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

FULL BOARD MINUTES

DATE: November 16, 2023

TIME: 6:30 P.M.

PLACE: PS 41 - The Greenwich Village School, 116 West 11th Street

BOARD MEMBERS PRESENT IN PERSON: Susanna Aaron, William Benesh, Keen Berger, Carter Booth, Katy Bordonaro, Anita Brandt, Amy Brenna, Rich Caccappolo, Ritu Chattree, Valerie De La Rosa, Chris Dignes Stella FitzGerald, Cormac Flynn, Susan Gammie, David Gruber, Julian Horky, Susan Kent, Ryder Kessler, Jeannine Kiely, Ivy Kwan Arce, Patricia Laraia, Michael Levine, Matthew Metzger, Erika Olson, Brian Pape, Lois Rakoff, Bo Riccobono, Zachary Roberts, Rocio Sanz, Shirley Secunda, Frederica Sigel, Emma Smith, Dr. Shirley Smith, Susan Wittenberg, Antony Wong (35)

BOARD MEMBERS ABSENT WITH NOTIFICATION: Wayne Kawadler, Zak Kazzaz, Ed Ma, Daniel Miller, Cheryl Wu, Eugene Yoo (6)

BOARD MEMBERS ABSENT: Akeela Azcuy, Anne Hager, Juan Osorio, Kristin Shea, Chenault Spence (5)

BOARD MEMBERS PRESENT/ARRIVED LATE: Mar Fitzgerald, Donna Raftery (2)

BOARD MEMBERS PRESENT/LEFT EARLY: (0)

BOARD STAFF PRESENT: Mark Diller, District Manager; Florence Arenas, Community Coordinator, Eva Mai, Community Assistant

ELECTED OFFICIALS AND REPRESENTATIVES: Tevin Williams, Congressman Daniel Goldman's Office; Andrew Chang, Manhattan Borough President Mark Levine's Office; Caroline Wekselbaum, Senator Brad Hoylman-Sigal's Office; Stacie Johnson, Senator Brian Kavanaugh's Office; Roy Ruiz, Assembly Member Deborah Glick's Office; Jasper Scott, Assembly Member Grace Lee's Office; Conor Allerton, Council Member Christopher Marte's Office; Kate Loeb, Council Member Carlina Rivera's Office; Nicole Barth, Council Member Erik Bottcher's Office; Evelin Collado, Comptroller Brad Lander's office; Peter Tse, District Attorney Alvin Bragg's Office

MEMBERS OF THE PUBLIC AND APPLICANTS: Darlene Lutz

MEETING SUMMARY

Meeting Date – November 16, 2023

Board Members Present – 37

Board Members Absent with Notification – 6

Board Members Absent – 5

Board Members Present/Arrived Late – 2

Board Members Present/Left Early – 0

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II. PUBLIC SESSION

Leslie Clark and Renee Monroe appeared to testify with respect to the resolution concerning the DoT proposed rules for Dining Out NYC. The public session will be reopened for comment when the resolution is presented.

Shirley Secunda - CB2's representative to the Village Alliance:

- Event on 12/1: "Light Up The Village" on West 8th Street between 5th and 6th Avenues, with various types of entertainment for adults and children, plus discounts at several businesses with in the Village Alliance BID.

Darlene Lutz:

- Member of the 1st Precinct Community Council.
- Next meeting will be Thursday, 11/30 at 6 pm at the Precinct.
- Encouraging all residents to attend to meet the Precinct leadership and learn about NYPD activities, recent trends and procedures. house.
- We need a better understanding of traffic management efforts at the Holland Tunnel.

ADOPTION OF AGENDA

The agenda was adopted by voice vote.

III. ELECTED OFFICIALS' AND REPRESENTATIVES' REPORTS

Reports from Elected Officials and Staff Members:

Office of NYC Comptroller Brad Lander - Evelin Collado reported:

- Audit report on the NYC Charter-mandated “Fair Share” program. The report concludes that the City fails to meet its Charter obligation to distribute facilities and resources equitably across Districts and neighborhoods. Report includes information broken out by Community Board District as to the location of various City facilities and resources, including Shelters, Emergency Relief Centers, etc.
- The Comptroller has launched a capital projects tracker that is searchable by the public that provides information on capital projects in process through the approval and implementation process, broken out by Community Board District, including cost and completion date estimates.
- Released reports on Lyft’s management and performance of the Citibike program and concerning progress with hiring MWBE businesses.

Office of NYS Assembly Member Grace Lee, 65th District - Jasper Scott reported:

- AM Lee has been assisting in holding Columbia University accountable under the Adult Survivors of Abuse Act for the crimes of OB/GYN Robert Hadden in molesting over 500 patients and facilitating surviving victims’ access to justice under the Act.
- Co-sponsoring a new Hate Crimes Modernization Act – expands the acceptable list of recognized Hate Crimes.

Office of New York County District Attorney Alvin Bragg - Peter Tse reported:

- DA Bragg worked with A-M Lee and Sen. Hoylman-Sigal on the expanded Hate Crimes bill. Check the DA's website for available internships. 33 additional crimes would now be capable of being prosecuted as hate crimes.
- DA’s office is sponsoring summer internships for High School and College students.

Office of NYS Assembly Member Deborah Glick, 66th District - Roy Ruiz reported:

- Shocked by proposed closing of Mount Sinai Beth Israel’s campus. Working with the NYS Department of Health and elected officials from all levels of government.
- Proposed closing date in July 2024.
- Exploring options and alternatives to closing.
- Convened joint meetings with the new Chair of the State Liquor Authority. Addressing chronic issues such as service across bike lanes and operators failing to abide by stipulations.

Office of NYC Council Member Christopher Marte, 1st District – Conor Allerton reported:

- C-M will testify at the public hearing on the proposed Dining Out NYC regulations, and will advocate for shorter license terms, a shorter roadway café season, earlier closing time for outdoor operation, requiring a roadway café review to be as extensive as the sidewalk cafe review, greater Community Board and Council Member oversight in granting licenses, greater penalties and more enforcement of the new rules than the old. Will share a summary of the new rules and advocacy positions.
- Upcoming hearing on the C-M’s bill to require senior service providers to attend specified trainings to prevent discrimination including based on sexual orientation, gender identity and expression.

- Analyzing the 1,000+ pages of the City of Yes for Economic Opportunity Zoning Text Amendment and will share the summary and advocacy notes with the Community Board.
- Co-sponsoring a bill to make unlicensed cannabis businesses fall under the Public Nuisance Law, which will expand the ability of NYPD to enforce laws and stipulations.
- Participatory Budgeting wrapping up the neighborhood proposal process.
- Scheduling a hearing on the Mayor's proposed budget cuts.
- Supporting legislation to address the working conditions for home health care workers.

Office of NYC Council Member Erik Bottcher, 3rd District - Nicole Barth reported:

- Passed a bill to require NYC DoT to publish the frequency with which toll collection devices were thwarted by the illegal obscuring of the readability of license plates.
- Co-sponsoring the bill to make illegal cannabis shops susceptible of enforcement under the NYC public nuisance law – consequences to include potential restraining orders and injunctions against further operations.
- Upcoming paper shredding event.
- The office holds housing clinics two times a month, check for dates on the C-M's website.
- Encouraging participation in Participatory Budgeting.

Office of NYC Council Member Carlina Rivera, 2nd District - Katy Loeb reported:

- Participatory Budgeting in process – accepting PB proposals throughout the new portion of the District added in the redistricting process. Seeking budget ideas, especially from the new portion of the District.
- Also seeking volunteers to be Budget Delegate.
- Resource fair at Baruch College 11/20 – 20 City Agencies will participate.
- Passed legislation to enhance lead protection laws.
- C-M has introduced additional tenant protection laws.
- She has also introduced legislation to prohibit releasing birds for commercial uses such as party favors.

Office of NYS Senator Brad Hoylman-Sigal, 47th District - Caroline Wekselbaum reported:

- Co-sponsored the Hate Crimes Modernization Act with A-M Lee (already discussed).
- Held a hearing on lack of funding and support for family court representation.
- Blood drive at Westbeth.
- Held a senior resource fair with 50 vendors and 400 attendees.
- Thanks the CB2 Traffic & Transportation committee for drafting a resolution about Sen. Hoylman-Sigal's legislation concerning ebike safety.

Office of Mark Levine, Manhattan Borough President, Bracha Rosenberg reported:

- MBPO Leadership Training resumed with shorter 1-hour trainings, including Conflicts of Interest and Emergency Preparedness, as well as overdose prevention training, and implicit bias.
- Participating in a Thanksgiving Turkey give-away.
- Led the Borough Board adoption of a resolution in support of Statewide Right to Counsel for those facing eviction.
- Analyzing the City of Yes for Economic Opportunity.

Office of U.S. Representative Dan Goldman, 10th Congressional District - Tevin Williams reported:

- New mailboxes with a different design are being installed to combat mail theft.
- Supporting families whose loved ones were abducted in the Israel-Gaza war.

- Continuing resolutions were adopted to continue to fund the federal government through the beginning of 2024.

Office of NYS Senator Brian Kavanagh, 27th District - Stacie Johnson reported:

- Governor signed Sen. Kavanagh's recent bills on health regulations.
- Seeking the Governor's signature on a bill that requires NYCHA to notify residents promptly of water service disruptions, including sharing guidelines for water testing.
- Keynote address to a panel on curbside recycling.
- New Chief of Staff Morgan Simko – has a master in urban planning.
- The office is asking the public to forward addresses of illegal cannabis storefronts for follow-up, including calling on landlords to evict unlicensed cannabis businesses.

ADOPTION OF MINUTES

The minutes of the October 2023 Full Board were adopted.

IV. BUSINESS SESSION

Chair's Report: Susan Kent –

- All community board members must attend the Manhattan Borough President's Conflict of Interest Training, and there will be training opportunities in early 2024.
- Presentation on Cannabis Licensing on 11/29 at 6 pm with representatives of the Office of Cannabis Management.
- MBPO will offer a presentation of the Citywide Zoning Text Amendment “City of Yes for Economic Opportunity” – the presentation will be offered by the Department of City Planning.
- CB2 has two new planning fellows funded by the Fund for the City of New York working with the Landmarks and Traffic & Transportation committees, including a project that will address a need and provide research and data to support an advocacy position that CB2 has championed for years concerning Landmarks law regulations.
- NYU is reviewing and is still accepting additional applications for the community facility space in the new NYU Paulson building. The space (750 SF) was secured through ULURP negotiations and is intended to be office space for a community organization, most likely in the performing arts. Applications will be accepted through April 2024.
- CB2 is planning a holiday party – Chair accepting suggestions for locations.
- Tonight's meeting is the first fully in-person meeting since 2020. Hoping for feedback. Recent meetings have experienced technical issues.
- The hybrid option will expire in June 2024 unless the State legislature extends it.
- Seeking approval and publication of calendars at the Executive Committee for 5 or more months ahead rather than just one month at a time.

District Manager's Report: Mark Diller –

- The schedule for Committee and Full Board meetings for the entire 2024 calendar year has been drafted and awaits Executive Committee approval.
- CB2 encourages all residents to testify at the virtual December 20 meeting concerning the proposed regulations for Dining Out NYC - outdoor dining. Information about the meeting is on the DOT website.
- We're working with the Village Alliance on quality-of-life issues to find solutions to pernicious problems. The meetings are well-attended by Electeds and their Staffs, City Agencies and the

Community. Topics addressed include efforts to enforce rules in Washington Square Park. Seeking solutions with respect to the Park may be made more difficult in the short run because the dynamic and collegial Manhattan Borough Commissioner for the Parks Department has left that post for another position in City Government in the Bronx.

- We continue to look for meeting venues so please forward suggestions to the District Manager. They need to be ADA accessible.
- Monday, November 27, there will be a discussion of City of Yes for Economic Opportunity, featuring a presentation by renowned expert George James.

V. STANDING COMMITTEE REPORTS WITH RESOLUTIONS

LANDMARKS AND PUBLIC AESTHETICS

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, Man. 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.

Vote: Unanimous, with 37 Board members in favor.

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

Resolution to approve laying over the application.

Vote: Unanimous, with 37 Board members in favor.

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, Man. 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.

Vote: Unanimous, with 37 Board members in favor.

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, Man. 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.

Vote: Unanimous, with 37 Board members in favor.

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, Man. 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.

Vote: Unanimous, with 37 Board members in favor.

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, Man. 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.

Vote: Passed, with 36 Board members in favor, and 1 abstention (R. Kessler).

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, Man. 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.

Vote: Passed, with 36 Board members in favor, and 1 abstention (R. Kessler).

MOTION TO TABLE

A motion to table the resolutions from the SLA-2 Committee, Cannabis Licensing Committee, and the Outdoor Dining Working Group based on the timing of the availability of those resolutions for review did was not adopted.

Vote: Did not pass, with 6 in favor (A. Brenna, C. Dignes, M. Metzger, R. Kessler, Z. Roberts, R. Sanz), 31 opposed, 0 abstaining and 0 ineligible.

OUTDOOR DINING WORKING GROUP

1. Resolution regarding Dining Out NYC Regulations for Sidewalk Cafes

Whereas:

- 1. Local Law 121 of 2023 (the “legislation”) establishes a permanent outdoor dining program, Dining Out NYC, to be administered by the New York City Department of Transportation (NYCDOT);
- 2. Dining Out NYC will replace the Temporary Open Restaurants Program, including a transition period for eating and drinking establishment operators to apply for the permanent program;
- 3. NYCDOT has proposed rules (the “regulations”) to administer, govern, and oversee Dining Out NYC and the transition from the Temporary Open Restaurants Program (the “temporary program”) to Dining Out NYC;
- 4. The regulations would set requirements for sidewalk cafes, including rules about licenses, design, operations, and enforcement;
- 5. Outdoor seating should be a complement to the interior seating, of an eating and drinking establishment, not be the main focal point visually or economically;

General Requirements: Sidewalk Cafe

Definition of a Sidewalk Cafe

6. The regulations do not clearly define the location of a sidewalk cafe as being adjacent to a building and a building line of a ground-floor restaurant;

Definition of and Context within a Historic District

7. The regulations reference “historic districts” but do not define what a historic district is;
8. The regulations reference what is physically attached to a building within a historic district;
9. Designation reports for historic districts specifically include the streetscape as contributing criteria;

Landmark Preservation Commission Review

10. The regulations indicate that LPC has to make a determination on a sidewalk cafe application within 10 business days from receipt of a complete application;
11. The regulations indicate that a public hearing is required if LPC determines that such a sidewalk cafe may have an effect on the exterior architectural features of a landmark or a building or buildings within a historic district;

Blanket Waiver of the Regulations

12. The regulations allow the Commissioner to waive any part of the Dining Out NYC regulations in the interest of public safety and convenience;
13. The regulations define “Commissioner” as the Commissioner of Transportation, or their authorized designee;

Revocable Consent Requirements for Sidewalk Cafes

Community Board Review

14. The Community Board Review period is 40 days for sidewalk cafes;
15. Operators with sidewalk café licenses from the previous sidewalk cafe program (dating before March 2020) are required to reapply for Dining Out NYC;

Site Plan and Drawings: Trash Containers

16. The regulations require a site plan comprised of an accurate drawing depicting required clearances, the spaces to be occupied, and the locations of tables, chairs, barriers, and vertical elements for the sidewalk cafe;
17. The Department of Sanitation (DSNY) requires food-related businesses to use rigid containers (55 gallons or less) with secure lids for putrescible waste;
18. DSNY also now requires all commercial businesses to use rigid containers (55 gallons or less) with secure lids for putrescible waste;
19. Starting November 1, 2023, all business improvement districts (BID) are required to use rigid containers (55 gallons or less) with secure lids for all waste picked up by the BID if the BID will not drop off garbage bags at their local sanitation district garage;
20. Starting in 2024, DSNY will require all residential buildings with nine (9) or fewer units to use rigid containers (55 gallons or less) with secure lids for putrescible waste;
21. The Dining Out NYC regulations do not require eating and drinking establishment operators to outline in their site plan or drawing where they intend to store the rigid containers or “receptacles with form-fitting lids” (as referenced in the regulations) when in use for active pick-up from a commercial carter and when not in use for storage purposes or where, if applicable, other

commercial or residential tenants of the same building will place their containers for pickup or store their containers in the immediate vicinity of the eating and drinking establishment.

Design Requirements // Siting Requirements: Sidewalk Cafes

Clear Path

22. CB2 applauds the use of the NYCDOT Pedestrian Mobility Plan, which outlines four corridor categories of street types (Baseline, Community Connector, Regional Corridor, and Global Corridor) in the regulations. Clear path requirements for each street type are outlined in the regulations.

