Lafayette St. Open Street area (aside from the bike lane) with epoxy gravel or a comparable surface (similar to the shared street surface in the Flatiron District) to supply friction that deters skateboarding; and

Be it finally resolved that CB2 requests that DOT prepare detailed recommendations based on their in-depth findings for overall improvements in concert with the protected bike lane on Cleveland Pl., Lafayette and Centre Sts., including consideration of different block-to-block conditions, and present them at the May meeting of CB2's Traffic and Transportation Committee or as quickly as possible.

Vote: In Favor: 8 Full Board Members, 2 Public Members.
Opposed: 2 Full Board Members.

Respectfully submitted,



Shirley Secunda, Chair
Traffic and Transportation Committee
Community Board #2, Manhattan

Jeannine Kiely, *Chair*
Susan Kent, *First Vice Chair*
Valerie De La Rosa, *Second Vice Chair*
Bob Gormley, *District Manager*



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ARTS & INSTITUTIONS COMMITTEE

The Arts & Institutions Committee of Community Board #2, Manhattan held a meeting on Monday, February 28 at 6:30 P.M. via Zoom.

Arts & Institutions Committee:

Board Members Present: Robin Rothstein, Chair; Coral Dawson; Chris Dignes; Ivy Kwan-Arce; Daniel Miller; Rocio Sanz; Georgia Silvera Seamans

Board Members Absent with Notification: Susan Gammie

Public Members Present: Stacey Goergen; Kristin Marting; Jonathan Slaff

Other Board Members Present: Jeannine Kiely (CB2 Chair); Carter Booth; Patricia Laraia

Electeds Representatives: Charlie Anderson (Assemblymember Deborah Glick); Andrew Chang (Borough President Mark Levine); Marissa Mavrigh (Congresswoman Carolyn Maloney)

RESOLUTIONS

1. RESOLUTION REGARDING NEW YORK UNIVERSITY (NYU) COMMITTING SPACE AT 181 MERCER OR OTHER SUBSTANTIVE RESOURCES IN SUPPORT OF THE RELOCATION OF THE MORTON WILLIAMS SUPERMARKET

WHEREAS 181 Mercer, NYU's new multi-use building located on the block between Bleecker Street and Houston Street, began construction in 2016 and is scheduled to be completed in the late fall of 2022, and

WHEREAS 181 Mercer is a 23-story, large-scale development comprised of 750,000-square-feet and a cornerstone of NYU's "Core Plan" (formerly known as "NYU 2031 Plan"), and

WHEREAS NYU's Core Plan went through the Universal Land Use Review Procedure (ULURP) in 2012, where the City Planning Commission (CPC) and the City Council approved construction of 181 Mercer, and

WHEREAS the original Core Plan allowed for the development of four buildings, but NYU has scaled back its plans, with no additional construction currently contemplated as part of this plan beyond 181 Mercer, and

WHEREAS the 181 Mercer building will house new classrooms, dining areas, rehearsal spaces, offices, student and faculty housing, a 556-person theater, an athletic facility with a swimming pool, track and four

basketball courts, approximately 60 general-purpose classrooms, 7,500-square-foot ground floor community room, and 25,000 square feet of green roofs, and

WHEREAS a joint letter was sent on February 28, 2022 by local elected officials to Department of Buildings (DOB) Commissioner Melanie LaRocca stating that DOB approved significant changes to the zoning initially approved by the [CPC in 2012 \(NYU Core special permit application dated June 6, 2012 \(ULURP No. C120124ZSM\) that required the 29,000 square foot ground floor to be zoned for commercial uses](#), but DOB approved a design plan in 2018 that showed the entirety of 181 Mercer would be community facility uses, which is in violation of the 2012 CPC approval, and

WHEREAS NYU originally planned to construct a building on the Morton Williams site, at Bleecker Street and LaGuardia Place, and promised to provide space for a public school in the base of the building as part of the Restrictive Declaration, and

WHEREAS NYU no longer has plans to build on the Morton Williams site as part of its Core Plan, and

WHEREAS the New York City School Construction Authority (SCA) had an option to build a public school at the Morton Williams site as part of NYU's Restrictive Declaration (School Option), and

WHEREAS the deadline for the SCA to confirm its intentions to build a public school was extended by NYU twice from its original December 31, 2014 to a final deadline of December 31, 2021, and

WHEREAS the School Construction Authority (SCA) agreed in December 2021 to build a stand-alone public school on the Morton Williams site, and

WHEREAS NYU provided a further extension to SCA until December 31, 2023 to decide whether to proceed with the design process of a public school and commence actual construction by December 31, 2025 and SCA accepted the offer of the extension, and

