

Susan Kent, *Chair*
Valerie De La Rosa, *1st Vice Chair*
Eugene Yoo, *2nd Vice Chair*



Antony Wong, *Treasurer*
Amy Brenna, *Secretary*
Brian Pape, *Secretary*
Mark Diller, *District Manager*

COMMUNITY BOARD No. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

www.manhattancb2.org

P: 212-979-2272 F: 212-254-5102 E: info@manhattancb2.org

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

FULL BOARD MEETING AGENDA

DATE: Thursday, November 16, 2023

TIME: 6:30 PM

PLACE: IN-PERSON ONLY at PS 41 – the Greenwich Village School, 116 West 11th Street

I. 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. **In-person Public Speaker's Cards available at registration. *Virtual Public Speaker's cards must have been submitted before 5:00 p.m. to info@manhattancb2.org*
Written correspondence received in lieu of spoken testimony will be summarized.

II. ADOPTION OF AGENDA

III. REPORTS TO THE PUBLIC

- | | |
|-------------------------------|--------------|
| 1. Elected Officials' Reports | |
| 2. Borough President's Report | Andrew Chang |
| 3. Chair's Report | Susan Kent |
| 4. District Manager's Report | Mark Diller |

BUSINESS SESSION

V. APPROVAL OF THE OCTOBER FULL BOARD MINUTES

VI. RESOLUTIONS FROM STANDING COMMITTEES

- | | |
|-----------------------------------|--------------------------------|
| 1. Cannabis Licensing Committee | Mar Fitzgerald |
| 2. Landmarks | Chenault Spence & Susan Gammie |
| 3. Outdoor Dining Working Group | Valerie De La Rosa |
| 4. Parks & Waterfront | Rich Caccappolo |
| 5. SLA Licensing | Donna Raftery |
| 6. Street Activities & Resiliency | William Benesh |
| 7. Traffic & Transportation | Shirley Secunda |

VIII. REPORTS WITHOUT RESOLUTIONS

X. NEW BUSINESS

ADJOURNMENT

December 2023						
◀ November						January ▶
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4 STREET ACTIVITY & RESILIENCY	5 SLA-1	6 PARKS & WATERFRONT SLA-2	7 HANNUKAH (begins at sundown)	8	9
10	11 SCHOOLS & EDUCATION	12 CANNABIS LICENSING	13 LAND USE & HOUSING	14 LANDMARKS TRAFFIC & TRANSPORTATION	15	16
17	18	19 EXECUTIVE FULL BOARD	20	21	22	23
24	25 CHRISTMAS	26	27	28	29	30
31						

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LANDMARKS COMMITTEE

The Community Board 2, Manhattan Landmarks and Public Aesthetics Committee held its monthly meeting on November 9, 2023, by hybrid video conferencing from CB2 office conference room.

Committee Members Present: Chenault Spence (Chair), Susan Gammie (Vice Chair), Valerie De La Rosa, Brian Pape

Board Members Absent with Notice: Zachary Roberts, Eugene Yoo
Bo Riccobono, Anita Brandt

Public Members Present: Brenden Fitzgerald

Public Members Absent with notice: Albert Bennett, Andy Clark

Board members: None

Guests: Dehaan Rahman (Landmarks Fellow), Dena Tasse-Winter (Village Preservation)

A QUORUM WAS NOT PRESENT

1. *588 Broadway – Application is to install a flag and flagpole.

Whereas:

- A. The flag is to be installed on a horizontal pole to the right of the shop entrance; and
- B. The flag, 5' X 10' is bright red with modest lettering; and is mounted on a horizontal pole; and
- C. The applicant represented that the flag, hardware, and position conform to applicable regulations; and
- D. There was testimony from a member of the Committee that the installation of artificial flowers around the entrance that was represented by the applicant as being temporary, for two or so weeks, and was installed without a permit from the Commission; and
- D. A member of the public spoke in opposition to the application; and

Now therefore be it resolved that CB2, Manhattan recommends:

- A. **Approval** of the flag as presented provided that its hardware is secured into mortar joints, does not disturb the fabric of the building and that it is found by the Commission to conform to all applicable regulations concerning advertising flags in the district and for this building; and
- B. That, provided that the Commission verifies that there is no permit for this installation, a violation be issued, and a proper permit is sought, or it is removed forthwith.

2. *150 Mercer St. – Application is to install black painted aluminum halo-lit letters on brick wall adjacent to storefront.

(laid over)

3. *101-111 W. 10th St. – Application is to replace storefronts with designs that do not conform to Landmarks approved Master Plan.

Whereas:

There is a master plan in effect from 1996 and alterations have been carried out that do not conform to the plan; and

- A. The applicant seeks to have the master plan vacated and to perform the alterations specified in this application; and
- B. The design maintains the original concept of the separation of the individual stores apart from one combined store at the west end of the row; and
- C. The proposed storefronts are of historic design in wood with bulkheads and cornices; and
- D. The sign bands are a part of the master plan and staff will approve the designs for each store.

Now therefore be it resolved that CB2, Manhattan recommends:

- A. **Approval** of the vacating of the master plan currently in force; and
- B. **Approval** of the historic restoration of the facades including windows, cornice and maintaining the separation of the several stores.

4. *16 Jones St. – Application is to construct a new rooftop addition & expand the existing cellar by excavating and recovering the courtyard.

Whereas:

- A. The rooftop addition is 37' x 20' and 12' high, set well back from the street and is not visible from any public thoroughfare; and

- B. The courtyard will be excavated with a retaining wall built on the south side within the property line and partial underpinning on the north side and will then be restored to maintain the existing appearance; and
- C. The applicant represented that engineering studies have been carried out concerning the underpinning to ensure that the integrity of the property and the neighboring property will be maintained and that engineers for the neighboring property have approved the proposal.
- D. The application includes plans for a rooftop garden on the back building, with very little information regarding configuration and intended use of space, and the applicant represented that a spray booth vent indicated in the section as dangerously close to a neighboring residential property, was no longer part of the proposal.

Therefore be it resolved that CB2, Manhattan recommends:

- A. **Approval** of the rooftop addition; and
- B. **Approval** of the excavation provided that the Commission verifies the engineering reports concerning safety and underpinning and that care is taken to preserve the integrity of the subject property and the neighboring properties.
- C. That any development of the rooftop space on the back building be undertaken with thoughtful consideration of its impact on adjacent neighborhood residents and property owners and with transparent communication with them.

5. *34 Perry St. – Application is to install planter boxes at the front facade windowsills; Modify rear facade windows; reconstruct the existing rear yard addition; and install railings and mechanical units at the roof.

Whereas:

- A. The sensitive, historic restoration of the front façade is to be approved by Commission staff; and
- B. Planter boxes are to be attached in the mortar joints at the parlor and second floors; and
- C. There is an existing enclosed porch extension in poor condition on the rear façade that is proposed to be demolished and replaced; and
- D. The new extension, in fire-resistant synthetic wood in deep green with large windows, covers an extensive portion of the rear facade and includes French doors on the ground and parlor levels; and
- E. The top floor rear window is to be reconfigured into two smaller windows maintaining the existing design.

Now therefore be it resolve that CB2, Manhattan recommends:

- A. **Approval** of the front window boxes provided that they are secured into mortar joints and do not disturb historic fabric; and
- B. **Approval** of the demolition of the existing rear extension; and
- C. **Approval** of the sensitive design of the new extension, which does not compromise the historic building's integrity and lies well within the doughnut.

6. *675 Hudson St. – Application is to restore the façade, modify ground-floor openings and install new storefront infill, replace windows, install painted signage; enlarge an existing elevator bulkhead and install new rooftop mechanical units.

Whereas:

- A. The building is a prominent triangular building, originally built as the south portion of the existing building and later united with a newer triangular northern extension and, rather unusual for the district, retains its intact historic design and is placed at the gateway to the Gansevoort district on 9th Avenue and Hudson Street; and
- B. The spandrels on the original rectilinear portion of the building were painted in typical subdued colors with uniform lettering to identify businesses within the building; and
- C. The triangular extension from the 1800s, the addition of a cornice in the early 20th century, as well as a colorful facade in the 1960's (now painted over in a brick color) and a variety of changes to the uniform storefronts over the years present a historically intact, very different building from the original foursquare manufacturing building; and
- D. Numerous masonry details will be restored; and
- E. The storefronts are proposed to be rebuilt with four versions of a uniform contemporary design in black metal which is not appropriate in a situation in which the original openings exist, and the entire building is otherwise in a historic state; and
- F. The applicant made an odd assertion that the 9th Avenue facade, facing into the historic district, should have piers removed to form larger bays similar to other buildings in the district with more open bays at the base, yet many of the examples cited were in buildings where larger openings such as loading docks and garage doors existed in the original building or examples in buildings that were newly constructed; and
- G. It was further asserted that the Hudson Street facade, facing outside the district should have its original storefront bays preserved and that the changes to the 9th Avenue facade were justified in that it faced into the district; and
- H. The cornice will be reproduced in fiberglass and extends around the three sides of the building; and
- I. There will be two principal entrances, one on each side facade, and numerous entrances for the several stores; and

- J. The canopies above the building entrances are modern, without historic reference, and are especially objectionable in that they form a transition from the street floor to the intact second floor; and
- K. There are signs with rounded edges that have a historically inspired feeling above the building and store entrances and similar smaller signs at the store entrances; and
- L. A necessary enlargement of the elevator shaft on 9th Avenue and new rooftop mechanical equipment are as unobtrusive as possible and similar to those on many buildings in the district.
- M. A large and prominently placed rooftop sign existed before designation of the district and is therefore permitted to remain; and
- N. The spandrel sign bands in the original part of the building were in a subdued color with uniform lettering identifying the tenants of the building and there are numerous examples illustrating this use from records and extant; and
- O. With the northern triangular addition to the building, the spandrels are much more prominent.
- P. Though there was use of the spandrels as sign bands, limited to a time in the 19th century, in the original building, the current proposal gives undue prominence to the spandrels. The original effect of the painted sign bands is changed from being an integral part of a differently shaped and smaller building, to something else entirely and the increased area, with a high contrast off-white background and a presumed variety of fonts, colors, and logos, moves away from the historic painted spandrels being an integral part of the building and contributing to its unity, and instead favors bold, decorative elements that serve to interrupt the vertical thrust of the building by dividing the floors as thick “frosting” between the “layers” of the building; and
- Q. Members of the public spoke in opposition to the application.

Now therefore be it resolved that CB2 Manhattan recommends:

- A. **Approval** of the masonry restoration, windows above the ground floor, signage at the ground floor, reproduced cornice, mechanical equipment, and elevator bulkhead; and
- B. **Denial** of the modern steel ground floor window systems, and the building entrance canopies as being without the historic reference; and
- C. **Denial** of the removal of piers in historic material to enlarge the west show windows which unacceptably compromise the integrity of the otherwise intact historic design of the building; and
- D. **Denial** of the painted sign bands as asserting themselves in a way that transforms the building into a background for sign bands and transforms the vertical expression of the facades to a horizontal expression of alternating sign bands and the windows of each story.
- E. That if modified version of the proposed sign bands is proposed that it come before CB2, Man. for a public hearing.

7. *302 W. 13th St. – Application is to convert a three-family residence to a single-family residence, replace/modify windows on the facades, expand the bulkhead and other facade modifications.

Whereas:

- A. The building, originally a commercial building, is of an unusual triangular configuration at a prominent corner with two facades having lot line windows and has undergone considerable modification; and
- B. The facade windows are to be restored to two over two and lengthened to their original height indicated clearly by unlatching filler brick and intact sills, and the 13th Street cornice is to be replicated; and
- C. The ground floor is to be modified in a manner intended to reflect the building’s commercial history; and
- D. The applicant proposes to remove an intact painted “ghost sign”, more of which is likely behind metal cladding that is to be removed on the spandrel and others may be uncovered behind metal cladding which is to be removed.
- E. A highly visible and modern penthouse incorporating the existing stair bulkhead is not complimentary to the building and contains a considerable amount of glass; and
- F. The required safety railing above the penthouse is highly visible and its black color amplifies the visibility; and
- G. The position of the building on an open corner ensures that any rooftop addition will be highly visible; and
- H. A member of the public spoke in opposition to the application.