- a. The regulations indicate that sidewalk cafes located on Regional Corridors have a 10-foot clear path requirement, however, the clear path requirement can be reduced to 8 feet if “maintenance of a 10-foot clear path after installation of such a sidewalk cafe is not feasible.”
 - i. Examples of Regional Corridor streets that in CB2:
 1. Bleecker St. from 6th Ave. to Bowery
 2. Christopher St. from Hudson St. to 6th Ave.
 3. MacDougal St. from W Houston St. to West 4th St./Washington Square S St.
 4. Mulberry St. from E Houston St. to Canal St.
 5. Carmine St. from Varick St. to 6th Ave.
 6. West 8th St. from 6th Ave. to 5th Ave.
 - ii. This means that smaller side streets in CB2 that are classified as Regional Corridors would have the same clear path requirement as other Regional Corridor streets such as Hudson St., Seventh Ave., and Sixth Ave.
- b. Community Connector Corridor streets require a minimum of eight-foot (8') clear path in the regulations;
 - i. The regulations require an 8-foot (8') clear path for Community Connector Corridors, which leaves only two feet (2') for a sidewalk cafe to be sited on a sidewalk that is the minimum sidewalk width for Community Connector Corridors (10 feet, 10') with no room for a three-foot (3') service aisle.
 - ii. The clear path requirement for Community Connector Corridor streets is reduced from 10-feet (10') outlined in the Pedestrian Mobility Plan to an eight-foot (8') clear path requirement in the Dining Out NYC regulations;
 - iii. The pre-pandemic Sidewalk Cafe program required a minimum of a 12-foot (12') sidewalk width for eligibility in order to maintain a minimum 8-foot (8') clear path and a 3-foot (3') service aisle;
- c. The clear path requirement for Global Corridor streets is reduced from 15-feet (15') outlined in the Pedestrian Mobility Plan to a 12-foot (12') clear path requirement in the Dining Out NYC regulations;
 - i. Examples of Global Corridors in CB2:
 1. Canal St.
 2. Broadway St.
 3. 14th St.

23. The regulations do not protect the clear path from the following obstructions:
host stands, server stations with POS systems, dirty bus tubs on folding racks, storage, and A-frame signs;
24. The regulations indicate that the maintenance of good order in the sidewalk cafe includes the prevention of excessive congregation within or immediately adjacent to a sidewalk cafe;

Service Aisle

25. The regulations do not require a three-foot (3') service aisle distinct and separate from the clear path requirement.
 - a. A minimum three-foot (3') service aisle was required in the pre-pandemic sidewalk cafe program to "ensure that no public space [was] used by the cafe to services its clientele and to also make sure that the cafe is disabled-accessible, as required by the Americans with Disabilities Act (ADA)."
 - b. The required three-foot (3') service aisle, a stalwart of the previous sidewalk cafe program rules, protected both operators, residents, and pedestrians in CB2 and was a critical key to the successful operation of sidewalk cafes for CB2 having the most sidewalk cafes of any Community Board pre-pandemic.

Clearances and Covering Restrictions

26. The regulations require a five-foot (5') clearance from primary building entrances for sidewalk cafes;
27. The regulations prohibit a sidewalk cafe from blocking or covering building projections (including, but not limited to stoops, steps, and stairs);
28. The regulations require an 8-foot clearance for bus stop poles and bus stop shelters;
 - a. The average size of an MTA (Metropolitan Transportation Authority) bus is 40-feet (40') long with two doors at the front and back of the bus for loading and unloading.
29. The regulations do not require any clearances for pedestrian ramps or street corners.

Design Requirements // Material Requirements: Sidewalk Cafes

Awnings, Coverings, and Umbrellas

30. The regulations do not indicate whether or not the sides and front of a sidewalk cafe must remain open;
31. The regulations do not indicate that awnings over sidewalk cafes are required to be retractable.
 - a. Awnings in the pre-pandemic Sidewalk Cafe program were required to be retractable.

Planters

32. The regulations do not require the removal, on a nightly basis, of planters used to establish the perimeter of the sidewalk cafes;

Tables

33. The regulations do not prohibit the use of bar tables (high-top tables) in sidewalk cafes.

Parks

34. The regulations do not prohibit sidewalk cafes located within New York City parks.

Operations and Management Requirements: Sidewalk Cafes

Heaters

35. The regulations allow heating units in sidewalk cafes.

Hours

36. The regulations have a 1:00 AM closing time on Friday and Saturday nights for sidewalk cafes everywhere;

37. The regulations have a midnight closing time Sunday through Thursday for sidewalk cafes everywhere;
38. The legislation has a midnight closing time daily;

Advertising

39. The regulations allow the name and logo of any sponsor of the restaurant's amenities to be painted, imprinted or otherwise displayed on a sidewalk cafe;

Maintenance

40. CB2 applauds that the regulations prohibit the storage of trash or other items within a sidewalk cafe;

Removal of Abandoned Sidewalk Cafes

41. The regulations indicate that sidewalk cafes that are not used and occupied for outdoor dining for thirty (30) consecutive days or more must be removed;
42. The regulations do not indicate who is responsible for paying for the removal of abandoned sidewalk cafes;
43. There are no funds allocated to pay for the removal of abandoned sidewalk cafes;

Staffing

44. The regulations do not indicate that wait service staffing is required for sidewalk cafes;

Patron Bathrooms

45. The regulations do not require an eating and drinking establishment to have a patron bathroom in response to the increased seating capacity in a sidewalk cafe;

Pest Control

46. The regulations require that a petitioner show proof of having entered a contract with a licensed pest professional that includes pest control services for the roadway cafe;

Enforcement

47. The regulations indicate that suspension or revocation of a license shall be waived if the Department determines that the person who committed the violations that are the basis for the suspension or revocation against the licensee's instructions.

Therefore Be It Resolved, Manhattan Community Board 2 strongly recommends:

(note: additions to the regulations are *italicized and underlined* when inserted into the proposed regulation text)

General Requirements: Sidewalk Cafes

Definition of a Sidewalk Cafe

1. Adding "*adjacent to the building line of*" and "*and does not include the furnishing zone*" to the definition of a sidewalk cafe under § 5-01 Definitions, so that it reads:
"The term sidewalk cafe means an open-air portion *adjacent to the building line of* a ground-floor restaurant *and does not include the furnishing zone* containing only readily removable tables, chairs, and other removable decorative items, that is located on a public sidewalk or sidewalk widening in front of the restaurant and that is designed and operated pursuant to sections 5-02 through 5-12 of this chapter."

Definition of and Context within a Historic District

2. Defining historic districts by adding "Historic District," under § 5-01 Definitions, and using the definition of a historic district outlined in the New York City Administrative Code Chapter 3, Section 25-302 so that it reads as:
"Historic District: The term "historic district" means any area which: (1) contains improvements which: (a) have a special character or special historical or aesthetic interest of value; and (b) represent one or more periods of styles of architecture typical of one or more

eras of history in the city; and (c) cause such area, by reason of such factors, to constitute a distinct section of the city, and (2) has been designated as a historic district pursuant to the provisions of Chapter 3 of the New York City Administrative Code;”

3. Eliminating the phrase “...that is physically attached to a building” from § 5-02 General Requirements, (c) Landmarks Preservation Commission Review, (3).
4. Replacing “Approval” with “Review” in the first line of § 5-02 General Requirements, (c) Landmarks Preservation Commission Review, (1).
5. Adding in the phrase “or disapprove” to § 5-02 General Requirements, (c) Landmarks Preservation Commission Review, (3) so it reads:
“LPC shall review and approve or disapprove...”
6. Replacing the phrase “physically attached to a building located within a historic district or located on a landmark site” and “element” under § 5-02 General Requirements, (c) Landmarks Preservation Commission Review, (3), with the following phrase: “that are not in harmony with the special architectural and historic character of the building, streetscape or scenic landmark...” and “proposed work to,” respectively, which is standard language used in the LPC Rules in respect to alterations.

The amended sentence should read as: “Where approval is required pursuant to paragraph (1) of this subdivision, LPC shall review and approve or disapprove any “proposed work to” a sidewalk cafe or roadway cafe, including but not limited to heaters, lighting, electrical connections, and awnings, that that are not in harmony with the special architectural and historic character of the building, streetscape or scenic landmark located within a historic district or located on a landmark site.”

7. Replacing the phrase “Such elements that are physically attached to a building,” under § 5-02 General Requirements, (c) Landmarks Preservation Commission Review, (3), with the following phrase: “The proposed work will not detract from the special architectural and historic character of the building, streetscape or scenic landmark...” which is standard language used in the LPC Rules in respect to alterations.

The amended sentence should read as: “The proposed work will not detract from the special architectural and historic character of the building, streetscape or scenic landmark located within a historic district or located on a landmark site shall comply with all applicable rules and regulations of LPC.”

Landmark Preservation Commission Review

8. Increasing the LPC review period for the first year of the Dining Out NYC program from 10 business days to 30 days in community districts with over five (5) historic districts within their boundaries.
9. Replacing “exterior architectural features of a landmark or a building or buildings within a” with “special architectural and historic character of the building, streetscape or scenic landmark within a historic district or an individual landmark” under § 5-02 General Requirements, (c) Landmarks Preservation Commission Review, (2) so it reads:
“...unless LPC determines that such a sidewalk cafe or roadway cafe may have an effect on the special architectural and historic character of the building, streetscape or scenic landmark within a historic district or an individual landmark and a public hearing is required.”

Revocable Consent Requirements for Sidewalk Cafes

Community Board Review

10. Extending the Community Board Review period to 60 days, in concert with the recommendations of Manhattan CB1, Manhattan CB3, Manhattan CB4, and Manhattan CB7 (pre-pandemic MCB1, MBCB2, MCB3, MCB4, and MCB7 contained 44% of all citywide sidewalk cafes);

11. Allowing operators with active sidewalk café revocable consent licenses from the previous sidewalk cafe program at the onset of the pandemic (dating before March 2020) to be exempt from community review for their first four-year license application in Dining Out NYC, provided there are no changes to the permitted number of tables and chairs, service aisles or other enclosures, approved diagrams remain unchanged, and the applicant has no Cease and Desist orders issued during the duration of the Temporary Open Restaurants Program, to be confirmed by the Department of this eligibility;

Site Plan and Drawings: Trash Containers

12. Adding “*trash receptacles with form-fitting lids*” to § 5-04 Requirements for Revocable Consent of Sidewalk Cafes, (c) Petition Requirements, (2) Site Plan and Drawings so it reads:
“A site plan comprised of an accurate drawing depicting required clearances, the spaces to be occupied, and the locations of tables, chairs, barriers, “trash receptacles with form-fitting lids when not in use for active pick-up by a commercial carter,” “trash receptables with form-fitting lids when in use for active pick-up by a commercial carter,” and vertical elements in the form provided on the Department’s website.”
13. Adding in “*The number of seats on the site plan of drawing for sidewalk cafe and roadway cafe combined should not exceed 50% of the establishment’s interior seating capacity known as the eating and drinking establishment’s occupancy load*” to § 5-04 Requirements for Revocable Consent of Sidewalk Cafes, (c) Petition Requirements, (2) Site Plan and Drawings.

Blanket Waiver of the Regulations

14. Deleting (e) under § 5-02 General Requirements:
~~(e) Except where expressly prohibited by law, the Commissioner may, in accordance with sections 19-160 through 19-160.6 of the Administrative Code, waive these rules, in the interest of public safety and convenience.~~

Design Requirements // Siting Requirements: Sidewalk Cafes

Clear Path

15. Requiring a three-foot (3’) service aisle as separate and distinct from the required eight-foot (8’) clear path, which was a stalwart of the pre-pandemic Sidewalk Cafe program which protected operators, residents, and pedestrians in CB2 and which was a critical component to the density of sidewalk cafes in our district which was home to the most sidewalk cafes in the city;
16. Maintaining the required 10-foot clear path for Regional Corridor streets and removing this sentence under § 5-11 Design Requirements (a) Sidewalk Cafes, (1) Siting Requirements, (i) Clear Path, (B): “1. Maintenance of a 10-foot clear path after installation of such sidewalk cafe is not feasible; and” which is in regards to reducing the clear path on Regional Corridor streets from the required 10-foot (10’) clear path to an 8-foot (8’) clear path. There should be no reduction of clear path on any of the corridor categories other than streets where small sidewalk cafes were previously allowed as stated under § 5-11 Design Requirements (a) Sidewalk Cafes, (1) Siting Requirements, (i) Clear Path, (B), (2), and a a three-foot (3’) service aisle should also be required.
17. Requiring sidewalk widths of at least twelve feet (12’) on Community Connector Corridor Streets, which aligns with the sidewalk width requirement in the pre-pandemic Sidewalk Cafe program, which allowed for both the required eight-foot (8’) clear path and the required three-foot (3’) service aisle.
18. Prohibiting sidewalk cafes on Global Corridor streets in Manhattan CB2.
19. Prohibiting host stands, server stations with POS systems, bus tubs on folding racks, storage, and A-frame signs from blocking the clear path on the sidewalk.

20. Prohibiting host stands, server stations with POS systems, bus tubs on folding racks, or storage of those items within the footprint of the sidewalk cafe.
21. Adding “*which includes patrons lining up on the sidewalk and blocking the clear path and/or furnishing zone*” to the first sentence in § 5-10 Operation and Management Requirements, (g) Good Order so it reads:

“Every licensee shall be held strictly accountable for the maintenance of good order in the sidewalk cafe and the proper conduct of their patrons, including the prevention of excessive congestion, *which includes patrons lining up on the sidewalk and blocking the clear path and/or furnishing zone*, within or immediately adjacent to a sidewalk cafe.”

Service Aisle

22. Requiring a three-foot (3’) service aisle that is distinct and separate from the minimum eight-foot (8’) clear path requirement so as not to impede clear path requirements and to provide ADA access throughout the sidewalk cafe.

Clearances and Covering Restrictions

23. Adding the following Element or Object and Required Distance to (ii) Clearances under § 5-11 Design Requirements (a) Sidewalk Cafes (1) Siting Requirements:

Element or Object	Required Distance
<u>Ground-Floor or Basement Residential Windows</u>	<u>25 feet</u>
<u>Entryway for Ground-Floor Residences</u>	<u>25 feet</u>
<u>Pedestrian Ramps</u>	<u>8 feet</u>
<u>Street Corners (Daylighting)</u>	<u>20 feet</u>

24. Adding “except for ground-floor residences” to Primary Building Entrances located in (ii) Clearances under § 5-11 Design Requirements (a) Sidewalk Cafes (1) Siting Requirements:

Element or Object	Required Distance
Primary Building Entrances <i>except for</i> <u>Entryways for Ground-Floor Residences</u>	5 feet

25. Increasing the clearance for bus stop poles and bus stop shelters to forty feet (40’) in (ii) Clearances under § 5-11 Design Requirements (a) Sidewalk Cafes (1) Siting Requirements:

Element or Object	Required Distance
Bus Stop Poles: <u>Non-approaching Side</u>	5 feet
Bus Stop Poles: <u>Approaching Side</u>	<u>40 feet</u>
Bus Stop Shelters	<u>40 feet</u>

Design Requirements // Material Requirements: Sidewalk Cafes

Awnings, Coverings, and Umbrellas

26. Requiring that the sides and front of a sidewalk cafe must remain open at all times;
27. Requiring that awnings over sidewalk cafes must be retractable with no supporting poles installed;

Planters

28. Adding this phrase, “*No planters should be stored overnight on the sidewalk adjacent to the building or in the furnishing zone;*” under § 5-11 Design Requirements, (a) Sidewalk Cafes so that it reads:

“The furnishing of the interior of a sidewalk cafe shall consist solely of lightweight and easily moveable tables, chairs, and decorative accessories. No furnishing element shall be permanently affixed to the sidewalk. *No planters should be stored overnight on the sidewalk adjacent to the building or in the furnishing zone;*”

Tables

29. Prohibiting the use of bar (high-top) tables in sidewalk cafes and standing-only tables;

Parks

30. Adding in the following phrase: “*No sidewalk cafes should be located within a New York City Public Park,*” under § 5-11 Design Requirements (a) Sidewalk Cafes (1) Siting Requirements.

Operations and Management Requirements: Sidewalk Cafes

Hours

31. Requiring that hours in the regulations not extend beyond the hours of midnight listed in the legislation (Local Law 121 of 2023);
32. Requiring hours in residential-only zones to be no later than 9pm Sunday-Thursday and 10pm Friday-Saturday;
33. Allowing hours to extend to no later than 10pm Sunday-Thursday and 11pm Friday-Saturday in mixed use residential/commercial zones;
34. Allowing any permitted hours after 11pm to be reserved for areas zoned commercial without any residential;

Advertising

35. Deleting this phrase under § 5-10 Operation and Management Requirements, (e) Advertising: “*the name and logo of any sponsors of the restaurant’s amenities,*” so it reads:

“No advertising sign, picture, flag, banner, side curtain or other device, including an illuminated or non-illuminated sign, shall be placed or painted on or affixed to any awning, screen or other appurtenance used in connection with a sidewalk cafe or roadway cafe, except that the name of the restaurant, the logo of the restaurant, and the menu and information on the services provided by the restaurant, ~~and the name and logo of any sponsors of the restaurant’s amenities~~ may be painted, imprinted or otherwise displayed, in accordance with the following requirements,”

Removal of Abandoned Roadway Cafes

36. Requiring a deposit from the applicant at the time of application that is commensurate with the cost of the removal of an abandoned roadway cafes;
37. Requiring the licensee to pay for the removal of the abandoned roadway cafe if the licensee is still operating the ground floor restaurant associated with the abandoned roadway cafe.