WHEREAS NYU acknowledges that the Morton Williams market has been an upstanding tenant, and

WHEREAS NYU has been in conversations with Morton Williams, during which NYU stated that 181 Mercer could be an option if SCA planned to use the Morton Williams site for a public school, and

WHEREAS NYU states that SCA did not indicate their intention to build a public school on the Morton Williams site before the design of 181 Mercer was completed, and which now does not include a supermarket in the design plans, and

WHEREAS in January 2012, the CB2 Social Services and Education committee sent questions to NYU regarding their expansion plans and in response the question: "How will seniors in 505 LaGuardia as well as SoHo and the Central Village for whom Morton Williams is the closest supermarket get food independently?" NYU responded: "Local residents will be served by the relocated grocery store in the Zipper building." which was later renamed 181 Mercer, and

WHEREAS NYU presumed there was no reason that the Morton Williams could not continue at its current location, and

WHEREAS NYU states that they have pressing academic needs for 181 Mercer, a building that was already reduced in size due to ULURP, and, therefore, did not want include an unoccupied commercial space in the 181 Mercer development plan, and

WHEREAS NYU renewed the Morton Williams lease for 20 years, in 2021, at its current location, even though NYU knew that the SCA had until December 31, 2021 to exercise its School Option, and

WHEREAS NYU states that 181 Mercer is now fully earmarked for academic and athletic facilities, residences, and performing arts facilities and so there is no more capacity or infrastructure remaining to provide space for the Morton Williams in the building, and

WHEREAS Morton Sloan, third generation owner and CEO of Morton Williams, and his son-in-law and co-owner Avi Kaner, attended the Arts & Institutions committee meeting to advocate for the relocation of the supermarket to another Greenwich Village location, and

WHEREAS Morton Williams is a family business that owns 16 supermarkets in New York City of which 14 are in Manhattan, and

WHEREAS the location in Greenwich Village has been in existence for over 21 years and is currently the only full-service supermarket in this area of Greenwich Village, and

WHEREAS the supermarket remained open 24/7 during the pandemic, even while the NYU campus was shut down, and

WHEREAS in May 2021 the Morton Williams owners signed a new 20-year lease with NYU and the owners committed to a multi-million dollar renovation as a part of that lease renewal, and

WHEREAS up to 3,000 people, including students, faculty, senior citizens, among other demographics, shop at the Morton Williams at 130 Bleecker daily, and

WHEREAS the Morton Williams team says the relocation space needs to be confirmed so they can have eight months to a year to build a new supermarket while the current supermarket is still in operation, and then demolish the current supermarket once the new supermarket is ready so there is no gap, and

WHEREAS NYU and Morton Williams agreed to form a committee to find a viable solution for the relocation, and

WHEREAS Community Board 2 calls for local elected officials, CB2 members and members of the community to have representation on this committee, and

WHEREAS local electeds and other stakeholders have written op-eds¹ in support of the relocation of the Morton Williams supermarket near its current site, and

¹ DAILY NEWS, *The truth about NYU, a public school and a neighborhood supermarket*, by Jerrold Nadler, Brad Hoylman, Brian Kavanaugh, Deborah Glick and Christopher Marte <https://www.nydailynews.com/opinion/ny-oped-nyu-neighborhood-supermarket-20220112-6qsrecgzevfokjvkjq2gyfmm-story.html>

WHEREAS Borough President Scott Stringer assembled a task force in 2010 where the Morton Williams supermarket was deemed “an essential community service and needs to be maintained in continuous operation and replaced prior to the existing building being demolished.”²

WHEREAS the Fall 2010 Issue #15 edition of NYU Alumni Magazine in describing the 2031 Plan stated, “The plans see a large new playground where the Morton Williams grocery store stands today (a new supermarket would open nearby...Another move would be to raze the Jerome S. Coles Sports and Recreation Center. In its place would rise a large structure made of interlocking rectangles—hence its nickname, the “Zipper Building.” It would house classrooms on the lower floors, students above, and a new athletic facility below ground. An active, retail-oriented ground floor, including a supermarket, would enliven Bleecker, Mercer, and Houston streets,”³ and

WHEREAS despite NYU no longer constructing a building at 130 Bleecker, the construction of the school that the School Construction Authority (SCA) has agreed to build on the site does not, and should not, preclude the relocation of the Morton Williams supermarket, and

WHEREAS local unions that represent fifty essential workers employed at Morton Williams sent a letter to NYU reminding the university of its commitment that “the Morton Williams supermarket currently operating on Bleecker Street would be relocated along Mercer Street in the New York City Council-approved design plans,” and calls upon NYU to live up to its commitment and work with Morton Williams and the community to relocate this “critical neighborhood business.”