Therefore be it resolved that CB2 Manhattan recommends:

- A. **Approval** of the facade restoration, apart from the ghost sign, and approval of the lengthening of the windows to their original height, the addition of the historic cornice; and
- B. **Denial** of the removal of the ghost sign as an important reference to the era of painted wall signs and identification of the building’s commercial past; and
- C. **Denial** of the penthouse as far more than the standard in Greenwich Village as “not more than minimally visible’ for a rooftop addition and any other rooftop structure that is more than a modest enlargement of the existing stair bulkhead.

Respectfully Submitted,

Chenault Spence, Chair

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PARKS & WATERFRONT COMMITTEE MEETING

November 1, 2023

The Parks & Waterfront Committee of Community Board #2, Manhattan held its monthly meeting on Wednesday, November 1, 2023, at 6:30 in person at Community Board 2 office conference room and via Zoom.

The meeting covered three subjects:

- Update on Passanante project
- Update on DeSalvio Playground climbing wall
- Discussion with the NYC Parks Department about dog runs in the District and the potential for any additional areas that might be used for this purpose.

Board Members Present: Rich Caccappolo (Chair); Susanna Aaron (Vice Chair); Chris Dignes; Daniel Miller; Ritu Chattree; Matthew Metzger; Shirley Secunda; Kristin Shea; Anne Hager

Board Members Absent with Notice: Frederica Sigel; Julian Horky

Public Members Present: Elizabeth Gilmore; Sharon Woolums

Public Members Absent with Notice: Coral Dawson

In total, approximately 15 people attended the meeting.

There was one resolution resulting from this meeting.

Ms. Terese Flores, Regional Manager for the NYC Department of Parks and Recreation Manager, provided updates on three topics.

1. William F. Passannante Ballfield: the re-surfacing, re-paving and painting lines for sports activities project has been completed and the park has reopened and sports such as basketball, pickleball, soccer, roller hockey, etc. are being played again. There are lines and shapes painted on the surface, including outlines of five pickleball courts. The Park Department's guidelines are that people not chalk additional lines or courts because the design of the park is to have designated spaces for each activity, with enough room between them to protect players from crashing into each other. The Parks Department would like to

see how the process of sharing the space develops and plays out. There is no plan at this time to require official permitting; there is just one grandfathered permit, for roller hockey. Our committee commented on how quickly this project was completed and thanked the Parks Department for its efficiency in this case.

2. DeSalvio Playground: The Department of Parks and Recreation (DPR) announced that a climbing wall feature on the south side of the space has to be removed. It was installed in 2019, but a building was subsequently built next door, at 75 Kenmare St. Due to the new building's window placement, the top of the climbing wall now abuts the windowsills of this building. Climbers were found to be stepping onto the sill, raising safety concerns. The owners of 75 Kenmare also sued the city out of privacy concerns. DPR investigated various solutions to cap the wall so as to prevent climbers from ascending to its top, but none could be implemented, so the Parks Department has had to cover the wall with a temporary wooden structure which cannot be maintained and has no recreational value. DPR has decided that removal of the climbing wall feature is its only option. Removal of the climbing wall requires its demolition. It is not reusable and can't be moved to serve in a different space. This decision was disappointing and upsetting to those in attendance because the wall was proposed, designed, funded and installed before the building was built. Our committee has written a resolution expressing this disappointment. Please see photo showing covered feature next to the building.

DRAFT



3. Dog parks and dog runs: Many people have asked the community board directly, and elected officials such as Senator Hoylman-Sigel, for additional new dog runs in our district. It was noted that a new dog run at Gansevoort Peninsula is under construction and that there is a new NYU-created dog run on Houston and Mercer Streets (that is privately maintained and requests a fee). Ms. Flores explained some of the constraints that limit the placement of potential new dog runs. The Parks Department has completed, and Ms. Flores shared, a document that lays out the rules for where dog parks and dog runs can be installed in a neighborhood. CB2 intends to post these DPR guidelines on its website. For example, avoiding the impacts of barking noise on nearby residential buildings is one constraint. A fuller understanding of the guidelines might generate suggestions of where additional dog runs might be located. At our meeting, various locations were proposed, e.g., the playground of the Americas at Houston St. and Avenue of the Americas, but that site abuts a residential building and is used by young children at various times.
- Off-leash hours at Washington Square Park. A community member asked for early-morning hours when owners might let their dogs run off-leash in the park. That activity is currently forbidden in WSP and violators are ticketed. DPR has offered to examine the criteria that permit off-leash hours in other city parks to see if these apply to Washington Square Park.

Respectfully submitted,

Rich Caccappolo,
Chair, Parks & Waterfront Committee
Community Board 2, Manhattan

A Resolution Opposing the Removal of the Climbing Wall at DeSalvio Playground.

WHEREAS:

1. A mini rock-climbing wall that was installed in the southwest corner of DeSalvio Playground at Spring and Mulberry Streets has to be removed because of a lawsuit filed by the building next to the park; and
2. The feature was proposed by the then-serving City Councilmember in 2013, the design was finished in 2015, \$1.9M was allocated to building it in fiscal year 2017, and it finally opened in 2018 and became a popular feature for the children in our community who'd waited many years for this park's renovation; and
3. A condominium building at 75 Kenmare was constructed *after* the wall was installed and was designed so that its windows came to abut the park and the top of the climbing wall, providing climbers access to the windowsill and balcony of the building, and
4. This has created safety issues for the children, and gave rise to a lawsuit initiated by the building over privacy;
5. Although the wall's construction preceded that of the condominium building, the burden of addressing these issues has fallen to the Parks Department, which has been unable to limit access from the wall to the building without incurring great additional construction costs, and so has decided that the climbing wall needs to be removed, and
6. Our committee and the community are upset about the loss of the feature.

THEREFORE, BE IT RESOLVED that Manhattan Community Board 2:

1. Understands that the Parks Department has been given no choice but to demolish the climbing wall but feels that this amenity – which our community supported, scoped, advocated for, and waited for for five years – should not have to be demolished to accommodate a property owner that was aware of this public structure before it chose the design of its private building.
2. Strongly recommends that the building owners pay to address this slight to our community by providing funding – either to build a structure that prevents climbing to the top of the wall, or to relocate the wall to another suitable location in our district, or at a minimum, make an equivalent donation to the Parks Department.

Vote: unanimous



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STREET ACTIVITIES AND RESILIENCY COMMITTEE

November 2023

The Street Activities and Resiliency Committee of Community Board #2, Manhattan held its monthly meeting on Monday, November 6th, 2023, at 6:30 p.m. in person in the CB2 office and via Zoom.

Committee Members Present in Person: William Benesh (Chair), Brian Pape, Michael Levine, Rocio Sanz, Erika Olson, Amy Brenna

Committee Members Absent with Notice: Zachary Roberts, Wayne Kawadler, Ed Ma, Julian Horky, Ryder Kessler

Street Activity Applications

1. ***11.11.23 – American Eagle Event (sponsor: Marty Barnes, Inc.), Broadway bet. W. Houston and Prince Sts. [partial sidewalk closure]**

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

Whereas, community members and CB2 members raised concerns around potential sound and music associated with the event; now

Therefore Be It Resolved that CB2 Manhattan recommends **denial** of American Eagle Event.

Vote: Adopted unanimously.

2. ***11.11.23 – MpaBoa Sneaker Gala – Fresh Out the Box...HipHop 50th Celebration 2023 (sponsor: Mi Daakye Foundation Inc.), Broadway bet. Grand & Howard Sts. [partial sidewalk closure in front of 446 Broadway]**

Whereas, the applicant, representing a non-profit 501c3 organization, wishes to stage a sidewalk activation consisting of a red carpet and step-and-repeat wall; and

Whereas, the activation will take place at 446 Broadway on Saturday, November 11th, in support of the organization's annual gala which will be occurring inside at this location; and

Whereas, the activation will be set up from 5 to 7 PM, with guests beginning to arrive around 7 PM, and with the majority of attendees expected to have entered the gala by 8 or 8:30 PM; and

Whereas, the event is expected to have between 100 and 150 attendees, and with no celebrity appearances expected; and

Whereas, public seating will be placed on the street for attendees and passers-by, and there will be live acoustic music during the event, but no amplified sound; and

Whereas, the red carpet is only expected to take up around half of the sidewalk, with clearance for passing pedestrians; and

Whereas, the lighting associated with the activation is expected to be minimal, consisting of a single light shining on the step-and-repeat wall; and

Whereas, security will be hired and present onsite for the event; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval of MpaBoa Sneaker Gala – Fresh Out the Box...HipHop 50th Celebration 2023, provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Adopted unanimously.

3. ***11.13.23 – Center for Art Research and Alliances – CARA Benefit Gala 2023 (sponsor: New York Consolidated-Center for Art, Research and Alliances), W. 13th St. bet. Greenwich & 7th Aves. [partial sidewalk closure & curb lane use]**

Whereas, the applicant is seeking to hold a sidewalk activation in support of a welcome event at CARA ahead of the organization's annual gala on Monday, November 13th; and

Whereas, the event is expected to consist of a few tables and chairs placed outside on the sidewalk in front of CARA on West 13th Street; and

Whereas, this activation is expected to occur from 6:30-7:30 PM, with setup beginning at 5 PM; and

Whereas, attendees will be able to bring food from inside to eat at the tables outside, but no alcohol will be allowed to be carried outside; and

Whereas, outdoor lighting will be minimal, consisting of only small candle-like lights on the tables; and

Whereas, the applicant intends to close a portion of the curb lane adjacent to the sidewalk in order to allow for pedestrian clearance / passage; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of **Center for Art Research and Alliances – CARA Benefit Gala 2023**, **provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Adopted unanimously.

4. *11.24-11.25.23 Holiday Event and Coffee Truck at The JBL Store 2023 (sponsor: Triggerhouse), E. Houston bet. Broadway & Crosby Sts. [curb lane only]

Whereas, the applicant is seeking to hold a curb lane coffee truck activation in front of the JBL Store at 19 E. Houston Street between Broadway and Crosby Streets; and

Whereas, the event is expected to consist of a coffee truck parked in the curb lane, giving out free coffee from 11 AM – 7 PM on Friday, November 24th and Saturday, November 25th; and

Whereas, trash receptacles will be included in the activation to allow for disposal of coffee cups; and

Whereas, the event will not include any amplified sound; and

Whereas, additional staff will be present during the activation to assist in line management; and

Whereas, the applicant held a similar event last year and has shortened it for one day this year; and

Whereas, the applicant agreed to reach out to and coordinate with the Soho Broadway Initiative; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of **Holiday Event and Coffee Truck at The JBL Store 2023**, **provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Adopted unanimously.

5. *11.25.23 American Express Small Business Saturday Activation 2023 (sponsor: Momentum Worldwide), Gansevoort/13th Sts./Gansevoort Pedestrian Plaza [full]

Whereas, the applicant, representing American Express, is seeking to hold an activation on the Gansevoort Plaza on Saturday, November 25th, with the theme of “Small Business Saturday” and the stated goal of giving representation to small businesses during the busing shopping weekend after Thanksgiving; and

Whereas, the event is expected to take place from 9 AM to 4:30 PM, and is expected to take up around 60-70% of the plaza area; and

Whereas, load-in is expected to begin at 12:01 the night before the activation, but the entire activation is expected to be pre-fabricated, with no need to use power tools, machinery, or generators; and

Whereas, the activation will consist of 6 different “doors” placed on the Plaza that attendees can walk through and interact with through augmented-reality experiences, using their own mobile devices; and

Whereas, each of the different experiences associated with the “doors” will represent one or more small businesses, around 50% of which are located in or close to NYC; and

Whereas, the augmented-reality experiences will allow attendees to read more about the merchants, as well as being linked to merchant websites where they can purchase items; and

Whereas, participating small businesses are not being charged a fee; and

Whereas, the event will not feature any food, lighting or amplified sound; and

Whereas, the applicant will have brand ambassadors and security onsite, with the ability to handle up to 1,200 attendees, though the applicant expected that attendance would not be this high; and

Whereas, CB2 generally continues to oppose the use of the plaza for purely commercial activations, the Board supports the use of the space to support local small businesses; now

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of **American Express Small Business Saturday Activation 2023**, **provided that** the applications conform with all applicable laws, rules, regulations, and clearance requirements.