Patron Bathrooms

38. Requiring a patron bathroom (indoors) for all outdoor seating;

Pest Control

39. Requiring that the contract for pest control services held by the petitioner indicates a monthly service plan, and upon renewal of the license, shows proof as part of license renewal process; Adding this language “that are administered on a monthly basis for the duration of the four-year license period and upon renewal of the license, continue to show proof of the pest control services contract as part of the license renewal application” to 5-04 Requirements for Revocable Consent of Sidewalk Cafes and Roadway Cafes, (c) Petition Requirements, (5) Pest Control Plan so that it reads:

“A certification from the petitioner that they have entered into a contract with a licensed pest professional that includes pest control services for the sidewalk cafe that are administered on a monthly basis for the duration of the four-year license period and upon renewal of the license, continue to show proof of the pest control services contract as part of the license renewal application;”

Staffing

40. Requiring table service by server/waitstaff for all tables located in a sidewalk cafe, and adding “including staffing assigned to administer table service and” to § 5-10 Operation and Management Requirements, (g) Good Order so it reads:

“A licensee must provide adequate service, including staffing assigned to administer table service and to maintain the tables in the sidewalk cafe and the adjacent street in a matter that ensures...”;

Enforcement

41. Deleting this paragraph under in § 5-12 Enforcement, (2) Opportunity to Be Heard, (ii) Process, (3):

~~“Notwithstanding any inconsistent provision of this section, the suspension or revocation of a license shall be waived if, upon the submission of satisfactory proof, the Department determines that the person or persons who committed the violations which are the basis for the suspension or revocation acted against the licensee’s instructions in committing such violations.”~~

42. Adding this paragraph under in § 5-12 Enforcement, (2) Opportunity to Be Heard, (ii) Process, (3):

“The licensee is responsible for all violations of the regulations committed by any person who committed the violation as part of their duties as an employee. There are no waivers for suspension or revocation based on violations in these regulations.”

Vote: Passed with 28 Board Members in favor, 4 against (W. Benesh, R. Kessler, M. Metzger, Z. Roberts), 5 abstentions. (A. Brenna, C. Dignes, D. Gruber, J. Kiely, R. Sanz).

2. Resolution regarding Dining Out NYC Regulations for Roadway Cafes

Whereas:

1. Local Law 121 of 2023 (the “legislation”) establishes a permanent outdoor dining program, Dining Out NYC, to be administered by the New York City Department of Transportation (NYCDOT);
2. Dining Out NYC will replace the Temporary Open Restaurants Program, including a transition period for eating and drinking establishment operators to apply for the permanent program;

3. NYCDOT has proposed rules (the “regulations”) to administer, govern, and oversee Dining Out NYC and the transition from the Temporary Open Restaurants Program (the “temporary program”) to Dining Out NYC;
4. The regulations would set requirements for sidewalk cafes, including rules about licenses, design, operations, and enforcement;
5. Outdoor seating should be a complement to the interior seating, of an eating and drinking establishment, not be the main focal point visually or economically;

General Requirements: Roadway Cafes

Definition of a Roadway Cafe

6. The regulations do not clearly define that a roadway cafe is located immediately and directly fronting a ground-floor restaurant.

Definition of and Context of a Roadway Cafe within a Historic District

7. The regulations reference “historic districts” but do not define what a historic district is;
8. The regulations reference what is physically attached to a building within a historic district;
9. The regulations make no reference to the authority of LPC to review roadway cafes as they relate to the streetscape of a historic district;
10. Designation reports for historic districts specifically include the streetscape as contributing criteria;

Landmark Preservation Commission Review

11. The regulations indicate that LPC has to make a determination on a roadway cafe application within 10 business days from receipt of a complete application;
12. The regulations indicate that a public hearing is required if LPC determines that such a roadway cafe may have an effect on the exterior architectural features of a landmark or a building or buildings within a historic district;

Blanket Waiver of the Regulations

13. The regulations allow the Commissioner to waive any part of the Dining Out NYC regulations in the interest of public safety and convenience;
14. The regulations define “Commissioner” as the Commissioner of Transportation, or their authorized designee;

Revocable Consent Requirements for Roadway Cafes

Community Board Review

15. The Community Board Review period is 30 days for roadway cafes;

Site Plan and Drawings: Trash Containers

16. The regulations require a site plan comprised of an accurate drawing depicting required clearances, the spaces to be occupied, and the locations of tables, chairs, barriers, and vertical elements for the roadway cafe;
17. The Department of Sanitation (DSNY) requires food-related businesses to use rigid containers (55 gallons or less) with secure lids for putrescible waste;
18. DSNY also now requires all commercial businesses to use rigid containers (55 gallons or less) with secure lids for putrescible waste;

19. Starting November 1, 2023, all business improvement districts (BID) are required to use rigid containers (55 gallons or less) with secure lids for all waste picked up by the BID if the BID will not directly drop off garbage bags at their local sanitation district garage;
20. Starting in 2024, DSNY will require all residential buildings with nine (9) or fewer units to use rigid containers (55 gallons or less) with secure lids for putrescible waste;
21. The Dining Out NYC regulations do not require eating and drinking establishment operators to outline in their site plan or drawing where they intend to store the rigid containers or “receptacles with form-fitting lids” (as referenced in the regulations) when in use for active pick-up from a commercial carter and when not in use for storage purposes or where, if applicable, other commercial or residential tenants of the same building will place their containers for pickup or store their containers in the immediate vicinity of the eating and drinking establishment.

Design Requirements // Siting Requirements: Roadway Cafes

Clear Path

22. CB2 applauds the use of the NYCDOT Pedestrian Mobility Plan, which outlines four corridor categories of street types (Baseline, Community Connector, Regional Corridor, and Global Corridor) in the regulations. Clear path requirements for each street type are outlined in the regulations.
23. The regulations do not prohibit roadway cafes that are adjacent to sidewalks that are less than ten feet (10’), the width which is the width that meets the minimum clear path requirement for pedestrian safety;
24. A ten-foot (10’) sidewalk width allows for the clear path minimum to be met (eight feet, 8’) in addition to two feet (2’) for the furnishing zone which is directly adjacent to the roadway cafe;
25. Baseline Corridor streets are defined in the Pedestrian Mobility Plan as eight feet (8’ or less);
26. The regulations do not protect the clear path from the following obstructions:
host stands, server stations with POS systems, dirty bus tubs on folding racks, storage, and A-frame signs;
27. The regulations indicate that the maintenance of good order in the roadway cafe includes the prevention of excessive congregation within or immediately adjacent to a roadway cafe;

Service Aisles in Roadway Cafes

28. The proposed rules do not account for a three-foot (3’) service aisle in roadway cafes. A minimum three-foot (3’) service aisle was required in the pre-pandemic sidewalk cafe program to "ensure that no public space [was] used by the cafe to services its clientele and to also make sure that the cafe is disabled-accessible, as required by the Americans with Disabilities Act (ADA)."
29. The required three-foot (3’) service aisle, a stalwart of the previous sidewalk cafe program rules, protected both operators, residents, and pedestrians in CB2 and was a critical key to the successful operation of sidewalk cafes for CB2 having the most sidewalk cafes of any Community Board pre-pandemic.

Clearances and Covering Restrictions

30. The regulations require a five-foot (5’) clearance from primary building entrances for roadway cafes;
31. The regulations prohibit a roadway cafe from blocking or covering building projections (including, but not limited to stoops, steps, and stairs);
32. The regulations require an 8-foot clearance for bus stop poles and bus stop shelters;

- a. The average size of an MTA (Metropolitan Transportation Authority) bus is 40-feet (40') long with two doors at the front and back of the bus for loading and unloading;

33. The regulations do not require any clearances for pedestrian ramps or street corners;

Dimensions: Length of Roadway Cafe

34. The regulations state that the maximum length for a roadway cafe is 40 feet;

Dimensions: Emergency Travel Lanes

35. The regulations state that DOT may permit an emergency travel lane width of less than 15 feet upon consultation with the New York City Fire Department;

Roadway Cafes in a Floating Parking Lane

36. The proposed rules prohibit roadway dining within a NYCDOT bike lane and allow roadway dining in a floating parking lane, requiring crossing a bike lane mid-block;

Roadway Cafes on Narrow Streets

37. The proposed rules do not differentiate between narrow and wide streets for roadway cafe eligibility;

Roadway Cafes in Residential Zones

38. The proposed rules allow roadway cafes in No Parking Anytime zones;

39. The proposed rules do not account for roadway cafes sited immediately adjacent to or directly outside ground-floor apartments.

Space Between Roadway Cafes

40. The proposed rules require a maximum of three feet (3') between roadway cafes;

Design Requirements // Material Requirements: Roadway Cafes

Awnings, Coverings, and Umbrellas

41. The regulations do not indicate whether or not the sides and the sidewalk-facing length of a roadway cafe must remain open;

42. The regulations do not clearly prohibit solid roofs covering the top of roadway cafes;

Tables

43. The regulations do not prohibit the use of bar tables (high-top tables) in roadway cafes;

Operations and Management Requirements: Roadway Cafes

Heaters

44. The regulations allow heating units in roadway cafes;

Hours

45. The regulations have a 1:00 AM closing time on Friday and Saturday nights for roadway cafes everywhere;

46. The regulations have a midnight closing time Sunday through Thursday for roadway cafes everywhere;

47. The legislation has a midnight closing time daily;

Advertising

48. The regulations allow the name and logo of any sponsor of the restaurant's amenities to be painted, imprinted or otherwise displayed on a roadway cafe;

Removal of Abandoned Roadway Cafes

49. The regulations indicate that sidewalk cafes that are not used and occupied for outdoor dining for thirty (30) consecutive days or more must be removed;

50. The regulations do not indicate who is responsible for paying for the removal of abandoned sidewalk cafes;

51. There are no funds allocated to pay for the removal of abandoned sidewalk cafes;

Removal of Roadway Cafes for the Off-Season

52. The regulations indicate the off-season for roadway cafes as November 30 to March 1;
53. The regulations indicate that licensees have until December 7 to take down their roadway cafe setup;
54. The regulations do not explicitly outline that the entire roadway cafe setup must be completely removed in its entirety from the parking lane;

Staffing

55. The regulations do not indicate that server/wait staffing is required for roadway cafes;

Patron Bathrooms

56. The regulations do not require an eating and drinking establishment to have a patron bathroom in response to the increased seating capacity in a sidewalk cafe;

Pest Control

57. The regulations require that a petitioner show proof of having entered a contract with a licensed pest professional that includes pest control services for the roadway cafe;

Enforcement

58. The regulations indicate that suspension or revocation of a license shall be waived if the Department determines that the person who committed the violations that are the basis for the suspension or revocation against the licensee's instructions.

Therefore Be It Resolved,

Manhattan Community Board 2 strongly recommends:

(note: additions to the regulations are *italicized and underlined* when inserted into the proposed regulation text)

General Requirements: Roadway Cafes

Definition of a Roadway Cafe

1. Clarifying the definition of a roadway cafe by adding the following phrase: "*immediately and directly*" to § 5-01 Definitions so it reads as:
"ground floor restaurant containing readily removable tables, chairs, and other removable decorative items, which is located in the curb lane or parking lane of a roadway *immediately and directly* fronting the restaurant,"

Definition of and Context within a Historic District

2. Defining historic districts by adding "Historic District," under § 5-01 Definitions, and using the definition of a historic district outlined in the New York City Administrative Code Chapter 3, Section 25-302 so that it reads as:
"Historic District: The term "historic district" means any area which: (1) contains improvements which: (a) have a special character or special historical or aesthetic interest of value; and (b) represent one or more periods of styles of architecture typical of one or more eras of history in the city; and (c) cause such area, by reason of such factors, to constitute a distinct section of the city, and (2) has been designated as a historic district pursuant to the provisions of Chapter 3 of the New York City Administrative Code;"
3. Eliminating the phrase "...that is physically attached to a building" from § 5-02 General Requirements, (c) Landmarks Preservation Commission Review, (3);
4. Replacing "Approval" with "Review" in the first line of § 5-02 General Requirements, (c) Landmarks Preservation Commission Review, (1).
5. Adding in the phrase "or disapprove" to § 5-02 General Requirements, (c) Landmarks Preservation Commission Review, (3) so it reads:
"LPC shall review and approve *or disapprove*..."

6. Replacing the phrase “*physically attached to a building located within a historic district or located on a landmark site*” and “*element*” under § 5-02 General Requirements, (c) Landmarks Preservation Commission Review, (3), with the following phrase: “*that are not in harmony with the special architectural and historic character of the building, streetscape or scenic landmark...*” and “proposed work to,” respectively, which is standard language used in the LPC Rules in respect to alterations.

The amended sentence should read as: “Where approval is required pursuant to paragraph (1) of this subdivision, LPC shall review and approve or disapprove any “proposed work to” a sidewalk cafe or roadway cafe, including but not limited to heaters, lighting, electrical connections, and awnings, that that are not in harmony with the special architectural and historic character of the building, streetscape or scenic landmark located within a historic district or located on a landmark site.”

7. Replacing the phrase “*Such elements that are physically attached to a building,*” under § 5-02 General Requirements, (c) Landmarks Preservation Commission Review, (3), with the following phrase: “*The proposed work will not detract from the special architectural and historic character of the building, streetscape or scenic landmark...*” which is standard language used in the LPC Rules in respect to alterations. The amended sentence should read as:

“The proposed work will not detract from the special architectural and historic character of the building, streetscape or scenic landmark located within a historic district or located on a landmark site shall comply with all applicable rules and regulations of LPC.”

Landmark Preservation Commission Review

8. Increasing the LPC review period for the first year of the Dining Out NYC program from 10 business days to 30 days in community districts with over five (5) historic districts in their boundaries.
9. Replacing “*exterior architectural features of a landmark or a building or buildings within a*” with “*special architectural and historic character of the building, streetscape or scenic landmark within a historic district or an individual landmark*” under § 5-02 General Requirements, (c) Landmarks Preservation Commission Review, (2) so it reads:

“...unless LPC determines that such a sidewalk cafe or roadway cafe may have an effect on the special architectural and historic character of the building, streetscape or scenic landmark within a historic district or an individual landmark and a public hearing is required.”

Revocable Consent Requirements for Roadway Cafes

Community Board Review

10. Extending the Community Board Review period to 60 days, in concert with the recommendations of Manhattan CB1, Manhattan CB3, Manhattan CB4, and Manhattan CB7 (pre-pandemic MCB1, MCB2, MCB3, MCB4, and MCB7 contained 44% of all citywide sidewalk cafes);

Site Plan and Drawings: Trash Containers

11. Adding “*trash receptacles with form-fitting lids*” to § 5-04 Requirements for Revocable Consent of Sidewalk Cafes, (c) Petition Requirements, (2) Site Plan and Drawings so it reads:

“A site plan comprised of an accurate drawing depicting required clearances, the spaces to be occupied, and the locations of tables, chairs, barriers, “trash receptacles with form-fitting lids when not in use for active pick-up by a commercial carter,” “trash receptacles with form-fitting lids when in use for active pick-up by a commercial carter,” and vertical elements in the form provided on the Department’s website.”

12. Adding in “*The number of seats on the site plan of drawing for sidewalk cafe and roadway cafe combined should not exceed 50% of the establishment’s interior seating capacity known as the eating and drinking establishment’s occupancy load*” to § 5-04 Requirements for Revocable Consent of Sidewalk Cafes, (c) Petition Requirements, (2) Site Plan and Drawings.
13. Requiring a two-to-three (2-3’) foot area designated on a site plan for trash receptacles to be placed in the roadway if they are covered;

Blanket Waiver of the Regulations

14. Deleting (e) under § 5-02 General Requirements:

~~(e) Except where expressly prohibited by law, the Commissioner may, in accordance with sections 19-160 through 19-160.6 of the Administrative Code, waive these rules, in the interest of public safety and convenience;~~

Design Requirements // Siting Requirements: Roadway Cafes

Clear Path

15. Requiring a three-foot (3’) service aisle in roadway cafes to ensure that the furnishing zone is not used as a service aisle;
16. Prohibiting host stands, server stations with POS systems, bus tubs on folding racks, storage, and A-frame signs from blocking the furnishing zone on the sidewalk adjacent to a roadway cafe;
17. Prohibiting host stands, server stations with POS systems, bus tubs on folding racks, or storage of those items within the footprint of the roadway cafe;
18. Adding “*which includes patrons lining up on the sidewalk and blocking the clear path and/or furnishing zone*” to the first sentence in § 5-10 Operation and Management Requirements, (g) Good Order so it reads:

Every licensee shall be held strictly accountable for the maintenance of good order in the roadway cafe and the proper conduct of their patrons, including the prevention of excessive congestion, *which includes patrons lining up on the sidewalk and blocking the clear path and/or furnishing zone*, within or immediately adjacent to a roadway cafe.

19. Prohibiting roadway cafes on Baseline Corridor streets;
20. Requiring sidewalk widths of a minimum ten feet (10’) in order for a street to be eligible to have a roadway cafe to ensure that sidewalk adjacent to the roadway cafe can maintain the minimum clear path requirement for pedestrian safety;

Service Aisle

21. Requiring a three-foot (3’) service aisle in roadway cafes that is distinct and separate from the minimum eight-foot (8’) clear path requirement so as not to impede clear path requirements, the furnishing zone and to provide ADA access throughout the roadway cafe.“

Clearances and Covering Restrictions

22. Adding the following Element or Object and Required Distance to (ii) Clearances under § 5-11 Design Requirements (a) Sidewalk Cafes (1) Siting Requirements:

Element or Object	Required Distance
<u><i>Ground-Floor or Basement Residential Windows</i></u>	<u><i>25 feet</i></u>
<u><i>Entryway for Ground-Floor Residences</i></u>	<u><i>25 feet</i></u>

<u>Pedestrian Ramps</u>	<u>8 feet</u>
<u>Street Corners (Daylighting)</u>	<u>20 feet</u>

23. Adding “except for ground-floor residences” to Primary Building Entrances located in (ii) Clearances under § 5-11 Design Requirements (a) Sidewalk Cafes (1) Siting Requirements:

Element or Object	Required Distance
Primary Building Entrances <u>except for Entryways for Ground-Floor Residences</u>	5 feet

24. Increasing the clearance for bus stop poles and bus stop shelters to forty feet (40’) in (ii) Clearances under § 5-11 Design Requirements (a) Sidewalk Cafes (1) Siting Requirements:

Element or Object	Required Distance
Bus Stop Poles: <u>Non-approaching Side</u>	5 feet
Bus Stop Poles: <u>Approaching Side</u>	<u>40 feet</u>
Bus Stop Shelters	<u>40 feet</u>

Dimensions: Length of Roadway Cafe

25. Requiring the maximum length for a roadway cafe is limited to the length of the frontage for the ground floor restaurant seeking the license for the roadway or forty feet (40’) if the frontage is beyond forty feet (40’);
26. Deleting “*provided that the Department may permit an emergency travel lane width of less than 15 feet upon consultation with the New York City Fire Department*” under §5-11 Design Requirements (b) Roadway Cafes (1) Siting Requirements, (iii) Dimensions, (C).