THEREFORE BE IT RESOLVED that Community Board #2, Manhattan urges NYU to allocate space at 181 Mercer to the Morton Williams supermarket as part of its original commitment to the CPC and the community, and

THEREFORE BE IT FURTHER RESOLVED that if space cannot be allocated at 181 Mercer, CB2 strongly supports coordinated efforts that include local elected officials, NYU, CB2 and other community stakeholders to relocate this neighborhood necessity to a nearby location and calls upon our local elected officials to hold NYU accountable to allocate substantive resources in support of this relocation.

VOTE: Unanimous in favor.

² Community Task Force on NYU Development Findings and Recommendations, March 2010. Section III, Par. B, Item 3: https://www1.nyc.gov/html/mancb2/downloads/pdf/task_force_recommendations.1.pdf

³ NYU Announces An Ambitious Plan To Add As Much As Six Million Feet Across New York City – By Its Bicentennial in 2013: https://alumnimagazine.nyu.edu/issue15/15_feature_2031.html

2. RESOLUTION REGARDING THE ENFORCEMENT OF NYU'S COMMUNITY COMMITMENTS SURROUNDING THE PRIVATELY OWNED PUBLIC SPACES (POPS) WITHIN AND ADJACENT TO 181 MERCER AND RELATED QUALITY OF LIFE AND COMMUNITY ACCESS CONCERNS

WHEREAS NYU entered into a Restrictive Declaration in 2012 where the institution committed to the following:

1. The Zipper Building shall contain a public atrium on the ground floor level, accessible to pedestrians from the Greene Street Walkway, and space for a third party conforming community facility use, including but not limited to a community center providing services to the elderly, having an aggregate total floor area of not less than 7,500 square feet. (p.80)
2. The atrium shall be open to the public from 8:00 a.m. until 10:00 p.m., Friday and Saturday and from 8:00 a.m. until 8:00 p.m. all other days (p/80)
3. The Public Access Areas shall remain open and accessible to the public pursuant to the Public Access Easement, from 6:00 AM to 12:00 AM (except for Greene Street Walk, which shall be open at all times, and playgrounds, which shall be open from dawn to dusk) (pp.88-89)
4. Operating Rules for Public Access Areas (Exhibit H)
5. Maintenance and Repair of Public Access Areas (Exhibit I)

WHEREAS the Greene Street Walk is a privately-owned public space, which was part of the original ULURP to expand NYU's footprint, and

WHEREAS NYU has posted Greene Street Walk hours of dawn to dusk to comply with POPS rules, and

WHEREAS NYU has compared the Greene Street Walk to Washington Square Park, which has hours of 6am to midnight, and which are more realistic hours for Greene Street than dawn to dusk, as this is a key walkway, and

WHEREAS NYU does not yet have plans for enforcing the hours for the Greene Street Walk, which will undermine quality of life and safety issues, and

WHEREAS there are concerns about how NYU will protect the Bust of Sylvette and maintain other quality of life aspects in the space surrounding the statue once the Greene Street Walk is open to wider pedestrian usage, and

WHEREAS residents of the CB2 catchment area will be able to apply for key fobs to access the Greene Street Playgarden space; however, NYU should also post information at the park entrance for how to access a key fob, and

WHEREAS NYU asserts that it will allow the community membership access to the new gymnasium and pool and follow the same commitments it made to the community in relation to Coles Gym, and

WHEREAS NYU has not yet specified how it will advertise the gym membership to the CB2 catchment area, and

WHEREAS there is no specific information yet available as to how NYU plans to advertise and book the community facility space, what community groups fall within the scope, hours of operation, etc., and

WHEREAS if the 130 Bleecker site is developed as a public school neither SCA nor NYU is bound by the Restrictive Declaration to relocate the LaGuardia Corner Gardens, a community treasure, but NYU states that it will ask SCA to make reasonable best efforts to relocate the gardens, and

THEREFORE BE IT RESOLVED that Community Board #2, Manhattan calls on our local elected officials to hold NYU accountable for working with the community board and other community stakeholders to address these and other concerns surrounding the advertising of membership to the NYU gym and clarifying hours of operation, access, signage, marketing plans and safety measures in relation to all of the open spaces that the institution has designated for community use as part of its commitments in the 2012 Restrictive Declaration, and

THEREFORE BE IT FURTHER RESOLVED that Community Board #2, Manhattan urges NYU to stand by its statement that it will make best efforts to work with the community and SCA to make sure that the LaGuardia Corner Gardens are preserved.

VOTE: Unanimous in favor.