Vote: Adopted unanimously.

6. ***12.21.23 Winter Solstice Event 2023 (sponsor: Village Alliance), Astor Place Plaza (South) [full]**

Whereas, the applicant was unable to appear at the November SAR committee meeting, but agreed to attend the December meeting which is expected to occur well ahead of the event; now

Therefore Be It Resolved that CB2 Manhattan recommends that **Winter Solstice Event 2023** be **laid over** to the December SAR meeting.

Vote: Adopted unanimously.

FYI: Renewal

7. **12.4-12.7.23 MDMA Holiday Lights 2023 (sponsor: Meatpacking District Management Association), 14th/15th Sts./Gansevoort Pedestrian Plaza (Chelsea Plaza)**

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

Therefore Be It Resolved that CB2 Manhattan recommends **approval** of this renewal application **provided that** the application conforms with all applicable laws, rules, and regulations.

Vote: Adopted unanimously.

8. **Resolution in response to proposed rule changes at CECM / SAPO regarding Open Culture Events, street events on Open Streets, and a continued moratorium on new multi-block street fairs.**

Whereas, The Mayor’s Office of Citywide Event Coordination and Management (CECM), of which SAPO is a sub-office, is establishing rules for the Open Culture Program, and about Open Street Events and street fairs, which can be found at the following link:

<https://rules.cityofnewyork.us/wp-content/uploads/2023/10/SAPO-Proposed-Rules-re-Permits-for-Open-Culture-Open-Streets-Programs-Extension-of-Street-Fair-Moratorium-Preliminarily-Certified-10.18.23.pdf>; and

Whereas, CECM will be holding a public hearing on the proposed rules changes at 9:00 AM on Monday, November 20th, 2023, with all written comments due ahead of this date; and

Whereas, the proposed rules changes fall into three categories:

- (1) Establishment of Rules for a permanent Open Culture program (per LL 80 of 2023)
- (2) Specific rules for Street Events held on Open Streets
- (3) Continuation of moratorium on new multi-block street fairs

Establishment of rules for a permanent Open Culture Program

Whereas, Section 2509 of the Charter as added by Local Law No. 80 of 2023 directs CECM to establish an Open Culture Program, pursuant to which an eligible art and cultural institution may utilize a roadway for an artistic or cultural event; and

Whereas, the law further directs CECM to establish eligibility and use guidelines and policies for such program and promulgate any necessary rules; and

Whereas, CECM is proposing a definition for an “Open Culture Event” that defines such an event as an event including, but not limited to, cultural performances, rehearsals, and classes, that is free and open to the public and offers free services or information to the community; and

Whereas, the proposed rule changes also eliminate prior language referring to the temporary Open Culture Program that existed in the aftermath of COVID and was required to take place on specific “Open Culture Streets”; and

Whereas, the rules propose that Open Culture Events will be subject to a \$25 processing fee and must be submitted to SAPO 15 or more days before the event; and

Whereas, CB2 Manhattan supports the use of roadway space for cultural events, but wants to make sure that the language clarifies that not only are such events free and open to the public, but also that no items would be for sale at such events as well; and

Whereas, CB2 Manhattan also believes that an earlier application deadline would be necessary in order to ensure that CB2 has the opportunity to review all proposed events; and

Specific Rules for Street Events Held on Open Streets

Whereas, CECM’s proposed rule changes also define the concept of an “Open Street Event”, which is essentially any sort of regular street event occurring on an Open Street; and

Whereas, CECM also introduces the concept of an “Open Street Partner”, which is already defined elsewhere in the city Rules, but is essentially the organization or group approved by DOT to manage the Open Street; and

Whereas, the proposed rule changes would require that proposed “Open Street Events” would allow for the Open Street Partner to review and submit recommendations for approval or denial of the proposed events; and

Whereas, applicants for Open Street Events would have 5 days to file comments with SAPO in the event of a recommended denial or approval with conditions from the Open Street Partner; and

Whereas, such rules being proposed for Open Street Events broadly align with existing SAPO rules which govern Plaza Events, with the Open Street Partner being treated similarly to a Plaza Partner for Plaza Events; and

Whereas, CB2 Manhattan generally sees the value of improving the Open Street Partner in the approval process for proposed events on Open Streets, in order to help ensure that such Open Streets remain broadly available for the passive enjoyment of the public, and not overtaken by too many events; and

Whereas, despite seeing the general value of such a process, CB2 Manhattan has some concern regarding potential conflicts of interest with regard to Open Street Partners, such as if such partner is a for profit business (e.g. restaurant) tasked with approving events proposed by competing businesses; and

Moratorium on new Multi-Block Street Fairs

Whereas, CECM is proposing to extend a moratorium on new multi-block street fairs that has already been in place for the last several years; and

Whereas, CB2 Manhattan continues to support such a moratorium given the overabundance of such multi-block fairs in Community District 2 and the corresponding impact on NYPD resources, and would further support a study of existing multi-block fairs already in place; now

Therefore be it Resolved that with regard to the rules changes relating to Open Culture Events, CB2 Manhattan proposes that the language be tweaked to ensure that no items may be sold at such events, and that the deadline for submission of such events to SAPO be extended to 30 days before the event rather than 15 days.

Therefore be it Further Resolved that with regard to the rules changes relating to Open Street Events, CB2 Manhattan proposes that CECM include additional language to provide guidance around how to manage potential conflicts of interest between Open Street Partners and applicants for Open Street Events.

Therefore be it Finally Resolved that CB2 Manhattan supports the moratorium on new multi-block street fairs and would further support a study of existing multi-block fairs already in place.

Vote: Adopted unanimously.

DRAFT

Susan Kent, *Chair*
Valerie De La Rosa, *First Vice Chair*
Eugene Yoo, *Second Vice Chair*



Antony Wong, *Treasurer*
Amy Brenna, *Secretary*
Mark Diller, *District Manager*

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TRAFFIC AND TRANSPORTATION COMMITTEE

November 2023

The Traffic and Transportation Committee of Community Board #2, Manhattan held its monthly meeting on Thursday, November 2, 2023, at 6:30 p.m., in Hybrid format (in person at CB2 office and online).

Board Members Present: (In Person) Shirley Secunda (Chair); Daniel Miller (Vice Chair), Amy Brenna, Lois Rakoff, Antony Wong.

Board Members Absent with notification: Stella Fitzgerald, Susan Gammie

Board Members Absent:

Public Members Present: (In Person) Joseph Flahaven.

Public Members Absent with notification:

Public Members Absent: George Haikalis, Janet Liff.

Other Board Members Present: (In Person) Rocio Sanz; (Online) Carter Booth.

Guests: Sam Vasquez Martinez & Caroline Wekselbaum (NY State Senator Brad Hoylman-Sigel), Roy Ruiz (Assembly Member Glick), Nicole Barth (Council Member Eric Bottcher), Faaiq Zarger, Katherine B. Wolpe, Josh Spodek, Lora Tenenbaum, Jeffrey Rowland, Darlene Lutz.

RESOLUTIONS:

1. Resolution in support of NY State Senate Bill S.7587, requiring registration and licensure of e-bikes used for commercial purposes and holding delivery platforms responsible for any violations, with further recommendations.

Whereas in recent years e-bike use has proliferated, especially by commercial delivery workers hired as independent contractors by third-party delivery platforms (App-based food ordering/delivery systems, e.g. DoorDash; Uber Eats); and

Whereas the third-party delivery platforms have strict requirements for how many deliveries these workers should accomplish in a certain amount of time and favor those who can make large numbers of deliveries in a short time and who are willing to travel further distances, e.g. 10 miles or more; and

Whereas these requirements pressure the delivery workers to travel at high speeds to make faster and increased pickups and deliveries, disregarding traffic safety rules and taking hazardous riding risks that endanger and frequently harm all those using the street, particularly pedestrians, as well as themselves, other e- and non e-bike riders and other vehicles; and

Whereas constituents increasingly report unsafe conditions caused by the delivery e-bike workers riding on sidewalks, going the wrong way on the street and running red lights, with pedestrians being in a constant state of anxiety and fear of being hit as more collisions between pedestrians and these e-bikes have taken place; and

Whereas NY State Senate Bill S.7587 addresses both the need to easily identify delivery e-bikes that create and are involved in situations that endanger pedestrians and compromise street safety by ignoring traffic rules and the need to assign accountability to those ultimately responsible for incentivizing the delivery e-bike workers to drive unsafely, i.e., the third-party delivery platforms, by:

- Requiring e-bikes used for commercial purposes to be registered with and issued a license (plate) by the appropriate NY State government agency. Registration would be by and in the name of the individual driver (owner of the e-bike), i.e., the delivery worker.
- Stipulating that the third-party delivery platforms (as well as business/restaurant owners) pay the fines for violations that a delivery worker incurs while working for them, whether the rider is an employee or independent contractor.; and

Whereas in reaching out to the delivery e-bike workers, it was found that although they understand that the third-party delivery platforms can't pass on costs to them, they worry about unintended consequences. For example, if they aren't able to deliver as much in a certain amount of time as before, their income could be reduced or even their jobs. Their expenses could increase with licensing fees and necessary upgrades to their equipment, for which they are totally financially responsible both for purchase and upkeep. Amendments are needed to address such concerns, and it has been indicated that work is progressing in this area; and

Whereas camera enforcement is increasing in use and proving to be effective in capturing hazardous traffic violations, and highly visible license plates displaying needed identification can facilitate camera capture (and enforcement) of delivery e-bike violations; and

Whereas a substantial number of delivery workers, notably recent immigrants, rely on the e-delivery economy as their main livelihood to sustain themselves and their families, frequently

facing challenges due to inadequate legal documentation for employment that potentially dissuades them from registering or licensing their e-bikes, resulting in their preference for riding under someone else's registration; and steps need to be taken to safeguard their interests; and

Whereas considering the variance in cost between an eBike and a motor vehicle, a proportional reduction in fees for e-bikes registration and licensing would be appropriate, e.g. through a sliding scale structure; and

Whereas delivery e-bike workers are not always familiar with traffic regulations or have language barriers, requiring accessible education to acquaint them with the rules of the road;

Therefore be it resolved that Community Board No. 2 Manhattan (CB2) supports NY State Senate Bill S.7587 as a first step to establishing street safety and effective regulation for new mobility modes, in this case to protect pedestrians and other street users from the danger posed by errant e-bike delivery riders; and

Be it further resolved that CB2 recognizes that further work is being done to fine tune the bill to increase its effectiveness and encourages development of procedures to safeguard e-bike delivery jobs and render costs that are affordable in complying with the new safety measures, such as promoting affordable registration fees that are in line with the cost of the average e-bike; and

Be it further resolved that CB2 strongly supports having a requirement incorporated along with those for registration and licensing for e-bike delivery workers to attend classes on the rules of the road and to provide for these classes not only in English but in other languages predominantly used by the e-bike delivery workers; and

Be it finally resolved that CB2 urges that quick attention be given to completing whatever amendments are considered necessary for strengthening this bill and to moving it to be heard as soon as possible and quickly passed into law.

Vote: Unanimous in favor.

2. Resolution in support of NY State Senate Bill S.6760 requiring minimum insurance thresholds for third party food delivery services.