Roadway Cafes in Floating Parking Lanes

27. Prohibiting roadway cafes in floating parking lanes where service happens across NYCDOT bike lanes¹;
28. Prohibiting roadway cafes in floating parking lanes.²

Roadway Cafes on Narrow Streets

29. Requiring that roadways eligible for roadway cafes should be at least thirty-two feet (32’) curb to curb that includes the mandatory fifteen-foot (15’) emergency travel lane and eight-and-a-half feet (8’6”) on each side for bus lanes, loading zones, parking or other uses;
30. Adding in that roadway cafes are not allowed in No Parking Anytime zones.

Space Between Roadway Cafes

¹ MCB2 Letter of Priority Considerations for Permanent Open Restaurants Rulemaking, November 1, 2022 and March 31, 2022.

² MCB2 Letter of Priority Considerations for Permanent Open Restaurants Rulemaking, November 1, 2022 and March 31, 2022.

31. Requiring a minimum of six feet (6') between roadway cafes.

Design Requirements // Material Requirements: Roadway Cafes

Awnings, Coverings, and Umbrellas

32. Requiring that the sides and sidewalk-facing length of a roadway cafe must remain open;
33. Prohibiting solid roofs covering the top of roadway cafes;

Tables

34. Prohibiting the use of bar (high-top) tables and standing-only tables in roadway cafes;

Heaters

35. Prohibiting heating units in roadway cafes;

Operations and Management Requirements: Sidewalk Cafes

Hours

36. Requiring that hours in the regulations not extend beyond the hours of midnight listed in the legislation (Local Law 121 of 2023);
37. Requiring hours in residential-only zones to be no later than 9pm Sunday-Thursday and 10pm Friday-Saturday;
38. Allowing hours to extend to no later than 10pm Sunday-Thursday and 11pm Friday-Saturday in mixed use residential/commercial zones;
39. Allowing any permitted hours after 11pm to be reserved for areas zoned commercial without any residential;

Advertising

40. Deleting this phrase under § 5-10 Operation and Management Requirements, (e) Advertising: *“the name and logo of any sponsors of the restaurant’s amenities,”* so it reads:
No advertising sign, picture, flag, banner, side curtain or other device, including an illuminated or non-illuminated sign, shall be placed or painted on or affixed to any awning, screen or other appurtenance used in connection with a sidewalk cafe or roadway cafe, except that the name of the restaurant, the logo of the restaurant, and the menu and information on the services provided by the restaurant, ~~and the name and logo of any sponsors of the restaurant’s amenities~~ may be painted, imprinted or otherwise displayed, in accordance with the following requirements,”

Removal of Abandoned Roadway Cafes

41. Requiring a deposit from the applicant at the time of application that is commensurate with the cost of the removal of an abandoned roadway cafe;
42. Requiring the licensee to pay for the removal of the abandoned roadway cafe if the licensee is still operating the ground floor restaurant associated with the abandoned roadway cafe.

Patron Bathrooms

43. Requiring a patron bathroom (indoors) for all outdoor seating;

Pest Control

44. Requiring that the contract for pest control services held by the petitioner indicates a monthly service plan, and upon renewal of the license, shows proof as part of license renewal process; Adding this language to 5-04 Requirements for Revocable Consent of Sidewalk Cafes and Roadway Cafes, (c) Petition Requirements, (5) Pest Control Plan so that it reads:

A certification from the petitioner that they have entered into a contract with a licensed pest professional that includes pest control services for the sidewalk cafe that are administered on

a monthly basis for the duration of the four-year license period and upon renewal of the license, continue to show proof of the pest control services contract as part of the license renewal application.

Staffing

45. Requiring table service by wait staff/server for all tables located in a roadway cafe, and adding “including staffing assigned to administer table service and” to § 5-10 Operation and Management Requirements, (g) Good Order so it reads:

A licensee must provide adequate service, including staffing assigned to administer table service and to maintain the tables in the roadway cafe and the adjacent street in a matter that ensures...;

Removal of Roadway Cafes for the Off-Season

46. Adding the phrase “Entire roadway cafe setups must be completely removed in its entirety from the parking lane by December 7 of the year;

Enforcement

47. Deleting this paragraph under in § 5-12 Enforcement, (2) Opportunity to Be Heard, (ii) Process, (3):

~~“Notwithstanding any inconsistent provision of this section, the suspension or revocation of a license shall be waived if, upon the submission of satisfactory proof, the Department determines that the person or persons who committed the violations which are the basis for the suspension or revocation acted against the licensee’s instructions in committing such violations.”~~

Vote: Passed with 29 Board Members in favor, 3 against (R. Kessler, M. Metzger, Z. Roberts), 5 abstentions (A. Brenna, C. Dignes, D. Gruber, J. Kiely, R. Sanz).

PARKS & WATERFRONT

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: Passed, with 35 Board members in favor, 1 against (R. Sanz), 1 abstention (R. Kessler).

STREET ACTIVITIES AND RESILIENCE (formerly Quality of Life)

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, Man. members raised concerns around potential sound and music associated with the event; now

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

Vote: Passed, with 36 Board members in favor, and 1 abstention (V. De La Rosa).

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, Man. 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: Passed, with 36 Board members in favor, and 1 abstention (V. De La Rosa).

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, Man. 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: Passed, with 36 Board members in favor, and 1 abstention (V. De La Rosa).

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, Man. 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: Passed, with 36 Board members in favor, and 1 abstention (V. De La Rosa).

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 prefabricated, 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: Passed, with 35 Board members in favor, 1 abstention (V. De La Rosa), and 1 recusal (D. Raftery).

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: Passed, with 35 Board members in favor, 1 abstention (V. De La Rosa), and 1 recusal (D. Raftery).

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, Man. recommends **approval** of this renewal application **provided that** the application conforms with all applicable laws, rules, and regulations.

Vote: Passed, with 35 Board members in favor, 1 abstention (V. De La Rosa), and 1 recusal (D. Raftery).

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, Man. 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, Man. 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, Man. 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, Man. 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, Man. 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, Man. 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; and

Therefore be it Further Resolved that with regard to the rules changes relating to Open Street Events, CB2, Man. 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; and

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

Vote: Passed, with 35 Board members in favor, 1 in opposition (R. Kessler) and 1 abstention (V. De La Rosa).

SLA LICENSING 1

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, 37 Board Members in favor.

- 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, 37 Board Members in favor.

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, 37 Board Members in favor.

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.

All service in both the Courtyard and interior premises is to seated patrons only.

Vote: Passed 36 Board Members in favor, 1 against (R. Sanz).

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 cannot 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.

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.

Vote: Passed, 34 Board Members in favor, 2 against (M. Metzger, R. Sanz), 1 abstention (R. Kessler).

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.

Vote: Passed, 34 Board Members in favor, 2 against (M. Metzger, R. Sanz), 1 abstention (R. Kessler).

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, 37 Board Members in favor.

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 combining 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, 37 Board Members in favor.

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 exit 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:
 - The Applicant will operate a full-service family restaurant serving American fare with full menu items available until closing every night.
 - The hours of operation will be Sunday to Thursday from 8 .
 - The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 - Will not operate a backyard garden or any outdoor area for commercial purposes including any sidewalk or roadbed seating.
 - Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences at any time.
 - Will not have televisions.
 - Will close all doors and windows at all times, allowing only for patron ingress and egress

- Will not install or have French doors, operable windows or open facades.
 - Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
 - It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
 - There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
 - 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.
 - Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
 - 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, 37 Board Members in favor.

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, 37 Board Members in favor.

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. on 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, 37 Board Members in favor.

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

Dear Sir/Madam:

At its Full Board meeting on November 16, 2023, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

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, 37 Board Members 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, 37 Board Members 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, 37 Board Members 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, 37 Board Members 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, 37 Board Members 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, 37 Board Members 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, 37 Board Members in favor.

19. Festive & Co Crosby–Street LLC dba Champers 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 Champers 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, 37 Board Members 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, 37 Board Members 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, 37 Board Members 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, 37 Board Members in favor.

SLA LICENSING 2

23. Zimmi's NY LLC 72 Bedford St 10014 (OP-Restaurant)

- i. **Whereas**, the Applicant and Applicant's Attorney appeared before Community Board 2, Manhattan's SLA Committee to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a full-service farm to table, wine-centric restaurant in the ground floor of a six (6)-story, R6-zoned, walk-up building (c. 1901) on Bedford Street between Commerce and Morton Streets (Block #587/Lot #7), this building falling within NYC LPC's Greenwich Village Historic District; and
- ii. **Whereas**, the ground floor premises is approximately 2,890 sq. ft. with approximately 800 sq. ft. on the ground floor and 2090 sq. ft. in the basement, the basement being accessed by an interior stairway and being used for storage only with no patron use; there will be 17 tables with 45 seats and one (1) bar with six (6) seats for a total patron occupancy of 51 seats with a maximum legal occupancy of 74 persons; there is one (1) entry which will serve as patron ingress and egress with an additional door for emergency egress on Commerce Street 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 Saturdays to Sundays from 11 AM to 12 AM Sundays through Saturdays (7 days a week), music will be quiet, ambient recorded background only; there will be no dancing, DJ's, live music, no promoted events or scheduled performances, no cover fees, and no televisions; there will be no sidewalk café seating or other exterior service of alcohol included with this application; and

- iv. **Whereas**, the Applicant originally appeared before the committee in October/2023 at which time there was opposition raised by Bedford Barrow Commerce Block Association and other local residents due to the lack of any outreach, the area being residential and any adverse quality of life impacts would greatly affect the local community, the Applicant hearing those concerns asking to lay the application over to this month in order to meet with the neighbors, having done so gaining support of the Bedford Barrow Commerce Block Association and residents who sent letters and appeared this month to support the application; and
- v. **Whereas**, the storefront premises was previously operated for almost 25 years (from 1998 to December 23, 2022) as Casa with an On-Premises license under Sinha LLC, SN# 1026053; and
- vi. **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-Premises Restaurant License, with those stipulations as follows:
1. The Applicant will operate a full-service farm to table wine-centric restaurant with full menu items available until closing every nights.
 2. The hours of operation will be Sundays to Saturdays from 11 AM to 12 AM every day/night.
 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 and live music only. No music will be audible in any adjacent residences at any time.
 6. All doors/windows will be closed at all times.
 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. It will not have “boozy brunches” and will not sell pitchers of beer.
 14. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
 15. Will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
 16. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
 17. Will appear before CB2, Man. 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 any 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 **90 active licensed premises** within 750 feet of the subject premises, in addition to 11 pending licenses, the Applicant meeting with the neighbors and

local block association and gaining their support, 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 new On-Premises Restaurant Liquor License in the name of **Zimmi's NY LLC 72 Bedford St 10014** **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: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

24. Chrome Flats LLC 366 W 12th St aka 767 Washington St, 2nd door 10014 (OP-Restaurant)

- 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 a new On-Premises Liquor License to operate via a licensing agreement a Jean Georges Vongerichten restaurant in the ground floor of a three (3)-story, C1-6A-zoned, mixed-use building (c. 1842) on the southeast corner of Washington and 12th Streets (Block #640/Lot #40), this building falling within NYC LPC's Greenwich Village Historic District; and
- ii. **Whereas**, the ground floor premises is approximately 2,440 sq. ft. with approximately 1,340 sq. ft. on the ground floor and 1,100 sq. ft. in the basement, the basement being accessed by both an interior stairway and exterior sidewalk hatch and being used for storage only with no patron use; there will be 12 tables with 46 seats and one (1) bar with ten (10) seats for a total seated patron occupancy of 56 seats with a maximum legal occupancy of 65 persons; there are two (2) doorways used for 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 Saturdays to Sundays from 12 PM to 12 AM Sundays through Saturdays (7 days a week), music will be quiet, ambient recorded background only inclusive of any private parties or events; there will be no dancing, DJ's, live music, no subwoofers, no promoted events or scheduled performances, no cover fees and no televisions; and
- iv. **Whereas**, there will be a sidewalk café located adjacent to the building on West 12th Street consisting of not more than four (4) tables and 10 seats complying with all outdoor dining and sidewalk regulations; all sidewalk seating will end at 10 PM Sundays through Thursdays and 11 PM Fridays and Saturdays; and
- v. **Whereas**, the storefront premises was previously operated with an On-Premises Liquor License for 35 years from 1983 to 2018 as Tortilla Flats Inc (SN# 1025686), a [West Village Institution](#) and neighborhood restaurant, and has remained vacant since that restaurant's closing in 2018; and
- vi. **Whereas**, this application was originally presented to CB2, Manhattan in October/2023 by the Attorney and a representative from the Jean Georges Vongerichten management company, the actual Applicant and sole Principal being unavailable; the Applicant being the COO of Chrome Hearts, a luxury brand which has a 16,000 sq. ft. retail store on the southern end of the same block on Washington Street at Bethune St. that opened in 2017, where apparently all their new products debut; in addition, members of Chrome Hearts own the premises of the instant application in addition to the adjacent

building on West 12th Street which runs full block through to Bethune Street abutting the eastern side of both the location which is the subject of this application and the Chrome Hearts store; and

- vii. Whereas,** at the October/2023 meeting, the Attorney presented closing hours of 1 AM and 2 AM on weekends, the 30-day notice indicating outdoor rooftop use with the Attorney explaining that was an error, nearby residents and a representative of the Jane Street Block Association appeared in opposition with concerns about the application, there having been no outreach to neighbors or the local block association despite ownership of the retail store on the same block for over 6 years and living in the neighborhood, those concerns had to do with the relationship between Chrome Hearts and the proposed restaurant, residents stating that though the store always seems empty there are frequently for-hire and chauffeured vehicles parked and double-parked outside which continuously block the bike lane, concerns being that the restaurant will attract a similar crowd that travels in for-hire and chauffeured vehicles leading to congestion on 12th Street, that the closing hours were too late for a restaurant and later than other Jean Georges restaurant including those in the immediate area, as Jean Georges Vongerichten's management company was not listed as one of the principals only operating through a management agreement, additional concerns were raised that while the public interest was presented as having a new Jean Georges restaurant (there is another Jean Georges restaurant a few blocks away at 176 Perry St) the actual operators of the restaurant could change at any time, even prior to the space opening; additional concerns were raised that the Applicant himself was not present to hear or address any of the concerns being raised; and
- viii. Whereas,** the Attorney and Jean Georges representative agreeing in October/2023 to lay the application over to do further outreach to the community, having done so they returned this month meeting in November/2023 with the Applicant/Principal as well, they reluctantly reduced the requested interior hours to midnight and 1 AM weekends when it was pointed out that all other Jean Georges restaurant close earlier, the Applicant also requesting 11 PM and midnight on weekends for the exterior seating, they would not be having DJs, live music; nearby residents and a representative of the Jane Street Block Association once again appeared stating that the hours were still too late on the interior and exterior, they still did not have clarity about the relationship between the Chrome Hearts store and the restaurant, that there were press reports of Jean Georges catering events at the Chrome Hearst retail store already occurring, which [some guests refer to as the "Chrome Hearts clubhouse"](#) and concerns that those type of events with many celebrities and associated impacts will also occur at the proposed restaurant, that no theme had yet been established for the restaurant, meaning the type or style of food being served, only that it was a collaboration between Chrome Heats and Jean Georges; the immediate area being surrounded by residences, concerns that the Applicant, who resides in LA, does not appreciate the quiet character and nature of the residential neighborhood and the impact of both for-hire and chauffeured vehicles waiting on West 12th Street, and patrons leaving at the early morning hours will have on the residents there, and
- ix. Whereas,** additionally the Applicant stated they were doing a complete historical renovation of the ground level façade on West 12th Street to return the location to its original features as shown in 1930's historical photos as part of the public benefit, the renovation would open a bricked up doorway located near the corner, in subsequent questioning it became apparent that they were not in fact doing a complete historical renovation of the West 12th St façade as there were other doorways and windows at ground level that completed the rhythm of the historical nature of the upper floors that were not being reinstated, this is simply opening and using a single doorway on West 12th Street which would shift a patron emphasis to the more residential street; and
- x. Whereas,** upon further discussion the Applicant agreed to closing hours of midnight 7 days a week which are typical of area restaurants, closing of the outside seating at 10 PM and 11 PM on Fridays

and Saturdays and that music would be background only, inclusive of any private parties or events; and

xi. 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-Premises Restaurant License, with those stipulations as follows:

1. The Applicant will operate a full-service Jean Georges Vongerichten restaurant with full menu items available until closing every night.
2. The hours of operation will be Sundays to Saturdays from 12 PM to 12 AM every day/night.
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 except for a sidewalk café located immediately adjacent to the storefront on West 12th Street complying with all outdoor dining and sidewalk regulations and having not more than 4 tables and 10 seats. No exterior music, speakers or TVs.
5. No roadbed seating.
6. All outdoor seating will close no later than 10PM Sundays through Thursdays and 11PM Fridays and Saturdays. All tables and chairs will be removed from the sidewalk at this hour.
7. Will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
8. Will not have subwoofers.
9. Will not have televisions.
10. Will close all doors and windows at all times, allowing only for patron ingress and egress.
11. Will not have patron occupancy/service to any portion of the basement of licensed premises.
12. Will not install or have French doors, operable windows or open facades.
13. Will not make changes to the existing façade except to change signage or awning.
14. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
15. Will not have unlimited drink or unlimited food and drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
16. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
17. Will not have more than 24 private events per year.
18. Will ensure staff manages the flow of for-hire vehicles to prevent congestion on Washington and West 12th Streets.
19. In conjunction with a Jean Georges Vongerichten restaurant, 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
20. 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.
21. Will appear before CB2, Man. if there is a change in restaurant management from Jean Georges Vongerichten.
22. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
23. Will appear before CB2, Man. for alteration to license prior to submitting plans for any sidewalk, roadbed or other outdoor seating.

xii. 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 **27 active licensed premises** within 750 feet of the

subject premises, in addition to 2 pending licenses, there being an overwhelming number of licenses in the same zip code and in Community Board 2, 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 new On-Premises Restaurant Liquor License in the name of **Chrome Flats LLC 366 W 12th St aka 767 Washington St, 2nd door 100144** **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: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

25. 93 Greenwich, LLC dba Chez Stanley, 93 95 Greenwich Ave. 10014 (OP–Restaurant) (Alteration)

- 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 Alteration to their On-Premises Restaurant Liquor License (SN#1356334, exp 9/30/25) for their new neighborhood bistro restaurant located within a six story residential building (circa 1929) on Greenwich Avenue. between West 4th and Bleecker Streets, this building falling within NYC LPC’s designated Greenwich Village Historic District; and
- ii. **Whereas**, the Applicant originally appeared in [November/2022](#) to operate a full-service restaurant in a previously-licensed premises (Little Owl), the Alteration Application is to add the adjacent storefront to the licensed premises, the combined storefront being roughly 2,083 sq. ft., comprised of an interior ground floor space of approximately 1,277 sq. ft. and a cellar of approximately 806 sq. ft. (with no patron use of basement); there will be a total of 63 patron seats, comprised of 26 tables with 59 seats and 1 stand-up bar with 4 seats; the storefront’s infill being fixed and there are no French doors or operable windows, with 2 patron entrance/exit and 1 bathroom; and
- iii. **Whereas**, the Applicant also plans to have sidewalk seating immediately in front of the storefront to be licensed, with 5 tables and 10 patron seats that will close by 10 PM Sunday-Thursday and by 11 PM Fridays and Saturdays, with no other exterior service of alcohol included in this application; 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 Restaurant On Premises License, with those stipulations as follows:
 1. The Applicant will operate a full-service neighborhood bistro with a full-service kitchen, with the kitchen open and the full menu available until closing every night.
 2. The hours of operation will be Sunday through Thursday from 10:00 AM to 12:00 AM, Fridays and Saturdays from 10:00 AM to 1:00 AM.
 3. Will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
 4. Will not have televisions.
 5. Will not operate a backyard garden or any outdoor area for commercial purposes except for sidewalk café located immediately adjacent to the storefront complying with all outdoor dining and sidewalk regulations and consisting of not more than four (5) tables and eight (10) patron seats. No exterior music, speakers or TVs

6. No roadbed seating.
7. Sidewalk café will close no later than 10 PM Sunday to Thursday and no later than 11 PM Fridays and Saturdays. All tables and chairs will be removed at this hour.
8. Will play quiet ambient recorded background music only. No music will be audible in any adjacent residences anytime
9. Will close all doors and windows at all times, allowing only for patron ingress and egress
10. Will not install or have French doors, operable windows or open facades.
11. It will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
12. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
13. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
14. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
15. Will appear before CB2, Man. for alteration to license prior to submitting plans for any sidewalk, roadbed or other outdoor seating.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a new Restaurant On Premises Liquor License to **93 Greenwich, LLC d/b/a Chez Stanley, 93 95 Greenwich Ave. 10014, unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Restaurant On Premises License.

Vote: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

26. Sedona Club Inc. d/b/a to be determined, 39 Clarkson St., 6th Floor and Rooftop 10014 (New OP– Private Member Club) (Previously Unlicensed)

- i. **Whereas**, the Applicant and the Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Licensing Committee to present an application for a new club license to operate a private members club located in a six-story building (circa 1920) on Clarkson Street between Hudson and Greenwich Streets, this building having previously operated for decades as a manufacturer of chocolate known as the Kopper’s Chocolate Factory in Greenwich Village; and
- ii. **Whereas**, the Applicant seeks to operate on the sixth-floor interior (3500 sq.ft.) and rooftop (2,850 sq. ft.) as a private membership club in a previously unlicensed location, the building also being the very recent subject of yet another large eating and drinking establishment on the ground and second floors (also previously unlicensed), with that additional license pending before the NYSLA (Ossea LLC; Ser. #1361986); and
- iii. **Whereas**, the new private members club will have an extensive rooftop space, all of which will be covered and there will be privacy, sound proofing wall on the east side, with that portion of the rooftop directly facing, within a relatively short distance, the bedrooms and living quarters of residential apartments located on the top floors of a large condominium building known as the Printing House at 421 Hudson Street, the Condominium Board having appeared after receiving notice of the Applicant’s plans on the rooftop, having retained a lawyer due to significant opposition from residents living therein, the Condominium’s Board representing the majority of owners ultimately negotiating a stipulation agreement, in compromise over a span of two months, to limit the operations of the private members club in a satisfactory manner so that it could open and co-exist despite the closeness of the private members rooftop operations; and

- iv. **Whereas**, the new membership only club will operate on the sixth floor with 31 tables and 78 patron seats, including lounge seating, one stand up bar with 4 seats and an Omakase food counter with an additional 12 seats, for a total interior seating capacity of 78, with a full service kitchen and stairs leading to the rooftop space, where there will be no rooftop stand up bar, no music of any kind, played or orchestrated, where all patrons will be seated, and where patron occupancy on the rooftop will never exceed 65 persons, the rooftop being divided into two spaces, the first (1,966 sq. ft.) covered with glass and the second (883 sq. ft.) covered by an awning; and
- v. **Whereas**, the glass covered portion of the rooftop will be covered by sliding panels, supporting materials and vertical Vinyl Barrier blankets that meet or exceed the Sound Transmission Class of 33, or its equivalent, with any and all openings in the structures facing north and east, including all portions facing the Printing House Condominium, or materials that meet or exceed the recommendations of the acoustic survey performed by experts for the Sedona Club, with such sliding panels having no gap with other structures, sealed shut when closed, and offering no space for sound or light to escape; the glass, sliding panels, and other structures remaining sealed and closed at all times; and
- vi. **Whereas**, the awning covered rooftop space will be covered to the sky exposure plane by a retractable awning with a Sound Transmission Class of 26 (STC 26) or better, and like the glass covered portion of the rooftop, there shall be no gap or space between the awning and the Rooftop Protective Barrier (as described below) and the retractable awning will not be retracted or otherwise opened during hours of operations; and
- vii. **Whereas**, there will be a Rooftop Protective Barrier installed along the 20-foot portion of the Sedona Club rooftop's east parapet facing the Printing House Condominium where there is no structure, including but not limited to the portion immediately adjacent to the Awning Covered Rooftop, where the "Safety Barrier" will be present; this Safety Barrier will be a trellis with an embedded transparent vertical Mass Loaded Vinyl barrier blanket with a Sound Transmission Class of 26 (STC 26) or a transparent fence that incorporates a material with similar or better acoustic mitigation properties. The Safety Barrier shall extend at least to the height of the awning, or as high as permissible; and
- viii. **Whereas**, there will be no heating or cooling equipment used at or on any part of the rooftop, including but not limited to air conditioners, heaters, open or closed flame heaters, no smoking or drug use, there will be background music to the interior only, with all doors and windows leading to the interior from the rooftop spaces being closed at all times except for patron/waitstaff egress, and all windows and doors to the exterior on the sixth floor being closed at all times; and,
- ix. **Whereas**, the Applicant entered into a stipulation agreement with Community Board 2 as follows:

Hours of operation:

6th Floor: *

Monday – Wednesday 9:00AM to 1:00AM (no service of alcohol before 11:30AM)
 Thursday – Saturday 9:00AM to 2:00AM (no service of alcohol before 11:30AM)
 Sundays 9:00AM to 4:00 PM (no service of alcohol before 11:00AM)

Glass Covered (Interior) Rooftop:*

Monday – Saturday (Nov. 1 to March 31) 9:00AM to 9:00PM
 Monday – Saturday (April 1 to Oct. 30) 9:00AM to 10:00PM
 Sundays 9:00AM to 4:00PM
 (no service of alcohol before 10:00AM)

Awning Covered (Exterior) Rooftop:*

Monday – Saturday 9:00AM to 9:00PM (no service of alcohol before 9:00AM)

Sundays 9:00AM to 4:00PM (no service of alcohol before 10:00AM)

* **NO** patrons will remain after stated closing time.

1. Will operate a full-service restaurant with the kitchen open and full menu items available until closing every night.
2. Will not operate as a Nightclub, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
3. Will not operate a backyard garden or any outdoor area for commercial purposes except for on the building rooftop. No exterior music, speakers or TVs.
4. No sidewalk or roadbed seating.
5. Service on the rooftop will be to seated patrons only at all times.
6. There will be no heating or cooling equipment used on any part of the rooftop.
7. Occupancy on the rooftop will not exceed 65 persons including staff at any time.
8. Will play quiet ambient recorded background music only, inclusive of any private parties or events. Music will be at levels in accordance with stipulation agreement between Printing House Condominiums and so as not to cause a disturbance in any adjacent residences at any time.
9. Will close all doors and windows at all times, allowing only for patron ingress and egress.
10. Operable doors between interior and exterior rooftop areas will remain closed at all time, allowing only for patron/server ingress and egress.
11. Will not have more than 24 private parties on the rooftop per year. Only members of the private club may host parties for his or her guests. Private parties shall mean full buy-outs of the entire rooftop.
12. All stipulations agreed to between Printing House Condominiums and The Sedona Club Inc. on October 5, 2023 (see attached 6 page stipulation agreement) including but not limited to soundproofing and limitations of Sedona Club's use and occupancy of rooftop spaces shall be incorporated with these stipulations.
13. Will comply with NYC Department of Buildings Regulations and will obtain Place of Assembly Certificate and keep current at all times required Permits and Certificates.
14. Will provide a Letter of No Objection, Certificate of Occupancy or Temporary Certificate of Occupancy permitting eating and drinking for premises proposed to be licensed prior to opening.
15. Will not have unlimited drink or unlimited food and drink specials. Will not have "boozy brunches." No pitchers of beer.
16. There will be no "bottle service" or the sale of bottles of alcohol except for the sale of bottles of beer or wine products.
17. Will not have: Dancing, DJs, Live Music, Promoted Events, any event where cover fee is charged, Scheduled Performances (but may have scheduled events or programming), Velvet ropes or metal barricades or Security Personnel.
18. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.

- x. **Whereas**, despite the stipulation agreement brokered between the Printing House Condominium and the Applicant, condominium owners still appeared in opposition to this liquor license voicing legitimate questions and concerns regarding the completeness and soundness of the Applicant's agreement to soundproof the rooftop, and establish a privacy screen on the east side of the building facing those apartment directly exposed by their operations, and whether those actions could be accomplished in a proper and sufficient manner, with this application being subject to the 500 foot rule; and
- xi. **Whereas**, still additional questions were raised as to whether the private members club satisfies and meets the statutory elements of a Club License, in conjunction with other NYS regulations governing not-for-profit entities or organizations, where such licensees may only be issued to an organization

operated solely for recreational, social, patriotic, political, benevolent or athletic purposes, and which may not be issued where the intent is to traffic in alcoholic beverages for profit or for pecuniary gain; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan requests the Licensing Division of the NYSLA review and determine whether the membership club operated by the Applicant properly qualifies for the class of liquor license being sought; and

THEREFORE BE IT FURTHER RESOLVED that if the Applicant does qualify for such license, Community Board 2, Manhattan recommends denial of the application for a new Club liquor license to **Sedona Club Inc. d/b/a to be determined, 39 Clarkson St., 6th Floor and Rooftop 10014** unless the statements the Applicant has presented are accurate and complete and that the above-stated conditions and existing stipulations agreed to by the Applicant are incorporated into the Method of Operation on its Liquor License.

Vote: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

27. Parcelle 522 Hudson LLC d/b/a Parcelle, 522 Hudson St. 10014 (New Tavern Wine) *(Previously Unlicensed)*

- i. **Whereas**, the Applicants and their Attorney appeared before Community Board 2, Manhattan's SLA Committee to present an application to the NYS Liquor Authority for new Tavern Wine Liquor License to operate a Wine Bar in a corner, ground floor storefront located within a four-story, residential apartment building (circa 1949) at the corner of Hudson and Perry Streets; with this building falling within NYC LPC's designated Greenwich Village Historic District; and,
- ii. **Whereas**, the storefront proposed to be licensed was previously operated since 2017 as a fitness studio, and before that for decades as a dry cleaner, the corner storefront having never previously operated for eating and drinking or licensed for the service of alcohol, the interior ground floor premises is roughly 900 sq. ft., with a set of stairs leading to 600 sq. ft. basement (basement for storage purposes only), there is no full-service kitchen, the service of alcohol being the primary method of operation with a complementary small dish, cold food offering, the Applicant seeking to operate on the adjoining public sidewalks on Hudson and Perry Streets as well as the roadbed running along Perry Street, for a total of 25 tables and 64 exterior patrons seats, the exterior seating exceeding the number of patron seats for the interior, where there will be an additional 12 tables and 43 seats, with only 1 bathroom to serve all patrons and staff, the store front infill being fixed without operable doors or windows that open out to the sidewalk even though a new doorway entrance is planned to be installed on Perry Street, in addition to the existing entrance on Hudson Street; and,
- iii. **Whereas**, the Applicant's hours of operation will be Sundays to Saturdays from 5PM to 12AM, music will be quiet recorded background only; there will be no DJ's, no promoted events, no live music or scheduled performances, no cover fees, and no televisions; and,
- iv. **Whereas**, the addition of 64 exterior seats on the public sidewalks, and roadbed on Perry Street, is excessive and inappropriate for this residential neighborhood, especially on Perry Street, where no such exterior seating for the service of alcohol has ever previously existed, and where residents live immediately above and adjacent to the proposed exterior seating, with Perry Street being a very narrow roadway, the sidewalk not being of appropriate depth to accommodate the numbers of seats proposed, and the service aisle, while also allowing for the proper passage of pedestrians; and,

- v. **Whereas**, there was substantial opposition to this Application from residents living on Perry Street and on Hudson Street, as well as the local block association, the objections raised primarily focused on the substantial number of exterior seating for one location, as well as the use of roadbed seating on such a narrow roadway, with the numbers of exterior seating on Hudson Street being overwhelming, the immediate area already being inundated with licensed premises next door and within the same building, with all four storefronts on Hudson Street within this same building being for the service of alcohol, the Applicants when confronted with these objections not being willing to compromise sufficiently as to the numbers of exterior seats on the sidewalk or forgo seating in the narrow roadway; and,
- vi. **Whereas**, no one appeared in favor of the application from the Community; and,
- vii. **Whereas**, legitimate questions having been raised about the significant impacts caused by the excessive number of patrons being served alcohol to the above-referenced exterior areas surrounded by residences, where no such service has ever existed previously, with this part of Hudson Street already being overwhelmed by the service of alcohol to the sidewalks and roadbeds running along this roadway, and the method of operation for this particular application as a wine bar being one focused on the service of alcohol, there being so many other wine bars already sited within this area, and throughout Greenwich Village; and

THEREFORE BE IT RESOLVED that CB2, Man. recommends denial of the Restaurant Wine License application for **Parcelle 522 Hudson LLC d/b/a Parcelle, 522 Hudson St. 10014**; 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 SLA before any license, temporary or otherwise is issued to this Applicant.