Respectfully submitted,

Robin Rothstein
Chair, Arts & Institutions Committee
Community Board #2, Manhattan

Jeannine Kiely, *Chair*
Susan Kent, *First Vice Chair*
Valerie De La Rosa, *Second Vice Chair*
Bob Gormley, *District Manager*



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

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SCHOOLS & EDUCATION COMMITTEE MEETING

March 2022

The Schools & Education Committee held a meeting on Monday, March 14th at 6:30PM via Video Conference.

CB 2 Schools & Education Members Present: Patricia Laraia (Chair), Mar Fitzgerald (Vice Chair), Keen Berger, Amy Brenna, Rich Caccappolo, and Georgia Silvera Seamans

CB 2 Schools & Education Members Absent with Notice: Akeela Azcuy and Matt Metzger

CB 2 Schools & Education Public Board Members Present: Michael Markowitz and Shino Tanikawa

CB 2 Schools & Education Public Board Members Absent with Notice: Barbara Glassman

Other CB 2 Members Present: Carter Booth, Bob Gormley (District Manager), and Jeannine Kiely (CB 2 Chair)

Representative from Electeds: Charlie Anderson of AM Deborah Glick, Nicole Barth of CM Erik Bottcher, Marissa Mavrigh of Congresswoman Carolyn B. Maloney

Guests: Carmen Figueroa, Meryem Bencheikh, Constance Asiedu, Olivia Glen-Rayner, Morton Sloan, Johannes Familton, Lupe Hernandez, Rose Christ, Darlene Lutz, Sarah Medina Camiscoli, Eliza Fuller Fuller, Matt Viggiano, Tazin Azad, Lauren Clavin, Richard Blodgett, Erica Rand Silverman, Marissa Mavrigh, Rachel Posner, Avi Kaner, Atina Bazin, Naoko Canosa, Piibe Jogi, Lynn Pacifico, Nadia Vicheva, Jeffery Rowland, Corey Allen, Tanise Walkine, Barbara Cahn

Agenda:

- [*The Peer Defense Project](#) lawsuit to fight segregation in our Public Schools.
Panel: Integrate NYC Peer Defense Project (Founding Co-Executive Director **Sarah Medina Camiscoli**)

- *Bleecker Street School Update
Joshua Adams: External Affairs Manager, [School Construction Authority](#)
- Discussion of Food Service Bonuses for school food service workers who worked throughout the pandemic providing meals to students and the community at large.

The meeting was called to order at 6:35PM

Patricia Laraia mentioned that there was an order switch in agenda items. The meeting started with the Bleecker School Update. Patricia shared a comment by Arlene Peralta-Avila, Senior Director of NYU Community Engagement, who was unable to make it. *“We welcome the addition of a school in the neighborhood, as we would imagine would many members of the NYU community. We look forward to working with the SCA to better understand their next steps.”*

Bleecker Street School: Joshua Adams, External Affairs Manager of the School Construction Authority, (SCA) gave an update to the committee that the SCA will exercise its option to build a school at 130 Bleecker Street since the option was expiring on December 31, 2021. The SCA then received a letter from NYU in late December offering an extension to December 31, 2023 and to provide notice of construction no later than December 31, 2025.

The SCA later met Community Board 2 in mid-January to inform them of their letter written to NYU to accept their option to move forward with intent on that construction and to commence construction no later than December 31, 2025. As for now the SCA will not be making any decisions on the school for quite some time not before the deadline of 12/21/23. No bidding has occurred, no specific school has been sited to fill this space as for now the SCA repeatedly said in the meeting that they have time before the deadline of 12/31/23 to exercise its option.

Patricia went on to give background about what the committee has done in regards to the Bleecker Street School. There have been seven resolutions written advocating for a school to be built at that site to serve the educational needs of our Community, with particular focus on the possibility of developing a school to serve students with dyslexia and other learning based disabilities.

Peer Defense Lawsuit: Community Board 2 and [Education Council Consortium](#) (ECC) hosted [the Peer Defense Project](#) (a project of [Integrate NYC](#)) to share their work on empowering youth who are dismantling systemic racism.

Sarah Medina Camiscoli updated us on the lawsuit to demand relief for 1.2 million students and families facing school segregation and racism in New York City and to invite the Community to learn and participate in the litigation and advocacy efforts. The mission of the Peer Defense project is a special project of Integrate NYC that builds incubators and shares legal tools to support youth leaders to build autonomy in school courts and government in the most segregated schools in the nation.