Whereas as the incidence of delivery e-bike workers hired as independent contractors by third party delivery platforms (App-based food ordering/delivery systems, e.g. DoorDash; Uber Eats) continues to increase, more and more collisions have been occurring between these delivery workers on their e-bikes and pedestrians or other road users, leading to pedestrian and other road user injuries, often severe, and even to fatalities; and

Whereas these pedestrian (and other road user)/e-bike delivery worker conflicts are very often the result of reckless driving on e-bikes (and sometimes e-scooters) by the delivery workers rushing to make as many deliveries as possible as quickly as possible to fulfill the demands of the third-party delivery services who have contracted with them and are looking to fulfill as many orders as they can to build business and profits; and

Whereas because the delivery e-bike workers, being independent contractors, are not covered by the third party delivery services for liability insurance during their work for them, there is no protection to cover compensation for the injuries of a pedestrian or other road user struck by the delivery e-bike and its rider or for their costs of medical care; and

Whereas NY State Senate Bill S.6760 requires third-party food delivery services to provide liability insurance to delivery e-bike workers while they are working for these services, i.e., while logged into the delivery platform, whether or not delivering food; and

Whereas e-bike delivery workers could also fulfill the requirement for being insured for liability by purchasing their own liability insurance, but most of these workers cannot afford to do this, and ultimately the third-party delivery service would be liable and responsible for the coverage; and

Whereas the compensation made available by the liability insurance required by NY State Senate Bill S.6760 would provide care for those delivery e-bike collision victims for their injuries, pain and suffering; and

Whereas the provisions of NY State Senate Bill S.6760 follow those required by NY State law for coverage by transportation network companies of For Hire Vehicles, which do not allow for the transportation network companies to pass on their cost; and

Whereas S.6760 will ensure that third-party delivery services take responsibility for and are directly invested in the safe conduct of their e-bike delivery people, thereby advancing safety on the street;

Therefore be it resolved that Community Board No. 2 Manhattan (CB2) supports NY State Senate Bill S.6760 and urges that it be reviewed as quickly as possible and swiftly passed to become law.

Vote: Unanimous in favor.

3. Resolution in support of NY State Senate Bill S. 561 increasing the penalties for hit-and-runs perpetrated by users of e-bikes and scooters.

Whereas it has become increasingly common for e-scooter and e-bike drivers to hit and seriously injure pedestrians and then flee the scene without reporting; and

Whereas there are strict penalties for automobile drivers who leave the scene of a hit-and-run, yet drivers of e-bikes and e-scooters, which are motorized and can cause severe injuries hitting and knocking down pedestrians (and even death, as was the case recently when an e-bike driver hit a woman in Chinatown and left the scene), yet penalties for their hit-and-run infractions are next to nothing; and

Whereas NY State Senate Bill S. 561 increases the penalties for users of e-bikes and e-scooters who leave the scene of hit-and-runs where they've struck pedestrians without reporting, so that the e-bike and e-scooter penalties match those for leaving the scene of automobile crashes; and

Whereas current penalties for leaving the scene of an automobile crash are based on the seriousness of the injury inflicted on the victim, an injury that would have the same basis if caused by an e-bike or e-scooter, thus the e-bike and e-scooter drivers should be held to the same standard of responsibility and accountability as the automobile driver; and

Whereas applying significant penalties to the drivers of e-bikes and e-scooters for leaving the scenes of their hit-and-runs, matching those for leaving a car crash, can act as a deterrent to leaving this (what is in essence) scene of the crime;

Therefore be it resolved that Community Board No. 2 Manhattan (CB2) supports NY State Senate Bill S.561 and urges that it speedily be calendared for hearings and a vote to approve it as a law.

Vote: Unanimous in favor.

4. Resolution in support of NY State Senate Bill S. 7703 in concept with suggestions for modifications.

Whereas mopeds (that are legally referred to as limited use motorcycles) have increased in use in NYC, with a great many of them now being used by delivery workers who formerly used e-bikes, because mopeds are heavier, can go much faster and travel further distances, allowing the delivery people to fit in more deliveries in a shorter time than on e-bikes, as desired by the third-party delivery services with whom they have contracts; and

Whereas in order to operate in NYC, mopeds (as opposed to e-bikes) are required to be registered and licensed, but many of them are not registered and don't have a license plate, whether because the moped buyers are not aware of this requirement or choose to ignore it, in any case, eliminating the means to identify moped users who are non-compliant with the vehicle and traffic law, who compromise the safety of all those on the street, and who avoid accountability for harming pedestrians and other street users; and

Whereas The NYC Police Department has been confiscating thousands of unlicensed mopeds, however, a more far-reaching approach is needed to nail down the numerous other unlicensed mopeds that pervade the city's streets and threaten people's safety; and

Whereas NY State Senate Bill S.7703 would require that moped registration be done at the point of sale, i.e., at dealerships (where the majority of mopeds are purchased) where the dealer would be responsible for both informing the moped buyer of this requirement and registering the moped before it can be purchased and claimed, compelling registration right on the spot; and

Whereas a great many of these moped dealerships are exceptionally small, often just storefronts that sell 15 or 20 to no more than 40 mopeds a year, and they would be hard pressed to handle

the considerable costs entailed in becoming and acting as agents for registering mopeds, not to mention adding these costs to typically low-priced mopeds when the aim is to promote sales and encourage prospective buyers to comply with the law, which only can be accomplished if the cost is reasonable; and

Whereas there are other avenues that are possible for registering a moped without incurring prohibitive costs while the moped is not released for ownership and use until the registration is accomplished, e.g., the buyer could register with the Dept. of Motor Vehicles (DMV) prior to completing purchase and submit proof of registration to the dealer, or a third party can be used, such as the special services that bring required documentation to the DMV and obtain the needed license plates, which usually are available at a reasonable cost;

Therefore be it resolved that Community Board No. 2 Manhattan (CB2) supports the concept put forth by NY State Senate Bill S.7703 that in order to acquire and operate a moped, proof of registration and a license is needed at the point of purchase; and

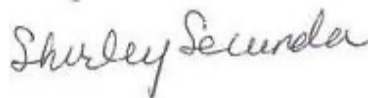
Be it further resolved that CB2 recommends that provisions be developed requiring that the buyer show proof to the moped dealer that the moped is registered (giving options to accomplish such registration, e.g., by the buyer registering in person at the DMZ or by using a third party to register) before the dealer can release a purchased moped to the buyer; and

Be it further resolved that CB2 encourages promoting affordable registration fees that are in line with the cost of the average moped; and

Be it finally resolved that CB2 looks forward to the further development of requirements in S.7703 for ensuring that mopeds are registered and licensed and to its becoming law as soon as possible.

Vote: Unanimous in favor.

Respectfully submitted,



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

Susan Kent, *Chair*
Valerie De La Rosa, *First Vice Chair*
Eugene Yoo, *Second Vice Chair*
Mark Diller, *District Manager*



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

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SLA LICENSING COMMITTEE 1

The SLA Licensing Committee #1 of Community Board 2, Manhattan, held an in person, non-hybrid meeting at 6:30 PM on Wednesday, November 1, 2023, at Church of St. Anthony of Padua, Lower Hall, 154 Sullivan St.

Committee Board Members Present: D. Raftery (Chair), C. Booth, C. Flynn and A. Wong
Committee Board Members Absent with Notice: L. Rakoff, Dr. S. Smith and S. Wittenberg

RESOLUTIONS:

- 1. HHLP Union Square Associates LLC, HHLP Union Square Lessee LLC, Herhsa Hospitality Management LP, Union Square 4th F&B Management LLC dba Hyatt Union Square / Bowery Road / Library of Distilled Spirits 76 E 13th St aka 132 4th Ave. 10003 (Hotel Liquor – Corporate Change)**
 - i. Whereas,** the Applicants appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for a corporate change of ownership to existing Hotel Liquor Licenses (SN 1264972 & SN 1294064) to reflect a change in ownership due to an acquisition by a private equity firm about nine levels up in the corporate chain, none of the principals are changing, all the existing principals are remaining on the license; the Applicants will all continue to operate a boutique hotel which features a full-service restaurant and a cocktail bar/lounge in a C6-1 zoned, 11-story, mixed-use building constructed in 1910 on the southwest corner of E. 13th St. between Fourth Ave. and Broadway (Block #564/Lot #45); and
 - ii. Whereas,** aside from the aforementioned change in ownership at an upper level, all of the Applicants’ names will remain on the license and there will be no change in the operation of the hotel whose total licensed interior space is approximately 78,174.07 sq. ft.; the restaurant will continue to serve breakfast, brunch, lunch, and dinner and together with the cocktail bar/lounge (which serves breakfast, lunch, and an evening bar menu) will have 84 tables with 218 seats and two (2) stand up bars with 22 seats for a total of 240 interior seats; there is a sidewalk cafe of approximately 450 sq. ft. with 20 tables and 40 seats; there is an existing Certificate of Occupancy for the premises which has five (5) entrances, five (5) exits, and five (5) bathrooms; and
 - iii. Whereas,** the agreed-to hours of operation are 6:30 AM to 2:00 AM seven (7) days a week, with all doors and windows shut by 10:00 PM nightly; music will be quiet background only;

there will be no DJ's, no promoted events, no live music or scheduled performances, no cover fees, and no televisions; and

iv. Whereas, the Applicants have executed and have had notarized a Memorandum of Understanding with Community Board 2, Manhattan which incorporates all of the agreements, stipulations, and representations that were made to Community Board 2, Manhattan by 132 4th Avenue Restaurant, LLC in March 2012 and at any other time in conjunction with 132 4th Avenue Restaurant, LLC's application to license the premises and which were which set forth in a CB2, Manhattan resolution of March 2012; the Applicants now seeks to incorporate into the "Method of Operation" of each Hotel Liquor License (and any other subsequent alteration applications to the original March 2012 application) the stipulations set forth in the aforementioned March 2012 resolution, which are as follows:

1. The hours of operation are from 6:30 AM to 2:00 AM, seven (7) days a week.
2. All doors and windows will be shut by 10:00 PM nightly.
3. Music will be background only, and there will be no promoted events, DJs or third party promoters.
4. Applicants agree to and follow the Memorandum of Understanding with the building directly attached to them with the 77 E. 12th Street owners that was signed by their landlords, and is incorporated by reference herein (*see* MOU dated as of February 3, 2012, between Hersha Hospitality Trust, 132 4th Avenue Restaurant LLC and 77 E. 12 Owners, Inc.).

It is additionally noted that the portion of the above-referenced MOU that covers use of the rooftop in the building in which the premises is located is not included in this application, that CB2, Manhattan has made no representations to support or deny the rooftop use at this time and that any use of the rooftop as part of any licensed premise must come before CB2, Manhattan to submit an application to incorporate that area for consideration of a recommendation from CB2, Manhattan either in support or in opposition; that 77 E. 12 Owners have presented no opposition to this application.

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the application for a Corporate Change to the existing Hotel Liquor license for **HHLP Union Square Associates LLC, HHLP Union Square Lessee LLC, Herhsa Hospitality Management LP, Union Square 4th F&B Management LLC dba Hyatt Union Square / Bowery Road / Library of Distilled Spirits 76 E 13th St aka 132 4th Ave. 10003, unless** the statements the Applicant has presented are accurate and complete, and that those conditions and stipulations agreed to by the Applicant above are incorporated into the "Method of Operation" on the NYSLA Liquor License.