Vote: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

28. Super Rich NY Corp 260 6th Ave 10014 (OP–Restaurant)

- i. **Whereas**, the Applicant and Applicant’s Attorney appeared before Community Board 2, Manhattan’s SLA Committee to present an application to the NYS Liquor Authority for a new On-Premises Liquor License to operate a full-service Thai restaurant in the ground floor of two six (6)-story, R7-2/C1-5-zoned, walk-up buildings (c. 1988, 2003) on 6th Avenue between Bedford and Bleecker Streets (Block #526/Lots #11 and 14), these building falling within NYC LPC’s South Village Historic District; and
- ii. **Whereas**, the ground floor premises is approximately 3,800 sq. ft. with approximately 1,800 sq. ft. on the ground floor and 2,000 sq. ft. in the basement, the basement being accessed by an interior stairway and being used for storage only with no patron use; there will be 26 tables with 54 seats and two (2) bar with eight (8) seats for a total patron occupancy of 62 seats; there are three (3) entries which will serve as patron ingress and egress and two (2) bathrooms; and
- iii. **Whereas**, the hours of operation will be Saturdays to Sundays from 11:30 AM to 12 AM Sundays through Saturdays (7 days a week), music will be quiet, ambient recorded background only; there will be no dancing, DJ’s, live music, no promoted events or scheduled performances, no cover fees, and no televisions; and
- iv. **Whereas**, there will be a sidewalk café located adjacent to the building leaving a clear path of 8' and consisting of approximately 24 tables and 48 seats adjacent to the building; all sidewalk seating will end at 10 PM Sundays through Thursdays and 11 PM Fridays and Saturdays; and

- v. **Whereas**, the storefront premises was previously operated with an On-Premises license for 41 years as [Da Salivano](#) (SN# 1028415) followed by Alta Cucina 2 LLC dba Avena Downtown, SN# 13311601 from 2018–2022; and
- vi. **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-Premises Restaurant License, with those stipulations as follows:
1. The Applicant will operate a full-service Thai restaurant with full menu items available until closing every nights.
 2. The hours of operation will be Sundays to Saturdays from 11:30 AM to 12 AM every day/night.
 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 except for a sidewalk café situated on the sidewalk adjacent to the storefront and complying with all outdoor dining and sidewalk regulations. No exterior music, speakers or TVs
 5. No roadbed seating.
 6. All outdoor seating will close no later than 10PM Sundays through Thursdays and 11PM Fridays and Saturdays. All tables and chairs will be removed from the sidewalk or secured adjacent to the building at this hour. No exterior music, speakers or TVs.
 7. Will play quiet ambient recorded background and live music only. No music will be audible in any adjacent residences at any time.
 8. All doors/windows will be closed at all times.
 9. Will not have televisions.
 10. Will close all doors and windows at all times, allowing only for patron ingress and egress.
 11. Will close all doors and windows at 9PM every night, allowing only for patron ingress and egress.
 12. Will not have any buyouts of the entire restaurant.
 13. Will not have patron occupancy/service to any portion of the basement of licensed premises.
 14. Will ensure door to residential area of cellar is alarmed and used only for emergency egress.
 15. Will not make changes to the existing façade except to change signage or awning.
 16. Will comply with NYC Department of Buildings Regulations and will keep current at all times required Permits and Certificates.
 17. Will not have unlimited drink or unlimited food and drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
 18. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
 19. Will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.
 20. Will not add more principals as presented to CB2 with greater than 20% share of business prior to submission of original application to the NYSLA.
 21. Will appear before CB2, Man. prior to submitting any changes to any stipulation agreed to herein.
 22. Will appear before CB2, Man. for alteration to license prior to submitting plans for any 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 **112 active licensed premises** within 750 feet of the

subject premises, in addition to 11 pending licenses, 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 new On-Premises Restaurant Liquor License in the name of **Super Rich NY Corp 260 6th Ave 10014** **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: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

29. 142 Carriage House LLC dba Carriage House NYC 142 W 10th St 10014 (OP–Restaurant) (Class Change) (Appearance Waived)

- i. **Whereas**, the Applicants and the Applicant’s Attorney originally appeared before Community Board 2, Manhattan’s SLA Licensing Committee #2 in November/2021 to present an application to the NYS Liquor Authority for a new On-Premises Restaurant Liquor License to operate operate a fine-dining restaurant specializing in American cuisine in a R6 zoned, four-story mixed-use building constructed in 1887 on W. 10th St. between Waverly St. and Greenwich Ave. (Block #610/Lot#7502), and located in the Greenwich Village Historic District; and
- ii. **Whereas**, at that time the Applicant executed and had notarized a Stipulations Agreement with Community Board 2, Manhattan which would be incorporated into the “Method of Operation” of the On-Premises Restaurant Liquor License; [CB2, Manhattan unanimously recommended approval of the license](#), in addition to signing a stipulation agreement with West 10th Street and Greenwich Avenue Neighbors Block Assn; and
- iii. **Whereas**, in July/2022 the Applicant’s Attorney re-submitted a new 30-day notice for a Restaurant Wine license with all other aspects of the application being identical to what was presented to CB2 originally, the reason for the downgrade in license class was due to the backlog at the NYSLA, the class change permitting the Applicant to obtain a temporary license in a more timely manner, the Applicant having also informed the block association of their intentions and gaining their support; CB2 Manhattan taking no further action on the matter as all parties believed that the NYSLA would honor the originally signed stipulations agreement for the On-Premises Restaurant Liquor License which had been executed in November/2021; and
- iv. **Whereas**, the Applicant’s Restaurant Wine license has been conditionally approved and the Applicant has been operating at the location with a temporary license (SN#1371524), their final RW license being held up waiting for a signed agreement with CB2, Manhattan for the Restaurant Wine license, stipulations having been signed and a resolution recommending approval of their Restaurant Wine license being unanimously approved at last month’s CB2 full board meeting, the Applicant received their Restaurant Wine license; and
- v. **Whereas**, there being no change in principals or method of operation from the original application which was heard in November/2021, the block association remaining in support of the application, the Applicant has executed and had notarized a Stipulations Agreement with Community Board 2, Manhattan which will be incorporated into the “Method of Operation” of the On-Premises License, with those stipulations as follows:

1. The premises will be advertised and will operate as a full-service restaurant specializing in New American cuisine and employing fine dining techniques from France and Italy.
2. The hours of operation will be from 4:00 PM to 11:00 PM Sundays, Mondays, Wednesdays, and Thursdays, and 4:00 PM to 12:00 AM on Fridays and Saturdays. The business will be closed on Tuesdays. The premises will open no later than the stated opening time and no patrons will remain after the stated closing time.
3. The Applicant will operate a full-service restaurant, specifically a fine-dining restaurant specializing in New American cuisine and employing fine dining techniques from France and Italy, with the kitchen open and the full menu available until closing every night.
4. The premise will not operate as a Lounge, Tavern or Sports Bar or allow any portion of premises to be operated in that manner.
5. It will not operate a backyard garden or any other outdoor area for commercial purposes, including a sidewalk café and there will be no roadbed seating.
6. It will play quiet ambient recorded background music only, inclusive of any private parties or events. No music will be audible in any adjacent residences at any time.
7. There will be no televisions.
8. The Applicant will not install or have French doors, operable windows or open façades.
9. It will keep all doors and windows closed at all times, allowing only for patron ingress and egress.
10. There will be no patron occupancy/service to any portion of the basement of the licensed premises.
11. It will not make changes to the existing façade, except to change the signage or awning.
12. It will comply with NYC Department of Buildings Regulations and keep current at all times required Permits and Certificates.
13. It will not have unlimited drink or unlimited food & drink specials. It will not have “boozy brunches” and will not sell pitchers of beer.
14. There will be no “bottle service” or the sale of alcohol by the bottle, except for beer and wine products.
15. The Applicant will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
16. It will not change any of the business’ principals prior to submission of the original application to the SLA.
17. It will not have any of the following: dancing, DJs, live music, promoted events, any event for which a cover fee is charged, scheduled performances, velvet ropes or barricades, or doormen/security personnel.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a On-Premises Restaurant License in the name of 142 Carriage House LLC d/b/a Carriage House, 142 West 10th Street 10014, **unless** the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the NYSLA Liquor License.

Vote: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

30. West 14th Tavern Corp fka Entity to be formed by John Cutillo 234 W 14th St 10011 (OP–Tavern) (*Appearance Waived*)

- i. **Whereas**, the Applicants and the Applicant’s Attorney originally appeared before Community Board 2, Manhattan’s SLA Licensing Committee #2 in [June/2022](#) to present an application to the NYS Liquor Authority for a new On-Premises Tavern License to operate a tavern in in a basement level storefront located in a five-story apartment building (circa 1926) on West 14th Street between Seventh and Eighth Avenues in Greenwich Village at which time CB2, Manhattan recommended approval of the application; and

- ii. **Whereas**, the Applicant renotified CB2, Manhattan due to a change in the Licensee name from Entity to be formed by John Cutillo to West 14th Tavern Corp and because they had made a clerical error and failed to check of that they would have security on their 30-day notice, a matter they had disclosed to CB2 at the time and is reflect in the stipulation agreement which was executed with them.
- iii. **Whereas**, there being no changes to the application that was presented in June/2022 aside from the change in Licensee name, no change in principals or method of operation, the Applicant re-signed the same stipulation agreement with CB2, Manhattan under the new licensee name with those stipulations as follows:
1. The premises will be advertised and operated as a tavern.
 2. The hours of operation will be Sunday to Thursday from 12 PM to 2 AM, Fridays and Saturdays from 12 PM to 4 AM. All patrons will be cleared and no patrons will remain after stated closing times.
 3. Will not operate a backyard garden or any outdoor area for commercial purpose including any sidewalk café and/or roadbed seating operating under the Open Restaurants program.
 4. Will play quiet ambient recorded background music only within interior. No music will be audible in any adjacent residences anytime.
 5. Will install soundproofing (ceiling and walls throughout).
 6. Will obtain letter of no objection or proper certificate of occupancy permitting eating and drinking prior to opening.
 7. Will not install or have French doors, operable windows or open facades.
 8. Will close all doors & windows at all times.
 9. Will have no more than 6 TVs.
 10. No smoking or lingering in front of adjacent residential building (238 West 14th Street).
 11. The premises will not have DJ's, dancing, live music, promoted events, any event where a cover fee is charged or any scheduled performances.
 12. There will be no all you can eat/all you drink special or boozy brunches, or pitchers of beer.
 13. There will be no "bottle service" on the sale of bottles of alcohol except for the sale of bottles of wine products.
 14. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.
 15. Will comply with NYC Department of Buildings Regulations & keep current at all times required Permits & Certificates.
 16. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends denial of the application for a On-Premises Tavern License in the name of **West 14th Tavern Corp fka Entity to be formed by John Cutillo 234 W 14th St 10011**, 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.

Vote: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

31. Take Me to the River 22 LLC dba Next Door 22 Greenwich Ave. 10011 (TW–Bar/Tavern) (*Appearance Waived*)

- i. **Whereas**, the Applicants and the Applicant’s Attorney originally appeared before Community Board 2, Manhattan’s SLA Licensing Committee #2 in [August/2022](#) to present an application to the NYS Liquor Authority for new Tavern Wine License to operate a raw bar focused restaurant and wine bar on the ground floor of a C1-6-zoned, three (3)-story mixed-use building (c. 1839, altered 2011) on Greenwich Avenue between West 10th and Charles Streets (Block #606/Lot #6) the building falling within NYC LPC’s designated Greenwich Village Historic District, which CB2, Manhattan unanimously recommended approval of the application at their [September/2022](#) full board meeting; and
- ii. **Whereas**, the Applicant sent renotification this month to include a Temporary Retail Permit, there being no other changes to the application, no new stipulations were provided and appearance was waived; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends **denial** of the application for a On-Premises Tavern License in the name of **Take Me to the River 22 LLC dba Next Door 22 Greenwich Ave. 10011**, **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.

Vote: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

32. Compass Group Inc (parent company of Restaurant Associates Inc) floors 1-4, 6, 9, 12 550 Washington St 10014 (OP-Catering Facility) (*Appearance Waived*)

- i. **Whereas**, the Applicants and the Applicant’s Attorney originally appeared before Community Board 2, Manhattan’s SLA Licensing Committee #2 in April/2023 to present an application to the NYS Liquor Authority for a new On Premise Catering Liquor License on multiple floors (1-4, 6, 9 & 12) of a recently built twelve story office building that will be occupied by Google LLC, the building taking up a city block on Washington Street but also facing Houston Street and the West Side Highway across from Pier 40 in Hudson Square; and
- ii. **Whereas**, at its [April full board meeting](#) CB2, Manhattan unanimously recommended approval of the license(s); and
- iii. **Whereas**, the Applicant sent renotification because the NYSLA was requesting them to amend the Licensee name to that of the parent company, Compass Group Inc., there are no changes to any of the premises details or method of operation; they have executed updated stipulations reflecting the new Licensee name, all else remaining the same, with those stipulations as follows:
 - 1. The premises will offer catering services for the offices of Google LLC during daytime working hours.
 - 2. The hours of operation will be from 8:30 AM to 3:30 PM every day, Sunday to Saturday.

3. The Premises will not operate as a Lounge, Tavern, or Sports Bar or allow any portion of the premises to be operated in that manner.
4. Service of alcoholic beverages will be conducted from the interior of building only. Alcoholic consumption will be permitted at/to exterior locations on the 4th, 6th and 12th floors but the service of alcohol from any exterior areas of the building will be prohibited; there will be no bars, stand-up or service in any exterior areas of the building. No sidewalk or roadbed seating.
5. The Applicant will play quiet ambient recorded background music only; no exterior music—no music will be audible in any adjacent residences at any time.
6. It will comply with the NYC Department of Buildings Regulations & and keep current at all times required Permits & Certificates.
7. It will not have unlimited drink or unlimited food & and drink specials; it will not have “boozy brunches” or serve pitchers of beer.
8. There will be no bottle service or the sale of alcohol in bottle form, except for the sale of bottles of beer, cider, and wine products purchased from the grocery area for consumption outside of the store.
9. It will not have any of the following: dancing, DJs, live music, promoted events, any event where a cover fee is charged, scheduled performances, velvet ropes or metal barricades, or security personnel/doorman.
10. It will appear before CB2, Manhattan prior to submitting any changes to any stipulation agreed to herein.
11. Will appear before CB2, Man. for alteration to license prior to submitting plans for permanent sidewalk or roadbed seating.

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan recommends denial of the application for a new Restaurant On Premises Liquor License to **Compass Group Inc (parent company of Restaurant Associates Inc) floors 1-4, 6, 9, 12 10014** unless the statements presented by the Applicant are accurate and complete and that the conditions and stipulations agreed to by the Applicant remain incorporated into the “Method of Operation” of the SLA Catering On Premise License.

Vote: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

33. Follow up to CB Resolution on NYC Council Bill (Int 0160-2022)

- i. **Whereas**, Al Fierstein, one of the most respected sound consultants in New York City who is well-known to CB2 as he is frequently hired by restaurants, bars and clubs to design their sound proofing and sound systems in addition to also being hired by residents to address ongoing noise issues and noncompliance with NYC noise codes, appeared again at this months’ committee meeting to follow up on [NYC Council Bill Int 0160-2022](#) which would revise the NYC Noise Code and which was heard before NYC Council Committee on Environmental Protection, Resiliency and Waterfronts on October 16, 2023 and laid over by Committee; and
- ii. **Whereas**, Mr. Fierstein gave a demonstration to Councilmember Robert Holden, who is one of the sponsors of the bill, which he felt was very effective, that changes have been made to the bill but that those changes are still not good enough and urged the committee to reach out to our Councilmembers to voice our concerns over the bill; and

THEREFORE BE IT RESOLVED that Community Board 2, Manhattan remains deeply concerned about these proposed changes to the NYC Noise Code and would urge New York City Council to oppose this bill unless the recommendations of Mr. Fierstein have been incorporated into the Bill Int 0160-2022 in their entirety.

Vote: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

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

34. Grey Dog Carmine Inc dba The Grey Dog 49 Carmine St 10014 (OP-Restaurant) (Convert 16' service bar to customer bar with 8 seats)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on November 9, 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 **Grey Dog Carmine Inc dba The Grey Dog 49 Carmine St 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the 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: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

35. Slutty Vegan Inc, 280 Bleecker St 10014 (TW-Bar/Tavern)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on November 9, 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 **Slutty Vegan Inc, 280 Bleecker St 10014** **until** the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the 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: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

36. ReBoot West Village LLC, 101 7th Ave South 10014 (RW-Restaurant) (Sidewalk café) (previously unlicensed)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on November 9, 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 **ReBoot West Village LLC, 101 7th Ave South 10014** 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: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

37. Aramark Services Inc 225 Varick St, 12th Fl 10014 (RW-Catering Facility) (TRP) (entire 12th floor)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on November 9, 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 **Aramark Services Inc 225 Varick St, 12th Fl 10014** 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: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

38. AV 7th Ave LLC dba All'Antico Vinaio 89 7th Ave S 10014 (RW-Bar/Tavern) (TRP) (Sidewalk Cafe)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on November 9, 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 **AV 7th Ave LLC dba All'Antico Vinaio 89 7th Ave S 10014** 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: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

39. Guliani Group Inc dba Laliko Georgian Bistro 80 Carmine St, Unit 2 10014 (RW-Restaurant) (TRP)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on November 9, 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 **Guliani Group Inc dba Laliko Georgian Bistro 80 Carmine St, Unit 2 10014** until the Applicant has presented their application in front of CB2's SLA Licensing Committee and CB2 has forwarded a recommendation to the 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: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

40. Officina 1397 LLC 92 7th Ave South 10014 (OP-Bar/Tavern) (TRP)

Whereas, prior to this month's CB2, Manhattan's SLA #2 Licensing Committee Meeting on November 9, 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 **Officina 1397 LLC 92 7th Ave South 10014** 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: Passed, 33 Board Members in favor, 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

TRAFFIC AND TRANSPORTATION

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: Passed, with 28 Board members in favor, 7 against (C. Dignes, J. Horky, R. Kessler, M. Metzger, Z. Roberts, R. Sanz, E. Smith), 2 abstentions (C. Booth, V. De La Rosa).

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: Passed, with 31 Board members in favor, 5 against (C. Dignes, J. Horky, R. Kessler, M. Metzger, R. Sanz), 1 abstention (C. Booth).

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: Passed, with 33 Board members in favor, 3 against (C. Dignes, R. Kessler, E. Smith), 1 abstention (V. De Le Rosa).

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 if 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 DMV 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: Passed, with 35 Board members in favor, 1 against (E. Smith), 1 abstention (V. De Le Rosa).