- NY students filed suit asserting a constitutional right to an anti-racist education, citing challenges of systemic racial inequities perpetuated by admissions screens, harrowing resource inequality, & Eurocentric curriculum as barriers;
- 85% of which are students of color to be able to fully engage in society and to fully ground themselves in their power in a movement in which young people are facing a global pandemic.
- The actual filing is also about educating the public and inviting people to understand the case and weigh in and help make sure that they are being responsive to the needs of the students.
- Sarah Medina Camiscoli invited all to a Peer Defense Project virtual event on understanding the case on **Tuesday, March 29 at 12:30pm**, and to register [here](#).
- In addition, she invited everyone present to amplify their voices and support their movement. Encourage people to follow social media and stay up to date on their actions.
 - @peerdefense
 - <https://www.instagram.com/peerdefense/>
 - linktr.ee/peerdefense

School Food Bonuses: There was broad discussion about School Food workers who served thousands of meals during the pandemic and hardly had any time off or received hazard pay. Committee members offered that conditions on the ground shifted daily due to the constant opening and closing of schools and classrooms. Workers schedules were precarious and they were often sent to sites far from their usual locations. At the height of the pandemic, roughly 45% of meals were served to students in person and 35% to remote learners. The remaining 20% of meals were served to the general public¹. Other members of the committee said that they fed families, fed adults and were deemed essential workers. And on one day in August of 2020, PS130 downtown served over 14,000 meals. It was decided that the committee would invite school food service workers to next month's meeting to learn more about the issue.

Business session: Schools & Education Committee met and discussed writing resolutions for the first two agenda items. Resolutions to follow.

Meeting was adjourned at 8:40

¹<https://www.food-management.com/k-12-schools/how-new-york-city-public-schools-have-kept-students-and-city-residents-fed-during>

Resolution in Support of Ensuring the Bleecker School is Built:

An Option Worth \$65 Million to NYC Taxpayers

Whereas:

1. The Department of Education (DOE) has an option — valued at approximately \$65 million — to build the Bleecker School — a 100,000 sq. ft., K-8 DOE public school on New York University-owned land — the DOE must either fund the cost of the construction of a school before the option expires on December 31, 2023.²
 - a. The Bleecker School was a key component of NYU’s community giveback as part of its 2012 rezoning³;
 - b. **If the Bleecker School option expires on December 31, 2023, the Bleecker School site and development rights revert to NYU.** Based on the average price per buildable square foot in Manhattan, and the lack of vacant land in Greenwich Village, NYU will collect a windfall of over \$65 million in taxpayer funded value transfers, which will not be utilized to increase much needed Public School seats in CB 2.
 - c. From 2014 to 2021, CB 2 has passed **seven resolutions** in support of funding and building the Bleecker School, including our September 2019 resolution: *Dyslexia Education: A Critical Equity Issue for NYC Students – in support of 1) implementation of early screening, curriculum development, teacher training, programs and schools to support and teach children with dyslexia in NYC public schools and 2) the creation of a DOE public school program for dyslexic students at the Bleecker School Site* and our July 2020 resolution: *Resolution In Support of New York University and Trinity Real Estate Commitments to NYC for the Bleecker School and Hudson Square School and Public Recreation Space.*
2. December 2019, downtown elected officials sent a letter to the DOE in support of exploring the “possibility of creating a DOE public school program for dyslexic students” at the Bleecker School site⁴;
3. In November 2019 and February 2020⁵, the DOE Capital Plan included language that the DOE “intends to exercise” its option;

²For additional details, view <http://bit.ly/BleeckerFAQ>.

³NYU 2012 Restrictive Declaration: <https://www.nyu.edu/content/CommunityAffairs/documents/core-plan-commitments/2012-7-24-NYU-Core-Restrictive-Declaration-Final.pdf>

⁴Letter and Restrictive Document available on CB 2 website at: <https://www1.nyc.gov/html/mancb2/html/newpublicschools/trinityschool.shtml>.

⁵SCA and DOE, FY 2020 - 2024 Five-Year Capital Plan, Proposed Amendment, February 2021. For Bleecker School, see page 16: <https://FY 2020-2024 Five-Year Capital Plan, Proposed Amendment.pdf>

4. In February 2021⁶, the DOE Capital Plan included revised language that “the DOE has been working with NYU to extend the period to exercise the option to develop a school at Bleecker Street and LaGuardia Place;”
5. On October 7, 2021, elected officials once again urged the School Construction Authority (SCA) and DOE to intervene to meet the extended deadline that NYU has offered and would like to meet and discuss how they can commit to building a school at 130 Bleecker Street.
6. On December 27, 2021, Letter from NYU to SCA offering an extension to December 31, 2023 for the SCA to provide notice of intent and until December 31, 2025 to commence actual construction was sent to elected officials⁷.
7. On January 24, 2022 Letter from SCA to NYU accepting NYU’s offer on an extension of the deadline to December 31, 2023 to provide notice of intent and until December 31, 2025 to commence construction⁸.
8. In February 2022, SCA extended the option on the period of time to exercise the opportunity to develop a school at Bleecker Street and LaGuardia Place, secured as part of the large-scale rezoning of the NYU Core. The City will work with community representatives to identify capital funding and anticipates this building would be built in the next Five-Year Capital Plan; it is possible that design will begin in this capital plan if funding were to be identified⁹.
9. In February 2022, elected officials urged the Department of Building (DOB) to file a stop work order regarding the construction at 181 Mercer Street by New York University (“NYU”). Known as the Zipper Building, this site is part of the NYU Core special permit application dated June 6, 2012 (ULURP No. C120124ZSM), which facilitated an expansion of the NYU campus within two superblocks in the Washington Square area¹⁰.