Vote: Unanimous in favor (4-0)

2. **Lucia Pizzeria 2 LLC 301 West Broadway aka 375 Canal Street 10013** (New RW-Restaurant) (*previously unlicensed*)
 - i. **Whereas,** the Applicants and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Committee #1 to present an application to the NYS Liquor Authority for

an Restaurant Wine License to operate a pizzeria restaurant located in the ground floor of a M1-5/R9X zoned, four (4)-story, tenement style, mixed-use building (c. 1824) on the northeast corner of West Broadway and Canal Street (Block #228/Lot #10), the building falling within the Special SoHo-NoHo Mixed Use District; and

- ii. **Whereas**, the ground floor premises is approximately 1,100 sq. ft. per the supplied questionnaire, there were no detailed square footages supplied, and consists of two storefronts connected by a service window only; and
- iii. **Whereas**, the first storefront is located on the corner of Canal Street and West Broadway with its entrance on Canal Street and will operate as a slice pizzeria, there is a basement accessed by a sidewalk hatch with no patron access to the basement; there is one (1) pizza counter and two (2) standup counters and no (0) patron bathrooms; there is one (1) entry which will serve as patron ingress and egress, the store front infill being fixed with no operable doors or windows that open out to the sidewalk; and
- iv. **Whereas**, the second storefront, which will be operated as a pizzeria similar to the Applicant's restaurant in Brooklyn – serving whole pies, heros and salads, is located just north on West Broadway, it being separated from the first storefront on the exterior by a residential entryway, its entrance being solely located on West Broadway, there is a basement accessed by an interior staircase with patron access for bathroom use only; there will be nine (9) tables with 18 seats and no bars for a total patron occupancy of 18 seats; there is one (1) patron bathroom, there is one (1) entry which will serve as patron ingress and egress, the store front infill being fixed with no operable doors or windows that open out to the sidewalk; and
- iii. **Whereas**, the hours of operation will be from 12 PM to 12 AM Saturdays through Sundays; there is no music or TVs; the Canal Street storefront is not part of the licensed premises due to the lack of a public bathroom; there will be no dancing, DJs, promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and no security personnel; and
- iv. **Whereas**, the storefront premises was previously unlicensed and was most recently occupied as a Bank of American on Canal Street and an Espresso shop on West Broadway; and
- v. **Whereas**, there already are a significant number of licensed establishments in both Community Board 2 and in the immediate area, there being **44 active liquor licenses** within 750 feet of the proposed premises to be licensed and an additional 5 pending licenses within this same area, this application being for the service of Beer and Wine only and thus not subject to the 500 Foot Rule; 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 Restaurant Wine License, with those stipulations as follows:
 - 1. Premises will be advertised and operated as a pizzeria.

2. The hours of operation will be from 12 AM to 12 PM Saturdays through Sundays (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 other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating.
5. Will not have any music.
6. Will not have televisions.
7. Will close all doors and windows at all times allowing only for patron ingress and egress.
8. Corner storefront accessed via Canal Street is not part of licensed premises as it does not have a patron bathroom. Any service of alcohol will be to seated patrons in separate pizzeria accessed via 301 West Broadway.
9. Patron use of the basement accessed via 301 West Broadway storefront will be for bathroom access only and not for the service of alcohol.
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 will keep current at all times required Permits and Certificates.
13. Will provide a Letter of No Objection or Certificate of Occupancy permitting eating and drinking for store front premises proposed to be licensed prior to opening.
14. Will not have unlimited drink or unlimited food and drink specials. Will not have “boozy brunches.” No pitchers of beer.
15. Will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or doorman.
16. Will appear before CB2, Man. prior to submitting changes to any stipulation agreed to herein.
17. Will appear before CB2, Man. for alteration to license prior to submitting plans for roadbed or other outdoor seating, except for sidewalk seating.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant Wine License in the name of **Lucia Pizzeria 2 LLC 301 West Broadway aka 375 Canal Street 10013** **unless** the statements presented by the Applicant are accurate and complete and that all the conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” of the NYSLA Liquor.

Vote: Unanimous in favor (4–0)

3. **Serafina To Go 110 Uni, LLC dba Serafina, 110 University Pl. 10003** (OP–Restaurant, Class Change, Change in Method of Operation)
 - i. **Whereas**, a corporate representative of 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 Class Change and Change in Method of Operation to the existing Tavern Wine license, SN# 0267-23-158237, to continue to operate a full-service Italian restaurant in the ground floor and of a C1-7-zoned, 23-story, mixed-use building (c.

2016) on the northwest corner of University Place and East 12th Street the building being located between 12th and 13th Streets (Block #570/Lot #7503), in Greenwich Village; and

- ii. **Whereas**, the recently-constructed, ground floor storefront is approximately 1,800 sq. ft., there are 12 tables and 48 seats and one service counter with no seats for a total seated occupancy of 48 persons, the premises has one (1) door which will serve as patron ingress and egress and one (1) patron bathroom; and
- iii. **Whereas**, the Applicant very recently received their Tavern Wine license, the premises having been previously unlicensed, the change in method of operation is to extend the closing hours from 10 PM every night to 11 PM Sundays through Thursdays and 12 PM Fridays and Saturdays; music will remain 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**, there is a sidewalk café that has been operating under the temporary Open Restaurants program with four (4) tables and eight (8) seats on University Place and six (6) tables with twelve (12) seats on East 12th Street, all tables and seats located adjacent to the building, all sidewalk seating will end at 10 PM nightly; 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 new On-Premises Liquor License, with those stipulations as follows:
 - 1. Premises will be advertised and operated as a full-service Italian restaurant with the kitchen open and full menu items available until closing every night.
 - 2. The hours of operation will be 10 AM to 11 PM Sundays through Thursdays and 10 AM to 11 PM 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 a sidewalk café located immediately adjacent to the storefront complying with all outdoor dining and sidewalk regulations.
 - 5. No roadbed seating.
 - 6. Sidewalk café will close no later than 10 PM. 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 not have televisions.
 - 9. Will close all doors and windows at all times.
 - 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, Manhattan prior to submitting any changes to any stipulation agreed to herein.
18. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

viii. Whereas, this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest and public convenience would be served by the granting of a liquor license at this location where there already are a significant number of licensed establishments in Community Board 2 and in the immediate area, there being **47 active licensed premises** within 750 feet of the subject premises, in addition to 4 pending licenses, the Applicant hours of operation being reasonable and the Applicant agreeing to keep the hours for the sidewalk seating to closing at 10 PM, the Applicant executing a stipulations agreement with Community Board 2 Manhattan for the sole purpose of establishing public interest; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a Change in Method of Operation and an upgrade to an On-Premises Restaurant Liquor License in the name of **Serafina To Go 110 Uni, LLC dba Serafina, 110 University Pl. 10003** **unless** the statements presented by the Applicant are accurate and complete and that all the conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” of the NYSLA Liquor License in order to create public interest for the issuance of this liquor license.

Vote: Unanimous in favor (4–0)

4. Broome Hotel Owner LLC 431 Broome St 10013 (New TW-Bar/Tavern) (*previously unlicensed*)

i. Whereas, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Committee #1 to present an application to the NYS Liquor Authority for a new Tavern Wine license in a boutique hotel to operate a “food and beverage oasis” without a kitchen in the Courtyard and rear art studio on the ground floor of a M1-5B zoned, five (5)-story, 14 room boutique hotel (c. 1825, renovated 2012) on Broome Street between Crosby Street and Broadway (Block #473 / Lot #31), the building falling within NYC LPC’s designated SoHo-Cast Iron Historic District and the Special SoHo-NoHo Mixed Use District; and

ii. Whereas, the premises to be licensed is approximately 1,108 sq. ft. (675 sq. ft. in the exterior courtyard and 433 sq. ft. in the interior art studio); there will be four (4) tables and 12 seats

and one counter with 6 seats in the interior art studio premises and 19 tables and 40 seats in the courtyard for a total seated occupancy of 58 persons,; there are two (2) entryways serving as both patron ingress and egress and two (2) bathrooms located in the hotel lobby; the interior Courtyard being accessed by passing through the hotel lobby and the interior space being past the Courtyard; and

- iii. **Whereas**, the hours of operation will be from 7 AM to 12 AM Sundays through Thursdays and 7 AM to 1 AM Fridays and Saturdays for the Courtyard and 7 AM to 12 PM Sundays through Thursdays and 7 AM to 1 AM Fridays and Saturdays for the interior licensed premises, the courtyard closing to patrons but remaining open as a means of ingress and egress to the interior licensed premises; music will be background only with speakers located both throughout the Courtyard and the interior premises, there may be live acoustic music once a month on the interior; there will be no dancing, DJs, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers; and
- iv. **Whereas**, the building had been previously occupied by artist joint live work quarters with five loft units on the upper floors and a plumber's shop on the ground floor. But was gut renovated in 2012 and converted to Hotel uses on the second, third and fourth floors and the ground floor was converted to a hotel lobby space in the front, large courtyard in the middle and Art Studio / Art Storage located in the rear on the ground floor, at the time of the conversion, ground floor eating and drinking uses were expressly prohibited in the zoning district; the Hotel originally opened in 2014; and
- v. **Whereas**, there is no ground floor retail space currently located in the building and the certificate of occupancy permits an Art Studio and Art Storage on the ground floor but does not permit Eating and Drinking uses on any floor of the building; the Art Studio and Art Storage Use Group in the zoning text being an expressly separate use group from that which includes Eating and Drinking Uses, And an Art Studio and Art Storage Space not having any accessory use that CB2 is aware of being utilized as a food and beverage operation without a kitchen to service a boutique hotel; and
- vi. **Whereas**, despite there being no permit in place to operate a retail eating and drinking establish on the premises, the Applicant proposes and seeks to open up and advertise a tavern on the first floor for its boutique hotel guests but also for the general public with tables and chairs throughout the interior and service to their outdoor courtyard space which also includes tables and chairs until Midnight Sundays through Thursdays and 1 AM Fridays and Saturdays serving snacks but without any kitchen, the provided menu showing flatbreads, salads, charcuterie but no breakfast menu; additionally they intend to hold private parties in the courtyard and the interior art studio space; and
- vii. **Whereas**, the Courtyard is also surrounded by residential apartments immediately above overlooking the interior courtyard and adjacent to said Courtyard, the surrounding residents in a previous license application in 2015 which was not pursued providing photos showing the closeness in proximity of their bedroom windows surrounding the courtyard space planned for eating and drinking, their concerns of a significant increase of a noisy, late night and day time encroachment echoing against the surrounding building walls and up to the residences

for what has always been for them a place of comfort, privacy and quiet, some of which have resided in these apartments for their lifetime; and

- viii. Whereas,** the Applicant, who also owns the building and is therefore a part of the community, only did outreach via phone to a decades-long defunct block association no longer listed on CB2's website, the Applicant's Attorney and his firm being very familiar with CB2, Man. and CB2's desire for outreach to the local block associations prior to our meetings, the request being specifically addressed on CB2's application materials, the Attorney and his firm being directly familiar with those local block associations having been appearing before CB2, Man. on almost a monthly basis for decades, the Attorney choosing not to reach out to the two active block associations in the area who he is familiar with, those block associations being equipped to do further outreach to the community regarding the application, the Attorney stating that on a beer and wine application that is not subject to the 500 Foot Rule their firm having a different standard of outreach than what CB2 requests and that the CB2 SLA Committee meeting is where these issues are hashed out despite no direct notice to the applicant's immediate neighbors and those who would be immediately impacted; and
- ix. Whereas,** the head of the Broadway Residents Coalition spoke against the application, stating her involvement when the hotel was first built and that the use of the courtyard was explicitly for guests to walk through and not for gathering, that the Certificate of Occupancy does not allow for eating and drinking or for retail, additionally highlighting that the courtyard acts as a conduit for sound and the music travels up to all the residential windows above the hotel as well as further into the community, it was also pointed out that there is a nice restaurant across the corner with a wine license serving breakfast, lunch and dinner in addition to the many other eating and drinking establishment in the immediate vicinity; the resident living directly above, who submitted materials for the prior application in 2015 illustrating parties and pig roasts that were occurring illegally in the courtyard, was out of town and to our knowledge was unaware of the application as was, we believe, the resident above her; and
- x. Whereas,** the certificate of occupancy does not permit eating and drinking on any floor of the subject premises, this being an application for a food and beverage operation to service the boutique hotel guests and the general public, the hotel building being small, historic and being limited to transient hotel uses and an art studio but not designed for accessory eating and drinking to a hotel, the outdoor courtyard space being surrounded by residential apartments which will increase the levels of noise and disruption to others where no such commercial uses or occupancy previously existed prior to the hotel opening in 2014 and that there was no outreach to the local block associations or the surrounding neighbors being most impacted by the issuance of this license concerning the hours and mitigation of any quality of life concerns; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends **denial** of the Tavern Wine License for **Broome Hotel Owner LLC 431 Broome St 10013**; and

THEREFORE BE IT FURTHER RESOLVED that should this application be considered by the NYSLA, CB2, Man. respectfully requests that this item be calendared to appear before the Full Board of the NYSLA before any license, temporary or otherwise is issued to this Applicant.