CANNABIS LICENSING

1. New Applications for Adult-Use Retail Cannabis Licenses Notices to Municipality forms 10/2-16/2023 • No Response

WHEREAS, CB2, Man. received the 49 Notice to municipality forms; and

WHEREAS, all failed to:

- Fill out the CB2 CLC questionnaire
- Appear before the Cannabis Licensing Committee (CLC)
- Provide any documents or additional information required by the CB2 CLC
- Disclose or accurately represent requested information
- Provide answers to any questions posed by the CB2 CLC
- Conduct outreach to the community near the proposed location

	NTM DATE	CORP.	ADDRESS	ZIP	OPERATOR	REASON FOR DENIAL
1.	10/2/2023	Jack Luber dba Cousin Mary	41 Carmine St.	10014	Jack Luber	<ul style="list-style-type: none"> • Failure to Appear w/in 300 ft. of Downing Street Pre-school @ 32 Carmine St. Exclusively used as a school
2.	10/3/2023	MASJLS, LLC	69 Gansevoort St.	10014	Ashley Sanford	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information
3.	10/3/2023	JLISHD LLC	150 Bowery	10012	Romeo Tayag	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information
4.	10/3/23	Alkalife, LLC	264 Bowery	10012	Vincent Pezzulo	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈1000 ft. from Gotham 3 East. 3rd St.
5.	10/3/23	Alkalife, LLC	274 Bowery	10012	Vincent Pezzulo	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈1000 ft. from Gotham 3 East. 3rd St.
6.	10/3/2023	Downtown Flower, LLC	433 Broadway	10013		<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈562.87 ft distance from NC Accidents Report 481 Broadway
7.	10/4/23	Ambrose Firm LLC	184 W. 4th St.	10014	Ambrose Firm LLC Jennifer Ambrose	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • Currently Vape Town • Suspected to be selling bong + other illicit cannabis products
8.	10/4/23	Cannadreams, Inc.	180 6th Ave.	10012	Jie Lin	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈465 ft. from NYC iSchool, 131 6th • ≈565 ft. from NC Accidents Report 481 Broadway • ≈600 ft. from Dagmar 412 W. Broadway
9.	10/4/23	NYCL Thompson LLC	218 Thompson St.	10012	Jon Purow, attorney	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈350 ft. from Dagmar 412 W. Broadway • ≈330 ft from Smacked Village! 144 Bleecker St

10.	10/4/23	Mahant 385 Inc.	385 Canal St.	10013	Mahant 385 Inc. Divyank Patel	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • <u>Smoke Gift & Convenience</u> • Suspected to be selling Illicit cannabis
11.	10/5/23	Green Panacea, LLC	378 Broome St.	10013	Carlos Carela	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information
12.	10/5/23	Mocha Joint, LLC	433 Broadway	10013	David Feder	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈500 ft NC Accidents Reports 481 Broadway
13.	10/5/23	Encore Retailer III LLC	87 Sullivan St.	10012	Encore Retailer III LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈453.28 ft from Dagmar 412 Wbway
14.	10/5/23	Encore Retailer IV LLC	200 Spring St.	10012	Encore Retailer IV LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈411.10 ft from Dagmar 412 W. Broadway
15.	10/5/23	Encore Retailer IX LLC	151 Spring St.	10012	Encore Retailer IX LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈181.09 ft from Dagmar 412 W. Broadway
16.	10/5/23	Encore Retailer V LLC	187 Spring St.	10012	Encore Retailer V LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈ 294.55 ft from Dagmar 412 W. Broadway
17.	10/5/23	Encore Retailer VI LLC	420 W. Broadway	10012	Encore Retailer VI LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈90 ft from Dagmar 412 W. Broadway
18.	10/5/23	Encore Retailer VII LLC	419 W. Broadway	10012	Encore Retailer VII LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈132 ft from Dagmar 412 W. Broadway
19.	10/5/23	Encore Retailer VIII LLC	402 W. Broadway	10012	Encore Retailer VIII LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈180 ft from Dagmar 412 W. Broadway
20.	10/5/23	Encore Retailer XI LLC	372 W. Broadway	10012	Encore Retailer XI LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈586 ft from Dagmar 412 W. Broadway
21.	10/5/23	Encore Retailer XII LLC	436 W. Broadway	10012	Encore Retailer XII LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈315 ft from Dagmar 412 W. Broadway • ≈700 ft from Smacked Village! 144 Bleecker St
22.	10/5/23	Encore Retailer XIII LLC	282 Hudson St.	10013	Encore Retailer XIII LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information
23.	10/5/23	Encore Retailer XIV LLC	463 W. Broadway	10012	Encore Retailer XIV LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈674 ft from Dagmar 412 W. Broadway • 144 Bleecker St
24.	10/5/23	Encore Retailer XV LLC	201 Mulberry St.	10013	Encore Retailer XV LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • Directly across from DiSalvio Playground 44

						Spring St.
25.	10/5/23	Encore Retailer XVII LLC	598 Broadway	10012	Encore Retailer XVII LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information
26.	10/5/23	Friendly Flower 2, Inc.	22 Spring St.	10012	Jessica Lindsey	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈850 Gotham • Premises is Use Group 9, not zoned for regular retail
27.	10/5/23	Jordan Forrester	317 Canal St.	10013	Jordan Forrester	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈824 ft from 481 Broadway
28.	10/6/23	Encore Retailer X LLC	70 Wooster St.	10012	Encore Retailer X LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈513.81 ft from Dagmar 412 W. Broadway
29.	10/6/23	New York THC Company	32 Spring St.	10012	Harold Baines	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information
30.	10/6/23	Mahant 342 Inc.	342 Canal St.	10013	Mahant 342 Inc. Divyank Patel	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information
31.	10/10/23	Potluck Project, LLC	141 Mulberry St.	10013	Danielle Popov	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • Abuts P.S. 130 Hernando De Soto, 143 Baxter St.
32.	10/10/23	Project License, LLC	141 Mulberry St.	10013	Danielle Popov	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • Abuts P.S. 130 Hernando De Soto, 143 Baxter St.
33.	10/10/23	Provisional Health, LLC	141 Mulberry St.	10013	Danielle Popov	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • Abuts P.S. 130 Hernando De Soto, 143 Baxter St.
34.	10/10/23	The Happy Project, LLC	141 Mulberry St.	10013	Danielle Popov	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • Abuts P.S. 130 Hernando De Soto, 143 Baxter St.
35.	10/10/23	Encore Retailer XVI LLC	609 Greenwich St.	10014	Encore Retailer XVI LLC Kyle Suffolk	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈396 ft from 75 Morton School • Premises is an apartment building w/o commercial space
36.	10/10/23	Keller Gutierrez LLC	427 Broadway	10013	Jake Keller	<ul style="list-style-type: none"> • Fraudulent application • Location is THC NYC Museum • Applicant not authorized to apply per the museum owner • Failure to Appear • Failure to provide requested information • ≈500 ft NC Accidents Reports 481 Broadway
37.	10/10/23	Maria S Pacheco Tinoco	219 Hudson St.	10013	Maria S Pacheco Tinoco	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information

38.	10/10/23	Maria S Pacheco Tinoco	227 Mulberry St.	10012	Maria S Pacheco Tinoco	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • Close to DiSalvio Playground 44 Spring St.
39.	10/10/23	Juniper NY LLC	199 Lafayette St.	10012	Maxim Tsiring	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈740 ft NC Accidents Reports 481 Broadway
40.	10/10/23	Juniper NY LLC	216 Lafayette St.	10012	Maxim Tsiring	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈725 ft NC Accidents Reports 481 Broadway
41.	10/10/23	Juniper NY LLC	25 Howard St.	10013	Maxim Tsiring	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈700 ft NC Accidents Reports 481 Broadway.
42.	10/10/23	Juniper NY LLC	325 Canal St.	10013	Maxim Tsiring	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈880 ft NC Accidents Reports 481 Broadway
43.	10/10/23	NSEBAT, Inc.	219 Hudson St.	10013	Nilay Sebat	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information
44.	10/10/23	DAPNY Holdings Corp. d/b/a Society House NYC	481 Broadway	10013	Steven Etienne	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈500 ft NC Accidents Reports 481 Broadway • Same location as NC Accidents Reports at 481 Broadway • Not approved by NYS to use this location
45.	10/11/23	Flowers for Justus, LLC d/b/a Plantbase	76 Wooster St.	10012	Robert Wilson	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • ≈438 ft from Dagmar 412 W. Broadway • ≈900 ft from NC Accidents Reports at 481 Broadway
46.	10/12/23	NSEBAT, Inc.	227 Mulberry St.	10012	Nilay Sebat	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • Close to DiSalvio Playground 44 Spring St.
47.	10/16/23	Sour Jack, LLC	248 W. 14th St.	10011	Ronald S. Earl Johnson	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information
48.	10/16/23	Budega SoHo Club	33 Spring St.	10012	Terrance W. Keeby	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information • Currently Vape Town • Suspected to be selling bongs + other illicit cannabis products • Directly across from DiSalvio Playground 44 Spring St.
49.	10/10/23 & 10/12/23	GSEBAT, Inc.- sent 2nd notice with same info	219 Hudson St.	10013	Gurkay Sebat	<ul style="list-style-type: none"> • Failure to Appear • Failure to provide requested information

THEREFORE, BE IT RESOLVED that CB2, Man. recommends **denial** of all of the new Adult-Use Retail Dispensary License applications listed above.

Vote: Passed, with 32 Board members in favor, and 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

2. Vanessa Yee Chan d/b/a Bloomlee, LLC d/b/a Alta Dispensary, 52A Kenmare St., 10012

Vanessa Yee Chan d/b/a Bloomlee II LLC, 52A Kenmare St., 10012
Vanessa Yee Chan d/b/a Bloomlee III LLC, 52A Kenmare St., 10012
(between Elizabeth and Mott Sts.)

New Application for Adult-Use Retail Cannabis License

WHEREAS, CB2, Man. received Notification to Municipality form OCM-06009 signed by Venessa Yee Chan d/b/a Alta Dispensary Bloomlee II, LLC, Bloomlee III, LLC and Bloomlee, LLC 52 Kenmare St., 10012 on October 2, 2023; and

WHEREAS, the proposed premises is a storefront (entrance at 52 Kenmare St.), within a mixed residential and commercial building; and

WHEREAS, Applicant was placed on the CB2, Man. agenda to appear at the October 10, 2023, public hearing of the Cannabis Licensing Committee (CLC); and

WHEREAS, the CLC voted unanimously to deny/unless at the October CLC meeting; and

WHEREAS, the application was returned to committee as the resolution was not complete, due in no part to any failure of the Applicant: and

WHEREAS, Applicant owns the building and is beloved by the community; and

WHEREAS, Applicants appeared with Cristina Buccola (Attorney); and

WHEREAS, Applicant provided requested documents including a fully executed lease; and

WHEREAS, the Applicant stated that the dispensary hours of operation will be 10:00AM-9:00PM seven days a week; and

WHEREAS, the Applicant stated that the dispensary will offer delivery; and

WHEREAS, the CLC shared guidance to applicants that includes factors that may influence an approval/denial decision that included:

Failure to:

- Completely fill out the CB2 CLC questionnaire
- Appear before the Cannabis Licensing Committee (CLC)
- Include false or misleading information in the answers to the questionnaire
- Omit information necessary to make the answers to the questionnaire not misleading
- Provide any documents or additional information required by the CB2 CLC
- Disclose or accurately represent requested information
- Provide answers to any questions posed by the CB2 CLC
- Conduct outreach to the community near the proposed location

THEREFORE, BE IT RESOLVED that CB2, Man. recommends **denial** of the new Adult-Use Retail Dispensary License for **Vanessa Yee Chan, Bloomlee LLC d/b/a Alta Dispensary, 52A Kenmare St., 10012**, **unless** the information the Applicant has presented is accurate and complete and that the above-stated conditions agreed to by the Applicant and *"be part of the record upon which the Office makes its recommendation to the Board"* for the Adult-Use Retail Dispensary License, per §119.3 10(d) of the [Revised Adult-Use Cannabis Regulations](#).

Vote: Passed, with 32 Board members in favor, and 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

3. NC Accident Reports, LLC, d/b/a Elevate Cannabis Soho, 481 Broadway, 10013, Berkay Sebat, between Broome and Grand Street

New Application for Adult-Use Retail Cannabis License

WHEREAS, CB2, Man. received Notification to Municipality form OCM-06009 signed by Berkay Sebat d/b/a Elevate Cannabis Soho, 481 Broadway, 10013, Berkay Sebat, between Broome and Grand Street; and

WHEREAS, the proposed premises is a storefront (entrance at 481 Broadway), within a mixed residential and commercial building; and

WHEREAS, Applicant was placed on the CB2 agenda to appear at the October 10, 2023 public hearing of the Cannabis Licensing Committee (CLC); and

WHEREAS, the CLC voted unanimously to deny/unless at the October CLC meeting; and

WHEREAS, the application was returned to committee as the resolution was not complete, due in no part to any failure of the Applicant; and

WHEREAS, Applicants, Berkay Sebat and Joseph Merlo appeared as a CUARD (Conditional Adult-Use Cannabis Dispensary) Licensee and DASNY (Dormitory Authority of the State of New York) site which has OCM proximity protections; and

WHEREAS, the Applicant stated that the dispensary hours of operation will be Mon through Fri 9:00AM-9:00PM, and Sat and Sun 9:00AM-11:00PM; and

WHEREAS, the Applicant stated that the dispensary will offer delivery; and

WHEREAS, the Applicant said due to ongoing litigation they have not been able to begin community outreach. They will be contacting local schools, parks, and playgrounds in order to make sure there is no illicit consumption on these premises; and

WHEREAS, the CLC shared guidance to applicants that includes factors that may influence an approval/denial decision that included:

Failure to:

- Completely fill out the CB2 CLC questionnaire
- Appear before the Cannabis Licensing Committee (CLC)
- Include false or misleading information in the answers to the questionnaire
- Omit information necessary to make the answers to the questionnaire not misleading
- Provide any documents or additional information required by the CB2 CLC
- Disclose or accurately represent requested information
- Provide answers to any questions posed by the CB2 CLC
- Conduct outreach to the community near the proposed location

THEREFORE, BE IT RESOLVED that CB2, Man. recommends **denial** of the new Adult-Use Retail Dispensary License for NC Accident Reports, LLC, d/b/a Elevate Cannabis Soho, 481 Broadway, 10013, **unless** the information the Applicant has presented is accurate and complete and that the above-stated conditions agreed to by the Applicant and *“be part of the record upon which the Office makes its recommendation to the Board”* for the Adult-Use Retail Dispensary License, per §119.3 10(d) of the [Revised Adult-Use Cannabis Regulations](#).

Vote: Passed, with 32 Board members in favor, and 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

4. West Village Grocery Inc. 31 Jane Street, 10014, (between Jane St. & West 13 Street)

New Application for Adult-Use Retail Cannabis License

WHEREAS, CB2, Man. received Notification to Municipality form OCM-06009 signed by Gurdip Josand/b/a West Village Grocery Inc. (Applicant) stating the intention to apply for an Adult-Use Retail Dispensary to be operated at 31 Jane Street, 10011 on October 10, 2023; and

WHEREAS, the proposed premises is a small storefront (entrance at 48 Eighth Ave.), within a large residential building with 127 residential units; and

WHEREAS, Applicant was placed on the CB2, Man. agenda to appear at the November 12, 2023, public hearing of the Cannabis Licensing Committee (CLC); and

WHEREAS, Applicant is currently operating the storefront as a newsstand under the name West Village Grocery & Smoke Shop, selling newspapers, magazines, beverages, lottery tickets, tobacco products and other customary newsstand items; and

WHEREAS, Applicants appeared with Nehal Trivedi (Attorney); and

WHEREAS, Applicant provided requested documents including a fully executed lease; and

WHEREAS, the Applicant stated that the dispensary hours of operation will be 11:00AM-9:00PM seven days a week; and

WHEREAS, the Applicant stated that the dispensary will offer delivery; and

WHEREAS, while the Applicant is currently operating a newsstand at this location, he did not perform community outreach, but stated that he would do so; and

WHEREAS, CB2, Man. members visited the store prior to the 11/8/23 hearing and found the shop was not offering THC products; and

WHEREAS, the CLC shared guidance to applicants that includes factors that may influence an approval/denial decision that included:

Failure to:

- Completely fill out the CB2 CLC questionnaire
- Appear before the Cannabis Licensing Committee (CLC)
- Include false or misleading information in the answers to the questionnaire
- Omit information necessary to make the answers to the questionnaire not misleading
- Provide any documents or additional information required by the CB2 CLC
- Disclose or accurately represent requested information
- Provide answers to any questions posed by the CB2 CLC
- Conduct outreach to the community near the proposed location

THEREFORE, BE IT RESOLVED that CB2, Man. recommends **denial** of the new Adult-Use Retail Dispensary License for **Gurdip Josan d/b/a West Village Grocery Inc., 31 Jane St., 10011** **unless** the information the Applicant has presented is accurate and complete and that the above-stated conditions agreed to by the Applicant and *"be part of the record upon which the Office makes its recommendation to the Board"* for the Adult-Use Retail Dispensary License, per §119.3 10(d) of the [Revised Adult-Use Cannabis Regulations](#).