Therefore Be It Resolved that Community Board 2 urges the School Construction Authority and Department of Education to:

1. Confirm its intention to construct a school on Bleecker Street before it loses the option and the site return entirely to NYU’s control;

⁶SCA and DOE, FY 2020 - 2024 Five-Year Capital Plan, Proposed Amendment, February 2021. For Bleecker School, see page 16: <https://FY 2020-2024 Five-Year Capital Plan, Proposed Amendment.pdf>

⁷Letter from NYU to SCA Offering Extension: 12/27/21 Letter from NYU to SCA

⁸Letter from SCA to NYU Accepting Extension: 1/24/22 Letter from SCA to NYU

⁹SCA and DOE, FY 2020-2024 Five-Year Capital Plan, Proposed Amendment, February 2021. For Bleecker School see page 19: <https://FY 2020-2024 Five-Year Capital Plan, Proposed Amendment.pdf>

¹⁰<https://Joint Letter to DOB from Electeds on use of 181 Mercer Street.pdf>

2. Continue to meet the extended deadline NYU has offered, and meet with CB 2 to discuss ways Community Board 2 can support the DOE's commitment to siting the school at 130 Bleecker Street;
3. Continue to support that when the Bleecker School is funded and built, it serves the educational needs of our community, with particular focus on the possibility of developing a school to serve students with dyslexia and other language-based learning disabilities.

Vote: Unanimous

Resolution in support of the Peer Defense Project

1. **Whereas** nearly seventy years after Brown vs. Board of Education, New York State is one of the most segregated school systems in the nation;
2. **Whereas** despite Culturally Responsive Sustaining Education (CRSE) frameworks by New York State Department of Education (NYSED) and adoption of the School Diversity Advisory Group recommendations by the New York City Department of Education (DOE), policies and practices that perpetuate racism at all levels (internalized, interpersonal, institutional and structural) remain in place in NYC schools;
3. **Whereas** such policies and practices include but are not limited to:
 - a. Gifted & Talented programs that categorize students based on a narrow definition of "gifts and talents" and segregates students;
 - b. Middle school and high school admissions process that act as gatekeepers, denying Black and Hispanic students, students with disabilities, students in temporary housing or foster homes, and English Language Learners equitable access to high quality schools;
 - c. Curriculum that is Euro-centric, normalizing white experiences and marginalizing the experiences of Black, Indigenous and People of Color (BIPOC);
 - d. Teaching force that is majority white and female, depriving BIPOC students of mentors and role models who can better relate to their experiences; and
 - e. Student discipline practices that criminalize Black students, perpetuating the school to prison pipeline.
 - f. Whereas BIPOC students continue to experience racial animosity racial insensitivity, which often go unaddressed by the school;
4. **Whereas** the DOE has not provided sufficient professional development to equip adults in the school buildings with tools to address racial incidents appropriately, thereby leaving BIPOC students, who are harmed, to suffer without support;

5. **Whereas** a group of high school students in NYC public high schools and [IntegrateNYC](#), a youth-led organization, filed a complaint against the DOE, NYSED, the Mayor, the Chancellor, the Governor and the Commissioner on March 9th, 2021¹¹;
6. **Whereas** the complaint claims that because of discriminatory and racist policies and practices within the DOE and its schools, plaintiff students were denied a sound basic education, which is a constitutional right for all students in NYS;
7. **Whereas** the complaint seeks injunctive relief through:
Elimination of the G&T and middle and high school admissions screens currently in use, and prohibition of future such screens to the extent that they operate in a racially discriminatory manner;
8. **Whereas** adoption of evidence-based programs to improve recruitment and retention of school leaders, administrators, teachers, social workers, and guidance counselors of color;
9. **Whereas** monitoring and enforcement of schools' compliance with the New York State Culturally Responsive-Sustaining Education Framework;
10. **Whereas** establishment of a system of accountability whereby Defendants:
 - a. Monitor conditions that deny students a sound basic education, such as segregated schools and programs; disproportionately low numbers of school leaders, administrators, teachers, social workers, and guidance counselors of color; and failure to provide sufficient mental health supports to students, including failure to implement trauma-informed practices; and
 - b. Intervene in a timely manner to address identified conditions that deny students a sound basic education.
11. **Whereas** many BIPOC students in public schools in Manhattan Community District 2 experience the same racial animosity and insensitivities within their schools;
12. **Whereas** while many schools are actively engaged in creating an inclusive and anti-racist school culture, there remains a clear need for more professional development and supports as well as for prioritizing this work in all schools;