THEREFORE, BE IT FURTHER RESOLVED, that if despite CB2, Man.’s objections to this Application, should the NYSLA not find good cause to deny this Application, CB2 Man. recommends in the alternative that the following stipulations be imposed on any future Tavern Wine license for **Broome Hotel Owner LLC 431 Broome St 10013**:

1. Provide a valid Certificate of Occupancy or Letter of No Objection showing that Eating and Drinking use as an accessory to the Hotel is permitted in advance of the issuance of any license in order to demonstrate an ability to conform with SLA Rule 48.3 (Section 48.3 - Conformance with local and other regulations. The Authority expects all on-premises licensees, regardless of type of premises, to conform with all applicable building codes, fire, health, safety and governmental regulations.)
2. The hours of operation will be from 9 AM to 9 PM Sundays through Saturdays (7 days a week) for the Courtyard and 7 AM to 11 PM Sundays through Thursdays and 7 AM to 12 AM Fridays and Saturdays for the interior licensed premises.
3. No music, no speakers, no TVs in the Courtyard at any time.
4. No events at any time.
5. All service in both the Courtyard and interior premises is to seated patrons only.

Vote: Unanimous in favor (4–0)

5. L. Pride on behalf of an Entity to be Determined 204 Elizabeth St 10012 (New OP–Restaurant)

- i. **Whereas**, the Applicants and the Applicants’ Attorney appeared before Community Board 2, Manhattan’s SLA Committee #1 to present an application to the NYS Liquor Authority for an On-Premises Liquor License to operate an Italian restaurant with wood-fired pizzas in a six-story, C6-2 zoned, mixed-use building (c. 1922, redeveloped 2022) on Elizabeth Street between Spring and Prince Streets (Block #492/Lot #8), the street being a small street in Nolita across from the Elizabeth Street Garden, this building falling within the Special Little Italy District; and
- ii. **Whereas**, the ground floor premises is roughly 3,700 sq. ft. with 2,000 sq. ft. on the ground floor connected by interior stairways to a 1,700 sq. ft. cellar, the only patron use of the cellar is for bathroom access; there are 21 tables with 82 seats, one food counter with nine (9) seats around the pizza oven and one (1) bar with 13 seats for a total seated patron occupancy of approximately 104 with an undetermined maximum occupancy, there is one (1) entry which will serve as patron ingress and egress and five (5) bathrooms; the store front infill being fixed with no operable doors or windows that open out to the sidewalk; and
- iii. **Whereas**, the hours of operation are from 11 AM to 12 AM Sundays through Wednesdays and 11 AM to 1 AM Fridays and Saturdays; music will be quiet background only consisting of music from ipod/cd’s/streaming services, there will be no TVs, all doors and windows will be closed at all times except for patron ingress and egress, there will be no DJs, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, no security personnel/doormen; and

- iv. **Whereas**, there will be sidewalk seating consisting of two (2) tables and four (4) seats adjacent to the building on Elizabeth Street until 10 PM nightly; and
- v. **Whereas**, in 2017 the building was part of a complete gut renovation and reconfiguration of 204–210 Elizabeth Street this portion of the building being brand new and includes the general area which was previously licensed in the previous building under Public Rest L.P. Avroko Rest Grp, LLC G.P. & 27 LTD dba Public (SN# 1143335) from approximately 2003–2017 of which the Applicant was a principal, the recent renovation completely changing the layout of the premises across the two buildings and now including an exterior courtyard and complete reconfiguration of the space, and floor levels; and
- vi. **Whereas**, the Applicant had appeared before CB2, Manhattan’s SLA Committee in October/2023 and requested at that time to lay the application over to do further outreach to nearby Block Associations and residents, there being significant opposition, this resulted in a reduction in hours from 2 AM to 1 AM, further reduced at our meeting to midnight and 1 AM and a reduction in outdoor seating, all else being the same with community opposition not diminished; and
- vii. **Whereas**, members of the Elizabeth Street Block Association, Bowery Block Association, and the Bowery Alliance of Neighbors the along with other local residents again came to speak against the application, though appreciating the reduction in hours wished them to be reduced further to 11 PM weekdays, 12 PM weekends, one of the other existing restaurant on the street having those hours, the other existing restaurant closing at 12 AM and the most recently heard application to occupy another portion of the newly created space next door to the instant application having hours of 11 PM and 12 AM; residents stating that this is a highly residential neighborhood whose quality of life is being severely impacted by a number of factors mostly related to over-saturation: Elizabeth Street between Prince and Spring Streets is part of the Open Streets program and is closed 4:30 PM to 11 PM Mondays–Fridays and 11 AM to 11 PM Saturdays and Sundays meaning anyone taking for-hire vehicles will need to be dropped off at Spring or Prince Streets (Spring street having also participated in the open Streets program and being closed at similar hours) which are already congested and can not handle the burden of the number of for-hire vehicles dropping off/picking up patrons to a 104 seat destination restaurant; there is already one wood-fired pizza place, though not the same esthetic, around the corner on Prince Street (Prince Street Pizza) creating noise and trash issues and another around the corner on Spring Street (Lombardi’s) wood-fired pizza hardly being unique to the immediate area; and
- viii. **Whereas**, the Applicant is applying for another liquor license in the adjacent space in the same redevelopment at 202 Elizabeth Street with approximately 45 seats and CB2, Man. recently recommended approval for an On-Premises Restaurant license in the same redevelopment next door at 206–210 Elizabeth Street for a 260 seat restaurant, all together adding 410 new dining seats within one block, directly next to each other completely oversaturating the immediate residential area characterized by small local storefronts; the size of majority of these restaurants being larger than the typical 50 seat restaurants usually found in the area, further leading to over-saturation and significant impacts on quality of life; the principal also operates two other similar establishments in our Community Board district

which are locally and internationally well-known for being promoted as one of the 50 best bars in the world, both locations for which members of the local community have had direct issues with due to noise emanating from the establishments, not following rules and regulations, overcrowding on the sidewalks and lack of desire to correct those deficiencies; and

- ix. Whereas**, this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest would be served by the granting of the On-Premises Liquor License at this location, there being 78 active licenses within 750 ft.; there being an overwhelming number of licensed premises within Nolita, the same zip code and throughout Community Board 2, the class and character of this application being comparable to many of the licensed premises in each area; there being no demonstrated need for further licensed premises to service the local residents, workers or visitors to CB2 or NYC in this area, the hours being later than any of the other nearby restaurants raising a concern in the extension of late night noise from eating and drinking establishments up this block, there already being a significant number of restaurants and late night bars on Spring Street and Elizabeth Street south of Spring, residents not wanting their residential block to become another rowdy destination location after 10pm; there being significant concerns regarding the impact on the existing traffic and parking conditions through addition of a destination retail, especially if the street continues to be a NYC Open Street with the addition of 3 more eating and drinking establishments next to each other, there being significant concerns of oversaturation on this heavily residential block due to the large number of seats of this instant application, together with the Applicant's concurrent application for an Aperitivo bar with small plates in the same redevelopment and the other adjacent restaurant in the same redevelopment recently recommended approval of by CB2, Man., all three applications combined adding up to 410 new dining seats adjacent to each other on this small street; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for an On-Premises Liquor License for **L. Pride on behalf of an Entity to be Determined 204 Elizabeth St 10012**; and

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

Vote: Unanimous in favor (4-0)

- 6. L. Pride on behalf of an Entity to be Determined 202 Elizabeth St 10012** (New OP-Restaurant) (*previously unlicensed*)
- i. Whereas**, the Applicants and the Applicants' Attorney appeared before Community Board 2, Manhattan's SLA Committee #1 to present an application to the NYS Liquor Authority for an On-Premises Liquor License to operate an Aperitivo bar with small plates in a six-story, C6-2 zoned, mixed-use building (c. 1900) on Elizabeth Street between Spring and Prince

Streets (Block #492/Lot #7), the street being a small street in Nolita across from the Elizabeth Street Garden, this building falling within the Special Little Italy District; and

- ii. **Whereas**, the ground floor premises is roughly 650 sq. ft. on the ground floor; there are 7 tables with 28 seats and one (1) bar with seven (7) seats for a total seated patron occupancy of approximately 35 seats with an undetermined maximum occupancy, there is one (1) entry which will serve as patron ingress and egress and two (2) bathrooms; the store front infill being fixed with no operable doors or windows that open out to the sidewalk; and
- iii. **Whereas**, the hours of operation are from 10 AM to 12 AM Sundays through Wednesdays and 10 AM to 1 AM Fridays and Saturdays; music will be quiet background only consisting of music from ipod/cd's/streaming services, there will be no TVs, all doors and windows will be closed at all times except for patron ingress and egress, there will be no DJs, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, no security personnel/doormen; and
- iv. **Whereas**, there will be sidewalk seating consisting of two (2) tables and eight (8) seats adjacent to the building on Elizabeth Street until 10 PM nightly; and
- v. **Whereas**, in 2017 the building was part of a complete gut renovation and reconfiguration of 204–210 Elizabeth Street this portion of the building being brand new and adjacent to the general area which was previously licensed in the previous building under Public Rest L.P. Avroko Rest Grp, LLC G.P. & 27 LTD dba Public (SN# 1143335) from approximately 2003–2017 of which the Applicant was a principal, the recent renovation completely changing the layout of the premises across the two buildings and now including an exterior courtyard and complete reconfiguration of the space, and floor levels; and
- vi. **Whereas**, the Applicant had appeared before CB2, Manhattan's SLA Committee in October/2023 and requested at that time to lay the application over to do further outreach to nearby Block Associations and residents, there being significant opposition, this resulted in a reduction in hours from 2 AM to 1 AM, further reduced at our meeting to midnight and 1 AM and a reduction in outdoor seating, all else being the same with community opposition not diminished; and
- vii. **Whereas**, members of the Elizabeth Street Block Association, Bowery Block Association, and the Bowery Alliance of Neighbors along with other local residents again came to speak against the application, though appreciating the reduction in hours wished them to be reduced further to 11 PM weekdays, 12 PM weekends, one of the other existing restaurant on the street having those hours, the other existing restaurant closing at 12 AM and the most recently heard application to occupy another portion of the newly created space two doors north of the instant application having hours of 11 PM and 12 AM; residents stating that this is a highly residential neighborhood whose quality of life is being severely impacted by a number of factors mostly related to over-saturation: Elizabeth Street between Prince and Spring Streets is part of the Open Streets program and is closed 4:30 PM to 11 PM Mondays–Fridays and 11 AM to 11 PM Saturdays and Sundays meaning anyone taking for-hire vehicles will need to be dropped off at Spring or Prince Streets (Spring street having also participated in the open Streets program and being closed at similar hours) which are already congested; the Applicant

having two other similar restaurants in CB2, Man. which are destination restaurants for both locals and tourists, being promoted as one of the 50 best bars in the world, both locations for which members of the local community have had direct issues with due to noise emanating from the establishments, not following rules and regulations, overcrowding on the sidewalks and lack of desire to correct those deficiencies; and