Vote: Passed, with 32 Board members in favor, and 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

5. Michael Shah d/b/a Griffon Green, LLC 69 Gansevoort Street, 10014

New Application for Adult-Use Retail Cannabis License

WHEREAS, CB2, Man. received Notification to Municipality form OCM-06009 signed by Michael Shah d/b/a Griffon Green LLC (Applicant) stating the intention to apply for an Adult-Use Retail Dispensary to be operated at 69 Gansevoort Street, 10014 on October 3, 2023; and

WHEREAS, individuals having financial interest in Griffon Green, LLC are Michael Shah (80%) and Yehonatan Hadar (20%); and

WHEREAS, Applicant was placed on the CB2, Man. agenda to appear at the November 12, 2023, public hearing of the Cannabis Licensing Committee (CLC); and

WHEREAS, while Mr. Shah did not appear Mr. Hadar was in attendance for some portion of the meeting, but left prior to the hearing, and Griffon Green, LLC's attorney presented on their behalf; and

WHEREAS, the principal Applicant, Mr. Shah is a local business owner with a long and adverse history in Community District 2 and is well known to both CB2, Man. and the 6th Precinct, in relation to his multiple hospitality establishments; and

WHEREAS, concerns were raised about the Applicant as he has violated multiple stipulations, and operated outside the parameters of licenses in the past; and

WHEREAS, for detailed information on the history of the Applicant, please refer to CB2, Manhattan's September 2012 Resolution sent to the Liquor Authority for "Corp. to be formed by Michael Shah (61 Gans Restaurant, LLC) dba TBD, 53-59 Gansevoort St. 10014 on page 20, and CB2 Manhattan's April 2015 resolution sent to the Liquor Authority regarding the renewal application for 61 Gans Restaurant LLC, d/b/a BFB, Opus, The Raven, 53-59 Gansevoort St. (SN#1268022) on page 30 both which are footnoted here, and will also will be provided under separate cover; and

WHEREAS, the CLC shared guidance to applicants that includes factors that may influence an approval/denial decision that included:

Failure to:

- Completely fill out the CB2 CLC questionnaire
- Appear before the Cannabis Licensing Committee (CLC)
- Include false or misleading information in the answers to the questionnaire
- Omit information necessary to make the answers to the questionnaire not misleading
- Provide any documents or additional information required by the CB2 CLC
- Disclose or accurately represent requested information
- Provide answers to any questions posed by the CB2 CLC
- Conduct outreach to the community near the proposed location

THEREFORE, BE IT RESOLVED that CB2, Man. recommends denial of the new Adult-Use Retail Dispensary License for **Michael Shah d/b/a Griffon Green, LLC 69 Gansevoort Street, 10014**.

Vote: Passed, with 32 Board members in favor, and 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

6. Ronnie Almani d/b/a Endoman LLC, 55 Spring Street, 10012

New Application for Adult-Use Retail Cannabis License

WHEREAS, CB2, Man. received Notification to Municipality form OCM-06009 signed by Ronnie Almani d/b/a Endoman LLC (Applicant) stating the intention to apply for an Adult-Use Retail Dispensary to be operated at 55 Spring St., 10012 on October 4, 2023; and

WHEREAS, Applicant currently operates the proposed premises has operated as a licensed CBD store; and

WHEREAS, individuals having financial interest in Endoman, LLC are listed in the submitted questionnaire as Rotem Moyal (50%) Ronnie Almani (50%); and

WHEREAS, Applicant was placed on the CB2, Man. agenda to appear at the November 8th, 2023, public hearing of the Cannabis Licensing Committee (CLC); and

WHEREAS, the Applicant appeared with Simon Malinowski, Malinowski, LLP (attorney); and

WHEREAS, the Applicant stated that he currently owns and operates the proposed premises as a licensed CBD store under the name Endoman³; and

WHEREAS, proposed hours of operation are 10 am-12am Sun-Wed, 10am-1am Thu-Sat "Depending on what is most compatible with our community"; and

³ <https://www.endomen.com/pages/about-us-endomen>

WHEREAS, delivery will be offered for 12 hours per day by personnel on pedal bikes stored; and

WHEREAS, the Applicant provided an unsigned lease; and

WHEREAS, the Applicant provided a letter of support from the business next door; and

WHEREAS, the Applicant stated “N/A” when asked what playgrounds were within drug treatment facilities, harm reduction facilities, playgrounds or parks within 1000 ft. of the proposed cannabis business location; and

WHEREAS, the proposed premises appears to be within 1000 ft. of NC Accident Reports d/b/a 481 Broadway; a CAURD dispensary site approved by the OCM with proximity protection; and

WHEREAS, the proposed premises is approximately 175 feet from DiSalvio playground at 44 Spring Street; and

WHEREAS, the Office of Cannabis Management (OCM) has operators participating in illicit sales of THC products will permanently bar them from receiving any cannabis licenses in New York State; and

WHEREAS, by the Applicant’s own admission while not licensed to sell THC cannabis products, has been doing so, “for the last couple of months” in order to “continue doing business”; and

WHEREAS, the CLC shared guidance to applicants that includes factors that may influence an approval/denial decision that included:

Failure to:

- Completely fill out the CB2 CLC questionnaire
- Appear before the Cannabis Licensing Committee (CLC)
- Include false or misleading information in the answers to the questionnaire
- Omit information necessary to make the answers to the questionnaire not misleading
- Provide any documents or additional information required by the CB2 CLC
- Disclose or accurately represent requested information
- Provide answers to any questions posed by the CB2 CLC
- Conduct outreach to the community near the proposed location

THEREFORE, BE IT RESOLVED that CB2, Man. recommends denial of the new Adult-Use Retail Dispensary License for **Ronnie Almani d/b/a Endoman LLC, 55 Spring Street, 10012** due to the proposed premises proximity to DiSalvio Playground, 44 Spring Street, and NC Accident Reports LLC, 481 Broadway.

THEREFORE, BE FURTHER RESOLVED, that in the event the NYS OCM and Cannabis Control Board consider any application for a cannabis business at 55 Spring Street CB2, Man. requests that a proximity survey is performed to determine proximity compliance in relation to the nearby dispensaries.

Vote: Passed, with 32 Board members in favor, and 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

7. 244 L TH LLC, 244 Lafayette St., 10012 (between Cleveland Place & Prince Street)

New Application for Adult-Use Retail Cannabis License

WHEREAS, CB2, Man. received Notification to Municipality form OCM-06009 signed by Jamie Cohen d/b/a 244 L TH LLC (Applicant) stating the intention to apply for an Adult-Use Retail Dispensary to be operated at 244 Lafayette St., 10012 on October 3, 2023; and

WHEREAS, the proposed premises is a five-story building built in 1910 that is owned by the Applicant’s family, with 8 residential units above the storefront and cellar level in question; and

WHEREAS, Applicant was placed on the CB2, Man. agenda to appear at the November 8, 2023, public hearing of the Cannabis Licensing Committee (CLC); and

WHEREAS, designated Michael Cohen (father) appeared as the Applicant representative designated on the submitted questionnaire; David Cohen (brother) also appeared; and

WHEREAS, the Applicant stated that they have an interest in the Cookie's dispensary at 958 6th Ave., 10001; and

WHEREAS, Applicant provided requested documents including a binding Letter of Intent signed by both parties in attendance; and

WHEREAS, the Applicant stated that the dispensary hours of operation will be 10:00AM-10:00PM seven days a week; and

WHEREAS, the Applicant stated that the dispensary will not offer delivery; and

WHEREAS, concerns were raised regarding proximity to the CB1 dispensary Gotham at 3 E. 3rd St. and that; *and*

WHEREAS, the proposed location is approximately 75 feet from Paul's Place, a drug and alcohol-free homeless drop-in center and Safe Haven transitional shelter at 114 W. 14th St.⁴ *that serves 40-50 clients per day using a harm-reduction model; and*

WHEREAS, the proposed location is across from the Salvation Army (approx. 250 ft.) at 120-130 W 14th St. that provides youth services, senior services, and a food pantry/soup kitchen Monday-Thursday; and

WHEREAS, the CLC shared guidance to applicants that includes factors that may influence an approval/denial decision that included:

Failure to:

- Completely fill out the CB2 CLC questionnaire
- Appear before the Cannabis Licensing Committee (CLC)
- Include false or misleading information in the answers to the questionnaire
- Omit information necessary to make the answers to the questionnaire not misleading
- Provide any documents or additional information required by the CB2 CLC
- Disclose or accurately represent requested information
- Provide answers to any questions posed by the CB2 CLC
- Conduct outreach to the community near the proposed location

WHEREAS, while the Applicant owns the proposed premises and congruent buildings, they did not perform community outreach, but that they would do so, contact the tenants of 244 Lafayette and provide letters of support from neighbors; and

THEREFORE, BE IT RESOLVED that CB2, Man. recommends **denial** of the new Adult-Use Retail Dispensary License for Jamie Cohen, **244 L TH LLC, 244 Lafayette St., 10012** **unless** the information the Applicant has presented is accurate and complete and that the above-stated conditions agreed to by the Applicant and *"be part of the record upon which the Office makes its recommendation to the Board"* for the Adult-Use Retail Dispensary License, per §119.3 10(d) of the [Revised Adult-Use Cannabis Regulations](#).

THEREFORE, BE IT FURTHER RESOLVED, that CB2, Man. requests that the OCM perform a proximity survey to determine proximity compliance in relation to the nearby dispensaries; and

Vote: Passed, with 32 Board members in favor, and 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

⁴ <https://thevillagesun.com/a-visit-to-pauls-place-new-w-14th-st-homeless-drop-in-center-safe-haven-tries-to-stay-under-radar-but-there-have-been-some-blips>

8. Rachel Workman d/b/a Balagan Cannabis NY LLC, 108 West 14 Street, 10011 (between Avenue of the Americas and 7th Avenue St.)

New Application for Adult-Use Retail Cannabis License

WHEREAS, CB2, Man. received Notification to Municipality form OCM-06009 signed by Rachel Workman d/b/a Balagan Cannabis NY LLC (Applicant) stating the intention to apply for an Adult-Use Retail Dispensary to be operated at 108 West 14 Street, 10011 on October 2, 2023; and

WHEREAS, the proposed premises is a three-story building built in 1910 with 5 residential units above the storefront in question; and

WHEREAS, individuals having financial interest in Balagan Cannabis NY, LLC was stated in the submitted questionnaire as Rachael Workman (51%), Itamar Alpert (20.25%), and Sasson Investments LLC (Gil Sasson, 23.75%); and

WHEREAS, Applicant was placed on the CB2 agenda to appear at the November 8, 2023 public hearing of the Cannabis Licensing Committee (CLC); and

WHEREAS, the Applicant appeared with Raz Gal (husband), and Simon Malinowski, Malinowski LLP; and

WHEREAS, the Applicant stated that they own and operate a dispensary⁵ in Northampton, MA and congruent business, Cafe Balagan⁶, that holds a liquor license for beer and wine and also operates as the late-night Lyla Lounge⁷; and

WHEREAS, Applicant provided the requested documents including a signed lease agreement; and

WHEREAS, the proposed location is approximately 75 feet from Paul's Place, a drug and alcohol-free homeless drop-in center and Safe Haven transitional shelter at 114 W. 14th St.⁸ that serves 40-50 clients per day using a harm-reduction model; and

WHEREAS, the proposed location is approximately 150 feet from the McBurney Y, which provides childrens' programming that includes, swim classes, dance lessons, youth sports, K-5 after school, holiday camps, and summer camps; and

WHEREAS, the proposed location is across from the Salvation Army (approx. 250 ft.) at 120-130 W 14th St. that provides youth services, senior services, and a food pantry/soup kitchen Monday-Thursday; and

WHEREAS, the CLC shared guidance to applicants that includes factors that may influence an approval/denial decision that included:

Failure to:

- Completely fill out the CB2 CLC questionnaire
- Appear before the Cannabis Licensing Committee (CLC)
- Include false or misleading information in the answers to the questionnaire
- Omit information necessary to make the answers to the questionnaire not misleading
- Provide any documents or additional information required by the CB2 CLC
- Disclose or accurately represent requested information
- Provide answers to any questions posed by the CB2 CLC
- Conduct outreach to the community near the proposed location

WHEREAS, Applicant did not contact the residents of 108 W. 14th St., perform community outreach, or provide any letters of support from neighbors; and

⁵ <https://balagancannabis.com/>

⁶ <https://balagan.cafe/>

⁷ <https://lylalounge.com/>

⁸ <https://thevillagesun.com/a-visit-to-pauls-place-new-w-14th-st-homeless-drop-in-center-safe-haven-tries-to-stay-under-radar-but-there-have-been-some-blips>

THEREFORE, BE IT RESOLVED that CB2, Man. recommends denial of the new Adult-Use Retail Dispensary License for **Rachel Workman d/b/a Balagan Cannabis NY LLC, 108 West 14 Street, 10011 due to the proposed premises proximity to multiple social service and children services sites**

Vote: Passed, with 32 Board members in favor, and 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

9. Juan Torres d/b/a Grand Peconic Ventures LLC, 598 Broadway, 10012 (between Houston St. and Prince St.)

New Application for Adult-Use Retail Cannabis License

WHEREAS, CB2, Man. received Notification to Municipality form OCM-06009 signed by Juan Torres d/b/a Grand Peconic Ventures (Applicant) stating the intention to apply for an Adult-Use Retail Dispensary to be operated at 598 Broadway, 10012 on October 5, 2023; and

WHEREAS, Juan Torres, alone was listed as “majority owner and manager” of the Applicant entity, Grand Peconic Ventures LLC, and no other names were submitted as having a financial interest in the company on the submitted questionnaire⁹; and

WHEREAS, Applicant was placed on the CB2, Man. agenda to appear at the November 8, 2023 public hearing of the Cannabis Licensing Committee (CLC); and

WHEREAS, the Applicant did not appear before the CLC on November 8, 2023; and

WHEREAS, Mitch Kulick, listed as “consultant” on the submitted questionnaire, appeared before the CLC on behalf of the Applicant along with Paul Yau; and

WHEREAS, Paul Yau is known to CB2, Man. as the CEO of Union Square Travel Agency: A Cannabis Store, having appeared before the CLC on November 21, 2022 for the aforementioned entity regarding a dispensary license; and

WHEREAS, Applicant’s submitted a questionnaire that includes a Certificate of Occupancy document showing the proposed premises being within a mixed-use building with the occupancy group designation of RES (residential), and a Multiple Dwelling Law Classification of JAR (Joint Artist In Residence), yet the Applicant states on the same questionnaire that the proposed premises is an “Office w/ Commercial” building having “7 - 19 stories”; and

WHEREAS, Applicant submitted a floor plan showing the intention to utilize 3 floors and 9,200 square feet of the proposed premises; and

WHEREAS, the Applicant provided a lease document so heavily redacted and marked-up and blurry it is illegible; and impossible to ascertain proof of control of the premises as required in the NYS Adult-Use Retail Dispensary application; and

WHEREAS, the CLC shared guidance to applicants that includes factors that may influence an approval/denial decision that included:

Failure to:

- Completely fill out the CB2 CLC questionnaire
- Appear before the Cannabis Licensing Committee (CLC)
- Include false or misleading information in the answers to the questionnaire
- Omit information necessary to make the answers to the questionnaire not misleading
- Provide any documents or additional information required by the CB2 CLC
- Disclose or accurately represent requested information
- Provide answers to any questions posed by the CB2 CLC
- Conduct outreach to the community near the proposed location

⁹ <https://docs.google.com/document/d/1QknDwPuvlvj81V1E4efT2rjMmXimr4VRhtflvJf8VI/edit?usp=sharing>

WHEREAS, the Applicant states in the submitted questionnaire, “Once the OCM gives us the authority to operate in this location we will begin the process of soliciting letters of support.”, and that outreach to those living in the building, nearby residents and businesses would not happen until “we secure a license from OCM “; and

THEREFORE, BE IT RESOLVED that CB2, Man. recommends denial of the new Adult-Use Retail Dispensary License for **Juan Torres d/b/a Grand Peconic Ventures LLC, 598 Broadway, 10012; and**

THEREFORE, BE IT FURTHER RESOLVED, that while the CLC committee voted to deny this application due to Mr. Torres’ failure to appear, we would like to hear directly from Mr. Torres, and have invited him to appear before the committee at its December meeting as a path to reconsideration of that decision.

Vote: Passed, with 32 Board members in favor, and 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

- 10.** The following 12 applicants have withdrawn from consideration to operate an Adult-Use Retail Dispensary within Community District 2 Manhattan. Proof of withdrawal has been filed with the OCM’s municipalities department:

WITHDRAWN

	NTM	ENTITY	PROPOSED PREMISES	ZIP	APPLICANT
1.	10/5	The Brooklyn Bazaar	212 Bowery	10012	Bazaare Royale
2.	10/3	349 WB TH, LLC	349 W. Broadway	10012	Jeanette Cohen
3.	10/3	242 L TH, LLC	242 Lafayette St.	10012	Joel Cohen
4.	10/3	Weedish, LLC	69 Gansevoort St.	10014	Nicole Lucien
5.	10/4	DBMTAT LLC	47 7th Ave. So.	10014	Anthony Taylor
6.	10/4	Str8 Gas LLC	47 7th Ave. So.	10014	Anthony Taylor
7.	10/5	Nickel House Development, Inc.	598 Broadway	10012	Perry Edward Toll Hill
8.	10/10	Green Gold New York, LLC	201 W. 11th St.	10014	Robert Goldman
9.	10/14	Green Gold New York, LLC	201 W. 11th St.	10014	Robert Goldman
10.	10/5	Blazin Up, LLC	99 Spring St.	10012	Miguel Bernard
11.	10/4	Green Gold New York LLC	155 Prince St.	10012	Robert Goldman
12.	10/4	Dispo Holdings Group LLC	499 Canal St.	10013	Dipen Patel

Vote: Passed, with 32 Board members in favor, and 4 abstentions (A. Brenna, R. Kessler, Z. Roberts, R. Sanz).

Respectfully submitted,

Amy Brenna, Secretary; Brian Pape, Assistant Secretary; Mark Diller, District Manager
Community Board #2, Manhattan