11

https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=jHAVRjM/0VBF2bxhnEz7aA==&link_id=7&can_id=5b2d0a9f37e91a08eccf05f58a403ad1&source=email-support-youth-movements-to-dismantle-systemic-racism&email_referrer=email_1480276&email_subject=support-youth-movements-to-dismantle-systemic-racism

Therefore be it resolved that Manhattan Community Board 2 supports the legal complaint filed by IntegrateNYC and student plaintiffs; and

Be it further resolved that Manhattan Community Board 2 supports the actions called for under the injunctive relief sought by the plaintiffs.

Vote: Unanimous

Respectfully Submitted,

Patricia Laraia
Chair, Schools & Education Committee
Community Board 2, Manhattan

DRAFT

Jeannine Kiely, *Chair*
Susan Kent, *First Vice Chair*
Valerie De La Rosa, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
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The Community Board 2, Manhattan Landmarks and Public Aesthetics Committee held its March meeting on March 16, 2022, by video conferencing.

Committee Members Present: Chenault Spence (Chair), Valerie De La Rosa, Brian Pape, Anita Brandt,

Board Members Absent with Notice: Susan Gammie, Mostafa Osman, Eugene Yoo

Board Members Absent without Notice: Bo Riccobono

Public Members Present: Albert Bennett, Andy Clark

Public Members Absent with notice:

Board members: Carter Booth, Donna Raftery

~~1. *Gansevoort St., Little West 12th St., and W. 13th St. Application to secure enhanced planter barricades to improve open street operation. (withdrawn)~~

2. *107 Spring St. - Application is to legalize the existing sign and to establish a Master Plan for painted wall signs

Whereas:

A. The application is to legalize the existing wall sign and to establish a master plan for the building for a sign of the same size; and

B. Historic photographs showed modest signs advertising the businesses in the premises, however all were above the ground floor and in a size typical to the size of the era and the building and none were painted on the building itself; and

C. The applicant represented that the existing sign conforms to regulations for signs on a wall of this size for the district; and

D. The regulation upon which the application depends, while it may be appropriate for a sign on a secondary façade height above the street level, becomes overwhelming in this instance and reduces the building to a backdrop for the sign; and

E. The applicant suggested that the sign would deter spray painting of the façade and there is no evidence that this would be the case; and

F. The existing non-matching lighting fixtures above the sign detract from the building and the appearance would be enhanced by their removal; now

Therefore, be it resolved that CB2 Manhattan recommends:

A. Denial of the sign as far too large for the building with its position at street level; and

B. That a smaller sign or multiple small signs be permitted in the designated space; and

C. That the lighting fixtures be eliminated or replaced with matching fixtures appropriate to the building.

Unanimous

3. *459 W. Broadway - Application is to legalize the existing sign and to establish a Master Plan for painted wall signs.

A. The sign is located on a secondary facade and was represented by the applicant as conforming to regulations for signs on this building and the district; and

B. The sign, in the context of the amount of wall visible is too dominant for the space; and

C. The tag for the sign company is far too large and draws undue attention to itself; now

Therefore, be it resolved that CB2 Manhattan recommends:

Approval of the sign provided that its size is reduced by a modest amount and that the tag be as small as possible to remain legible from the street.

Unanimous

Unanimous

~~4. *445 6th Ave. — Application is to construct a 1-story rear addition on top of an existing 1-story rear addition and rebuild the rear façade. (Reviewed at LPC Staff Level).~~

5. *65 Spring St. – Application is to construct a 1-story rear yard addition.