- viii. Whereas,** the instant application is being considered in conjunction with another application from this Applicant heard by CB2, Man. this same month under the same name in the adjacent storefront at 204 Elizabeth St, this instant application operating as an Aperitivo bar with a lighter food menu and intended to supplement patrons waiting for seating at the Applicant's adjacent storefront or serving as a spot for after-dinner drinks in addition to general walk ins; and,
- ix. Whereas,** concerns were raised about the extension of hours until 1 AM on the weekends when none of the other restaurants on the block had those hours especially with the Applicant applying for another liquor license in the adjacent space at 204 Elizabeth Street in the same redevelopment site for an Italian restaurant with wood-fired pizzas having 104 seats with an undetermined maximum occupancy and the same hours; additional concerns were raised about oversaturation on this block, especially because CB2, Man. recently recommended approval for another On-Premises Restaurant license two doors north in the same building redevelopment site at 206–210 Elizabeth Street for a 260 seat restaurant, that, combined with this instant application and the Applicant's additional application this month would add 410 new dining seats within one block, directly next to each other in this new redevelopment completely oversaturating the immediate area; the size of the majority of these restaurants being significantly larger than the typical 50 seat restaurants usually found in the area, further leading to over-saturation; and
- x. Whereas,** this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest would be served by the granting of the On-Premises Liquor License at this location, there being 78 active licenses within 750 ft.; there being an overwhelming number of licensed premises within Nolita, the same zip code and throughout Community Board 2, the class and character of this application being comparable to many of the licensed premises in each area; there being no demonstrated need for further licensed premises to service the local residents, workers or visitors to CB2 or NYC in this area, the hours being later than any of the other nearby restaurants raising a concern in the extension of late night noise from eating and drinking establishments up this block, there already being a significant number of restaurants and late night bars on Spring Street and Elizabeth Street south of Spring, residents not wanting their residential block to become another rowdy destination location after 10pm; there being significant concerns regarding the impact on the existing traffic and parking conditions through addition of a destination retail, especially if the street continues to be a NYC Open Street with the addition of 3 more eating and drinking establishments next to each other, there being significant concerns of oversaturation on this heavily residential block due to the large number of seats of this instant application, together with the Applicant's concurrent application in the adjacent restaurant in the same redevelopment and the other adjacent restaurant in the same redevelopment recently recommended approval of by CB2, Man., all three applications combined adding up to 410 new dining seats adjacent to each other on this small street; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for an On-Premises Liquor License for **L. Pride on behalf of an Entity to be Determined 202 Elizabeth St 10012**; and

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

Vote: Unanimous in favor (4–0)

7. 1 Tyger LLC dba Tyger–South SoHo Bar 1 Howard St 10013 (OP–Restaurant) (Alteration)

- i. Whereas**, the Applicant appeared before Community Board 2, Manhattan’s SLA Committee #1 to present an application to the NYS Liquor Authority for an Alteration to their On-Premises Restaurant Liquor License (SN#13330910, exp 1/31/2025) for their existing full-service Southeast Asian Restaurant serving lunch and dinner located in the ground floor of a M1-5/R10-zoned, six (6)-story, commercial building (c. 1915) on the southwest corner of Howard and Centre Street (Block #208/Lot #19), the building falling within the Special SoHo-NoHo Mixed-Use District; and
- ii. Whereas**, the Applicant has been in operation at this location since approximately September/2020, the original application being heard by CB2, Manhattan in December/2020 and an alteration application heard in February/2020; and
- iii. Whereas**, the Alteration Application is to remove the adjacent storefront whose entrance is on Centre Street, the storefront having been added as part of an Alteration application in December/2021, and reconfigure the interior seating; and
- iv. Whereas**, the initial premise of adding the adjacent storefront was to increase the kitchen in order to support the substantial outdoor sidewalk and roadbed seating in addition to takeout orders that occurred during the pandemic in addition to adding a bar and a few additional seats; in actuality the premises ended up operating under a separate DBA and more as a lounge than a restaurant with loud music, crowding on the sidewalk and security; and
- v. Whereas**, there will be 33 tables with 103 seats and one (1) bar with 11 seats for a total seated capacity of 119 persons and a maximum legal capacity of 180 persons; the hours of operation remain from 12 AM to 1 AM Saturdays through Sundays (7 days a week); there are 23 tables and 46 seats on the sidewalk on Centre Street adjacent to the licensed premises that was approved under the temporary Open Restaurants program which closes at 11 PM nightly; music is background only; and
- vi. Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Man. that they agreed to submit to the NYSLA and agreed would be

attached and incorporated into the method of operation of the On-Premises Restaurant Liquor License, with those stipulations as follows:

1. Premises will operate and be advertised as full-service all-day Southeast Asian restaurant with the kitchen open and full menu items available until closing every night.
2. The interior hours of operation will be from 12 PM to 1 AM Saturdays through Sundays (7 days a week). No patrons will remain after stated closing times.
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 a sidewalk café located immediately adjacent to the storefront complying with all outdoor dining and sidewalk regulations.
5. Sidewalk café will close no later than 11:00PM. All tables and chairs will be cleared and secured at this hour. Planters will be removed or brought adjacent to the premises. No exterior music, speakers or TVs.
6. No roadbed seating.
7. Will play quiet, ambient recorded background music only. No subwoofers. No music will be audible in any adjacent residences at any time.
8. Will not have televisions.
9. Will close all doors and windows at 9:00PM every night, allowing only for patron ingress and egress.
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 (including no “boozy brunches”), nor will it sell pitchers of beer.
13. There will be no “bottle service” or the sale of bottles of alcohol except for the sale of bottles of wine and beer products.
14. Will not have dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, security personnel or a doorman.
15. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for an Alteration Application to an On-Premises Restaurant Liquor License in the name of **1 Tyger LLC dba Tyger–South SoHo Bar 1 Howard St 10013** **unless** the statements presented by the Applicant are accurate and complete and that all the conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” of the NYSLA Liquor License in order to create public interest for the issuance of this liquor license.

Vote: Unanimous in favor (4–0)

- 8. Entity to be Formed by Eddie Buckingham dba Soso's, 189-191 Centre St 10013** (New OP–Restaurant) (*previously unlicensed*)
- i. Whereas**, the Applicant and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Committee #1 to present an application to the NYS Liquor Authority for an On-Premises Liquor License for a American-style restaurant and bar with an international menu located in the ground floor of a M1-5/R10 zoned, six (6)-story, mixed-use building (c. 1915) on Centre Street between Hester and Canal Streets (Block #208/Lot #19), the building falling within the Special SoHo-NoHo Mixed Use District; and
 - ii. Whereas**, the ground floor premises is approximately 2,648 sq. ft.; there will be 16 tables with 79 seats and one (1) bar with 16 seats for a total patron occupancy of 95 seats; there is one (1) entry in the center of the front façade which will serve as patron ingress and egress with an additional door for egress further south on Centre Street, there are five (5) bathrooms; the store front infill being fixed with no operable doors or windows that open out to the sidewalk; there will be no outdoor seating; and
 - iii. Whereas**, the hours of operation will be from 4 PM to 1 AM Sundays through Saturdays (7 days a week); music will be quiet background only inclusive of any private parties consisting of music from iPod/CDs/streaming services; there will be no dancing, DJs, promoted events, no scheduled performances or cover fees, no velvet ropes, and no movable barriers; and
 - iv. Whereas**, the instant application consists of combing two storefronts, the north side of the storefront premises was previously operated since 2022 as part of the On-Premises Restaurant Liquor license under 1 Tyger LLC dba Tyger–South SoHo Bar (SN#13330910, exp 1/31/2025), when that storefront was connected to the northern storefront as an addition to the restaurant The Tyger of which the Applicant is one of the principals; the walls which were opened to combine those spaces have been sealed and a new wall has been opened between the two storefronts of the instant application; and
 - v. Whereas**, there had been complaints about the operation of South SoHo Bar when it was added to The Tyger as an extension of their restaurant, instead it operated more as a lounge with loud music, crowds on the street and security, concerns being raised that this would not be a restaurant as presented but would be an extension of the lounge operation especially as the application originally included DJs and closing hours of 2 AM while purporting to be strictly a restaurant with background music, the Applicant assuring the Committee that this was an attempt to clean up the past operation and in so agreeing to reduce the hours to 1 AM, and remove the DJ from the application; additional concerns were raised about the proposed seating on the sidewalk which looked to block the building entryway as well as the current additional tables and seating as part of The Tyger's Open Restaurants seating that block the main building's entryway to the 2nd floor next to their storefront, the Applicant's next door operation (The Tyger) violating many of the Open Restaurants guidelines for sidewalk and roadbed structures including blocking the building's main entryway and sidewalk with planters that are never removed, the sidewalk on Centre street having a crosswalk midblock at the location of the instant application, that sidewalk already being congested and there being sidewalk seating at the Applicant's adjacent restaurant, the Applicant agreeing to remove the sidewalk seating in conjunction with the instant application; 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 Restaurant Liquor License, with those stipulations as follows:

1. Premises will be advertised and operated as American style restaurant and bar with an international menu with the kitchen open and full menu items available until closing every night.
2. The hours of operation will be 4 PM to 1 AM 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 other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating.
5. Will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
6. Will not have TVs or speakers outside.
7. Will not have televisions.
8. Will close all doors and windows at all times, 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 will keep current at all times required Permits and Certificates.
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. In conjunction with an American Style restaurant and bar, security personnel/doorman will not be used to limit entrance to those 21 and older. Premises will be open to patrons under 21 at all times.
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.
17. Will appear before CB2, Man. prior to submitting changes to any stipulation agreed to herein.
18. Will appear before CB2, Man. for alteration to license prior to submitting plans for any permanent sidewalk, roadbed or other outdoor seating.

vii. Whereas, this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest and public convenience would be served by the granting of a liquor license at this location where there already are a significant number of licensed establishments in Community Board 2 and in the immediate area, there being 54 active licensed premises within 750 feet of the subject premises, in addition to 4 pending licenses, the Applicant agreeing to reduce the hours and eliminate DJs to conform to the described

method of operation as a restaurant, the Applicant executing a stipulations agreement with Community Board 2 Manhattan for the sole purpose of establishing public interest, and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new On-Premises Restaurant Liquor License in the name of **Entity to be Formed by Eddie Buckingham dba Soso's, 189-191 Centre St 10013** **unless** the statements presented by the Applicant are accurate and complete and that all the conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” of the NYSLA Liquor License in order to create public interest for the issuance of this liquor license.

Vote: Unanimous in favor (4–0)

9. 100 West Houston LLC, dba Sarabeth's, 100 West Houston St. 10012 (OP – Restaurant) (Transfer)

- i. Whereas**, the Applicant and the Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Committee to present an application to the NYS Liquor Authority for an On Premise Liquor License to operate a full-service family restaurant serving American fare in the ground floor and cellar storefront of a six-story, R7-2 zoned, mixed-use building (c. 1890, renovated 2013) on West Houston Street between Thompson Street and LaGuardia Place (Block #525/Lot #61), this building falling within NYC LPC's South Village Historic District; and
- ii. Whereas**, the premises proposed to be licensed has operated since 2017 as Jane (SN# 1298523, exp 12/2024), this being a sale of assets to a new LLC, the Applicant being a principal of the Jane; and
- iii. Whereas**, the ground floor premises is roughly 4,300 sq. ft. with 2,150 sq. ft. on the ground floor connected by interior stairways to a 2,150 sq. ft. cellar,; there are 33 tables with 100 seats on the ground floor, five (5) tables with 40 seats and one bar with ten (10) seats in the cellar for a total seated patron occupancy of 150, there is one (1) entry which will serve as patron ingress and egress, one (1) emergency exist and two (2) bathrooms; there is no outdoor seating; the store front infill being fixed with no operable doors or windows that open out to the sidewalk; and
- iii. Whereas**, the hours of operation are from 8 AM to 11 PM Sundays through Thursdays and 8 AM to 12 AM Fridays and Saturdays; music will be quiet background only consisting of music from ipod/cd's/streaming services, there will be no TVs, all doors and windows will be closed at all times except for patron ingress and egress, there will be no DJs, no live music, no promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers, no security personnel/doormen; and
- iv. Whereas**, the Applicant has executed and has had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the On Premise Liquor License, with those stipulations as follows:

1. The Applicant will operate a full-service family restaurant serving American fare with full menu items available until closing every night.
 2. The hours of operation will be Sunday to Thursday from 8 .
 3. The premise 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 including any sidewalk or roadbed seating.
 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 televisions.
 7. Will close all doors and windows at all times, allowing only for patron ingress and egress
 8. Will not install or have French doors, operable windows or open facades.
 9. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
 10. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
 11. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
 12. 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.
 13. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
 14. Will appear before CB2, Man. for alteration to license prior to submitting plans for any sidewalk, roadbed or other outdoor seating.
- v. **Whereas**, this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest would be served by adding another liquor license at this location, the method of operation being the same as to what has been licensed and operated at the same location in the past, the Applicant’s agreed upon stipulations satisfying the public interest standard albeit subject to the Applicant and Licensee abiding by those agreed upon stipulations in the future; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for an On Premise Liquor License to **100 West Houston LLC, dba Sarabeth’s, 100 West Houston 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 Liquor License in order to create public interest for the issuance of this liquor license.

Vote: Unanimous in favor (4–0)

10. Apex Lifestyle Group LLC 7 Spring St 10012 (OP–Restaurant)

- i. **Whereas**, the Applicant and Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 for an On-Premises Restaurant Liquor License to

operate a full service restaurant serving sushi, omakase and handrolls on the ground floor of a C6-2 zoned, five (5)-story mixed-use building (circa 1900) on Spring Street between Bowery and Elizabeth Street (Block #492/Lot #42), the building falling within the Special Little Italy District; and

- ii. **Whereas**, the ground floor premises is approximately 2,250 sq. ft. with approximately 1,300 sq. ft. on the ground floor and 950 sq. ft. in the basement, the basement being accessed by an interior stairway and being used for storage purposes only, there being no patron access to the basement; there will be 16 tables with 39 seats and one (1) bar with 22 seats for a total patron occupancy of 61 seats with a maximum legal occupancy of 74 persons; there is one (1) entry which will serve as patron ingress and egress and two (2) bathrooms; the store front infill being fixed with no operable doors or windows that open out to the sidewalk; there will be no outdoor seating; and
- iii. **Whereas**, the hours of operation will be from 12 PM to 11 PM Sundays Thursdays and 12 PM to 12 AM Fridays and Saturdays; music will be quiet background only consisting of music from iPod/CDs/streaming services; there will be no dancing, DJs, promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and no security personnel/doormen; and
- iv. **Whereas**, the storefront premises was previously operated from 2013–2021 as a Thai Restaurant called Uncle Boon’s LLC (SN#1274110) with a similar method of operation; 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 On-Premises Restaurant Liquor License, with those stipulations as follows:
 - 1. Premises will be advertised and operated as full-service restaurant serving sushi, omakase and hand rolls with the kitchen open and full menu items available until closing every night.
 - 2. The hours of operation will be 12 PM to 11 PM Sundays Thursdays and 12 PM to 12 AM 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 other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating.
 - 5. Will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
 - 6. Will install soundproofing.
 - 7. Will not have televisions.
 - 8. Will close all doors and windows at all times, allowing only for patron ingress and egress.
 - 9. Will not have patron occupancy/service to any portion of the basement of licensed premises.
 - 10. Will not install or have French doors, operable windows or open facades.
 - 11. Will not make changes to the existing façade except to change signage or awning.

12. Will comply with NYC Department of Buildings Regulations and will 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 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, security personnel/doormen.
 16. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
 - 17.
- vi. **Whereas**, this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest and public convenience would be served by the granting of a liquor license at this location where there already are a significant number of licensed establishments in Community Board 2 and in the immediate area, there being 85 active licensed premises within 750 feet of the subject premises, in addition to 8 pending licenses, the method of operation being similar to past licensees with the hours of operation being reasonable, the Applicant executing a stipulations agreement with Community Board 2 Manhattan for the sole purpose of establishing public interest; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new On-Premises Restaurant Liquor License in the name of **Apex Lifestyle Group LLC 7 Spring St 10012** **unless** the statements presented by the Applicant are accurate and complete and that all the conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” of the NYSLA Liquor License in order to create public interest for the issuance of this liquor license.

Vote: Unanimous in favor (4–0)

11. The Dragon Pot Manhattan LLC, dba Shoo Loong Kan Hot Pot, 22 E. 13th St. 10013 (OP–Restaurant)

- i. **Whereas**, the **Applicant** appeared before Community Board 2, Manhattan’s SLA Licensing Committee #1 for an On-Premises Restaurant Liquor License to operate a full service Chinese Hot Pot restaurant in the basement and first floor of a C6-1 zoned, four (4)-story walk-up, mixed use building (circa 1920) on East 13th Street between Fifth Avenue and University Place (Block #570/Lot #16; and
- ii. **Whereas**, the premises is approximately 3,566 sq. ft. with approximately 1,886 sq. ft. in the below-grade basement and 1,680 sq. ft. in the above-grade first floor, the basement being the main entrance to the premises connected to the first floor by an interior staircase,; there will be approximately 6 tables and 12 seats in the basement level and 14 tables and 52 seats on the first and no bars or food counters for a total patron occupancy of 20 tables and 64 patron seats with a maximum legal occupancy of 120 persons; there is one (1) entry which will serve as patron ingress and egress, one additional entry to service as emergency exit and

three (3) bathrooms; the store front infill being fixed with no operable doors or windows that open out to the sidewalk; there will be no outdoor seating; and

- iii. **Whereas**, the hours of operation will be from 11 AM to 12 PM Sundays through Saturdays (7 days a week); music will be quiet background only consisting of music from iPod/CDs/streaming services; there will be no dancing, DJs, promoted events, no scheduled performances or cover fees, no velvet ropes, no movable barriers and no security personnel/doormen; and
- iv. **Whereas**, the storefront premises was previously operated from 2019–2020 as Adina LLC dba Babu Ji Restaurant (SN#1315576) with a similar method of operation; 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 On-Premises Restaurant Liquor License, with those stipulations as follows:
 1. Premises will be advertised and operated as full-service Chinese Hot Pot restaurant with the kitchen open and full menu items available until closing every night.
 2. The hours of operation will be 11 AM to 12 AM Sundays 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 other outdoor area for commercial purposes including any sidewalk café and/or roadbed seating.
 5. Will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
 6. Will not have televisions.
 7. Will not have a bar.
 8. Will close all doors and windows at all times, 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 will keep current at all times required Permits and Certificates.
 12. Temporary Certificate of Occupancy will be re-applied for permitting eating and drinking for store front premises proposed to be licensed prior to opening and will be kept current.
 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 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, security personnel/doormen.
 16. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
 17. Will appear before CB2, Man. for alteration to license prior to submitting plans for any sidewalk, roadbed or other outdoor seating.

- vi. **Whereas**, this application being subject to the 500 Foot Rule requiring the Applicant to demonstrate that the public interest and public convenience would be served by the granting of a liquor license at this location where there already are a significant number of licensed establishments in Community Board 2 and in the immediate area, there being 46 active licensed premises within 750 feet of the subject premises, in addition to 4 pending licenses, the method of operation being similar to the past licensee with the hours of operation being reasonable, the Applicant executing a stipulations agreement with Community Board 2 Manhattan for the sole purpose of establishing public interest; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new On-Premises Restaurant Liquor License in the name of **The Dragon Pot Manhattan LLC, dba Shoo Loong Kan Hot Pot, 22 E. 13th St. 10013** **unless** the statements presented by the Applicant are accurate and complete and that all the conditions and stipulations agreed to by the Applicant are incorporated into the “Method of Operation” of the NYSLA Liquor License in order to create public interest for the issuance of this liquor license.

Vote: Unanimous in favor (4–0)

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

- 12. Union Square Rice LLC dba Glaze Teriyaki, 110 University Place 10003** (RW–Restaurant) *(previously unlicensed)* **(failed to appear)**

Whereas, at this month’s CB2, Manhattan’s SLA Licensing Committee Meeting on November 1, 2023 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 NYSLA **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 **Union Square Rice LLC dba Glaze Teriyaki, 110 University Place 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

- 13. icook Bowery Inc dba Sanmiwago, 90-92 Bowery 10013** (RW–Restaurant) *(previously*

unlicensed) (failed to appear)

Whereas, at this month's CB2, Manhattan's SLA Licensing Committee Meeting on November 1, 2023 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 NYSLA **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 **icook Bowery Inc dba Sanmiwago, 90-92 Bowery 10013** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the SLA and requests that the SLA send this Applicant back to CB2, should this application proceed directly to the SLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

14. Tokana Cafe Bar Restaurant Inc. dba Little Rascal, 163 Elizabeth St. 10012 (OP–Restaurant)

Whereas, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on November 1, 2023, the Applicant requested **to lay over** this application to December/2023 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Tokana Cafe Bar Restaurant Inc. dba Little Rascal, 163 Elizabeth St. 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

15. ER Hotpot 8 St Inc dba Six Hotpot, 51 E 8th St 10003 (RW–Restaurant) (previously unlicensed)

Whereas, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on November 1, 2023, the Applicant requested **to lay over** this application to December/2023 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **ER Hotpot 8 St Inc dba Six Hotpot, 51 E 8th St 10003** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

16. Talum LLC 183 Grand St 10013 (RW–Restaurant) *(previously unlicensed)*

Whereas, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on November 1, 2023, the Applicant requested **to lay over** this application to December/2023 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Talum LLC 183 Grand 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 NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

17. Entity to be formed by Shawn Lu An Teng 144 Sullivan St 10012 (RW–Restaurant) *(previously unlicensed)*

Whereas, prior to this month's CB2, Manhattan's SLA #1 Licensing Committee Meeting on November 1, 2023, the Applicant requested **to lay over** this application to December/2023 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Entity to be formed by Shawn Lu An Teng 144 Sullivan St 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application

proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

18. Mountain 6002 LLC 118 W 3rd St 10012 (RW–Restaurant)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on November 1, 2023, the Applicant requested **to lay over** this application to December/2023 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Mountain 6002 LLC 118 W 3rd St 10012 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

19. Festive & Co Crosby–Street LLC dba Changers Social Club 430 Broome St aka 39 1/2 Crosby St 10013 (OP-Restaurant) (Class Change)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on November 1, 2023, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Festive & Co Crosby Street LLC dba Changers Social Club 430 Broome St aka 39 1/2 Crosby 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 NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

20. Entity to be formed by Jason Pomeranc 65 Bleecker St 10012 (OP–Bar/Tavern)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on November 1, 2023, the Applicant requested **to withdraw** this application from further consideration, affirming that they will not submit this application to the NYSLA for consideration without returning to CB2 Manhattan should they decide to proceed at some time in the future; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Entity to be formed by Jason Pomeranc 65 Bleecker St 10012 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

21. Torishiki USA Corp dba Torien 292 Elizabeth St 10012 (OP–Restaurant) (Class Change)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on November 1, 2023, the Applicant requested **to lay over** this application to December/2023 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Torishiki USA Corp dba Torien 292 Elizabeth St 10012 until** the Applicant has presented their application in front of CB2’s SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, in order that this important step not be avoided and that the concerns of the Community be fully heard.

Vote: Unanimous in favor

22. Elmer Kennedy LLC dba Pasquale Jones 86 Kenmare St 10012 (OP-Restaurant) (Class Change)

Whereas, prior to this month’s CB2, Manhattan’s SLA #1 Licensing Committee Meeting on November 1, 2023, the Applicant requested **to lay over** this application to December/2023 and will resubmit the application for consideration at a future CB2 SLA Licensing Committee meeting prior to any filings with the NYSLA should they proceed; and

THEREFORE, BE IT RESOLVED that Community Board 2, Manhattan strongly recommends that the NYSLA **deny** any type of proposed on-premises liquor license, tavern wine license, restaurant wine license, any other beer and wine license, corporate change, change in method of operation, alteration, transfer or other changes to any existing license for **Elmer Kennedy LLC dba Pasquale Jones 86 Kenmare St 10012** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the NYSLA and requests that the NYSLA send this Applicant back to CB2 should this application proceed directly to the NYSLA, 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,

Donna Raftery, Chair, SLA Licensing Committee
Community Board 2, Manhattan

DRAFT