Whereas:

A. The design of the addition, its positioning, and the reconfiguring of the fire escape raise multiple questions about its conforming to building and to fire codes and none of these questions were satisfactorily addressed by the applicant; and

- B. The drawings are vague and lack dimensions - the yellow tape markings on an adjacent building and lack of a rendering give scant indication of the visual impact from a public thoroughfare.
- C. The applicant was unable to provide detailed information about the drawings, the connection to the existing building and especially the visual impact and the egress path for the rooftop; and
- D. The one-story addition completely fills the rear garden and an easement behind an adjacent gate is egress to Lafayette Street; and
- E. The drawing shows that the gate to Lafayette Street cannot open fully for egress; and
- F. The stairs in the back garden are relocated inside the addition and a tunnel excavation to the cellar, not shown in the drawings, was represented by the applicant as not impacting adjacent properties with no illustration that this is the case; and
- G. The roof of the addition has assorted safety railings, fences and privacy divisions for the two private terraces that present a clearly visible jumbled view to Layette Street; and
- H. The drop ladder to the garden is replaced by a fixed ladder to the rooftop of the addition and a new drop ladder, some distance across the rooftop from the fixed ladder, extends to the ground; and
- I. The applicant represented, though it is unclear from the drawings, that a clear path, conforming to code, across the rooftop from the fixed ladder to the drop ladder does not pass through private areas of the roof; and
- J. Residents of the building and members of the public provided written and oral testimony opposing the application for assorted fire, safety, and habitability concerns that, though not necessarily landmark questions, may require a solution that would alter the proposed design; and
- K. With lack of clear and complete drawings, no rendering of the addition as seen from a public thoroughfare, and multiple unanswered questions, this is an incomplete application; now

Therefore, be it resolved that CB2 recommends that the incomplete application be revised and, when it is assured that multiple code regulations have been addressed, that a complete application be reviewed at a public hearing before being heard by the Landmarks Commission.

Unanimous

6. *22 E. 10th St. – Application is to construct a rear addition and perform rear yard excavation.

Whereas:

- A. The proposal is for restoration of the stoop and entry, modification of parts of the front fenestration, removal of existing rear addition, construction of a new rear addition, lowering grade of garden and adding windows in the “L” of the joining building at the new grade level:

- B. The parlor floor front window will be restored to the early 20th century design which brings unity to the façade and is clearly shown in a historic photograph and restoring pilasters, adding transom and door to restore the stoop and entry to early 20th century condition; and
- C. The window above the entry is thought to be original and will be reproduced in kind.
- D. Examples were shown of existing additions throughout the doughnut of various sizes and configurations; and
- E. The existing rear extension is to be demolished and a modest new extension with long tripartite divided pane windows will replace it and fire escapes are to be removed; and
- F. The garden will be excavated approximately 4' and a door and two windows will be added to the extension: and
- G. The garden extension lowers the grade approximately 4'; and
- H. Two windows and a door are to be added to extension of the next-door extension: now

CB2 recommends approval of this application and takes special note of the careful restoration of the façade to the early 20th century configuration and the historically referenced large windows in the rear façade.

Unanimous

7. *131 Charles St. – Application is to install a dormer at the rear of the pitched roof, alter the rear facade, excavate to the rear lot line, and to connect the house to the back house that stands at the rear of the lot underground, and to enlarge openings at the back house.

Whereas:

- A. The property is an individual landmark and is distinctive for its proportions, third floor dormers, an intact interior horse walk, and a rear house presumably modified from a stable; and
- A. As an individual landmark, it is afforded careful consideration that any alterations do not significantly alter its appearance; and
- B. The front façade is in the original condition and an oval window above the horse walk door will be restored; and
- C. The horse walk is one of few remaining in the village and it is visible through a window in the door from the sidewalk and the proposal to incorporate it into the living area and obstruct the historic view with opaque glass would significantly harm the appearance and character of the house; and
- D. The cellar level is to be excavated beneath the house, garden and rear house to 5' from the rear property line and the rear yard is lowered 6' adjacent to the house and 4' in front of the back house; and

E. A basement extension, 5'-6" deep extends the full width of the house and a rear dormer 20' wide and 5' above the existing roof is generally in the style of the front dormer; and

F. The windows in the rear facade and the dormer are non-historic metal and extend nearly the entire width of the house, destroying both any reference to punched, tripartite design and historic material, and introduce a modern design which forever harms the original historic appearance and the character of the house; and

G. The rear house deck and stair bulkhead do not harm the appearance of the house and are not visible from any public thoroughfare; now

Therefore, be it resolved that CB2 Manhattan recommends:

A. Approval of the excavation provide that all regulations are followed to prevent harm to the property and to neighboring properties; and

B. Approval of the rear dormer structure and the rooftop; and

C. Denial of the windows in the rear façade, the rear dormer and in the rear house ground floor and recommends that they instead be wooden, historically referenced with small panes and that in the parlor and second floors of the main house the punched, tripartite design remains.

D. Denial of the change of the window in the horse walk door and of the proposed alterations to the horse walk that is an integral part of the character of the house, and which is visible through the window from the sidewalk and is of special importance to this individual landmark.

Respectfully Submitted,

Chenault Spence

Chenault Spence